

CITY OF MANHATTAN BEACH
[DRAFT]MINUTES OF THE REGULAR MEETING OF THE PLANNING
COMMISSION
OCTOBER 10, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, October 10, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Vice-Chairman Lesser called the meeting to order.

8 Members Present: Powell, Schlager, Seville-Jones, Vice-Chairman Lesser

9 Members Absent: Chairman Bohner

10 Staff: Richard Thompson, Director of Community Development

11 Laurie Jester, Senior Planner

12 Sarah Boesch, Recording Secretary

13
14 **APPROVAL OF MINUTES** **September 26, 2007**

15
16 Commissioner Powell requested that page 4, line 25 of the September 26 minutes be revised to
17 read: “She commented that the 26 foot height limit . . .”

18
19 Commissioner Powell requested that page 5, line 4, also be revised to read: “He stated that the
20 Code is very explicit that the 26 foot height restriction . . .”

21
22 Commissioner Powell requested that page 5, line 11 be revised to read: “He commented that the
23 primary use of the site as residential is therefore not incidental, and he feels that the residential
24 setbacks should apply.”

25
26 Commissioner Powell requested that page 5, line 12 be revised to read: “He said that he would
27 want a condition that signage be limited and that no signage be permitted on the residential
28 portions of the building.”

29
30 Vice Chairman Lesser requested page 5, line 41 be revised to read: “He commented that he
31 supports mixed use projects, and the question for him is what provision should apply when the
32 different Code sections conflict.”

33
34 A motion was MADE and SECONDED (Powell/Seville-Jones) to **APPROVE** the minutes of
35 September 26, 2007, as amended.

36
37 AYES: Powell, Schlager, Seville-Jones, Vice-Chairman Lesser

38 NOES: None

39 ABSENT: Chairman Bohner

40 ABSTAIN: None

41
DRAFT

1 **AUDIENCE PARTICIPATION** None

2
3 **PUBLIC HEARINGS**

4
5 **06/0726.1 Consideration of City Council 2005-2007 Work Plan Item to address**
6 **Mansionization in Residential Zones: (1) Increase Open Space and Setbacks;**
7 **(2) Limit Lot Mergers; (3) Encourage the Retention of Existing Smaller**
8 **Homes; (4) Allow Accessory Use of Adjacent Common Ownership Lots**
9

10 The Commissioners agreed to have staff present the four items in sections, ask any questions of
11 staff after each section, and open the item up for public comment on all of the items after
12 completion of the presentation.
13

14 Senior Planner Jester summarized the staff report related to open space and setback revisions.
15 She stated that the proposal includes that the front setback requirement be reduced from 8
16 percent to 6 percent in Area Districts I and II for interior lots and remain at 8 percent for corner
17 lots. She indicated that currently there is a cap for open space of 350 square feet, and the
18 proposal is to eliminate the cap. She said that the proposal is also to include basement area as
19 BFA for the open space requirement, just as it is counted towards parking requirements. She
20 indicated that currently open space on the third level of homes can only be provided in
21 proportion to the amount of living area on the level, and the proposal is to allow half of the open
22 space to be provided on the third level. She stated that the proposal would allow decks above the
23 second or third level, subject to increased setbacks and provided they are located adjacent to a
24 living area.
25

26 Senior Planner Jester commented that currently 10 percent of the lot width is required for a side
27 yard setback with a 3 foot minimum and 5 foot maximum, and the proposal is to eliminate the 5
28 foot cap for side yard setbacks. She stated that the proposal is to increase the requirement for the
29 rear yard setback from 10 to 12 feet and to eliminate the existing 25 foot cap. She indicated that
30 the proposal is to increase the setbacks from 5 to 10 feet for the larger lots in a small single
31 family home section of the beach area where there are no alleys with rear lots abutting each
32 other. She said that the proposal is to require any building wall facing a side yard or rear yard
33 over 24 feet to be set back an additional 3 feet which would also apply to the corner side;
34 currently the requirement is applies to walls over 25 feet in height. She commented that the
35 proposal is to allow a minor exception for reducing the 6 percent or 8 percent bulk/volume
36 requirement for small, wide, or shallow lots and for lots with multiple front yards. She indicated
37 that the proposal is also to allow a minor exception for 15 percent open space for single story
38 construction in two story zones or a two story home in areas with three story homes.
39

40 Commissioner Seville-Jones commented that she is concerned about the effect of the proposals
41 on smaller lots where they would have the greatest impact. She asked regarding the range of

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1 square footage that could be built on a smaller lot if the proposals are adopted.
2
3 In response to a question from Commissioner Seville-Jones, Senior Planner Jester said that she
4 does not believe the provisions would have much impact on smaller 30' wide by 45' deep lots.
5
6 Commissioner Seville-Jones said that she has a concern with smaller lots that are also wide, and
7 the side yard setback requirement could impact their BFA (buildable floor area).
8
9 Senior Planner Jester pointed out that the minor exception process would address the smaller
10 shallow and wide lots.
11
12 In response to a question from Commissioner Seville-Jones, Senior Planner Jester said that the
13 number of such smaller lots that possibly would be affected would be in the low hundreds.
14
15 Director Thompson commented that staff would expect possibly two or three applications a year
16 for such a minor exception.
17
18 In response to a comment from Commissioner Seville-Jones, Senior Planner Jester commented
19 that the chart provided to the Commissioners was based on the assessor's information which
20 does not include the total number of small lots. She stated that staff does not believe the square
21 footage of development on smaller lots would change or be impacted as a result of the proposed
22 regulations, except for the wide, shallow small lots.
23
24 Commissioner Seville-Jones said that she is not certain that smaller irregular lots would not be
25 impacted. She indicated that she has heard justifications for the reduction of the front setback
26 requirement from 8 to 6 percent in order to encourage the use of back yards and to add flexibility
27 for building on the second level. She said, however, that she is still having difficulty in
28 understanding the reasoning why 8 percent would not be better than 6 percent.
29
30 Senior Planner Jester indicated that the Mansionization Committee included a number of
31 architects who addressed the difficulty in applying the 8 percent front setback requirement. She
32 said that staffs' understanding from input by the Council and Commissioners after they toured
33 many properties is that it is difficult to determine the difference between homes with a 6 and 8
34 percent front yard setback and that the 6 percent front setback meets the goal of reducing the
35 appearance of bulk. She commented that a requirement of 8 percent results in the home being
36 pushed back toward the rear of the lot, and it was felt open space was important in the side and
37 rear as well as the front.
38
39 Director Thompson indicated that it is important to listen to the input of the architects when they
40 state that it is difficult to design a home with the 8 percent front setback requirement. He
41 commented that the good architects within the community design beautiful homes which are not

