



**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: October 10, 2007

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

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the **CONTINUED PUBLIC HEARING, DISCUSS, AND ADOPT A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS** to the Zoning Code and Local Coastal Program for residential development to, 1) increase open space and setbacks, 2) limit lot mergers, 3) encourage the retention of existing smaller homes, and 4) allow accessory use of adjacent common ownership lots.

DISCUSSION

Mansionization Issues Committee Goals

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

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 the Amendments.

These proposed revisions are the culmination of the several years of study of the issue of residential mansionization by the City Council, the Planning Commission and the Mansionization Committee. The attached draft Code language incorporates the direction provided by the City Council as well as the discussion and direction that has been provided by the Planning Commission through the series of public hearings that have been conducted by the Commission since July 2007. The language is organized by the four topic areas and new text is shown as underlined while text proposed to be deleted is shown as ~~strikeout~~. At the Commission meeting staff will “walk” the Commission through each section of the proposal. A Draft Resolution will be provided to the Commission at the meeting. The following is a summary of the proposed revisions.

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

a. Open space revisions:

- i. Interior lots- Decrease the 8% bulk volume additional front yard setback to 6% in single family residential RS AD I and II.
Shown in Section 10.12.030 (T). Exhibit A, pages 4-5.
- ii. Corner lots- Maintain the 8% bulk volume additional front yard setback and require 45% to 55% to wrap around the corner in single family residential RS AD I and II, to provide building wall articulation; currently only required within the front.
Shown in Section 10.12.030 (T). Exhibit A, pages 4-5.
- iii. 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.
Shown in Section 10.12.030 (M). Exhibit A, page 4.
- iv. Eliminate the 350 square foot open space cap.
Shown in Section 10.12.030 (M). Exhibit A, page 4.
- v. Calculate basement square area as BFA for 15% open space requirements, the same as basement area is counted for parking requirements, in order to increase open space.
Shown in Section 10.12.030 (M). Exhibit A, page 4.
- vi. Allow a larger percentage of the required open space, up to one-half (1/2), to be located on the top level; currently the square footage of open space on the 3rd story may not exceed the proportion required in relationship to the homes square footage that is located on that same level.
Shown in Section 10.12.030 (M). Exhibit A, page 4.
- vii. 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.
Shown in Section 10.12.030 (H). Exhibit A, page 3.

b. Setback revisions:

- i. Eliminate the 5' cap on side yard setbacks; 10% of lot width required with no cap.
Shown in table in Section 10.12.030, and text in Section 10.12.030 (E). Exhibit A, pages 1-3. Additionally, a note at the bottom of the table has been revised to provide a cross reference to the Code language that was adopted with the bulk-volume amendments related to the basement definitions. The Miscellaneous revisions portion of this report discusses further revisions to this definitions section.
- ii. Consider increasing the side setback to more than 10% of the lot width, in order to increase open space on standard size lots.
Staff and the Commission felt that the combination of the other proposed revisions would adequately meet the Mansionization Committee and City Council goals of preserving neighborhood character, acknowledging that space between buildings (setbacks) is important and encouraging "quality" private open space.
- iii. Increase the rear setback from 10' to 12' minimum and eliminate the 25' cap, AD I and II.
Shown in table in Section 10.12.030 and text in Section 10.12.030 (E). Exhibit A, pages 1-3.
- 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.
Shown in table in Section 10.12.030 and text in Section 10.12.030 (E). Exhibit A, pages 2-3.
- v. Decrease the maximum side/rear building wall height from 25' to 24' and apply to corner side building walls also; to increase setbacks by 3' for building walls over 24' in height to provide building wall articulation.
Shown in Section 10.12.030 (F). Exhibit A, page 3.
- vi. Provide articulation on building walls on streetside setback on corner lots through setbacks and/or a bulk/volume percentage.
Staff and the Commission felt that the combination of the other proposed revisions, including increasing setbacks, requiring the bulk-volume setback wrap around on corner lots, and increased open space, would adequately meet the Mansionization Committee and City Council goals of preserving neighborhood character, acknowledging that space between buildings (setbacks) is important and encouraging "quality" private open space.
- vii. 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.

Shown in Section 10.84.120. Exhibit A, pages 10-17.

- viii. 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.

Shown in Section 10.84.120. Exhibit A, pages 10-17.

2. Limit Lot Mergers:

- a. For new mergers of separate lots, a maximum of **two** typical residential standard lots may be merged. A number of exceptions are shown.

Shown in table in Section 10.12.030, and Section 10.12.030 (K). Exhibit A, pages 6-8. Additionally, Section 11.32.090 provides Lot Merger exceptions for religious and school uses to allow these existing uses to continue with the lots being merged so that if these uses were to be discontinued and the site developed with residential uses then the same existing neighborhood lot and block pattern could be continued. Other exceptions are consistent with those discussed September 5, 2007.

- 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. **If** the lots are developed with new structures **then** they will be subject to all of the new residential development standards including the lot size, setbacks, open space, height, etc.

Shown in table in Section 10.12.030, and Section 10.12.030 (K). Exhibit A, pages 6-7.

3. Amendments to encourage the retention of existing smaller homes:

General provisions that relate to these revisions are shown in Section 10.84.010, and 10.84.120. The Minor Exception Section, Section 10.84.120 of the Code is substantially revised to only required notice for those projects that staff believes are more significant, which are the legal non-conforming remodels 3,000 to 4,000 square feet in area.

