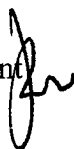



**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development 

FROM: Laurie B. Jester, Senior Planner 

DATE: August 8, 2007

SUBJECT: Consideration of Residential Zoning Code Amendments and Local Coastal Program Amendments for the City Council 2005-2007 Work Plan Item on Mansionization, including but not limited to, 1) encouraging the retention of existing smaller homes, 2) the accessory use of adjacent common ownership parcels, 3) new residential development standards to increase open space and setbacks, and 4) lot mergers.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT the CONTINUED PUBLIC HEARING, DISCUSS, PROVIDE DIRECTION AND CONTINUE THE PUBLIC HEARING TO SEPTEMBER 12, 2007**, for revisions to the Zoning Code and Local Coastal Program for residential development.

City Council Direction

On June 26, 2007 a special study session was held which included a windshield tour of the City to view residential development constructed under different Zoning Code standards. The staff report and attachments are included as part of Exhibit E. At that meeting the City Council discussed the Mansionization Committees recommendations and directed staff and the Planning Commission to conduct public hearings and evaluate the following possible Code Amendments related to Mansionization. The City Council specifically requested the Planning Commission to review and provide direction on a number of items as noted below.

1. **Amendments to encourage the retention of existing smaller homes:**
 - a. Administratively allow 100% remodel and an increase in Buildable Floor Area (BFA) for existing non-conforming small homes with a limit of 66% to 75% of BFA or 3,000 SF whichever is less, instead of the current 2,000 SF limit with neighbor notification.
The City Council requested that the Planning Commission review the percentage of the maximum allowed BFA and the maximum square footage to determine what numbers may be appropriate.
 - 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.
The City Council requested that the Planning Commission review the percentage of the maximum allowed BFA to determine what numbers may be appropriate.

- 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-Require a portion of the 8% (6%) additional front yard open space to be provided on the streetside frontage; to provide building wall articulation; currently only required within the front.
The City Council requested that the Planning Commission review the percentage of the front yard setback that should be wrapped around a corner to provide adequate building wall articulation.

2. 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.

3. 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 require a portion to wrap around the corner in single family residential RS AD I and II, to provide building wall articulation.
- 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. Consider calculating basement square area as BFA for 15% open space requirements, the same as basement area is counted for parking requirements, in order to increase open space.
- v. 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 3rd story may not exceed the square footage of the floor area on that same level.
- vi. Decks above the 2nd or 3rd story will be permitted if increased setbacks are provided and deck is located adjacent to an indoor living area, currently not allowed.

b. Setback revisions:

- i. Eliminate the 5' cap on side yard setbacks; 10% of lot width required with no cap.
The City Council requested that staff provide and the Planning Commission review information on the number and percentage of lots that are impacted and impacts to BFA.
- ii. Consider increasing the side setback to more than 10% of the lot width, in order to increase open space on standard size lots, and review impacts to BFA.
- iii. Increase the rear setback from 10' to 12' minimum and eliminate the 25' cap, AD I and II.
The City Council requested that staff provide and the Planning Commission review information on the number and percentage of lots that are impacted.

- iv. Increase the rear setback from 5' to 10' for RS Beach Area non-alley lots, rear abutting residential, 2,700 SF or larger in area
- v. Decrease the maximum side/rear building wall height from 25' to 24' and apply to corner side building walls also.
- vi. Provide articulation on building walls on streetside setback on corner lots through setbacks and/or a bulk/volume percentage.

Notes:

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

4. Amendments to limit Lot Mergers:

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

The City Council reviewed the Mansionization Committee recommendation and made revisions and provided direction to staff as follows:

- a. For new mergers of separate lots, a maximum of **two** standard lots may be merged. Exemptions for RM, RH, and CL in Area Districts I and II with 3+ dwelling units and for non-alley RH in Area District III east of Ardmore, and staff also recommends an exemption for religious institution uses.
The City Council requested that staff provide and the Planning Commission review and consider information on how these new residential development standards will impact the BFA on larger lots.
- b. Unmerged adjacent lots under common ownership larger than two lots and currently developed and used as one lot may continue to be used as one lot. When the lots are merged and developed with new structures then they will be subject to the new residential development standards in #3 above. These sites should not be developed with one large single family home.
The City Council requested that staff provide and the Planning Commission review information that identifies the number of these lots.

BACKGROUND

Planning Commission meeting July 25, 2007

At the July 25th Planning Commission meeting, due to a number of large items on the agenda, the lateness of the hour and the importance of devoting adequate time to the Mansionization issue, a

comprehensive presentation was not provided on Mansionization. Instead the Commission took public testimony and continued the item to tonight to allow adequate time to review and comment on the proposed amendments. At this meeting staffs intention is to provide a comprehensive presentation on all of the proposed Mansionization amendments. A complete description of the proposal is provided in the July 25th staff report; this report will focus on answering the questions raised by the Planning Commission and public at that meeting. The following addresses those questions that were raised.

Encourage retention of existing smaller homes

The proposed amendment would administratively allow 100% remodel and an increase in Buildable Floor Area (BFA) for existing non-conforming small homes with a limit of 66% to 75% of BFA or 3,000 SF whichever is less, instead of the current 2,000 SF limit with neighbor notification. The higher percentage is recommended for the inland areas, and lower for the Beach Area, as in the Beach Area homes are typically not developed to the maximum allowed BFA. Additionally, with neighborhood notification, the amendment would allow remodel and an increase in BFA, but no SF cap. The City Council requested that the Planning Commission review the percentage of the maximum allowed BFA and the maximum square footage to determine what numbers may be appropriate.

Staff has attached a chart, Exhibit A, that shows a variety of lot sizes, maximum allowed BFA and percentages of maximum allowed BFA, from 50% to 85%, for each Area District. Area Districts I and II only show the RS zone, not RM and RH, as staff has found that the current Minor Exception is generally not used in the RM and RH zones in these Area Districts. The amendments are proposed to apply to all Area Districts and zones, however there is more of a demand for the Minor Exception in the RS zone since in the multi-family residential areas there is a demand for multi-family development.

The July 25th staff report has a complete discussion of the proposed amendment. Staff believes that a smaller square footage, more than 2,000 but less than 3,000 would serve the needs of the community and still meet the goals of the City Council, and would suggest that that a smaller square footage be considered. Whatever the square footage cap is, an applicant could still request to exceed that number, neighborhood notification would just be required in those instances.

Planters in side yard

It is common in the Beach Area and in the inland multi-family zones, where the Zoning Code allows 3-stories to be built, to have tall planters in the side and rear yards to build up the ground level around the perimeter of the house. Planters tend to be designed this way so that the house is then defined by the Building Code regulations as a 2-story and not a 3-story house. This is done because on a 3-story house two separate emergency exit staircases are required by the Building Code unless the third story is very small. These staircases take up limited and valuable square footage on a lot, so instead these planters are commonly used and only one staircase is required. The exiting requirement is not a Zoning Code regulation, it is a Building Safety Code. The Zoning Code limits the height of walls in the side and rear yards to 6 feet, so these planters are in conformance with all of the current Zoning regulations.

Definitions:

1. Typical, standard and minimum lot size or area

This is related to the amendments to Lot Mergers. Exhibit B, the chart with minimum lot area or sizes and typical lot sizes by Area District illustrates these lot sizes. The minimum lot size or area is established in each Area District and is defined in Section 10.12.030 of the Zoning Code. These are the minimum lot areas that would be required if someone were to create a new lot, or split an existing large lot into smaller lots. The minimum areas are as follows: Area District I - 7,500 SF, Area District II - 4,600 SF and Area Districts III and IV - 2,700 SF. The location of the Area Districts are shown in the Zoning Map which is attached as Exhibit D. When typical lot sizes are referred to, this is not the minimum lot size, but the larger lot sizes and areas shown in columns 1 and 2 on the chart in Exhibit B. Since the Lot Merger proposal contemplates using two lots as a standard for the maximum number of lots that can be merged, staff felt it would be appropriate to use the “typical” lot sizes, not “minimum” code required lot size. Otherwise the majority of lots that are typical in size for their neighborhood could not be merged which was not the intent of the Mansionization Committee or the City Council.

2. Buildable Floor Area (BFA)

Basically, the BFA is the maximum square footage of house that can be built on a lot. Section 10.04.030 provides Zoning Code definitions, and BFA is listed under “Floor Area, Buildable”. This section has the technical details, the following is a simplified summary of the regulations. Only totally enclosed areas are counted, so covered porches, patios and balconies are not included. Generally the required 2 or 3 car garage is not counted as BFA, and 200 square feet of basement storage is also not counted. Only 30% of the basement square footage is counted if the basement is partially above grade and none is counted if the basement is totally below grade. Different Area Districts and Zones have different maximum allowed BFA’s and this is provided in the Zoning Code, Section 10.12.030. Generally, the single family zone inland area is the lowest BFA and the multi-family Beach Area is the highest BFA.

3. Setbacks

Setbacks are the minimum distance that a structure needs to be from a property line or from another structure or use. Setbacks are required on each side of a lot; front, side and rear. Section 10.04.030 provides definitions of “setback line”, and “yard”, including front, side and rear yard. The yard is the minimum area between the property line and the structure. Different Area Districts and Zones have different minimum setbacks and this is provided in the Zoning Code, Section 10.12.030. Generally, all of the residential zones in the inland area have the largest setbacks and the Beach Area has less setbacks.

Lot Merger “grandfathering”

A concern raised by several residents was how existing unmerged developed lots, larger than two “typical” size lots, would be developed in the future. They expressed concern that these lots while currently developed as one project should not continue to be used as one lot in the future if the existing structures are removed and new residences are constructed. The Council had requested that staff and the Planning Commission study this issue and provide a recommendation. Newly created lots could not exceed the maximum size, which is proposed

at two lots. All of these lots would be subject to the **new open space and setback development regulations**, as well as the current BFA, parking, height and other Zoning Code regulations. The Council had concerns about these sites being developed with one large single family home. The City Council requested that staff identify the number of single projects currently developed with over two lots or more. Staff will provide this information at a future meeting.

Public Input

A ¼ page ad as a public notice for the project was published in the Beach Reporter newspaper on July 19th and on July 26th. Staff also sent notice of the July 25th hearing to the Mansionization Committee as well as to a list of local architects and designers. At the writing of this report, staff has not received any new public comments.

CONCLUSION

Staff recommends that the Planning Commission review the proposed Amendments, take public input and provide direction to staff. Staff believes that the first two amendments, to encourage the retention of smaller homes and to allow accessory structures on adjacent lots under the same ownership, are straightforward and non-controversial items and staff would recommend proceeding with approval of those amendments as soon as possible. Staff will provide a draft Resolution with proposed Code revision language for those two items for the Commissions review and recommendation at the next meeting. Those two items will then be forwarded to the City Council for review and approval. The other items will take additional meetings and staff will provide the additional information to the Planning Commission that the City Council requested on those items at a future meeting.

In addition to continuing the Mansionization discussion to the September 12th regularly scheduled meeting, the Planning Commission may wish to schedule a special meeting that would be devoted to only this topic. Please bring your calendars to the meeting so we can identify possible dates to conduct future meetings.

EXHIBITS

- A. Planning Commission draft minute excerpts –July 25, 2007
- B. Chart with minimum lot sizes and typical lot sizes by Area District
- C. Chart of various lot sizes, maximum BFA and 50 to 85% of maximum BFA
- D. Zoning Map
- E. Planning Commission staff report and attachments- July 25, 2007 (excluding attachment 1- tour map and photos of homes on tour, from June 26, 2007 City Council Special Study Session)

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

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

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

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

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

20
21 Director Thompson stated that proposed amendments represent over 1½ years of working with
22 the Mansionization Committee, the Planning Commission and City Council. He commented that
23 over 20 people attended the Mansionization Committee meetings regularly. He said that the
24 Committee members were very dedicated and represented a cross section of the community. He
25 stated that the four parts of the recommendations include amendments to discourage new large
26 homes currently being built and encourage the retention of existing homes; amendments to allow
27 accessory structures on adjacent common ownership lots; amendments for new residential
28 development to increase open space and increase setbacks; and amendments to limit the number
29 of lots that may be merged. He commented that the newspaper made an error and they published
30 the ad for the hearing late. He said that staff is suggesting that a comprehensive overview be
31 provided tonight and that the discussion be continued to the August 8 meeting.
32

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

PC 8/8/07
EXHIBIT A

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

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

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

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

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

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

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

39
40 Director Thompson indicated that the notice for this meeting and the August 8 hearing was

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1 published in the Beach Reporter within the past week. He pointed out that everyone who is
2 interested in the topic has been told of the hearing.

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

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

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

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

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

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

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

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1 **Bob Blanchard**, a resident of the 600 block of 9th Street, said that he was a member of the
2 Mansionization Committee. He said that they were able to test ideas against different lots,
3 determine the impacts in different areas, and determine the number of lots that would be
4 impacted. He said that there was much work has been done by staff, and it will be difficult for
5 members of the community to understand all of the issues given the 15 meetings that were held
6 by the Mansionization Committee and the large amount of material.

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

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

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

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

38
39 **Cindy Fisk**, stated that the residents do not want mergers of more than two lots regardless of
40 whether it is for multiple family developments or single family homes. She commented that she

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1 has submitted a petition to the City Council, and she will provide more signatures if it is
2 necessary in order for the Council and Commission to understand the wishes of the community.

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

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

20
21 Commissioner Seville-Jones commented that the staff report does not specify the impact of the
22 proposed recommendations regarding BFA.

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

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

31
32 Commissioner Powell pointed out that searching on Google Earth helps to provide a perspective
33 of the layout of lots within the City.

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

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1 were made and other approaches that were considered.