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1 creating an issue or concern. He stated that the complaints that have been received are regarding
2 the homes which are mass produced by developers who do not focus on the design. He said that
3 the architects have indicated that the City is achieving its goal of providing articulation in the
4 front with the 6 percent requirement, and it has not been demonstrated that the 8 percent would
5 be preferable.

6
7 Commissioner Schlager commented that in taking the tour, he could not determine the visual
8 difference in homes built with 6 or 8 percent front setback. He said that the issue is not with the
9 architects who typically do not build homes to the maximum allowable but rather to prevent
10 situations of homes that are built to the maximum which do not provide the articulation that the
11 community would prefer.

12
13 In response to a question from Commissioner Powell, Senior Planner Jester said that the City
14 Attorney will review the document for legal accuracy prior to it being submitted to the City
15 Council.

16
17 Commissioner Powell suggested that the word “Maxi-mum” be corrected to “Maximum” in the
18 third sentence of the first section under “Increase Open Space and Setbacks.”

19
20 Commissioner Powell suggested that the first column with the entries “Front,” “Side,” Corner
21 Side” and “Rear” in the tables labeled “Property Development Standards for Area Districts I and
22 II” and “Property Development Standards for Area Districts III and IV” be changed to
23 (percentage/ft.) rather than (ft.) to clarify that it is not an absolute footage maximum but a
24 percentage.

25
26 Vice-Chairman Lesser commented that many people have made the case that changing the open
27 space percentage from 8 percent to 6 percent is giving back to the developers and would actually
28 contribute toward mansionization. He said that he personally supports the proposal to reduce the
29 percentage from 8 percent to 6 percent. He asked regarding the number of plans that have been
30 impacted by the 8 percent requirement and regarding the justification for reducing the
31 percentage.

32
33 Director Thompson said that the architects are providing the 8 percent currently, but it does
34 impact their flexibility in designing the front of homes. He pointed out that the design is not
35 improved simply because the percentage of the front setback is increased. He said that the
36 architects have expressed their opinion that it is not necessary to have the front setback
37 requirement at 8 percent, and the goals are achieved at 6 percent.

38
39 Commissioner Powell requested that an inventory be prepared with the addresses of homes
40 which have an 8 percent front setback and which have 6 percent front setback.

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1 In response to a question from Commissioner Seville-Jones, Senior Planner Jester said that
2 landscaping was not an issue that the Mansionization Committee was tasked with reviewing, and
3 it was not specifically addressed since it was not listed as one of the particular goals.

4
5 Director Thompson commented that a separate presentation will be made to the City Council in
6 November which will address landscaping. He said that staff's feeling was that the focus
7 regarding the subject recommendations be on construction and development.

8
9 Vice-Chairman Lesser stated that he would support building standards that could be imposed for
10 quality open space that includes landscaping being required.

11
12 Senior Planner Jester then presented proposed Lot Merger revisions. She stated that the first
13 provision relating to lot mergers allows for mergers up to a maximum lot size of two typical
14 residential standard size lots for the particular Area District. She pointed out that there are a
15 number of exceptions to accommodate existing situations and to encourage multi-family
16 development in certain areas and allow religious institutions and schools to continue without
17 merging the lots. She said that the second provision is that existing lots that are not merged with
18 development over the lot lines would be allowed to continue to be used as one lot, but anything
19 new would need to comply with the new lot size standards and other development standards if
20 the property is redeveloped over 50 percent of the valuation of the buildings on the site.

21
22 In response to a comment from Commissioner Schlager, Senior Planner Jester commented that
23 staff received an e-mail with a concern that the Minor Exception language could be interpreted
24 to allow an exception for lot size; however, it actually relates to a structure on a lot. She
25 indicated that staff could include some clarifying language.

26
27 In response to a comment from Vice-Chairman Lesser, Senior Planner Jester stated that the
28 current Code requires that lots be merged for reconstruction and remodeling of buildings that
29 extend over lot lines. She indicated that the proposal would not allow the parcels to be merged
30 unless they were under the new maximum lot size standards.

31
32 In response to a question from Commissioner Powell, Senior Planner Jester stated that there are a
33 number of lots on The Strand which are 33 1/3' by 105', and the direction of the Mansionization
34 Committee and Commission was that those lots should be permitted to be merged.