Additional flexibility has been provided in this Section to address alterations, remodels, and additions to existing legal non-conforming homes that exceed the 50% valuation criteria; which currently is very restrictive. These provisions are intended to allow and encourage homeowners to remodel and improve their existing smaller homes instead of tearing them down and building new homes to the maximum size. The new regulations will streamline the existing Minor Exception process while still providing discretionary review with specific findings and criteria that must be met.

- a. 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.

Shown in Sections 10.84.120, 10.64.030, 10.68.010, 10.68.030 and 10.60.040 H. Exhibit A, pages 9-19. The Commission questioned whether the 66% maximum of BFA criteria would be too onerous for small lots, such as 30' by 45' half-lots in the Beach Area. The allowable maximum BFA on these lots is 2,160 square feet, but a review of plans and permits for these types of lots indicates that generally they are developed with only 1,500 to 1,800 square feet of BFA, due to parking, setback, open space and other requirements. The proposed 66% of BFA would allow a home to expand up to 1,400 square feet on a half-lot and still maintain all their non-conformities. An owner of a half-lot should not have an expectation of developing a home as large as a full size lot, due to the lot size, however, the proposed provisions are proportional based on lot size. Staff feels that this is a fair balance, and with the parking criteria and flexibility within the Minor Exception provision, this meet the goal of maintaining the existing smaller homes.

- b. Allow 100% remodel, with neighborhood notification, and an increase in BFA for existing non-conforming homes with a limit of 66% to 75% of BFA, for homes over 3,000 SF but not to exceed 4,000 SF, instead of the current 2,000 SF limit.

Shown in Section 10.84.120, 10.64.030, 10.68.010, 10.68.030 and 10.60.040 H. Exhibit A, pages 9-19. Staff and the Commission felt that a maximum square footage should be provided as the larger lot sizes could have homes well over 5,000 square feet in area with non-conformities, which does not meet the intent of maintaining a smaller home. Parking is the most critical item to staff, and while the provisions allow other non-conformities to remain, minimal parking requirements with flexibility for unusual existing conditions is provided. If parking standards can not be met then a variance may be applied for. The current Code requires a 3-car enclosed garage for homes over 3,600 square feet and the Minor Exception establishes this same criteria as staff feels it is critical for these larger size homes to provide adequate parking.

- c. Remodel of existing home on interior lots- Exception to bulk-volume additional 6% front yard setback/open space requirement to allow up to 3% of the open space to be provided elsewhere, adjacent to a required setback, and the percentage of the portion that is relocated is doubled; currently no provisions.

Shown in Section 10.84.120. Exhibit A, pages 10-17. Additional criteria shown in Section 10.84.120 H.

- d. Remodel of existing homes on corner lots- Exception to Bulk Volume additional 8% front/streetside yard setback/open space requirement to allow up to 6% of the open space to be provided outside of the front yard area, adjacent to the required streetside setback and other required setbacks; currently no provisions.

Shown in Section 10.84.120. Exhibit A, pages 10-17. Additional criteria shown in Section 10.84.120 I.

4. **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.

Shown in Sections 10.04.030, 10.52.050 (B) and 10.52.050 (F). Exhibit A, pages 20- 21.

5. **Miscellaneous Clean-up items**

- a. Revise the Buildable Floor Area (BFA) definition to allow all required parking to be excluded from counting as BFA.

Shown in Section 10.04.030. Exhibit A, page 22. This item exempts parking square footage based on the required number of parking spaces and not the lot size as is currently provided. Since basement areas are now included for parking requirements smaller lots, less than 4,800 square feet in size in Area Districts I and II, and 2,700 in Area Districts III and IV, could require a three-car garage if they have a large basement.

- b. Allow the required front yard setback adjacent to alleys to be reduced to two feet at a height of eight feet above grade; currently allowed for full lots on the rear yard adjacent to an alley, however half lots where the front yard is on an alley are not allowed this exception.

Shown in table in Section 10.12.030 and text in Section 10.12.030 (G). Exhibit A, pages 22-23. The Planning Commission has approved a number of Variances over the years to allow this exception. Since it is already allowed for the rear setback for alley full lots it provides the same criteria for alley half-lots.

- c. Provide more cross-references within the residential Property Development Standards chart.

Shown in table in Section 10.12.030. Exhibit A, page 23. There are no new standards within this chart only cross-references to existing standards to make the Code more user friendly.

- d. Provide clarification that hedges are included within the fence and wall standards.

Shown in Section 10.12.030 (P). Exhibit A, pages 24-25. The last paragraph of this Code Section includes a reference to solid hedges, however due to the location and the wording it is not very clear that hedges also are regulated by this Section. The proposed change moves the paragraph to the beginning of the Section and provides clarification language throughout.

CONCLUSION

Staff recommends that the Planning Commission review the proposed Amendments, take public input and provide direction to staff. The Planning Commission may adopt a Resolution of approval at this meeting or if there are substantial revisions that the Commission would like to review further then a revised final Resolution will be presented to the Commission at the October 24th or

November 14th meeting. These items will then be forwarded to the City Council for review and approval.

EXHIBITS

- a. Draft Code Amendments- October 10, 2007
- b. Diagram of Additional front/streetside yard setback- 6% and 8% bulk-volume requirement.
- c. Draft PC Resolution 07-XXX- (to be provided at Planning Commission meeting)

INCREASE OPEN SPACE AND SETBACKS

Section 10.12.030 and A.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks

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

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the “Additional Regulations” column refer to “Additional Development Regulations” following the schedule.

