



Agenda Item #: 07/0626.2

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Tell and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Laurie B. Jester, Senior Planner  
Daniel Moreno, Associate Planner

**DATE:** June 26, 2007 (Special Study Session)

**SUBJECT:** Review and Discussion of Recommendations made by the Mansionization Committee

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### RECOMMENDATION:

Staff recommends that the City Council review and discuss the recommendations made by the Mansionization Committee and staff and provide direction to staff and the Planning Commission.

### BACKGROUND:

The 2005-2007 City Council Work Plan includes an item on Mansionization. On December 6, 2005 the City Council formed a residents committee to comprehensively address mansionization issues and make recommendations to address residential development. On April 3, 2007 the City Council held a public hearing to consider the portion of the Committees recommendations specifically related to Lot Mergers. At the April 3<sup>rd</sup> Council meeting the Council decided to not take action on the Lot Merger proposal and instead directed staff to prepare a Moratorium on Lot Mergers in order to give the City Council an opportunity to study the issue of Lot Mergers further prior to the adoption of Code Amendments.

On April 17<sup>th</sup> the Lot Merger Moratorium was adopted and the City Council agreed to hold a special joint study session with the Planning Commission on May 8, 2007. At that Study Session the Council felt that additional review and possibly a tour of the City would be beneficial. On May 15<sup>th</sup>, the Lot Merger Moratorium was extended and the City Council directed staff to schedule a tour so that they could have specific visual examples and an overview of historic and current residential development and discuss what the next steps should be regarding Code amendments related to Mansionization regarding:

1. **Amendments to encourage the retention of existing smaller homes** and encourage remodeling and enlarging instead of replacement with larger new homes and **allow accessory structures on adjacent lots under the same ownership** without requiring the lots to be merged which encourages open space.

2. **Amendments for new residential development to increase open space and setbacks** which minimizes building mass.
3. **Amendments to limit Lot Mergers** by limiting the number of lots that can be joined together and adding additional requirements on certain merged lots in order to increase open space, and limit the size of homes that can be built on one site.

**DISCUSSION:**

The Committee met thirteen times from February 2006 through March 2007. The Committee discussed and adopted the following goals at their first meeting:

- a. Preserve neighborhood character
- b. Encourage “quality” private open space
- c. Space between homes (setbacks) is important
- d. Examine new Minor Exception for small home criteria

Before each meeting the Committee members would review the goals and discuss possible measures to achieve them.

During the discussion of the Lot Merger moratorium in May 2007, the City Council raised questions on the number of residential lots in town that are contiguous with common ownership and when combined are two times or more the minimum lot size. The information provided to staff from a local real estate firm is that there are approximately 100 lots that meet this criteria. The data base that staff uses has too many variables to determine the number that meet this criteria as the ownership names may not match exactly due to partnerships, LLC’s, corporations, trusts and other forms of ownership which will not show as common ownership.

This number of approximately 100 lots does not necessarily provide an accurate depiction of how many lots will be developed as double lots or larger in the future. These lots could be developed separately, which is more common for developers. Many homeowners tend to maintain the larger lot and build a larger, although not maximum allowed size, home and maintain a larger amount of yard and open space. Historically the City has approved approximately one or two lot mergers per year for the last 8 years.

*STAFF PRESENTATION*

Staff will begin by providing a “windshield” bus tour of the City that will show examples of residential development during different time frames and under different development regulations including Pre-ZORP, ZORP, 6% and 8% bulk-volume requirements. The tour will also show examples of large lots, merged lots, older smaller homes, and lots that will be affected by the new proposed open space, setback and lot merger requirements. A map of the route and photos with a brief summary of each of the homes on the tour is attached to this report as Attachment 1. The tour will take about an hour.

After the tour the City Council and staff will then reconvene to discuss the next steps. The recommendations from the Mansionization Committee are detailed below.

*MANSIONIZATION COMMITTEE RECOMMENDATIONS- MARCH 15, 2007*

1. **Mansionization Committee Recommendation**  
**Amendments to encourage the retention of existing smaller homes:**
  - a. Administratively allow 100% remodel and an increase in 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.
- b. Administratively, with neighborhood notification, allow 100% remodel and an increase in BFA for existing non-conforming homes with a limit of 66% to 75% of BFA, but no SF cap, instead of the current 2,000 SF limit.
  - c. Remodel of existing home- Exception to bulk-volume additional 8% (6%) front yard setback/open space requirement to allow a portion of the open space to be provided elsewhere, if the percentage of the portion that is relocated is increased; currently no provisions.
  - d. Bulk Volume- Remodel of existing homes on corner lots-Allow a percentage of the 8% (6%) additional front yard open space to be provided on the streetside frontage; currently only allowed within the front.

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

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.

**2. Mansionization Committee Recommendation**

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

- a. *Open space revisions:*
  - i. Decrease the 8% bulk volume additional front yard setback to 6% and allow to wrap around the corner in single family residential RS AD I and II.
  - ii. Require 15% open space in the Beach Area on RS lots, the same as RM and RH lots, currently no open space is required on RS lots.
  - iii. Eliminate the 350 SF open space cap.
  - iv. Allow a larger percentage of the required open space to be located on the top level, currently the square footage of open space on the 3<sup>rd</sup> story may not exceed the square footage of the floor area on that same level.
  - v. Decks above the 2<sup>nd</sup> or 3<sup>rd</sup> story will be permitted if increased setbacks are provided and deck is located adjacent to an indoor living area, currently not allowed.
- b. *Setback revisions:*
  - i. Eliminate the 5' cap on side yard setbacks; 10% of lot width required with no cap.
  - ii. Increase the rear setback from 10' to 12' minimum and eliminate the 25' cap, AD I and II.
  - iii. Increase the rear setback from 5' to 10' for RS Beach Area non-alley lots, 2,700 SF or larger in area
  - iv. Decrease the maximum side/rear building wall height from 25' to 24' and apply to corner side building walls also.

Notes:

- 1 Provide a review process to allow consideration for a reduction to the side or rear setback, or the 6% or 8% BV requirement 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.

### 3. **Mansionization Committee Recommendation**

#### **Amendments to limit Lot Mergers:**

Currently there are no regulations that limit the number of lots that can be merged and development on merged lots is subject to the same development standards as other lots.

- a. **A clear purpose statement** to clarify the intent of the proposed development policy.
- b. **Applies only to new mergers:** Applies only to multiple lot building sites that meet the new area criteria, if merged or in the process of merger after the effective date of the Moratorium (April 3, 2007). Would not apply to existing building sites with multiple adjoining lots under common ownership that have been legally merged or in the process of merger prior to April 3, 2007. Existing common ownership lots with a total combined building site that meets the new area criteria, with existing structures that cross property lines but that have not been legally merged would be subject to the new regulations.
- c. **Has limits based on size of merged sites:** Mergers containing lot area between approximately **2 and 3 times the typical lot size in a particular neighborhood would be subject to new regulations.** Merged lots containing less than 2 times the typical size would not be affected by the proposed standards. **New lots having more than 3 times the typical lot size would be prohibited.** For example, in Area District I the minimum lot size standard is 7,500 square feet, and the Committee proposal would set new standards for merged sites greater than 15,000 square feet (2 times 7,500) and less than 22,500 square feet (3 times 7,500). A future merger or subdivision that would create a site with 22,500 square feet or more would not be allowed.

The proposed range of lot area for each area of the City is based on the applicable minimum lot area. The individual factors (e.g. for Area District II, range of 2.6 to 3.9 times the minimum lot area) being proposed are based on the range of typical lot sizes found within each Area District. If the ranges were too simple (e.g. just between 2 and 3 times), then the proposed standard would possibly apply to too few or too many lots within each area.

- d. **Establishes new development standards:**
  - i. **Require supplemental open space** on the ground located adjacent to a setback (including side yards). The area would be 2 times the setback area that would be required on the individual lots. The intent is to ensure that setback area that would be lost between buildings on separate lots would be provided on a merged site and would have to be located around the outside perimeter of the home to mitigate bulk (as opposed to an interior open courtyard).

- ii. **Limit the overall building area** to no more than 66% of the amount of buildable floor area (BFA) allowed, to mitigate bulk.
- iii. **Require a reduction in building height** of 8' (basically one story) for 25% of the building, located adjacent to setbacks (for new buildings only).  
This is intended to modulate the exterior building walls and mitigate bulk.
- iv. **Require perimeter fencing** (if proposed) to have variation to preclude the appearance of a fortress or compound and to blend new buildings on merged lots with traditional development patterns on surrounding standard lots.

**Exemptions: RM, RH, and CL in Area Districts I and II with 3+ dwelling units.**

**Alternative Proposal:**

Consider the following alternative which is consistent with past development patterns:

- 1. **Allow a maximum of two typical size lots** to be merged.
- 2. **For lots that are merged under this provision:**
  - a. **Require supplemental open space** on the ground located adjacent to a setback.
  - b. **Limit the overall building area.**

**CONCLUSION:**

Staff recommends that the City Council forward all of the proposed Code amendments to the Planning Commission for review and consideration. Noticed public hearings will be required and the Planning Commission recommendations will then be forwarded to the City Council which will also provide noticed public hearings.

**Attachments:**

- 1. Tour map and photos with summary description of homes on tour.
- 2. Chart of Double Lot Mergers 1999-2007
- 3. Chart of the Mansionization Committee Recommendations dated March 15, 2007
- 4. Report to the Citizens Group-Mansionization Issues dated February 9, 2006
- 5. List of the Mansionization Committee Recommendations dated March 15, 2007
- 6. Chart of the Options Discussed by the Committee But Not Recommended

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## DOUBLE LOT MERGERS 1999-2007

ADDRESS	ZONE/AD/ MIN LOT SIZE	LOT SIZE	MAXIMUM ALLOWED BFA	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	13,780	9,197	8,131 88%
1015 1 <sup>st</sup> St.	RS/AD I 7,500	13,200	8,820	6,992 79%
525 15 <sup>th</sup> St.	RS/AD II 4,600	10,545	7,094	4,862 69%
533 15 <sup>th</sup> St.	RS/AD II 4,600	7,700	5,630	4,859 86%
720 & 724 33 <sup>rd</sup> St.	RS/AD II 4,600	10,981	7,378	3,504 47%
621 13 <sup>th</sup> St.	RS/AD III 2,700	4,215	6,745	5,816 86%
1616 Strand	RM/ AD III 2,700	6,666	10,665	4,620 43%
1216/1220 Strand	RH/AD III 2,700	6,666	11,332	9,703 86%
432 and 436 2 <sup>nd</sup> St.	RS III 2,700	5,419	8,670	4,040 47%

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**MANSIONIZATION COMMITTEE RECOMMENDATIONS  
RESIDENTIAL DEVELOPMENT STANDARDS**

**3-15-07**

	<b>EXISTING</b>	<b>PROPOSAL</b>	<b>COMMENTS</b>
<b>AD I AND II</b>	<p><b>RS</b></p> <ul style="list-style-type: none"> <li>• 8% BV</li> <li>• SIDE SETBACK- 10%- RANGE 3'-35'</li> <li>• SIDE/REAR SETBACK- LOT &gt; 35' WIDE, WALL &gt; 25' TALL, ADDITIONAL 3' SETBACK</li> <li>• REAR SETBACK- RANGE 10'-25'</li> <li>• DECKS ABOVE 2<sup>ND</sup> STORY NOT PERMITTED</li> </ul> <p><b>RM RH</b></p> <ul style="list-style-type: none"> <li>• OPEN SPACE -15% OF BFA - RANGE 220 SF- 350 SF</li> <li>• SIDE SETBACK- 10%- RANGE 3'-35'</li> <li>• SIDE/REAR SETBACK- LOT &gt; 35' WIDE, WALL &gt; 25' TALL, ADDITIONAL 3' SETBACK</li> <li>• REAR SETBACK- RANGE 10'-25'</li> <li>• DECKS ABOVE 2<sup>ND</sup>/3<sup>RD</sup> STORY NOT PERMITTED</li> </ul>	<p><b>PROPOSAL</b></p> <ul style="list-style-type: none"> <li>• 6% BV - CAN WRAP AROUND CORNERS</li> <li>• SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP</li> <li>• SIDE/REAR/CORNER SETBACK- LOT &gt; 35' WIDE, WALL &gt; 24' TALL, ADDITIONAL 3' SETBACK</li> <li>• REAR SETBACK-RANGE 12'- WITH NO 25' CAP</li> <li>• DECKS ABOVE 2<sup>ND</sup> STORY PERMITTED- WITH INCREASE SETBACK ADJACENT TO LIVING AREA</li> <li>• OPEN SPACE 15% OF BFA-RANGE 220 SF WITH NO 350 SF CAP</li> <li>• SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP</li> <li>• SIDE/REAR/CORNER SETBACK- LOT &gt; 35' WIDE, WALL &gt; 24' TALL, ADDITIONAL 3' SETBACK</li> <li>• REAR SETBACK- RANGE 12' - WITH NO 25' CAP</li> <li>• DECKS ABOVE 2<sup>ND</sup>/3<sup>RD</sup> STORY PERMITTED- WITH INCREASE SETBACK ADJACENT TO LIVING AREA</li> </ul>	<p><b>AD I- EXISTING AND PROPOSED- AFFECTS SMALL, WIDE SHALLOW LOTS, &lt; 1% (10), 440+ SF BFA REDUCTION.</b></p> <p><b>AD II-AFFECTS WIDE, SHALLOW LOTS, &lt; 1% (5), 70-1300+ SF BFA REDUCTION.</b></p> <p><b>RM AD II-AFFECTS LOTS 106' OR LESS IN DEPTH, &lt; 1% (5), 150+ SF BFA REDUCTION.</b></p>
<b>AD III</b>	<p><b>RS</b></p> <ul style="list-style-type: none"> <li>• NO 8% BV</li> <li>• NO 15% OPEN SPACE OF BFA- RANGE 220 SF- 350 SF</li> <li>• SIDE SETBACK- 10%- RANGE 3'-35'</li> <li>• SIDE/REAR SETBACK- LOT &gt; 35' WIDE, WALL &gt; 25' TALL, ADDITIONAL 3' SETBACK</li> <li>• REAR SETBACK- 5'</li> <li>• DECKS ABOVE 3<sup>RD</sup> STORY NOT PERMITTED</li> </ul>	<ul style="list-style-type: none"> <li>• NO 6% OR 8% BV</li> <li>• OPEN SPACE 15% OF BFA-RANGE 220 SF NO 350 SF CAP</li> <li>• SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP</li> <li>• SIDE/REAR/CORNER SETBACK- LOT &gt; 35' WIDE, WALL &gt; 24' TALL, ADDITIONAL 3' SETBACK</li> <li>• REAR SETBACK- 10' ON NON-ALLEY LOTS, REAR ABUTTING RESIDENTIAL, 2700 SF MIN</li> <li>• DECKS ABOVE 3<sup>RD</sup> STORY PERMITTED- WITH INCREASE SETBACK ADJACENT TO LIVING AREA</li> </ul>	<p><b>EXISTING AND PROPOSED- AFFECTS NON-ALLEY, INTERIOR ½ LOTS, 8% (85), 200+ SF BFA REDUCTION</b></p> <p><b>AFFECTS NON-ALLEY, INTERIOR WIDE, SHALLOW LOTS, &lt; 1% (5), 400+ SF BFA REDUCTION.</b></p> <p><b>AFFECTS NON-ALLEY, CORNER ½ LOTS, 6% (70), 30+ SF BFA REDUCTION.</b></p>

**MANSIONIZATION COMMITTEE RECOMMENDATIONS  
RESIDENTIAL DEVELOPMENT STANDARDS**

**3-15-07**

	EXISTING	PROPOSAL	COMMENTS
AD III (RM- RH) AND IV (RH)	<ul style="list-style-type: none"> <li>• OPEN SPACE 15% OF BFA- RANGE 220 SF- 350 SF</li> <li>• SIDE SETBACK- 10%- RANGE 3'-4'</li> <li>• SIDE/REAR SETBACK- LOT &gt; 35' WIDE, WALL &gt; 25' TALL, ADDITIONAL 3' SETBACK</li> <li>• DECKS ABOVE 3<sup>RD</sup> STORY NOT PERMITTED</li> </ul>	<ul style="list-style-type: none"> <li>• OPEN SPACE 15% OF BFA-RANGE 220 SF NO 350 SF CAP</li> <li>• SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP</li> <li>• SIDE/REAR/CORNER SETBACK- LOT &gt; 35' WIDE, WALL &gt; 24' TALL, ADDITIONAL 3' SETBACK</li> <li>• DECKS ABOVE 3<sup>RD</sup> STORY PERMITTED- WITH INCREASE SETBACK ADJACENT TO LIVING AREA</li> </ul>	<p>RM AD III-AFFECTS NON-ALLEY INTERIOR AND CORNER ½ LOTS, 8% (110), 140-240 SF BFA REDUCTION.</p> <p>RH AD III- AFFECTS NON-ALLEY INTERIOR AND CORNER ½ LOTS, 6% (50), 270-370 SF BFA REDUCTION.</p> <p>RH AD III- AFFECTS WIDE SHALLOW LOTS, &lt; 1% (5), 200 SF BFA REDUCTION</p> <p>RH AD III &amp; IV-AFFECTS ALLEY INTERIOR ½ LOTS, &lt; 1% (15), 30 SF BFA REDUCTION</p>

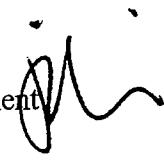
**NOTES:**

1. PROVIDE A REVIEW PROCESS TO ALLOW CONSIDERATION FOR A REDUCTION TO THE SIDE OR REAR SETBACK, OR THE 6% OR 8% BV REQUIREMENT 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.
3. DECKS ABOVE THE SECOND OR THIRD STORY WOULD NEED TO BE ADJACENT TO AN INDOOR LIVING SPACE.



**CITY OF MANHATTAN BEACH**  
**MEMORANDUM**

**TO:** Citizens Group-Mansionization Issues  
**FROM:** Richard Thompson, Director of Community Development  
**DATE:** February 9, 2006  
**SUBJECT:** Mansionization Issues



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Welcome to our first citizens group meeting to address Mansionization Issues in Manhattan Beach.

**Purpose of this Report**

The purpose of this report is to provide background information on mansionization issues, suggest what the mission of the citizens group should be and express some of staff's concerns with making further changes to our codes.

Staff will present slides at our meeting to help illustrate how the development patterns have changed in the past 15 years.

**Background**

Each year the City Council adopts a work plan which identifies many of the important projects that will be addressed during the following year. On July 5, 2005 the City Council adopted the current work plan which included the following work plan item:

Mansionization

Develop an issue paper on lot mergers and present it for discussion at the July 26, 2005 joint City Council and Planning Commission meeting. The paper should include status of the lot merger ordinance and the possibility of establishing maximum lot sizes in certain residential zones. Also, in an effort to address mansionization issues, consider developer incentives to maximize rear yard areas in exchange for developer benefits (i.e. basements); and review of the Minor Exception Ordinance for small homes.

On July 26<sup>th</sup> staff presented an issue paper (Exhibit "A") at the joint City Council Planning Commission meeting. As a first step the City Council supported moving forward by considering establishing a maximum lot size. The Planning Commission conducted public hearings and made a recommendation to approve a maximum lot size which was considered by Council on December 6, 2005. The City Council tabled the item and formed this committee to address all three issues that are associated with this work plan item:

1. Establish a Maximum Lot Size. Staff will propose maximum lot sizes for various residential zones.
2. Establish Standards for Merging Lots. Staff will propose standards for large residential lots, including looking at reduced Buildable Floor Area (BFA).

ATTACHMENT "4"

3. Establish Developer Incentives as a way to address Mansionization. Staff will propose various possible incentives as a way to address mansionization.

In order to gain a better understanding of these issues it is helpful to attempt to define mansionization, and describe what the City has done to address this issue. Staff has also attempted to describe what we believe to be the mission of this committee.

#### Definition of Mansionization

The following definitions are provided for consideration:

- A trend whereby large homes are replacing historically small homes, on consolidated and standard sized lots resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. (Planning Commission discussion during Maximum Lot Size Public Hearing)
- Construction of large homes with minimum setbacks, maximum height, attaining maximum floor area, that appear out of scale or character with neighboring houses and that may result in decrease of open space and landscaping.
- The process of tearing down an existing house and replacing it with one that is bigger, especially one that is much larger than surrounding houses.

#### What the City has done to address mansionization

Over the last 15 years the City has taken a proactive role in addressing concerns with the appearance of large homes that are built to near maximum size allowed by our codes. As a result of this effort, codes that regulate height and size of buildings have gotten more restrictive and the density (number of residential units) has decreased over time. The following is a summary of recent actions the city has taken to address mansionization which is further described in the attachments to this report. For more information please refer to the exhibits that are attached to this report.

#### ZORP 1990 and Bulk Volume Amendments 2002, 2003, 2004

In 1990 the city undertook the Zoning Ordinance Revision Program (ZORP) which resulted in many changes to reduce the appearance of large homes, which was followed by three subsequent amendments, Bulk Volume 1, 2 and 3, all of which were also intended to reduce the appearance of large homes from public view without reducing the allowable square footage. The attached chart provides a summary of the changes that were adopted. Last year the City Council decided to wait and review the results of these changes before making any further amendments. For more information please refer to Exhibit B.

#### Minor Exception to Encourage Small Home Remodels and Additions 2005

This was adopted in January 2005. The purpose of this code section is to encourage home remodeling and small additions to existing homes up to 2,000 square feet by waiving certain nonconforming requirements (i.e. allowing substandard setbacks to remain). This

has been a popular provision in our code for young growing families wishing to add on to and remodel their small home as well as "empty-nesters" that wish remain in their homes and update them. It is staff's opinion that this amendment results in fewer small homes that are being replaced with large homes. The city has approved nine applications this past year. Staff will be presenting a status report to Council in February 2006, and will recommend no further change to the ordinance. For more information please refer to Exhibit C.

#### Lot Merger and Development Standards for Large Lots 2005

Staff studied this issue and presented its findings to the Planning Commission for discussion at several meetings. The Planning Commission tabled the item in April 2005, waiting for further direction from City Council. The concept was to restrict the number of lots that could be merged and then limit the size of the house that could be built on large lots. Several residents attended the public hearings expressing concern about the city limiting the size of a home that could be built. Little concern was expressed about limiting lot mergers. For more information please refer to Exhibit D.

#### Maximum Lot Size 2005

This study was an extension and refinement of the previous lot merger study. This proposal to establish a maximum lot size was an attempt to limit the number of lots that could be joined and developed together which results in larger homes being built. The purpose of establishing a maximum lot size was to preserve a neighborhood's character and the existing lot patterns. Staff studied this issue and presented its findings to the Planning Commission. The Planning Commission approved a maximum lot size for certain residential zones. In December, City Council tabled this item and formed this Committee to study the issue further along with the other two issues related to Mansionization. For more information please refer to Exhibit E.