35
36 In response to a question from Vice-Chairman Lesser, Senior Planner Jester said that language
37 could be added to Exhibit "A" of the staff report on page 11 under the second item of 10.12.030
38 to read: "Site enlargements (e.g. mergers, lot line adjustments), not exceeding the maximum lot
39 area, which result in existing structures becoming nonconforming to residential development
40 regulations."
41

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1 Senior Planner Jester summarized the amendments to encourage the retention of existing smaller
2 homes. The proposal would revise the Minor Exception provisions to allow nonconforming
3 homes to be able to remodel and build an addition with specific limitations. She indicated that
4 currently a 2,000 square foot cap applies for additions and remodels. She said that the proposal
5 is to allow 100 percent remodel and to retain existing nonconformities with a limit of 66 percent
6 of buildable floor area in the Beach Area and 75 percent in the other area districts or 3,000
7 square feet without neighborhood notification, whichever is less. She commented that the
8 proposal would allow homes on smaller lots to expand up to 1,400 square feet, and there
9 currently are new homes being built at 1,600 square feet. She pointed out that the parking
10 requirement for remodels would be reduced from the requirements for new construction. She
11 indicated that the proposal would allow existing homes to be expanded to a maximum of 4,000
12 square feet with neighborhood notification. She said that a requirement for a three-car garage is
13 proposed for expansions over 3,600 square feet. She indicated that the proposal is also to allow
14 remodels of existing homes on interior lots to place a portion of the required 6 percent front open
15 space to the side and rear provided the percentage in the other areas is doubled. She stated that
16 the proposal is for expansions of existing homes on corner lots to be permitted to provide 3
17 percent open space in the front, 3 percent on the street side, and 3 percent in the rear or interior
18 side yard.

19
20 In response to a question from Vice-Chairman Lesser, Senior Planner Jester stated that the most
21 common comment staff receives from neighbors regarding noticing of remodels is that they do
22 not feel the noticing is necessary and that the expansion should be supported. She said that the
23 notification advises of the proposal and explains the procedure for response and comments to the
24 proposal. She indicated that the neighbors also have the opportunity to appeal the decision of the
25 Director to the Planning Commission.

26
27 Commissioner Schlager indicated that his impression from taking the tour is that much of the
28 issue regarding the appearance of bulk is on corner lots.

29
30 In response to a question from Commissioner Schlager, Senior Planner Jester stated that the
31 intent is to provide a setback on the street side where it is currently not required. She
32 commented that the amount of setback would depend on the manner in which it is distributed
33 between the front and the side. She indicated that staff felt establishing a percentage for the
34 street side was important.

35
36 Commissioner Seville-Jones commented that there are a number of existing small homes with a
37 very small garage either connected or behind the home which are very narrow. She asked if the
38 garage would be required to be brought up to current standards if the owners wanted to expand
39 by only 200 or 300 square feet.

40
41 Senior Planner Jester pointed out that the existing garage would be allowed to remain if the

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1 addition and remodel is under 50 percent of the value of the existing home. She said that there
2 are provisions that the garage could remain for an expansion over 50 percent of the value of the
3 existing home if the garage nonconformity is less than 1 foot in both directions of width and
4 depthh.

5
6 In response to a comment from Commissioner Seville-Jones, Director Thompson pointed out
7 that homes are permitted to expand up to 50 percent of the value of the existing structure and
8 keep all of their non-conforming parking. He stated that at some point of expanding a home,
9 however, it is important that an additional parking space be provided.

10
11 Commissioner Seville-Jones commented that her concern is that someone would be discouraged
12 from remodeling if they would exceed the threshold for an additional parking space even though
13 their expansion would not have any impact to the parking demand.

14
15 Director Thompson commented that it is important to have such thresholds in zoning for certain
16 Code requirements.

17
18 In response to a question from Vice-Chairman Lesser, Senior Planner Jester indicated that staff
19 felt it was appropriate to place a limit on the size of remodeled homes with neighborhood
20 notification at 4,000 square feet because they felt it is very unlikely that someone would expand
21 a very small existing home to that size rather than tear down the existing home and build a new
22 structure.

23
24 Director Thompson commented that 4,000 square feet is quite large for a home, and the
25 argument can be made that allowing an expansion to over 4,000 square feet should require a
26 more comprehensive approval process than a minor exception.

27
28 In response to a question from Commissioner Seville-Jones, Senior Planner Jester commented
29 that a three-car garage is required for homes that expand over 3,600 square feet because
30 otherwise it would be creating or expanding a nonconformity.

31
32 Senior Planner Jester then described the proposal for accessory uses on adjacent commonly
33 owned lots would allow accessory structures to be built on a commonly owned adjacent lot in
34 order to encourage owners to retain the property rather than sell it for new development. She
35 commented that currently the use of an adjacent lot is very limited and cannot include such items
36 as a pool or guest house. She stated that a covenant would be required to ensure that the adjacent
37 parcel is not sold without a primary residence.

38
39 The last item includes a number of miscellaneous clean-up items. Senior Planner Jester said that
40 the proposal includes that any required garage area not be included toward buildable floor area
41 (BFA). She stated that language is also proposed to allow the required front yard setback to be

1 reduced from 5 to 2 feet on the second and third levels for half lots located adjacent to alleys
2 which is currently permitted for full lots in the same situation adjacent to an alley where it is
3 considered the rear yard. She stated that the proposal would also add more cross references
4 within the residential property development standards chart. She indicated that the proposals
5 would also provide a clarification that hedges are treated the same as fences and walls.

6
7 Vice-Chairman Lesser opened the public hearing.
8

9 **Joseph DiMonda**, said that he participated in the Mansionization Committee. He said that he
10 has a concern that the language of item 1(ii) as written that the percentage of open space that is
11 wrapped around the corner on corner lots would be in a single area rather than extended down
12 the block. He pointed out that the building side on corner lots of 50' by 150' is 90 feet long, and
13 he feels the supplemental open space should be included in the middle rather than all being
14 located on one end.