This section shall not be amended to increase the Standards for Maximum Height of Structures or Maxi-mum Buildable Floor Area, or to reduce the Standards for Minimum Setbacks, Minimum Lot Dimensions or Minimum Lot Area Per Dwelling Unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (ft.)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (ft.)	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	<u>10%-3 min.;5</u>	(D)(E) (T)
Rear (ft.)	<u>12 min 10;25</u>	<u>12 min 10;25</u>	<u>12 min 10;25</u>	<u>12 min 10;25</u>	<u>12 min 10;25</u>	<u>12 min 10;25</u>	(D)(E)(F)(G)

Note: In the RS districts, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with more than 4,800 square feet, is excluded from the determination of the maximum amount of buildable floor area. In all residential districts, fifty percent (50%) of habitable room floor area in a basement located entirely below grade is excluded from the determination of buildable floor area.—See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

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

Note: ~~In the RS district, the enclosed area for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more, is excluded from the determination of the maximum amount of buildable floor area. In all residential districts, fifty percent (50%) of habitable room floor area in a basement located entirely below grade is excluded from the determination of buildable floor area. See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.~~

Section 10.12.030 (E) and A.12.030 (E) Side Setbacks and Rear Setbacks of the Property Development Regulations: RS, RM, and RH districts

~~E).Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3'). and need not exceed five feet (5').~~

~~(1) Exceptions--Reverse Corner Side Setback. Reverse corner lots in Area Districts I and II shall have the following side yards:~~

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

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

~~(i) On the common lot line of the reverse corner lot and the key lot, a point shall be established where the rear line of the required front yard on the key lot intersects such common lot line;~~

~~(ii) On the street side line of the reverse corner lot, a point shall be established distant from the common street corner of the key lot and the reverse corner lot equal to the depth of the required front yard on the key lot;~~

~~(iii) The third side of the triangle shall be a straight line connecting points (i) and (ii) of this section. If an alley intervenes between the key lot and the reverse corner lot, the width of the alley shall be included in determining the length of the line on the street side line of the reverse corner lot.~~

Rear Setback:

(1) In Area Districts I and II, the rear setback (RS) shall be determined as follows: $RS = 0.3 \times (\text{lot depth in feet}) - 20$; provided that the minimum setback is ~~ten-twelve feet (10')~~ twelve feet (12') and the ~~maximum required setback is twenty-five feet (25')~~.

(2) In Area District III, RS District, non-alley lots abutting residential at the rear with 2,700 square foot or more in lot area, the rear setback shall be 10 feet.

Section 10.12.030 (F) and A.12.030 (F) Building Height and Required yards of the Property Development Regulations: RS, RM, and RH districts

(F) **Building Height and Required Yards.** Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding ~~twenty-five feet (25')~~ twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

(1) **Exceptions.** If the lot width is less than thirty-five feet (35'), no increase in the side yard is required.

Section 10.12.030 (H) and A.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RS, RM, and RH districts

(H) **Maximum Height of Structures.** See Section 10.60.050, Measurement of height, and Section 10.60.060, Exceptions to height limits. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30') and two (2) where the height limit is twenty-six feet (26'). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story. (See Graphic Illustration under "Basement" definition-Section 10.04.030).

A deck or balcony may ~~shall not~~ be located directly above a second story where the height limit is twenty-six feet (26') or the third story where the height limit is thirty feet (30'), if the following criteria is met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows; in all Area Districts the interior side setback shall be 3 times the minimum side setback; In Area Districts I and II the rear setback shall be 2 times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be 15 feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section 10.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added

to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5') of the property line.

Section 10.12.030 (M) and A.12.030 (M) Open Space Requirement of the Property Development Regulations: RS, RM, and RH districts

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

(1) For single family dwellings in Area District III and IV and multifamily dwelling units in all districts, ~~containing 2,333 square feet or less of buildable floor area~~, the minimum requirement is 15 percent of the buildable floor area per unit, but not less than 220 square feet. For calculating required open space, basement areas shall be calculated as 100% buildable floor area, and 15% open space shall be required for the basement square footage.

~~(2) For single family dwellings in Area Districts III and IV and multifamily dwelling units in all districts, containing greater than 2,333 square feet of buildable floor area, the minimum requirement is 350 square feet per dwelling unit.~~

(3) The amount of a dwelling unit's required open space located above the second story ~~shall not exceed the proportion of the unit's total Buildable Floor Area which is located at the same level or story~~ (where permitted by height regulations) shall not be more than one-half (1/2) of the total required open space.

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

Section 10.12.030 (T) and A.12.030 (T) Additional Front Setback Requirements- RS Properties- Area Districts I and II of the Property Development Regulations: RS, RM, and RH districts

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

1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six eight percent (6%) (8%) of the lot area, and shall be located entirely within the front one-fifth (1/5) [twenty percent (20%)] of the lot's buildable depth.

2. On corner lots, the area shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of 45% and a maximum of 55% of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one-fifth (1/5) [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one-third (1/3) [thirty-three percent (33%)] of the lot's buildable width. Adjacent to the corner streetside the area shall provide a minimum of 3' of depth or width.

3. The ground level construction in this area shall be limited to fourteen feet (14') in height for areas with less than 3:12 roof pitch and seventeen feet (17') in height for areas with 3:12 or more roof pitch, as measured from local grade. Areas not having a minimum 3:12 roof pitch located behind minimum 3:12 roof pitch areas shall be set back a minimum of three feet (3') beyond the front building line of the pitched roof area (See Graphic Illustration).

3. A maximum of one-half ($\frac{1}{2}$) of said area shall be designed or useable as roof top deck surfaces.

4. Building projections above said area shall be considered as projections within a front yard.

Exceptions:

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

2. This requirement may be reduced for a small, shallow, or multiple front yard lot if it prevents the lot from attaining its permitted buildable floor area subject to approval of a minor exception.

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

4. This requirement may be modified for the remodel/addition of existing homes if the additional setback area is provided elsewhere on the lot subject to approval of a minor exception.

LIMIT LOT MERGERS

Section 10.12.030 entitled “Property Development Standards For Area Districts I and II” and “Property Development Standards For Area Districts III and IV”

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	<u>Area District I</u> <u>RS</u>	<u>Area District I</u> <u>RM</u>	<u>Area District I</u> <u>RH</u>	<u>Area District II</u> <u>RS</u>	<u>Area District II</u> <u>RM</u>	<u>Area District II</u> <u>RH</u>	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>							
<u>Area (sq. ft)</u> <u>Minimum</u>	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) (K)
<u>Maximum</u>	15,000	15,000	15,000	10,800	10,800	10,800	
<u>Width (ft)</u> <u>Minimum</u>	50	50	50	40	40	40	

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> <u>RS</u>	<u>Area District III</u> <u>RM</u>	<u>Area District III</u> <u>RH</u>	<u>Area District IV</u> <u>RH</u>	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					
<u>Area (sq. ft)</u> <u>Minimum</u>	2,700	2,700	2,700	2,700	(A) (B) (C) (J) (K)
<u>Maximum</u>	7,000	7,000	7,000	7,000	
<u>Width (ft.)</u> <u>Minimum</u>	30	30	30	30	

(K) Lot Dimensions- Area. Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. Pre-existing unmerged developed lots which exceed the maximum lot area may continue to be used as one lot until such time as new structures, enlargements or alterations are proposed, in

accordance with the 50% building valuation criteria in Section 10.68.030 E, Alterations and enlargements of nonconforming uses and structures. At that time when the 50% building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current Zoning Code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units, in order to encourage development of multi-family housing in these areas.
2. Existing Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to (date of approval of this Ordinance).
3. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, since vehicles are not allowed to back out onto the street in this area and lots need to be merged in order to allow adequate on-site turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.
4. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, and in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.
5. The RS-D7 Design Review Overlay-Longfellow Drive, which has larger lots that are established through a Precise Plan and are required by the Overlay district.
6. The RSC- Residential Senior Citizen Zone, which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.
7. The RPD- Residential Planned Development Zone which has a minimum lot size of 40,000 square feet per the Zoning Code requirements.

Section 11.32.090 and A.32.090 Reversions to Acreage and Mergers

Chapter 11.32 REVERSIONS TO ACREAGE AND MERGERS

11.32.010 Reversions to acreage.

11.32.020 Merger of contiguous parcels.

11.32.030 Merger of contiguous parcels--Conditions.

11.32.040 Merger of contiguous parcels--Notice of intent.

11.32.050 Merger of contiguous parcels--Hearing.

11.32.060 Merger of contiguous parcels--Determination of merger.

11.32.070 Merger of contiguous parcels--Determination of non-merger.

11.32.080 Merger of contiguous parcels--Request by property owner.

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use

11.32.090 Merger of contiguous parcels-- Religious assembly and Public or Private School use

A merger of parcels shall not be required for existing religious assembly and public or private school uses, when the site is used as a single building site, subject to the Director of Community Developments approval of a Certificate of Compliance, in accordance with Section 11.04.050 Certificate of Compliance. These lots may continue to be used as one building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels.

ENCOURAGE THE RETENTION OF EXISTING SMALLER HOMES

Sections 10.84.010 and A.84.010 Use Permits, Variances and Minor Exceptions

Section 10.84.010 Purposes.

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

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

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

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

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one or more of the use classifications listed in Chapter 10.08. Further, Chapter 10.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of this ordinance.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and ~~small~~ additions to existing smaller older legal non-conforming homes. The provisions strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes. ~~Additionally, through the review process, a project shall be found to be consistent with the intent of the non-conforming Code provisions. The non-conforming provisions allow existing legal non-conforming structures to remain, but limits their expansion, so that as these non-~~

~~conforming homes become older eventually their useful life will be depleted and the structures will then be brought into conformance with the current Codes.~~

Sections 10.84.120 and A.84.120 entitled Use Permits, Variances and Minor Exceptions

Section 10.84.120 Minor exceptions.

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

Valuation less than 50%. Projects that do not exceed 50% reconstruction valuation pursuant to the provisions of Section 10.68.030(E), as provided below. No notice is required for these projects.

Applicable Section	Exception Allowed
10.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
10.12.030	Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.
<u>10.12.030 and 10.68.030 D.</u>	Construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed.
10.60.040(H)	and, r Reconstruction of raised grade stairways, architectural archways, covered entries, and covered porches in required yards and required open space for pre-existing structures.
10.60.050	Alternative reference point for height measurement for pre-existing structures that have height nonconformities.

Valuation no limitation. Projects that involve new structures or remodels without limits of project valuation [ie. may exceed 50% valuation provisions of Section 10.68.030 (E)], as provided below. Notice may be required for Exceptions to Sections 10.68.030 D and E., see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
<u>10.12.030</u>	<u>Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.</u>
<u>10.12.030</u>	<u>Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.</u>
<u>10.12.030 (M)</u>	<u>Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.</u>
10.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
<u>10.12.030 (T)</u>	<u>Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone- Area Districts I and II, side yard setbacks, and/or rear yard setback for small, wide, shallow and/or multiple front yard lots, where the building is not able to obtain its permitted Buildable Floor Area.</u>
<u>10.12.030 (T)</u>	<u>Reduction in percentage of additional 6% front yard setback required in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.</u>
<u>10.12.030(T)</u>	<u>Reduction in percentage of additional 8% front/streetside yard setback required on corner lots in the RS Zone- Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.</u>

10.12 – 10.68 Non-compliant construction due to Community Development staff review or inspection errors.

10.68.030 D. and E. Alterations, remodeling and small—additions (enlargements) to existing smaller ~~older~~-legal non-conforming structures ~~dwelling units~~.

10.68.030 E. Alterations and remodeling to existing legal non-conforming structures.

A. Minor Exception Application without Notice. All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in Section B below. Additionally, a minor exception from Section 10.68.030 D and E. must meet the following criteria:

- 1. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) or 3,000 square feet, whichever is less .
- 2. Alterations and remodeling to existing legal non-conforming structures.** No limit to the total existing Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. Minor Exception Application with Notice. Applications for minor exceptions from Section 10.68.030 D and E. which do not meet the criteria in Section A above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section 10.68.030 D and E. must meet the following criteria, and notice as provide in Section D below, must be provided:

- 1. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed 66% of the maximum allowed (Area Districts III and IV) and 75% of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds 3,000 square feet but does not exceed 4,000 square feet.

C. Submittal requirements- all Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
2. Written statements to support the required findings and criteria of this Code section.
3. A vicinity map showing the location and street address of the development site;

D. Submittal Requirements- Minor Exception Applications with notice.

Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, ~~copies of deeds, any required power of attorney,~~ plans and mapping documentation in the form prescribed by the Community Development Director.
2. Written statements to support the required findings and criteria of this Code section.
3. A vicinity map showing the location and street address of the development site;
4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within 300 feet of the boundaries of the property; and
5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 4 above and shall be accompanied by mailing labels.

E. **Notice to Property Owners- Minor Exception with Notice.** After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in Section D above. ~~with application submittal items 3 and 4 above.~~ Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.

F. **Director's Review and Action-All Minor Exceptions.**

1. **Notice of Decision.** After the commenting deadline date, if any, and within 30 days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant ~~and City Council~~ a letter stating the reasons for the decision under the authority for granting the

exception, as provided by the applicable sections of this ordinance. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above. ~~previously noticed pursuant to A and B above.~~

2. **Findings.** In making a determination, the Director shall be required to make the following findings: ~~consider the following criteria:~~
 - a. The proposed project will be compatible with properties in the surrounding area, including but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will no significant detrimental impact to surrounding neighbors, including but not limited to impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including but not limited to lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
 - d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
 - e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, and with any other current applicable policy guidelines.

- G. **Additional Criteria- Sections 10.68.030 D and E.** When making a determination to approve an exception to Section 10.68.030 D. or E, the Director shall also require ~~consider~~ the following criteria to be met, in addition to the criteria findings in Section 10.84.120 (F) 2., as stated above:

1. ~~Whether deviation from Code is minor in nature.~~
 2. ~~Evidence that significant detrimental impact to surrounding neighbors is absent.~~
 3. ~~Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.~~
 4. ~~Whether the application is in compliance with any current policy guidelines for Minor Exceptions as may be adopted by the City Council.~~
2. ~~When making a determination to approve an exception to Section 10.68.030 E, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 2:~~
- a. ~~The maximum total Buildable Floor Area of the existing dwelling unit plus the addition(s), as defined in Section 10.04.030, which excludes certain garage and basement areas from BFA, may not exceed 2,000 square feet in area.~~

1. New construction must conform to all current Code requirements except as permitted by this Chapter.
2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e. stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (ie roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
 - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
 - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
- ~~a. A minimum of 25% of the existing dwelling unit, based on project valuation as defined in Section 10.68.030, shall be maintained.~~
3. A minimum of 10% of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a 1 foot reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
6. Projects under 2,000 square feet in area per dwelling unit shall provide a minimum 1-car fully enclosed garage per dwelling unit.
7. Projects 2,000 square feet in area and up to 2,800 square feet per dwelling unit shall provide a minimum 2-car off-street parking with one fully enclosed garage and one unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
8. Projects 2,800 square feet in area and up to 3,600 square feet per dwelling unit shall provide a minimum 2-car fully enclosed garage per dwelling unit.

9. Projects 3,600 square feet in area per dwelling unit and over shall provide a minimum 3-car fully enclosed garage per dwelling unit.
10. All development on the site which is existing legal non-conforming development for Zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current Zoning requirements to the extent that it is reasonable and feasible.
11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of 50% of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building then less than 50% of the minimum required setback may be retained.
12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further additions shall be permitted unless the entire structure is brought into conformance with the current Code requirements.

H. **Additional Criteria- Section 10.12.030 (T). Interior Lots.** When making a determination to approve an exception to Section 10.12.030 (T) for a reduction in percentage of additional front yard setback for remodel/additions to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 (F) 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
2. The percentage of area that is provided outside of the additional front setback area, as established in Section 10.12.030 (T), shall be required to be two times the percentage if it was provided in the front yard. [ie 6% required, if 3% in the front (3% balance due)- provide 6% outside of the front yard= 9% total].
3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (ie, not an interior courtyard).
4. The area provided outside of the additional front setback area shall meet all of the criteria established in Section 10.12.030 (T) 2.-4..
5. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.

I. **Additional Criteria Section 10.12.030 (T) – Corner Lots.** When making a determination to approve an exception to Section 10.12.030 (T) on corner lots for remodel/additions to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated above in Section 10.84.120 F 2:

1. A minimum of 3% of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030 (T).
2. A minimum of 3% of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required 8% shall be located adjacent to another required setback (ie not an interior courtyard).
3. The area abutting the streetside setback shall meet all of the criteria established in Section 10.12.030 (T) 2.-4.
4. The proposed project is consistent with the Purpose stated in Section 10.12.010 H.

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

1. Achieve the general purposes of this ordinance and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;
2. Protect the public health, safety, and general welfare; or
3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

F. K. Effective Date: Appeals. Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code., a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 Manhattan Beach Municipal Code.

Sections 10.64.030 and A.64.030 Off-Street Parking and Loading Regulations- Off-street parking and loading spaces required

OFF-STREET PARKING AND LOADING SPACES REQUIRED

Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Residential		
Single-Family Residential: Dwelling with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling less than 3,600 square feet	2 enclosed per unit. (See <u>Minor Exception- Chapter 10.84</u> for existing structure provisions)	
Dwelling with Buildable Area	3 enclosed per unit. (See <u>Minor</u>	

(BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	Exception- Chapter 10.84 for existing structure provisions)	
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Sections 10.68.010 and A.68.010 Nonconforming Uses and Structures-Specific Purposes

10.68.010 Specific purposes.

This chapter is intended to limit the number and extent of nonconforming uses by restricting their enlargement, prohibiting their re-establishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by ~~prohibiting~~ regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.

Sections 10.68.030 and A.68.030 Alterations and enlargements of nonconforming uses and structures

10.68.030 Alterations and enlargements of nonconforming uses and structures.

D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception.

E. If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the

Community Development Director determines final valuation for the purposes of building permit fees.

Exceptions.

1. Where a structure is nonconforming only by reason of one (1) substandard front or interior yard, provided that all nonconforming interior yards are not less than three feet (3'), the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section 10.60.050, an alteration or enlargement that conforms to all other regulations of this title shall be permitted without regard to the estimated construction cost.
4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (nonconforming exemptions) has been made, processed through the Planning Commission, and approved by the City Council.
5. A chimney projection shall not be considered a nonconforming substandard yard, and therefore shall be allowed in addition to the one non-conforming yard in Section 1 or 2 above. See Section 10.60.040(G), Building projections into required yards or required open space—Chimneys, for standards.
5. ~~6.~~ Where a minor exception to allow extra retaining wall height, reduced additional front yard setbacks, non-compliant construction due to staff error, or for remodeling and small additions to existing smaller homes, has been approved in accordance with Chapter 10.84 of this Code.

Sections 10.60.040 H. and A.60.040 H. Minor Exceptions Site Regulations-All Districts- Building projections into required yards or required open space

10.60.040 Building projections into required yards or required open space.

Projections into required yards or required open space shall be permitted as follows:

~~H. **Minor Exceptions.** The Community Development Director may grant minor exceptions: for the construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed; and, from the limits on projections of reconstructed raised grade stairways, architectural archways, covered entries and covered porches into required yards and required open space for pre-existing structures under the provisions of Section 10.84.120. (Reserved)~~

ALLOW ACCESSORY USE OF ADJACENT COMMON OWNERSHIP LOTS

Sections 10.04.030 (Definitions)

Guest House (or Accessory Living Quarters): Any living area located within a main or an accessory building which does not have direct interior access to the dwelling unit. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. Such guest quarters, or accessory living quarters, shall be permitted only on a lot with one single family residence, except as provided for in Section 10.52.050 F / A.52.050 F Residential Zones- Adjacent Separate Lots with Common Ownership. This guest house, or accessory living quarters, shall be a maximum of 500 square feet in size, limited to one habitable room, and contain a maximum of three plumbing fixtures.

Sections 10.52.050 B. and A.52.050 B. Accessory Structures

B. Location. Except as provided in this chapter, accessory structures shall not occupy a required front, side, or building separation yard. Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site; this shall not prohibit development allowed in subsection F. below.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed 42 inches in height.
2. One flagpole may be located in the front yard of a site if it does not exceed 15 feet in height.
3. One decorative lamp post may be located in the front yard of a site if it does not exceed 8 feet in height.
4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030(P).
5. One basketball hoop/post may be located in the front yard of a site if it does not exceed 13 feet in height.

~~Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site.~~

Sections 10.52.050 F. and A.52.050 F. Accessory Structures

F. Residential Zones-Adjacent Separate Lots with Common Ownership. Contiguous residential lots under common ownership may be developed as one site, with only detached accessory structure(s) on one or more of the lots, subject to the following criteria.

1. Development shall be compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).

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2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air).
3. One of the lots must be developed with a residential dwelling unit as the principal structure.
4. The development is in compliance with current Zoning Code standards and any policy guidelines. For development standards the lots shall be treated as separate, except that parking shall be provided for the total Buildable Floor Area on all of the common ownership lots combined.
5. The recordation of a covenant shall be required, and shall provide for the removal of the accessory structure(s) or the construction of a dwelling unit on the lot that only has the accessory structure prior to selling the lots as separate lot(s). The covenant shall stay in effect until such time as the lot(s) that does not have a residential dwelling unit on it is developed with a dwelling unit, or the accessory structure(s) are removed. The covenant shall be required prior to the issuance of a building permit for any accessory structure on the lot(s) without the dwelling unit.
6. A development plan for the entire site, all of the contiguous lots under common ownership, shall be submitted.
7. Development on the lot(s) that do not have a residential dwelling unit shall be limited to the following accessory structures, and shall be in compliance with all requirements of this title :
 - a. Guest House (or Accessory Living Quarters) in compliance with the requirements of Section 10.04.030/A.04.030.
 - b. Other accessory structures in compliance with Section 10.52.050 E/A.52.050 E.
 - c. Garages and parking areas, provided the garages or parking is not required for the dwelling unit on the contiguous lot.
 - d. Other accessory structures that are not included as gross floor area or square footage, including but not limited to, pools and spas, sports courts, decks, and patios.

MISCELLANEOUS CLEAN-UP ITEMS

Section 10.04.030- Definitions- Floor Area, Buildable-Areas excluded from a determination of Buildable Floor Area

Single Family Residential Districts:

Area Districts I and II: ~~The area used for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with more than 4,800 square feet. That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided.~~ Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of “entirely below local grade” exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2’).

Area Districts III and IV: ~~The area used for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more. That area used for vehicle parking and loading, up to 400 square feet on lots where 2 enclosed parking spaces are required and provided, and up to 600 square feet where 3 enclosed parking spaces are required and provided.~~ Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related wells if they are the minimum size required by the UBC. A condition of “entirely below local grade” exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet (2’).

Section 10.12.030 Property Development regulations: RS, RM and RH districts

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

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

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

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

Section 10.12.030 Property Development regulations: RS, RM and RH districts

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, and Walls, and Hedges	(P) and 10.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100
Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Solar-assisted Water Heating	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures and Uses	See Chapter 10.68
Signs	See Chapter 10.72
Condominium Standards	See Section 10.52.110
Minor Exceptions	See Section 10.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section 10.60.020 and 11.32.030 and (J)
<u>Building Projections into Setbacks</u>	See Section 10.60.040
<u>Landscaping</u>	See Section 10.60.070
<u>Accessory Structures</u>	See Section 10.52.050
<u>Exterior Materials</u>	See Section 10.52.020
<u>Home Occupation</u>	See Section 10.52.070
<u>Tree Preservation</u>	See Section 10.52.120

Section 10.12.030 (P) and A.12.030 (P) Fences and Walls of the Property Development Regulations: RS, RM, and RH districts

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

For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade) ~~adjacent to any portion of a vertically oriented barrier (including solid hedges, but excluding structures and buildings, etc.)~~ to the corresponding top of the fence/wall/hedge ~~said barrier portion~~, including any attachments. If more than one (1) fence/wall/hedge is located within a required yard, any portion of a fence/wall/hedge that projects above a forty-five (45) degree daylight plane inclined inward from the top of the lowest adjacent fence/wall/hedge, shall be counted toward the height measurement of the lowest fence/wall/hedge.

Exceptions:

1. A fence, ~~or wall~~ or hedge having additional non-retaining height shall be permitted wherever a six (6) foot fence is allowed, provided such additional height over six (6) feet meets one of the following criteria.

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

b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty (30) degrees and no more than forty-five (45) degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet and shall not extend closer than three (3) feet to any part of any building.

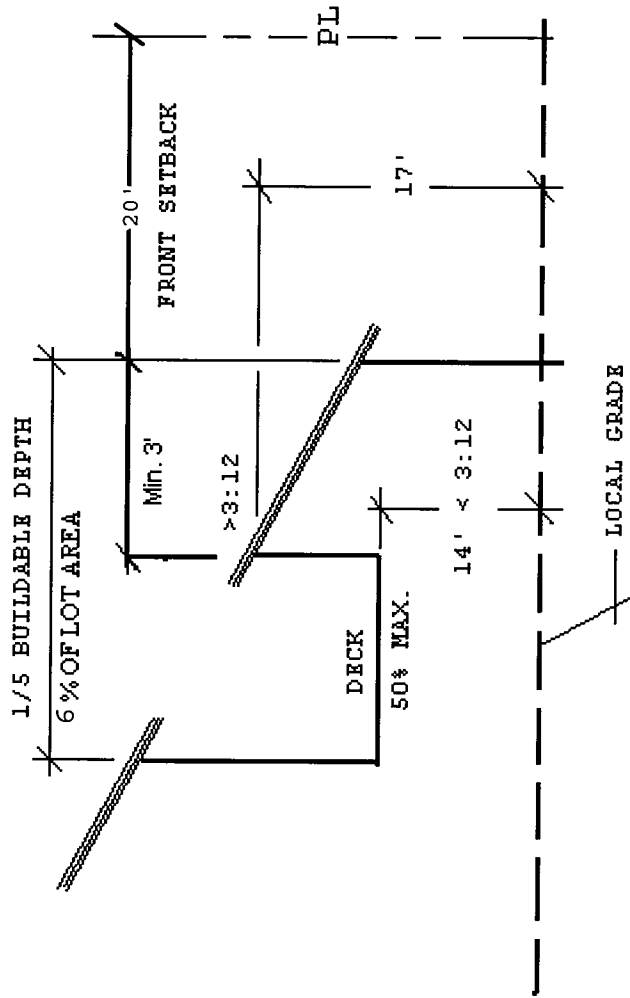
c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet, or the combined height of adjacent neighboring retaining walls and fences more than twelve (12) feet. If a coastal development permit is required for a fence by Sections 10.96.040 and 10.96.050 of this title, the additional height of the fence may be approved only if the additional height does not impede public views of the ocean, the beach, or to and along the shoreline.

