



**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:** September 12, 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, and 2) the accessory use of adjacent common ownership parcels.

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the **CONTINUED PUBLIC HEARING, DISCUSS, PROVIDE DIRECTION AND CONTINUE THE PUBLIC HEARING TO OCTOBER 10, 2007.**

***Presentation***

A windshield tour of the City to view residential development constructed under different Zoning Code criteria and to consider the new proposed development standards to encourage the retention of existing smaller homes, as well as the new proposed setback and open space standards, will be conducted prior to the regular Planning Commission meeting. This will provide visual details that the Commission requested in order to better understand how the new proposed standards will affect the “look” of new residential development. This tour will be similar to the one that was provided to the City Council on June 26, 2007. At the Planning Commission meeting staff will focus on summarizing where we are with the proposed amendments and request further direction on the following proposals:

**1. Retention of existing smaller homes:**

- a. *100% Remodel, what is appropriate maximum percentage of allowed BFA-*  
Area Districts I and II- 75%  
Area Districts III and IV- 66%
- b. *100% remodel, what is appropriate maximum square footage allowed-*  
3,000 square feet without neighbor notification  
No square footage cap, only BFA percentage cap, with neighbor notification
- c. *Remodel exception to 6% bulk-volume setback, what is appropriate percentage-*  
Front- 3% minimum  
Percentage provided in areas other than the front, must be doubled (ie provide 6% on side)
- d. *Corner lot 6% bulk-volume setback, what is appropriate “wrap-around” percentage-*  
Require 35% to 45% of area to be located on the streetside corner frontage

## **2. Accessory structures on adjacent separate lots with same ownership:**

*Criteria required for staff approval*

### **BACKGROUND**

#### ***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. 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. The following direction was again reviewed and approved by the City Council on July 3, 2007.

#### **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.**

#### **4. Amendments to limit Lot Mergers.**

Items 3 and 4 were discussed at the Special Planning Commission Meeting on September 5<sup>th</sup> and will be further discussed on October 10<sup>th</sup>. In general the Commission seemed to be supportive of the open space and setback revisions, although further visual information was requested. For the Lot

Mergers the Commission supported allowing a maximum of **two** lots to be merged with no exception for existing lots greater than two lots that are currently developed and used as one lot but that have not been legally merged. The Code standards will provide a maximum square footage for lot size for each Area District since there is such a variety of lot sizes.

***Planning Commission meeting August 8, 2007***

On August 8<sup>th</sup> a comprehensive presentation on the proposed Mansionization amendments related to remodels and accessory structures was provided. A complete description of the proposal is provided in the July 25<sup>th</sup> staff report; this report will focus on answering the questions raised on August 8<sup>th</sup>. The following addresses those questions that were raised.

**DISCUSSION**

**1. Encourage retention of existing smaller homes**

*Overview*

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.

*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.

*Valuation*

At the last meeting the Planning Commission discussed whether the recommendation to require only 10% of the value of the building be retained instead of 25% as currently required was appropriate. Since extensive structural upgrades and revisions are often required to bring older homes up to safety standards, and when combined with the value of the addition and remodel, staff feels that retaining 10% of the value is reasonable considering the goal of retaining homes that are smaller than the maximum allowed square footage.

### *Garages/Parking-*

The Commission discussed the proposal to require parking as follows:

- a) 2,000 SF or under- 1-car fully enclosed garage
- b) 2,000 SF up to 2,800 SF- 2-car off-street parking with one enclosed and one unenclosed parking space
- c) over 2,800 SF up to 3,600- two-car enclosed garage
- d) over 3,600 SF- 3-car enclosed garage

For new homes a two-car enclosed garage is required for homes up to 3,600 SF; over 3,600 SF a three-car garage is required. The Commission discussed that allowing flexibility was an important consideration, and possibly parking could be based on the square footage of the remodel, not the total square footage of the home. Staff would not recommend that the parking standard be based on the remodel square footage as using the total square footage is the standard in the Code and staff feels this consistency is important. Additionally, it is more equitable and related more directly to the needs and impacts of the total project if the overall total square footage of the house is used as the determining factor for parking requirements.

### *50% Rule-*

The Zoning non-conforming “50% rule” has severely limited the ability to allow non-conforming homes to remodel and expand since generally if the value of the remodel and addition is more than 50% of the value of the existing home all non-conformities must be brought into conformance, with a few exceptions. As such, the provisions have encouraged people to tear down older smaller homes and build new larger homes. The proposed amendments are a compromise to encourage smaller homes, while still maintaining non-conformities and upgrading non-conformities as feasible.

### ***Planning Commission direction needed***

#### *A. What is appropriate maximum percentage of allowed BFA*

##### *Proposal*

*Area Districts I and II- 75% of maximum BFA*

*Area Districts III and IV- 66% of maximum BFA*

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.

#### *B. What is appropriate maximum square footage allowed*

##### *Proposal*

*Without neighbor notification- 3,000 square foot cap*

*With neighbor notification- no square footage cap, only BFA percentage cap*

The July 25<sup>th</sup> staff report has a complete discussion of the proposed amendment. Some of the Commission and public supported the 3,000 SF cap while others felt the number was too large, that these would no longer be “smaller” homes and that the goal of preserving

neighborhood character was not being met. Some of the Commission felt that the square footage cap could potentially be different in different Area Districts. Staff believes that using a percentage of the maximum allowed BFA with the cap is the most equitable as it is based on the square footage of the lot regardless of the Area District. Whatever the square footage cap is, an applicant could still request to exceed that number, neighborhood notification would just be required in those instances. Some Commissioners felt that there should also be a square footage cap even with neighbor notification. As an example on a standard 50 by 150 lot in Area District II, 75% of the BFA would allow a 3,836 SF home, and larger lots would allow over 5,000 SF even with the 75% cap. The Commission may want to consider a maximum square footage even with neighbor notification.

*C. Remodel exception to 6% bulk-volume setback, what is appropriate percentage-  
Proposal*

*Front- 3% minimum*

*Percentage provided in areas other than the front, must be doubled (ie provide 6% on side if 3% in front)*

The City Council had no specific comments or direction on this proposal and the Commission did not discuss this proposal in any detail at the last meeting. Staff believes that providing a minimum of 50% of the required percentage of bulk-volume setback in the front and doubling the percentage that is located elsewhere, will meet the goals of retaining existing smaller homes, allowing remodel and expansion, and allowing flexibility in the location of this open space. Doubling the percentage not provided in the front seems equitable as the quality of the visual bulk and mass reduction is reduced when it is pulled away from the front of the home.

*D. Corner lot 6% bulk-volume setback, what is appropriate "wrap-around" percentage-*

The City Council requested that the Planning Commission review the appropriate percentage of bulk-volume setback to wrap around the long streetside corner on corner lots in order to provide building wall articulation. At the last meeting one of the architects on the Mansionization Committee suggesting requiring 60% of the required area on the front and 40% on the streetside. Staff would suggest a bit more flexibility and allow a range, by requiring 55% to 65% to be located on the front and 35% to 45% of area to be located on the streetside corner frontage.

The Commission may also want to consider leaving the corner lots at an 8% setback. At the last Commission meeting there seemed to be a number of people that felt that leaving the corner lots at 8% would not be fair and equitable to those lots. On the other hand there is much more streetside public exposure for corner lots and in order to meet the goal of providing relief from the large mass of buildings on the street, leaving the percentage at 8% for corner lots may be appropriate.

**2. Accessory structures on adjacent separate lots with same ownership:**

*Overview*

Under the current Zoning Code if two or more adjacent separate lots are under common ownership but are not merged, the additional lots that are not used for the main house can only be developed with another house or with patios, decks, sport courts, and gardens. Swimming pools, guest houses, garages and other structures are not allowed on a lot unless there is a main

house. Often adjacent lots are purchased to allow more outdoor living area, but they will not be merged into one lot so that they can still be used as separate lots in the future. The proposed regulations would administratively allow additional parcels to be developed with only an accessory use, and not require a main house.

Specific Code criteria and findings would be required for the use of the adjacent lot for accessory structures and uses as follows:

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. Compliance with current Zoning Code standards and policy guidelines.
4. 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).

The Commission had concerns about light spill over from sports courts and noise from recreational uses that could impact neighbors and had suggested that a permit be required for all accessory uses. Staff will review all proposals and ensure that the criteria above is met prior to approval which addresses the Commissions concerns.

### ***Public Input***

A ¼ page ad as a public notice for the project was published in the Beach Reporter newspaper on July 19<sup>th</sup> and on July 26<sup>th</sup>. Staff also sent notice of this 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. These items, as well as the Amendments for setbacks and open space will be further discussed on October 10<sup>th</sup>.

### **EXHIBITS**

- A. Chart of various lot sizes, maximum BFA and 50 to 85% of maximum BFA
- B. Zoning Map

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	

**EXHIBIT A**  
**PAGE 1 OF 3**  
*P.C. 9/12/07*

Nonconformity Minor Exception

Area District II	Lot Width	Sample Lot Sizes 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	160	8,000	5,440	2,720	2,992	3,264	3,536	3,808	4,080	4,352				
80	116	9,280	6,272	3,136	3,450	3,763	4,077	4,390	4,704	5,018	5,331				
>150	55	180	9,900	6,675	3,338	3,671	4,005	4,339	4,673	5,006	5,340				

**EXHIBIT A**  
**PAGE 2 OF 3**  
 P.C. 9/12/07



AD III & IV RS and RM	Lot Width	Sample Lot Sizes			Allowable BFA	Percentages of Allowable BFA							
		Lot Depth	Lot Area	Lot Area		50%	55%	60%	65%	70%	75%	80%	
	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	
	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	

**EXHIBIT A**  
**PAGE 3 OF 3**

P.C. 9/12/07