15
16 Director Thompson commented that the language allows flexibility to wrap the open space
17 around the corner on corner lots and to apply to break up the mass along the street side.
18

19 **Mr. DiMonda** indicated that many people do not see a difference in the appearance of bulk from
20 homes that provide a 6 percent rather than 8 percent front setback. He indicated that the
21 architects feel that the extra 2 percent results in homes being pushed back into the rear yard and
22 the design options becoming limited. He said that the architects feel that the volume of homes
23 with 8 percent and 6 percent front setbacks are essentially the same. He indicated that they felt
24 the percentage should be reduced to 6 percent with the additional open space being provided
25 elsewhere on the property. He stated that he is concerned that increasing the side setback to
26 more than 10 percent of the lot width would potentially have a tremendous impact on 50 foot lots
27 and would not be beneficial. He indicated that he is not certain the reasoning behind requiring
28 an additional 3 foot setback for the side and rear yards for walls taller than 24 feet rather than 25
29 feet as previously required. He commented that constant incremental changes to the Code
30 requirements make it very difficult for applicants, architects, and the staff to understand and
31 follow. He indicated that changes should not be made unless a problem is identified that needs
32 to be addressed and there is a clear public benefit that is achieved. He commented that if the
33 community truly believes that the homes are too large, then the issue should be addressed fully
34 rather than with insignificant changes to the Code.
35

36 **Mr. DiMonda** stated that projects reach the threshold of 50 percent valuation very quickly,
37 particularly when cosmetic changes are included such as repairing roofs, windows and siding.
38 He said that eliminating construction that does not have any impact to the size of the home from
39 the 50 percent valuation would encourage more remodeling. He commented that there would be
40 a very large number of properties that would be nonconforming if hedges are included within the
41 standards for fences and walls. He said that he is not certain if there would be enforcement of

1 the standards regarding hedges, particularly in instances where there is a safety concern. He said
2 that it would be difficult to comply with and enforce the requirements for hedges of 6 feet in side
3 and rear yards and 42 inches in front yards. He commented that there is also a question as to
4 whether a solitary hedge in a front yard is any different than a tree.
5

6 **Bob Bickel** said that the proposed amendments provide limited relief for homeowners wishing to
7 remodel. He commented that modest basement additions used for storage would impose added
8 parking requirements if they result in the calculation of BFA reaching over the threshold. He
9 indicated that second story additions over existing walls at a current 5 foot side yard setback
10 would be prohibited on lots that are slightly wider than the standard 50' by 150' lots. He
11 indicated that it has been suggested that a Variance could be applied to remedy such situations;
12 however, it has been stated that a Variance request for relief from the parking requirements
13 would not be granted. He said that the time, expense, and uncertainty of the Variance process
14 should only be necessary for issues unforeseen by the Commission and later encountered during
15 the plan check process. He requested that the Commissioners not penalize residents who are not
16 contributing toward the problem of bulk.
17

18 In response to a question from Vice-Chairman Lesser, **Mr. Bickel** commented that he has sent an
19 e-mail to the Commissioners and staff. He stated that his understanding is that the intent of the
20 parking requirement is to remove cars from the street. He indicated that the current Code allows
21 three-car garages to include tandem parking; however, in many cases the third space is used for
22 storage rather than for parking. He said that including the square footage of basements toward
23 the parking requirement is appropriate in instances where it results in an increase to the parking
24 demand. He indicated, however, that the basement area should not be included toward the
25 parking requirement in instances where it is not used for living space. He commented that he
26 wants to add a basement area to provide an additional storage area in order to allow room in the
27 garage for parking. He has suggested that an exception to including basement area toward the
28 parking requirements be permitted in instances where the basement is under 1,000 square feet
29 and is used for storage rather than living area. He commented that he would also like to add a
30 500 square foot addition on the second story of his home to renovate the master bathroom. He
31 indicated that his lot is 65' by 117', which requires an additional side yard setback of 1 ½ feet.
32 He said that the extra requirement makes it almost impossible to build the addition that they
33 would like, and he is requesting some relief for building out to the existing 5 foot setback for lots
34 such as his that are slightly larger than the standard size of 50' by 150'.
35

36 **Martha Andreani** said that she agrees with the statements of **Mr. DiMonda** that making
37 constant changes to the Code can make it very difficult to follow. She indicated that the intent is
38 to achieve a reduction of the visual bulk in the City. She suggested possibly restricting new
39 homes from being built to three stories, although she is not certain that the City would take such
40 a drastic measure. She commented that three level homes are big and create bulk. She suggested
41 adding a requirement that the front and side of homes provide articulation rather than be flat.

1 She also suggested that roofs also not be permitted to be flat. She stated that she believes
2 requirements for landscaping needs to be addressed with the subject proposals rather than
3 separately. She commented that she feels hedges are a method of providing landscaping rather
4 than fences. She suggested that landscaping be required in a minimum of 50 percent of the front
5 setback. She commented that lot mergers can create additional open space if the development
6 across the merged lots is limited. She pointed out, however, that merging lots changes the
7 characteristics of the neighborhoods. She commented that her understanding is that the issue of
8 lot mergers is under review, and she is not certain how the determination was made to allow the
9 merger of two lots. She suggested possibly basing the parking requirement on the number of
10 bedrooms of a home rather than square footage. She commented that more detail is needed
11 regarding the accessory structures that would be permitted on commonly owned adjacent lots
12 and whether features such as lighting would be regulated. She stated that it is important that the
13 neighborhood be provided with notice regarding applications for accessory structures. She
14 commented that noticing within only 300 feet of a project does not reach enough of the
15 neighbors who may wish to comment on a proposal. She also suggested that the possibility of a
16 design review board be considered further.

17
18 **Jim Fasola**, stated that he agrees with the comment of **Mr. DiMonda** that the proposal is only
19 making small incremental changes to the Code which will not eliminate the concerns regarding
20 bulk. He commented that his suggestion would be to simply increase the setbacks and decrease
21 the height limit. He said that he approves of the work that staff has done, and he feels the
22 proposals should be approved. He suggested limiting the size of combined lots to 5,000 square
23 feet in Area Districts III and IV because he does not feel the 33 1/3' by 105' lots should be
24 combined. He said that he would also suggest increasing the rear setback requirement to at least
25 15 feet in Area Districts I and II.