#### Mission of the Citizens Group

1. Understand the Issues
2. Define the problem
3. Identify possible solutions and make recommendations to the Planning Commission and City Council how best to proceed on all 3 issues.
4. Since the City does not have a view ordinance the intent of this effort does not include view protection

#### Staff Concerns

Codes are confusing and difficult to enforce. Changing the codes too often makes it more difficult to understand and confusing to administer. Changes to the codes also create new non-conformities.

Increasing the percent of open space under the Bulk Volume ordinance can have a negative impact on design.

It is still too early to determine what benefits have been achieved with the most current limitations imposed by the bulk volume amendments, because only a few projects have been completed that conform with the 2004 amendments.

Exhibits:

- A. Issue paper presented to the Planning Commission and City Council on July 26, 2005, and the minutes of the meeting
- B. Chart of the history of code changes that reduced bulk and volume
- C. Background information of the Minor Exception Ordinance
- D. Background information regarding the Lot Merger and Large Lot study
- E. Background information regarding the Maximum Lot Size

**EXHIBIT A**



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

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

**THROUGH:** Geoff Dolan, City Manager

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

**DATE:** July 26, 2005

**SUBJECT:** Discussion Regarding Lot Mergers, Establishing Maximum Lot Size and  
Developer Incentives to Reduce Mansionization.

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**RECOMMENDATION:**

Staff recommends that the City Council and Planning Commission **DISCUSS AND PROVIDE DIRECTION.**

**FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

This Work Plan Item is to: 1) review the status of the 2004-2005 Work Plan Item regarding lot merger regulations, 2) review the possibility of establishing maximum lot sizes, and 3) consider development incentives in exchange for development benefits to address mansionization.

On June 24, 2005 the City Council held their annual Work Plan Meeting and developed the 2005-2007 Work Plan. On July 5<sup>th</sup> the draft Work Plan was amended and then adopted by the City Council. At that time the Council also directed staff to schedule this Work Plan item for discussion at this Joint City Council/Planning Commission meeting.

**DISCUSSION:**

*Mansionization issue*

The City Council has been concerned with the trend of smaller homes being demolished and larger homes been built for a number of years. In 1990 ZORP was adopted which revised the residential development standards in the Zoning Code, reducing the height of homes, limiting homes in most areas to 2-stories, reducing Buildable Floor Area (BFA), increasing rear yard setbacks, and increasing parking, in addition to other new development standards. In May 2002, new Bulk Volume standards (BV I) were adopted which required an additional 6% front yard setback, which tends to push second stories of homes back beyond the first story, allowed many basements to not be counted as BFA, and required that a third garage door be setback an additional 5 feet. In January

**EXHIBIT** A

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 count towards BFA for parking purposes only, and on corner lots building walls over 25 feet in height are required to have an additional setback. In October 2004 the Bulk Volume standards were further revised (BV III) to increase the additional 6% front yard setback to 8%.

All of these changes have had and will continue to have a significant effect on reducing the visual mass of new homes and additions to existing homes. However, since many of these regulations are new, the community has not yet seen the benefit of these regulations as homes are still in the construction stage. Also it can be difficult to identify the age of a home from just looking at it from the street; homes are very well maintained in Manhattan Beach, and often they have exterior remodels which can make an older home appear to be brand new.

Constantly revising the Zoning Code development standards can be difficult for architects and homeowners to keep on top of the most current regulations. Zoning Code revisions create non-conforming buildings which creates issues when non-conforming homes are remodeled or additions are constructed. Identifying which Code regulations were effective when the homes were approved can be difficult to easily track in the future.

Staff would suggest that the City Council wait until new homes have been built under the new regulations in order to identify what type of impact they are having on construction before any new development standards are contemplated. Staff would suggest providing at least two or more years before considering any new standards.

#### *Lot Mergers*

This 2004-2005 Work Plan item was to review current regulations pertaining to lot mergers to consider whether they are appropriate or if changes should be made to reduce "mansionsization". The trend has been as two or more lots are merged, the homes tend not to maximize their BFA but provide more open yard area, and/or increased parking. The City has approved an average of one lot merger per year over the past seven years. Staff proposed that these new standards not only apply to new lot mergers but also to existing merged or large lots with large homes. Applying these new standards to existing large lots as well as new large lots that are created through lot mergers would protect the additional open space that is currently being provided on the larger lots and ensure consistency in implementing the new standards.

The development standards for the new home or an addition to an existing home would be reviewed using the Minor Exception process, so that appropriate front and rear setbacks, height, on and off-site parking, open space, landscaping, and other development standards would be reviewed to ensure that the new development is compatible with the surrounding neighborhood. Existing non-conformities as well as newly created non-conformities related to BFA and setbacks will be addressed through this Minor Exception process, which requires notification of neighbors. Staff anticipates that approximately three Minor Exceptions will be requested per year.

On January 26, 2005 the Planning Commission discussed lot mergers and continued the discussion to February 23<sup>rd</sup>. On March 23, 2005 the Commission held a public hearing and generally agreed with the recommendation provided by staff to 1)- reduce the BFA on the portion

of the lot that exceeds 1 ½ times the minimum lot size by 50% to reflect the current development trend on merged lots, 2)- increase setbacks to 10% of the lot width with no 5 foot maximum, 3)- require a Minor Exception if a lot exceeds 1 ½ times the minimum lot area in the Area District and Zone and the proposed BFA exceeds that allowed on a lot that is 1 ½ times the minimum lot size, and 4)- increase parking for large homes by requiring a 4-car garage for homes with over 5,000 SF of BFA.

Notice of the April 27<sup>th</sup> Planning Commission public hearing was sent to all property owners in the City, over 400 notices, with lots that are 1½ times the minimum lot size. Many residents called, sent letters and attended the public hearing. Many of those that spoke at the hearing felt that any new standards should not apply to existing oversized lots, but only new lot mergers, and several residents had concerns with the increased side setbacks. The Planning Commission ended up with a split 2-2 vote, with two Commissioners recommending that the new changes only apply to new lot mergers, and two voting to have no changes at all.

The current Planning Commission has three new members who have not reviewed this Work Plan item. The options that the City Council has are: 1) send the past information back to the new Planning Commission and proceed based on their recommendation, or 2) provide further direction to staff and the Planning Commission then staff will refine the proposal based on that direction and send the item to the new Planning Commission for review and recommendation, 3) in lieu of establishing new lot merger regulations direct staff and the Planning Commission to consider establishing maximum lot sizes as discussed below, or 4) study both new lot merger regulations and establishing maximum lot sizes and send both items to the Planning Commission for review and recommendation.

*Maximum Lot Sizes*

Another approach to addressing mansionization and large lots being created by lot mergers is to establish a maximum lot size for newly created lots. This approach would be used in lieu of establishing new lot merger regulations. During the review of lot mergers the Commission discussed the possibility of limiting the maximum lot size and initially several Commissioners seemed to be supportive of this approach in combination with other regulations. The minimum lot size for newly created lots is shown in the chart below. There are many lots that exist in town that are smaller than these minimums that are legal non-conforming, and in Area Districts III and IV there a number of "1/2 lots".

Area District	AD I	AD II	AD III and IV
Minimum Lot Size-Square feet	7,500 SF	4,600 SF	2,700 SF

Establishing a maximum lot size is an approach that would be easy for the community to understand and easy for staff to implement, so it does have the advantage of simplicity.

*Incentives to Reduce Mansionization*

At the June 24, 2005 Work Plan meeting the City Council discussed the possibility of providing development incentives for new construction in exchange for the community deriving benefits from a project. This is a kind of "carrot and stick" approach to development. An example that was given was in exchange for being allowed to develop basements which do not count towards BFA, a rear



yard setback would need to be significantly increased in size.

How much of a basement is counted towards BFA is a section of the code that has changed significantly with the adoption of the new Bulk Volume regulations within the past 5 years. The current regulations encourage large useable basements by not counting them at all towards BFA if there is less than 2 feet of the basement exposed above local grade, and only 30% of the basement is counted towards BFA if the basement is between 2 to 6 feet exposed. Previously 50% of basement areas were counted as BFA and there were restrictions that required very small room sizes with very low ceilings that were used as storage rooms. The trend with the new basement regulations has been for homes to develop large habitable basements, typically 700 to 1500 square feet in size, although basements up to 3000 square feet in size have been approved. This trend has significantly increased the living area of homes although there typically is not an increase visually in the size of a home when viewed from the street.

Since properties are receiving a significant benefit with the new basement regulations, the Council could consider requiring additional development criteria in exchange for allowing basements. For example, properties with basements could be required to increase setbacks, decrease building height, increase the 8% additional front setback requirement, increase open space (RM and RH zones), decrease BFA, or a BFA cap could be imposed.

**CONCLUSION:**

Staff would suggest that the City Council review the options to addressing Mansionization and direct staff accordingly. If the City Council directs staff to revise the Zoning Code, then staff will present a report to the Planning Commission at a noticed public hearing. The recommendations from the Planning Commission will then be forwarded to the City Council for final review and action.

CITY OF MANHATTAN BEACH  
MINUTES OF THE  
JOINT MEETING OF THE  
CITY COUNCIL  
AND THE  
PLANNING COMMISSION  
JULY 26, 2005

The Adjourned Regular Joint Meeting of the City Council and the Planning Commission of the City of Manhattan Beach, California, was held on the 26<sup>th</sup> day of July, 2005 at the hour of 6:40 p.m.. at the Creative Arts Center, at 1560 Manhattan Beach Boulevard, in said City.

**ROLL CALL**

Present: City Council: Tell, Aldinger, Montgomery, Ward and Mayor Fahey.  
Planning Commissioners: Simon, Schlager, Bohner, Lesser and Chairperson Savikas.  
Staff: City Manager Dolan, Community Development Director Thompson, Senior Planner Jester, Senior Planner Lackow and Associate Planner Moreno.

Absent: None.

Clerk: Dolan (Acting).

**AUDIENCE PARTICIPATION**

Laura Cohen, No Address Provided, indicated that she is interested in the proposed Lot Merger Ordinance and expressed concerns about the standards, particularly the increased setbacks, that were proposed but not approved last year for oversized lots.

**SCHEDULED**

*05/0726.1 Discussion Regarding Lot Mergers, Establishing Maximum Lot Size and Developer Incentives to Reduce Mansionization*

The City Council, Planning Commission and Staff discussed the issues as outlined in the staff report which will be studied by staff in the following order and presented to the Planning Commission for recommendations to the City Council:

- 1. **Maximum Lot Size**  
Staff will propose maximum lot sizes for various residential zones.
- 2. **Standards for Merging Lots**  
Staff will propose standards for merging residential lots, including looking at reduced Buildable Floor Area.
- 3. **Possible Development Incentives to Reduce Mansionization**  
Staff will propose various possible incentives as a way to address mansionization.

These items will be studied after the *Tree Ordinance Revisions Work Plan* item.

05/0726.2 General Discussion Regarding Planning Commission Items

The City Council and Planning Commission held a discussion regarding Communication Policies.

**ADJOURNMENT**

At 8:45 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, August 2, 2005, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

\_\_\_\_\_  
RICHARD THOMPSON  
Recording Secretary

\_\_\_\_\_  
JOYCE FAHEY  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk

**EXHIBIT B**

## History of Code Changes that Reduced Bulk and Volume

CODE ITEM	PRE-ZORP (before 1990)	ZORP (1990 – 2002)	B/V-1 (2002 – 2003)	B/V-2 (2003 – 2004)	B/V-3 (2004 – present)
Parking	2-enclosed	3-enclosed (if > 3,600 sq. ft.)	3-enclosed (if > 3,600 sq. ft.)	3-enclosed (if > 3,600 sq. ft.) <i>(basement area counts towards BFA for parking)</i>	No change
Bldg. Height	26 feet (no limit on # of stories)	26 feet ( <i>max. 2 stories</i> )	26 feet ( <i>max. 2 stories</i> )	26 feet ( <i>max. 2 stories</i> )	No change
Height Methodology	2 - property corners	4- property corners	4- property corners	4- property corners	No change
Bldg. Setbacks Front	20'	20'	20'	20'	8% - within 1/5 (2 <sup>nd</sup> story)
Sides	3' – 5' (10% lot width)	3' – 5' (10% lot width)	3' – 5' (10% lot width)	3' – 5' (10% lot width)	
Rear	5' (portion @ 1 <sup>st</sup> level) 10% (lot depth – 2 <sup>nd</sup> level)	10' – 25' (.3 – 20 of lot depth)	10' – 25' (.3 – 20 of lot depth)	10' – 25' (.3 – 20 of lot depth)	
Allowable Bldg. Sq. Ft	Lot Coverage (.9 x lot area)	BFA < 4,801 sq. ft. (.7 x lot area) > 4,800 sq. ft. (.65 +240 x lot area)	BFA < 4,801 sq. ft. (.7 x lot area) > 4,800 sq. ft. (.65 +240 x lot area)	BFA < 4,801 sq. ft. (.7 x lot area) > 4,800 sq. ft. (.65 +240 x lot area)	No change
Countable BFA.	50% - if basement is entirely below grade	50% - if basement is entirely below grade	0% - below grade <2' 30% - >2'	0% - below grade <2' 30% - >2'	
Garage Door Width	8' (single door)	8' (single door)	18' max. door (lots < 55') 27' max door (lots > 55') – one door 5' beyond	9' (single door) 18' max. door (lots < 55') 27' max door (lots > 55') – one door 5' beyond	No change

**EXHIBIT**  
B

## History of Code Changes that Reduced Bulk and Volume

<b>CODE DEFINITIONS</b>					
<i>Through Lots</i>				<i>Two separate 6% additional front setback</i>	<i>Two separate 8% additional front setback</i>
<i>Chimneys</i>	No limit in setbacks – min. 2' clear to PL	<i>Min. 8' above grade – sideyard – 12" max. projection</i>	Min. 8' above grade – sideyard – 12" max. projection	Min. 8' above grade – sideyard – 12' max. projection <i>14' max. height in 6% area 3' (w) x 5' (l)</i>	No change
<i>Corner lots</i>				<i>Walls &gt; 25' – increase setback for lots &gt; 35'</i>	No change
<i>Egress/light /ventilation wells</i>			<i>Permitted in setbacks</i>	<i>Not permitted in setbacks</i>	No change

**EXHIBIT** *B*

**EXHIBIT C**

**MINOR EXCEPTION**  
**TO ENCOURAGE SMALL HOME REMODELS AND ADDITIONS**  
**2004-2005 City Council Work Plan item**  
**Ordinance No. 2068**  
**Ordinance No. 2069 (Coastal Zone)**

**Goal:**

The purpose of Amendment is to provide a process to encourage home remodeling and small additions to existing smaller legal non-conforming homes. This is intended to encourage smaller homes to be retained by allowing some flexibility for modest expansions and remodels.

**Background:**

Remodeling and adding onto older smaller non-conforming homes can be challenging due to the City's non-conforming, "50% rule", regulations that limit alterations. Many older smaller homes are considered non-conforming as they do not comply with current Zoning requirements for setbacks, height, or other development regulations. These current regulations make it difficult for smaller older legal non-conforming homes to be remodeled or even add a new room addition, thereby encouraging homes to be demolished and the construction of new homes, which are often built to the maximum allowed by the Zoning Code.

**Highlights of Revisions:**

- 2000 SF maximum- existing plus addition
- No structural alterations to non-conforming portions of home except as follows:
  - For Building Safety requirements
  - For architectural compatibility
  - To integrate new 2<sup>nd</sup> floor into existing 1<sup>st</sup> floor
  - Other minor modifications subject to Directors approval
- 25% of existing home must be retained
- Non-conforming parking, up to 1' smaller each direction, may remain
- Other minor parking non-conformities may remain
- Existing non-conforming portion of home must provide a minimum of 50% of each of the required minimum setbacks
- No further additions beyond 2000 square feet unless entire structure is brought into conformance with current Code.

**Planning Commission Meetings:**

August 25, 2004  
October 13 and 27, 2004

**City Council Meetings:**

February 21, March 2 and April 6, 2004 (Work Plan meetings)  
November 16, 2004  
December 7 and 21, 2004  
January 4, 2005

**Joint Meeting:**

April 13, 2004 (Work Plan priorities)

**Amendments effective:**

Ordinance No. 2068- (Area Districts I and II)- February 3, 2005  
Ordinance No. 2069- (Area Districts III and IV-Coastal Zone)- October 13, 2005

**Conclusion:**

Nine Minor Exceptions applied for and approved in one-year, since effective February 2005





**EXHIBIT D**

**LOT MERGERS AND LARGE LOTS**  
**2004-2005 City Council Work Plan item**

**Goal:**

The purpose of this Work Plan Item is to review current regulations pertaining to lot mergers to consider whether they are appropriate or if changes should be made to reduce "mansionization". The trend has been as two or more lots are merged, the homes tend not to maximize their BFA but provide more open yard area, and/or increased parking.

**Background:**

The City has approved an average of one lot merger per year over the past seven years. These applications are administratively approved if all of the Code standards are met when the lots are merged. Although the BFA's are generally not maximized when lots are merged, the public view of new homes from the street is often more pronounced as the home, as well as the lot, is wider. Additionally, the pattern of development within a neighborhood is altered as there are new larger lots mixed in with the existing standard size lots, and the orientation of front yards may be altered.

This item was tabled by the Planning Commission in April 2005 due to a split vote, and since further direction from the new City Council was desired by staff. Additionally, as of June 2005 there are three new Planning Commission members who have not studied the issue. The City Council has not reviewed the item since the Planning Commission tabled it in April 2005.

**Highlights of Proposed Revisions:**

- Minor Exception would be required for lots that exceed 1 ½ times the minimum lot area, if the proposed BFA exceeds that allowed on a lot that is 1 ½ times the minimum lot size
- The BFA on the portion of the lot that exceeds 1 ½ times the minimum lot size would be required to be reduced by 50%
- Side and corner setbacks would be 10% of the lot width with no 5 foot maximum
- Existing and newly created non-conformities would be addressed through the Minor Exception process
- Standards could apply to only new lot mergers or also to existing merged or larger lots
- Possible neighborhood compatibility criteria and additional development standards through the Minor Exception process
- Standards would apply to all RS Zones and to the RM and RH Zones in Area Districts III and IV
- 4-car garage for homes 5,000 SF or larger

**Planning Commission Meetings:**

January 26, 2005  
February 23, 2005  
March 23, 2005  
April 27, 2005

**City Council Meetings:**

February 21, March 2 and April 6, 2004 (Work Plan meetings)

**Joint Meeting:**

April 13, 2004 (Work Plan priorities)



**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Planning Commission

**THROUGH:** Richard Thompson, Director of Community Development

**FROM:** Laurie B. Jester, Senior Planner

**DATE:** April 27, 2005

**SUBJECT:** Zoning Code Amendment and Local Coastal Program Amendment for New Residential Development Standards for Lot Mergers and Large Lots-City Council 2004-2005 Work Plan Item (City of Manhattan Beach)

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the **CONTINUED PUBLIC HEARING, DISCUSS**, and **ADOPT** a Resolution (Exhibit A) recommending to the City Council approval of revisions to the Zoning Code and Local Coastal Program related to Lot Mergers and Large Lots.

**BACKGROUND**

On February 21, 2004, the City Council held a special session and developed the 2004-2005 Work Plan which was formally adopted on March 2, 2004. On April 6, 2004 the City Council identified and prioritized five of these Work Plan Items assigned to the Community Development Department. On April 13, 2004 the City Council and Planning Commission held a joint Work Plan meeting to discuss and provide direction on the prioritized projects. At that meeting the subject Work Plan item was identified as the fifth priority item and staff indicated that it would be brought before the Planning Commission for discussion as staff resources and work load levels allowed.

On January 26, 2005 the Planning Commission discussed the Lot Merger Work Plan item, asked staff for additional information and requested that the item be brought back for further discussion. On February 23, 2005 the Commission reviewed photos and discussed merged lots, and lots that have not been merged but have the same owner as an adjacent property that is used as a yard area. On March 23, 2005 the Planning Commission held a public hearing and asked for further information and provided direction to staff to prepare Code amendments. The January 26<sup>th</sup>, February 23<sup>rd</sup> and March 23<sup>rd</sup> staff reports, attachments, and minutes are attached.

At the March 23<sup>rd</sup> meeting the Planning Commission generally agreed with the recommendation provided by staff and directed staff to prepare amendments to the Zoning Code as follows:

- **Reduce Percentage of Buildable Floor Area (BFA)**- For additional lot area that is added that is over the original standard size lot, BFA will be reduced.
- **Increase setbacks**- The two interior side yard setbacks that are lost when lots are merged would be required to be added to the side yards of the newly created lot.

**EXHIBIT**  
D

- *Merger of more than two lots*- If more than two standard size lots are merged, a Minor Exception will be required as well as additional criteria.
- *Increase parking for large homes*- Homes with over 5,000 SF of BFA will require a 4-car garage.

## **DISCUSSION**

### **Overview and Issue**

The Work Plan Item is to review current regulations pertaining to lot mergers to consider whether they are appropriate or if changes should be made to reduce "mansionsization". The trend has been as two or more lots are merged, the homes tend not to maximize their BFA but provide more open yard area, and/or increased parking.

The City has approved an average of one lot merger per year over the past seven years. These applications are administratively approved if all of the Code standards are met when the lots are merged. Although the BFA's are generally not maximized when lots are merged, the public view of new homes from the street is often more pronounced as the home, as well as the lot, is wider. Additionally, the pattern of development within a neighborhood is altered as there are new larger lots mixed in with the existing standard size lots, and the orientation of front yards may be altered.

### **Code Amendments**

At the February 23, and March 23, 2005 meetings the Planning Commission directed staff to prepare amendments to the Zoning Code to address the four areas previously mentioned. After reviewing all of the previous lot mergers and comparing different approaches to accomplishing the City Councils' and Planning Commissions' goals, Staff is proposing a slightly simplified approach to reaching these goals. Staff feels that this simplified approach will be easier for both the public and design community to understand and for staff to implement. Using the Minor Exception discretionary process will allow more individual consideration of a project to ensure that the goals of neighborhood compatibility are met.

Since many lots currently are substantially smaller than the Minimum Lot Area required in the Area District and Zone, staff recommends that the new requirements for a Minor Exception apply to lots that exceed 1 ½ times the Minimum Lot Area. Basically, a Minor Exception application will be required if a lot exceeds 1 ½ times the minimum lot area in the Area District and Zone, and the proposed Buildable Floor Area (BFA) exceeds that allowed on a lot that is 1 ½ times the minimum lot size. Using this criteria about half of the nine lot mergers over the past seven years would have required a Minor Exception, and the lots that would not have required a Minor Exception range from approximately 70-700 feet under the maximum BFA that would have required them to apply for a Minor Exception. (Exhibit B)

The BFA on the portion of the lot that exceeds 1 ½ times the minimum lot size will be required to be reduced by 50% to reflect the current development trend on merged lots. In making this recommendation on the percentage to reduce the BFA on the portion of the lot that exceeds 1 ½ times the minimum lot size, staff reviewed the percentages of BFA reduction for the lot mergers that have been approved over the last seven years. In the RS Zone in Area Districts I and II there

is a range of 49 to 94% reduction in BFA for the portion of the lots that exceeded 1 ½ times the minimum, with a 73% average. In the RS and RM Zones in Area District III both lot mergers were under the BFA so there is no percentage reduction. In the RH Zone in Area District III there is a 26% reduction in BFA, and this lot that is currently under construction will become non-conforming. Provisions have been made to address this and other non-conformities that may be created through the Minor Exception process if needed in the future.

