



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council
Planning Commission

THROUGH: Richard Thompson, Interim City Manager

FROM: Laurie B. Jester, Acting Director of Community Development

DATE: February 23, 2010

SUBJECT: Joint Meeting with Planning Commission: Review of 2009-2010 City Council Work Plan Items Involving the Planning Commission

RECOMMENDATION:

Staff recommends that the City Council and Planning Commission discuss the Work Plan items assigned to the Planning Division of the Community Development Department and provide direction.

FISCAL IMPLICATION:

Some Work Plan items may be completed with existing staff while others will involve the assistance of contract staff to a certain extent, and an allocation of funds. An estimate of the additional funds required varies by each Work Plan item and is discussed within each individual item. Actual costs would be determined when the scope of work and consultant is identified. There is no money budgeted for these items and the Council would need to appropriate funds from either Council Contingency, which currently has a balance of about \$19,000, or from unreserved General Funds.

BACKGROUND:

On September 25, 2009 the City Council held a special session and developed the work plan items for the 2009-2010 fiscal year. On November 3, 2009 the City Council adopted the 2009-2010 Work Plan. The Council directed staff to schedule a joint meeting with the Planning Commission to discuss the Work Plan items that involve the Planning Commission and to provide staff with direction as to their expectations and what issues should be addressed. Additionally, staff would like the City Council to discuss and provide direction on the potential fiscal impacts of the items.

DISCUSSION:

A number of Work Plan items were assigned to the Community Development Department. These items need to be discussed so that staff time and resources can be used most effectively. With the elimination of one planner and a permit technician in the last budget cycle, the Director of Community Development currently serving as the Interim City Manager and the Planning Manager serving as the Acting Director, there are limited staff resources in the Department. Staff

anticipates that depending on the scope of the Work Plan items, several of the items may not be completed within this Work Plan cycle. Each of the Work Plan items will be worked on and completed in the order shown below. The two carryover items at the end of this report are on-going and shown so the Council has an indication of all of the on-going Work Plan items affecting the Planning Commission. The discussion and direction from the Environmental Task Force and the City Council on these two items is scheduled for separate meetings.

The following is a description of each of the Work Plan items, as well as a brief background, discussion, and fiscal impact.

1. Sepulveda Corridor

Work Plan Description:

City Council will review the Sepulveda Development Guidelines and Zoning Requirements and consider encouraging certain types of commercial development along the corridor. The review will consider parking requirements, building height requirements, streetscape and beautification strategies, opportunities for a BID, ways to facilitate development on combined parcels and identify the types of businesses the city would like to encourage. If changes are determined to be needed they will be processed through the Planning Commission and then to the City Council.

Background:

The Sepulveda Development Guidelines were adopted in 1997, updated in 1999, and the Zoning Code requirements for the area were established in the early 1990's. Recent projects along Sepulveda, such as Skechers, Rite-Aid, Walgreens and various medical offices, have identified a number of challenges with the existing development standards and guidelines. Height requirements can be difficult to comply with due to the large lot sizes and slopes, and parking requirements tend to not accommodate larger developments and multi-tenant buildings. Although there are General Plan Goals and Policies that encourage commercial uses that support the financial base of the City, there are no incentives or requirements to encourage any particular type of use. Additionally, there can be difficulties with the Guidelines for lots with slopes, circulation issues, or within the Oak Avenue Overlay.

In 2008-2009 one of the City Council Work Plan items was to look at economic development along the Sepulveda corridor. Staff provided a report in September 2008 that discussed economic and financial considerations, the General Plan, Sepulveda Development Guidelines, Zoning standards, Sepulveda ownership, and liability issues. Staff also met with several developers and consultants to discuss the opportunities and constraints of the corridor. Overall the conclusion of the report was that the commercial corridor is working well from a land use standpoint, but a variety of issues could be studied further.

The Work Plan includes exploring opportunities for the formation of a Business Improvement District (BID). This would require an extensive process of determining if the businesses are interested in formation, then the City needs to determine if a majority of the businesses support a BID, and finally the Council would need to formally create the BID. The scope of the activities and services provided by the BID would to be approved by the businesses, assessments established and charged by the City and annual reviews of the district and assessments would be required. Significant staff support from Finance, Public

Works and Community Development would be required.