26
27 **Paul Gross** commended staff on all of their work and stated that he feels the proposals should be
28 approved. He pointed out that the issue that is attempting to be addressed is the 70 percent of
29 new homes that are built by developers to the maximum lot size which results in unattractive and
30 bulky homes. He said that they have attempted to address the issue while not placing too much
31 restriction on architects. He commented that there was much discussion regarding the balance
32 between the good of the property owner and the good of the entire City. He indicated that
33 requiring open space is a method of providing articulation, and there is flexibility for architects
34 on where the open space is provided. He commented that the only measures that would go
35 further in providing articulation than has been done with the proposals would be to further
36 restrict BFA or to establish an architectural committee. He said that further restricting BFA was
37 discussed at great length, and it was decided that it was not the approach that the majority of the
38 community wanted. He stated that establishing a design review committee did not get much
39 discussion, but it would not be in the character of the City. He indicated that the City is beautiful
40 because there are so many different styles of homes. He stated that he supports the proposal for
41 a limit of 4,000 square feet for remodels, and he believes it would have been supported by the

1 Mansionization Committee. He indicated that providing an additional 3 foot setback in the rear
2 and side yards with walls over 24 feet rather than 25 feet as currently required would be another
3 method of forcing articulation for buildings. He commented that he feels basement square
4 footage should be counted toward the parking requirement because such areas could be used as
5 living space in the future even if it is originally intended to be used as storage.

6
7 **David Hennessy**, a resident of 36th Place, commented that he has a concern that existing
8 properties that are over the size of two lots and currently developed as one property could be
9 redeveloped as one property. He pointed out that no properties on The Strand currently extend
10 over the size of two lots.

11
12 Senior Planner Jester commented that the proposal has limitations on the size of lots that would
13 be permitted according to the different area districts. She said that the maximum size in the
14 beach area is based on combining two 33 1/3' by 105' lots, which would result in a lot size of
15 7,000 square feet.

16
17 Director Thompson indicated that the proposal would limit any future lot merger to two lots, and
18 the maximum lot size that would be permitted is 7,000 square feet.

19
20 **Kathy Clark**, a resident of the 400 block of 7th Street, said that she considers the subject
21 proposals an opportunity to address landscaping, particularly on walk-streets. She commented
22 that she would have attended the Mansionization Committee meetings if she had known they
23 were open to the public, and her understanding is that people had to be appointed to the
24 Committee. She commented that she feels the process needs to move forward, as new
25 construction occurs every day in the City. She pointed out that enforcement of the regulations is
26 very important, and the residents would not have the City they deserve without it.

27
28 **Robert Schumann**, said that the majority of the public is not going to be able to determine the
29 difference between a front setback of 6 and 8 percent; however, it does make a large difference
30 to the owner of the home. He indicated that he believes basements should be encouraged and
31 that people who build them should not be penalized. He said that without basements, people will
32 not be able to have the storage they need. He commented that he supports the new regulations to
33 encourage the retention of existing smaller homes; however, it is too late for many properties.
34 He indicated that the previous limit of 2,000 square feet for remodels has resulted in many
35 homeowners tearing down the existing structures and rebuilding large homes. He indicated that
36 he hopes the new regulations will result in many of the remaining existing older smaller homes
37 being saved. He stated that redevelopment of the properties currently developed over more than
38 two lots would result in a large reduction in the number of units, increased light, decks open
39 space, and parking. He stated that the message being sent to the owners of contiguous multiple
40 lots if their ability to redevelop the properties is taken away is to retain their existing structures
41 rather than upgrade the properties. He suggested allowing an exception for owners of multiple

1 properties to redevelop their property as currently exists within a certain number of years
2 provided that it results in a decrease in the number of units along with other requirements. He
3 commented that neighbors of his property have indicated that they want his building to be
4 replaced; however, they also want the design options to become more limited.

5
6 **Gerry O'Connor** indicated that he is not satisfied that the proposals go far enough toward
7 reducing bulk. He commended the staff on the clarity and detail provided in the staff report for
8 this hearing. He pointed out that although the title of the first item is “amendments for new
9 residential development to increase open space and setbacks,” the first proposal to reduce the
10 front open space requirement from 8 percent to 6 percent is a decrease rather than an increase in
11 the required amount of open space. He commented that although it is difficult to tell the
12 difference between 8 percent and 6 percent open space for different homes with different styles
13 on different lots, it would most likely be noticeable on a home with the same design on the same
14 lot. He stated that the only challenge to achieving the requirement of an 8 percent front setback
15 is when it conflicts with attempts to reach the maximum buildable floor area. He said that the
16 issue is not with the developments of architects but rather homes built by developers who largely
17 do not take bulk into consideration. He pointed out that the 8 percent requirement has been met
18 for the last two years.

19
20 **Mr. O'Connor** commented that he shares the concern of **Mr. DiMonda** that the wrapping
21 around of open space on corner properties should not only occur at one side. He indicated that
22 he feels the issues of increasing articulation on street side walls and protecting open space on
23 front street sides are mutually exclusive and should not be linked. He commented that more
24 needs to be done to increase the articulation on the street side of corner lots. He said that he does
25 not feel that allowing open space to be shifted to a roof would help to eliminate the appearance
26 of bulk and density. He stated that he would agree with the suggestion of **Mr. Fasola** that the
27 requirement for the rear setback should be increased to 15 feet, and he feels it is an opportunity
28 to address the issue of providing larger rear yards. He indicated that he is not certain of the
29 reasoning for only slightly changing the requirement that walls taller than 24 feet rather than 25
30 feet have an additional 3 foot setback in rear and side yards. He said that he does not feel
31 enough is being done to increase the requirement for articulation on building walls for corner
32 lots. He stated that he is not certain how the numbers for the typical lot size in the different area
33 districts was determined regarding lot mergers. He commented that the only people before the
34 Commission who have expressed support for lot mergers are those who own multiple contiguous
35 lots to his knowledge, and he would find the argument in favor of lot mergers much more
36 convincing if people other than those who owned multiple contiguous lots expressed support.
37 He indicated that he would support the clarifying language to the second item under 10.12.030
38 on page 11 of Exhibit “A” as has been proposed by staff. He pointed out that the important
39 aspect regarding providing notice of remodeling projects is to allow anyone the opportunity to
40 express any concerns or issues regarding a proposal. He indicated that it is very small expense to
41 increase noticing.