Additionally, side setbacks at 10% of the lot width, with no 5 foot maximum as currently allowed, will also be required for new construction.

The development standards for the new home or an addition to an existing home could be reviewed using the Minor Exception process, so that appropriate front and rear setbacks, height, on and off-site parking, open space, landscaping, and other development standards could be reviewed to ensure that the new development is compatible with the surrounding neighborhood. Existing non-conformities as well as newly created non-conformities related to BFA and setbacks will be addressed through this Minor Exception process, which requires notification of neighbors. Staff anticipates that approximately three Minor Exceptions will be requested per year. The following chart provides a summary of the proposed standards.

Area District	AD I- RS	AD II-RS	AD III- RS and RM	AD III and AD IV- RH
<b>Minimum Lot Size-Square feet</b>	7,500 SF	4,600 SF	2,700 SF	2,700 SF
<b>1½ Times Minimum Lot Size-Square feet</b>	11,250 SF	6,900 SF	4,050 SF	4,050 SF
<b>Maximum Buildable Floor Area (BFA) for portion of lot <u>under</u> 1 ½ times Minimum Lot Size</b>	0.65 plus 240	0.65 plus 240	1.6	1.7
<b>Maximum Buildable Floor Area (BFA) for portion of lot <u>over</u> 1 ½ times Minimum Lot Size</b>	.33	.33	.8	.85
<b>Maximum BFA without a Minor Exception (for lots over 1 ½ times the minimum lot size)</b>	7,552 SF	4,725 SF	6,480 SF	6,885 SF
<b>Existing Side and Corner Side Setbacks (minimum;maximum)</b>	3;5 3;5	3;5 3;5	3;5 1	3;5 1
<b>Proposed Side and Corner Side Setbacks (minimum;maximum)</b>	3;10% 3;10%	3;10% 3;10%	3;10% 1;10%	3;10% 1;10%

Staff is still recommending that these new standards not only apply to new lot mergers but also to existing merged, or large lots. Applying these new standards to existing large lots as well as new large lots that are created through lot mergers would protect the additional open space that is currently being provided on the larger lots and ensure consistency in implementing the new standards.

The revised Code language is attached in the draft Resolution (Exhibit A) as redlined-strikeout text.

The following addresses the questions raised by the Commission at the last meeting.

***Application of Standards to Area Districts and Zone***

Staff is recommending that these new requirements apply to all of the RS Zones and to the RM and RH Zones in Area Districts III and IV. Staff is not recommending that the Minor Exception review process apply to the RM and RH zones in Area Districts I and II for the following reasons.

1. Staff would like to encourage the assembling of parcels in Area Districts I and II as vehicular and pedestrian circulation, on and off-site parking, grading, landscaping, and open space can often be addressed more comprehensively with a larger lot size. Generally there are not alleys in Area Districts I and II, so vehicular circulation design can be more challenging.
2. There is a very limited area of land in the RM and RH zones in Area Districts I and II, about 5% of the entire residential zoned land in the Area District. In contrast, the RM and RH zone in Area Districts III and IV is more than 60% of the residential of the entire residential zoned land in the Area District.
3. The RM and RH zones in Area Districts I and II zones are located along arterials, and provide a transition to the Single Family zone, while in Area Districts III and IV most of the entire Area District is zoned RM and RH.
4. Generally RM and RH lots in Area Districts III and IV are not consolidated, but are developed individually with 2-unit condominiums. Vehicular access from both the front and rear of the property is required in order to develop the site as condominiums, except for the Strand. When lots are combined, staff feels it would be appropriate to review the project through the Minor Exception process to ensure neighborhood compatibility.
5. The Zoning Code already substantially reduces the BFA for lots over 7,500 SF in the RM and RH Zones in Area Districts I and II. In Area Districts III and IV there is no reduction on BFA for larger lots. An example of this is the two 8-unit condominiums approved on adjacent properties at 1202 and 1208 Tennyson Street, which are currently almost complete. These are two separate lots with a common driveway, and alley access which is not typical in Area Districts I and II. As two lots the maximum BFA is approximately 28,000, however if the lots were combined the BFA would be about 26,000 SF, a reduction of approximately 2,200 SF. The project as approved was developed at just under the maximum BFA.
6. A Use Permit is required for condominiums with 3 or more units, which is typical for Area District I and II, so design issues are reviewed through the public hearing process. Staff would discourage multiple discretionary review processes.

***Regulate number of lots that are merged***

Again, a simplified approach is proposed in that any newly created lot that exceeds 1 ½ times the minimum lot area as well as existing lots that are larger than 1 ½ times the minimum lot

area would require approval of a Minor Exception if the total BFA on the lot exceeds that allowed on a lot that is 1 ½ times the size of a standard lot. Currently there are approximately 400 existing lots in the City in the RS Zone in Area Districts I and II, and in all of Area Districts II and IV that exceed 1 ½ times the Minimum Lot Area. This will allow existing homes to be expanded, but with a review if the lot size and BFA exceeds a certain threshold.

### *Non-conformities*

Currently the Code requires a maximum 5 foot side and corner yard setback in Area Districts I and II, and 1 foot on corner sides in Area Districts III and IV. The new regulations that require side setbacks that are 10% of the lot width with no maximum will create new non-conformities. The Code currently does not have a reduced BFA for portions of lots over 1 ½ times the minimum lot area. The new requirement will also create some non-conformities for existing larger lots. Existing non-conformities as well as newly created non-conformities related to BFA and setbacks will be addressed through the Minor Exception process.

### *Increase parking for large homes*

Staff is suggesting that this new requirement for a 4-car garage apply to all homes 5,000 square feet or larger in size. The Code currently requires a 2-car garage for all single family homes up to 3600 square feet in area, and a 3-car garage for homes over 3600 square feet in area. The commission may wish to consider whether the 4<sup>th</sup> garage spaces should be enclosed.

### *Minor Exception Process*

The current Minor Exception regulations allow the Director of Community Development to grant minor exceptions from certain Zoning Code regulations. In order to approve a Minor Exception there are specific notice requirements to neighbors, findings, criteria, and conditions that must be met. Staff believes that these existing provisions could be expanded to address lot mergers and larger lots, as well as non-conformities. The Resolution provides additional Code language to address these new requirements.

### *Purpose, Criteria, and General Plan Policies*

Additions to the Purpose and Directors Review and Action sections of the Code are important in order to relay the intent of the City Council and how that intent and goals are translated into Code requirements. Language from the City Council Work Plan has been added to the Purpose section and existing criteria tying in with the General Plan has been clarified.

## **NOTIFICATION AND PUBLIC INPUT**

A list of members of the design community including architects, designers and contractors were notified of the proposed Code Amendment. A notice was also sent to all properties that exceed 1 ½ times the minimum lot size for the Area District and Zone, over 400 notices, and therefore would be subject to the proposed regulations. Additionally, a ¼ page ad was placed in the Beach Reporter to notify the public of the proposed amendments.

Several dozen people called and e-mailed requesting information on the proposed Amendments. When the proposal was explained to them most of them appeared to be supportive of the

Amendment. Most people were concerned about “mansions” and indicated that their lots were under the BFA that would require a Minor Exception. There was some concern about creating non-conforming setbacks, which is addressed in the Minor Exception process. Staff emphasized that the Amendments require Planning Commission as well as City Council review and approval and that the proposal by staff could be modified. They were all encouraged to continue to stay involved in the public review process.

## **CONCLUSION**

Staff requests that the Commission hold the continued public hearing, discuss, and adopt the attached Resolution, recommending to the City Council approval of the Code amendments.

## **EXHIBITS**

- A. Draft PC Resolution No. 05-xx- Code language revisions shown as redlined- strikeout text
  - B. Chart of Merged Lots- Size and BFA
  - C. Staff Report, attachments, and minutes- March 23, 2005
  - D. Staff Report, attachments, and minutes- February 23, 2005
  - E. Staff Report, attachments, and minutes- January 26, 2005
- (Duplicates of staff reports, attachments, and minutes deleted)

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**RESOLUTION NO. PC 05-xx**  
**Exhibit A- PC 4-27-05**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MANHATTAN BEACH  
RECOMMENDING APPROVAL OF AMENDMENTS  
TO THE CITY ZONING CODE (CHAPTERS 10.12,  
10.64, 10.68 AND 10.84) AND TO THE LOCAL  
COASTAL PROGRAM (CHAPTERS A.12, A.64, A.68  
AND A.84) RELATED TO NEW MINOR EXCEPTION  
REGULATIONS FOR LOT MERGERS AND LARGE  
LOTS.**

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

**WHEREAS**, on February 21, 2004, the City Council held a special session and developed the 2004-2005 Work Plan, and;

**WHEREAS**, on March 2, 2004, the City Council formally adopted the 2004-2005 Work Plan, and;

**WHEREAS**, on April 6, 2004 the City Council identified and prioritized five of these Work Plan Items assigned to the Community Development Department, and;

**WHEREAS**, on April 16, 2004 the City Council and Planning Commission held a joint Work Plan meeting to discuss and provide direction on the prioritized projects, and;

**WHEREAS**, on January 26, and February 23, 2005 the Planning Commission discussed the proposed Code Amendments, and continued the discussion to March 23 and April 27, 2005, which were scheduled as public hearings, and;

**WHEREAS**, pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on March 23, 2005, on the proposed Code Amendments related to new minor exception regulations for lot mergers and large lots, and continued the public hearing to April 27, 2005, and;

**WHEREAS**, the public hearings were advertised pursuant to applicable law, testimony was invited and received, and;

**WHEREAS**, public noticing included a one-quarter page display ad in a newspaper of general circulation (Beach Reporter), in addition a courtesy notice was mailed to affected property owners, interested parties, the design community, and;

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

**WHEREAS**, the purpose of the proposed Amendments is to provide a process to regulate development on merged lots and larger lots to maintain the existing trend of residential

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development on larger lots that does not maximize the BFA, and provides increased open space, providing neighborhood compatibility, 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.

**WHEREAS**, 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; and,

**WHEREAS**, the Planning Commission made the following findings with regard to the proposed changes:

1. The proposed amendments are consistent with the City of Manhattan Beach General Plan.

**Goal LU-1: Maintain the low-profile development and smalltown atmosphere of Manhattan Beach.**

**Goal LU-2: Encourage the provision and retention of private landscaped open space.**

Policy LU-2.2: Preserve and encourage private open space on residential lots citywide.

**Goal LU-3: Achieve a strong, positive community aesthetic.**

**Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics.**

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Manhattan Beach hereby recommends **APPROVAL** of the proposed amendments to the Manhattan Beach Municipal Code (Chapters 10.12, 10.64, 10.68 and 10.84) and the Local Coastal Program (Chapters A.12, A.64, A.68 and A.84) as follows:

**SECTION 1.** The Planning Commission of the City of Manhattan Beach hereby

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recommends that Section 10.12.030 of Title 10, of the Manhattan Beach Municipal Code and Section A.12.030 of Title A of the Manhattan Beach Local Coastal Plan Implementation Program, entitled Property development regulations: RS, RM, and RH districts, is hereby amended as follows:

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

**PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II**

	<u>Area District I</u>			<u>Area District II</u>			<u>Additional Regulations</u>
	RS	RM	RH	RS	RM	RH	
<b>Minimum/Maximum Lot Dimensions</b>							
Area (sq. ft.)	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) (W)
	<del>11,250</del>			<del>6,900</del>			
Width (ft.)	50	50	50	40	40	40	
<b>Minimum Setbacks</b>							
Front (ft.)	20	20	20	20	20	20	(A) (B) (D)
Side (ft.)	3; 10%	3; 10%	3; 10%	3; 10%	3; 10%	3; 10%	(C) (D) (E) (F)
Corner Side (ft.)	3; 10%	3; 10%	3; 10%	3; 10%	3; 10%	3; 10%	(C) (D) (E)
Rear (ft.)	10;25	10;25	10;25	10;25	10;25	10;25	(D) (E) (F) (G)
<b>Maximum Height of Structures (ft.)</b>							
	26	26	30	26	26	30	(H) (P)
<b>Maximum Buildable Floor Area</b>							
<u>Lot Area (Sq.Ft.)</u>							
7,500 or less		1.0	1.2		1.0	1.2	
More than 7,500		0.7	0.9		0.7	0.9	
		+2250	+2250		+2250	+2250	
4,800 or less	0.7			0.7			
More than 4,800	0.65			0.65			
	+240			+240			

**Portion of lot more than 6,900** ~~0.55~~  
~~Minor~~  
~~Exception~~  
~~for BUA~~  
~~over 4,725~~

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**Portions of  
lot more than  
11,250  
Minor  
Exception  
for BFA  
OVER 7,553**

**Minimum Lot Area  
Per Dwelling  
Unit (sq.ft.)**

7,500 3,750 1,000 4,600 2,300 1,000 (A)

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, 50% of habitable room floor area in a basement located entirely below local grade is excluded from the determination of buildable floor area.

**PROPERTY DEVELOPMENT STANDARDS FOR  
AREA DISTRICTS III AND IV**

	<u>Area District III</u>		<u>Area District IV</u>		<u>Additional Regulations</u>
	RS	RM	RH	RH	
<b>Minimum/Maximum Lot Dimensions</b>					
Area (sq. ft.)	2,700	2,700	2,700	2,700	(A) (B) (C) (J) (M)
Width (ft.)	30	30	30	30	
<b>Minimum Setbacks</b>					
Front (ft.)	5	5	5	5	(A) (B) (D)
Side (ft.)	3; 10%	3; 10%	3; 10%	3; 10%	(C) (D) (E) (F)
Corner Side (ft.)	1; 10%	1; 10%	1; 10%	1; 10%	(C) (D) (E)
Rear (ft.)	5	5	5	5	(D) (E) (F) (G)
<b>Maximum Height of Structures (ft.)</b>	30	30	30	30	(H) (P)
<b>Maximum Buildable Floor Area</b>					(Q)
<u>Lot Area (Sq.Ft.)</u>					
<u>4,050 or less</u>	1.6	1.6	1.7	1.7	

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Portion of lot	0.8	0.8	0.85	0.85
more than 4,050	0.8	0.8	0.85	0.85
	Minor	Minor	Minor	Minor
	Exception	Exception	Exception	Exception
	for BFA over	for BFA	for BFA over	for BFA over
	6,480	over	6,885	6,885
		6,885		

**Minimum Lot Area per Dwelling Unit (sq.ft.)** 2,700 1,350 850 850 (J) (A)

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, 50% of habitable room floor area in a basement located entirely below local grade is excluded from the determination of buildable floor area.

**(C) Large Lot Requirements.** Any portion of any RS zoned lot in all Area Districts and any RM and RH zoned lots in Area Districts III and IV, that exceeds one and one-half (1 1/2) times the Minimum Lot Area required in the Area District and the Zone, shall have a reduced density (50% reduction). Additionally, if the lot exceed one and one-half (1 1/2) times the Minimum Lot Area required in the Area District and the Zone, and the total BFA on the entire lot exceeds that allowed on a lot 1 1/2 times the Minimum Lot Size, then side setbacks equal to 10% of the lot width with no maximum, and approval of a Minor Exception in accordance with Section 10 and A-84, shall be required. Additional more restrictive development standards may also be required through the Minor Exception process.

**(E) Side Setback:** Ten percent of lot width but not less than 3 feet. ~~and need not exceed 5 feet. Structures that are legally existing as of ORDINANCE ADOPTION DATE TBD, 2005, (through a lot merger, lot line adjustment, map, or other consolidation of parcels) that became non-conforming due to the adoption of Ordinance No. XXXX may apply for a Minor Exception.~~

**Exceptions:**

**(1) Side Setbacks (All Area Districts) and Corner Side Setbacks (Area Districts I and II):** Lots that are less than one and one-half (1 1/2) times the Minimum Lot Area required in the Area District and Zone, need not exceed a five (5) foot setback.

**(2) Corner Side Setbacks (Area Districts III and IV):** Lots that are less than one and one-half (1 1/2) times the Minimum Lot Area required in the Area District and Zone, need not exceed a one (1) foot setback.

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

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

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

(1.) 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;

(2.) 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;

(3.) The third side of the triangle shall be a straight line connecting points (1.) and (2.) 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: 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 10 feet and the maximum required setback is 25 feet.

(I) Maximum Buildable Floor Area. The maximum buildable floor area (BFA) on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF), plus a base amount in some instances, as shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts (7,500 square feet in Area Districts I and II for RYL and RHL Districts, 4,800 square feet for the RS District in Area Districts I and II), then a base floor area in square feet is added in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Chapter 10.04.

Any RS zoned lot in all Area Districts, and any RM and RHL zoned lots in Area Districts III and IV, that exceeds one and one-half (1.5) times the Minimum Lot Area required in the Area District and the Zone, and the maximum BFA allowed on a lot one and one-half (1.5) times the Minimum Lot Size, requires approval of a Minor Exception. Structures and lots that are legally existing as of ORDINANCE ADOPTION DATE TBD, 2005, that became non-conforming for side and corner side setbacks and/or BFA due to the adoption of Ordinance No. XXXX, may apply for a Minor Exception Permit.

In Area Districts I and II in the RS districts, the enclosed area for

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**Exhibit A- PC 4-27-05**

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 4,800 square feet or more, is excluded from the determination of buildable floor area. In Area Districts III and IV 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 buildable floor area.

In all residential districts, seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to 200 square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

**COM** The minimum site area shall be 12,000 square feet for General Day Care, General Residential Care, and Public or Private Schools.

**SECTION 2.** The Planning Commission of the City of Manhattan Beach hereby recommends that Section 10.64.030 of Title 10, of the Manhattan Beach Municipal Code and Section A.64.030 of Title A of the Manhattan Beach Local Coastal Plan Implementation Program, entitled Off-Street Parking and Loading Regulations, is hereby amended as follows:

**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) less than 3,600 square feet	2 enclosed per unit	-
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Dwelling with 3,600 square feet Buildable Floor Area (BFA) or more	3 enclosed per unit.	-
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Dwelling with 5,000 square feet Buildable Floor Area (BFA) or more	4 enclosed per unit	-
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**SECTION 3.** The Planning Commission of the City of Manhattan Beach hereby

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**Exhibit A- PC 4-27-05**

recommends that Section 10.68.030 of Title 10, of the Manhattan Beach Municipal Code and Section A.68.030 of Title A of the Manhattan Beach Local Coastal Plan Implementation Program, entitled Nonconforming Uses and Structures, is hereby amended as follows:

**Section 10.68.030 E./A.68.030 Exceptions**

5. Where a Minor Exception to allow ~~Essential construction of larger lots that exceeds a maximum Buildable Floor Area for a setback non-conformity is created.~~ extra retaining wall height, reduced additional front yard setbacks, non-compliant construction due to staff error, or for remodeling and additions to existing legal non-conforming homes, has been approved in accordance with Chapter 10.84/A.84.

**SECTION 4.** The Planning Commission of the City of Manhattan Beach hereby recommends that Section 10.84.010 of Title 10, of the Manhattan Beach Municipal Code and Section A.84.010 of Title A of the Manhattan Beach Local Coastal Plan Implementation Program, entitled Use Permits, Variances and Minor Exceptions, be amended as follows:

**Section 10 and 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



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that any changes are consistent with the General Plan and the land use objectives of this ordinance.

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

Minor Exceptions are also intended to regulate residential development on certain lots that are merged and large lots by providing the opportunity for discretionary review when larger homes are proposed on these lots. Neighborhood compatibility, the public view of homes from the street, transpiration, the pattern of development in a neighborhood, and development standards can be addressed through the Minor Exception process. Non-conformities that are created by these standards for merged and larger lots may also be addressed through the Minor Exception process.

**Section 10 and A.84.120 Minor exceptions.**

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

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

<b>Applicable Section</b>	<b>Exception Allowed</b>
10 and 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.
10 and A.12.030	Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.
10 and A.60.040(H)	Construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or

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Exhibit A- PC 4-27-05**

second story was legally constructed; and, reconstruction of raised grade stairways, architectural archways, covered entries, and covered porches in required yards and required open space for pre-existing structures.

10 and A.60.050

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

Projects that involve new structures or remodels without limits of project valuation, as provided below:

Applicable Section	Exception Allowed
10 and A.12.030	Additions to existing dwelling units and construction of new dwelling units on larger lots that exceed a maximum Buildable Floor Area and/or non-conformities that are created on these lots.
10 and A.12.030 (T)	Reduction of the additional front setback requirement for small, shallow, or multiple front yard lots if it prevents the lot from attaining its permitted buildable floor area.
10 and A.12.030(P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
10 and A.12 – A.68	Non-compliant construction due to Community Development staff review or inspection errors.
10 and A.68.030 E.	Remodeling and small additions to existing smaller older legal non-conforming dwelling units.
10 and A.68.030 E.	Additions to existing dwelling units and construction of new dwelling units on larger lots that exceed a maximum Buildable Floor Area and/or non-conformities that are created on these lots.

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**Exhibit A- PC 4-27-05**

- A. Application. Applications for minor exceptions shall be initiated by submitting the following materials to the Community Development Department:
1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, copies of deeds, any required power of attorney, plans and mapping documentation in the form prescribed by the Community Development Director.
  2. A vicinity map showing the location and street address of the development site;
  3. A map showing the location and street address of the property that is the subject of the application and of all lots of record within 300 feet of the boundaries of the property; and
  4. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 3 above and shall be accompanied by mailing labels.
- B. Notice to Property Owners. After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners with application submittal items 3 and 4 above. Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.
- C. Director's Review and Action. After the commenting deadline date, and within 30 days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant and City Council a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (E) below. Notice of the decision also shall be mailed to all those individuals previously noticed pursuant to A and B above.
1. In making a determination, the Director shall consider the following criteria:

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**Exhibit A- PC 4-27-05**

- a. Whether deviation from Code is minor in nature.
  - b. Evidence that significant detrimental impact to surrounding neighbors is absent.
  - c. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.
  - d. Whether the application is in compliance with any current policy guidelines for Minor Exceptions as may be adopted by the City Council.
2. When making a determination to approve an exception to Section A.68.030 E, ~~for remodeling and small additions to existing smaller older or non-conforming dwelling units~~ the Director shall also require compliance with the following criteria, in addition to the criteria stated above:
- a. The maximum total Buildable Floor Area of the existing dwelling unit plus the addition(s), as defined in Section A.04.030, which excludes certain garage and basement areas from BFA, may not exceed 2,000 square feet in area.
  - b. Structural alterations or modifications, as regulated by Chapter A.68, to existing non-conforming portions of structures shall only be allowed as follows:
    1. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
    2. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
    3. Minor alterations to integrate a new 2<sup>nd</sup> floor into an existing 1<sup>st</sup> floor, as determined to be necessary by the Director of Community Development.
    4. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
  - c. A minimum of 25% of the existing dwelling unit, based on project valuation as defined in Section A.68.030, shall be maintained.