2. Architectural screen walls not to exceed six (6) feet six (6) inches in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen (14) feet back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (1/2) the lot width.

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

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Mansionization Code Amendments- Exhibit A

~~including any attachments. If more than one (1) fence/wall is located within a required yard, any portion of a fence/wall is located within a required yard, and portion of a fence/wall that projects above a forty five (45) degree daylight plane inclined inward from the top of the lowest adjacent fence/wall, shall be counted toward the height measurement of the lowest fence/wall.~~



ADDITIONAL FRONT SETBACK REQUIREMENT
 MBMC 10.12.030T

P.G. 10/10/07

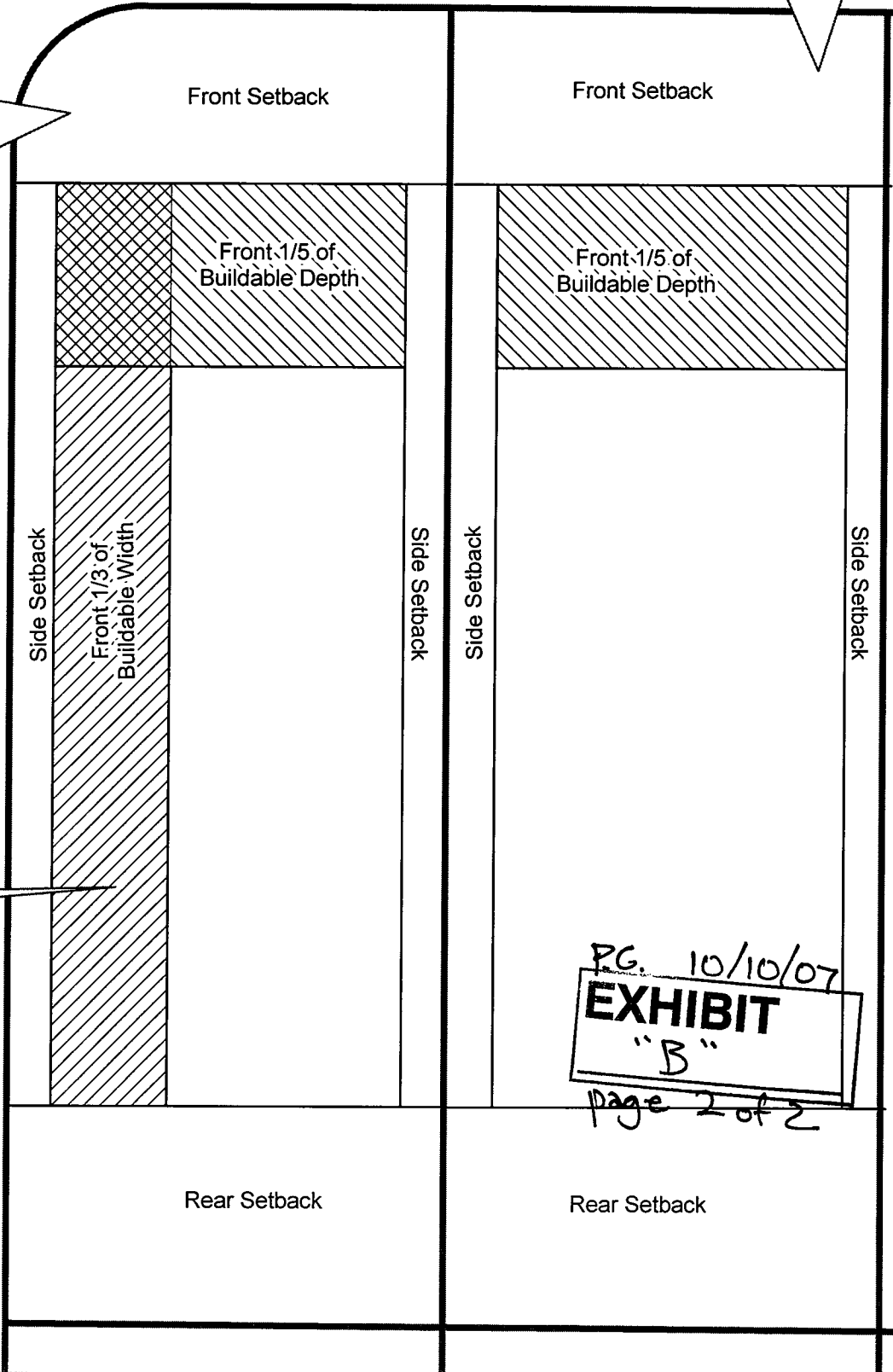
EXHIBIT
 "B"

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Additional Front and Corner
Side Setback Requirement
MBMC 10.12.030(T)

Interior Lots
-6% of lot area
-Front 1/5 of buildable length

Corner Lots
-8% of lot area
-Directly abutting the front
and streetside setbacks
-Divided between front
and streetside setback,
45% min. and 55% max.
each side



PG. 10/10/07
EXHIBIT
"B"
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