1
2 **Kathy Clark** stated that she supports the comments of **Mr. Fasola** and **Mr. O'Connor** that the
3 rear yard setback requirement should be increased to 15 feet which would provide for more
4 usable back yards.

5
6 Vice-Chairman closed the public hearing.

7
8 At 9:30 a 10 minute recess was taken.

9
10 Director Thompson said that there has always been a Code section regarding hedges, and the
11 proposal is to clarify the language. He indicated that the Code enforcement regarding hedges
12 would not change with the proposal, and it is done on a complaint basis.

13
14 Director Thompson indicated that **Mr. Bickle** would be eligible to apply for a Variance in order
15 to allow him to build a basement and addition without having to provide a three-car garage. He
16 said that the Variance request would be evaluated by the Planning Commission, and staff does
17 not believe that adjustments should be made to the Code based on the situation of one property
18 owner.

19
20 Vice-Chairman Lesser asked whether any Code language would discourage the side setback on
21 corner lots from being located only along the corner.

22
23 Senior Planner Jester indicated that staff wanted to allow flexibility and not provide specific
24 requirements for the setback. She commented that language could be provided that the setback
25 be distributed in order to provide articulation.

26
27 Director Thompson indicated that the proposed change to the requirement that an additional
28 setback be provided in the rear and side yards for building walls over 24 rather than 25 feet may
29 appear insignificant but would actually result in a large impact to the design of structures.

30
31 Director Thompson indicated that staff is confident that landscaping will be addressed with the
32 upcoming discussions with the City Council. He commented that there are a number of issues
33 that need to be addressed with landscaping including storm water retention on properties. He
34 indicated that it is likely that any requirements for landscaping included with the subject
35 proposals would be re-evaluated, and it is suggested to wait until the issue is considered
36 separately by the Council.

37
38 Vice-Chairman Lesser commented that he shares the concerns expressed by **Ms. Andreani** and
39 **Ms. Clark** regarding landscaping and is eager for the City to establish further requirements for
40 landscaping.

41

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1 Commissioner Seville-Jones requested that staff include in the report to the City Council that the
2 Commissioners expressed a concern regarding landscaping being included with the regulations
3 but did not consider it in their recommendations because the issue will be coming separately
4 before the Council.

5
6 Director Thompson pointed out that if a development built over multiple lots is removed, any
7 future development must be built to the current lot pattern and current standards.

8
9 Director Thompson indicated that the types of accessory structures that would be permitted on
10 adjacent commonly owned lots is specified in the language on page 20 and 21 of the attachment
11 to the staff report. He commented that staff would caution against imposing additional
12 requirements for accessory lots that are not imposed on single family lots.

13
14 Director Thompson commented that the issues raised by **Ms. Andreani** regarding articulation
15 and preventing the front and roofs of buildings from being flat are addressed in the Bulk Volume
16 Ordinances. He stated that there is not a provision which specifically prohibits flat roofs, and
17 such a provision would not be recommended by staff.

18
19 Senior Planner Jester commented that staff has a concern that exempting basements from being
20 counted toward the parking requirement could result in basements built for storage later being
21 used as livable area without the necessary safety requirements being provided. Regarding a
22 comment by **Mr. Fasola**, she indicated that 33 1/3' by 105' is a standard lot size on The Strand,
23 and staff does not feel it was the intent that such lots should be prohibited from being merged.

24
25 Commissioner Powell asked regarding the possibility of using the number of bedrooms to
26 determine the parking requirement for an additional garage space rather than square footage.

27
28 Director Thompson said that it is a standard condition in cities to use square footage for such
29 thresholds, and it is difficult to regulate how bedrooms are used over a period of time.

30
31 Commissioner Seville-Jones indicated that she would support the front yard required setback
32 remaining at 8 percent because it is the current Code requirement, and she has not heard
33 convincing evidence that changing the requirement to 6 percent would fulfill the desired
34 objectives. She indicated that she does see a difference in homes with a 10 percent front setback.
35 She commented that she agrees it is difficult to compare front setbacks of 8 percent and 6 percent
36 for different homes with different designs. She stated that there are many examples of homes
37 with good designs that provide an 8 percent front setback.

38
39 Commissioner Powell said that he agrees with the comments of Commissioner Seville-Jones. He
40 commented that he has noticed a difference in the homes built by developers and those designed
41 by architects for the homeowner. He suggested the possibility that new development have a

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1 front setback requirement of 8 percent and remodels under the Minor Exception have a
2 requirement of 6 percent. He said that with the Minor Exception, the goal is to provide an
3 incentive for people to remodel and retain the older smaller homes rather than tearing down the
4 existing structure and building to the maximum permitted. He said that he has heard the
5 argument that architects are challenged to design structures with the 8 percent front requirement,
6 and he is certain that it is more of a challenge when attempting to remodel an existing structure
7 rather than beginning with a new design.

8
9 Commissioner Schlager commented that the same discussion could occur for each regulation as
10 to whether they should be higher or lower. He indicated that his determination after viewing
11 various homes and listening to architects is that there is more of a case to change the front yard
12 setback requirement from 8 percent to 6 percent than for it to remain at 8 percent in terms of
13 providing flexibility.

