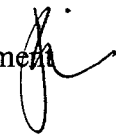



**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Planning Commission

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

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

**DATE:** November 14, 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, AND ADOPT THE ATTACHED 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~~. New text that was added as a result of the discussion and direction from the October 10, 2007 Planning Commission meeting is shown as double underlined while text proposed to be deleted is shown as double ~~strikeout~~. At the Commission meeting staff will “walk” the Commission through the new revisions. The amendments that the Commission generally had consensus on are shown separately.

### **New Revisions or information:**

#### **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. The Commission and the public, including several members of the Mansionization Committee, discussed these proposed revisions extensively. The Committee recommended the revisions for the following reasons:*

- *Architects and designers provided compelling testimony that the 8% requirement affects the design and layout of homes, particularly in the front, making it difficult to design quality spaces that meet their clients needs.*
- *Architectural styles and design is affected and limited by the 8%, not allowing architects the flexibility to create diversity and better designs.*
- *The 8% requirement pushes homes to the rear of the lot, decreasing rear yard open space.*
- *Through the tours of the City it was found that it is very difficult to distinguish between homes that have 6% and 8% bulk-volume setback.*
- *It has not been shown that there is an improvement in design with the 8% compared to the 6% requirement.*
- *The 6% requirement accomplishes the City Council’s goal of breaking up the bulk of homes at the front as seen by the public.*
- *The other Mansionization revisions provide additional open space and setbacks in other areas of the site providing a balanced approach and meeting the broader goal of providing quality private open space with flexibility in design.*

*Some Planning Commissioners felt that the windshield survey showed that there is no visible difference between 6% and 8%, and that 6% is appropriate for interior lots while 8% is appropriate for corner lots where there is more building frontage exposed to the street. Other Planning Commissioners felt that the 8% is working, and that there is a visible difference between 6% and 8% and that 8% should be required for all lots. Staff recommends that the Planning Commission*

*support the Mansionization Committees recommendation and provide 6% additional front yard setback for interior lots and 8% for corner lots.*

- ii. Require 15% open space in the Beach Area on RS lots, the same as RM and RH lots, currently no open space is required on RS lots.

*Shown in Section 10.12.030 (M). Exhibit A, page 4. Some of the Commission expressed concern that the 15% requirement would be too restrictive for the smaller, ½ lots. Staff believes that the requirement is workable for the following reasons:*

- *This requirement currently exists for all of the RM and RH districts where the vast majority of the ½ lots are located and these lots currently meet the requirements.*
- *The maximum allowed BFA and open space for the RH ½ lots is more than required for the RM and RS lots that have a lower allowed BFA. These RH lots typically do not build to the maximum BFA; however these higher density RH ½ lots are meeting the open space requirement, and therefore the lower density RS lots will also be able to meet the open space requirements.*
- *The ½ lots are able to count their entire rear yard setback area, typically 150 square feet (5' by 30') towards the required open space, while full lots typically can not as this area is required as vehicular access off the alley in the rear.*

*To address the Commissions concerns the Minor Exception provisions, Section 10.84.120 page 11, has been revised to allow a Minor Exception for a reduction in the 15% open space requirement for small, wide, shallow and/or multiple front yard lots in situations where the house is not able to obtain it's permitted BFA due to the requirements. This same Minor Exception is allowed for the 6%-8% front/streetside yard setback, and side and rear setbacks.*

**b. Setback revisions:**

- i. 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. Several members of the public, including Mansionization Committee members, suggested that a 15 foot minimum rear setback may be appropriate instead of 12 feet as proposed. Staff supports the Mansionization Committees recommendation of a 12' setback for the following reasons:*

- *Staff believes that the amendments are a balanced approach and the combination of eliminating the caps on the side and rear yards and increasing the rear yard too much could potentially create boxier homes with less articulation as the buildable envelope is reduced.*
- *Staff feels that the 12 foot minimum meets the goals of providing increased setbacks and encouraging quality private open space.*

- *The increase to the rear would affect the BFA on more of the small, wide and shallow lots, although a Minor Exception is already in place to address these situations.*

- ii. 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. Clarification language has been added to the chart based on the Commission direction to indicate that the chart includes minimum percentages as minimum dimensions in feet.*

*The Planning Commission also received a letter from Mr. Ted Davis requesting that the Planning Commission consider exempting RH properties in Area Districts I and II, non-Beach Area lots, from the new setbacks requirements. He feels it would encourage more multi-family development in this area, with better design and layout. Most of the lots are standard 50' wide by 140' or 150' deep, however Mr. Davis has a lot that is 1 ½ lots, and 75' wide. He feels the number of units he could build on the lot would be reduced due to design constraints. The new setbacks would affect all lots over 50 feet in width in all Area Districts throughout the City.*

*The Mansionization Committee and Commission felt that the space between buildings, the setbacks, were important and this was established as one of the four broad goals of the Committee. The new Lot Merger regulations exempt 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, however all lots are still required to comply with all new development standards.*

**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 certain limited exception. The following chart indicates the lot sizes used to establish the maximum allowed lot sizes:*

<b>LOT MERGERS- TYPICAL LOT SIZES</b>			
AREA DISTRICT	DIMENSIONS	TYPICAL SIZE S.F.	2 TIMES TYPICAL SIZE – MAXIMUM ALLOWED S.F.
I	50' X 150'	7,500	15,000
II	40' X 135'	5,400	10,800
III	33.33' X 105	3,500	7,000
IV	33.33' X 105	3,500	7,000

*In establishing the maximum lot sizes, staff reviewed the existing standard lot patterns and the size of the originally subdivided lots in various areas throughout the City. Staffs goals was to allow two originally subdivided lots to be combined. Although the square footage is larger than the minimum lot size, this captures the size of the majority of original subdivided lot.*

*The Commission commented that maintaining the lot and block patterns and neighborhood character when considering the Lot Merger regulations was an important consideration. There was a particular concern about the half lots in Area District IV. Of the over 400 lots in Area District IV, over 75% are half lots or smaller. However, the majority of the lots on the Strand are larger. Of the over 30 lots on the Strand in Area District IV, 75% are approximately 33.33' wide by 105' deep and of the over 200 lots on the Strand in both Area Districts III and IV, 55% are approximately 33.33' wide by 105' deep. The attached maps show these lot sizes and block and Area District patterns in the Beach Area.*

*Although the majority of the lots in Area District IV are half lots, staff does not believe that there is a concern that many of these lots will be merged for the following reasons:*

- Reviewing the history of lot mergers over the past decade or more, there are only a few cases of ½ lots being merged into larger lots, most into just full size 30' by 90' lots.*
- Property owners do not want to merge half lot; it is more valuable to develop them separately. Substandard half lots with common ownership under certain conditions are required to be merged and staff frequently has applicants that provide detailed chains of title, deeds, and hire attorneys to provide proof that a half lot is legal and can be developed as a separate lot.*

**2. Amendments to encourage the retention of existing smaller homes:**

- a. Minor Exception with project valuation **less than 50%** allows second story addition to match non-conforming setback above existing first story.

*Shown in Sections 10.84.120 and A.84.120 entitled Use Permits, Variances and Minor Exceptions Exhibit A, page 10. Attached is an e-mail dated October 30<sup>th</sup>, from Cliff and Laura Cohen indicating that they want to add a 900 SF addition to their existing 1,900 SF home, which is less than ½ of the maximum allowed BFA, and match the existing 5' side yard setback. With the Code changes a 7 ½ foot side setback will be required. The addition and remodel will exceed 50% valuation and the current and proposed Minor Exception language only allows a 2<sup>nd</sup> story addition to match a non-conforming 1<sup>st</sup> story setback if the valuation is less than 50%.*

*The proposed Minor Exception language is the same as the existing. New Minor Exceptions that have been added all require the new construction to conform to all new Code requirements with a bit of flexibility to tie the existing house in with the new addition, for architectural compatibility, for architectural upgrades and for Building Safety conformance. Staff feels that it is important for new construction for major remodels and*

*additions over 50% to conform to new development standards. Projects over 50%, such as the Cohen's proposal, could apply for a Variance.*

**Planning Commission Consensus:**

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

***a. Open space revisions:***

- i. 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. Additional language has been added to address the Commissions comments that the area on the streetside be distributed to provide building wall articulation.*
- ii. Eliminate the 350 square foot open space cap.  
*Shown in Section 10.12.030 (M). Exhibit A, page 4.*
- iii. 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.*
- iv. 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 3<sup>rd</sup> 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.*
- v. Decks above the 2<sup>nd</sup> or 3<sup>rd</sup> story will be permitted if increased setbacks are provided and deck is located adjacent to an indoor living area, currently not allowed.  
*Shown in Section 10.12.030 (H). Exhibit A, page 3.*

***b. Setback revisions:***

- i. 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 this revision was not necessary.*
- ii. 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.*
- iii. 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.*

- iv. 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 further revisions were not necessary.*

- v. 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.*

- vi. 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.*

### **3. Limit Lot Mergers:**

- a. 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. Page 7 includes a clarification based on Commission direction that there is an exception for existing legally created merged lots*

### **4. Amendments to encourage the retention of existing smaller homes:**

- 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.*

- 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.*

- 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.*

*On page 11 additional language has been added to clarify that a Minor Exception may not be requested for site enlargements that exceed the maximum lot size. the Minor Exception is to request approval of non-conformities to structures, such as heights and setbacks, that are created when lots are merged.*

*On page 16 additional language clarifies that multiple Minor Exceptions may be applied for within the established Code criteria.*

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 21-22. On page 22 additional criteria has been added to indicate that there should also be no significant detrimental impact to surrounding neighbors related to noise.*

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 23.*

- 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 23-24. The table has been updated for consistency to reflect the setback revisions discussed in the open space and setbacks section.*

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

*Shown in table in Section 10.12.030. Exhibit A, page 24.*



- d. Provide clarification that hedges are included within the fence and wall standards.  
*Shown in Section 10.12.030 (P). Exhibit A, pages 25-26.*

***Other Planning Commission comments***

The Planning Commission requested that the City Council consider other amendments to the Code that are not directly related to Mansionization. Since the City Council did not direct staff to review these items at this time, further direction will be required. Staff will forward the following item to the Council for their separate future consideration.

- **Landscaping-** The Commission requested that additional landscape requirements be considered such as increasing the amount of required landscaping in the front and streetside yards, requiring permeable pavement, requiring minimum rear yard landscaping, and requiring additional trees on the streetside.

**CONCLUSION**

Staff recommends that the Planning Commission review the proposed Amendments, take public input and adopt the Resolution of approval. These items will then be forwarded to the City Council for review and action, which has been tentatively scheduled for December 4, 2007.

**EXHIBITS**

- a. Draft Code Amendments- November 14, 2007
- b. Letters and e-mails- Mr. Ted Davis, Cliff and Laura Cohen, Susan Klevens, and Gary Osterhout
- c. Draft PC Resolution 07-XXX
- d. Maps of Full and Half Residential Lot Distribution in Area Districts IV and III.

**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 Maximum 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 ( <u>percentage-ft.</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>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side ( <u>percentage-ft.</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>	<u>10%-3 min.;5</u>	(D)(E) (T)
Rear ( <u>percentage-ft.</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>	<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 ( <u>percentage-</u> ft.)	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3 min.;5</u>	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	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') (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 and shall be distributed to provide building wall articulation.

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 (½) 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> RS	<u>Area District I</u> RM	<u>Area District I</u> RH	<u>Area District II</u> RS	<u>Area District II</u> RM	<u>Area District II</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>							
<u>Area (sq. ft) 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) Minimum</u>	50	50	50	40	40	40	

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

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					
<u>Area (sq. ft) 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.) 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 Legally Created 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
<del>10.12.030</del>	<del>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.</del>
<del>10.12.030</del>	<del>Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.</del>
<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.
<del>10.60.040(H)</del>	<del>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.</del>
<del>10.60.050</del>	<del>Alternative reference point for height measurement for pre-existing structures that have height noneonformities.</del>

**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.

<u>Applicable Section</u>	<u>Exception Allowed</u>
<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), not exceeding the maximum lot area, 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>
<u>10.12.030 (P)</u>	<u>Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.</u>
<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, 15% open space requirement, 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</u>

additional setback area is provided elsewhere on the lot.

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 1. 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. and 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:~~

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- ~~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 2<sup>nd</sup> or 3<sup>rd</sup> floor into an existing 1<sup>st</sup> and/or 2<sup>nd</sup> 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 addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

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 alterations, remodeling and additions (enlargements) 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 alterations, remodeling and additions (enlargements) 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 for existing structure provisions</u> )	
Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit. (See <u>Minor Exception- Chapter 10.84 for existing structure provisions</u> )	

**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~~

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~~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, noise).
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) <u>(G)</u>
Side ( <u>percentage- ft.</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.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F) <u>(G)</u>



**(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)
Building Projections into Setbacks	See Section 10.60.040
Landscaping	See Section 10.60.070
Accessory Structures	See Section 10.52.050
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070
Tree Preservation	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 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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~~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.~~

10/17/07

To: Members of City Council and Planning Commission  
Subject: Letter dated 9/10/07, re: mansionization and lot mergers  
Copies: File

To whom it may concern,

The attached subject letter was sent to the Planning Dept. on 9/11/07. Through e-mail correspondence, Laurie Jester told me that my letter would be forwarded to the Planning Commission. To my surprise and dismay, Laurie just informed me that neither the subject letter nor it's contents were presented to the Planning Commissioners for consideration. I've always been under the impression, that if I took the time to correspond with City Government, the correspondence would be read and acted upon, and not just put in the file.

Since this non-consideration took place, I'm hereby submitting a copy of the subject letter to each of the Planning Commissioners and the members of the City Council.

This letter has merit and should be read by the members of City Government that will be involved in the decision making process. I believe I understand the goals of these proposed ordinances. But rubber stamping the new setback requirements for all new development, regardless of the location and/or zoning, is not an equitable solution. **Please read the attached letter. Please feel free to contact me with any questions or comments you might have. I would be honored to speak with any of you in person.**

Very truly yours,

Ted Davis  
(310) 748-0627

**EXHIBIT B**

Subj: **RE: Mansionization**  
Date: 9/10/2007 2:38:18 P.M. Pacific Daylight Time  
From: ljester@citymb.info  
To: CRTCHEL2@aol.com

Got it and your VM I will forward to the Planning Commission  
Thanks Laurie

-----Original Message-----

**From:** CRTCHEL2@aol.com [mailto:CRTCHEL2@aol.com]  
**Sent:** Sunday, September 09, 2007 6:43 PM  
**To:** Laurie B. Jester X-5510  
**Subject:** Mansionization

9/10/07

Dear Laurie,

The following encapsulates the two previous documents sent you concerning the subject material, and adds a couple of additional thoughts.

I purchased a 7-unit apt. building at 1436 12th st. on a 10,500 sq. ft. lot over 5 years ago. The primary reason for my purchase was future development of this oversized lot. Having been a builder for over 30 years, and having developed numerous condominiums and SFR's, I was very aware of the fact that I could ultimately build 8 very tasteful units on this oversized lot (1 1/2 lots), using an aesthetic central corridor architectural approach. The proposed regulation, as it relates to setbacks, could, very possibly limit the number of units to 6. This obviously would create a significant financial shortfall relative to this property's completed appraised value. This in turn, would significantly affect the amount of construction financing made available, as the financing is predicated on completed value.

To this end, I offer the following criteria for exempting all **RH properties in the non-beach areas**, from the revised setbacks being proposed in the **mansionization regulation**.

(1) A central corridor configuration with units and garages on each side and a driveway and entry down the middle, is the **most aesthetic, compliant architecture** for this neighborhood on 12th st. just west of Polliwog Park; and

(2) Increased setbacks make this preferred configuration impossible as the central turn-around can not be achieved; and

(3) The central corridor configuration **maximizes lot potential, but minimizes bulk**. Without the highest lot potential, which should be **synonymous with RH properties, profitability is reduced** below an acceptable margin and developers are subsequently **discouraged from development**; and

(4) Most importantly, application of this regulation, relative to setbacks, is **inappropriate for RH properties in non-beach areas**, as it would be in direct conflict with the accompanying **lot merger regulation**. The **lot merger regulation provides exemptions for RH zoned properties, thereby encouraging multi-unit development**. However, **this mansionization regulation, with its revised setbacks, discourages multi-unit development**, as lot coverage is significantly impacted relative to the central corridor architectural approach, unquestionably the most aesthetic, compliant design for this type of oversized lot.

I offer this letter to Staff, the Planning Commission and the City Council to assist in the development of language for a very logical, appropriate exemption **for RH zoned properties in the non-beach areas**.

In closing, I would be happy to provide this testimony in person were I able, However current physical disabilities prevent me from attending the lengthy Commission and/or Council meetings.

Thank you so much for your assistance in this very personally troubling matter. Please feel free to contact me for any further information you might need.

Very truly yours,

Ted Davis  
(310) 748-0627

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**Laurie B. Jester**

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**From:** Clifford R. Cohen [crc@kpclegal.com]  
**Sent:** Tuesday, October 30, 2007 4:49 PM  
**To:** Wayne Powell; Jim Schlager; Bob Bohner; David Lesser; Sandra Seville-Jones  
**Cc:** Richard Thompson; Laurie B. Jester; PAARCHITECTURE@aol.com  
**Subject:** Proposed Mansionization Code Amendments

Dear Commissioners,

I am writing this email to express a concern regarding the proposed "anti-mansionization" requirements and other zoning changes as currently proposed.

My wife Laura and I are concerned about mansionization in our community and are very supportive of the anti-mansionization committee's efforts. Unfortunately, based upon our own personal circumstances we've come to believe that certain of the proposed zoning changes will actually frustrate anti-mansionization efforts in some cases. We urge you to review our circumstances as an example of this concern and consider modification of the current proposal to permit additional flexibility in order to allow the stated goals to be achievable in all cases.

Specifically, we've been advised by City staff that the proposed new rules would prohibit us from adding 900 sq. ft. in a currently code-conforming manner to a 1,900 sq. ft. currently conforming structure with an addition to our house that is 10 feet away from the nearest neighboring home. However, we understand that we would have the right to demolish our home and build an entirely new structure of approximately 5,000 sq. ft. on our property as long as we increase the sideyard setbacks by 2 ½ feet. This makes no sense to us and is not consistent with the stated goals of "anti-mansionization" and "retention of smaller existing structures".

We have a parcel of approximately 7,500 sq. ft. in the tree section, with an approximate 1,900 sq. ft. ranch home built in the 1950s with 5' sideyard setbacks and other setbacks that conform to the current code requirements. We love the fact that we have a big backyard and want to retain the character of our home, but we want some additional space and would like to upgrade the 1950s finishes and the partitioned spaces in our home.

Working with our architect, Larry Peha, we are in the process of completing the construction drawings for a remodel which contemplates the addition of only 900 sq. ft. comprised of a second story master bedroom and a modest first floor expansion of a couple hundred sq. ft. (forward, since our current structure is behind the front setback limit), together with an extensive remodeling of the interior. We settled on the current design for aesthetic and financial reasons as well. Our proposed configuration allows us to retain two bedrooms and a bathroom without any material modification, allows us to retain the existing location of all living spaces and allows us to enlarge the kitchen and dining room, in each case without significant structural modifications to the existing structure; all of which will limit the scope and expense of our reconstruction and allow us to allocate more of our budget to upgrading finishes. Our contemplated addition would comply in all respects with current codes without any discretionary approval required. If we are allowed to complete our remodel, we will end up with a three-bedroom, two and three-quarter bath home of approximately 2,885 sq. ft. (which represents less than 60% of the maximum BFA permitted on our lot) with a significant front yard frontage (because our lot is 75 feet wide) and a huge backyard, and with the two-story portion of our structure over 10 feet away from the nearest neighboring home (because our neighbor's property also currently has a 5'

sideyard setback). Our proposed remodel will not result in a "mansion" in either size or aesthetic.

However, based upon Mr. Peha's meeting with Laurie Jester and my subsequent conversations with her, we understand that the proposed new rules would prohibit our contemplated remodel because our existing structure will become "legal conforming", 7½ ft. sideyard setbacks would be required (instead of the current 5'), and we thereafter would be prohibited from constructing any additional sq. footage in the new setback area (even it conforms with the preexisting setback requirements). We were advised by staff that the addition of a second story along a perimeter wall in the new setback area and the extension of that perimeter wall forward will be expressly prohibited by the Code and will not even be the subject of a discretionary minor exception process, given the scope of our remodel. We were advised that with a "minor exception" while we could be permitted to retain our existing structure, all new sq. footage must fully comply with the new setback requirements.

Needs Variance (Over 50%)  
if under 50% - MF

Based on the configuration of our home, if we are not able to add the second story bedroom along a perimeter wall, our existing first story must be re-engineered to carry a load of a second story that lands in the middle of a room and if we are not allowed to put an interior stairway along the front/side perimeter, we will need to reconfigure all of the existing front rooms which we are currently retaining - in each case adding significant additional expense (and in our view compromising the aesthetic, and rendering the addition not worth the cost).

page 10

possibly G. - pages 14-15

In the case of our remodel, the proposed rules are problematic because by requiring all new sq. footage to fully comply with the new zoning requirements notwithstanding permitted existing legal nonconforming "minor exceptions", the rules impose two zoning standards on one structure. While there are simple solutions to this particular issue (such as imposing the new zoning requirements only on new buildings, and not on remodels which otherwise meet the minor exception criteria), we believe our difficulties evidence a broader concern. When the anti-mansionization process started, the stated "goals" were to "reduce mansionization", and "maintain the existing character of our neighborhoods", etc. Increasing sideyard setbacks and decreasing buildable floor area were simply tools the City could utilize to achieve those goals. Somehow, in creating the new requirements, the tools have not been made available with sufficient flexibility to allow their waiver when application would frustrate the stated goals. There should be greater flexibility granted to Staff to allow application and/or waiver of these "tools" to achieve the goals in all cases.

We realize that the anti-mansionization proposal has been a culmination of much thought and effort and we apologize for raising our concern to the proposal, but we continue to think that we are trying to accomplish a project which is consistent with the goals of the anti-mansionization efforts in our community and so should be the type of project that is not only permitted, but encouraged by any change in the codes.

Thank you for your consideration.

Cliff Cohen

October 16, 2007

Dear Commissioner Lesser,

I attended this past Wednesday's planning commission meeting and listened with interest to both the commissioners' comments and those of the public pertaining to the proposed Mansionization Committee residential zoning code amendments.

I am writing to request that all of Section 3, or at least Section 3, Item C, of the proposed zoning amendments be unbundled from the rest of the Mansionization Committee proposals discussed at your October 10 meeting. Section 3 deals with amendments to encourage the retention of existing smaller homes and is not controversial.

Unfortunately, at present, Section 3 is being considered with a series of other amendments which may well require substantial additional discussion, clarification and time. This was apparent at your most recent meeting on October 10. If Section 3 remains bundled with the rest of the proposed Mansionization Committee zoning code amendments, which are more controversial, many more months may pass before Section 3 can be approved. If Section 3 is considered separately, there appears to be no opposition to it, and it could be approved without further delay.

My interest in Section 3, Item C exists because of what actually happened to a remodeling project that my husband and I began in mid 2004 and had to halt February 2006 because of the change in the bulk volume setback rule from 6% to 8%. That change in the city code effectively stopped our project, as we were unable to satisfy the requirement to have all open space in the front yard area of our property. Since there was no provision to distinguish a remodel from new construction, we were forced to put this project on hold where it remains to this day.

As you can imagine, my husband and I are very anxious to move forward with our project. By February 2008, it will have been on hold for two years; not to mention all the money we expended on behalf of the project in architectural fees, structural engineering fees and geological fees.

I strongly urge you to ratify Section 3 of the proposed zoning amendments, even if the other sections still require more discussion and clarification. By doing so, you will certainly make two long standing citizens of Manhattan Beach very happy and, in the process, allow others like us to update and rejuvenate their homes in a fair and equitable way.

Most sincerely,  
Susan Klevens

cc: Sanda Seville-Jones  
Wayne Powell  
Jim Schlager  
Bob Bohner  
David Lesser  
Jim Aldinger  
Richard Montgomery  
Portia Cohen  
Mitch Ward  
Nick Tell  
Richard Thompson  
Laurie Jester



**Laurie B. Jester**

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**From:** Richard Thompson  
**Sent:** Monday, October 22, 2007 2:44 PM  
**To:** Laurie B. Jester  
**Subject:** FW: Side-Yard Setbacks on Corner Lots

Richard Thompson  
Director of Community Development

---

**From:** Wayne Powell [mailto:beachbum2u2@yahoo.com]  
**Sent:** Monday, October 22, 2007 2:42 PM  
**To:** Richard Thompson  
**Subject:** Fwd: Side-Yard Setbacks on Corner Lots

FYI . . .

*gosterhout@adelphia.net* wrote:

Date: Mon, 22 Oct 2007 13:55:41 -0700  
From: <gosterhout@adelphia.net>  
To: wpowell@citymb.info, jschlager@citymb.info, bbohner@citymb.info,  
dlessler@citymb.info, sseville-jones@citymb.info  
Subject: Side-Yard Setbacks on Corner Lots

Dear Planning Commission Members:

I have been trying to keep abreast of your mansionization proceedings. Sounds like you are getting the right input from the community.

I did notice that some are proposing particular rules to apply to the side yards of corner houses, and Community Development is to come up with proposed wording for your next meeting. I understand the problem being addressed, having seen the already-built "worst case scenarios" identified by Gerry O'Connor, and the "house canyon" that is resulting on Blanche Road.

My home, 598 31st St., is on a corner lot, but is in the unique position of being in one of the few situations where the lot extends from street-to-street, instead of street-to-alley, or street-to-neighbor's backyard. There are only a few instances in town where this type of situation occurs. I am willing to do my part in "sacrificing" potential lot value in favor of mansionization relief (not that I think this happens), but I'm hoping you will look out for me if the new rules would unknowingly impact my corner lot unfairly in respect to other corner lots, merely because it has two corners.

I'll try to keep my eyes open to the new wording, too, but you folks understand the impacts of the wording more than I.

Régards,

Gary Osterhout

**Wayne Powell**

121 Thirty-Sixth Street

Manhattan Beach, CA 90266

Phone: (310) 545-2184

Web: [www.geocities.com/beachbum212](http://www.geocities.com/beachbum212)

**Manhattan Beach Planning Commissioner**

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**RESOLUTION NO. PC 07-XX**  
**(draft)**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MANHATTAN BEACH  
RECOMMENDING THAT THE MANHATTAN  
BEACH MUNICIPAL CODE (THE ZONING AND  
SUBDIVISIONS ORDINANCE- TITLES 10 AND 11)  
AND LOCAL COASTAL PROGRAM (COASTAL  
ZONE ZONING ORDINANCE) BE AMENDED TO  
ADDRESS MANSIONIZATION (OPEN SPACE,  
SETBACKS, LOT MERGERS, SMALLER HOMES,  
MINOR EXCEPTIONS, ACCESSORY STRUCTURES,  
AND REALATED SECTIONS) IN RESIDENTIAL  
NEIGHBORHOODS THROUGHOUT THE CITY**

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

SECTION 1. The Planning Commission hereby makes the following findings:

- A. In 1990 ZORP (Zoning Ordinance Revision Program) was adopted which substantially revised the residential development standards in the Zoning Code, reducing the height of homes, limiting homes in most area to 2-stories, reducing Buildable Floor Area (BFA), increasing rear yard setbacks, and increasing parking, in addition to other new development standards.
- B. In May 2002, new Bulk Volume standards (BV I) were adopted which required and additional 6% front yard setback, allowed many basements to not count towards BFA, and required that a third garage door be setback an additional 5 feet.
- C. In January 2004, with the one-year review of the Bulk Volume standards, additional regulations (BV II) were adopted which still excluded many basements from being counted as BFA, however the basement area counts towards BFA for parking purposes only, the 6% front yard setback was required on both front yards on through lots, egress, light and ventilation wells were not permitted in setbacks, and on corner lots building walls over 25 feet in height are required to have an additional setback.
- D. In September 2004, the Bulk Volume Standards were further revised (BV III) to increase the additional 6% front yard setback to 8% and the 8% front yard setback was required on both front yards on through lots.
- E. On March 2, 2004 the City Council adopted the 2004-2005 Work Plan which included several items related to mansionization in residential areas. On April 6, 2004 the Council prioritized the Work Plan items, and on April 13, 2004 the City Council held a joint meeting with the Planning Commission to discuss the Work



## RESOLUTION NO. PC 07-XX

Plan items.

- F. On January 4, 2005 Code Amendments were adopted related to the 2004-2005 Work Plan to revise the Minor Exception section of the Zoning Code to encourage the retention of existing smaller non-conforming homes and allow them to expand up to 2,000 square feet. In September 2004 the bulk-volume additional requirements were revised to require 8% instead of 6% additional front yard setback.
- G. On January 26, February 23, and March 23, 2005 the Planning Commission held public hearings to discuss amendments related to lot mergers and large lot regulations. On April 27, 2005 the Planning Commission tabled the lot merger study pending further City Council direction.
- H. On June 24, 2005, the City Council held a special session and developed the 2005-2007 Work Plan and on July 5, 2005, the City Council amended and formally adopted the 2005-2007 Work Plan, which included an item on Mansionization.
- I. On July 26, 2005 staff presented an issue paper on Mansionization at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions on October 12, 2005 and made a recommendation to approve a maximum lot size on November 9, 2005 which was considered by Council on December 6, 2005.
- J. On December 6, 2005 the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee in order to take a comprehensive approach to mansionization.
- K. The Mansionization Issues Committee met thirteen times, from February 2006 through March 2007.
- L. Pursuant to applicable law, the Planning Commission conducted duly noticed public hearings on October 25 and November 15, 2006 and public testimony was invited and received, regarding three proposed Code Amendments, based on initial recommendations from the Mansionization Issues Committee, related to lot mergers, Minor Exception regulations to encourage retention of small homes, and accessory structures on adjacent lots under common ownership. The Committee at that time had not completed their review and recommendations related to setback and open space revisions.
- M. On November 26, 2006 the Planning Commission tabled discussion on the three proposals from the Mansionization Committee after the City Council provided direction to review all of the Mansionization Committees recommendations at one time.

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- N. The Mansionization Issues Committee completed their review and developed a comprehensive set of recommendations on March 15, 2007 that were then presented conceptually to the City Council.
- O. On April 3, 2007 the City Council considered the Mansionization Committees recommendations related to Lot Mergers and directed staff to prepare a Moratorium on lot mergers.
- P. On April 17, 2007 a Lot Merger Moratorium was adopted by the City Council and subsequently extended on May 15, 2007, and amended on June 5, 2007.
- Q. On May 8, 2007 the City Council held a joint meeting with the Planning Commission to review the Mansionization Committees recommendations.
- R. On June 26, 2007 the City Council conducted a special study session which included a windshield survey of the City to review the residential development and provide further direction to the Planning Commission on the proposed Mansionization Code Amendments.
- S. The Planning Commission held public hearings to review and discuss the Mansionization Committees recommendations and the City Council direction on July 25, August 8, September 5 and 12, October 10, and November 14, 2007.
- T. All of the Planning Commission and City Council public hearings included public notices or a one-quarter page display ad published in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- U. The applicant for the subject project is the City of Manhattan Beach.
- V. The subject amendments are proposed in recognition that a *mansionization* trend is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots, appearing out of scale and resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. In addition it is recognized that construction of large homes that have minimum setbacks and maximum building floor area may result in a decrease of open space and landscaping. Such effects can be controlled in part by limiting the size of single building sites created by merging two or more lots, by encouraging the remodeling and enlargement of existing homes to less than the maximum allowed, by increasing setback and open space requirements, and allowing accessory use of adjacent common ownership lots.
- W. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that

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they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA; and,

- X. The proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code.
- Y. The Planning Commission finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- Z. The proposed amendment to the Title 10 and 11 of the Municipal Code (Zoning and Subdivision Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-1: of the Land Use Element, to maintain the low-profile development and smalltown atmosphere of Manhattan Beach, by encouraging the retention of smaller homes, limiting lot mergers, and increasing setbacks and open space.

Policy LU-1.2: of the Land Use Element, to require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape, by increasing open space and setbacks, and allowing detached accessory structures on adjacent common ownership lots.

Goal LU-2 of the Land Use Element, to encourage the provision and retention of private landscaped open space, by increasing setbacks and open space.

Goal LU-3 of the Land Use Element, to achieve a strong, positive community aesthetic, by limiting the size of lot mergers.

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood's unique characteristics. By limiting the size of lot mergers and encouraging retention of smaller homes the patterns of existing lots and development will be maintained.

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting merged lot site size, and encouraging remodeling and enlargement of

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existing homes, and use of adjacent commonly owned parcels for accessory structures, and increasing setbacks and open space home size may be controlled, thereby conserving open space and yards, including existing mature vegetation and plantings.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. By limiting the size of merged lot building sites, standard sized lots in the City will be encouraged to remain available for development of separate housing units.

- AA. The proposed amendments to the Manhattan Beach Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following policies of the City's certified Local Coastal Program:

Policy II.B.1: Maintain building scale in coastal zone residential neighborhoods consistent with coastal zoning regulations.

Policy II.B.2: Maintain residential building bulk control established by development standards contained in the Local Coastal Program Implementation Plan.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapters 10.04 and A.04 (Definitions) of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Sections 10.04.030 and A.04.030 (Definitions) as follows:

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.

### **Floor Area, Buildable-**

#### **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

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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 3.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 of the Manhattan Beach Municipal Code by inserting an additional regulation (K) entitled “Development Standards For Merged Lots” and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section 10.12.030 entitled “Property Development Standards For Area Districts I and II” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

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

	<u>Area District I</u> RS	<u>Area District I</u> RM	<u>Area District I</u> RH	<u>Area District II</u> RS	<u>Area District II</u> RM	<u>Area District II</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>							
<u>Area (sq. ft) 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) Minimum</u>	50	50	50	40	40	40	



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(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 Legally Created 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.

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**SECTION 4.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section A.12.030 of the Coastal Zone Zoning Ordinance by adding an additional regulation (K) entitled “Development Standards For Merged Lots” and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section A.12.030 entitled “Property Development Standards For Area Districts III and IV” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

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

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					
<u>Area (sq. ft)</u>					(A) (B) (C)
<u>Minimum</u>	2,700	2,700	2,700	2,700	(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. Existing Legally Created 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).
  
2. 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

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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.

**SECTION 5.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 and A.12.030 Property Development Regulations: RS, RM, and RH districts related to minimum setbacks of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 and A.12.030 as follows:

**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 Maximum 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 ( <u>percentage-ft.</u> )	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	(D)(E)(F)
Corner Side ( <u>percentage- ft.</u> )	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	<u>10%-3</u> <u>min.;5</u>	(D)(E) (T)
Rear ( <u>percentage- ft.</u> )	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>10;25</u>	<u>12 min</u> <u>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~~

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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) (G)
Side ( <u>percentage</u> - ft.)	$\frac{10\%-3}{\text{min.};5}$	$\frac{10\%-3}{\text{min.};5}$	$\frac{10\%-3}{\text{min.};5}$	$\frac{10\%-3}{\text{min.};5}$	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	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.

**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

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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)
Building Projections into Setbacks	See Section 10.60.040
Landscaping	See Section 10.60.070
Accessory Structures	See Section 10.52.050
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070
Tree Preservation	See Section 10.52.120

**SECTION 6.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying 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 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (E) and A.12.030 (E) as follows:

**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 x (lot depth in feet)--20; provided that the minimum setback is ~~ten-twelve feet (10')~~ (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

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2,700 square foot or more in lot area, the rear setback shall be 10 feet.

**SECTION 7.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying 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 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (F) and A.12.030 (F) as follows:

**(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 8.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (G) and A.12.030 (G) Rear Alley Setback Exceptions of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (G) and A.12.030 (G) as follows:

**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 ( <u>percentage- ft.</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.)	1	1	1	1	(D)
Rear (ft.)	<u>5 or 10</u>	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.

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SECTION 9. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (H) and A.12.030 (H) Maximum Height of Structures of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (H) and A.12.030 (H) as follows:

**(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. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (M) and A.12.030 (M) Open Space Requirement of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (M) and A.12.030 (M) as follows:

**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%

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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 11.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (P) and A.12.030 (P) Fences and Walls of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (P) and A.12.030 (P) as follows:

**(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



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eight (8) feet and shall not extend closer than three (3) feet to any part of any building.

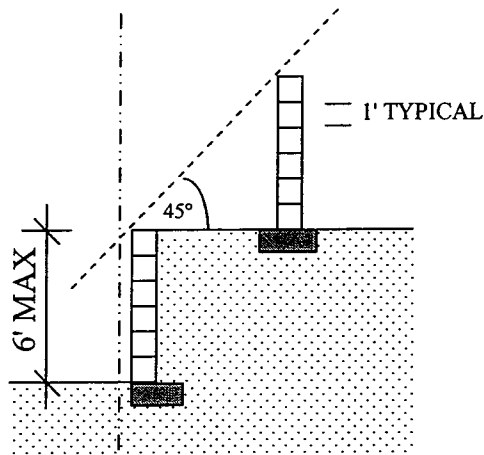
c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight (8) feet, 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 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.

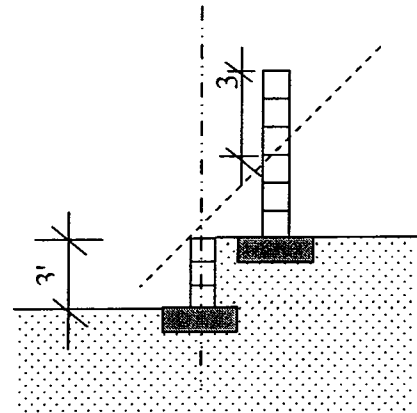
~~For the purposes of this section, fence/wall height shall be measured from the lower finished grade (which may include a neighboring private or public property's grade) adjacent to any portion of a vertically oriented barrier (including solid hedges, but excluding structures and buildings, etc.) to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

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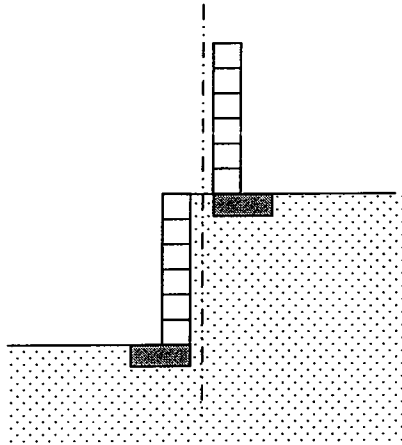
SIDE OR REAR YARD P/L



SIDE OR REAR YARD P/L

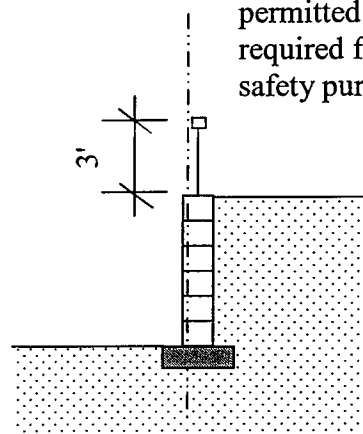


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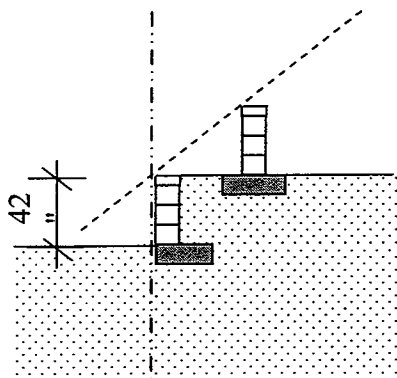


SIDE OR REAR YARD P/L

Open guardrail permitted **only** if required for safety purposes.

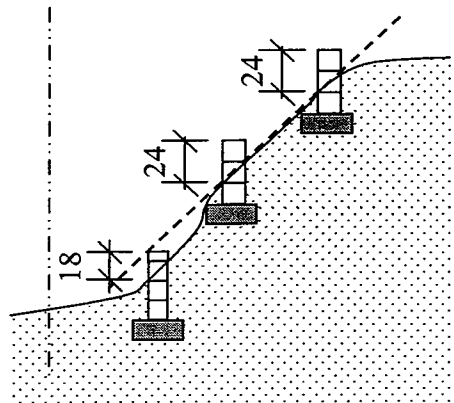


FRONT YARD P/L



Note: Guardrail or handrail is not allowed in addition to the 42" height limit.

FRONT YARD P/L



PERMITTED FENCE/WALL/HEDGE HEIGHTS

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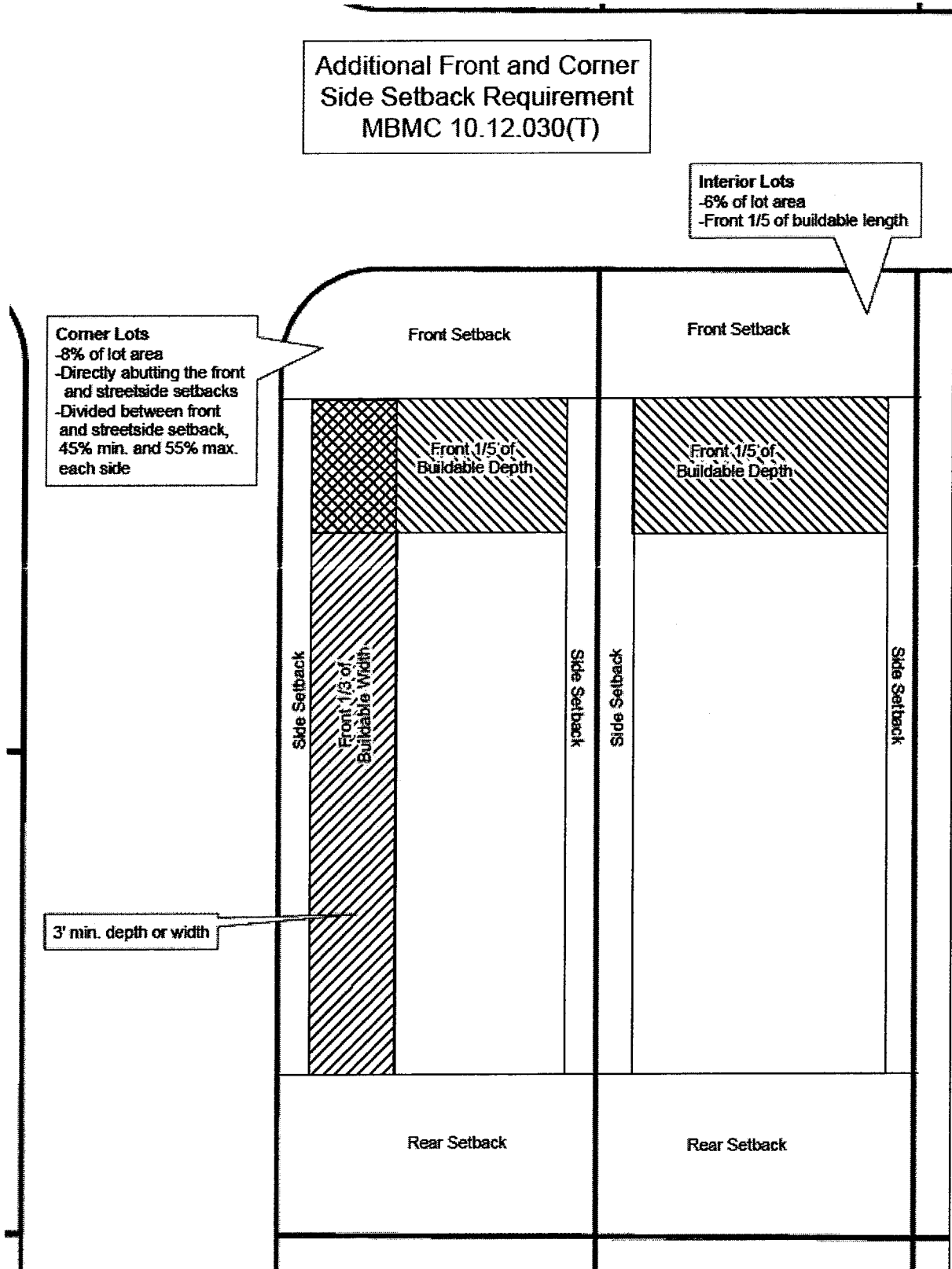
SECTION 12. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 (T) and A.12.030 (T) Additional Front Setback Requirements- RS Properties- Area Districts I and II of the Property Development Regulations: RS, RM, and RH districts of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by amending Section 10.12.030 (T) and A.12.030 (T) as follows:

- (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 and shall be distributed to provide building wall articulation.
  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 (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.

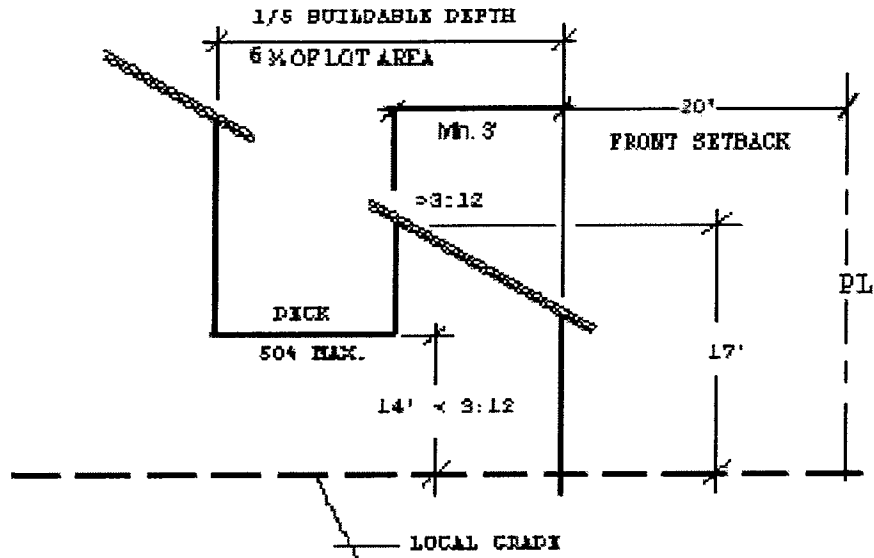
**Exceptions:**

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.

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ADDITIONAL FRONT SETBACK REQUIREMENT  
MEMC 10.12.030T

**SECTION 13.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.52.050 and A.52.050 Accessory Structures of the Manhattan Beach Municipal Code and Coastal Zone Zoning Ordinance by amending Sections 10.52.050 B. and A.52.050 B as follows:

**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.~~

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SECTION 14. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.52.050 and A.52.050 Accessory Structures of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by adding Sections 10.52.050 F. and A.52.050 F as follows:

- 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).
  2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).
  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.

SECTION 15. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.60.040 H. and A.60.040 H. Minor Exceptions of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Site Regulations-All Districts- Building projections into required

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yards or required open space, as follows:

**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)~~

SECTION 16. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.64.030 and A.64.030 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Off-Street Parking and Loading Regulations- Off-street parking and loading spaces required, as follows:

**10.64.030 Off-street parking and loading spaces required.**

Off-street parking and loading spaces shall be provided in accord with the following schedules. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of buildable floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

Where the use is undetermined, the Community Development Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Community Development Director may require the submission of survey data from the applicant or collected at the applicant's expense.

**OFF-STREET PARKING AND LOADING SPACES REQUIRED**

<b>Use Classification</b>	<b>Off-Street Parking Spaces: Schedule A</b>	<b>Off-Street Loading Spaces: Schedule B Group Number</b>
<b>Residential</b>		
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 for existing structure provisions</u> )	

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Dwelling with Buildable Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more	3 enclosed per unit. <u>(See Minor Exception- Chapter 10.84 for existing structure provisions)</u>	
Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes.	1
Multi-family Residential (includes condominiums)	2 spaces, including 1 enclosed/unit. (2 enclosed per condominium unit.) In area district IV, both spaces must be enclosed. In building with less than 4 units, only 1 enclosed space is required for units with less than 550 square feet of floor area.	
Guest Parking	Condominiums: 1.0 space/unit. Apartments: 0.25 space/unit for buildings with 4 or more units. Guest parking spaces may be a compact car size. All compact spaces shall be clearly labeled "Compact." Required guest spaces for condominiums only may be in tandem configuration provided that, except for lots on The Strand, none other than resident spaces of the same unit are blocked and that such a configuration would not result in undue traffic hazard. (See following illustration "Condominium Guest Parking Provisions"). In no case shall a guest space block two tandem spaces. The dimension of standard, compact, and tandem parking spaces for all required and additional spaces shall be in accordance with the provisions of this Code.	
Residential Care, Limited	1 per 3 beds.	-
Senior Citizen	.5 per unit, plus: 1 accessible and designated guest space/5 units, one space per non-resident employee and 1 (11' w x 30' l x 10' h) loading area.	

**SECTION 17.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.64.090 and A.64.090 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Off-Street parking and Loading Regulations- Parking space dimensions, as follows:



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### 10.64.090 Parking space dimensions.

Required parking spaces shall have the following minimum dimensions:

Use	Type of Space	Large Car (ft.)	Small Car (ft.)
Residential	In separate garage housing 6 or fewer cars, or in door at rear of each space	9.0 x 19	7.5 x 15 (guest parking only)
Residential	In a garage housing more than 6 cars with access via ramp	8.5 x 18	7.5 x 15
Residential	Tandem (2 spaces) (area district IV)	9.0 x 36 (9.0 x 33)	-
Non-Residential	Angle spaces	8.5 x 18	8.0 x 15
All	Parallel spaces	8.0 x 22	8.0 x 22

#### Exceptions:

1. Existing legal nonconforming parking spaces may remain nonconforming with regards to width, depth, and vertical clearance for up to a maximum of one foot (1') in each dimension, per space, without regard to value of site alteration. See Minor Exception-Chapter 10.84 for additional provisions for existing parking spaces and existing structures.

SECTION 18. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.68.010 and A.68.010 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Nonconforming Uses and Structures- Specific Purposes, as follows:

#### 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.

SECTION 19. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.68.030 and A.68.030 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Alterations and enlargements of nonconforming uses and structures, as follows:

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### **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.

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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.~~

**SECTION 20.** The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.84.010 and A.84.010 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Use Permits, Variances and Minor Exceptions, as follows:

### **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

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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.~~

SECTION 21. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Sections 10.84.120 and A.84.120 of Title 10, of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Use Permits, Variances and Minor Exceptions, as follows:

**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
<del>10.12.030</del>	<del>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.</del>
<del>10.12.030</del>	<del>Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.</del>
<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.
<del>10.60.040(H)</del>	<del>and, r Reconstruction of raised grade stairways, architectural arehways, covered entries, and covered porches in required yards and required open space</del>

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~~for pre-existing structures.~~

~~10.60.50 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), not exceeding the maximum lot area, 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, 15% open space requirement, 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</u>

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elsewhere on the lot.

10.12.030(T) 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.

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 1. 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

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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

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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. and 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.~~



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- ~~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 2<sup>nd</sup> or 3<sup>rd</sup> floor into an existing 1<sup>st</sup> and/or 2<sup>nd</sup> 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

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- 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 addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

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 alterations, remodeling and additions (enlargements) 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.

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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 alterations, remodeling and additions (enlargements) 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.

**SECTION 19.** The Planning Commission of the City of Manhattan Beach hereby recommends adding Section 11.32.090 and A.32.090 of Title 11, Chapter 11.32 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance entitled Reversions to Acreage and Mergers, as follows:

### **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.

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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.

SECTION 20. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

SECTION 21. If any sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this resolution. The Planning Commission hereby declares that it would have passed this resolution and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

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**SECTION 22.** Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this resolution, and no further, are hereby repealed.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of November 14, 2007 and that said Resolution was adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

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**RICHARD THOMPSON**  
Secretary to the Planning Commission

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**SARAH BOESCHEN**  
Recording Secretary

# Full and Half Residential Lot Distribution in Area District IV

## Legend

Area in s.f.

### Half Lots

- 904 - 1200
- 1201 - 1500
- 1501 - 1583
- 1584 - 1917

### In-between Lots

- 1918 - 2550

### Full Lots

- 2551 - 2850
- 2851 - 3333
- 3334 - 3667
- 3668 - 10790

Other Parcels

Area Districts

	Strand	Total
<b>Half Lots</b>		
116-1200	0	12
1201-1500 (Approx. 30' x 45')	0	244
1501-1583	1	29
1584-1917 (Approx. 33.3' x 52.5')	18	41
<b>In-between Lots</b>		
1918-2550	1	14
<b>Full Lots</b>		
2551-2850 (Approx. 30' x 90')	0	29
2851-3333	1	11
3334-3667 (Approx. 33.3' x 105')	33	34
3668-20322	2	20

## Notes

\*Typical lots are approximately as follows:

Half:

1200 - 1500 = 30' x 45'

1583 - 1917 = 33.3' x 52.5'

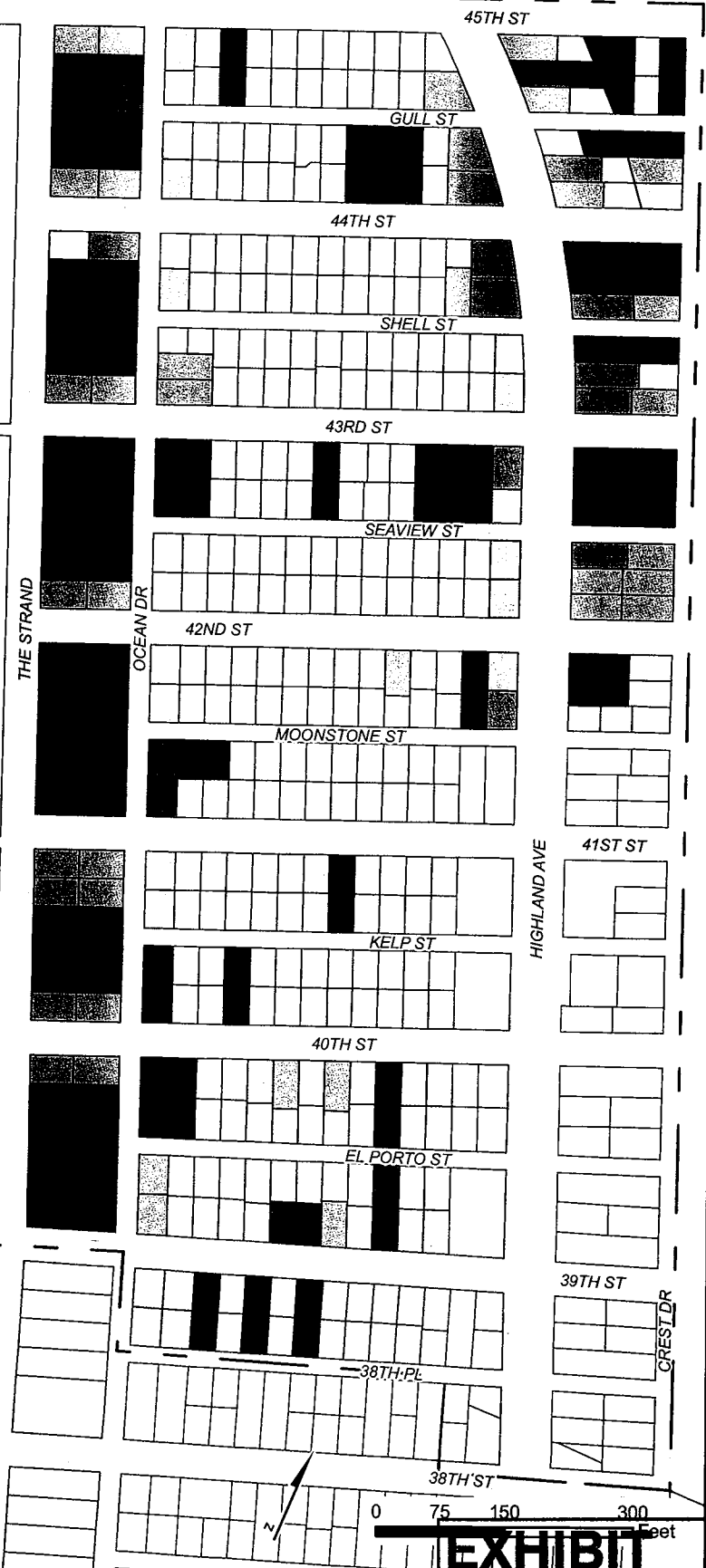
Full:

2550 - 2850 = 30' x 90'

3333 - 3667 = 33.3' x 105'

Area ranges (in square feet)

All residential lots in ADIV are zoned RH

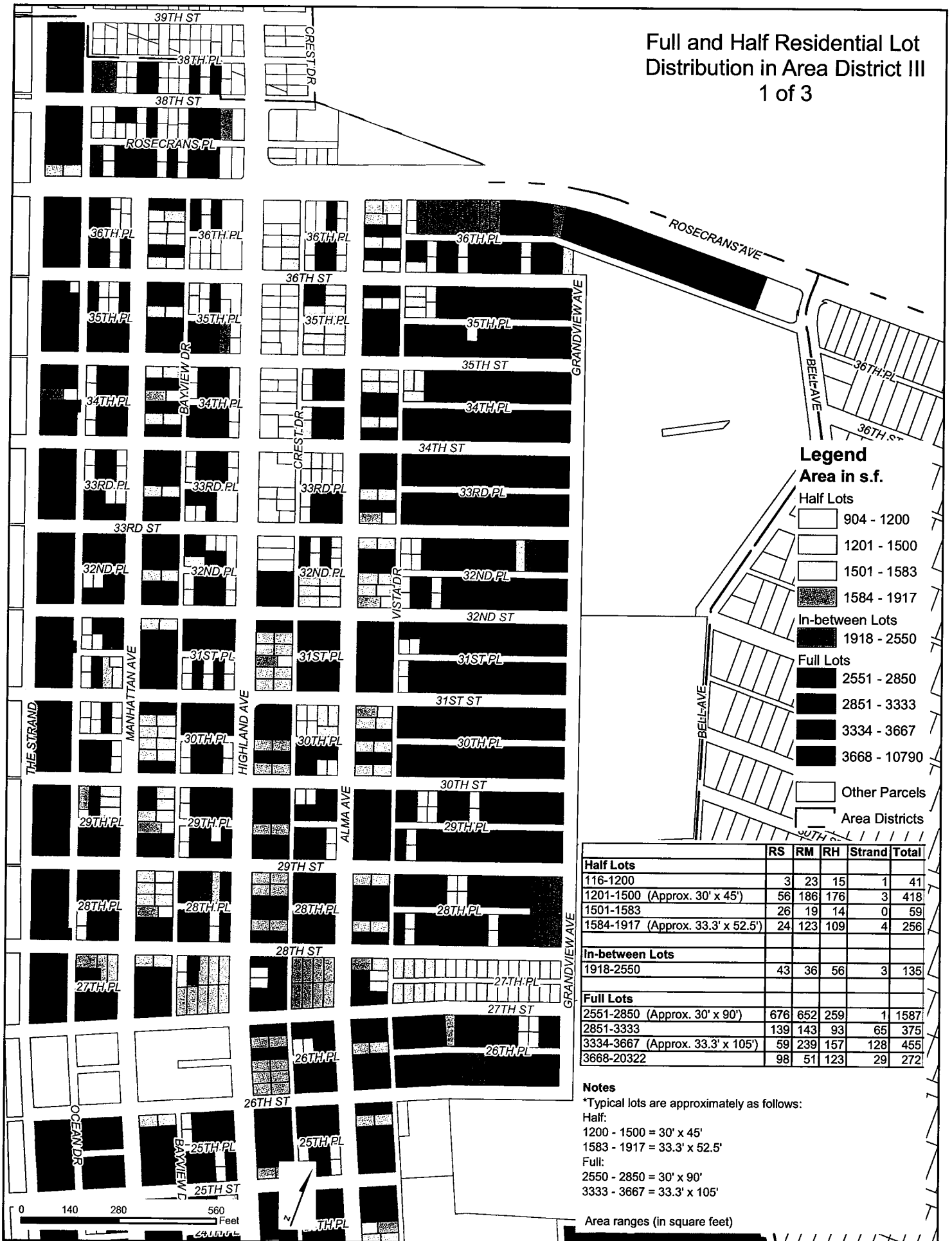


**EXHIBIT**

**D**

# Full and Half Residential Lot Distribution in Area District III

## 1 of 3



**Legend**

**Area in s.f.**

**Half Lots**

- 904 - 1200
- 1201 - 1500
- 1501 - 1583
- ▨ 1584 - 1917
- 1918 - 2550

**In-between Lots**

- 1918 - 2550

**Full Lots**

- 2551 - 2850
- 2851 - 3333
- 3334 - 3667
- 3668 - 10790

□ Other Parcels

Area Districts

	RS	RM	RH	Strand	Total
<b>Half Lots</b>					
116-1200	3	23	15	1	41
1201-1500 (Approx. 30' x 45')	56	186	176	3	418
1501-1583	26	19	14	0	59
1584-1917 (Approx. 33.3' x 52.5')	24	123	109	4	256
<b>In-between Lots</b>					
1918-2550	43	36	56	3	135
<b>Full Lots</b>					
2551-2850 (Approx. 30' x 90')	676	652	259	1	1587
2851-3333	139	143	93	65	375
3334-3667 (Approx. 33.3' x 105')	59	239	157	128	455
3668-20322	98	51	123	29	272

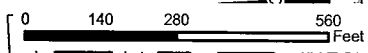
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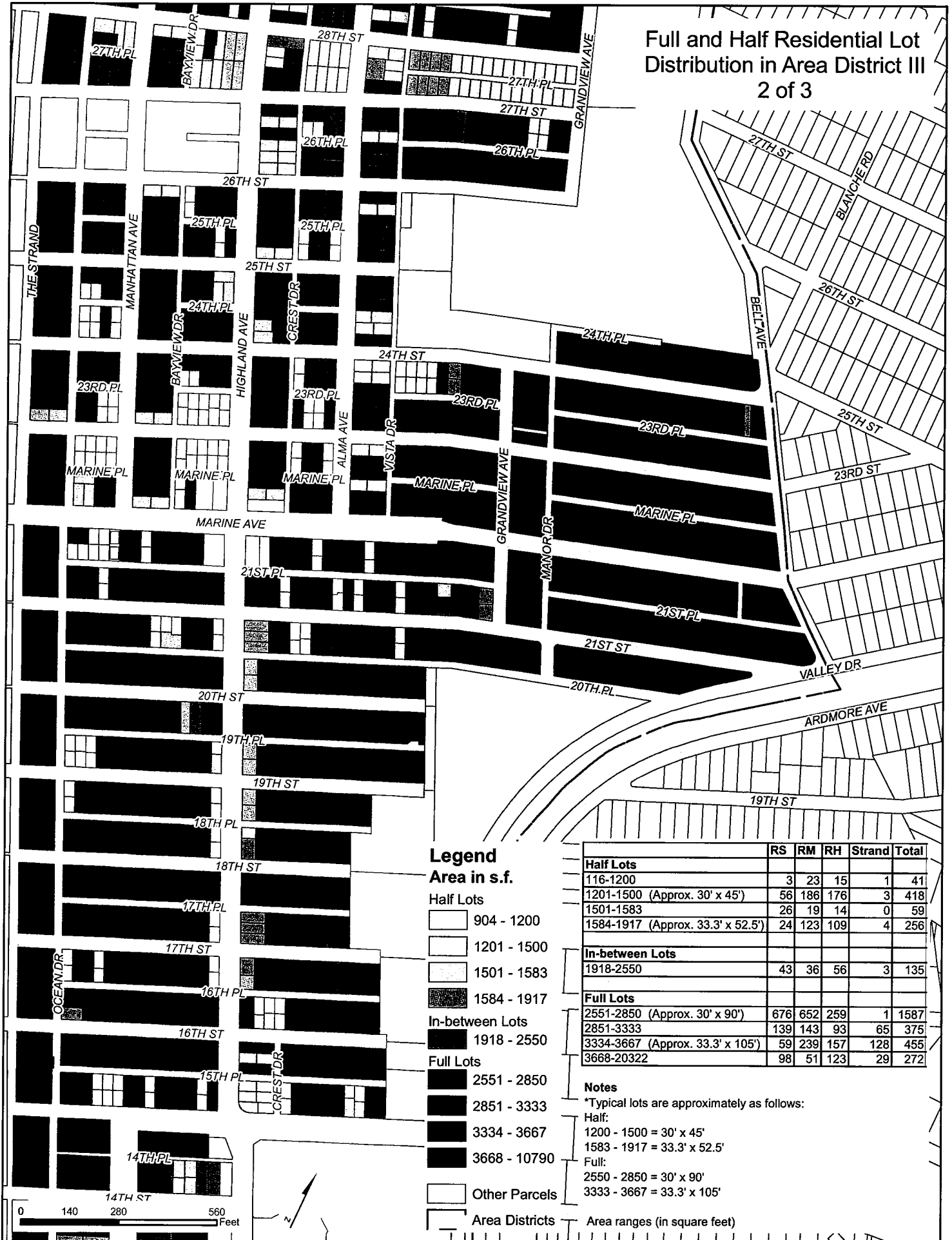
Full:  
 2550 - 2850 = 30' x 90'  
 3333 - 3667 = 33.3' x 105'

Area ranges (in square feet)



# Full and Half Residential Lot Distribution in Area District III

## 2 of 3



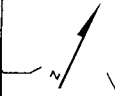
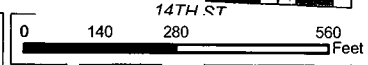
### Legend

- Area in s.f.**
- Half Lots
    - 904 - 1200
    - 1201 - 1500
    - 1501 - 1583
    - 1584 - 1917
  - In-between Lots
    - 1918 - 2550
  - Full Lots
    - 2551 - 2850
    - 2851 - 3333
    - 3334 - 3667
    - 3668 - 10790
  - Other Parcels
  - Area Districts

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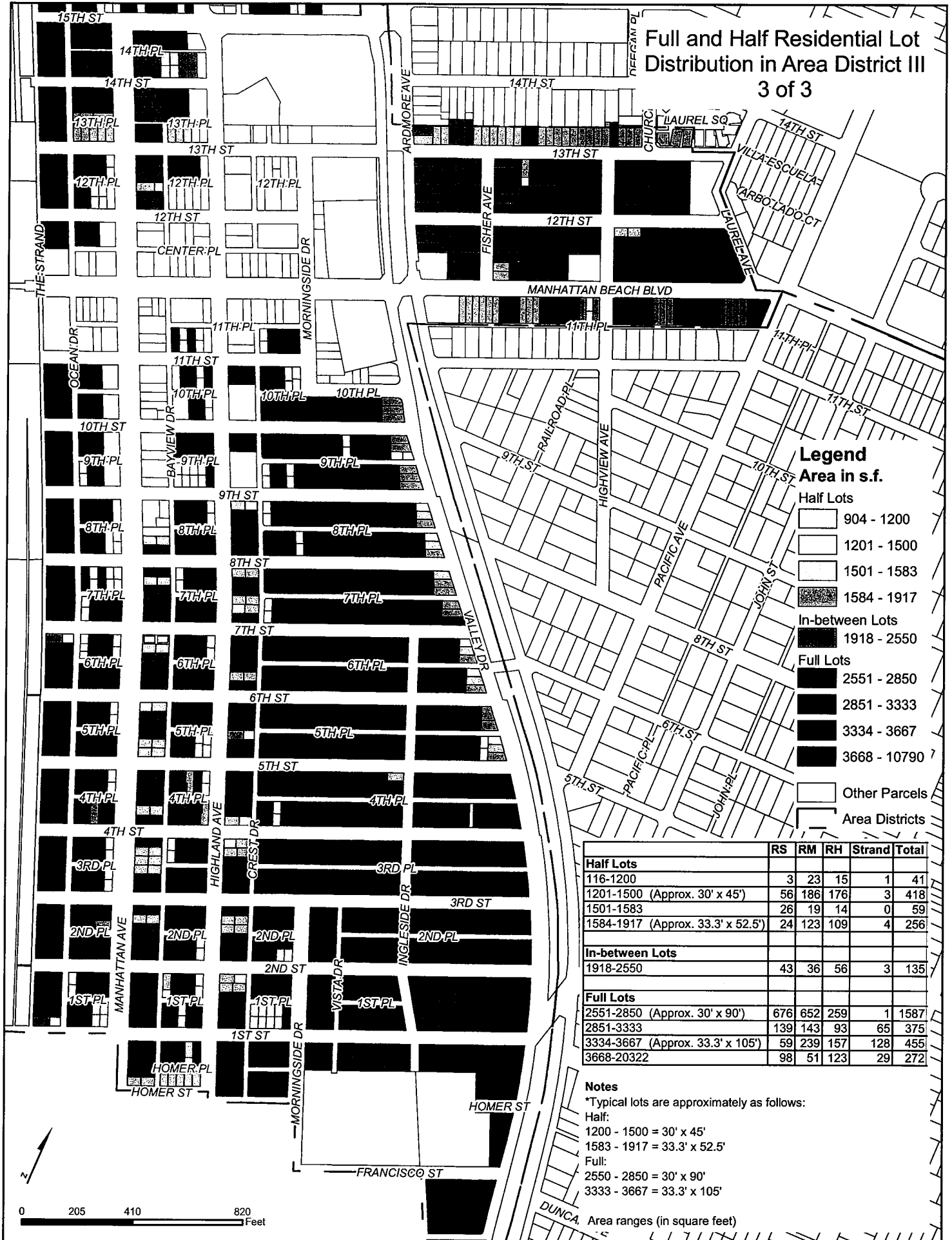
Area ranges (in square feet)





# Full and Half Residential Lot Distribution in Area District III

## 3 of 3



**Legend**  
Area in s.f.

**Half Lots**

- 904 - 1200
- 1201 - 1500
- 1501 - 1583
- 1584 - 1917

**In-between Lots**

- 1918 - 2550

**Full Lots**

- 2551 - 2850
- 2851 - 3333
- 3334 - 3667
- 3668 - 10790

Other Parcels

Area Districts

	RS	RM	RH	Strand	Total
<b>Half Lots</b>					
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 3333 - 3667 = 33.3' x 105'

Area ranges (in square feet)