2

3 **DIRECTOR'S ITEMS**

4

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

7

8 **PLANNING COMMISSION ITEMS**

9

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

11

- 12 A. Consideration of City Council 2005-2007 Work Plan Item to Address Mansionization in
13 Residential Zones
- 14 B. Ralphs Wine tasting-Manhattan Village Mall
- 15 C. Front setback variance and coastal permit, ½ lot on alley- 124 21st Place

16

17 **ADJOURNMENT**

18

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

22

23

24 _____
25 RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

LOT SIZES AND AREAS

AREA DISTRICT I: Minimum Lot Area: 7,500 sq. ft.

Lot Size	Lot Area: 1 lot	Lot Area: 2 lots	2-lot Factor	Lot Area: 3 lots	3-lot Factor	Lot Area: 4 lots	4-lot Factor
25 x 130	3,250	6,500	.86	9,750	1.3	13,000	1.73
45 x 100	4,500	9,000	1.2	13,500	1.8	18,000	2.4
50 x 150	7,500	15,000	2.0	22,500	3.0	30,000	4.0

AREA DISTRICT II: Minimum Lot Area: 4,600 sq. ft.

Lot Size	Lot Area: 1 lot	Lot Area: 2 lots	2-lot Factor	Lot Area: 3 lots	3-lot Factor	Lot Area: 4 lots	4-lot Factor
25 x 100	2,500	5,000	1.08	7,500	1.6	10,000	2.1
40 x 116	4,640	9,280	2.01	13,920	3.02	18,560	4.03
40 x 135	5,400	10,800	2.34	16,200	3.52	21,600	4.69

AREA DISTRICT III Minimum Lot Area: 2,700 sq. ft.

Lot Size	Lot Area: 1 lot	Lot Area: 2 lots	2 lot Factor	Lot Area: 3 lots	3-lot Factor	Lot Area: 4 lots	4-lot Factor
30 x 90	2,700	5,400	2.0	8,100	3.0	10,800	4.0
33.33 x 100	3,333	6,666	2.46	9,999	3.7	13,332	4.93
33.33 x 105	3,499.65	6,999.3	2.59	10,500 (rounded)	3.9	13,998	5.18

AREA DISTRICT IV Minimum Lot Area: 2,700 sq. ft.

Lot Size	Lot Area: 1 lot	Lot Area: 2 lots	2-lot Factor	Lot Area: 3 lots	3-lot Factor	Lot Area: 4 lots	4-lot Factor
30 x 90	2,700	5,400	2.0	8,100	3.0	10,800	4.0
33.33 x 100	3,333	6,666	2.46	9,999	3.7	13,332	4.93
33.33 x 105	3,499.65	6,999.3	2.59	10,500 (rounded)	3.9	13,998	5.18
35 x 120 (east of Highland)	4,200	8,400	3.1	12,600	4.6	16,800	6.22

EXHIBIT
B

Nonconformity Minor Exception

Area District I	Sample Lot Sizes			Allowable BFA	Percentages of Allowable BFA							
	Lot Width	Lot Depth	Lot Area		50%	55%	60%	65%	70%	75%	80%	85%
25	130	3,250	2,275	1,138	1,251	1,365	1,479	1,593	1,706	1,820	1,934	
25	138	3,450	2,415	1,208	1,328	1,449	1,570	1,691	1,811	1,932	2,053	
50	75	3,750	2,625	1,313	1,444	1,575	1,706	1,838	1,969	2,100	2,231	
75	50	3,750	2,625	1,313	1,444	1,575	1,706	1,838	1,969	2,100	2,231	
50	80	4,000	2,800	1,400	1,540	1,680	1,820	1,960	2,100	2,240	2,380	
55	73	4,015	2,811	1,405	1,546	1,686	1,827	1,967	2,108	2,248	2,389	
45	100	4,500	3,150	1,575	1,733	1,890	2,048	2,205	2,363	2,520	2,678	
60	83	4,980	3,477	1,739	1,912	2,086	2,260	2,434	2,608	2,782	2,955	
72	80	5,760	3,984	1,992	2,191	2,390	2,590	2,789	2,988	3,187	3,386	
40	144	5,760	3,984	1,992	2,191	2,390	2,590	2,789	2,988	3,187	3,386	
50	125	6,250	4,303	2,151	2,366	2,582	2,797	3,012	3,227	3,442	3,657	
50	138	6,900	4,725	2,363	2,599	2,835	3,071	3,308	3,544	3,780	4,016	
78	90	7,020	4,803	2,402	2,642	2,882	3,122	3,362	3,602	3,842	4,083	
83	90	7,470	5,096	2,548	2,803	3,057	3,312	3,567	3,822	4,076	4,331	
50	150	7,500	5,115	2,558	2,813	3,069	3,325	3,581	3,836	4,092	4,348	
71	140	9,940	6,701	3,351	3,686	4,021	4,356	4,691	5,026	5,361	5,696	
80	150	12,000	8,040	4,020	4,422	4,824	5,226	5,628	6,030	6,432	6,834	
100	150	15,000	9,990	4,995	5,495	5,994	6,494	6,993	7,493	7,992	8,492	
156	145	22,620	14,943	7,472	8,219	8,966	9,713	10,460	11,207	11,954	12,702	

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EXHIBIT C

Nonconformity Minor Exception

Area District II	Lot Width	Sample Lot Depth	Lot Area	Sample Lot Sizes		Percentages of Allowable BFA									
				Allowable	BFA	50%	55%	60%	65%	70%	75%	80%	85%		
alley	25	100	2,500	1,750	875	963	1,050	1,138	1,225	1,313	1,400	1,488			
	25	148	3,700	2,590	1,295	1,425	1,554	1,684	1,813	1,943	2,072	2,202			
	38	112	4,256	2,979	1,490	1,639	1,788	1,936	2,085	2,234	2,383	2,532			
	40	108	4,320	3,024	1,512	1,663	1,814	1,966	2,117	2,268	2,419	2,570			
	40	110	4,400	3,080	1,540	1,694	1,848	2,002	2,156	2,310	2,464	2,618			
	40	112	4,480	3,136	1,568	1,725	1,882	2,038	2,195	2,352	2,509	2,666			
	40	116	4,640	3,248	1,624	1,786	1,949	2,111	2,274	2,436	2,598	2,761			
	40	119	4,760	3,332	1,666	1,833	1,999	2,166	2,332	2,499	2,666	2,832			
	40	120	4,800	3,360	1,680	1,848	2,016	2,184	2,352	2,520	2,688	2,856			
	60	80	4,800	3,360	1,680	1,848	2,016	2,184	2,352	2,520	2,688	2,856			
80	60	4,800	3,360	1,680	1,848	2,016	2,184	2,352	2,520	2,688	2,856				
50	100	5,000	3,490	1,745	1,920	2,094	2,269	2,443	2,618	2,792	2,967				
40	125	5,000	3,490	1,745	1,920	2,094	2,269	2,443	2,618	2,792	2,967				
40	128	5,120	3,568	1,784	1,962	2,141	2,319	2,498	2,676	2,854	3,033				
40	130	5,200	3,620	1,810	1,991	2,172	2,353	2,534	2,715	2,896	3,077				
alley	40	135	5,400	3,750	1,875	2,063	2,250	2,438	2,625	2,813	3,000				
alley	40	135	5,400	3,750	1,875	2,063	2,250	2,438	2,625	2,813	3,000				
56	99	5,544	3,844	1,922	2,114	2,306	2,498	2,691	2,883	3,075	3,267				
40	149	5,960	4,114	2,057	2,263	2,468	2,674	2,880	3,086	3,291	3,497				
50	150	7,500	5,115	2,558	2,813	3,069	3,325	3,581	3,836	4,092	4,348				
>150	50	8,000	5,440	2,720	2,992	3,264	3,536	3,808	4,080	4,352	4,624				
80	116	9,280	6,272	3,136	3,450	3,763	4,077	4,390	4,704	5,018	5,331				
>150	55	9,900	6,675	3,338	3,671	4,005	4,339	4,673	5,006	5,340	5,674				

AD III & IV RS and RM	Lot Width	Sample Lot Sizes			Allowable BFA	Percentages of Allowable BFA								
		Lot Depth	Lot Area			50%	55%	60%	65%	70%	75%	80%	85%	
	30	90	2,700	4,320	2,160	2,376	2,592	2,808	3,024	3,240	3,456	3,672		
	30	45	1,350	2,160	1,080	1,188	1,296	1,404	1,512	1,620	1,728	1,836		
	30	60	1,800	2,880	1,440	1,584	1,728	1,872	2,016	2,160	2,304	2,448		
	33	100	3,333	5,333	2,666	2,933	3,200	3,466	3,733	4,000	4,266	4,533		
	33	50	1,667	2,666	1,333	1,467	1,600	1,733	1,866	2,000	2,133	2,266		
	33	105	3,500	5,599	2,800	3,080	3,360	3,640	3,920	4,200	4,480	4,760		
	33	53	1,750	2,800	1,400	1,540	1,680	1,820	1,960	2,100	2,240	2,380		
	35	90	3,150	5,040	2,520	2,772	3,024	3,276	3,528	3,780	4,032	4,284		
	35	45	1,575	2,520	1,260	1,386	1,512	1,638	1,764	1,890	2,016	2,142		
RH	30	90	2,700	4,590	2,295	2,525	2,754	2,984	3,213	3,443	3,672	3,902		
	30	45	1,350	2,295	1,148	1,262	1,377	1,492	1,607	1,721	1,836	1,951		
	30	60	1,800	3,060	1,530	1,683	1,836	1,989	2,142	2,295	2,448	2,601		
	33	100	3,333	5,666	2,833	3,116	3,400	3,683	3,966	4,250	4,533	4,816		
	33	50	1,667	2,833	1,417	1,558	1,700	1,841	1,983	2,125	2,266	2,408		
	33	105	3,500	5,949	2,975	3,272	3,570	3,867	4,165	4,462	4,760	5,057		
	33	53	1,750	2,975	1,487	1,636	1,785	1,934	2,082	2,231	2,380	2,528		
	35	90	3,150	5,355	2,678	2,945	3,213	3,481	3,749	4,016	4,284	4,552		
	35	45	1,575	2,678	1,339	1,473	1,607	1,740	1,874	2,008	2,142	2,276		

CITY OF MANHATTAN BEACH

ZONING DESIGNATIONS

◆◆◆ Area District Boundaries

Zoning Designations & Overlays

Residential Districts

RS Residential Single Family

D1-Design Review
-Rosecrans Avenue

D3-Design Review
-Gaslamp Neighborhood

D4-Design Review
-Traffic Noise Impact Area

D6- Design Review
-Oak Avenue

D7- Design Review
-Longfellow Drive

RM Residential Medium Density

D1- Design Review
-Rosecrans Avenue

RH Residential High Density

D2- Design Review
-11th Street

RPD Residential Planned Development

RSC Residential Senior Citizen

Commercial Districts

CL Local Commercial

CC Community Commercial

CG General Commercial

CD Downtown Commercial

CNE North End Commercial

D5- Design Review
-North End Commercial

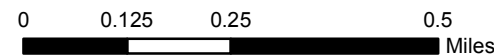
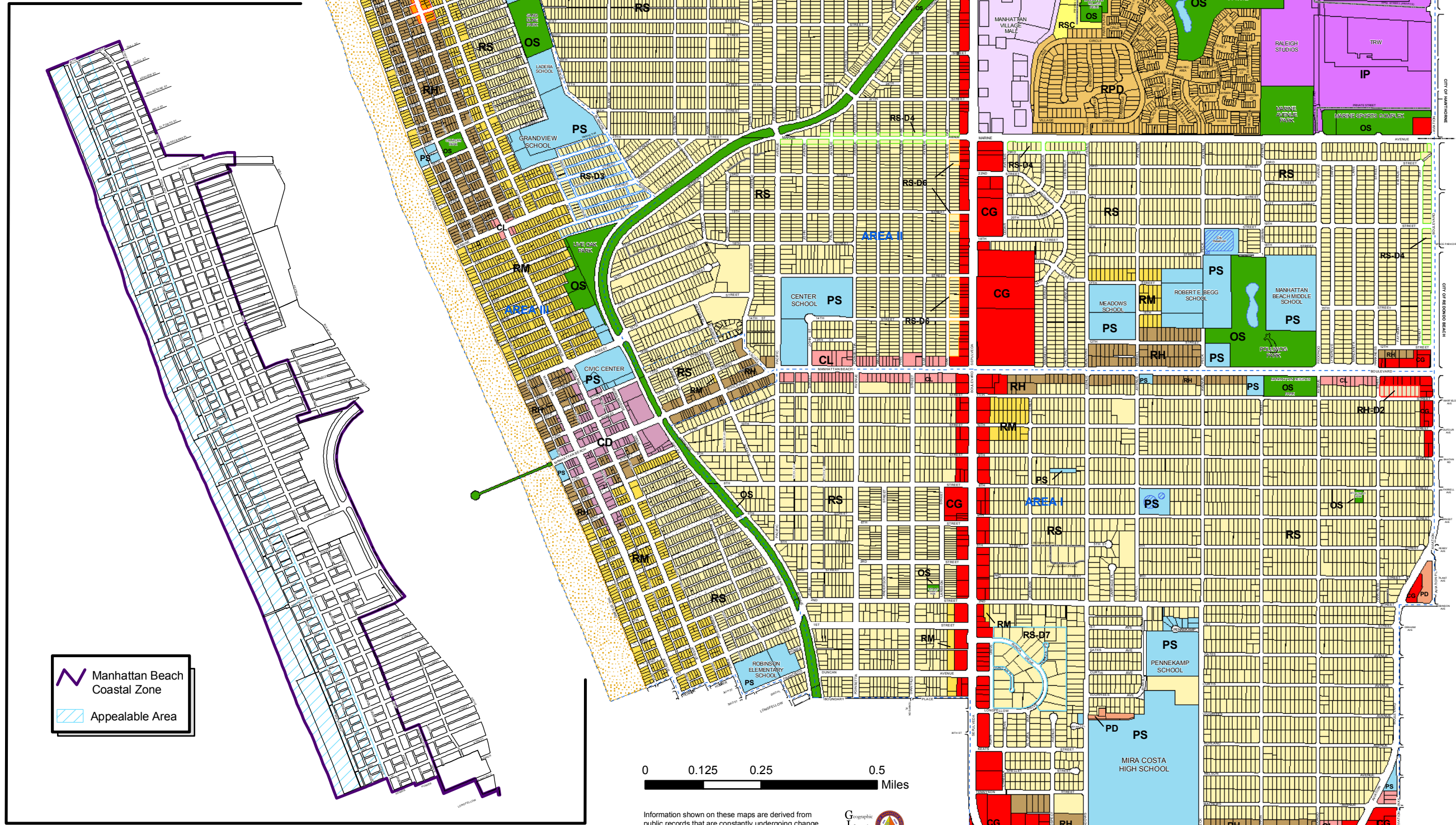
Other Districts

PD Planned Development

IP Industrial Park

PS Public and Semi-Public

OS Open Space



Information shown on these maps are derived from public records that are constantly undergoing change. The City does not guarantee the positional or the Thematic accuracy of the GIS data.



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

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Laurie B. Jester, Senior Planner

DATE: July 25, 2007

SUBJECT: Consideration of Residential Zoning Code Amendments and Local Coastal Program Amendments for the City Council 2005-2007 Work Plan Item on Mansionization, including but not limited to, 1) encouraging the retention of existing smaller homes, 2) the accessory use of adjacent common ownership parcels, 3) new residential development standards to increase open space and setbacks, and 4) lot mergers.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT the PUBLIC HEARING, DISCUSS, PROVIDE DIRECTION AND CONTINUE THE PUBLIC HEARING TO AUGUST 8, 2007**, for revisions to the Zoning Code and Local Coastal Program for residential development.

City Council Direction

On June 26, 2007 a special study session was held which included a windshield tour of the City to view residential development constructed under different Zoning Code standards. The staff report and attachments are included as Exhibit B. At that meeting the City Council discussed the Mansionization Committees recommendations and directed staff and the Planning Commission to conduct public hearings and evaluate the following possible Code Amendments related to Mansionization. The City Council specifically requested the Planning Commission to review and provide direction on a number of items as noted below.

1. **Amendments to encourage the retention of existing smaller homes:**
 - a. Administratively allow 100% remodel and an increase in Buildable Floor Area (BFA) for existing non-conforming small homes with a limit of 66% to 75% of BFA or 3,000 SF whichever is less, instead of the current 2,000 SF limit with neighbor notification.
The City Council requested that the Planning Commission review the percentage of the maximum allowed BFA and the maximum square footage to determine what numbers may be appropriate.
 - 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.
The City Council requested that the Planning Commission review the percentage of the maximum allowed BFA to determine what numbers may be appropriate.

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EXHIBIT E

- 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-Require a portion of the 8% (6%) additional front yard open space to be provided on the streetside frontage; to provide building wall articulation; currently only required within the front.

The City Council requested that the Planning Commission review the percentage of the front yard setback that should be wrapped around a corner to provide adequate building wall articulation.

- 2. 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.

3. 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 require a portion to wrap around the corner in single family residential RS AD I and II, to provide building wall articulation.
- 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. Consider calculating basement square area as BFA for 15% open space requirements, the same as basement area is counted for parking requirements, in order to increase open space.
- v. 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 3rd story may not exceed the square footage of the floor area on that same level.
- vi. Decks above the 2nd or 3rd story will be permitted if increased setbacks are provided and deck is located adjacent to an indoor living area, currently not allowed.

b. Setback revisions:

- i. Eliminate the 5' cap on side yard setbacks; 10% of lot width required with no cap. *The City Council requested that staff provide and the Planning Commission review information on the number and percentage of lots that are impacted and impacts to BFA.*
- ii. Consider increasing the side setback to more than 10% of the lot width, in order to increase open space on standard size lots, and review impacts to BFA.
- iii. Increase the rear setback from 10' to 12' minimum and eliminate the 25' cap, AD I and II.

The City Council requested that staff provide and the Planning Commission review information on the number and percentage of lots that are impacted.

- iv. Increase the rear setback from 5' to 10' for RS Beach Area non-alley lots, rear abutting residential, 2,700 SF or larger in area
- v. Decrease the maximum side/rear building wall height from 25' to 24' and apply to corner side building walls also.
- vi. Provide articulation on building walls on streetside setback on corner lots through setbacks and/or a bulk/volume percentage.

Notes:

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

4. Amendments to limit Lot Mergers:

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

The City Council reviewed the Mansionization Committee recommendation and made revisions and provided direction to staff as follows:

- a. For new mergers of separate lots, a maximum of **two** standard lots may be merged. Exemptions for RM, RH, and CL in Area Districts I and II with 3+ dwelling units and for non-alley RH in Area District III east of Ardmore, and staff also recommends an exemption for religious institution uses.

The City Council requested that staff provide and the Planning Commission review and consider information on how these new residential development standards will impact the BFA on larger lots.

- b. Unmerged adjacent lots under common ownership larger than two lots and currently developed and used as one lot may continue to be used as one lot. When the lots are merged and developed with new structures then they will be subject to the new residential development standards in #3 above. These sites should not be developed with one large single family home.

The City Council requested that staff provide and the Planning Commission review information that identifies the number of these lots.

BACKGROUND

City Council Work Plan

Each year the City Council adopts a Work Plan which identifies many of the important projects that will be addressed during the following year. The 2004-2005 City Council Work Plan, adopted

March 2, 2004, included three items to address residential development standards. Two code Amendments were adopted as part of the Work Plan, a new Minor Exception to encourage the retention of smaller homes with a 2,000 square foot cap and the bulk-volume front setback was increased from 6% to 8%. The third item, lot mergers and development standards for larger lots, was also studied but tabled in April 2005 pending further City Council direction.

The 2005-2007 City Council Work Plan, adopted June 5, 2005, includes an item on Mansionization to address issues tabled from the 2004-2005 Work Plan related to lot mergers and maximum lot size, as well as new issues to be addressed, including developer incentives for development benefits and re-evaluation of the Minor Exception for smaller homes. The Mansionization Work Plan item states the following:

Mansionization 2005-2007

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.

Mansionization Code Amendments

On July 26, 2005 staff presented an issue paper at the joint City Council Planning Commission meeting. This report provided background on Code Amendments that the City has implemented and studied over the past 15 years including ZORP (1990), Bulk Volume Amendments (2002, 2003, 2004), Minor Exception to encourage small home remodels and additions (2005), lot merger and development standards for large lots (2005), and maximum lot size (2005), as discussed in more detail in the following section of this staff report. At that meeting the City Council supported as a first step moving forward by establishing a maximum lot size.

Mansionization Issues Committee

Throughout the second half of 2005 Code Amendments to establish a maximum lot size were studied and after numerous Planning Commission and City Council public hearings and meetings no final action was taken. Instead, on December 6, 2005 the City Council formed a residents committee, the Mansionization Issues Committee, to comprehensively address mansionization issues and make recommendations to address residential development. The Committee was an informal group that consisted of two Council members, Nick Tell and Joyce Fahey, one Planning Commissioner, David Lesser, and about a dozen residents including a number of local architects, and real estate representatives.

The Mansionization Committee met thirteen times from February 2006 through March 2007, presented recommendations to the Planning Commission, and on April 3, 2007 the City Council considered the portion of the Committees recommendations specifically related to Lot Mergers. At the April 3rd 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 17th 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 to discuss all of the Mansionization Committees recommendations for residential Code Amendments. At that Study Session the Council felt that additional review and possibly a tour of the City would be beneficial. On May 15th, 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, including:

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

Encourage the retention of smaller homes

This amendment was discussed at a number of Mansionization Committee meetings. There was general consensus among the Committee on the recommendation, with no major differing view points. *The City Council also discussed the concept and indicated that the percentage of the maximum allowed BFA and the maximum square footage numbers should be reviewed by the Planning Commission.*

Goals

The Goals of the amendment as recommended by the Mansionization Committee are as follows:

1. Encourage retention of existing smaller homes (ie those homes with less than the maximum allowed BFA).
2. Allow non-conformities to remain provided minimum required setbacks (50%) are provided, with some flexibility in unusual instances.
3. Upgrade non-conformities for Building Safety requirements to extent feasible.
4. Retain existing non-conforming garages and provide new garages or parking for homes that exceed a certain square footage.
5. Allow flexibility for 8% (6%) additional front yard open space for remodels and corner lots.
6. Retain and provide open space with flexibility in location.

Planning concerns

A number of potential concerns regarding the proposal, as outlined below, were discussed by the Committee. The Committee felt that the proposed amendments either addressed all of the potential concerns or the concerns were not significant. The items discussed were as follows:

1. Character of homes will not be maintained (ie. 800 SF house could expand up to 3,000+ SF and existing architectural style can change). The Committee felt that having freedom in

architectural style was important, and that the goal of retaining homes that would be significantly less than the maximum allowed BFA was the key concern.

2. Existing zoning non-conformities (ie. setbacks, height, driveway width and visibility, garage door width, turning radius, projections, landscaping, open space, parking access, bulk-volume additional 8% (6%) front yard setback, fences/walls, etc) would potentially remain. The proposal includes discretion so that minimum setbacks are provided, as well as parking.
3. Currently there is a 2,000 SF cap with a noticed discretionary process (Minor Exception) while the proposal provides a maximum of up to 3,000 SF cap non-noticed administrative process and no square footage cap with a noticed discretionary process. Again, the Committee felt that since there would be a discretionary review process with minimum required parking requirements that this issue was addressed and the goal of retaining homes that would be significantly less than the maximum allowed BFA was the key concern. Staff believes that a smaller square footage, more than 2,000 but less than 3,000 would serve the needs of the community and still meet the goals of the City Council.

Staff believes that it is important to provide minimum parking standards. The direction from the Planning Commission was to provide the following parking through the Minor Exception provisions for the remodel and expansion of homes as follows:

- a) Projects 2,000 SF or under require a minimum 1-car fully enclosed garage
- b) Projects over 2,000 SF up to 2,800 SF require 2-car off-street parking with one enclosed and one unenclosed parking space
- c) Projects over 2,800 SF require a two-car enclosed garage
- d) Projects over 3600 SF require a minimum 3-car enclosed garage

Building Safety concerns

The Building Safety Division expressed some concerns with allowing existing building safety non-conformities (ie. seismic, exiting/access, light and ventilation, and fire protection) to potentially remain. Staff and the Committee felt that these concerns could be adequately addressed through the plan check process, as well as the criteria for approval that is incorporated into the proposed revisions which requires that all Building Safety non-conformities be brought into conformance with current regulations to the extent feasible, as determined by the Building Official. The concerns of Building Safety are that existing safety issues will continue for the life of the new building (20+ years) instead of being phased out as the useful life of the old building is depleted and then removed.

Proposed Code Revisions

The following outlines the proposed code revisions as recommended by the Committee:

- A. Administratively, with specific criteria outlined below, allow 100% remodel and an increase in BFA for existing non-conforming small homes with a limit of 66% (Area Districts III and IV) to 75% (Area Districts I and II) of BFA or 3,000 SF, whichever is less:**

Current provisions:

- Allows remodels/addition up to 2,000 SF total with no limit on project valuation with approval of a Minor Exception.

Proposed regulations:

- Limit BFA to 66% to 75% of maximum BFA, plus regulations for both A and B as detailed below.

B. Administratively, with specific criteria outlined below and with neighborhood notification (current Minor Exception process), allow 100% remodel and an increase in BFA for existing non-conforming homes with a limit of 66% (Area Districts III and IV) to 75% (Area Districts I and II) of BFA, but no SF cap.

Current provisions:

- Allows remodels/addition up to 2,000 SF total with no limit on project valuation with approval of a Minor Exception.

Proposed regulations:

- Limit BFA to 66 to 75% of maximum BFA, plus regulations for both A and B as detailed below.
- Require a minimum 3-car enclosed garage for projects over 3,600 SF in area.

Proposed regulations for both A and B:

- No limit on project valuation- 100% of existing home could be remodeled.
- Revise existing standard that requires a minimum of 25% (based on building valuation) of the existing home must be retained, to require a minimum of 10% of the existing home must be retained.
- Retain existing standard that requires that the remaining non-conforming portions of the house provide a minimum of 50% of the required setback; add flexibility if there is an unusual lot configuration and relationship of the existing house to the lot lines for minor portions of the building then less than 50% can be allowed subject to approval of the Director of Community Development.
- Allow existing zoning non-conformities (setbacks, height, driveway width and visibility, garage door width, turning radius, projections, landscaping, open space, parking access, bulk-volume additional 8% (6%) front yard setback, fences/walls, etc.) to remain.
- Require a minimum 1-car fully enclosed garage for projects 2,000 SF or under (1 foot existing non-conforming dimensions per space in all directions ok). Retain all existing required parking (ie: can not remove or convert an existing 2-car garage to create only a 1-car garage).
- Require a minimum 2-car off-street parking for projects over 2,000 SF (1 foot existing non-conforming dimensions per space in all directions ok) with one enclosed and one unenclosed, located outside of the front setback.
- Require a minimum 2-car fully enclosed parking for projects over 2,800 SF (1 foot existing non-conforming dimensions per space in all directions ok).
- Require all Building Safety non-conformities be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
- New construction must comply with current Code requirement, and no alterations to existing non-conforming portions of the home, except as follows and subject to Directors approval for both new and existing:
 - To comply with Building Safety requirements

- For architectural compatibility
- To integrate new construction into old construction
- Other minor alterations as determined to be necessary by the Director

Criteria/Findings for approval for both A and B:

- Compatible with adjoining properties in the surrounding area.(Scale, mass, orientation, size and location of setbacks, height)
- No significant detrimental impact to surrounding neighbors. (privacy, pedestrian and vehicular accessibility, light, air)
- Practical difficulty which warrants deviation from Code standard (lot configuration, size, shape, or topography, relationship of existing house to the lot)
- Existing non-conformities brought closer to conformance with Planning requirements where reasonable and feasible
- Existing non-conformities brought closer to or into conformance with Building Safety requirements to the extent feasible
- Compliance with current policy guidelines
- Applicant can appeal Directors decision to the Planning Commission

C. Remodel of existing home- Exception to bulk-volume additional 8% (6%) front yard setback/open space requirement:

- Allow less than 8% (6%) (4% or 3% minimum) additional setback area/open space in the **front** yard; current provisions require 8% (6%) in the front yard.
- Percentage of open space provided that is not within the front yard required to be 2 times the percentage if it was provided in the front yard. [ie 8% (6%) required, if 4% (3%) in the front (4% (3%) balance due)- provide 8% (6%) outside of the front yard= 12% (9%) total], to the extent feasible as determined by the Director of Community Development.
- Open space provided outside of the front yard required to be adjacent to a property line (ie, not an interior courtyard)

Criteria/Findings for approval of C:

- Decision of Director of Community Development
- Compatible with adjoining properties in the surrounding area.(scale, mass, setbacks, height)
- No significant detrimental impact to surrounding neighbors. (privacy, pedestrian and vehicular accessibility, light, air)
- Practical difficulty which warrants deviation from Code standard (lot configuration, size, shape, or topography, relationship of existing house to the lot.)
- Compliance with current policy guidelines
- Applicant can appeal Directors decision to the Planning Commission

D. Bulk Volume- Remodel of existing homes on corner lots

- Require a percentage (6% (4%) maximum) of the 8% (6%) additional front yard open space to be provided on the streetside frontage on corner lots, instead of only along the front as is currently required.

- Require a minimum and maximum dimension along the streetside frontage for consistency with the purpose of the bulk volume regulations as determined to be appropriate by the Director of Community Development.

Criteria/Findings for approval of D:

- Decision of Director of Community Development
- Compatible with adjoining properties in the surrounding area.(scale, mass, setbacks, height)
- No significant detrimental impact to surrounding neighbors. (privacy, pedestrian and vehicular accessibility, light, air)
- Practical difficulty which warrants deviation from Code standard (lot configuration, size, shape, or topography, relationship of existing house to the lot)
- Compliance with current policy guidelines
- Applicant can appeal Directors decision to the Planning Commission

Accessory use of adjacent parcels- (with common ownership of parcels)

Under the current Zoning Code provisions if two or more adjacent parcels are under common ownership but are not merged, the additional parcels that are not used for the main house can only be developed as a separate parcel with another house or with non-structural accessory uses (ie, patios, decks, sport courts, gardens). Section 10.52.040, Accessory structures, does not allow the establishment or construction of accessory structures on a site prior to the construction of a principal structure on the site. On a residential parcel a principal structure would be the main house. Additionally, several definitions within the Zoning Code prohibit an accessory structure unless there is also a primary structure on the parcel.

Common ownership of an adjacent parcel has historically created more open space as any structures must conform to the development standards for each individual parcel, including height and setbacks. Often adjacent parcels will be purchased to allow more outdoor living area, but they will not be merged into one parcel so the at the owner has the flexibility in the future to sell the adjacent parcel or to pass the property along to children or other beneficiaries. The existing regulations are very restrictive though and allow very limited use of the adjacent parcel which can encourage some owners to sell the lot or develop it with a new residence which increases density.

The proposed regulations would administratively allow additional parcels to be developed with only an accessory use, and not require a “principal structure” on the adjacent parcel if the lots are under common ownership and one parcel is developed with a principal structure; a dwelling unit. These proposed regulations would not allow a structure to be built over the property line; all development standards including setbacks and height limits would need to be complied with. Accessory structures would be limited to a pool, sports court, decks, patios, poolhouse, guest house, extra garage, workshop, or similar structure. The single-family residential (RS) zone allows detached accessory structures up to 900 SF or 12% of lot area, whichever is more, in total gross floor area. Guest houses are limited to 500 SF and are currently only allowed on a lot with one single-family residence. Required garages for the dwelling units would not be allowed on the adjacent parcel, although a garage that is an “extra” garage would be allowed. The accessory structures would need to meet all development standards.

Specific Code criteria and findings will be incorporated into the proposed Code language. These criteria would require the following:

1. Compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).
2. No significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air).
3. Practical difficulty which warrants deviation from Code standard (lot configuration, size, shape, or topography, relationship of existing house to the lot).
4. Compliance with current policy guidelines.
5. Recordation of a covenant to tie the common ownership lots together unless the lots are brought into conformance with the Zoning Code by constructing a residence on the lot(s) with the accessory structure(s) or removing the accessory structure(s) prior to selling the separate lot(s).

Lot Mergers

Over the past few years a number of owners, predominantly in the RS (Single Family Residential) district have bought a neighboring lot and demolished the building on it, thus creating a double lot building site. In most cases the additional lot has been used only for supplemental yard which provides greater open space and buffer on one side. As such the second lot is not permanently part of the home site and may be sold off at any time. In other instances, an owner, after demolishing the second structure on the adjoining lot, has combined the lots and built a new home that extends over the line separating the two lots. In such cases the added land has often been used for larger yards, more evenly distributed around the home. The latter is what is referred to in this study as a lot merger. Lot mergers legally and permanently join two or more lots together.

Under the current code, a building site comprised of two or more merged lots may develop to the maximum that is set forth in the development regulations. The codes contain limits or allowances based on certain building site attributes. For example, the building height limit is based on the existing ground elevation at the site's four boundary corners and the amount of building floor area allowed is limited to a percentage of the total lot or site area. There currently are no regulations that specifically restrict or control the size of a home or yard area when lots are merged and result in a site that contains land area in excess of the minimum lot size standard.

As noted, the Mansionization Committee studied lot mergers, based on guidance from the City Council in the Work Plan and joint meeting with the Planning Commission. Throughout the course of its deliberations this past year there was debate and differences in opinion regarding the relationship of lot mergers to Mansionization and possible solutions. Some members felt strongly that strict controls should be applied to development on sites comprised of as few as two lots. Others expressed strong concern that such changes would significantly impact private property development rights and should be carefully considered.

Based on the goals established by the Committee, to preserve neighborhood character, to preserve quality open space and provide adequate space around homes, the Committee developed a compromise proposal. The Committee recommendation would prohibit new lot mergers where the new lot size would be more than **three times** the typical lot size, and lots that would be between two to three times the typical lot size would have new development standards to increase open space, reduce building height, limit BFA to that allowed on two lots, and require variation in perimeter

fencing. The criteria would only apply to new mergers, and the RH, RM, and CL Zones in Area Districts I and II with three or more residential units would be exempted.

This recommendation from the Mansionization Committee was presented to the Planning Commission in October 2006, and then the item was tabled in November based on direction from the City Council to review all of the Mansionization Committee recommendations at one time. After several more months of Mansionization Committee meetings the Council determined it would address Lot Mergers again as the Committee still had not completed its review. In April 2007 the City Council considered the Lot Merger recommendation from the Mansionization Committee and adopted a Moratorium to allow time for further study of the Lot Merger issue and so that all of the Mansionization Committee recommendations could be reviewed at one time.

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.

In May 2007 a joint study session with the City Council and Planning Commission was held and at that time the Council felt that additional review and a City tour would be beneficial. On June 26th a special study session and tour was held. Staff showed the Council 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 also showed 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. The Council reviewed the Mansionization Committee recommendations and provided direction to staff prepare lot merger amendments as outlined below.

1. Unmerged adjacent lots under common ownership larger than two standard lots and currently developed and used as one lot may continue to be used as one lot. These sites should not be developed with one large single family home. The City Council requested that staff identify the number of these lots that meet this criteria and would be subject to the new regulations. Existing lots that have been legally merged would not be affected, although new development would be subject to the new open space and setback development regulations.
2. For new mergers of separate lots, a maximum of two standard lots may be merged. The following exemptions are recommended:

- a. Lots in the RM, RH, and CL in Area Districts I and II with 3+ dwelling units, in order to encourage the development of multi-family residential in these areas.
 - b. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, since the Zoning Code does not allow vehicles to back out onto the street in this area and lots need to be merged in order to allow adequate on-site turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.
 - c. Religious institutions, since many of these sites are a consolidation of many original subdivided single family lots that have not been merged and the expansion of existing religious uses on these sites may require a merger of the parcels. The City Council did not provide direction on this exemption; the issue was brought up by staff after the Council review of the proposed Amendments in June.
3. The City Council also requested that staff and the Commission consider how new residential development standards will impact the BFA on larger lots.

Staff would suggest that the new lot merger regulations be effective for mergers containing lot area that is more than two times the typical lot size, not the minimum lot size identified in the Code. Since there is such a large variety of lot sizes setting the standard at two times the minimum would not allow two typical 33.33' by 90' lots in the Beach Area to be merged or two typical 40' by 120' lots in the Tree Section to be merged. Staff feels the direction of the Council was to allow these types of mergers, just not more than two typical lots so that the neighborhood character would not be negatively impacted. New lot mergers larger than two times the typical lot size would not be allowed. When lots are merged and developed with new structures then they will be subject to the new residential development standards to increase open space and setbacks as indicated in the next section of this report. Additionally, these new development standards will apply to all lots, including existing lots larger than two times the typical lot size.

Increase open space and setback

In order to implement the goals of the Mansionization Committee and the City Council to preserve neighborhood character, encourage quality private open space, and address the space between homes (setbacks), new residential standards are proposed. The Council felt that since these standards would apply to all lots, including Lot Mergers, that additional regulations such as supplemental open space, a reduction in building height, a limit on BFA, and perimeter fencing regulations, as recommended by the Mansionization Committee would not be necessary for Lot Mergers. The following are the new development standards recommended by the Committee in order to increase open space and setbacks:

a. Open space revisions:

- i. Decrease the 8% bulk volume additional front yard setback to 6% and require a portion to wrap around the corner in single family residential RS AD I and II, to provide building wall articulation. The Committee felt that this was a balance issue, in that additional side and rear setbacks would increase the open space in these areas around the home and a slight decrease in the additional front yard setback would help to redistribute the open space.

- 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 and there is no bulk-volume additional front setback area. With a 3-story, 30' height limit, and 1 and 5 foot setbacks there is a potential in the RS zone in the Beach Area for homes to be very massive and provide little open space, articulation and impact neighborhood character.
- iii. Eliminate the 350 SF open space cap. This would apply to all lots RS, RM and RH in the Beach Area. Typically this would impact single family residential development as any house with over 2,333 square feet of BFA would need to provide more than 350 SF of open space. Typically multi-family residential such as condominiums are less than 2,333 SF in area, however since the requirement is per unit, a two unit condo with two 2,333 SF units would provide 700 SF total of open space.
- iv. Consider calculating basement square area as BFA for 15% open space requirements, in order to increase open space. The most recent amendment to the bulk-volume requirements added the regulations that basement area is counted for parking requirements, however it is not counted or only partially counted towards BFA, which increases on-site parking. This proposal is similar in that the basement area would be included for open space calculations. As an example, if 1,000 square foot basement increased the building area to over 3,600 a third garage would be required and an additional 150 square feet of open space. The lot could be limited to an maximum BFA of 2,600 SF, and add as much basement area as desired.
- v. 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 3rd story may not exceed the square footage of the floor area on that same level. By allowing more flexibility in this regulation the quality of open space could be increased.
- vi. Decks above the 2nd or 3rd story will be permitted if increased setbacks are provided and deck is located adjacent to an indoor living area. Currently this is not allowed. Again, by allowing more flexibility in this regulation the quality of open space could be increased.

b. Setback revisions:

- i. Eliminate the 5' cap on side yard setbacks. Currently 10% of lot width is required with a 5' cap. So very wide lots, wider than 50' have the same side setbacks as a 50' wide lot. The Committee felt that the space between homes was important and increased setbacks should be provided for larger, wider lots.
The City Council asked staff to provide information on the number and percentage of lots that would be impacted and what those impacts are to BFA. Staff will provide this information at a future meeting.
- ii. Consider increasing the side setback to more than 10% of the lot width, in order to increase open space on standard size lots. The Council felt that the standard 30 to 50 foot wide lots should be reviewed to determine if a increase in side yard setbacks would further the goals as established by the Committee.
The Council also requested that staff review any impacts to BFA.

- iii. Increase the rear setback from 10' to 12' minimum and eliminate the 25' cap, AD I and II. Again, the Committee felt that providing quality open space and the space between homes was important and increased setbacks would help meet these goals.
The City Council asked staff to provide information on the number and percentage of lots that are impacted. Staff will provide this information at a future meeting.
- iv. Increase the rear setback from 5' to 10' for RS Beach Area non-alley lots, rear abutting residential, 2,700 SF or larger in area. Again, the Committee felt that providing quality open space and the space between homes was important and increased setbacks would help meet these goals. There are only a very small number, about 46, of these lots.
- v. Decrease the maximum side/rear building wall height from 25' to 24' and apply to corner side building walls also. Building walls over 24' feet in height require an additional 3' setback. This reduction in the building wall height would increase building wall articulation.
- vi. Provide articulation on building walls on streetside setback on corner lots through setbacks and/or a bulk-volume percentage. On corner lots in the Beach Area there is only a 1 foot setback on streetside corners and in other areas the setback is 3 to 5 feet, although the 5 foot cap is proposed to be eliminated. Also the 8% (6%) bulk-volume setback requirement is proposed to be required to wrap around the corner on corner lots.

Staff is proposing two exemptions consistent with the current Code exemptions. The first would provide for 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. And the second exemption would 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.

Public Input

A ¼ page ad as a public notice for the project was published in the Beach Reporter newspaper on July 19th. The newspaper did not publish the ad with the required minimum 10 day notice, therefore the Planning Commission is not able to take final action at this time. Staff also sent notice of the hearing to the Mansionization Committee as well as to a list of local architects and designers. At the writing of this report, staff has not received any public comments

CONCLUSION

Staff recommends that the Planning Commission review the proposed Amendments, take public input and provide direction to staff. Staff believes that the first two amendments, to encourage the retention of smaller homes and to allow accessory structures on adjacent lots under the same ownership, are straightforward and non-controversial items and staff would recommend proceeding with approval of those amendments as soon as possible. Staff will provide a draft Resolution with proposed Code revision language for those two items for the Commissions review and recommendation at the next meeting. Those two items will then be forwarded to the City Council

for review and approval. The other items may take an additional meeting and staff will provide the additional information that the City Council requested on those items at a future meeting.

EXHIBITS

- A. Definition of Mansionization, and what the City has done to address Mansionization 1990 to 2007
- B. June 26, 2007 City Council Special Study Session staff report and attachment , (excluding attachment 1- tour map and photos of homes on tour)

EXHIBIT A
PLANNING COMMISSION
7/25/07
MANSIONIZATION

Definition of Mansionization

In order to gain a better understanding of this issue it is helpful to attempt to define Mansionization. The following definitions were discussed by the Mansionization Committee.

- 1) 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)
- 2) Construction of large homes with minimum setbacks, attaining maximum floor area, that appear out of scale with neighboring houses and that may result in decrease of open space and landscaping.
- 3) 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 being built to the 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.

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 or Buildable Floor Area (BFA). A chart that provides a summary of the changes that were adopted is included as Exhibit B to the February 6, 2006 Mansionization Committee report that is attached.

Minor Exception to encourage small home remodels and additions-2005

A Code Amendment was adopted in January 2005 to encourage home remodeling and small additions to existing homes up to 2,000 square feet by waving certain nonconforming requirements (i.e. substandard setbacks). 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 want to remain in their homes. It is staff's opinion that this amendment results in fewer small homes that are being replaced with large homes. The 2,000 square foot limit have been too restrictive to meet the needs of some homeowners. The City approved nine applications in 2005, six in 2006, and five have been submitted through June 2007.

Lot merger and development standards for large lots- 2005

Staff studied this issue and presented its findings to the Planning Commission at several meetings. The Planning Commission then tabled the item in April 2005, waiting for further

EXHIBIT A
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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.

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, which recommended a maximum lot size for certain residential zones. In December 2005, City Council tabled this item and formed the Mansionization Issues Committee to study the issue further along with other issues related to Mansionization.

Mansionization Issues Committee

On February 9, 2006, at the first meeting of the Committee, four broad goals were defined and agreed upon. These are summarized below:

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

A chart of the Mansionization Committees recommendations from March 15, 2007 related to amendments for new residential development to increase open space and setbacks is included as attachment 3 to the June 26, 2007 City Council report, and a list of all of the Committee recommendations on all of the proposed amendments is attached as attachment 5 to that same report. The Committee also reviewed and discussed, but did not recommend, a number of other options to address Mansionization, and a list of those options are attached as attachment 6.

Lot Merger Moratorium

At the April 3, 2007 Council meeting the Council decided to not take action on the Lot Merger proposal as recommended by the Mansionization Committee and instead directed staff to prepare a Moratorium on Lot Mergers. This would provide the City Council an opportunity to study the issue of Lot Mergers further prior to the adoption of Code Amendments. On April 17th the Lot Merger Moratorium was adopted, then extended and amended in May and June. The Moratorium is intended to remain effective until new development standards are implemented.

Laurie B. Jester

From: Richard Thompson
Sent: Monday, July 23, 2007 8:00 AM
To: Laurie B. Jester
Subject: FW: "Grandfathering" Loophole in the Proposed new Lot-Merger Ordinance?

Richard Thompson
Director of Community Development

-----Original Message-----
From: David Lesser [mailto:david.lesser@verizon.net]
Sent: Sunday, July 22, 2007 10:30 PM
To: Richard Thompson
Subject: FW: "Grandfathering" Loophole in the Proposed new Lot-Merger Ordinance?

Richard,
For inclusion in the record.

David J. Lesser
david.lesser@verizon.net
-----Original Message-----
From: David Hennessy [mailto:hennessy@rallc.com]
Sent: Sunday, July 22, 2007 6:45 PM
To: wpowell@citymb.info; jschlager@citymb.info; bbohner@citymb.info; dlesser@citymb.info
Cc: mward@citymb.info; pcohen@citymb.info; ntell@citymb.info; jaldinger@citymb.info; rmontgomery@citymb.info
Subject: RE: "Grandfathering" Loophole in the Proposed new Lot-Merger Ordinance?

This is a reality check. Why do we have zoning requirements ...to achieve the standards we want to reach and maintain. If a building does not conform but was built before the current standards then let it be. But if a building is being torn down and replaced shouldn't the new structure conform with the current zoning restrictions?

I apologize if this sounds condescending. Zoning measures are there for a reason. Allowing 3604/3608 The Strand to be grandfathered, or any property to be grandfathered, so that they can build something that is new but does not conform to the current zoning codes does not make any sense to me.

Please I ask you to think this one through and let's avoid loopholes, special treatments and loss of building controls.

Thank you,

David M Hennessy

*Distributed at
7/25/07 P.C.
meeting*

112A 36th Place
Manhattan Beach, Ca 90266

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Laurie B. Jester

From: Richard Thompson
Sent: Monday, July 23, 2007 7:59 AM
To: Laurie B. Jester
Subject: FW: 3604/3608 lot merger

Richard Thompson
Director of Community Development

From: David Lesser [mailto:david.lesser@verizon.net]
Sent: Sunday, July 22, 2007 10:29 PM
To: Richard Thompson
Subject: FW: 3604/3608 lot merger

Richard,

For inclusion in the record.

David J. Lesser
david.lesser@verizon.net

From: julie gallas [mailto:julie.gallas@gmail.com]
Sent: Sunday, July 22, 2007 6:19 PM
To: wpowell@citymb.info; jschlagen@citymb.info; bbohner@citymb.info; dlesser@citymb.info; mward@citymb.info; pcohen@citymb.info; jaldinger@citymb.info; ntell@citymb.info; rmontgomery@citymb.info
Subject: 3604/3608 lot merger

I am writing on behalf of my many neighbors and friends who are in close proximity to the above property or are concerned residents. Several months ago we attended city council and city planning commission meetings, we wrote letters to the local papers, gathered signatures which we gave to Mitch Ward at a meeting, and were thoroughly pleased when the planning commission denied the lot merger of the 2 and 1/3 lots on the Strand. We felt then and still do that allowing a mega lot to exist with no construction proposals could lead to a Redondo Bch. esplanade type of structure. This is the opposite of the impression most Manhattan Bch. residents have of the current city council. I believe you when you talk about not wanting overdeveloped land parcels, that we need to try to maintain some kind of small town feel here at the beach, and that the mansionization has gotten out of control. I believed the planning commission when they talked about having certain amounts of residential parcels needing open space and greenery. Please do not reconsider an issue that we all thought had been put to rest. There is no reason this particular property should get preferential treatment. What kind of pandora's box will that open? We all sincerely hope that your original decision to aim for 2 lot mergers only and for open areas to exist along with new buildings will prevail. Thankyou for you consideration.

Julia Gallas
112 36th Place

07/23/2007

Laurie B. Jester

From: Richard Thompson
Sent: Monday, July 23, 2007 7:59 AM
To: Laurie B. Jester
Subject: FW: No Grandfathering of Lot Mergers

Richard Thompson
Director of Community Development

From: David Lesser [mailto:david.lesser@verizon.net]
Sent: Sunday, July 22, 2007 10:28 PM
To: Richard Thompson
Subject: FW: No Grandfathering of Lot Mergers

Richard,

For inclusion in the record.

David J. Lesser
david.lesser@verizon.net

From: Phillip Horan [mailto:philliphoran@gmail.com]
Sent: Sunday, July 22, 2007 12:43 PM
To: jschlager@citymb.info; wpowell@citymb.info; sseville-jones@citymb.info; bbohner@citymb.info; dlesser@citymb.info
Subject: No Grandfathering of Lot Mergers

Attn: Planning Commission

As long-time Manhattan Beach homeowners, we are very upset that you have recently included the grandfathering of large lot mergers (something that you rejected last time you considered it). We believe that lot mergers should be limited to just two lots – NO EXCEPTIONS). If someone has a non-conforming unmerged building, any new construction should be brought up to the current code requirements (i.e., 2 lot-merger maximum). It's simply unfair to others who have to bring their properties up to code and someone gets a pass. Whatever happened to retaining our small beach-town atmosphere, free from condos that overshadows our neighborhood. Or does it come down to the almighty developer buck! Please consider the negative effect on our community and do what our residents demand – no more large lot mergers -- no unfair grandfathering.

Sincerely,

Phil and Rita Horan

07/23/2007

Laurie B. Jester

From: Richard Thompson
Sent: Monday, July 23, 2007 7:56 AM
To: Laurie B. Jester
Subject: FW: "Grandfathering" Loophole in the Proposed new Lot-Merger Ordinance?

Richard Thompson
Director of Community Development

-----Original Message-----
From: David Lesser [mailto:david.lesser@verizon.net]
Sent: Sunday, July 22, 2007 7:36 AM
To: Richard Thompson
Subject: FW: "Grandfathering" Loophole in the Proposed new Lot-Merger Ordinance?
Richard,

For inclusion in the record:

David J. Lesser
david.lesser@verizon.net

-----Original Message-----
From: John Clark [mailto:flyfast@earthlink.net]
Sent: Saturday, July 21, 2007 10:24 PM
To: wpowell@citymb.info; jschlager@citymb.info; bbohner@citymb.info; dlesser@citymb.info
Cc: mward@citymb.info; pcohen@citymb.info; ntell@citymb.info; jaldinger@citymb.info; rmontgomery@citymb.info
Subject: "Grandfathering" Loophole in the Proposed new Lot-Merger Ordinance?

Planning Commission and City Council Members:

When Robert Schuman first tried to get his lot merger approved for 3604-3608 The Strand, he ran into a "speed bump" that turned into a wall. That was the will of the surrounding neighbors, then the larger community and finally you. It was clear in the end that Manhattan Beach did not want any lot mergers because they would intimately lead to more "mansionization." We would have thought your decision to eliminate lot mergers would have been final.

Now we learn that Mr. Schuman is trying to get a "grandfathering" loophole in the proposed new lot-merger ordinance currently being contemplated. The main issues have not changed. Not only does this proposed "grandfathering" conflict with the City's certified General Plan and Certified Local Coastal Program which mandates that we maintain our small-town community, free from bulky over-developed structures that are out of scale with, and dwarfs the surrounding neighborhoods...but it also directly conflicts with your previous decisions on this matter. Presently, all non-conforming structures must be built to current code when they're demolished. Why should special privileges be granted to allow anyone to build a merged structure that will not be in compliance with current development standards (i.e., prohibited by passage of the new lot-merger ordinance)? This has never been allowed before (not with ZORP, Bulk/Volume

Ordinances, Minor Exception Ordinance, new Building Safety Codes, etc.). Those of you on the City Council campaigned against this when you ran for election/re-election, so now it's time to "walk the walk," again!

The residents and home owners in Manhattan Beach want a stop to special privileges for large developers. These type of "mansionized" developments cause a large adverse detrimental impact to the community blocking sunlight, airflow, views, open space and creating lack of privacy. You must step up and follow through on your initial action with lot mergers and see that there is no "grandfathered" loophole in the proposed new lot-merger ordinance

Thank you for your time and consideration.

Respectfully,

John Clark
3616 The Strand

Laurie B. Jester

From: Richard Thompson
Sent: Monday, July 23, 2007 7:55 AM
To: Laurie B. Jester
Subject: FW: Lot Merger Issue

Richard Thompson
Director of Community Development

From: David Lesser [mailto:david.lesser@verizon.net]
Sent: Sunday, July 22, 2007 7:36 AM
To: Richard Thompson
Subject: FW: Lot Merger Issue

Richard,

For inclusion in the record.

David J. Lesser
david.lesser@verizon.net

From: Jean Anderson [mailto:jeanhanderson@yahoo.com]
Sent: Saturday, July 21, 2007 9:50 PM
To: wpowell@citymb.info; jschlager@citymb.info; bbohner@citymb.info; dlesser@citymb.info; sseville-jones@citymb.info
Cc: mward@citymb.info; pcohen@citymb.info; jaldinger@citymb.info; ntell@citymb.info; rmontgomery@citymb.info
Subject: Lot Merger Issue

Dear Planning Commissioners:

We read the Planning Commission agenda staff report and were shocked to learn that you and the City Council are even considering renegeing on your prior commitment to not create loopholes ("grandfathering") of inappropriate lot-mergers! The proposed "grandfathering" of mega lot-mergers (item 4b on page 3) conflicts with the City's certified General Plan and Local Coastal Program which mandate that we maintain our small-town atmosphere, free from bulky over-developed structures that are out of scale with, and dwarf our surrounding neighborhoods. All non-conforming structures should be built to current code when they're demolished and replaced. There should be no special privileges granted to allow anyone to build a merged structure that will not be in compliance with current development standards (i.e., prohibited by passage of the new lot-merger ordinance). This has not been allowed before (not with ZORP, Bulk/Volume Ordinances, new Building Safety Codes, etc.).

The residents of Manhattan Beach don't deserve this grandfathered loophole and want a stop to special privileges to large developers whose projects create a detrimental impact to our community (e.g., blocking sunlight, airflow, views, open space and creating lack of privacy). Please do the right thing and just say NO to the grandfathering of inappropriate mega lot mergers such as "3604-3608 The Strand" and elsewhere in our city!

Note to City Councilmembers: You were elected/re-elected on your campaign pledges to maintain our small-town charm and unique neighborhoods. Furthermore, the night you imposed the moratorium, you all promised that there would be no grandfathering of lot-mergers. **Please honor your promises!**

07/23/2007

Sincerely,

Jean & Jim Anderson
Manhattan Beach

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Richard Thompson

From: Wayne Powell [beachbum2u2@yahoo.com]
Sent: Wednesday, July 25, 2007 1:46 PM
To: Richard Thompson
Subject: Fwd: Comments on Recommendations from Mansionization Issues Committee

FYI . . .

GFOConnor@aol.com wrote:

From: GFOConnor@aol.com
Date: Wed, 25 Jul 2007 16:19:24 EDT
Subject: Comments on Recommendations from Mansionization Issues Committee
To: bbohner@citymb.info, wpowell@citymb.info, dlessler@citymb.info,
sseville-jones@citymb.info, jschlager@citymb.info
CC: ntell@citymb.info, jaldinger@citymb.info, pcohen@citymb.info,
mward@citymb.info

Dear Planning Commission Members Bohner, Powell, Lesser, Seville-Jones and Schlager:

As both a long term (20+ year) homeowner and past Planning Commissioner, I've closely followed, very actively participated in, and sometimes even led our many attempts to address 'Mansionization' over the past 10+ years. As such, I well recognize and greatly appreciate the efforts recently put forth by a number of our residents and appointed and elected officials to serve on the current Mansionization Issues Committee.

Herein I will first address a few process concerns, after which I will address a few select and specific content concerns relative to the associated recommendations from that Committee that appear on your agenda tonight.

PROCESS

I began to attend a few of the Committee's meetings toward the end of 2006 as I continued to wonder about any progress throughout the year and could find no publicly published meeting minutes or reports. I was shocked to be informed, upon my initial arrival at my first meeting, that I was suddenly a Committee member. This, from the de facto Committee Chairman, our Mayor. My immediate response was to directly and openly question how such a loosely formed "Committee" could practice effective decision making, if its makeup was solely defined by whoever happens to show up at any given meeting. This input was summarily dismissed by the Chairman.

While I don't want to discredit or disrespect the efforts of the individual members of the Mansionization Issues Committee, I feel quite strongly that the manner in which the proceedings of this Committee were led by the Council subcommittee, including but not

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7/25/07 P.C.
meeting

07/25/2007

limited to the complete lack of formal progress reports to Council for more than a full year during which the Committee met, ultimately allowed this Committee to stray significantly from their original charge as defined by City Council.

In fact, it is quite clear that the Mansionization Issues Committee recommendations have, overall, come up **quite** short of meeting the intended goal of this Council Work Plan item to have a necessary and appreciable impact on the bulk and volume of (primarily) speculative new construction.

Instead, the recommendations now before you cater way too much to individual property owners' interests at the expense of the best interests of the community as a whole.

We have now seen clear evidence of this diversion in two specific instances when the Committee's recommendations have been presented to City Council:

1) When the Committee's proposed 'Amendments to Limit Lot Mergers' went before Council, the Committee's recommendation to allow up to "three lots" to be merged was immediately and summarily rejected, with the Council direction reiterated that the express goal was to allow only "two lots" to be merged. As a result, Council was then forced to utilize the last resort of imposing a lot merger moratorium -- this, after over a year of subcommittee meetings!

2) When the Committee's proposed 'Amendments for New Residential Development to Increase Open Space and Setbacks' then finally went before Council (at the June 26, 2007 council Study Session) there was significant Council sentiment that the primary and originally stated goal of considering a decrease in BFA had gone wholly unaddressed. While Council subcommittee member, Mayor, and de facto Committee Chair Tell attempted to justify why BFA itself did indeed go wholly unaddressed, it was quite clear that very significant Council questions remained as to whether the most direct approach of reducing BFA formulas was, in fact, ever adequately considered by the Committee. While the original Committee recommendations were allowed to stand and are now before you tonight, clearly there has been no Council consensus that these recommendations are sufficient and appropriate, overall. In fact, it was clear from that June 26, 2007 Council Study Session study session that Council is looking for the Commission to offer their overall evaluation -- not just of the specific recommendations as proposed, but on the larger question of whether these recommendations are indeed adequate with respect to the originally stated goals.

Such clear indicators of Committee misdirection must, at the very least, cause this Planning Commission to carefully question the overall approach and resultant output of this Committee.

With respect to our collective and continued need to effectively engage public opinion in this process, it is now further disappointing that staff places (with presumed Commission Chairman concurrence) such a complex and critical issue on an already full Commission agenda that includes three other substantive items. Even worse yet, further discouraging public participation by placing this item **last** on such a full agenda, and thereby assuring that it will be addressed late at night, is wholly inexcusable -- **particularly** when the last Planning Commission was *canceled due to lack of agenda items!* (Please reference: 'Haijunka' - the art of managing one's work in

a manner that maintains level loading.)

Lastly on process, the inclusion of this entire complex and multi-faceted item on a single agenda, without any clear definition of which specific portions will be addressed when, or how, leaves an otherwise willing public participant to briefly highlight only the most important concerns -- at the expense of not being able to offer a more detailed and timely analysis addressing any and all concerns.

Obviously we still have a lot to learn on improving our public processes to better engage the public -- a primary item on every City Council candidate's campaign platform, and a specific and oft-stated goal of our current Council.

CONTENT

In the June 26 Council study session, Council specifically directed staff to provide the Planning Commission with a quantification of the impact a number of these proposed revisions would have (i.e., on BFA of existing properties, how many properties would be affected, etc.). The staff report before you openly defines (defiantly, even) that staff has completely failed to follow this explicit Council direction to provide such necessary data, and instead only repeats the empty offering that "staff will provide this information at a future meeting". As but a prime single example, staff claims specific difficulty in quantifying the number of contiguous lots of common ownership because "the data base that staff uses has too many variables", yet staff freely offers up that "a local real estate firm" (Robert Schumann, of course) has provided exactly such specific information. As the Council's direction suggests, staff can and must invest the effort to independently establish such reference data, as well as to quantifiably define the impact that certain of the proposed changes will (or will not) have, particularly on buildable floor area. It is unreasonable to expect our elected and appointed officials to make such substantive decisions without the necessary and very achievable data that could very effectively quantify, and therefore help anticipate the impact of those decisions. Although the Committee repeatedly requested such quantitative data, when it did not come forward they did their best to work without it -- albeit somewhat blindly. As a result, when Council was presented with the Committee's recommendations, the need for such data was again immediately recognized, and Council expressly directed staff to provide it to the Planning Commission. Yet the matter is now before you without that data. Until staff complies with this clear and critical Council direction, the Commission will only be further perpetuating such blind decision making -- contrary to good decision making practice and the explicit direction of Council.

Moving further on to address specific content, below I have chosen just three specific but very significant areas of concern with respect to the proposed changes before you. I have many, many more detailed concerns -- but again, without a clear definition of how this overall matter is to be approached by the Commission tonight (or at future meetings), I am left to hit a few select points in the interest of brevity.

Reducing 8% Open Space Requirement to 6% is Directionally Incorrect

No quantitative OR qualitative data exists to support the suggested decrease in "additional front yard open space" from the existing 8% to the prior 6%. It would seem

obvious that such a reversion would, in fact, be in direct conflict with stated goals. The suggested justification of "redistributed open space" (when combined with additional side and rear setbacks) is a complete and total misrepresentation, as there is neither a need nor a reason to associate these unique and unrelated methods of increasing open space. The proposed change from 8 to 6% is simply a decrease in one existing open space requirement -- a requirement that, in fact, is proving to be routinely achievable (contrary to staff suggestions of complete unachievability, at both the time of the increase from 0 to 6%, and at the time of the increase from 6 to 8%).

"Typical" and "Standard" Lot Sizes Remain Totally Undefined

There is still no clear definition of "typical" or "standard" lot sizes as repeatedly referenced in proposed definitions of maximum (merged) lot sizes. Use of such arbitrary terms without clear definition, as proposed, only perpetuates lack of clarity and assures resulting challenges to discretionary staff judgments. The "minimum" lot size is quantifiably and definitively specified by existing code and should be the reference point for any new lot size definition -- or, alternatively, terms such as "standard" and/or "typical" must be similarly defined in a clear and quantifiable manner if they are to be referenced at all.

'Grandfathering' Resurfaces Yet Again

'Grandfathering' of existing contiguous lots of common ownership is in direct conflict with stated goals, as well as previously and expressly stated positions of each of the elected and appointed bodies, including each of the Mansionization Issues Committee, the Planning Commission, the City Council Subcommittee, and the City Council. The suggestion of such 'grandfathering' has been repeatedly raised, each time by **only** those individuals with specific personal property interests, and each time it has repeatedly and decisively been denied -- yet it continues to be reconsidered at every opportunity for absolutely no new reasons other than the continued insistence of the same very small number of vocal residents who continue to express only their own self interests. The Commission's (and Council's) primary responsibility **must** be retained -- that being to pursue the best interests of the community as a whole. If you're keeping track, there is good reason that **no one** has suggested such 'grandfathering' to be in the best interests of the community.

(If you doubt this assertion, I suggest you ask any public speaker who may voice support for such 'grandfathering' to voluntarily define their own personal property ownership that may be affected. However, I would also caution you that information offered in such manner may **occasionally** be misleading, as at least one multiple contiguous lot owner has outright **lied** to Council about his personal property ownership in prior proceedings on this matter.)

In closing, I implore you to please protect what's left of our Manhattan Beach neighborhoods that so many of us remember of years past by taking measurable and decisive action to prohibit the continued and substantive damage to each and every one of those neighborhoods caused primarily by speculative developers -- developers whose misguided primary goal is to regularly build *only* to the maximum

BFA allowable by code. (Surely you recognize that what was once a mere limit, long ago became the target.)

Continued attempts to dance around the direct manner of reducing the existing BFA formulas for each of the City's four Area Districts will only result in, at best, reactive "baby steps" that will never, ever get ahead of the continually burgeoning building curve.

Thank you, as always, for your personal commitment to public service -- and for your continued and committed attention to this most critical and substantive matter that will assuredly impact the very fabric of every residential neighborhood in our city for many years to come.

Tonight, please remember that the primary charge of the Planning Commission is to actually *PLAN*... not just REACT!

Sincerely,

Gerry O'Connor
(310) 376-1547

PS Today's news is particularly interesting and timely. The City of Los Angeles, with well over 3 million people, has now proposed mansionization regulations that far outstep anything yet to be considered by our City of Manhattan Beach with 1% of that population. Are we now so delinquent that we must look to L.A. for guidance on land use and urban planning issues?!? Talk about a wake-up call!!!

Get a sneak peek of the all-new AOL.com.

Wayne Powell
121 Thirty-Sixth Street
Manhattan Beach, CA 90266
Phone: (310) 545-2184
Web: www.geocities.com/beachbum2u2
Manhattan Beach Planning Commissioner

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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

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 3rd 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 17th 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 15th, 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 3rd story may not exceed the square footage of the floor area on that same level.
 - v. Decks above the 2nd or 3rd story will be permitted if increased setbacks are provided and deck is located adjacent to an indoor living area, currently not allowed.
- 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

H:\Work Plan 2005-2007\Mansionization\CC Report-6-26-07- tour and discussion -Mansionization.doc

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

H:\Work Plan 2005-2007\Mansionization\Chart of Merged Lots -CC 6-26-07.doc

**MANSIONIZATION COMMITTEE RECOMMENDATIONS
RESIDENTIAL DEVELOPMENT STANDARDS**

3-15-07

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

**MANSIONIZATION COMMITTEE RECOMMENDATIONS
RESIDENTIAL DEVELOPMENT STANDARDS**

3-15-07

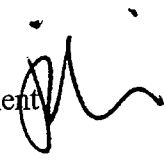
	EXISTING	PROPOSAL	COMMENTS
AD III (RM- RH) AND IV (RH)	<ul style="list-style-type: none"> • OPEN SPACE 15% OF BFA- RANGE 220 SF- 350 SF • SIDE SETBACK- 10%- RANGE 3'-4' • SIDE/REAR SETBACK- LOT > 35' WIDE, WALL > 25' TALL, ADDITIONAL 3' SETBACK • DECKS ABOVE 3RD STORY NOT PERMITTED 	<ul style="list-style-type: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



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 26th 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.

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 5th 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 23rd. 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 27th 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 26th 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 nd 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 st level) 10% (lot depth – 2 nd 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

CODE DEFINITIONS					
<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 > 25' – increase setback for lots > 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 2nd floor into existing 1st 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 26th, February 23rd and March 23rd staff reports, attachments, and minutes are attached.

At the March 23rd 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
Minimum Lot Size-Square feet	7,500 SF	4,600 SF	2,700 SF	2,700 SF
1½ Times Minimum Lot Size-Square feet	11,250 SF	6,900 SF	4,050 SF	4,050 SF
Maximum Buildable Floor Area (BFA) for portion of lot <u>under</u> 1 ½ times Minimum Lot Size	0.65 plus 240	0.65 plus 240	1.6	1.7
Maximum Buildable Floor Area (BFA) for portion of lot <u>over</u> 1 ½ times Minimum Lot Size	.33	.33	.8	.85
Maximum BFA without a Minor Exception (for lots over 1 ½ times the minimum lot size)	7,552 SF	4,725 SF	6,480 SF	6,885 SF
Existing Side and Corner Side Setbacks (minimum;maximum)	3;5 3;5	3;5 3;5	3;5 1	3;5 1
Proposed Side and Corner Side Setbacks (minimum;maximum)	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 4th 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)

H:\Work Plan 2004-2005\Lot Mergers\PC Report 4-27-05 revised 1.doc

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

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

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

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

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>
	<u>RS</u>	<u>RM</u>	<u>RH</u>	<u>RS</u>	<u>RM</u>	<u>RH</u>	
Minimum/Maximum Lot Dimensions							
Area (sq. ft.)	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) (W)
Width (ft.)	50	50	50	40	40	40	
Minimum Setbacks							
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)
Maximum Height of Structures (ft.)	26	26	30	26	26	30	(H) (P)
Maximum Buildable Floor Area							(Q)
<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

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

**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	
Minimum/Maximum Lot Dimensions					
Area (sq. ft.)	2,700	2,700	2,700	2,700	(A) (B) (C) (J) (M)
Width (ft.)	30	30	30	30	
Minimum Setbacks					
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)
Maximum Height of Structures (ft.)	30	30	30	30	(H) (P)
Maximum Buildable Floor Area Lot Area (Sq.Ft.)					(Q)
<u>4,050 or less</u>	1.6	1.6	1.7	1.7	

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Exhibit A- PC 4-27-05

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 11/10/2005 (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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Exhibit A- PC 4-27-05

(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

RESOLUTION NO. PC 05-xx

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

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

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:

Applicable Section	Exception Allowed
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 it's 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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- 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 2nd floor into an existing 1st 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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Exhibit A- PC 4-27-05

- 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.

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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:

RICHARD THOMPSON
Secretary to the Planning Commission

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

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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

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 9th. 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 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 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 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

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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:

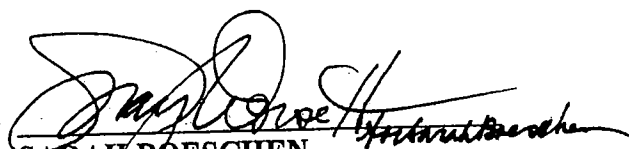
AYES: Bohner, Lesser, Schlager, Simon, Chairperson Savikas

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 3rd 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.

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

30
31 Vice-Chairperson Simon opened the public hearing.

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

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

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

16
17 **PLANNING COMMISSION ITEMS**

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

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 2nd Street (Sweeney)
- 28
- 29 C. Amendment to Planned Development Permit located at 3601 Aviation Boulevard
- 30


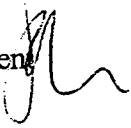
31
32 **ADJOURNMENT**

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

**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, 2005¹ 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

¹ 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 ²	3,220 sf ³	4,320 sf ⁴	4,590 sf ⁵
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

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

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

⁴ BFA formula: 1.6 x lot area. Applies to AD III

⁵ 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	<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 October 12, 2005 and that said Resolution was adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD THOMPSON
Secretary to the Planning Commission

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 26th 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