14
15 Vice-Chairman Lesser said that he originally supported keeping the front open space
16 requirement at 8 percent. He pointed out that many people do not believe that there is a problem
17 with bulk in the City and allowing the development that is currently occurring is exercising
18 individual property rights. He indicated that he originally felt that leaving the front setback at 8
19 percent was appropriate to address what he felt was a problem with the current pattern of
20 development. He commented that he has been convinced to support a reduction to 6 percent by
21 the architects who have described their limitations with the 8 percent and by homeowners who
22 brought their plans to the Mansionization Committee in order to demonstrate their difficulty in
23 designing the home that they wanted under the 8 percent requirement. He said that he is
24 sympathetic to the comments of **Mr. O'Connor**; however, that he feels it is important to allow
25 flexibility to architects and homeowners to provide a variety of different designs for homes. He
26 stated that he would support reducing the front setback requirement to 6 percent as
27 recommended by the Mansionization Committee.

28
29 Commissioner Seville-Jones commented that she is not clear regarding the amount of flexibility
30 that is lost for architects in changing the front setback percentage from 8 percent to 6 percent.

31
32 Director Thompson commented that the question can also be asked as to the amount of
33 improvement in design and articulation that has resulted from changing the percentage from 6 to
34 8 percent. He said that staff has heard from the architects that the 6 percent requirement is
35 effective and is a good tool for providing articulation and they have never heard from architects
36 that 8 percent is preferable.

37
38 Vice-Chairman Lesser commented that he was convinced that 6 percent is appropriate because
39 architects have expressed that 8 percent is a problem.

40
41 Commissioner Seville-Jones said that she would support language that the open space be

1 distributed proportionately in the side yard on corner lots so that it is not provided only in the
2 front portion.

3
4 Senior Planner Jester said that staff can provide further language regarding the distribution of
5 open space on the side yard of corner lots.

6
7 Commissioner Seville-Jones commented that she has a concern that half lots would not be able
8 to develop up to 1,800 square feet with the 15 percent open space requirement in the beach area
9 on RS lots. She requested that the number of such lots be determined and that some examples be
10 provided.

11
12 Director Thompson stated that staff can use the formula to demonstrate the impact of the 15
13 percent requirement.

14
15 Commissioner Seville-Jones commented that if the amount that can be built on a smaller lot with
16 the 15 percent requirement is under the range of 1,500 to 1,800 square feet, she would want
17 some relief from the requirement to be provided for such properties. She suggested possibly a
18 minimum lot size for the side yard setback requirement on wider lots and possibly some relief on
19 the open space requirement.

20
21 Senior Planner Jester pointed out that the 15 percent open space requirement currently applies in
22 the medium density and high density zones where the majority of half lots are located.

23
24 Commissioner Seville-Jones commented that she agrees with the comments of **Mr. O'Connor**
25 that open space provided on the upper levels is not as community oriented as open space
26 provided on the lower levels.

27
28 Director Thompson stated that the Mansionization Committee determined that public open space
29 and private open space are both important. He stated that the intent with providing for additional
30 open space on the upper level was that it be distributed and not only provided in one area.

31
32 Commissioner Seville-Jones commented that it appears drastic to increase the rear yard setback
33 requirement to 15 feet rather than 12 feet as proposed, and she would support the
34 recommendation of the Mansionization Committee of 12 feet.

35
36 Senior Planner Jester stated that the recommendation to change the rear setback requirement
37 from 10 feet to 12 feet was somewhat arbitrary. She indicated that a higher percentage was not
38 discussed specifically by the Committee, but her impression is that it was felt that 15 feet would
39 be a substantial increase from the existing requirement of 10 feet. She commented that there
40 would be an issue in providing a 15 foot rear yard with the home being pushed toward the front
41 of the lot.

1
2 Vice-Chairman Lesser said that he would encourage staff to consider the impact to the design
3 and BFA of homes of requiring a 15 percent rear setback.
4

5 Commissioner Seville-Jones indicated that she has a concern with the determination of typical
6 lot size regarding lot mergers. She stated that she understands that staff is suggesting that the 36
7 lots on The Strand which are 33 1/3' by 105' should be eligible for lot mergers; however, she
8 would like to see the size of the majority of lots be used in the determination of typical lot size.
9

10 Senior Planner Jester indicated that there are a number of lots on The Strand and other areas that
11 are 33 1/3' by 105', not just 36 lots, and staff felt it was important that they not be precluded
12 from being merged. She pointed out that such lots are typical of the neighborhood and are not
13 much larger than 30' by 90' lots.
14

15 Commissioner Schlager commented that he supports the proposed language regarding lot
16 mergers and the determination of minimum and maximum lot sizes.
17

18 Commissioner Powell pointed out that the 30' by 90' lot is the typical lot size in Area Districts
19 III and IV. He stated that there is a significant difference in the size of 30' by 90' lots and 33 1/3
20 by 105' lots when they are doubled.
21

22 Director Thompson pointed out that the issue is regarding lot pattern rather than lot size, and
23 there has never been a concern in the community expressed with two lots being merged along
24 The Strand.
25

26 Commissioner Seville-Jones indicated that she could support those lots on The Strand being
27 permitted to be merged because of the existing lot pattern. She commented that her concern is
28 that the lot pattern within each district of the City differs, and the regulation to allow lots up to
29 7,000 square feet applies to the entire district.
30

31 Director Thompson pointed out that the calculation for the lot size was done for each area to
32 determine the typical lot size.
33

34 Commissioner Seville-Jones said that her question is whether a more specific definition of lot
35 pattern can be established that does not apply district wide or whether it would be too difficult to
36 regulate.
37

38 Commissioner Powell commented that he shares the concerns of Commissioner Seville-Jones
39 regarding consistent lot patterns. He commented that without standards being established for
40 entire districts, however, standards would apply to pockets within area districts rather than to the
41 overall predominant lot pattern of the district.

1
2 Director Thompson pointed out that minimum and maximum standards are established because
3 zoning can never be precise enough to address every particular situation.