Fiscal Impacts:

Planning staff can evaluate the existing Guidelines and Zoning standards and draft changes to these requirements to reflect the direction of the City Council through the Planning Commission public hearing process. Staff would suggest that the Council start with this work product, then determine if additional studies are needed in the future.

Economic development studies, the formation of a BID and/or detailed design standards would require the assistance of consultants and would be estimated to cost \$20,000 to \$120,000 depending on the scope of the work product.

2. Tree Ordinance

Work Plan Description:

Staff will study the Tree Ordinance and make recommendations to make it more flexible, allowing residents the option of replacing trees if it is determined not to be an appropriate tree for its location or if a resident meets other City environmental objectives. Staff will also address the City's tree canopy and recommend a strategy for protecting and promoting it with appropriate species. Staff will provide information regarding private liability for damage caused by protected trees. The findings and recommendations will be presented to the City Council for feedback and direction prior to being presented to the Planning Commission.

Background:

The City's Tree Ordinance was originally adopted in 1993 and initially was only applicable to the Tree Section. The ordinance was expanded Citywide in 2003, with the exception of the Beach Area, and the Tree Ordinance as well as fines for the illegal removal of trees, has been revised a number of times over the years. The most recent amendments allow more flexibility for trees to be removed if they are causing damage or are likely to cause damage. The challenge with the Tree Ordinance currently is when a resident desires to remove a tree and it does not meet the criteria for removal, but there may be tree species that would be more appropriate for the location in the long run. When trees are removed generally replacements are required and one of the key criteria for replacements is that is the right tree for the right location.

Fiscal Impacts:

Planning staff, with the assistance of the contract City Arborist, the City Attorney and Public Works staff should be able to complete any Zoning Code revisions. Since the City Arborist is contract, staff would anticipate that additional funds of approximately \$3-5,000 would be required.

3. Definition of Open Space

Work Plan Description:

Staff will study and make recommendations regarding the definition of open space as it applies to construction of residential development. Staff will address the purpose and intent of the requirement and how it is interpreted and applied. The findings and recommendations will be represented to the Planning Commission and City Council for final approval.

Background:

With the adoption of the Zoning Ordinance Revision Program (ZORP) in the early 1990's, new private open space requirements for duplexes, apartments and condominiums were required. This open space may be decks, patios, landscaping and similar areas. This not only provides private outdoor useable and visual open space, but in many instances also unintentionally provides building articulation. A few years ago with the latest Mansionization revisions the open space requirements were further revised to eliminate the cap on the maximum amount of required open space, to allow more open space on the third floor and to require open space for single family homes in the Beach area, which allows more dense development than the single family development in other areas of the City.

One of the concerns expressed by the Planning Commission as they have reviewed multi-family homes is that some open space areas are not very open. The open space may have walls on three sides, have a solid railing on the fourth side and be covered with a roof. Often people will add shutters or curtains to the opening and their outdoor room becomes more of an indoor use. The current Code does not define how "open" an open space area needs to be.

Fiscal Impacts:

Planning staff would be able to process amendments related to these Code sections without the aid of consultants. These would require extensive study, evaluation and series of public workshops and hearings.

4. Planning Administrative Flexibility

Work Plan Description:

Staff will study and recommend amendments to our code to provide greater administrative flexibility over minor construction on public and private property. The study will include an appropriate notification and approval process. The findings and recommendations will be presented to the Planning Commission for construction on private property and to the Parking and Public Improvements Commission for construction on public property, and then to the City Council for final decision.

Background:

On private property the Zoning Code currently has an administrative Minor Exception process that generally allows existing non-conforming homes to be retained, remodeled and expanded. This Minor Exception process was revised a few years ago to make it more flexible and allow staff more discretion, and it has been used quite frequently since that time. Staff has some concerns that at times the remodels can be so extensive that the construction is practically a new home that retains non-conforming aspects, such as setbacks, open space, parking and height. This Minor Exception process does not allow any flexibility for new home construction where minor code modifications may be warranted, and therefore a Variance, with a noticed public hearing before the Planning Commission is required if Code standards are not met.

On public property the Encroachment Permit standards of the Municipal Code apply. These standards allow the private use of the public right-of-way in areas that are not required for public use. Basically these public areas are used for private yard areas, often when

homeowners chose to develop their private property with little yard area. This includes the walk streets as well as streets with wide parkways such as 2nd Street, and undeveloped right-of-way such as portions of Grandview. The standards allow very low types of development, with minimal grading, low fences and walls, low landscaping, and patios, walks and decks. Since the current standards were adopted in 2003, there are many structures that were constructed prior to these standards that do not meet the current criteria and are non-conforming. These non-conforming structures and landscaping are required to be removed when a major remodel or new house is constructed on the adjacent private property, or when major work is done in the Encroachment area.

There is very little administrative flexibility in these Code sections and if a property owner does not comply staff must deny their request and the owner will then appeal that decision to the Parking and Public Improvements Commission (PPIC). Because appeals are heard so infrequently and they are more of a planning type of standard and process, the PPIC is not very familiar with dealing with these types of appeals, and they can be challenging for the PPIC.

Fiscal Impacts:

Planning staff would be able to process amendments related to these Code sections without the aid of consultants. These would also require extensive study, evaluation and series of public workshops and hearings.

Carry Over Items from 2008-2009 Work Plan

5. Landscaping- to be studied in conjunction with Storm Water Retention

Work Plan Description:

Staff will present to City Council for consideration and further direction. The presentation will include ways to increase landscaping and softscape and to minimize hardscape within residential, commercial and public properties. This will be studied in conjunction with the Storm Water Retention item.

Status: The Green Building Subcommittee has developed recommendations on storm water retention that were presented to the Environmental Task Force on September 17, 2009. Following this presentation they have turned their attention to the related issues of landscaping and building code requirements. The ETF will provide the City Council with one presentation combining these related issues. The ETF expects that recommendations in all three areas will be ready by Spring 2010.

Background:

The Zoning Code and Encroachment standards have requirements for a certain percentage of landscaping and trees, on residential as well as commercial private and public property. The requirements are fairly basic and minimal. The Tree Ordinance standards have a relationship to this item also and should be coordinated with this work effort. The Green Building Subcommittee presented their final recommendations related to landscaping, irrigation and hardscape to the ETF last week. These recommendations are scheduled to be presented to the City Council in March 2010, and all of the Subcommittees are scheduled to complete their recommendations in April. Additionally the State of California has adopted new low water use landscape and irrigation requirements. All of this information needs to be coordinated

and translated into new Code requirements.

Fiscal Impacts:

Planning staff would be able to process amendments related to these Code sections probably without the aid of consultants. The City Arborist or other landscape professional may be used as a resource. These amendments would require coordination of the stormwater requirements as well as the State regulations.

6. Green Building Residential Standards

Work Plan Description:

Staff will present options to City Council for consideration and further direction regarding sustainable building requirements for residential, commercial and civic buildings. Staff will present an evaluation of the various rating programs such as LEED and Build It Green and invite representatives of those agencies to present to City Council.

Status: Ongoing. After conducting research on specific details of the LEED rating program, and running various cost-scenario models, the ETF Sub-committee presented final recommendations regarding a Green Rating Program to Council on July 7, 2009. City Council approved these sustainable building standards, focusing on LEED standards for commercial and civic construction, and they are now being implemented by Staff.

As part of a comprehensive Green Rating Program, the Green Building Subcommittee will focus on recommendations regarding measures that are important to the City of Manhattan Beach, including a Tiered Energy Efficiency Program for residential properties. After Environmental Task Force approval, the Green Building Subcommittee will present the recommendations to City Council in early 2010.

Background:

Many of the Code Amendments for this Work Plan item relate to Building Safety regulations, however there are a number of Zoning Code amendments that will be required. Amendments related to solar energy, wind turbines, green roofs and gray water will be proposed, to allow more flexibility in the location, height and placement of these structures and their related equipment. The ETF Green Building Subcommittee will present all of their final recommendations to the City Council in March 2010, and all of the Subcommittees are scheduled to complete their recommendations in April. Zoning Code Amendments can then be initiated at that time.

Fiscal Impacts:

Planning staff would be able to process amendments related to these Code sections probably without the aid of consultants. These amendments would require coordination with the Building Code amendments as well as the State regulations.