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- d. Parking spaces may remain non-conforming consistent with the provisions in Section A.64.090 Exceptions, which allows a 1 foot reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
- e. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks.
- f. After completion of the project(s) that is subject to the Minor Exception approval(s), no further additions shall be permitted unless the entire structure is brought into conformance with the current Code requirements.

When making a determination to approve an exception to Sections 10 and A 12.030 and 10 and A 08.020 E, for additions to existing dwelling units and construction of new dwelling units on larger lots that exceed a maximum Buildable Floor Area, the Director shall also consider requiring additional development standards to ensure consistency with the purpose section of this Code section. This may include, but not be limited to, increased front and rear setbacks, reduced height, increased open space, increased landscaping, and increased on and off site parking. Existing and newly created BFA and side and corner side setback non-conformities may also be addressed. Additionally, any development shall meet the following minimum criteria:

- a. BFA shall be a maximum of 50% of the base BFA in the Area District and Zone for the portion of the lot that exceeds 1.2 times the minimum lot size in the Area District and Zone, as indicated in Section 10 and A 12.030.
- b. Side and corner side setbacks shall be a minimum of 75% of the lot width with no minimum, as indicated in Section 10 and A 12.020.
- c. Existing and newly created BFA and side and corner side setback non-conformities may remain subject to the Director's review and approval and findings of consistency with the Minor Exception provisions.

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

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**Exhibit A- PC 4-27-05**

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~~ ~~and~~ 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 ~~neighboring~~ properties in the surrounding area.

E. Effective Date: Appeals. Unless appealed in accordance with Chapter 10.100 M.B.M.C., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 M.B.M.C.

**SECTION 5.** 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 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 6.** 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.

**RESOLUTION NO. PC 05-xx**  
**Exhibit A- PC 4-27-05**

**SECTION 7.** 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 April 27, 2005 and that said Resolution was adopted by the following votes:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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**RICHARD THOMPSON**  
Secretary to the Planning Commission

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**SARAH BOESCHEN**  
Recording Secretary

**EXHIBIT E**



**MAXIMUM LOT SIZE CODE AMENDMENT**  
**Summary**

- **Initiation:** City Council 2005 Work Plan Item – to address *mansionization*.  
(with other components including: possible adoption of new building standards for merged lots, and adopting incentives for building on merged lots)
  
- **Purpose for Establishing a Maximum Lot Size:**  
To preserve neighborhood character (by maintaining predominant lot patterns within blocks and limiting building over existing lot lines)
  
- **Public Hearings:**
  - a. Planning Commission: October 12 & November 9, 2005 (adopted Reso. PC 05-17, recommending that a maximum lot size be adopted).
  - b. City Council: December 6, 2005 (no action on proposed Ord. 2081; directed Staff to consider with other pending mansionization Work Plan items)
  
- **Proposal:**
  - a. City-wide concept – all residential zones and area districts
  - b. Would limit size of building sites (comprised of merged lots)
  - c. Maximum merged site size: 2 times applicable minimum lot area (deviation up to 2.6 times minimum lot area, with compatibility finding)
  - d. Exemptions: Pre-existing sites and Multi-family (RM, RH, CL) zoned lots; AD I and II with 3 or more units
  
- **Public input:**
  - a. Concern for loss of design flexibility

**EXHIBIT**  
**E**



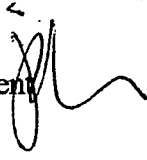

Agenda Item #: 05/1206.15

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Fahey and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager 

**FROM:** Richard Thompson, Director of Community Development   
Rosemary Lackow, Senior Planner 

**DATE:** December 6, 2005

**SUBJECT:** Consideration of Planning Commission Recommendation to Approve Amendments to Title 10 of the Municipal Code (The Zoning Ordinance) and Title A of the Local Coastal Program (LCP) for the Purpose of Establishing a Maximum Lot Size for Residential Properties

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### RECOMMENDATION:

Staff recommends that the City Council **CONDUCT THE PUBLIC HEARING, WAIVE FURTHER READING AND INTRODUCE ORDINANCE NOS. 2080 AND 2081.**

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### BACKGROUND:

On June 24, 2005 the City Council held their annual Work Plan Meeting and adopted a two-year Work Plan. One of the adopted Work Plan items is intended to address *mansionization* occurring in the City, and has three components: 1) review the possibility of establishing a maximum lot size in the Zoning Ordinance, 2) review a past Work Plan item regarding possible lot merger building regulations and 3) consider establishing development incentives in exchange for development benefits. This report addresses the first component of the Work Plan item which relates to establishing a maximum lot size standard for residential development.

On October 12, and November 9, 2005 the Planning Commission conducted a public hearing regarding this issue. The Commission concluded its review by adopting Resolution PC 05-17 (5-0 vote) on November 9<sup>th</sup>. This Resolution recommends that the City Council add a new zoning regulation that would limit the size of residential lots or building sites throughout the City to no more than twice the applicable minimum lot area.

Staff has therefore prepared Ordinance No.'s 2080 and 2081 which contain the Planning Commission's recommendation for consideration by the City Council (Attachments A and B). Ordinance 2080 contains the proposed changes to the Zoning Ordinance in the Municipal Code and Ordinance 2081, the changes to the Local Coastal Program. Both ordinances propose two

**EXHIBIT**  
**E**

changes. The first change is the addition of a new section (Sections 10.12.52/A.2.40) entitled "Maximum site area for all residential districts" which contains the text of the new regulation and the second change is the insertion of a reference to the new regulation within the summary table of residential development standards (Sections 10.12.030/A.12.030).

Upon adoption of the ordinance by the City Council, Staff will submit the proposed changes to the Coastal Commission for approval of the Local Coastal Program amendment.

**DISCUSSION:**

*Current regulations/building trends*

For many years the City has had a minimum lot size standard. A minimum lot size is an important standard because it guides the subdivision of land and establishes density and lot patterns within the various subdivisions that form neighborhoods. The minimum required lot area varies depending on the section of the City, ranging from 2,700 square feet in the beach areas (Area Districts III/IV) to 4,600 square feet in the Tree Section (Area District II) to 7,500 square feet in the eastside of town (Area District I). There has never been, however, a maximum lot size standard or a regulation that limits the number of lots, once subdivided, that can be consolidated or merged together, creating a much bigger development site.

Residential development activity continues to occur at a high rate throughout the City and the vast majority of development occurs on single lots of a size equal or close to the applicable minimum lot area. While much activity consists of home additions or remodels on standard sized lots, there continues to be a significantly high rate of homes being demolished to make way for new larger homes.

Some owners have purchased and developed multiple contiguous lots. In such instances an owner has two basic development options: to either 1) build a home that extends over the lot line(s) that previously separated the individual lots, or 2) build a home on only one of the lots and use or develop the other lot(s) as one or more independent home sites or as supplemental open yard or pool area. While in both options, the lots may be in common ownership and both could be developed to appear as a single residential "compound", there are important differences.

In the first option the owner must record a document "merging" or legally combining the lots. The original lot line(s) separating the lots is dissolved and the multiple lots become one larger lot. All building and zoning regulations (which can differ according to lot size) are applied to the property as one lot or single building site. This option has been referred to as a "lot merger". Most, if not all of the recent lot mergers have consisted of only two lots and in many cases more open yard area has resulted when such lots are combined, when compared to the same sized lots developed individually. However, potentially owners could purchase more than two lots for development and the Planning Commission recognized that potentially the size of a structure on such a site could be unusually large, due to the increased lot size. Such merged lots can only be sold as single properties and can be redeveloped independently in the future only upon approval of a new subdivision that would reestablish the original lot lines.

In the second option, an owner may elect to develop one lot as the primary residence and the other lot(s) as accessory uses or yard, with no structures extending over the existing lot lines. In such

situations each structure that contains living area must independently comply with all single family standards applicable to that individual lot, including provision of at least two garage parking spaces. This option has been referred to as the "assembling" of lots. Each lot remains independent; the lots are not merged and can be sold off separately without any special planning approval.

*Planning Commission recommendation*

The Planning Commission determined that the merging of more than two lots into a single building site or lot may potentially disrupt the lot pattern in a neighborhood and detract from its character. Therefore two changes have been recommended and both would apply in both the Municipal Code and Local Coastal Program. The first, adding a new section (MBMC 10.12.52 and LCP A.12.40) would require that any building site proposed for residential development could not exceed twice the square footage of the minimum lot area that applies within that Area District. This would be applicable to all residential zones, low, medium and high density (RS, RM, RH) as well as the commercial districts that permit residential development (CL and CD).

This proposed new provision contains an exemption that allows merging of more than twice the minimum lot area for properties that are zoned for multi-family development and developed with three or more units. The purpose of this is to provide more flexibility for design of multiple dwelling units, thereby encouraging and protecting these zones for development as provided for in the Zoning Ordinance and consistent with Housing Element policies in the General Plan. This section also provides that the new standard would not apply to any lot that exceeds this new limitation of site area that was legally created before December 20, 2005 (the projected date of ordinance adoption), as long as such properties are not enlarged.

The second recommended change is the addition of a cross reference of the proposed new maximum site area standard in the existing summary table of residential standards (MBMC 10.12.030/ LCP A.12.030). Inclusion in the table will aid in making the public aware of the limitation because it will be listed along with other basic development standards.

The Planning Commission emphasized two points in particular in making their recommendation. First, the proposed limitation will apply only in those instances (as described in this report) where an owner is "merging" lots because a structure is proposed to extend over a lot line. It will not apply to "assembled" lots owned in common, but developed independently and where no structure extends over a lot line. Therefore owners still continue to have a lot of flexibility in designing reasonably sized homes "assembled" by common ownership and those owners will continue to have the ability to sell off any individual lots because their development complies with the code per lot.

Second, the proposed code changes are prospective in nature in that they are intended to address a type of development plan involving merging of more than two lots that is not known to have yet occurred in the City. The Commission noted that, without such a standard, however, the size of a residential lot created by merging smaller lots would be unrestrained and construction of very large structures on such lots would be out of character and scale with other nearby homes.

*Planning Commission Findings*

The Commission made the following findings which are incorporated into Ordinances 2080 and 2081:

1. The purpose of the proposed Amendments is part of a City effort to control impacts of *mansionization*, defined as the trend whereby large homes are being built and replacing historically small homes, on consolidated and standard sized lots. This trend can result in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood.
2. The proposed amendments are consistent with the goals and policies of the Manhattan Beach General Plan as follows:

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage open space on residential lots. By limiting lot size, house size will be restricted and open space will be maintained with traditional building setbacks patterns.

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood. By limiting lot size, commensurate with area minimum requirements, patterns of existing lots and development will be maintained.

Policy 3.3 of the Housing Element which seeks to encourage new housing pursuant to the City's Land Use Element and Local Coastal Program.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate needs. This will occur in that 1) by exempting the multi-family properties in Area Districts I and II, development of apartments and condominiums will be encouraged, and 2) by limiting development to a size no more than two contiguous lots, the standard lots in the City will remain available for development of separate housing units.

*Public Notice*

A quarter page "display" notice of this hearing was published in the Beach Reporter on November 24, 2005. In addition, as done for the Planning Commission hearing, a more detailed notice of this hearing was mailed to all owners of more than two contiguous properties and several architects who were identified as potentially affected or interested in this matter. The Planning Commission received oral testimony from only one person, a local architect who expressed his general interest in standards applicable to merged lots. At this time Staff has received no further communications regarding the proposed ordinances.

**CONCLUSION**

The Planning Commission recommends that the Council limit the size of residential building sites for all zones within the beach area and for all zones in the inland areas except multi-family sites that have three or more units. This will set a limit on the amount of land that can be joined together to accommodate buildings that potentially could be much larger than those that have historically been built in the City.

This recommendation pertains only to a change in the standards applicable to the land area of a development site. There are two other components of the City Council Work Plan that are also intended to address *mansionization* but relate to the specific standards applicable to the size of a residential building on a site formed by merging lots. Those other Work Plan items will be scheduled for public hearing at some time in the future.

- Attachments:
- A. Ordinance 2080
  - B. Ordinance 2081
  - C. PC Resolution PC 05-17
  - D. PC Minutes: 10/12/05 and 11/09/05
  - E. PC Staff Reports (some attachments not available electronically)

ORDINANCE NO. 2080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 10.12.030 AND ADDING SECTION 10.12.052 TO CHAPTER 10.12 OF THE MANHATTAN BEACH MUNICIPAL CODE (THE ZONING ORDINANCE) ESTABLISHING A MAXIMUM LOT SIZE REGULATION FOR RESIDENTIAL DEVELOPMENT

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

SECTION 1. The City Council hereby makes the following findings:

- A. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12 and November 9, 2005 regarding the proposed Code Amendments related to establishing a maximum lot size regulation, and public testimony was invited and received.
- B. The public hearing held by the Planning Commission was advertised by a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach. Additional notices of the public hearing on November 9, 2005 were mailed to interested parties, approximately 40 owners of multiple contiguous residential properties in the City and several local architects on October 31, 2005.
- C. Pursuant to applicable law, the City Council conducted a duly noticed public hearing on December 6, 2005 regarding the Planning Commission's recommendation regarding the proposed Code Amendments (Resolution PC 05-17), and public testimony was invited and received.
- D. The public hearing held by the City Council was advertised by a one-quarter page display ad published on November 24, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was similarly mailed to interested parties of record, approximately 40 owners of multiple contiguous lots and several local architects.
- E. The applicant for the subject project is the City of Manhattan Beach.
- F. The purpose of the proposed Amendments is to limit residential building sites to a maximum size, with exception of properties located in Area Districts I and II developed for high density housing. This action is in recognition that *mansionization* is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- G. 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 possibly that the activity will have a significant effect on the environment, the activity is not subject to CEQA; and,
- H. 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.
- I. 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.
- J. The proposed amendments to Title 10 of the Municipal Code (Zoning Ordinance) are consistent with the following goals and policies of the Manhattan Beach General Plan as follows:

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 lot size, housing size will be restricted

and open space will be maintained as traditional building setback patterns will be adhered to.

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 lot size the patterns of existing lots and development will be maintained.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two contiguous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

**SECTION 2.** The City Council of the City of Manhattan Beach hereby APPROVES the proposed amendment, inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RS, RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read as follows:

**"PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II**

	<u>Area District I</u> RS	<u>Area District I</u> RM	<u>Area District I</u> RH	<u>Area District II</u>	<u>Area District II</u> RM	<u>Area District II</u> RH	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft)	15,000	15,000	15,000	9,200	9,200	9,200	(U)

**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	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(U)

(U) See 10.12.52 Maximum site area for all residential districts."

**SECTION 3.** The City Council of the City of Manhattan Beach hereby APPROVES the proposed amendment, adding the following Section 10.12.052 to the Manhattan Beach Municipal Code:

**"10.12.052. Maximum site area for all residential districts**

No site in any residential zoning district or commercial district where residential development is permitted shall exceed more than twice the square footage of the minimum lot area for that zoning district. Any lot in excess of said limit which has been legally created prior to December 20, 2005 shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date.



Exemption. Properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall be exempt from the requirements of this section."

SECTION 4. 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 commenced within 90 days of the date of this Ordinance and the City Council is served within 120 days of the date of this Ordinance.

SECTION 5. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 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 6. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 7. 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 8. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of December, 2005.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By   
\_\_\_\_\_  
City Attorney

15

ORDINANCE NO. 2081

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AMENDMENTS TO THE MANHATTAN BEACH LOCAL COASTAL PROGRAM ZONING CODE (SECTIONS A.64.170) ESTABLISHING A MAXIMUM LOT SIZE REGULATION FOR RESIDENTIAL DEVELOPMENT

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

SECTION 1. The City Council hereby makes the following findings:

- A. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12 and November 9, 2005 regarding the proposed Code Amendments related to establishing a maximum lot size regulation, and public testimony was invited and received.
- B. The public hearing held by the Planning Commission was advertised by a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach. Additional notices of the public hearing on November 9, 2005 were mailed to interested parties, approximately 40 owners of multiple contiguous residential properties in the City and several local architects on October 31, 2005.
- C. Pursuant to applicable law, the City Council conducted a duly noticed public hearing on December 6, 2005 regarding the Planning Commission's recommendation regarding the proposed Code Amendments (Resolution PC 05-17) and public testimony was invited and received.
- D. The public hearing held by the City Council was advertised by a one-quarter page display ad published on November 24, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was similarly mailed to interested parties of record, approximately 40 owners of multiple contiguous residential properties in the City and several local architects on October 31, 2005.
- E. The applicant for the subject project is the City of Manhattan Beach.
- F. The purpose of the proposed Amendments is to limit residential building sites to a maximum size. This action is in recognition that *mansionization* is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- G. 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,
- H. 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.
- I. 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.
- J. The proposed amendment to the Title 10 of the Municipal Code (Zoning Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with the following goals and policies of the Manhattan Beach General Plan as follows:

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 lot size, housing size will be restricted

and open space will be maintained as traditional building setback patterns will be adhered to.

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 lot size the patterns of existing lots and development will be maintained.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in that the proposed regulation will limit development on no more than two contiguous standard sized lots, and therefore potentially more standard sized lots in the City will remain available for development of separate housing units.

**SECTION 2.** The City Council of the City of Manhattan Beach hereby APPROVES the proposed amendment to the Manhattan Beach Municipal Code inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read 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	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(U)

(U) See A.12.040 Maximum site area for all residential districts."

**SECTION 3.** The Planning Commission of the City of Manhattan Beach hereby recommends adding a new section A.12.040 to the Manhattan Beach Local Coastal Program Implementation Program to read as follows:

**"A.12.040 Maximum site area for all residential districts**

No site in any residential zoning district or commercial district where residential development is permitted shall exceed more than twice the square footage of the minimum lot area for that zoning district. Any lot in excess of said limit which has been legally created prior to (adoption date) shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date."

**SECTION 4.** 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 commenced within 90 days of the date of this Ordinance and the City Council is served within 120 days of the date of this Ordinance.

**SECTION 5.** If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this

Ordinance 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 6.** Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

**SECTION 7.** 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 8.** The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 20th day of December, 2005.

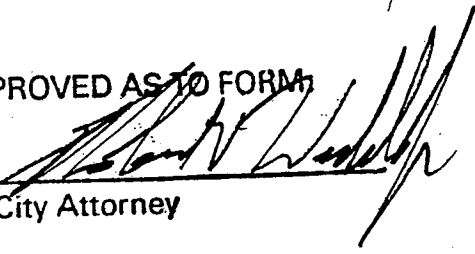
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM

By   
\_\_\_\_\_  
City Attorney

RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MANHATTAN BEACH  
RECOMMENDING TO ADD SECTION 10.12.052 AND  
AMEND SECTION 10.12.030 OF CHAPTER 10.12 OF  
TITLE 10 OF THE MANHATTAN BEACH  
MUNICIPAL CODE (THE ZONING ORDINANCE)  
AND TO ADD SECTION A.12.040 AND AMEND  
SECTION A.12.030 OF THE MANHATTAN BEACH  
LOCAL COASTAL PROGRAM IMPLEMENTATION  
PROGRAM ESTABLISHING A MAXIMUM LOT  
SIZE FOR ALL RESIDENTIAL ZONES

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. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12 and November 9, 2005 regarding the proposed Code Amendments which relate to establishing a maximum lot size for residential properties in Area Districts I, II, III and IV, and public testimony was invited and received.
- B. Public notice included a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- C. The applicant for the subject project is the City of Manhattan Beach.
- D. The purpose of the proposed Amendments is to limit residential building sites to a maximum size, with exception of properties located in Area Districts I and II developed for high density housing. This action is in recognition that *mansionization* is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- E. 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,

- F. 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.
- G. 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.
- H. The proposed amendment to the Title 10 of the Municipal Code (Zoning 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-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 lot size 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 lot size, housing size will be restricted and open space will be maintained as traditional building setback patterns will be adhered to.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two contiguous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

- I. 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 approves adding a new section 10.12.052 to the Manhattan Beach Municipal Code to read as follows:

**“10.12.052. Maximum site area for all residential districts**

No site in any residential zoning district or commercial district where residential development is permitted shall exceed more than twice the square footage of the minimum lot area for that zoning district. Any lot in excess of said limit which has been legally created prior to (adoption date) shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date.

Exemption. Properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall be exempt from the requirements of this section.”

**SECTION 3.** The Planning Commission of the City of Manhattan Beach hereby approves inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RS, RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read as follows:

**“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</u>	<u>Area District II RM</u>	<u>Area District II RH</u>	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft)	15,000	15,000	15,000	9,200	9,200	9,200	(U)

**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>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(U)

(U) See 10.12.52 Maximum site area for all residential districts.”

**SECTION 4.** The City Council of the City of Manhattan Beach hereby approves adding a new section A.12.040 to the Manhattan Beach Local Coastal Program Implementation Program to read as follows:

**“A.12.040 Maximum site area for all residential districts**

No site in any residential zoning district or commercial district where residential development is permitted shall exceed more than twice the square footage of the minimum lot area for that zoning district. Any lot in excess of said limit which has been legally created prior to (adoption date) shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date.”

**SECTION 5.** The Planning Commission of the City of Manhattan Beach hereby approves inserting (after Minimum Lot Dimensions) a new regulation entitled Maximum Lot Area with related maximum lot size square footage and Additional Regulation (T), in the tables and list of Additional Development Regulations in Section A.12.030 entitled Property development regulations: RM and RH districts of the Manhattan Beach Local Coastal Program Implementation Program to read 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	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(T)

(T) See A.12.040 Maximum lot area for all residential districts.”

**SECTION 6.** 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 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 7.** 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 8.** 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 9, 2005 and that said Resolution was adopted by the following votes:

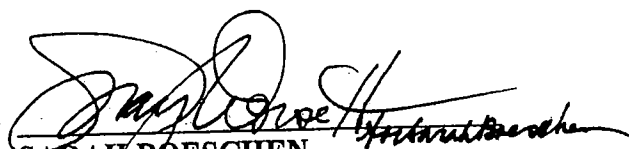
AYES: Bohner, Lesser, Schlager, Simon, Chairperson  
Savikas

NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
**RICHARD THOMPSON**  
Secretary to the Planning Commission

  
\_\_\_\_\_  
**SARAH BOESCHEN**  
Recording Secretary

**CITY OF MANHATTAN BEACH  
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION  
OCTOBER 12, 2005**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, October 12, 2005, at 6:35 p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 **ROLL CALL**

6  
7 Vice-Chairperson Simon called the meeting to order.

- 8
- 9 Members Present: Bohner, Lesser, Schlager, Vice-Chairperson Simon
- 10 Members Absent: Chairperson Savikas
- 11 Staff: Richard Thompson, Director of Community Development
- 12 Rosemary Lackow, Senior Planner
- 13 Eric Haaland, Associate Planner
- 14 Sarah Boesch, Recording Secretary

15  
16 **APPROVAL OF MINUTES** September 28, 2005

17  
18 Commissioner Lesser requested that page 3, line 21 of the September 28 minutes be revised to  
19 read: "He said he is not sure what criteria the Commission should apply in reviewing the  
20 application. He asked whether aesthetic concerns are a sufficient standard by which to concur on  
1 staff's recommended proposal."

22  
23 A motion was MADE and SECONDED (Lesser/Bohner) to APPROVE the minutes of  
24 September 28, 2005, as amended.

- 25
- 26 AYES: Bohner, Lesser, Schlager, Vice-Chairman Simon
- 27 NOES: None
- 28 ABSENT: Chairperson Savikas
- 29 ABSTAIN: None

30  
31 **AUDIENCE PARTICIPATION** None

32  
33 **BUSINESS ITEMS**

34  
35 **PUBLIC HEARINGS**

36  
37 **05/1012.2 Code Amendment to Title 10 of the Municipal Code and Title A of the Local**  
38 **Coastal Program for the Purpose of Establishing a Maximum Lot Size for**  
39 **Residential Properties**



1 Director Thompson commented that the proposal is a result of a long term priority of the City  
2 Council to address mansionization. He said that establishing a maximum lot size is one of three  
3 issues to address mansionization that are planned to come before the Commission. He indicated  
4 that a review of lot merger regulations and considering development incentives in exchange for  
5 development benefits will come before the Commission in the future.

6  
7 Senior Planner Lackow summarized the staff report. She commented that the purpose of the  
8 work plan item is to preserve neighborhood character within the City that could potentially be  
9 impacted by lot mergers. She stated that the subject proposal is to limit lot size and does not  
10 directly address or limit building size. She indicated that currently the minimum lot size in Area  
11 District I is 7,500 square feet; in Area District II is 4,600 square feet; and in Area Districts III and  
12 IV is 2,700 square feet. She stated that the proposal is to limit the lot size for a residential  
13 development to twice the minimum size that is permitted in the area in which the site is located.  
14 She stated that the proposed regulation would apply in all residential zones and area districts;  
15 would not apply to existing large lots already over twice the permitted lot size; and would  
16 include an exemption for multifamily development. She said that with the new restriction, the  
17 maximum lot size would be 15,000 for Area District I; 9,200 for Area District II; and 5,400 for  
18 Area Districts III and IV. She showed slides with examples of developments in different areas of  
19 the City. She said that the decision of the Commission would be a recommendation forwarded to  
20 the City Council. She indicated that another public hearing would be scheduled before the City  
21 Council.

22  
23 Commissioner Lesser indicated that the term "mansionization" is rather subjective and means  
24 different things to different people. He commented that there are no people in the audience for  
25 the hearing, and he requested information about the type of noticing that was done for the hearing  
26 beyond the ad that was placed in the Beach Reporter.

27  
28 Senior Planner Lackow said that notice of the hearing was published as a display ad in the Beach  
29 Reporter and on the City's website. She said that staff did not individually notice homeowners.

30  
31 Director Thompson said that the noticing for the hearing was appropriate and consistent with  
32 noticing for Code amendments that would have a widespread impact. He said that there was not  
33 a unique situation that staff identified in this case for noticing of individual property owners.

34  
35 In response to a question from Commissioner Lesser, Director Thompson stated that there are  
36 three properties on The Strand at 3<sup>rd</sup> Street which are owned by one person that could possibly be  
37 merged and developed in the future.

38  
39 In response to a question from Commissioner Lesser, Director Thompson indicated that staff  
40 receives requests for approximately one merger per year, which have only been to merge two  
41 lots.

42  
43 Commissioner Lesser requested information on what other cities have done to restrict lot sizes.  
44

1 Director Thompson said that cities typically place a minimum and not a maximum for lot sizes.  
2 He said that typically zoning codes have minimum standards such as for setbacks. He said that  
3 he was not aware of other cities having to restrict lot size.

4  
5 Commissioner Schlager asked whether lot owners of contiguous lots were provided notice of the  
6 hearing. He said that he would not want to predispose a homeowner's opinion about whether  
7 they would wish to merge their lots. He indicated that he would be concerned about providing  
8 adequate notice to homeowners that could be impacted, even though the legally required noticing  
9 was provided.

10  
11 Commissioner Schlager commented that he likes the idea of limiting lot size; however he wants  
12 to be certain that anyone who is potentially impacted knows about the hearing. He said that it is  
13 difficult many times for busy homeowners to catch an ad in the paper of the hearing. He said his  
14 biggest concern was that a viable attempt should be made to notify potentially affected property  
15 owners of this matter.

16  
17 Director Thompson said that it would be difficult to identify property owners who have an  
18 intension of purchasing a contiguous lot sometime in the future. He said that placing a large  
19 display ad in the Beach Reporter is the standard for noticing these types of regulations that are  
20 generally and uniformly applied.

21  
22 In response to a question from Commissioner Schlager, Senior Planner Lackow said staff arrived  
23 at a maximum of two times the minimum lot size because the typical pattern has been for two  
lots to be merged, and staff felt that an amount beyond that would be unusually large.

24  
25 Director Thompson said that a trend has been established over time for two-lot mergers, which  
26 has been accepted by residents. He said that staff has not received any requests to merge more  
27 than two lots, and such a merger could impact the neighborhood and change the character of a  
28 block.

29  
30 Vice-Chairperson Simon opened the public hearing.

31  
32 There being no one wishing to speak on the issue, Vice-Chairman Simon closed the public  
33 hearing.

34  
35 Vice-Chairperson Simon said that people who have an interest in an issue may be able to give  
36 different perspectives and ideas to the Commission, and no such input was received for this  
37 hearing. He stated that providing notice to owners of three contiguous properties who could be  
38 impacted might be worthwhile even though he acknowledged that it is not possible to identify  
39 owners contemplating to merge more than two standard lots. He commented that he would hope  
40 the owner of the three properties along The Strand at 3<sup>rd</sup> Street was provided specific notice of  
41 the proposal, since it would take away the right to merge those properties.

42  
43  
44 Commissioner Lesser said that he is generally in favor of the proposal; however, he too has a

1 problem with the noticing. He said that he would like staff to make an extra effort to identify and  
2 notify property owners that could be affected and who might have objections. He commented  
3 that he appreciates the generous size of the lots that would still be permitted if the Ordinance  
4 were to be passed. He said that he feels it would be appropriate to renote the hearing.

5  
6 Commissioner Bohner said that he concurs with providing direct notice to people to the extent  
7 that there is a viable method for identifying the people that would be impacted. He said that the  
8 proposal for limiting lot size is in keeping with the general concept and policy goals of the City  
9 Council to maintain the character of neighborhoods. He said that limiting lot size to two times  
10 the minimum required are of lots is a viable formula, and he would not require any alternative  
11 formulas in light of the fact that it is a prospective plan and would not be applied retroactively to  
12 the larger lots.

13  
14 Commissioner Schlager said that he is satisfied with how staff reached the formula for the  
15 maximum lot size. He said that limiting the size to two lots makes sense, and the formula should  
16 be kept simple. He said that his main objection to acting on the proposal at this point is due to  
17 concerns regarding the noticing that was provided. He said that if staff could give notice to those  
18 residents who may be impacted, then those residents would have the opportunity to present a  
19 different perspective. He said that he would like to have the Commission approve the Resolution  
20 with all concerns addressed before a recommendation is forwarded to the Council.

21  
22 Vice-Chairperson Simon suggested that architects and developers also be provided notice of the  
23 hearing.

24  
25 Director Thompson said that staff will send out a courtesy notice to all property owners that are  
26 determined to be potentially impacted by the proposal. He said that staff will explain in the  
27 notice what is being proposed and what impact it would have on their lots if, in the future they  
28 wish to merge their lots to build larger homes.

29  
30 Commissioner Schlager commented that he feels the Commission's responsibility is to the  
31 homeowners who have an interest in the community and not necessarily to the developers who  
32 do not live in the City.

33  
34 Commissioner Lesser stated that he is in favor of the proposal but is genuinely interested in  
35 hearing viewpoints that may differ from his own, especially regarding any adverse impacts that  
36 could result from restricting lot mergers. He noted that it may be a developer who would have  
37 that insight.

38  
39 A motion was MADE and SECONDED (Lesser/Schlager) to **REOPEN** the hearing and  
40 **CONTINUE** the hearing regarding a proposed Amendment of Title 10 of the Municipal Code  
41 and Title A of the Local Coastal Program for the Purpose of Establishing a Maximum Lot Size  
42 for Residential Properties to the meeting of November 9, 2005, with the direction that staff  
43 attempt to improve upon the amount of public legal notice that has already been provided, and  
44 that an additional courtesy notice should be provided to all property owners whom Staff

1 identifies could be impacted.

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AYES: Bohner, Lesser, Schlager, Vice-Chairperson Simon  
NOES: None  
ABSENT: Chairperson Savikas  
ABSTAIN: None

**DRAFT CITY OF MANHATTAN BEACH DRAFT**  
**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION**  
**NOVEMBER 9, 2005**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, November 9, 2005, at 6:35 p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 **ROLL CALL**

6  
7 Chairperson Savikas called the meeting to order.

- 8
- 9 Members Present: Bohner, Lesser, Schlager, Simon, Chairperson Savikas
- 10 Members Absent: None
- 11 Staff: Richard Thompson, Director of Community Development
- 12 Rosemary Lackow, Senior Planner
- 13 Sarah Boesch, Recording Secretary
- 14

15 **APPROVAL OF MINUTES** October 26, 2005

16  
17 A motion was MADE and SECONDED (Simon/Bohner) to **APPROVE** the minutes of October  
18 26, 2005.

- 19
- 20 AYES: Bohner, Lesser, Schlager, Simon, Chairperson Savikas
- 21 NOES: None
- 22 ABSENT: None
- 23 ABSTAIN: None
- 24

25 **AUDIENCE PARTICIPATION** None

26  
27 **BUSINESS ITEMS**

28  
29 **PUBLIC HEARINGS**

30  
31 **05/1012.2-1 CODE AMENDMENT to Title 10 of the Municipal Code and Title A of the**  
32 **Local Coastal Program for the Purpose of Establishing a Maximum Lot Size**  
33 **for Residential Properties**

34  
35 Director Thompson commented that since the last hearing, staff has made their best effort in  
36 providing outreach and notification to property owners with lots that they may wish to merge in  
37 the future and contacting architects and contractors who may have an interest in the issue. He  
38 commented that a copy of the notice is included in the staff report.

39  
40 Senior Planner Lackow summarized the staff report. She stated that this work plan item for  
41 establishing a maximum lot size is one of three to come before the Commission to address

1 mansionization. She indicated that consideration of lot merger building standards and  
 2 development incentives in exchange for development benefits are the other two work plan items  
 3 and they also will come before the Commission in the future. She stated that notice was  
 4 provided to 43 property owners who were identified who owned more than two contiguous lots,  
 5 and notice was also sent to approximately 25 architects who work within the City. She  
 6 commented that staff received no comments from property owners and received one comment  
 7 from an architect. She commented that the purpose of the proposed Ordinance is to limit the  
 8 amount of land that can be merged to form a larger parcel with the goal to preserve and maintain  
 9 the existing lot patterns and character of neighborhoods. She stated that there is a provision that  
 10 will "grandfather" any existing legal oversized lots and there is also an exemption for multi-  
 11 family development in Area Districts I and II in order to encourage multi-family development.

12  
 13 Senior Planner Lackow commented that minor changes have been made to the Resolution, and  
 14 the updated language has been provided to the Commissioners. She pointed out that the first  
 15 sentence of the Ordinance has been changed to read: "No lot site in any residential zoning district  
 16 or commercial district where residential development is permitted shall exceed more than twice  
 17 the square footage of the minimum lot are for that zoning district." She indicated that the word  
 18 "lot" was changed to "site" because staff felt the definition of "site" in the Zoning Code is  
 19 broader and more reflective of lots being assembled together, and therefore more appropriate.

20  
 21 Senior Planner Lackow stated that the word "site" will be changed to "lot" on the charts titled  
 22 "Property Development Standards for Area Districts I and II" and "Property Development  
 23 Standards for Area Districts III and IV" on page 3 of the Resolution.

24  
 25 Commissioner Bohner commented that he feels it is appropriate to clarify the Ordinance by  
 26 changing "lot" to "site" to make the Ordinance consistent with the Code.

27  
 28 In response to a question from Commissioner Lesser, Senior Planner Lackow indicated that staff  
 29 decided to exempt lots within Area Districts I and II for multi-family development because they  
 30 are typically larger than lots in Area Districts III and IV and tend to be more appropriate for multi  
 31 unit development.

32  
 33 Commissioner Lesser thanked staff for re-noticing the hearing and that this will allow for  
 34 additional input to identify any possibly adverse impacts.

35  
 36 Chairperson Savikas opened the public hearing.

37  
 38 **Louis Tomaro**, a resident of the 200 block of Anderson Street, asked if there might be an  
 39 impact resulting from the proposed Ordinance perhaps in situations where a corner lot is merged  
 40 with another lot resulting in the creation of a different front yard. He asked whether changing the  
 41 "front yard" location would still be an option with the proposed Ordinance. He also asked  
 42 regarding possible constraints that would be placed on the location of structures once lots are  
 43 merged.

44



1 Senior Planner Lackow stated that the Ordinance does not address issues of development  
2 standards for buildings on merged lots but simply establishes a maximum size permitted for  
3 merged lot sites. She indicated that the proposed Ordinance does not affect setback  
4 requirements.

5  
6 Director Thompson stated that the proposed Ordinance would not affect the amount of  
7 construction that may occur on a merged lot. He stated, however, that there is some interest by  
8 the City Council to consider placing further limitations on the amount of allowable buildable  
9 floor area (BFA), and the issue will be coming before the Commission in the near future.

10  
11 Chairperson Savikas closed the public hearing.

12  
13 Commissioner Bohner indicated that the Resolution is in keeping with the desire to maintain the  
14 neighborhood character of the City, and it is reasonable to limit lot mergers to two minimum  
15 sized lots as proposed. He commented that the exemptions for existing legal oversized lots and  
16 for multi family units in Area Districts I and II are reasonable. He said that the proposal has been  
17 renoticed, and there has been an opportunity for property owners to provide input. He indicated  
18 that he supports the modifications to the language of the Ordinance proposed by staff because  
19 they make it simpler and more precise. He indicated that he supports the Resolution.

20  
21 Commissioner Lesser thanked staff for re-noticing the hearing to ensure that property owners  
22 who might be impacted by the Ordinance had an opportunity to bring any possible issues to the  
23 attention of the Commissioners and staff. He said that he has not heard specific objections to  
24 limiting the maximum site size. He commented that lot mergers can produce more open space,  
25 and property owners should have the opportunity to assemble lots. He said that with the growing  
26 number of demolition permits being requested in the City, the Ordinance is appropriate in order  
27 to mitigate the possibility of a property owner buying a number of contiguous lots and building a  
28 very large home.

29  
30 Commissioner Simon pointed out that the Ordinance is reinforcing the existing regulations for  
31 standard sized lots. He indicated that it would not restrict the ability to build on third lots  
32 provided that a structure is not built over the property line. He said that he feels comfortable  
33 with the staff's suggestion to change the word "lot" to "site"; however, he would have liked to  
34 have more opportunity to consider the reasoning behind the change. He commented that he is  
35 pleased with the language in Section 1, Item D which clarifies the meaning of the term  
36 "mansionization." He suggested, however, changing the wording to read: "This action is in  
37 recognition that mansionization is occurring in the City, whereby extremely large homes are  
38 replacing small homes on standard sized and consolidated lots." He indicated that the concern is  
39 building large homes on standard sized lots and not only consolidated standard sized lots. He  
40 also commented that the term "extremely large homes" in the wording is very subjective.

41  
42 Commissioner Bohner suggested removing the word "extremely" to read: "whereby large homes  
43 are replacing small homes . . ." He indicated that the intent is not to target a particular size of  
44 home but rather to recognize that the trend is that the size of homes in general is becoming larger.

1 He said that the purpose is to set in place the context the reason for the Ordinance.

2  
3 Chairperson Savikas suggested changing the wording to read: "whereby large homes are  
4 replacing historically smaller homes . . ."

5  
6 Commissioner Lesser asked regarding whether reference should be made in the wording  
7 regarding the trend of building homes to the maximum allowable buildable floor area (BFA).

8  
9 Senior Planner Lackow commented that the City Attorney in drafting the language of the  
10 Ordinance was referring solely to the concept of consolidating lots. She said that staff would  
11 support Commissioner Simon's proposed language to read: " . . . on standard sized and  
12 consolidated lots." She said that staff would also support removing the word "extremely" before  
13 "large homes" and replacing "small homes" with "historically smaller homes."

14  
15 Commissioner Bohner commented that referring to mansionization in the Ordinance should  
16 provide a context and should not become burdened with too many definitions.

17  
18 Commissioner Schlager commended the staff for sending out additional notice regarding  
19 consideration of the new Ordinance. He commented that he is extremely surprised that there  
20 was no response from the public. He indicated that he supports the new language as proposed by  
21 staff. He commented that the Ordinance is very clear regarding the goal of preventing the  
22 maximum allowable amount of BFA to be built on more than two contiguous lots.

23  
24 Chairperson Savikas commented that she did not feel that the proposed Ordinance was necessary  
25 to enact because of the history of very few lot mergers in the City. She commented, however,  
26 that she feels it is good to have such a regulation enacted to mitigate concerns regarding future  
27 development of merged lots. She commented that the Ordinance also helps to define the term of  
28 "mansionization." She indicated that she is comfortable that the Ordinance would not infringe  
29 on property rights, as there have historically not been requests in the City to merge more than two  
30 lots.

31  
32 Commissioner Lesser referenced the definition of "mansionization" used in the October 12<sup>th</sup>  
33 Staff report which states: "The term mansionization is a trend facing many cities nationwide  
34 whereby small or average sized homes are being demolished at high rates and replace by large  
35 homes sometimes on sites formed by combining lots."

36  
37 Commissioner Bohner said that he feels the language of the Ordinance should not give a precise  
38 definition of mansionization but rather provide a context for its purpose. He said that he would  
39 not belabor the definition of mansionization in the Resolution by trying to make it more detailed  
40 or complicated. He suggested that changes to the language be made simple.

41  
42 A motion was MADE and SECONDED (Simon/Lesser) to **APPROVE** the Proposed Ordinance  
43 with changes to the wording of Section 1 item D to read: This action is in recognition that  
44 *mansionization* is occurring in the City, whereby extremely large homes are replacing historically

1 smaller homes, on standard sized and consolidated existing lots,” and changing the word “site” to  
2 “lot” on the first column of the two charts on page 3 of the Resolution.

- 3
- 4 AYES: Bohner, Lesser, Schlager, Simon, Chairperson Savikas
- 5 NOES: None
- 6 ABSENT: None
- 7 ABSTAIN: None

8  
9 Director Thompson stated that the item is tentatively scheduled to be placed on the City  
10 Council’s agenda as a public hearing for their meeting of December 6, 2005.

11 **DIRECTOR’S ITEMS**

12  
13 Director Thompson announced that the dedication ceremony for the Metlox development will  
14 take place on December 1, 2005 at 4:00 p.m.

15  
16 **PLANNING COMMISSION ITEMS**

17  
18 Commissioner Simon commented that he is pleased with the discussion and input regarding the  
19 definition of mansionization in the previous discussion because it is helpful to the overall  
20 challenge in the City.  
21

22  
23 **TENTATIVE AGENDA: December 14, 2005**

- 24 A. City Council Work Plan Item: Zoning Code Amendment to the Tree Preservation  
25 Regulations (Continued from 10/26/05)
- 26
- 27 B. Use Permit for a Three Unit Condominium located at 1114 2<sup>nd</sup> Street (Sweeney)
- 28
- 29 C. Amendment to Planned Development Permit located at 3601 Aviation Boulevard
- 30

31  
32 **ADJOURNMENT**

33  
34 The meeting of the Planning Commission was **ADJOURNED** at 7:30 p.m. in the City Council  
35 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, December 14, 2005, at 6:30 p.m. in  
36 the same chambers.


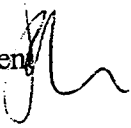
37  
38  
39 \_\_\_\_\_  
40 RICHARD THOMPSON  
41 Secretary to the Planning Commission

\_\_\_\_\_  
SARAH BOESCHEN  
Recording Secretary

15

**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Richard Thompson, Director of Community Development  
Rosemary Lackow, Senior Planner  

**DATE:** October 12, 2005

**SUBJECT:** Proposed Zoning Code Amendments Revising Title 10 of the Municipal Code (The Zoning Ordinance) and Title A of the Local Coastal Program (LCP) for the Purpose of Establishing a Maximum Lot Size for Residential Properties

### **RECOMMENDATION**

Staff recommends that the Commission **CONDUCT** the **PUBLIC HEARING** and **ADOPT** the attached Resolution (Exhibit A) recommending that a maximum lot size be established for residential properties.

### **BACKGROUND**

On June 24, 2005 the City Council held their annual Work Plan Meeting and developed the 2005-2007 Work Plan. The Work Plan included an item intended to address mansionization. A joint meeting was held on July 26, at which the City Council, Planning Commission and Staff discussed mansionization. To address mansionization issues the Council directed Staff to: 1) review the possibility of establishing a maximum lot size in the Zoning Ordinance, 2) review a past Work Plan item regarding lot merger regulations and 3) consider development incentives in exchange for development benefits. This report addresses the first component of this Work Plan item.

### **DISCUSSION**

#### *Mansionization/zoning controls*

The term "mansionization" is a trend facing many cities nationwide whereby small or average sized homes are being demolished at high rates and replaced by large homes, sometimes on sites formed by combining lots. In 2004 in Manhattan Beach permits were issued to demolish 136 homes, compared to 77 in 1996, signaling a rapid rate by which this change is occurring. In fact since 1996 well over 130 home demolition permits have been issued each year and this number does not appear to be diminishing. The main concern in Manhattan Beach is that, accompanying this change is a significant loss or erosion of neighborhood character. Neighborhood character is affected when development interrupts an existing pattern or physical conditions. Contributing factors include: noticeable differences in scale or size of buildings, when the "bulk" or mass of a building is not relieved by architectural design elements (e.g. articulation of the façade, or

layout of the building on the lot) and changes in lot patterns. Another factor may be the loss of mature vegetation and trees. Overall the loss of neighborhood character and development changes may cause many impacts. There often is a sense of discomfort from “crowding” or higher “density” or a loss of open space and related issues such as decrease in sunlight due to shadowing by buildings, and privacy due to closeness and height of structures.

Over the last few years the City Council has adopted three ordinances to address either building “bulk” or mansionization. Ordinance 2032 and 2061, adopted in 2002 and 2004 and applicable in the inland Area Districts, are intended to reduce the mass/bulk of single family residences at the second story from the street (front) perspective. Ordinance 2050, adopted in February, 2005<sup>1</sup> is intended to encourage older homes throughout the City to be retained and upgraded at a moderate but functional size (maximum 2000 square feet). In addition, the City Council is currently considering revisions to the City’s Tree Ordinance to further protect and encourage retention of mature front yard trees.

Since 2004 Staff has made a number of presentations to the Planning Commission regarding the second component of the Work Plan item, related to lot mergers. The past focus has been on using lot merger regulations to control the building rather than the land. The efforts have been to address the appearance of buildings – how well the building mass is articulated or how a building is placed on the lot. (For example increasing side setbacks on combined lots to compensate for open space that otherwise would be provided between buildings on single lots.) This has been the focus because the lot merger study so far has shown that, when lots are merged for a new home, more often the overall amount of open space increases and building square footage decreases compared to what is typically constructed on individual lots. Further study related to lot mergers will begin later this year.

Contiguous lots are required to be “merged” when a building straddles a property line; such lots legally become one larger parcel. The “assembling” of lots occurs when an owner acquires one or more contiguous lots or portions of lots.

In many cases such assembled lots are improved or used such that no construction extends over any lot line. One lot may be developed with a main residence and additional lots may be used as a yard or for moderately sized accessory structures. Such situations may be difficult to identify since the lots retain their original configuration, and therefore it is hard to say how many of these types of developments exist. Staff believes, however, that this particular trend is occurring more often in Area District I, especially in the “Hill Section” but the trend is also occurring in the “Tree Section” in Area District II and near the beach in Area District III. The proposed ordinance is not intended to address these situations.

The main concern would be those cases where lots are legally merged for large buildings where construction would extend over a lot line and the more lots that are combined, the bigger the building that may result. The purpose of this report is to address the Work

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<sup>1</sup> Not yet effective in coastal zone

Plan, where the focus is on the land and controlling mansionization by setting a maximum lot size for newly created lots.

*Existing Lot Area Standards*

Section 10.12.030 of the Municipal Code and Section A.12.030 of the Local Coastal Program contain standards for minimum lot area expressed in square feet for each district. Area District I encompasses the Hill Section and the Eastside, south of Manhattan Beach Boulevard. Area District II is the Tree Section, Manhattan Village, and the Eastside, north of Manhattan Beach Boulevard. Area District III is the Beach Area, including Downtown, and neighborhoods such as Grandview and the top of the Dune, Highland North End and a portion of the Tree Section. Area District IV is El Porto.

Table 1 below summarizes the current minimum lot area standard for residential properties by Area District. The requirement is the same in both the Municipal Code and Local Coastal Program.

**Table 1: Minimum Lot Area**

Area District	I (Inland – north)	II (Inland – south)	III and IV Beach Areas
Minimum Lot Area	7,500 square feet	4,600 square feet	2,700 square feet

The potential size of a home, expressed as “buildable floor area” (BFA) generally increases as lot size increases. Table 2 below is intended to show the maximum BFA that is allowed when lots are combined, compared to a single lot, for the predominant zoning districts in each area. These are the RS zones in Districts I and II, the RM zone in District III and RH zone in District IV. The amounts shown do not take into account application of other development standards such as open space in the beach area, or second story setback in the inland areas.

**Table 2: Allowed Building Size Per Lot Area**

Area District	Inland Area		Beach Area	
	I	II	III	IV
Allowed Buildable Area (1 lot)	5,115 sf <sup>2</sup>	3,220 sf <sup>3</sup>	4,320 sf <sup>4</sup>	4,590 sf <sup>5</sup>
Allowed Buildable Area (2 lots)	9,990 sf	6,200 sf	8,640 sf	9,180 sf
Allowed Buildable Area (3 lots)	14,865 sf	9,210 sf	12,960 sf	13,770 sf

As shown in Table 2, the largest homes can be built in the Hill Section or Eastside south of Manhattan Beach Boulevard (Area District I) where the largest lots are located. In the

<sup>2</sup> BFA formula: .65 x lot area + 240 sf. Applies to AD I & II, lots >4,800 sf,

<sup>3</sup> BFA formula: .7 x lot area. Applies to AD I & II, lots ≤4,800 sf

<sup>4</sup> BFA formula: 1.6 x lot area. Applies to AD III

<sup>5</sup> BFA formula: 1.7 x lot area, Applies to AD IV

beach area, because lots are small, and because of other requirements such as open space, often the maximum allowed building area cannot be realized. But the bigger the site area, achieved through consolidating lots, and without any other zoning controls, the maximum building areas might be attainable. In the inland areas, in both Area Districts I and II it is possible to achieve the maximum allowed area, however, the smaller the lot is, or depending on how large a yard is created, the more probable it is that some building area will be placed underground.

In 2002, in the first "bulk/volume" ordinance, the Council relaxed basement regulations. Prior, any basement area that was designed to be habitable would have counted in the total BFA that is allowed. Currently all habitable area that is placed entirely subterranean is exempted from being counted toward the allowed BFA. As a result basements have become much more common, however basements have issues that should be considered, such as the much higher cost, need to provide adequate light and ventilation and waterproofing. Therefore if one wants to avoid a basement, but desires a larger home than allowed on a single lot, one must consider acquiring more land.

The attached maps of all Area Districts, utilizing August 2004 data show individual parcels and highlight any that exceed the proposed maximum lot area. These parcels and any others that have subsequently been legally merged and exceed the proposed maximum lot area will be exempted from the new standard. The map also documents the percentage of parcels in the City that would be exempted, and in each District this amount is less than 2% of all parcels and probably less than 1% when eliminating schools, churches and other large institutional sites.

*Proposed Code*

The attached Resolution contains the language that would be inserted into the Municipal Code Zoning Ordinance and Local Coastal Program zoning code to implement the new maximum lot size policy. Section 10.12.030 would be amended in the property development matrix, listing the specific maximum lot area for each area and a new Section 10.12.052 (Municipal Code) and Section A.12.040 (Coastal Zoning) are almost identical and will read as follows:

**"10.12.052. Maximum lot area for all residential districts**

No lot in any residential zoning district in the City including commercial districts where residential development may occur shall exceed more than twice the square footage of the minimum lot area for that zoning district. Provided, however that any lot in excess of that limit which has been legally created prior to October 1, 2005 shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date. In addition properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall also be exempt from this requirement."

The new standard will apply to all zones that permit residential development in Area Districts III (RS, RM, RH) and IV (El Porto, RH only). In Area Districts I and II where the multi-family lots and right-of-ways are larger and where the majority of multi-family housing is being developed (typically condominiums), properties that are developed with at least three dwelling units would be exempted. This exemption is being provided because often multi-family projects need to merge lots to have adequate land to provide all desired amenities and to provide for all code required elements such as open space, parking spaces, unit storage, driveway access, and enlarged side yards. Additional land area is also necessary to enhance design flexibility so that the building, comprised of individual units is attractive. The minimum threshold of three units is suggested to preclude a developer from assembling several lots in Area Districts I and II, and then minimally developing one or two very small units, which when attached to a very large home, would be exempted from the maximum lot area standard if this threshold is not included.

*General Plan and Local Coastal Program (LCP) Consistency*

Pursuant to Section 10.96.050 of the Municipal Code, the Planning Commission has the duty to conduct a public hearing on these code amendments. Subject to testimony received, the Commission must make findings as to whether the proposal is consistent with the General Plan and objectives of the Zoning Ordinance, and make a recommendation to the City Council. The Commission must also make findings regarding consistency with coastal policies. Subsequent to the Planning Commission's action, the amendment and record of the Commission hearing will be forwarded to the City Council which will conduct another public hearing, in the form of two proposed Ordinances, one to amend the Municipal Code, and the other to amend the Local Coastal Program.

Upon adoption, the new standard will become effective in 30 days in Area Districts I and II. The Local Coastal Program amendment will be forwarded to the Coastal Commission for certification. Until the amendment is certified, Staff will enforce the standard in the coastal zone, however, because, when such a conflict exists, the most restrictive standard applies.

The proposed amendments will be consistent with and facilitate the following General Plan goals and policies:

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 lot size 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 lot size, housing size will be restricted and open space will be maintained as traditional building setback patterns will be adhered to.



Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two continuous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

**ENVIRONMENTAL DETERMINATION**

The proposed amendments are a statutory exemption from CEQA pursuant to Guidelines, Section 15061 (b) (3) in that the changes consist of a clarification and minor modification of lighting regulations and with implementation, it can be seen with certainty that no significant adverse environmental impacts would result.

**PUBLIC NOTICE**

A large display notice of this hearing was published in the September 29, 2005 edition of the Beach Reporter. Staff has received no written or other communications.

**CONCLUSION**

Mansionization has been a concern of the City in that small homes are being demolished at a high rate and are being replaced with much larger homes, in some cases on sites formed by combining lots and building over the original lot lines. If three or more lots are combined to create a single large lot amidst smaller building sites, the pattern of development is interrupted and character of such a neighborhood is in jeopardy. The City Council in its current Work Plan is committed to addressing impacts from mansionization, and this proposed zoning and coastal amendment, is one component of that commitment. The establishment of a maximum lot size is appropriate for all Area Districts and zones. The multi-family zones in Area Districts I and II however should be exempted for multi-family development for properties with at least three units.

The proposed amendments are consistent with the Manhattan Beach General Plan and Local Coastal Program, and in conjunction with other measures, will serve to protect the existing residential neighborhoods.

**Attachments:**

- A. Draft Resolution PC 05 -
- B. Minutes: July, 2005 Joint Commission/Council Meeting
- C. Area District Maps

RESOLUTION NO. PC 05-XX  
(DRAFT)

15

RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MANHATTAN BEACH  
RECOMMENDING TO ADD SECTION 10.12.052 AND  
AMEND SECTION 10.12.030 OF CHAPTER 10.12 OF  
TITLE 10 OF THE MANHATTAN BEACH  
MUNICIPAL CODE (THE ZONING ORDINANCE)  
AND TO ADD SECTION A.12.040 AND AMEND  
SECTION A.12.030 OF THE MANHATTAN BEACH  
LOCAL COASTAL PROGRAM IMPLEMENTATION  
PROGRAM ESTABLISHING A MAXIMUM LOT  
SIZE FOR ALL RESIDENTIAL ZONES

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. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12, 2005 regarding the proposed Code Amendments which relate to establishing a maximum lot size for residential properties in Area Districts I, II, III and IV, and public testimony was invited and received.
- B. Public notice included a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- C. The applicant for the subject project is the City of Manhattan Beach.
- D. The purpose of the proposed Amendments is to limit residential building sites to a maximum size, with exception of properties located in Area Districts I and II developed for high density housing. This action is in recognition that *mansionization* is occurring in the City, whereby extremely large homes are replacing small homes, on consolidated standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- E. 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,

EXHIBIT  
A

- F. 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.
- G. 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.
- H. The proposed amendment to the Title 10 of the Municipal Code (Zoning 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-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 lot size 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 lot size, housing size will be restricted and open space will be maintained as traditional building setback patterns will be adhered to.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two continuous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

- I. 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 approves adding a new section 10.12.052 to the Manhattan Beach Municipal Code to read as follows:

**“10.12.052. Maximum lot area for all residential districts**

No lot in any residential zoning district in the City including commercial districts where residential development may occur shall exceed more than twice the square footage of the minimum lot area for that zoning district. Provided, however that any lot in excess of that limit which has been legally created prior to October 1, 2005 shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date. In addition properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall also be exempt from this requirement.”

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby approves inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RS, RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read as follows:

**“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</u>	<u>Area District II RM</u>	<u>Area District II RH</u>	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft)	15,000	15,000	15,000	9,200	9,200	9,200	(U)

**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>
Maximum Lot Area (sq. ft.)	2,700 5,400	2,700 5,400	2,700 5,400	2,700 5,400	(U)

(U) See 10.12.52 Maximum lot area for all residential districts.”

**SECTION 4.** The City Council of the City of Manhattan Beach hereby approves adding a new section A.12.040 to the Manhattan Beach Local Coastal Program Implementation Program to read as follows:

**“A.12.040 Maximum lot area for all residential districts**

No lot in any residential zoning district in the City including commercial districts where residential development may occur shall exceed more than twice the square footage of the minimum lot area for that zoning district. Provided, however that any lot in excess of that limit which has been legally created prior to October 1, 2005 shall be exempt from this limitation but may not be increased in size beyond the boundaries in place on that date.”

**SECTION 5.** The Planning Commission of the City of Manhattan Beach hereby approves inserting (after Minimum Lot Dimensions) a new regulation entitled Maximum Lot Area with related maximum lot size square footage and Additional Regulation (T), in the tables and list of Additional Development Regulations in Section A.12.030 entitled Property development regulations: RM and RH districts of the Manhattan Beach Local Coastal Program Implementation Program to read 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	<b>Additional Regulations</b>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(T)

(T) See A.12.040 Maximum lot area for all residential districts.”

**SECTION 6.** 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 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 7.** 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 8.** 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 October 12, 2005 and that said Resolution was adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

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**RICHARD THOMPSON**  
Secretary to the Planning Commission

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**SARAH BOESCHEN**  
Recording Secretary

15

CITY COUNCIL  
AND THE  
PLANNING COMMISSION  
JULY 26, 2005

The Adjourned Regular Joint Meeting of the City Council and the Planning Commission of the City of Manhattan Beach, California, was held on the 26<sup>th</sup> day of July, 2005 at the hour of 6:40 p.m., at the Creative Arts Center, at 1560 Manhattan Beach Boulevard, in said City.

**ROLL CALL**

Present: City Council: Tell, Aldinger, Montgomery, Ward and Mayor Fahey.  
Planning Commissioners: Simon, Schlager, Bohner, Lesser and Chairperson Savikas.  
Staff: City Manager Dolan, Community Development Director Thompson, Senior Planner Jester, Senior Planner Lackow and Associate Planner Moreno.

Absent: None.

Clerk: Dolan (Acting).

**AUDIENCE PARTICIPATION**

**Laura Cohen, No Address Provided**, indicated that she is interested in the proposed Lot Merger Ordinance and expressed concerns about the standards, particularly the increased setbacks, that were proposed but not approved last year for oversized lots.

**SCHEDULED**

05/0726.1 Discussion Regarding Lot Mergers, Establishing Maximum Lot Size and Developer Incentives to Reduce Mansionization

The City Council, Planning Commission and Staff discussed the issues as outlined in the staff report which will be studied by staff in the following order and presented to the Planning Commission for recommendations to the City Council:

- 1. **Maximum Lot Size**  
Staff will propose maximum lot sizes for various residential zones.
- 2. **Standards for Merging Lots**  
Staff will propose standards for merging residential lots, including looking at reduced Buildable Floor Area.
- 3. **Possible Development Incentives to Reduce Mansionization**  
Staff will propose various possible incentives as a way to address mansionization.

These items will be studied after the *Tree Ordinance Revisions* Work Plan item.

**EXHIBIT**  
B

# Area District I

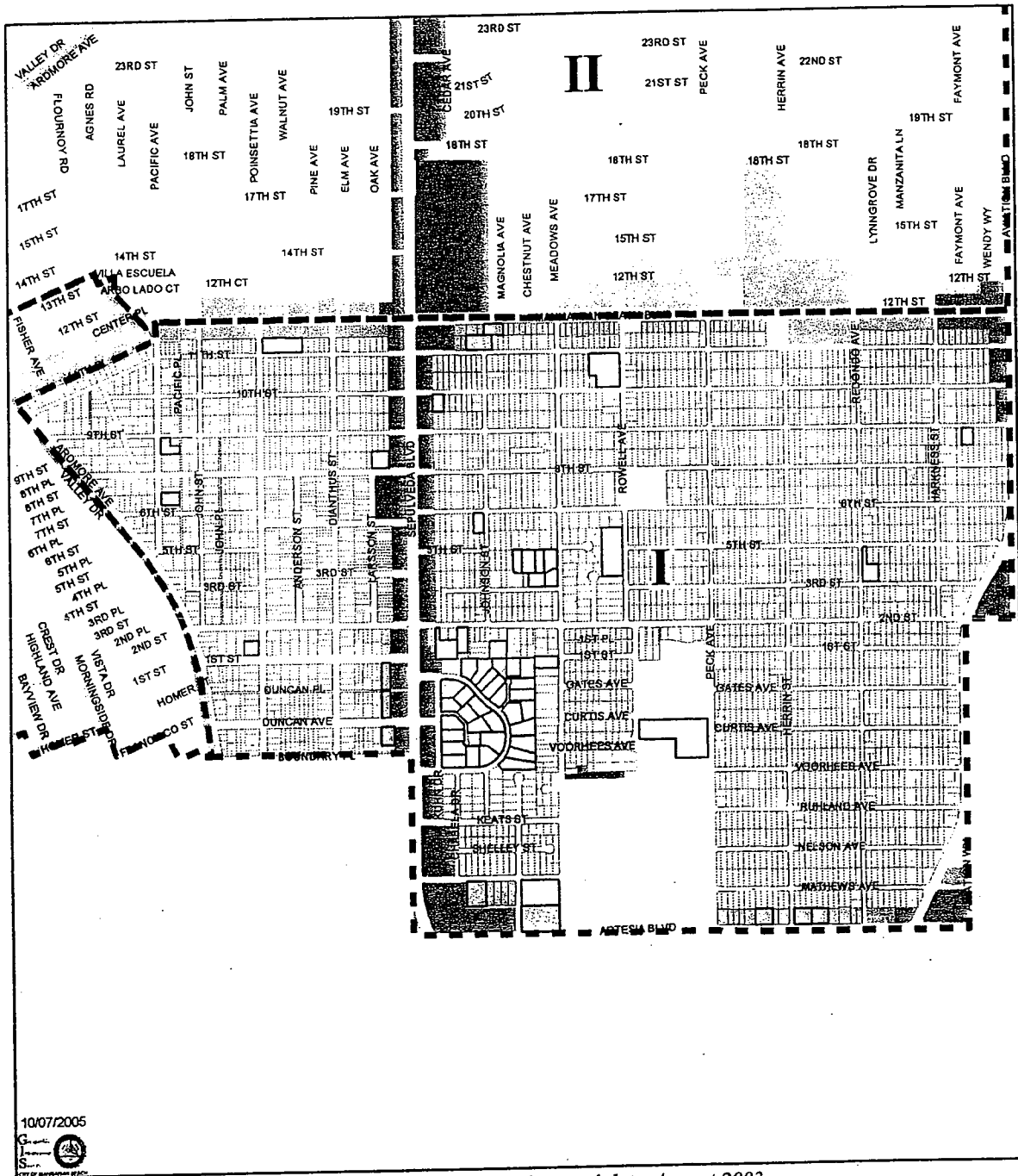
zoned RS, RM, RH = 3,240

lot size > 15,000 sf = 62 □

1.91% of ADI residential lots are > 15,000 sf



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



10/07/2005



Source: LA County Assessor's parcel data, August 2003



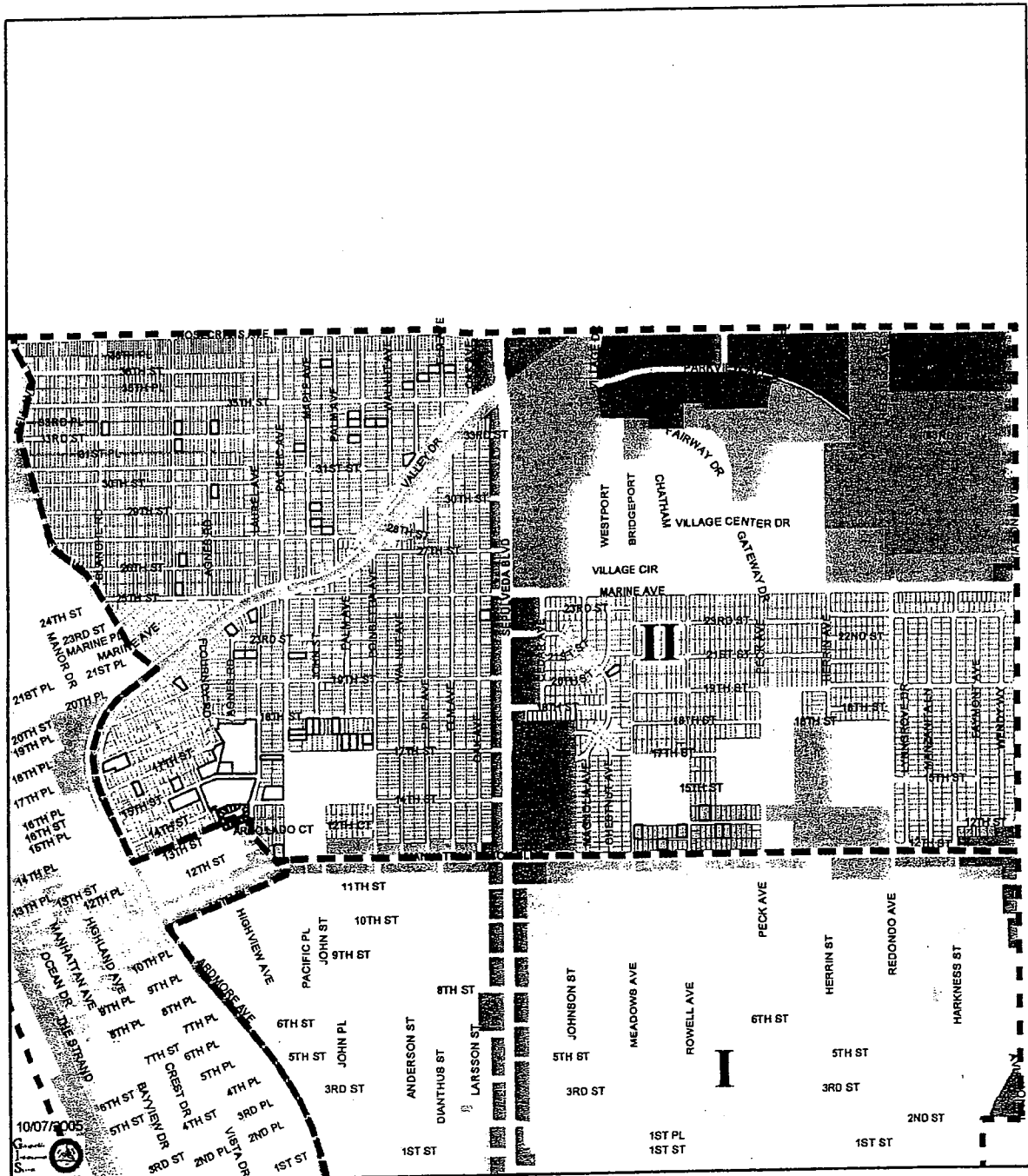
# Area District II

zoned RS, RM, RH = 4,293  
lot size > 9,200 sf = 56 □

1.30% of ADII residential lots are > 9,200 sf



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



Source: LA County Assessor's parcel data, August 2003

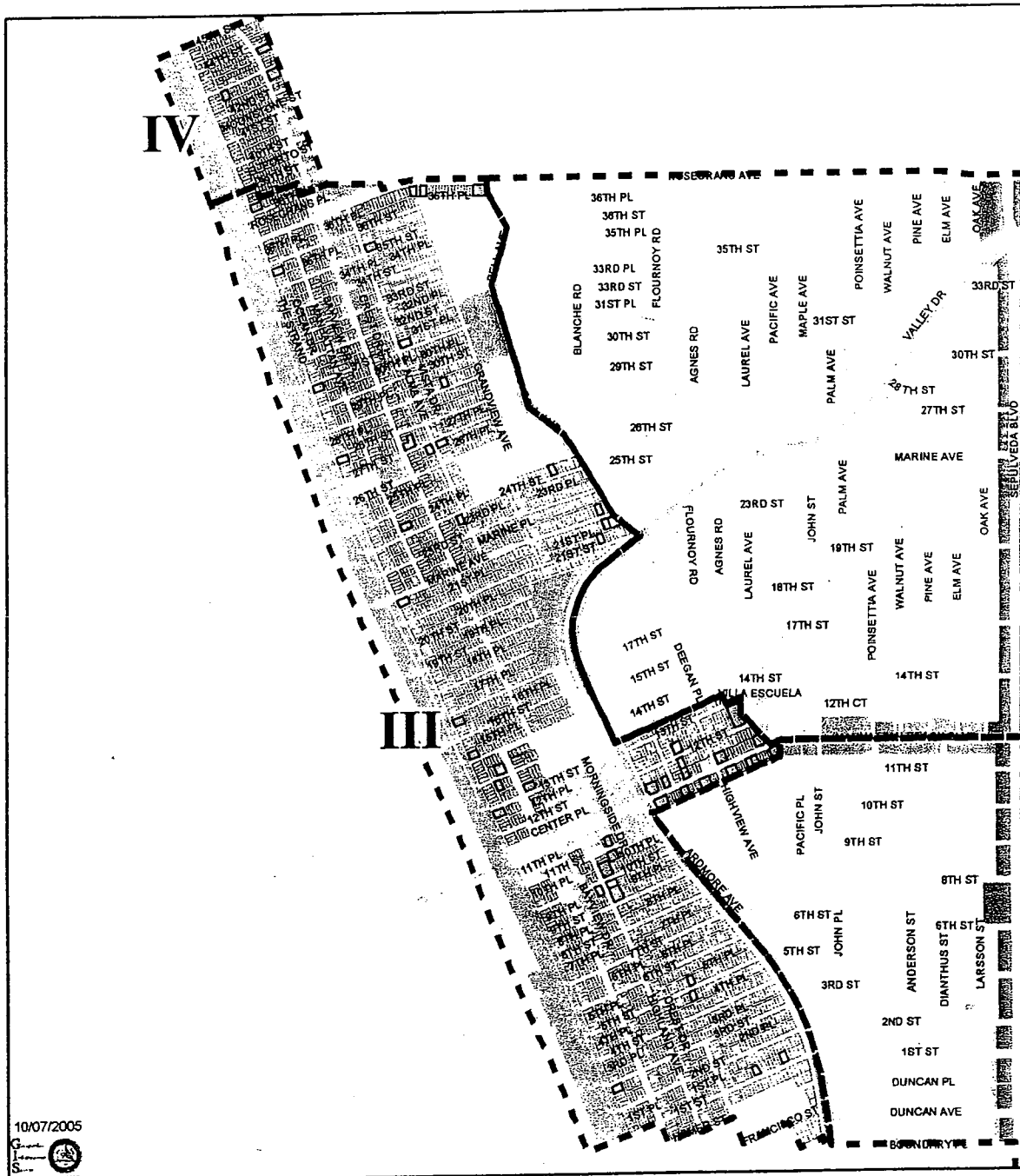
# Area District III-IV

zoned RS, RM, RH = 3,654  
lot size > 5,400 sf = 56 □

1.53% of ADIII-IV residential lots are > 5,400 sf



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



Source: LA County Assessor's parcel data, August 2003

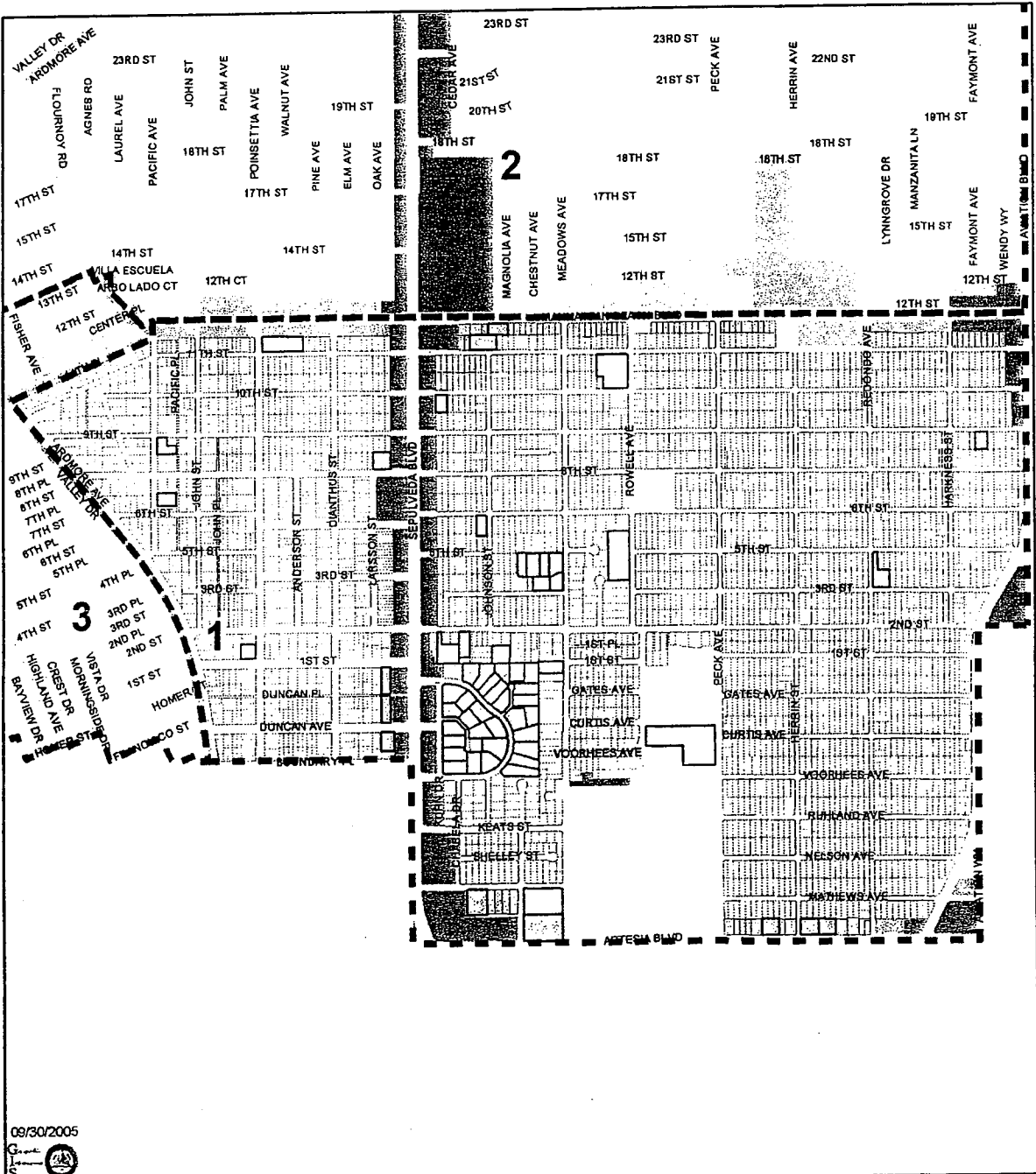
# Area District I

zoned RS, RM, RH = 3,240  
lot size > 15,000 sf = 62

1.91% of ADI residential lots are > 15,000 sf



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



09/30/2005

Source: LA County Assessor's parcel data, August 2003

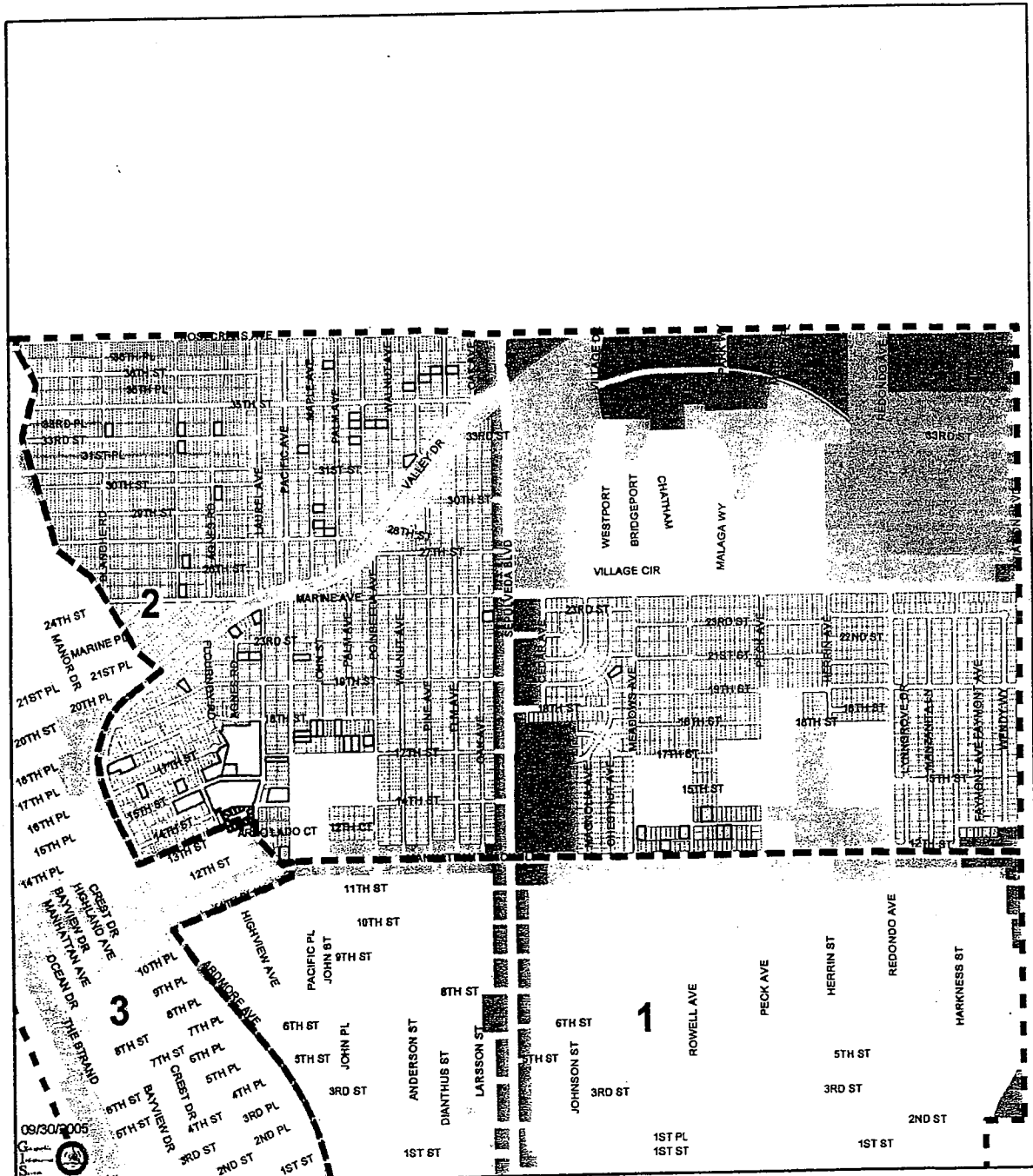
# Area District II

zoned RS, RM, RH = 4,293  
lot size > 9,200 sf = 56

1.30% of ADII residential lots are > 9,200 sf



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



Source: LA County Assessor's parcel data, August 2003

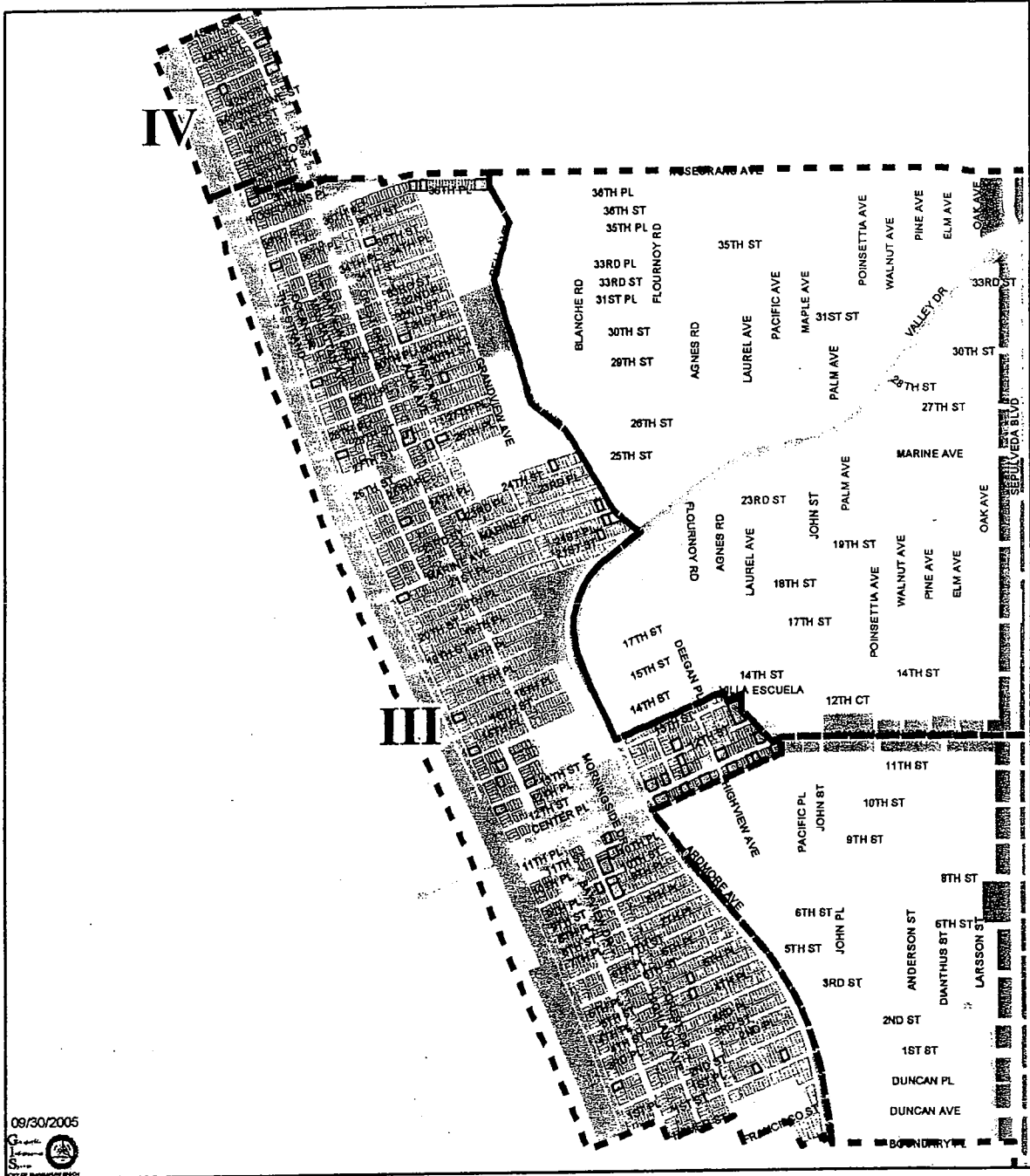
# Area District III-IV

zoned RS, RM, RH = 3,654  
lot size > 5,400 sf = 56

1.53% of ADIII-IV residential lots are > 5,400 sf



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



Source: LA County Assessor's parcel data, August 2003

CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT

**TO:** Planning Commission  
**FROM:** Richard Thompson, Director of Community Development  
Rosemary Lackow, Senior Planner *RT*  
**DATE:** November 9, 2005  
**SUBJECT:** Proposed Zoning Code Amendments Revising Title 10 of the Municipal Code (The Zoning Ordinance) and Title A of the Local Coastal Program (LCP) for the Purpose of Establishing a Maximum Lot Size for Residential Properties

**RECOMMENDATION**

Staff recommends that the Commission **CONDUCT** the **PUBLIC HEARING** and **ADOPT** the attached Resolution (Exhibit A) recommending that a maximum lot size be established for residential properties.

**BACKGROUND**

On June 24, 2005 the City Council held their annual Work Plan Meeting and developed the 2005-2007 Work Plan. The Work Plan included an item regarding mansionization. Mansionization has been a concern in that small homes are being demolished at a high rate and are being replaced with much larger homes, in some cases on sites formed by combining lots and building over the original lot lines.

A joint meeting was subsequently held on July 26, at which the City Council, Planning Commission and Staff discussed this issue. There was a consensus that steps should be taken to address mansionization in Manhattan Beach. The City Council directed Staff to: 1) review the possibility of establishing a maximum lot size in the Zoning Ordinance, 2) review a past Work Plan item regarding zoning regulations on merged lots and 3) consider establishing development incentives in exchange for development benefits.

On October 12, 2005 the Planning Commission conducted a public hearing on the first component of this Work Plan item, relating to establishing a new maximum lot size standard. At that meeting, the Planning Commission discussed the proposed ordinance but received no public testimony (see minutes, Exhibit B). The Commission continued the public hearing to this date to allow more opportunity for public input.

**DISCUSSION**

*Proposed Ordinance*

The intent of the proposed ordinance is generally to limit the amount of land or lots that could be merged to form a larger parcel, thereby preserving the existing lot and development pattern in a neighborhood. This could also indirectly limit the size of structures being built on single lots. Specifically, the proposal is to establish a maximum size for a building site or parcel of land (if being enlarged in the future) to an amount equivalent to twice the prescribed minimum lot size currently in the zoning regulations. The minimum lot size varies depending on the applicable zoning designation and area of the City.

For example, in Area District III in the beach area, a lot must have a minimum of 2,700 square feet of land but if this ordinance is adopted, the total size of a single lot or building site could not exceed 5,400 square feet of land (2 times 2,700 square feet). The proposed ordinance would not limit the number of contiguous lots that can be owned by someone, but it would limit the amount of land area that can be merged for development. Staff has prepared a graphic (Exhibit C) to illustrate in two scenarios, how the proposed ordinance would theoretically apply to a typical site in the beach area comprised of three contiguous lots.

*Exemptions*

The new standard is proposed to apply to all zones that permit residential development in Area Districts III (RS, RM, RH) and IV (El Porto, RH only). Two exemptions are included, however, that would waive the standard for the following: 1) Any lot in excess of the maximum lot size limit which has been legally created prior to October 1, 2005, but would not be allowed to be increased in lot area beyond the parcel boundaries in place on that date, and 2) Any property that is zoned RM, RH and CL in Area Districts I and II that is developed with three or more dwelling units.

The purpose of the first exemption is so that existing building sites already comprised of merged lots that exceed the new building site limit will not be rendered "nonconforming" by this ordinance. The purpose of the second exemption is to encourage multi-family housing in the districts where permitted.

*Public notice*

The Planning Commission directed that Staff notify property owners of more than two contiguous lots, so that the owners could learn about this proposal and have an opportunity to express their opinion to the Planning Commission in the public hearing. The attached notice was therefore sent to approximately 40 owners who were identified as owning multiple contiguous lots (Exhibit D). Staff has not been able to examine each site with respect to the applicability of the ordinance but has encouraged each owner to contact the City for further information and to participate in the public hearing. Staff also sent the same notice to several architects or designers. No further input has been received at the writing of this report.

*Background reference materials*

Besides the draft Resolution, which contains the proposed code text changes, other background materials are available for reference. The October 12, 2005 Staff Report to the Commission (with attachments) can be accessed on the City's website: [www.citymb.info/commissions](http://www.citymb.info/commissions) (Planning Commission meeting index, October 12, 2005.)

**CONCLUSION**

The City Council is committed to addressing impacts from mansionization, and this proposed zoning amendment is one component of that commitment. The establishment of a maximum lot size, with certain exemptions is appropriate for all Area Districts and zones. The proposed amendments are consistent with the Manhattan Beach General Plan and Local Coastal Program, and in conjunction with other measures, will serve to protect the existing residential neighborhoods.

Attachments:

- Exhibit A. Draft Resolution PC 05 -
- Exhibit B. Minutes: Planning Commission October 12, 2005
- Exhibit C. Graphic: Applicability of Proposed Ordinance
- Exhibit D. Public Hearing Notice: October 31, 2005



RESOLUTION NO. PC 05-XX  
(DRAFT)

15

RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MANHATTAN BEACH  
RECOMMENDING TO ADD SECTION 10.12.052 AND  
AMEND SECTION 10.12.030 OF CHAPTER 10.12 OF  
TITLE 10 OF THE MANHATTAN BEACH  
MUNICIPAL CODE (THE ZONING ORDINANCE)  
AND TO ADD SECTION A.12.040 AND AMEND  
SECTION A.12.030 OF THE MANHATTAN BEACH  
LOCAL COASTAL PROGRAM IMPLEMENTATION  
PROGRAM ESTABLISHING A MAXIMUM LOT  
SIZE FOR ALL RESIDENTIAL ZONES

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. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12, 2005 regarding the proposed Code Amendments which relate to establishing a maximum lot size for residential properties in Area Districts I, II, III and IV, and public testimony was invited and received.
- B. Public notice included a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- C. The applicant for the subject project is the City of Manhattan Beach.
- D. The purpose of the proposed Amendments is to limit residential building sites to a maximum size, with exception of properties located in Area Districts I and II developed for high density housing. This action is in recognition that *mansionization* is occurring in the City, whereby extremely large homes are replacing small homes, on consolidated standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- E. 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,

EXHIBIT  
A

- F. 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.
- G. 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.
- H. The proposed amendment to the Title 10 of the Municipal Code (Zoning 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-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 lot size 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 lot size, housing size will be restricted and open space will be maintained as traditional building setback patterns will be adhered to.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two continuous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

- I. 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 approves adding a new section 10.12.052 to the Manhattan Beach Municipal Code to read as follows:

**“10.12.052. Maximum lot area for all residential districts**

No lot in any residential zoning district in the City including commercial districts where residential development may occur shall exceed more than twice the square footage of the minimum lot area for that zoning district. Provided, however that any lot in excess of that limit which has been legally created prior to October 1, 2005 shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date. In addition properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall also be exempt from this requirement.”

**SECTION 3.** The Planning Commission of the City of Manhattan Beach hereby approves inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RS, RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read as follows:

**“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</u>	<u>Area District II RM</u>	<u>Area District II RH</u>	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft)	15,000	15,000	15,000	9,200	9,200	9,200	(U)

**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>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(U)

(U) See 10.12.52 Maximum lot area for all residential districts.”

**SECTION 4.** The City Council of the City of Manhattan Beach hereby approves adding a new section A.12.040 to the Manhattan Beach Local Coastal Program Implementation Program to read as follows:

**“A.12.040 Maximum lot area for all residential districts**

No lot in any residential zoning district in the City including commercial districts where residential development may occur shall exceed more than twice the square footage of the minimum lot area for that zoning district. Provided, however that any lot in excess of that limit which has been legally created prior to October 1, 2005 shall be exempt from this limitation but may not be increased in size beyond the boundaries in place on that date.”

**SECTION 5.** The Planning Commission of the City of Manhattan Beach hereby approves inserting (after Minimum Lot Dimensions) a new regulation entitled Maximum Lot Area with related maximum lot size square footage and Additional Regulation (T), in the tables and list of Additional Development Regulations in Section A.12.030 entitled Property development regulations: RM and RH districts of the Manhattan Beach Local Coastal Program Implementation Program to read 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	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(T)

(T) See A.12.040 Maximum lot area for all residential districts.”

**SECTION 6.** 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 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 7.** 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 8. 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 9, 2005 and that said Resolution was adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

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**RICHARD THOMPSON**  
Secretary to the Planning Commission

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**SARAH BOESCHEN**  
Recording Secretary

PLANNING COMMISSION MINUTES

October 12, 2005

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1 Vice-Chairperson Simon commented that he agrees with all of the comments of the other  
2 Commissioners. He commended staff's work with the developer, and he is pleased that the  
3 developer feels the project has been improved by staff. He indicated that he supports the project.  
4

5  
6 A motion was MADE and SECODED (Lesser/Schlager) to APPROVE the attached Resolution  
7 for a Use Permit and Vesting Tentative Tract Map 061783 to allow construction of 11 residential  
8 condominium units within three separate buildings over a basement level garage structure at  
9 1617-1623 Artesia Boulevard

- 10
- 11 AYES: Bohner, Lesser, Schlager, Vice-Chairperson Simon
- 12 NOES: None
- 13 ABSENT: Chairperson Savikas
- 14 ABSTAIN: None

15  
16 Director Thompson explained the 15-day appeal period and stated that the item will be placed on  
17 the City Council's Consent Calendar for their review on November 1, 2005.

18  
19 **05/1012.2 Code Amendment to Title 10 of the Municipal Code and Title A of the Local  
20 Coastal Program for the Purpose of Establishing a Maximum Lot Size for  
21 Residential Properties**

22  
23 Director Thompson commented that the proposal is a result of a long term priority of the City  
24 Council to address mansionization. He said that establishing a maximum lot size is one of three  
25 issues to address mansionization that are planned to come before the Commission. He indicated  
26 that a review of lot merger regulations and considering development incentives in exchange for  
27 development benefits will come before the Commission in the future.

28  
29 Senior Planner Lackow summarized the staff report. She commented that the purpose of the  
30 work plan item is to preserve neighborhood character within the City that could potentially be  
31 impacted by lot mergers. She stated that the subject proposal is to limit lot size and does not  
32 directly address or limit building size. She indicated that currently the minimum lot size in Area  
33 District I is 7,500 square feet; in Area District II is 4,600 square feet; and in Area Districts III and  
34 IV is 2,700 square feet. She stated that the proposal is to limit the lot size for a residential  
35 development to twice the minimum size that is permitted in the area in which the site is located.  
36 She stated that the proposed regulation would apply in all residential zones and area districts;  
37 would not apply to existing large lots already over twice the permitted lot size; and would  
38 include an exemption for multifamily development. She said that with the new restriction, the  
39 maximum lot size would be 15,000 for Area District I; 9,200 for Area District II; and 5,400 for  
40 Area Districts III and IV. She showed slides with examples of developments in different areas of



**PLANNING COMMISSION MINUTES**

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1 the City. She said that the decision of the Commission would be a recommendation forwarded to  
2 the City Council. She indicated that another public hearing would be scheduled before the City  
3 Council.

4  
5 Commissioner Lesser indicated that the term "mansionization" is rather subjective and means  
6 different things to different people. He commented that there are no people in the audience for  
7 the hearing, and he requested information about the type of noticing that was done for the hearing  
8 beyond the ad that was placed in the Beach Reporter.

9  
10 Senior Planner Lackow said that notice of the hearing was published as a display ad in the Beach  
11 Reporter and on the City's website. She said that staff did not individually notice homeowners.

12  
13 Director Thompson said that the noticing for the hearing was appropriate and consistent with  
14 noticing for Code amendments that would have a widespread impact. He said that there was not  
15 a unique situation that staff identified in this case for noticing of individual property owners.

16  
17 In response to a question from Commissioner Lesser, Director Thompson stated that there are  
18 three properties on The Strand at 3<sup>rd</sup> Street which are owned by one person that could possibly be  
19 merged and developed in the future.

20  
21 In response to a question from Commissioner Lesser, Director Thompson indicated that staff  
22 receives requests for approximately one merger per year, which have only been to merge two  
23 lots.

24  
25 Commissioner Lesser requested information on what other cities have done to restrict lot sizes.

26  
27 Director Thompson said that cities typically place a minimum and not a maximum for lot sizes.  
28 He said that typically zoning codes have minimum standards such as for setbacks. He said that  
29 he was not aware of other cities having to restrict lot size.

30  
31 Commissioner Schlager asked whether lot owners of contiguous lots were provided notice of the  
32 hearing. He said that he would not want to predispose a homeowner's opinion about whether  
33 they would wish to merge their lots. He indicated that he would be concerned about providing  
34 adequate notice to homeowners that could be impacted, even though the legally required noticing  
35 was provided.

36  
37 Commissioner Schlager commented that he likes the idea of limiting lot size; however he wants  
38 to be certain that anyone who is potentially impacted knows about the hearing. He said that it is  
39 difficult many times for busy homeowners to catch an ad in the paper of the hearing. He said his  
40 biggest concern was that a viable attempt should be made to notify potentially affected property

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1 owners of this matter.

2  
3 Director Thompson said that it would be difficult to identify property owners who have an  
4 intension of purchasing a contiguous lot sometime in the future. He said that placing a large  
5 display ad in the Beach Reporter is the standard for noticing these types of regulations that are  
6 generally and uniformly applied.

7  
8 In response to a question from Commissioner Schlager, Senior Planner Lackow said staff arrived  
9 at a maximum of two times the minimum lot size because the typical pattern has been for two  
10 lots to be merged, and staff felt that an amount beyond that would be unusually large.

11  
12 Director Thompson said that a trend has been established over time for two-lot mergers, which  
13 has been accepted by residents. He said that staff has not received any requests to merge more  
14 than two lots, and such a merger could impact the neighborhood and change the character of a  
15 block.

16  
17 Vice-Chairperson Simon opened the public hearing.

18  
19 There being no one wishing to speak on the issue, Vice-Chairman Simon closed the public  
hearing.

21  
22 Vice-Chairperson Simon said that people who have an interest in an issue may be able to give  
23 different perspectives and ideas to the Commission, and no such input was received for this  
24 hearing. He stated that providing notice to owners of three contiguous properties who could be  
25 impacted might be worthwhile even though he acknowledged that it is not possible to identify  
26 owners contemplating to merge more than two standard lots. He commented that he would hope  
27 the owner of the three properties along The Strand at 3<sup>rd</sup> Street was provided specific notice of  
28 the proposal, since it would take away the right to merge those properties.

29  
30 Commissioner Lesser said that he is generally in favor of the proposal; however, he too has a  
31 problem with the noticing. He said that he would like staff to make an extra effort to identify and  
32 notify property owners that could be affected and who might have objections. He commented  
33 that he appreciates the generous size of the lots that would still be permitted if the Ordinance  
34 were to be passed. He said that he feels it would be appropriate to renotece the hearing.

35  
36 Commissioner Bohner said that he concurs with providing direct notice to people to the extent  
37 that there is a viable method for identifying the people that would be impacted. He said that the  
38 proposal for limiting lot size is in keeping with the general concept and policy goals of the City  
39 Council to maintain the character of neighborhoods. He said that limiting lot size to two times  
40 the minimum required are of lots is a viable formula, and he would not require any alternative



**PLANNING COMMISSION MINUTES**

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1 formulas in light of the fact that it is a prospective plan and would not be applied retroactively to  
2 the larger lots.

3  
4 Commissioner Schlager said that he is satisfied with how staff reached the formula for the  
5 maximum lot size. He said that limiting the size to two lots makes sense, and the formula should  
6 be kept simple. He said that his main objection to acting on the proposal at this point is due to  
7 concerns regarding the noticing that was provided. He said that if staff could give notice to those  
8 residents who may be impacted, then those residents would have the opportunity to present a  
9 different perspective. He said that he would like to have the Commission approve the Resolution  
10 with all concerns addressed before a recommendation is forwarded to the Council.

11  
12 Vice-Chairperson Simon suggested that architects and developers also be provided notice of the  
13 hearing.

14  
15 Director Thompson said that staff will send out a courtesy notice to all property owners that are  
16 determined to be potentially impacted by the proposal. He said that staff will explain in the  
17 notice what is being proposed and what impact it would have on their lots if, in the future they  
18 wish to merge their lots to build larger homes.

19  
20 Commissioner Schlager commented that he feels the Commission's responsibility is to the  
21 homeowners who have an interest in the community and not necessarily to the developers who  
22 do not live in the City.

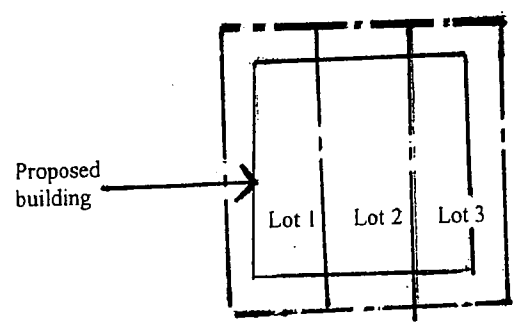
23  
24 Commissioner Lesser stated that he is in favor of the proposal but is genuinely interested in  
25 hearing viewpoints that may differ from his own, especially regarding any adverse impacts that  
26 could result from restricting lot mergers. He noted that it may be a developer who would have  
27 that insight.

28  
29 A motion was MADE and SECONDED (Lesser/Schlager) to **REOPEN** the hearing and  
30 **CONTINUE** the hearing regarding a proposed Amendment of Title 10 of the Municipal Code  
31 and Title A of the Local Coastal Program for the Purpose of Establishing a Maximum Lot Size  
32 for Residential Properties to the meeting of November 9, 2005, with the direction that staff  
33 attempt to improve upon the amount of public legal notice that has already been provided, and  
34 that an additional courtesy notice should be provided to all property owners whom Staff  
35 identifies could be impacted.

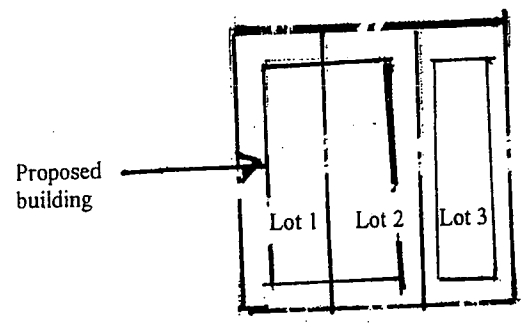
- 36  
37 AYES: Bohner, Lesser, Schlager, Vice-Chairperson Simon  
38 NOES: None  
39 ABSENT: Chairperson Savikas  
40 ABSTAIN: None

# Applicability of Proposed Ordinance

Theoretical situation: Owner of three contiguous standard beach lots (2,700 square feet each) proposes to develop site.



**Option 1:** New home "footprint" extends over two internal lot lines, merging three lots (to be prohibited).



**Option 2:** New home "footprint" extends over one internal lot line, merging two lots (to be allowed). If owner retains ownership of third lot, that lot could be developed independently with a single family dwelling or as a yard.



# City of Manhattan Beach

## Community Development

15

Phone: (310) 802-5500  
FAX: (310) 802-5501  
TDD: (310) 546-3501

October 31, 2005

Dear property owner and other interested parties:

You are hereby advised that the Manhattan Beach Planning Commission will be conducting a public hearing to consider a proposed Lot Merger Ordinance. The proposed ordinance, as currently drafted, would limit the size of a residential building site, if created by merging or combining lots, to a maximum area equivalent to two times the applicable minimum lot size. For example, in the "beach area" of the City, where the minimum size of a lot is 2,700 square feet, the proposed ordinance would prevent a property owner from merging or combining contiguous properties if, as a result of combining, the lot area would then exceed 5,400 square feet. However, using this same "beach area" example, the proposed ordinance would not prevent an owner of such 5,400 square foot lot from using a third contiguous lot (also under his/her ownership) as an accessory yard or developing the third contiguous lot independently, provided there are no structures that extend over the lot line of the third lot onto the adjoining 5,400 square foot lot.

This public hearing was initiated by the City Council and is part of a program intended to address "mansionization". Mansionization in this context is the construction of unusually large homes built on unusually large building sites that are created by consolidating or merging contiguous lots. The City Council's concern is that such development, if it were to occur could disrupt the traditional development pattern and alter the character of a neighborhood.

The Lot Merger Ordinance public hearing will be held:

November 9, 2005 (Wednesday), at 6:30 p.m.  
City Council Chambers, City Hall  
1400 Highland Avenue, Manhattan Beach.

Interested parties are encouraged to review the proposed ordinance and participate in the public hearing. Further detailed information, including a detailed Staff Report dated October 12, 2005 is available online at: [www.citymb.info/commissions/planning\\_commission/2005/20051012/max\\_lot\\_size.pdf](http://www.citymb.info/commissions/planning_commission/2005/20051012/max_lot_size.pdf). Copies of an updated Staff Report will also be available on the same Planning Commission web page (11/09/05 agenda) after November 5, 2005. Correspondence may be submitted to the Planning Commission in care of the Department of Community Development, and no later than Tuesday, November 3<sup>rd</sup> in order for such correspondence to be included in the 11/9/05 Staff Report. Letters received after November 5th will be presented to the Planning Commission by Staff at the public hearing. For further information, contact Rosemary Lackow, Senior Planner, at 802-5515, or by e-mail at [rlackow@citymb.info](mailto:rlackow@citymb.info)

Richard Thompson  
Director of Community Development

City Hall Address: 1400 Highland Avenue, Manhattan Beach, CA 90266  
Visit the City of Manhattan Beach web site at <http://www.citymb.info>



# MANSIONIZATION COMMITTEE RECOMMENDATIONS

## 3-15-07

### 1. Encourage the retention of existing smaller homes:

- a. Administratively allow 100% remodel and an increase in BFA for existing non-conforming small homes with a limit of 66% to 75% of BFA or 3,000 SF, whichever is less.
- b. Administratively, with neighborhood notification, allow 100% remodel and an increase in BFA for existing non-conforming homes with a limit of 66% to 75% of BFA, but no SF cap.
- c. Remodel of existing home- Exception to bulk-volume additional 8% (6%) front yard setback/open space requirement to allow a portion of the open space to be provided elsewhere, if the percentage of the portion that is relocated is increased.
- d. Bulk Volume- Remodel of existing homes on corner lots-Allow a percentage of the 8% (6%) additional front yard open space to be provided on the streetside frontage.

### 2. New Residential standards:

- a. Open space revisions:
  - i. Decrease the 8% bulk volume additional front yard setback to 6% and allow to wrap around the corner in single family residential RS AD I and II.
  - ii. Require 15% open space in the Beach Area on RS lots, the same as RM and RH lots.
  - iii. Eliminate the 350 SF open space cap.
  - iv. Allow a larger percentage of the required open space to be located on the top level.
  - v. Decks above the 2<sup>nd</sup> or 3<sup>rd</sup> story will be permitted if increased setbacks are provided and deck is located adjacent to an indoor living area.
- b. Setback revisions:
  - i. Eliminate the 5' cap on side yard setbacks; 10% of lot width required with no cap.
  - ii. Increase the rear setback from 10' to 12' minimum and eliminate the 25' cap, AD I and II.
  - iii. Increase the rear setback from 5' to 10' for RS Beach Area non-alley lots, 2,700 SF or larger in area
  - iv. Decrease the maximum side/rear building wall height from 25' to 24' and apply to corner side building walls also.

#### Notes:

- 1 Provide a review process to allow consideration for a reduction to the side or rear setback, or the 6% or 8% BV requirement 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.

### 3. Lot Mergers

- a. **A clear purpose statement** to clarify the intent of the proposed development policy.
- b. **Applies only to new mergers:** Applies only to multiple lot building sites that meet the new area criteria, if merged or in the process of merger after the effective date of the Moratorium (April 3, 2007). Would not apply to existing building sites with multiple adjoining lots under common ownership that have been legally merged or in the process of merger prior to April 3, 2007. Existing common ownership lots with a total combined building site that meets the new area criteria, with existing structures that cross property lines but that have not been legally merged would be subject to the new regulations.
- c. **Has limits based on size of merged sites:** Mergers containing lot area between approximately **2 and 3 times the typical lot size in a particular neighborhood would be subject to new regulations.** Merged lots containing less than 2 times the typical size would not be affected by the proposed standards. **New lots having more than 3 times the typical lot size would be prohibited.** For example, in Area District I the minimum lot size standard is 7,500 square feet, and the Committee proposal would set new standards for merged sites greater than 15,000 square feet (2 times 7,500) and less than 22,500 square feet (3 times 7,500). A future merger or subdivision that would create a site with 22,500 square feet or more would not be allowed.

The proposed range of lot area for each area of the City is based on the applicable minimum lot area. The individual factors (e.g. for Area District II, range of 2.6 to 3.9 times the minimum lot area) being proposed are based on the range of typical lot sizes found within each Area District. If the ranges were too simple (e.g. just between 2 and 3 times), then the proposed standard would possibly apply to too few or too many lots within each area.

- d. **Establishes new standards:**

- i. **Require supplemental open space** on the ground located adjacent to a setback (including side yards). The area would be 2 times the setback area that would be required on the individual lots. The intent is to ensure that setback area that would be lost between buildings on separate lots would be provided on a merged site and would have to be located around the outside perimeter of the home to mitigate bulk (as opposed to an interior open courtyard).
- ii. **Require a reduction in building height** of 8' (basically one story) for 25% of the building, located adjacent to setbacks (for new buildings only). This is intended to modulate the exterior building walls and mitigate bulk.
- iii. **Limit the overall building area** to no more than 66% of the amount of buildable floor area (BFA) allowed, to mitigate bulk.
- iv. **Require perimeter fencing** (if proposed) to have variation to preclude the appearance of a fortress or compound and to blend new buildings on merged lots with traditional development patterns on surrounding standard lots.

**Exemptions: RM, RH, and CL in Area Districts I and II with 3+ dwelling units.**

3. **Allow accessory structures (pools, extra garage, poolhouse, etc.) on adjacent common ownership parcels without requiring the lots to be merged.**

**MANSIONIZATION COMMITTEE  
SUMMARY OF OPTIONS DISCUSSED BUT NOT RECOMMENDED  
FEBRUARY 2006- MARCH 2007**

<b>Code Item</b>	<b>Existing Code Requirement</b>	<b>Proposed Options</b>	<b>Comments</b>
BFA- Buildable Floor Area	RS, AD I and II- Lots > 4,800 SF- Lot area X .65 + 240 SF= max BFA	Reduce to .60 + 240 SF	Blanket reduction in BFA not the goal, focus on increasing open space and setbacks
Open Space	Open space = to 15% of actual BFA must be provided-Beach Area RM and RH	Provide open space in RS in all Area Districts. Up to 25% in all areas.	Beach Area 15% will be required. Inland areas the setbacks, and 6% BV provides more quality and flexibility in open space, while not significantly impacting BFA. 25% is not equitable due to the large variety of lot sizes, shapes and types.
Open Space required for basements	Open space = to 15% of actual BFA must be provided. Basement area not counted as BFA and open space not provided for basement SF.	Count basement SF toward 15% open space requirement, the same as basement SF is counted for parking requirement.	Basements need to be encouraged and this could possibly discourage them. Would impact BFA.
Open Space- definition	Minimum 5' width, 48 SF area. Front and side yards may be used for min. dimension, not % or SF. Rear yards count towards 15%. Max. 75% covered by BFA, 3 <sup>rd</sup> story open space not more than 3 <sup>rd</sup> story BFA, pedestrian access counts towards open space.	Increase dimension and SF, don't count front and side yards for dimensions, don't count rear yards, decrease the max. covered by BFA to less than 75%, allow more open space on 3 <sup>rd</sup> story, do not let pedestrian access count towards open space, require all open space on ground level, limit height and percentage of perimeter walls surrounding open space.	Eliminating the 350 SF open space cap adequately increases and provides quality open space.

**MANSIONIZATION COMMITTEE  
SUMMARY OF OPTIONS DISCUSSED BUT NOT RECOMMENDED  
FEBRUARY 2006- MARCH 2007**

<b>Code Item</b>	<b>Existing Code Requirement</b>	<b>Proposed Options</b>	<b>Comments</b>
Setbacks- 6 or 8% bulk volume- RS Beach Area	None required	Require 6 or 8% the same as Area Districts I and II	Require 15% open space instead the same as the rest of the Beach Area. Adding 6 or 8% BV also would be too restrictive
Setbacks- 6 or 8% bulk volume- deck area	Max. 50% of the area counted towards 6 or 8% BV may be deck area	Increase % to more than 50%	8% BV decreased to 6%, and combination of deck and other areas for BV meets goal of mitigated mass of building
Setbacks- corner lots- Beach Area	1 foot setback on corner side-	2' to up to 10% of lot width corner side- will provide opportunity for projections to break up building wall mass	Significant change, will impact ability to capture views, will create many non-comfortities
Setbacks- rear yard- RM and RH Beach Area condos	5' rear alley setback	9' rear alley to allow guest parking	Not focused on accomplishing established goals.
Setback projections- balconies	Rear Balconies may project 3' into setback	Eliminate rear balcony projections to preserve privacy	Difficult for 1/2 lots to achieve required open space without this projection.
Setback projections-patios	Rear covered patios- 3' setback, can cover 40% of rear yard	Reduce setback and % of coverage	Not considered a significant problem, no change needed
Setback projections- chimneys	Chimneys allowed 0' setback on rear	5' setback for chimneys	Not considered a significant problem, no change needed

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**ATTACHMENT 6**