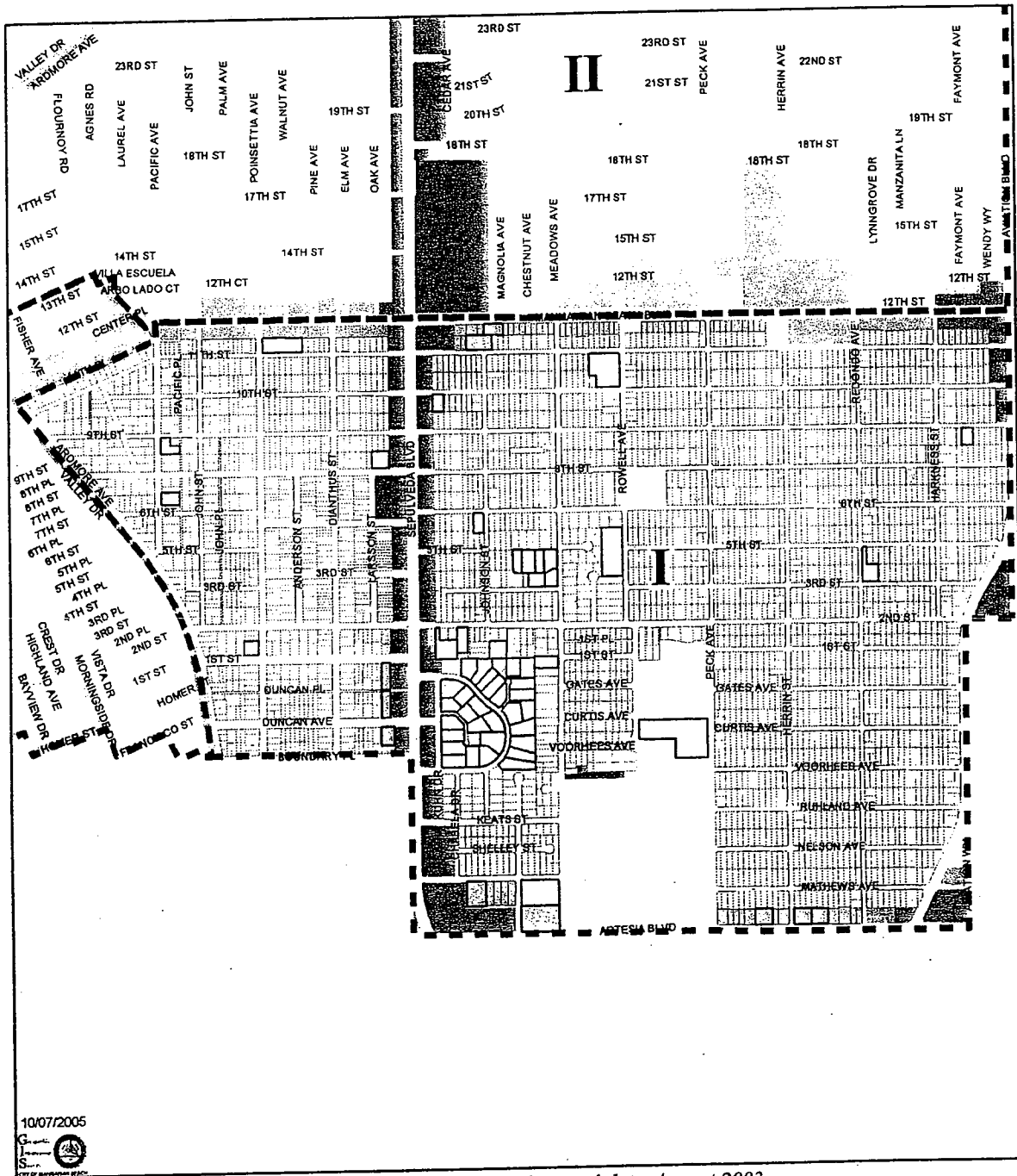
zoned RS, RM, RH = 3,240

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



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

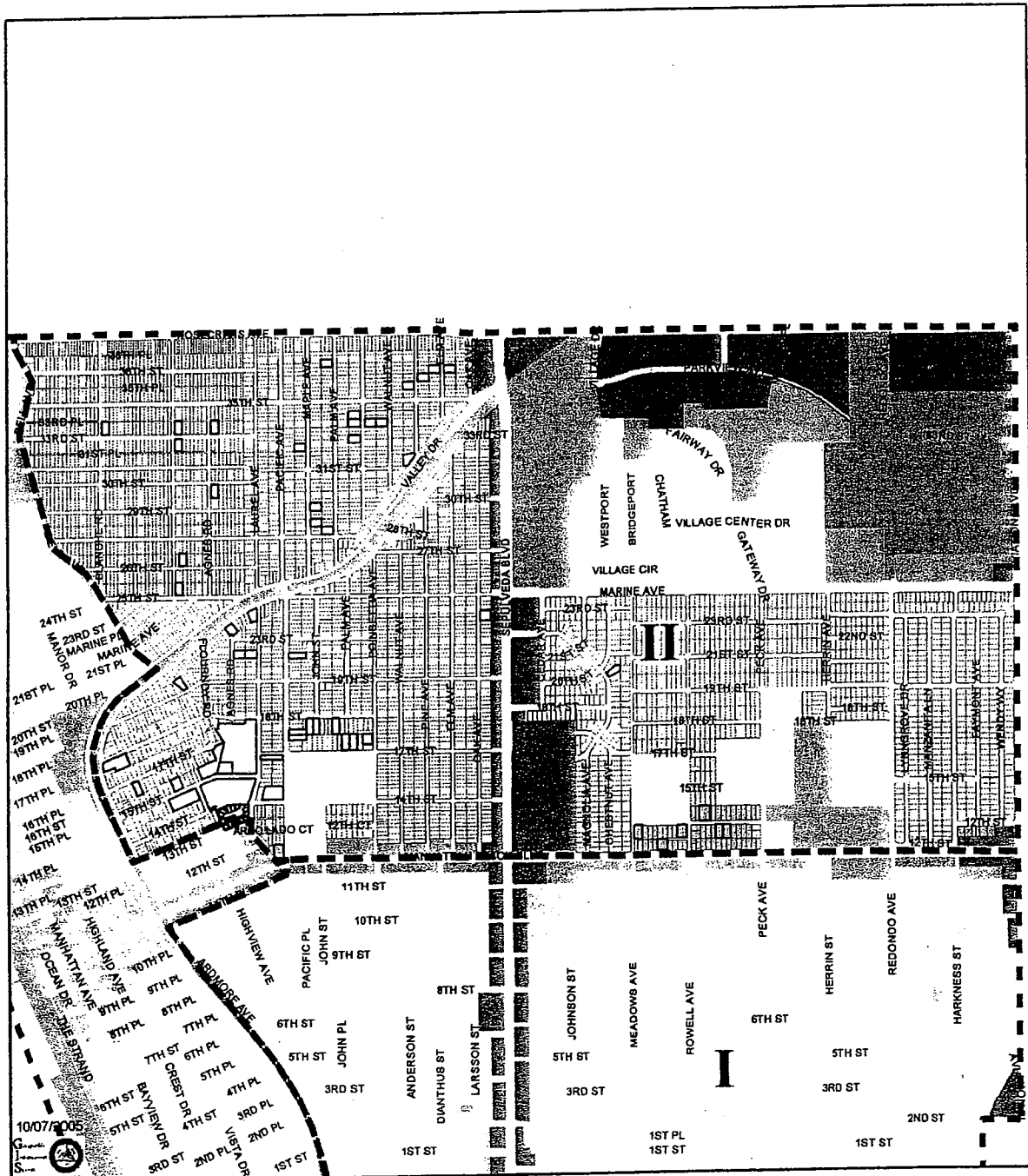
Area District II

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

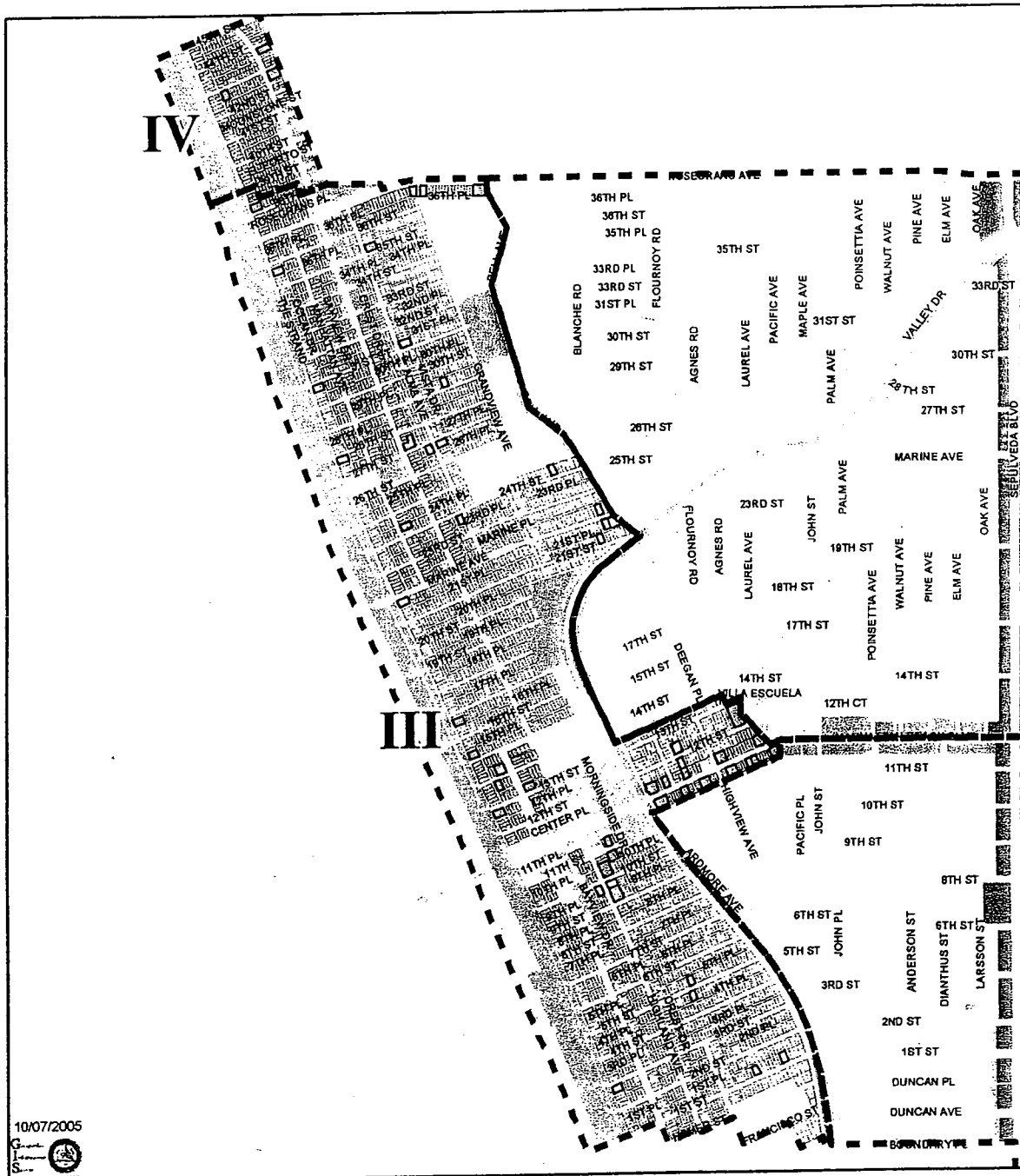
Area District III-IV

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



10/07/2005
G...
L...
S...
10/07/2005

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

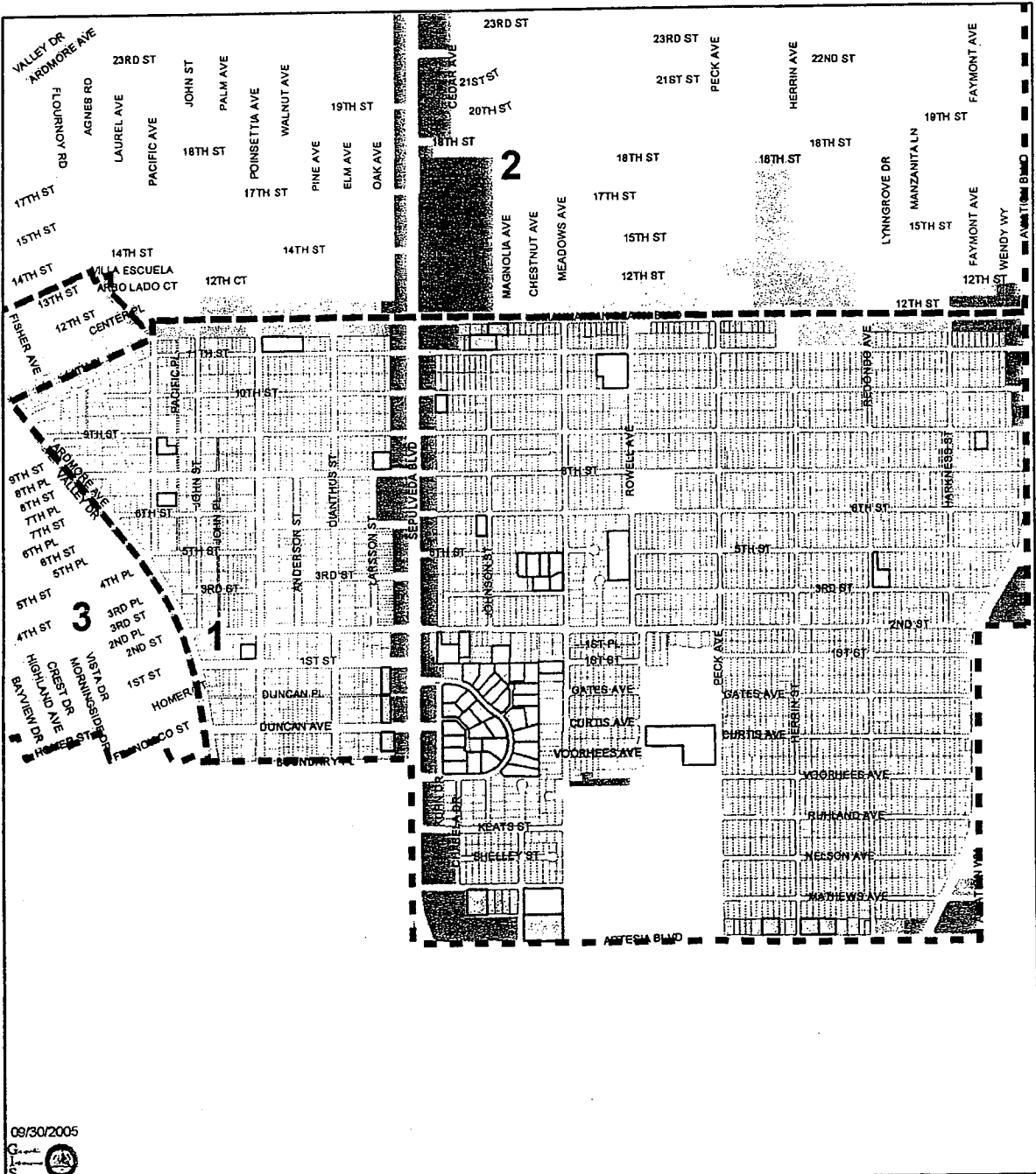
Area District I

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

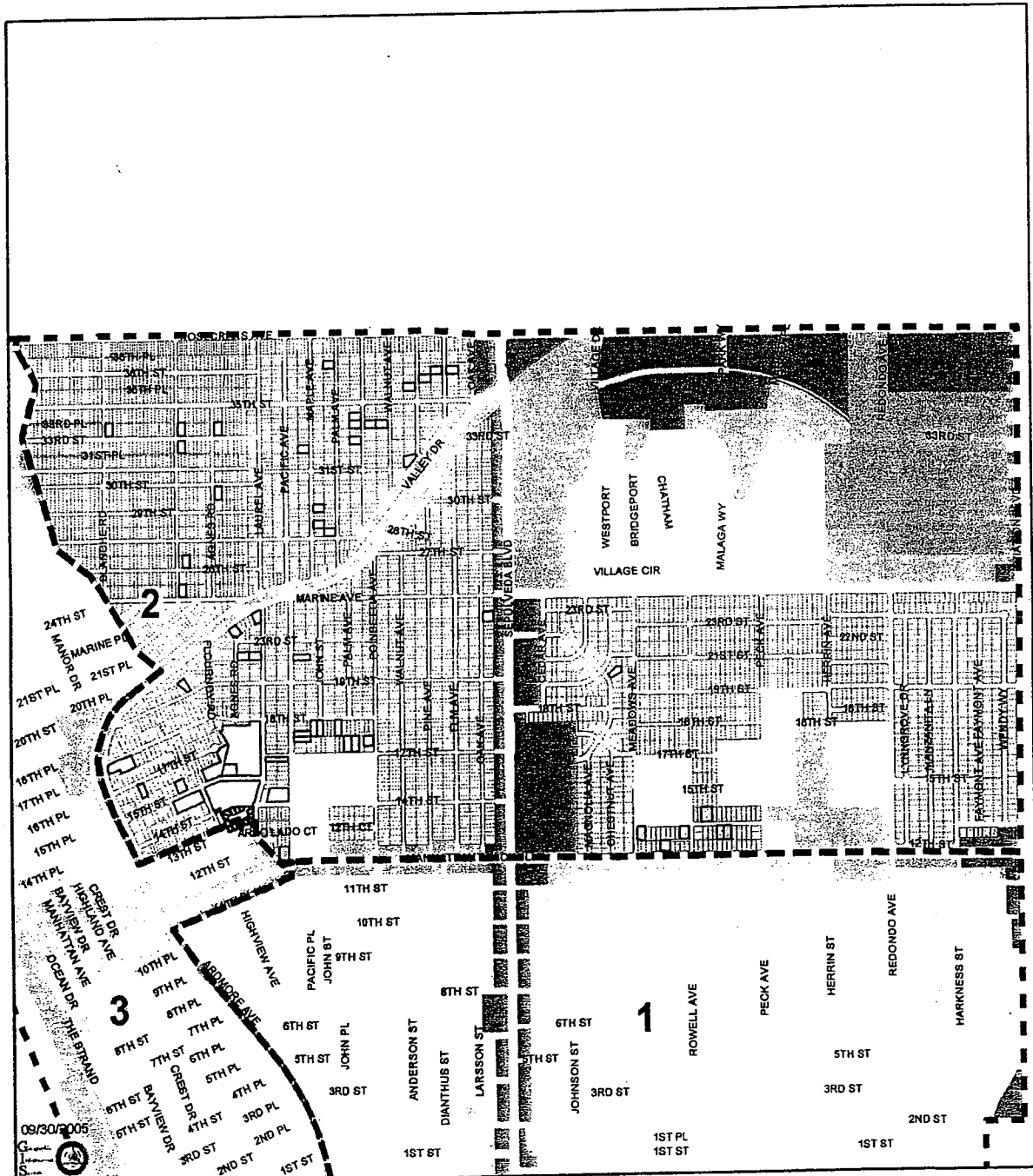
Area District II

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

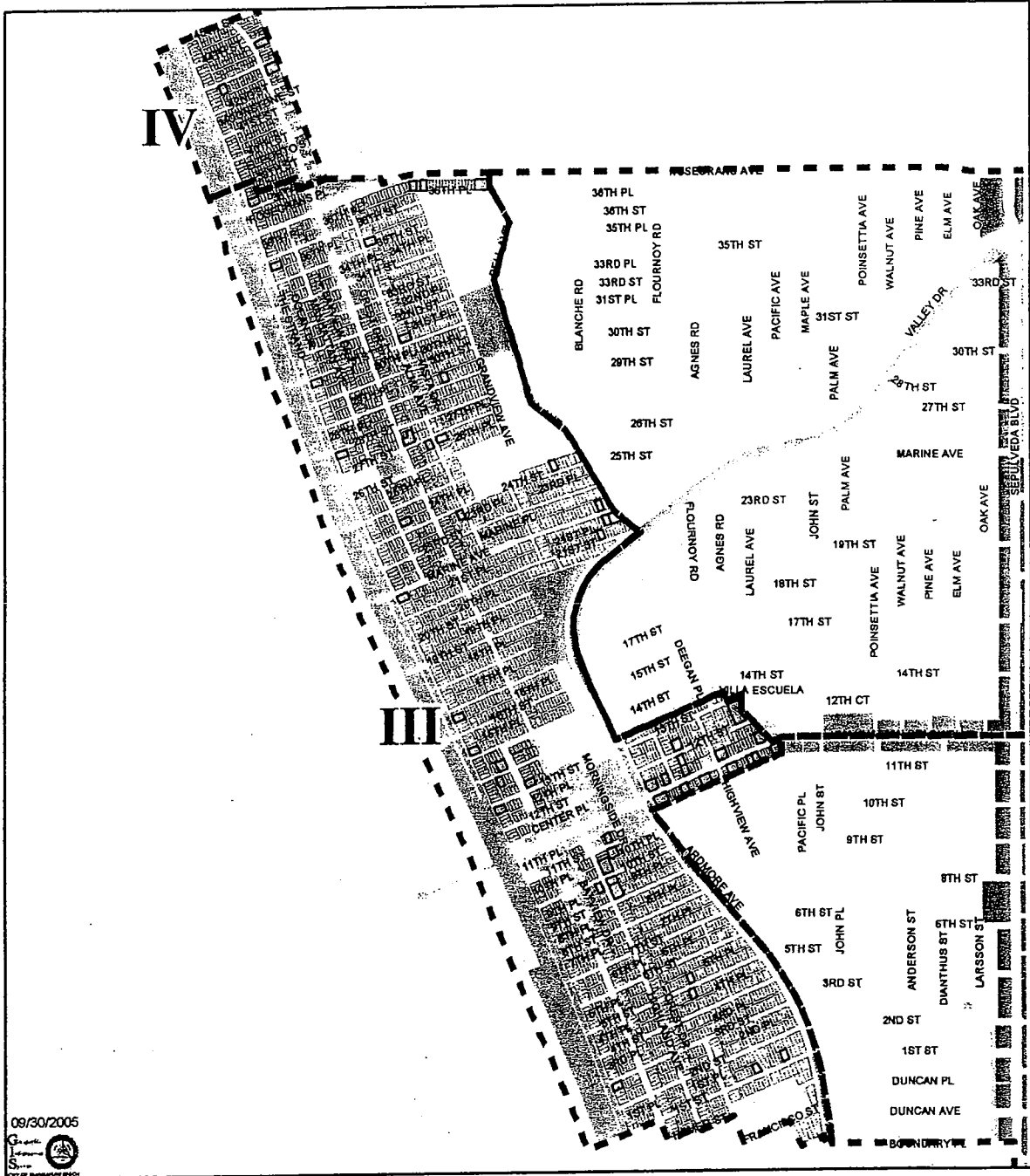
Area District III-IV

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



09/30/2005
City of Los Angeles
Department of Planning
Map Information System

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 (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:

RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

PLANNING COMMISSION MINUTES

October 12, 2005

Page 4

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

October 12, 2005

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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 3rd 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

PLANNING COMMISSION MINUTES

October 12, 2005

Page 6

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 3rd 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

October 12, 2005

Page 7

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.

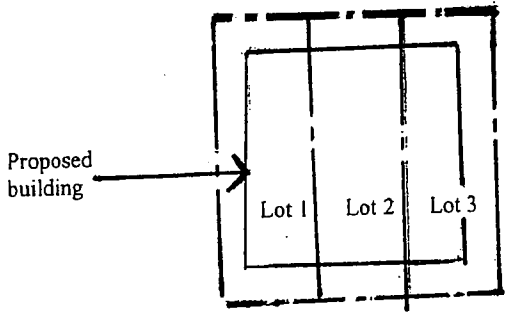
23
24 Commissioner Lesser stated that he is in favor of the proposal but is genuinely interested in
25 hearing viewpoints that may differ from his own, especially regarding any adverse impacts that
26 could result from restricting lot mergers. He noted that it may be a developer who would have
27 that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

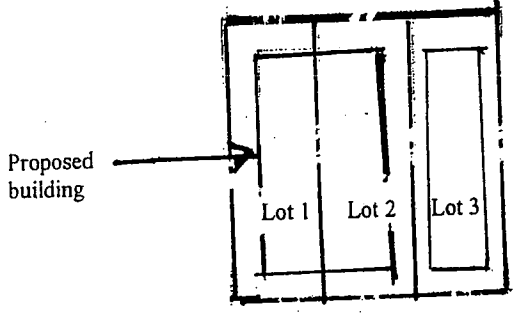
- 36
37 AYES: Bohner, Lesser, Schlager, Vice-Chairperson Simon
38 NOES: None
39 ABSENT: Chairperson Savikas
40 ABSTAIN: None

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. 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 3rd 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

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Director of Community Development

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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 2nd or 3rd 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**

Code Item	Existing Code Requirement	Proposed Options	Comments
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 rd story open space not more than 3 rd 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 rd 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**

Code Item	Existing Code Requirement	Proposed Options	Comments
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 ½ 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