4
5 Commissioner Seville-Jones said that she feels the clarification is important on page 11 of
6 Exhibit "A" under the second item under 10.12.030 as proposed by staff.

7
8 Commissioner Powell requested that wording be added to item 2 on page 7 of Exhibit "A" to the
9 staff report to read: "Exiting Legally Created Merged Lots."

10
11 Commissioner Seville-Jones said that she has a concern that the parking requirement would
12 discourage owners from building small remodels which slightly exceed the limit for requiring an
13 additional garage space. She commented that one possibility to address the issue would be to
14 exempt certain types of interior remodeling from the calculation of the 50 percent valuation
15 which have no impact on the square footage of the home as suggested by **Mr. DiMonda**. She
16 suggested another possibility for addressing the concern would be to specify an amount of
17 remodel that is considered de minimis that would be permitted without being counted toward the
18 valuation.

19
20 Director Thompson commented that staff would not support any exceptions as suggested by **Mr.**
21 **DiMonda**. He pointed out that there needs to be a threshold where the parking requirement for
22 an additional parking space needs to apply. He said that specifying a small addition that would
23 not apply toward the parking requirement would encourage people to build subsequent small
24 additions in order to avoid the requirement.

25
26 Commissioner Seville-Jones suggested that the exception for a small amount of remodeling be
27 permitted only for homes that were built before a certain date in order to prevent new homes
28 from purposefully avoiding the requirement.

29
30 Director Thompson indicated that staff has not encountered an issue with small remodels being
31 discouraged because it results in the threshold being reached for an additional parking space. He
32 suggested that the ordinance be reviewed in a year, and that the issue be addressed at that time if
33 it is identified as a problem.

34
35 Commissioner Seville-Jones suggested that direction possibly be given to the Council that the
36 Commissioners were directed not to consider changes to the 50 percent valuation rule but that a
37 concern was raised by the Commission that it is unduly limiting for remodels.

38
39 Director Thompson pointed out that a concern has not been raised regarding the 50 percent rule
40 during the hearings or as part of building applications. He indicated that he would not suggest
41 making such a recommendation to the Council because it is not particularly difficult to work

1 within the 50 percent rule.

2
3 Commissioner Schlager said that he feels the flexibility that is provided by the proposals as
4 written is conducive for allowing remodels. He stated that he also would support the new
5 requirements being revisited after it has been enacted for a year when there has been an
6 opportunity to determine their impact on development patterns.

7
8 Commissioner Seville-Jones commented that she agrees the requirements should be reviewed,
9 but she feels the Commission is going to be hesitant at making changes after they are enacted
10 unless there is a large problem.

11
12 Commissioner Lesser commented that he would be interested in reviewing the criteria for the 50
13 percent rule to the extent there are criticisms if it is the direction of the Council. He indicated
14 that he respects the concerns of Commissioner Seville-Jones regarding the parking requirement.
15 He said, however, that he has not seen evidence that it is a practical problem for those
16 contemplating making use of the new requirements for remodeling. He indicated that he would
17 defer to the proposed language as written.

18
19 Commissioner Powell said that he agrees with the comments of Commissioners Schlager and
20 Lesser.

21
22 Commissioner Seville-Jones stated that although she recognizes the problem raised by **Mr.**
23 **Bickle**, she is not supportive of changing the requirements for basement square footage being
24 counted toward parking. She indicated that she recognizes that attempting to identify the use of
25 basement area for different uses is very difficult to enforce. She suggested the possibility of
26 allowing some relief from the setback requirements for homes built with a certain setback on
27 wider lots which may very limit their ability to build a small remodel.

28
29 Vice-Chairman Lesser said that the Variance process would be available for such situations,
30 although it is not preferable.

31
32 Commissioner Seville-Jones indicated that she would like to change the wording of item 2 under
33 Sections 10.52.050F. and A.52.050F. on page 21 of Exhibit "A" to read: "The development has
34 no significant detrimental impact to surrounding neighbors (privacy, pedestrian, and vehicular
35 accessibility, light, air, noise.)"

36
37 A motion was MADE and SECONDED (Lesser/Schlager) to **REOPEN** the public hearing and
38 **CONTINUE** the item to November 14, 2007.

39
40 AYES: Powell, Schlager, Seville-Jones, Vice-Chairman Lesser

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1 NOES: None
2 ABSENT: Chairman Bohner
3 ABSTAIN: None
4

5 **DIRECTOR'S ITEMS** None
6

7 **PLANNING COMMISSION ITEMS**
8

9 Commissioner Powell indicated that he attended the American Planning Association State
10 Conference, and he learned a great deal. He stated that the conference next year will be hosted
11 by the Los Angeles Chapter and held in Hollywood.
12

13 Commissioner Powell stated that the American Planning Association and several other agencies
14 have designated October as National Community Planning Month, and the City Council will be
15 issuing a proclamation at their October 16 meeting.
16

17 **TENTATIVE AGENDA: October 24, 2007**
18

- 19 A. Proposed Construction of Larger Concrete Pads on the Beach/Bike Path Between 27th
20 Street and 28th Street (Continued from September 12, 2007)
21
22 B. Proposed Construction of a New Mixed-Use Building to Include Three Residential
23 Apartment Units and One Professional Office Suite at 229 12th Street (Continued from
24 September 26, 2007)
25
26 C. Appeal of an Administrative Decision Denying a Driveway Vehicular Turntable at 729
27 Manhattan Beach Boulevard (Business Item Continued from August 22, 2007)
28

29 **ADJOURNMENT**
30

31 The meeting of the Planning Commission was **ADJOURNED** at 11:30 p.m. in the City Council
32 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, October 24, 2007, at 6:30 p.m. in
33 the same chambers.
34

35 _____
36 RICHARD THOMPSON
37 Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary