

**CITY OF MANHATTAN BEACH**  
**[DRAFT] MINUTES OF THE REGULAR MEETING OF THE PLANNING**  
**COMMISSION**  
**NOVEMBER 14, 2007**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, November 14, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 **ROLL CALL**

6  
7 Chairman Bohner called the meeting to order.

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

16 **APPROVAL OF MINUTES**                      **October 24, 2007**

17  
18 Commissioner Lesser requested that page 9, line 11 of the October 24 minutes be revised to  
19 state: “He stated that he wants to support a proposal to retain the existing pads, as he is  
20 concerned about the ability to enforce a requirement that bikers walk their bikes . . .”  
21

22 Commissioner Lesser requested that page 9, line 14 be revised to read: “He stated that he is not  
23 convinced after three hearings, ~~regarding the issue~~ however, that the County has made the case  
24 that the proposed size of the pads is the minimal size that is necessary to allow for service of the  
25 facility.”  
26

27 Commissioner Powell requested that page 15 line 26 be revised to read: “Commissioner Powell  
28 stated that he feels the architecture is outstanding; the project is in conformity with residential  
29 density requirements; the BFA is less than ~~is~~ the maximum permitted . . .”  
30

31 Commissioner Seville-Jones requested that page 2, line 14 be revised to read: “He said that ~~the~~  
32 they both expressed concerns to obstructing the bike path.”  
33

34 A motion was MADE and SECONDED (Seville-Jones/Powell) to **APPROVE** the minutes of  
35 October 24, 2007, as amended.  
36

37 AYES: Lesser, Powell, Seville-Jones, Chairman Bohner  
38 NOES: None  
39 ABSENT: None  
40 ABSTAIN: Schlager  
41

1 **AUDIENCE PARTICIPATION** None

2  
3 **BUSINESS ITEMS**

4  
5 **A. Adopt Resolution of Approval for Variances, Coastal Development Permits, a Use**  
6 **Permit and Vesting Tentative Tract Map 68805 for a Proposed Two-Lot, Five Unit**  
7 **Condominium Project at 4320 Highland Avenue and 4321 Crest Drive (Continued**  
8 **from October 24, 2007)**

9  
10 Director Thompson said that a hearing was previously held regarding the item, and staff was  
11 directed to prepare a draft Resolution memorializing the decision of the Commission to approve  
12 the project. He indicated that the proposed Resolution is attached.

13  
14 Commissioner Powell suggested that one of the two commas be removed after the words  
15 “October 24” on page 1, section 1(a) line 2 of the draft Resolution. He suggested that page 2,  
16 item L-1 of the draft Resolution be revised to read: “The special circumstances applicable to  
17 these properties are their steep slopes, large widths, corner locations, ~~and~~ lower than typical  
18 density compared to the permitted and surrounding El Porto properties, and the irregular lot  
19 shape due to the curvature of Highland Avenue.”

20  
21 A motion was MADE and SECONDED (Lesser/Powell) to Adopt Resolution of Approval for  
22 Variances, Coastal Development Permits, a Use Permit and Vesting Tentative Tract Map 68805  
23 for a proposed two-lot, five unit condominium project at 4320 Highland Avenue and 4321 Crest  
24 Drive, as amended.

25  
26 AYES: Lesser, Powell, Chairman Bohner  
27 NOES: Seville-Jones  
28 ABSENT: None  
29 ABSTAIN: Commissioner Schlager

30  
31 **PUBLIC HEARINGS**

32  
33 **07/0725.4-3-2-1 Consideration of City Council 2005-2007 Work Plan Item to Address**  
34 **Mansionization in Residential Zones: 1) Increase Open Space and**  
35 **Setbacks; 2) Limit Lot Mergers; 3) Encourage the Retention of**  
36 **Existing Smaller Homes; 4) Allow Accessory Use of Adjacent**  
37 **Common Ownership Lots**

38  
39 Senior Planner Jester summarized the staff report. She said that staff is recommending that the  
40 front open space setback requirement be reduced from 8 percent to 6 percent for interior lots and  
41 remain at 8 percent for corner lots. She said that many architects and designers gave compelling

1 testimony that the 8 percent requirement impacts the design and layout of homes and has an  
2 effect on the quality of the design. She indicated that the 8 percent also pushes homes further  
3 back on lots which results in a loss of open space in the rear yard. She commented that it was  
4 felt that there was not a significant visual difference between 6 and 8 percent front setback, but  
5 the Commissioners felt that the 8 percent requirement for corner lots provided the opportunity to  
6 wrap the open space around to break up the mass on the street side. She stated that there was a  
7 concern raised in an e-mail by Gary Osterhout that the open space requirements on  
8 “through”corner lots, those lots with two front yards on two corners, would be too restrictive.  
9 She said that the new revisions would apply to both front yards and the street side yard, so 16%  
10 open space total would be required, and a Minor Exception could be applied for if BFA  
11 (buildable floor area) is impacted.

12  
13 Senior Planner Jester indicated that there was concern about the impact of the 15 percent open  
14 space requirements on the RS (single family residential) zoned half lots in Area District III. She  
15 pointed out that the requirement is already in place in the RM (medium density residential) and  
16 RH (high density residential) zones where the majority of half lots are located, and it has not  
17 been an issue. She indicated that because the permitted BFA is higher on the RH than the RS  
18 lots, staff does not feel there will be an issue with providing the open space on the RS lots. She  
19 commented that the rear yard is permitted to be included as open space on half lots, and it is not  
20 counted on full size lots. She indicated that unusual, small, or shallow lots that are unable to  
21 meet the maximum allowable BFA due to the open space requirement would be permitted to  
22 apply for a Minor Exception. She stated that currently there is a requirement for a 10 foot rear  
23 yard setback in Area Districts I and II with a 25 foot cap, and there was consideration of  
24 increasing the requirement to 15 feet. She indicated that staff’s recommendation is to increase  
25 the rear yard setback requirement to 12 feet with no cap. She said that 12 feet is the  
26 recommendation of the Mansionization Committee. She also indicated that staff feels it is a  
27 balanced approach, and 15 feet may be overly restrictive. She commented that staff is proposing  
28 to eliminate the existing 5 foot cap on side yards setbacks and add a requirement that it be 10  
29 percent of the lot width. She commented that a letter was received from Ted Davis with a  
30 concern that RH lots in Area Districts I and II would be exempted from the regulations for lot  
31 mergers in order to encourage the development of multifamily units on such, lots but at the same  
32 time would be required to have increased setbacks which he feels limits development. She said  
33 that staff feels the goals of the Committee was that the space between buildings is important and  
34 increasing the setbacks should apply to all zones and Area Districts.

35  
36 Senior Planner Jester stated that the language in the staff report regarding the regulation of lot  
37 mergers uses the term “typical” lot size; however, the language of the Code only includes  
38 numbers with the minimum and maximum lot sizes. She indicated that staff wanted to  
39 accommodate lot mergers for the original subdivided lots. She said that the concern expressed  
40 regarding lot mergers was with four half lots in the Beach Area being merged and developed  
41 with a single large structure that would be out of character with the area. She pointed out that

1 there are only a handful of proposals in the past 20 years for merging even two half lots, and  
2 typically people want to develop half lots individually because of the greater market value. She  
3 commented that the Commission received an e-mail suggesting that the percentage of allowable  
4 buildable floor area be reduced in relation to the size of the resulting merged lot; however, the  
5 City Council previously determined that they did not feel that it was an appropriate approach.  
6

7 Another e-mail was received from the Cohen's regarding their proposed 2<sup>nd</sup> story addition to  
8 their home that would match the existing setback, that will become non-conforming with the new  
9 regulations, and exceed 50% valuation. She stated that staff is recommending no revision to the  
10 existing Code language that states that a remodel and addition needs to remain under 50 percent  
11 with a second or third story addition matching a nonconforming setback. She indicated that any  
12 construction over 50 percent is a substantial addition and throughout the Minor Exception  
13 provisions any new construction must conform to the current development standards.  
14

15 In response to a question from Commissioner Lesser, Senior Planner Jester indicated that the 50  
16 percent valuation rule is a key provision of the Code regarding nonconformities. She indicated  
17 that the concept is that any construction under 50 percent of the value of the existing structure is  
18 considered more of a minor remodel or addition, and any construction over 50 percent is closer  
19 to construction of a new home. When construction is over 50% many new standards are required  
20 throughout the Municipal Code. She commented that the Minor Exception process does have  
21 many provisions to allow for a remodel of over 50 percent of the value of the existing structure,  
22 but staff felt it was very important for a remodel and addition to remain under 50 percent with a  
23 second or third story addition which matches a nonconforming setback. She pointed out that the  
24 City Council did not ask staff to consider changing the 50 percent rule.  
25

26 Director Thompson said that 50 percent of the value of the existing home is quite a large amount  
27 of remodeling for a home. He stated that removing a roof is reaching over the limit of 50  
28 percent, and any such project should comply with the new standards.  
29

30 In response to a comment from Commissioner Lesser, Director Thompson said that the main  
31 direction of the City Council for the Commission to consider regarding mansionization was the  
32 issue of lot mergers, and there was concern regarding the ability to allow three lots to merge.  
33

34 Commissioner Lesser pointed out that a letter was received from **Susan Klevens** requesting that  
35 Section 3 of the proposed amendments regarding encouraging the retention of existing smaller  
36 homes be considered separately from the rest of the proposals.  
37

38 In response to a comment from Commissioner Lesser, Senior Planner Jester indicated that the  
39 City Council requested that all of the proposals be considered together rather than individually.  
40

41 Director Thompson stated that an e-mail was also received from **Martha Andreani** which

1 requested that the item be continued since the Downtown open house is occurring on the same  
2 night as the hearing and possibly some of the members of the public would not be able to attend.

3  
4 Chairman Bohner opened the public hearing.

5  
6 **Ted Davis** indicated that he previously wrote a letter to the Commission for the September 11  
7 meeting, but staff did not forward it to the Commissioners at that time. He indicated that he  
8 purchased a property on 12<sup>th</sup> Street five years ago as a seven unit town home style apartment  
9 house in order to help provide income for retirement. He stated that the proposed lot merger  
10 regulation exempts RH properties in Area Districts I and II and does not discourage multi-unit  
11 development in those areas. He said, however, that the new regulations regarding development  
12 standards do not exempt RH properties in Area Districts I and II which is not consistent with the  
13 lot merger regulation. He said that the proposed setback regulations for rear and side yards  
14 eliminates the ability to provide a central corridor configuration with a driveway along the center  
15 of the property with units built on top of garages on both sides. He commented that such a  
16 design would be the most aesthetic and conforming for his lot. He stated that the new setback  
17 standards would limit the number of units he could develop from eight to six, which would  
18 greatly impact the economic value of the property. He commented that applying the setback  
19 regulation across the board for all residential properties is not fair and equitable. He said that  
20 both regulations should be exempt for RH zoned properties outside of the beach areas in Area  
21 Districts I and II where density is not as dramatic of an issue as in the other areas of the City.

22  
23 In response to a question from Commissioner Lesser, **Mr. Davis** said that he would be willing to  
24 spend the cost and time in applying for a Variance if it were certain to be approved; however, his  
25 understanding is that there is no guarantee that it be granted for his circumstance on the basis  
26 that it would not meet the required criteria. He indicated that the regulations are appropriate for  
27 high density areas; however, he does not consider the area where his property is located as high  
28 density.

29  
30 Director Thompson commented that he would not suggest proposing a Variance for **Mr. Davis'**  
31 proposal. He said that the concern of **Mr. Davis** is that the proposed standards would reduce his  
32 ability to have the same number of units as he has currently, and a Variance would not be  
33 appropriate to allow a larger number of units.

34  
35 **Neil Howard**, a resident of the 3400 block of Manhattan Avenue, asked that consideration be  
36 given to properties built on a hill that do not include full stories. He commented that there are  
37 many hills within the City, and not all homes have one, two, or three full stories. He said that the  
38 first story of his home consists of 40 percent of the property. He said that he does not believe the  
39 proposed regulations take into account properties without a full story.

40  
41 **Laura Cohen**, a resident of the 3000 block of Ardmore Avenue, indicated that they want to do a

1 modest remodel of their existing home. She stated that they have a 75 foot wide ranch style  
2 home, and their goal is to maintain the same style. She pointed out that they would be permitted  
3 to tear down their existing home and rebuild a 5,000 square foot structure on the lot. She said  
4 that they are proposing a modest second story that would include only a master suite and to also  
5 renovate the first level. She commented that the rules relating to the setbacks would only affect  
6 lots that are wider than 50 feet, as all of the properties under 50 feet are already conforming at 10  
7 percent under the existing rule. She indicated that properties under 50 feet would be permitted to  
8 build a second story straight up to the full permitted BFA, which does not address the concern of  
9 mansionization. She commented that they would still remain at 58 percent of the permitted BFA  
10 with their proposed addition. She indicated that they feel the proposed setback regulations  
11 discourage people with larger lots from constructing a small remodel rather than tearing down  
12 and building a new even larger structure, which is contrary to the goals of reducing  
13 mansionization. She commented that their project would be over 50 percent of the value of the  
14 existing home, and therefore they would not be eligible for a Minor Exception. She stated that  
15 much of their remodeling would be upgrading of the existing structure rather than adding square  
16 footage. She indicated that her understanding is that they likely would not be granted approval  
17 for a Variance for their addition because their property would not fall under any of the unique  
18 qualities that allow for approval. She indicated that in order to set the second story back an  
19 additional 2½ feet to meet the new requirement, they would need to reengineer the entire roof of  
20 their existing home in order to carry the load of the second story rather than placing the second  
21 story on an existing load bearing wall.

22  
23 Director Thompson commented that Commissioner Seville-Jones had previously suggested  
24 possibly allowing for a small addition on a nonconforming home under a Minor Exception rather  
25 than a Variance. He said that staff can address the issue if the Commission feels it should be  
26 given further consideration.

27  
28 Commissioner Schlager commented that the point was raised that the majority of lots in the area  
29 of **Ms. Cohen's** property are 40 feet wide and would not be subject to the new setback standards.

30  
31 In response to a comment from Commissioner Schlager, Senior Planner Jester said that the new  
32 setback requirements would only affect lots over 50 feet wide.

33  
34 **Larry Peha**, the architect for **Ms. Cohen**, pointed out that smaller homes are penalized with the  
35 50 percent rule because the maximum is reached with a much smaller remodel. He also  
36 requested that a grace period be allowed for projects after the new amendments are adopted. He  
37 commented that it is difficult for architects to know the standards that they should use in  
38 designing homes when it is not certain when the new regulations will take effect.

39  
40 **George Shane**, a resident of the 400 block of 34<sup>th</sup> Street, said that he is in the process of a  
41 project that will not be compliant with the new regulations, and he also requested a grace period

1 for projects that have already underway that do not meet the new rules.  
2

3 Director Thompson pointed out that the reason for changing the Code is because it is wanted by  
4 the community, and it has not been simply an arbitrary decision to change the Code  
5 requirements. He indicated that after the Commission makes a recommendation to the City  
6 Council, it will take about an additional two months for the new regulations to take effect  
7 assuming they are approved. He said that any architect who wishes to submit a design under the  
8 current rather than new standards would need to have the plans in for plan check before the new  
9 regulations go into effect possibly in March.  
10

11 Chairman Bohner commented that the request of **Mr. Peha** and **Mr. Shane** for a grace period  
12 relates to the action that is taken by the City Council rather than to the recommendations made  
13 by the Planning Commission.  
14

15 **Susan Klevens**, a resident of the 800 block of Highview Avenue, asked for clarification  
16 regarding the intent of preserving existing homes if any new construction on an existing home is  
17 considered under the same guidelines as a new structure. She indicated that her understanding is  
18 that any remodeling would have less strict standards in order to encourage retaining smaller  
19 existing homes.  
20

21 Director Thompson said that he believes the issue of **Ms. Klevens** is regarding the front setback  
22 requirement, which will be addressed by the new regulations. He said that a second story built  
23 over the existing structure with a nonconforming setback could be addressed under the Minor  
24 Exception process provided that it is under 50 percent of the value of the existing structure. He  
25 commented that his understanding is that the remodel proposed by **Ms. Klevens** would not be  
26 over 50 percent of the value of their existing home. He said that his understanding in evaluating  
27 her project is that their issue was with the front yard setback requirement, which would be  
28 addressed by reducing the requirement from 8 to 6 percent. He said that a new addition built  
29 without previously established setbacks would need to conform to the new setback standards.  
30

31 **Jim Fasola** indicated that a requirement is being proposed to require 15 percent of open space in  
32 the Beach Area on RS lots, with a Minor Exception being permitted for small, wide, shallow and  
33 multiple front yard lots where the home is not able to obtain its permitted BFA. He said,  
34 however, that none of the homes on RS half lots would be able to reach their permitted BFA, and  
35 projects on any of those lots would meet the exception criteria which would defeat the purpose  
36 of the rule. He commented that he feels the limit on lot mergers in Area Districts III and IV  
37 should be two standard sized lots which are 2,700 square feet but that the larger 33' by 105' foot  
38 lots should not be permitted to merge. He commented that he feels 3,500 square feet is plenty of  
39 space for a lot within the City, which is the size of a single 33' by 105' lot. He indicated that he  
40 feels allowing two 30' by 90' to a size of 5,400 square feet would be acceptable.  
41

1 In response to a question from Commissioner Lesser, Director Thompson said that **Mr. Fasola's**  
2 concern that anyone proposing a project on an RS zoned half lot would request a Minor  
3 Exception assumes that they all would be attempting to reach the maximum allowable BFA of  
4 2,200 square feet, which is not necessarily the case. He pointed out any request to reach 2,200  
5 square feet under the Minor Exception would have to demonstrate certain methods of  
6 articulation is included in the design.

7  
8 **Paul Gross**, said that the issue has been under consideration for a long time and needs to move  
9 forward. He stated that the Mansionization Committee strived to reach a balance between  
10 private property rights and the good of the community as well as development by architects as  
11 opposed to spec builders. He commented that he feels as good of a balance as possible has been  
12 reached with the proposed recommendations. He said that the Committee chose not to  
13 recommend changing the existing BFA standards, although it was considered. He said that it  
14 was felt that changing the standards would not be fair to property owners. He commented that it  
15 was also felt that it would require a very large change in the BFA standards in order to make a  
16 difference for the 70 percent of homes that are built by developers with a poor design. He  
17 pointed out that homes can still look unattractive and bulky even if the amount of BFA is  
18 reduced. He indicated that the appearance of bulk is greatly dependent on the design; however,  
19 the Committee felt that establishing a design review committee was not in the character of the  
20 City. He commented that the approach that was taken in addressing mansionization was with the  
21 tools of articulation, open space, and proportional space between buildings. He commented that  
22 the proposals are not perfect, but it has reached a good balance. He indicated that at some point  
23 there needs to be trust that the people who have worked on the proposals have reached an  
24 appropriate balance. He said that they have used articulation, open space, and proportional space  
25 in order to result in the design of homes that would appear less like a box and with a reduced  
26 BFA in areas where it will be noticed. He indicated that a tremendous balance was reached in  
27 the recommendation regarding lot mergers considering the large number of varying opinions.  
28 He said that the Committee felt that any smaller homes that are preserved as a result of the new  
29 regulations rather than torn down would be beneficial.

30  
31 **Martha Andreani**, indicated that the Manhattan Beach Residents Association board members  
32 feel that the two important considerations regarding mansionization include reducing visual bulk  
33 and density and increasing open space, and the best method of achieving the goals are with  
34 setbacks and height restrictions. She said that they felt the front yard setback requirement should  
35 not be reduced from 8 to 6 percent. She pointed out that the reason it is difficult to distinguish  
36 between a 6 and 8 percent front setback is because many of the yards are concrete which makes  
37 it difficult to notice any difference. She said that they feel the required rear setback should be  
38 increased if the front yard setback requirement is decreased. She commented that there is no  
39 mention of the percentage of front or rear yard setbacks that would be required to be landscaped,  
40 and she would like for landscaping to be required within at least 50 percent of the setbacks. She  
41 indicated that the board supports the 10 percent side yard setbacks, although they felt that a



1 minimum side yard setback of 5 feet should be required for larger lots. She indicated that there  
2 was a concern raised regarding safety and the aesthetics with the side yards of smaller lots being  
3 enclosed, and there is no regulation included regarding side yards remaining open. She  
4 commented that enclosing side yards limits open space and creates a safety concern.  
5

6 **Ms. Andreani** said that she believes lot mergers change the character of neighborhoods, which  
7 is contrary to the goal of the Mansionization Committee. She indicated, however, that she  
8 appreciates that allowing only two lots to be merged is a compromise. She said that they feel  
9 that open space and setback requirements need to be increased in proportion to the size of the  
10 resulting lot when two lots are merged. She indicated that she wants it to be clear that any half  
11 lots in Area District IV that have been merged may not be subdivided. She stated that she would  
12 agree with the comment of **Mr. Fasola** that lots on The Strand which are 33' by 105' should not  
13 be permitted to merge. She commented that mention should be made in the regulations if the  
14 grandfathering of contiguous lots is going to be restricted. She commented that no mention is  
15 made in the language regarding limiting basements to one level. She indicated that the issue of  
16 shoring needs to be addressed, which may impact neighboring properties to a project site. She  
17 commented that she does not oppose rooftop decks. She indicated, however, that flat roofs make  
18 a structure appear more bulky than a design which provides some articulation for the roof. She  
19 said that she has seen Jacuzzis in front yards on walkstreets which does not seem appropriate for  
20 safety.  
21

22 **Gerry O'Connor** indicated that he feels the front setback requirement and the need to address  
23 additional articulation on street side corners should be considered individually rather than with  
24 one regulation. He said that local architects have expressed that their design freedom is limited  
25 if the front setback requirement remains at 8 percent, and it is natural that they would want as  
26 much design freedom as possible. He said, however, that the issue which needs to be addressed  
27 are the homes which are built without good design. He indicated that although it may be  
28 difficult to distinguish between a front setback of 6 and 8 percent for homes on different lots  
29 with different designs, the difference would most likely be noticeable on a home with the same  
30 design on the same lot. He pointed out that the intent of the revisions is for it to become more  
31 difficult for homes to reach their maximum allowable BFA, and the reason that limiting BFA  
32 further was not directly addressed was that it would be impacted by other regulations. He  
33 indicated that reducing the setback from 8 percent to 6 percent increases BFA. He pointed out  
34 that some of the same architects who have expressed their concern that it is difficult to reach a  
35 front setback of 8 percent made the same argument when the requirement was made for 6  
36 percent; however, they have been able to achieve 8 percent with their designs.  
37

38 **Mr. O'Connor** said that the proposal regarding lot mergers is a large improvement over having  
39 no limitations on maximum lot size. He stated, however, that there is no basis included in the  
40 Code language regarding the determination for the size of lots that may be merged. He indicated  
41 that the minimum lot size is currently codified, and it would be simpler for the maximum lot size

1 to be based on a multiple of the minimum lot size. He said that introducing a new arbitrary  
2 number creates confusion. He commented that allowing a 15,000 square foot lot in Area District  
3 I as would be permitted with the proposed regulations is a concern. He commented that he  
4 would agree with **Mr. Fasola's** comments that the maximum lot size that would be permitted  
5 should be reduced for Area Districts III and IV. He indicated that there was discussion of  
6 reducing BFA for structures built across the resulting property when merging three lots was  
7 being considered; however, there has been no such discussion for structures being built across  
8 two merged lots. He stated that the goal regarding limiting lot mergers is not to limit the size of  
9 the property but rather the size of the structure that is permitted to be built on the property. He  
10 said that the limits being placed on structures built on merged lots are the same that are included  
11 in the current BFA limitations, and he would suggest that additional restrictions for such  
12 properties. He suggested that the amount of BFA be limited for lots larger than the minimum lot  
13 size in each Area District to some multiple of the BFA allowed for that minimum lot size. He  
14 stated that the current BFA formula applied to a lot that is 15,000 square feet would result in an  
15 extremely massive structure which would significantly impact any neighborhood in the City.

16  
17 **Robert Schumann**, commented that arbitrarily determining that all of the people in Area  
18 District I who own lots that are 50' by 150' are not able to merge a neighboring property is  
19 fundamentally inequitable and unfair. He pointed out that there are properties which are 33' by  
20 105' in other areas of the City in addition to The Strand, and arbitrarily denying those property  
21 owners the opportunity to purchase and merge neighboring lots is also unfair. He indicated that  
22 he would like for the Commissioners to consider allowing an exception from the proposed lot  
23 merger restrictions for the eight lots in Area District III that are more than two contiguous lots  
24 and primarily improved with older apartment buildings. He stated that currently there is an  
25 exception included in the language for existing legally created merged lots. He pointed out that  
26 at the time the eight properties were created they were legally merged by structures being built  
27 across property lines. He said that the City changed the standard after the buildings were  
28 constructed requiring that the properties be formally and legally merged in the future; however,  
29 they did not inform the property owners that they had the ability to go to the City and merge  
30 their lots by a simple process. He indicated that the City then decided to hold lots that were not  
31 legally merged to a different standard and deprive them of the same rights given to those who  
32 had legally merged lots. He indicated that the property owners were again not notified by the  
33 City of the new regulations at that time. He indicated that currently there are differing standards  
34 for properties which are and which are not legally merged, and the only difference is the  
35 technicality of the process of formally merging them with the City. He said that he would  
36 request that the Commission allow the properties that were merged through the process of  
37 development to have the same exemption from the new standards regarding limits for lot  
38 mergers as the properties that were formally merged.

39  
40 **Bob Blanchard** indicated that there was a great deal of consideration given to the maximum lot  
41 sizes, and there was not an attempt to penalize any property owners. He said that the lot sizes in

1 the different areas were considered in reaching the determination for the maximum lot size.

2  
3 Chairman Bohner closed the public hearing.

4  
5 Commissioner Powell indicated that he feels the development standards for remodels is different  
6 than the standards for new construction. He stated that he would support reducing the  
7 requirement for the front yard setback to 6 percent in order to provide an incentive for  
8 remodeling of smaller homes. He indicated that he would agree that the appearance of bulk is  
9 largely a function of the architecture, and he agrees that homeowners take more care in designing  
10 a home. He said that the concern is with the homes that are built by developers that do not have  
11 an interest in the community and are basically only interested in profit. He commented that he  
12 does not want to limit the freedom of architects and he does not want to prohibit a property  
13 owner from having the design that they wish or have a smaller rear yard because the front  
14 setback requirement has been changed from 8 percent to 6 percent. He indicated that he would  
15 like for a review period of one or two years to reevaluate the impact of the requirement on  
16 designs. He said that he shares the concern of **Mr. Fasola** that development on the RS zoned  
17 half lots would not be able to reach the maximum buildable floor area without a Minor  
18 Exception being granted. He commented that a Minor Exception is generally granted for  
19 properties that present an exception to the rule rather than being considered the rule. He said  
20 that homes on the half lots are smaller homes and not mansions. He said that he feels the issue  
21 needs to be specifically addressed in the wording of the Code rather than with a Minor  
22 Exception.

23  
24 In response to a question from Commissioner Schlager, Commissioner Powell commented that  
25 he is not convinced that there is a problem with the 8 percent front setback requirement that  
26 necessitates changing it to 6 percent. He indicated that changing the percentage to 6 percent  
27 seems to be contrary to the intent of increasing open space. He said that he would prefer  
28 remaining at 8 percent, although he would support the decision of the rest of the Commissioners  
29 if they decided that it was appropriate to change the requirement to 6 percent. He said that he  
30 feels it is important to have a review period to determine the impact.

31  
32 Director Thompson pointed out that the last two years have essentially been a review period after  
33 the 6 percent requirement was changed to the 8 percent requirement.

34  
35 In response to a question from Chairman Bohner, Commissioner Powell said that he would  
36 support exempting RS zoned half lots from the 15 percent open space requirement.

37  
38 Commissioner Lesser said that reaching this point has been a long but worthwhile process. He  
39 commented that he understands the concern raised by **Mr. O'Connor** that lowering the  
40 percentage for the open space requirement from 8 to 6 percent is contrary to the intent of  
41 reducing bulk. He said that he was initially skeptical regarding reducing the percentage but has

1 been convinced to support the reduction by the input of architects and homeowners who are  
2 attempting to arrive at good designs. He indicated that he is willing to accept staff's  
3 recommendations to require a 6 percent front setback for interior lots and an 8 percent front  
4 setback for corner lots, and require the 8% to wrap around the side. He commented that he is  
5 respectful of **Mr. Fasola's** comments regarding the RS zoned half lots not being able to reach  
6 the maximum allowable BFA; however, he has to listen to the opinion of staff that the subject  
7 proposal would work. He said that he would defer to the opinion of staff, although he has  
8 concerns with the implications of the issues raised by **Mr. Fasola**.

9  
10 Commissioner Schlager indicated that he would agree with the objective of providing a balance  
11 and would support the recommendation of staff for reducing the front yard setback requirement  
12 to 6 percent for interior lots. He said that he also would defer to staff's experience regarding the  
13 setbacks for half lots.

14  
15 Commissioner Seville-Jones commented that she does not feel they have had sufficient  
16 comparisons to determine the true difference between a 6 percent and an 8 percent front yard  
17 setback, as the properties they observed all had very different designs. She said, however, that  
18 the tour they took was helpful and did demonstrate that a 6 percent front setback does achieve  
19 articulation. She indicated that she feels additional input from architects would be helpful for the  
20 City Council. She said that she would support the 6 percent front setback requirement after  
21 considering the input of the Mansionization Committee. She said, however, that she would hope  
22 that the Council would be able to compare examples and consider the question further. She said  
23 that the BFA of the shallow lots and smaller lots would be impacted by the new regulations, and  
24 the BFA of larger lots would not be impacted. She indicated that she shares the concern of **Mr.**  
25 **Fasola** that the owners of half lots would need to receive a Minor Exception from the 15 percent  
26 open space requirement in order to reach the maximum allowable BFA with a remodel, and a  
27 solution could be achieved by exempting the half lots. She commented that she is pleased that  
28 staff has included a process by which half lots can be exempt from the open space requirement;  
29 however, she would be in favor of exempting the half lots if there was a consensus by the  
30 Commissioners.

31  
32 Chairman Bohner said that he understands that it is very difficult to compare a front setback  
33 requirement of 6 percent and 8 percent with different designs. He said that the Mansionization  
34 Committee did consider the issue and felt that it was necessary to reduce the requirement to 6  
35 percent for interior lots to provide articulation. He said that he would respect the opinion of the  
36 Committee. He indicated that he would agree with the opinion of Commissioners Seville-Jones  
37 and Powell that half lots should possibly be exempt from the 15 percent open space requirement.

38  
39 In response to a question from Commissioner Lesser, Senior Planner Jester commented that the  
40 majority of half lots in the RH and RM zones currently have a 15 percent open space  
41 requirement, and it has not been an issue. She stated that the proposal is to apply the exact same

1 standard to half lots in the RS zone which is already provided in the other zones. She stated that  
2 staff heard the objective of providing more open space in all areas, and Area District III, RS zone  
3 is the only portion of the City where there are minimal setback restrictions, a 30 foot height  
4 limit, 3-stories allowed, no open space requirements and no bulk volume regulations.

5  
6 Commissioner Powell commented that half lots in the RS zone have much less density than those  
7 in the RM and RH zones, which is the difference in considering the open space requirement.

8  
9 In response to a comment from Director Thompson, Commissioner Seville-Jones indicated that  
10 she is only suggesting that the half-lots be exempt from the open space requirement and not full  
11 lots.

12  
13 In response to a question from Commissioner Seville-Jones, Senior Planner Jester pointed out  
14 that the same Minor Exception would be available to owners of half lots in the RM and RH  
15 zones as would be available to owners of RS zoned lots if they are unable to reach the maximum  
16 BFA. She suggested that maybe the solution is to eliminate the Minor Exception for the 15  
17 percent open space requirement.

18  
19 Chairman Bohner said that if the open space requirement is not an issue for the owners of the  
20 RM and RH half lots, he is not sure that it needs to be legislated for the RS lots.

21  
22 Commissioner Seville-Jones said that she has a concern with the number of situations in which  
23 property owners are required to go to the City for requests such as a Minor Exception or a  
24 Variance, which burdens their ability to construct projects. She said that Commissioner Powell  
25 has suggested eliminating half lots from the requirement which would prevent those property  
26 owners from needing to go through the process of applying for a Minor Exception.

27  
28 Commissioner Schlager said that he would support the recommendations as written by staff and  
29 there is a purpose in having a review before allowing the exceptions.

30  
31 Chairman Bohner said that he agrees with the comments of Commissioner Schlager.

32  
33 The Commissioners indicated that they agreed with staff's recommendations regarding  
34 increasing the rear setback requirement from 10 feet to 12 feet minimum and eliminating the 25  
35 foot cap.

36  
37 Commissioner Powell said that he would agree with staff's recommendations regarding  
38 eliminating the 5 foot cap on side yard setbacks and requiring 10 percent of the lot width with no  
39 cap. He indicated, however, that he shares the concerns expressed by **Mr. Davis**.

40  
41 In response to a question from Commissioner Powell, Director Thompson said that approval of a

1 Variance would not be likely for the project proposed by **Mr. Davis**.

2

3 In response to a question from Commissioner Lesser, Director Thompson said that a central  
4 configuration as suggested by **Mr. Davis** is not compatible with the proposal for creating larger  
5 side yard setbacks. He said that the design proposed by **Mr. Davis** is in conflict with the  
6 discussion that larger properties should have greater side yard setbacks. He commented that **Mr.**  
7 **Davis** has described the central configuration as the most desirable; however, there are other  
8 designs for the property that would still be able to accommodate eight units.

9

10 In response to a comment from Chairman Bohner, Director Thompson said that he would not  
11 suggest directing **Mr. Davis** to request a Variance for his proposal.

12

13 Senior Planner Jester commented that the goal staff heard from the Mansionization Committee  
14 was that side yard setbacks and space between buildings is important, which is achieved by the  
15 proposed requirements.

16

17 Chairman Bohner said that with the direction that has been given to the Commission, he supports  
18 staff's recommendations. He stated that he feels it would be appropriate for **Mr. Davis** to take  
19 his concerns to the City Council who set the overall policy issues.

20

21 Commissioner Schlager said that he would agree with the comments of Chairman Bohner.

22

23 In response to a question from Commissioner Lesser, Director Thompson said that it is difficult  
24 to determine the actual the number of property owners that may request similar proposals as **Mr.**  
25 **Davis**. He commented that staff can report back to the Commission after the one year review if  
26 it is determined to be an issue.

27

28 Commissioner Lesser commented that he has a concern because a Variance is not a viable option  
29 for **Mr. Davis**.

30

31 Commissioner Seville-Jones indicated that the intent with RH zoned properties is to allow for  
32 higher density and have a larger number of units. She said that there are two competing goals  
33 with **Mr. Davis**' property of providing for greater setbacks while still allowing for a higher  
34 number of units and a good design for the property. She said that she is not convinced that a  
35 design with six units is necessarily preferable to a design with eight units. She said that she  
36 would consider an exception to requiring increased side yard setbacks for RH lots that are  
37 abutting other RH zoned lots.

38

39 Commissioner Schlager commented that he does not think that the objective of the  
40 mansionization regulations was to allow for higher density. He said that there does need to be a  
41 standard established.

1  
2 Chairman Bohner indicated that staff's recommendation is in keeping with the intent of the  
3 proposals, and any additional consideration for exceptions in higher density areas is more  
4 appropriate for consideration by the City Council. He said that the Commission is charged with  
5 considering methods of decreasing density and providing more open space and he does not feel  
6 comfortable making an exception for **Mr. Davis**.

7  
8 Director Thompson commented that if the Commission supports the proposal as written, staff  
9 can also forward the additional concerns expressed by the Commission to the Council that the  
10 proposal achieves greater open space but also has an impact on the design of higher density lots.

11  
12 Commissioner Seville-Jones stated that she feels the requirements of the Housing Element are  
13 important to consider as part of the regulations.

14  
15 Commissioner Powell pointed out that the 30' by 90' lot is the predominant lot size in Area  
16 District III. He stated that staff was convincing, however, on why they feel 33 1/3 by 105' lots  
17 should be permitted to be merged. He said that the wording of the lot merger regulation should  
18 include the reasoning for arriving at the numbers used in the calculation for maximum lot size in  
19 the different area districts. He said that he would like input from staff as to why greater  
20 restrictions were not included as were previously considered for lot mergers, including having  
21 greater side setbacks for single structures built across merged lots to compensate for the loss of  
22 space that existed between the previous individual structures.

23  
24 Director Thompson said that placing greater restrictions for structures with the additional side  
25 setback to compensate for the lost setback between buildings was only discussed when merging  
26 three lots was being considered. He said that the discussion with merging two lots was that the  
27 increased setbacks on wider lots would allow for additional open space.

28  
29 Commissioner Powell pointed out merging three lots was being considered based on the  
30 minimum lot size, where merging two lots is being based on the typical lot size. He said that he  
31 concurs with the recommendation of staff regarding lot mergers; however, he feels the legislative  
32 intent should be included in the language to clarify the method at arriving at the numbers used in  
33 the Code for calculating the maximum lot size.

34  
35 Director Thompson said that there was a great deal of discussion regarding the lot sizes for the  
36 different areas, and it was not arbitrary. He indicated that the goal was to allow two of the lots to  
37 merge provided that they were standard for the area within the original subdivision of the area.

38  
39 In response to a question from Chairman Bohner, Director Thompson said that allowing mergers  
40 of only two lots that are the minimum lot size would exclude a very large number of lots from  
41 being able to merge.

1  
2 Commissioner Schlager pointed out that consideration needs to be given to excluding property  
3 rights if only the minimum lot sizes are permitted to merge. He indicated that the proposal is a  
4 balance of allowing at least two lots that are the average size for different areas to be merged.

5  
6 Director Thompson pointed out that the concern that was expressed was not regarding two  
7 standard size lots within an area being merged but rather three or four lots being merged and  
8 developed with a single structure. He said that allowing only the minimum lot size to merge  
9 would preclude the ability of a large number of lots to be merged. He said that staff will include  
10 a finding in the Ordinance to articulate the method for arriving at the numbers for the maximum  
11 lot sizes.

12  
13 Commissioner Powell suggested including language that the maximum lot sizes were determined  
14 based on the original lot configurations and lot patterns.

15  
16 Commissioner Lesser said that he agrees with all of the comments of the other Commissioners.  
17 He said that there were many discussions by the Mansionization Committee that the problem of  
18 using the minimum lot size is that it would preclude many property owners from being able to  
19 merge lots. He said that he feels it is appropriate to include a description of the method for  
20 arriving at the numbers that were reached.

21  
22 Commissioner Seville-Jones said that she also agrees with the comments of the other  
23 Commissioners. She indicated that she feels the decision of not allowing an exception for the  
24 lot merger requirements for properties previously built over lot lines but not legally merged is  
25 sound; however, she does have concerns with the equities to those property owners who may be  
26 impacted. She said that she would still support the decision that has been expressed by the  
27 Commission. She indicated, however, that she would want to provide direction to the City  
28 Council that if they were to make a different determination from the Commission and allow an  
29 exception for such properties that additional restrictions be considered with the merger of a third  
30 lot.

31  
32 Chairman Bohner commented that he does not feel merging three lots in such situations would  
33 be an issue because there would not be support by the Council, but he would agree that  
34 additional restrictions would need to be considered if three lots were to be merged.

35  
36 Commissioner Powell commented that the input has been very clear at the April 3, 2007, City  
37 Council meeting that the community does not want to permit any more than two lots to be  
38 merged with no exceptions. He said that allowing properties such as **Mr. Schumann's** to be  
39 merged would raise a question as to the number of exceptions that would be allowed. He  
40 pointed out that the people with such lots had several years to merge their lots legally and most  
41 likely did not because the lots are more valuable individually than they would be if they were



1 merged.

2

3 Commissioner Schlager said that he would look to staff to address **Ms. Cohen's** concern  
4 regarding application of the 50 percent valuation rule for a second story addition to match a non-  
5 conforming setback above an existing first story. He stated that it appears the result from the  
6 application of the regulation is contrary to the original intent in her case.

7

8 Director Thompson suggested allowing smaller additions as proposed by **Ms. Cohen** through a  
9 Minor Exception and placing a cap on the overall size of the home.

10

11 The Commissioners indicated that they agreed with the suggestion of staff.

12

13 Commissioner Lesser commented that **Ms. Cohen's** case does seem appropriate for a Minor  
14 Exception.

15

16 Commissioner Seville-Jones said that there was also discussion regarding application of the 50  
17 percent valuation rule and whether a recommendation be made to the City Council that it be  
18 studied further in the future.

19

20 Commissioner Schlager said that he would support further review of the 50 percent valuation  
21 rule.

22

23 Commissioner Lesser asked whether it would be appropriate without a Work Plan item for staff  
24 to provide additional information regarding the 50 percent rule.

25

26 Director Thompson pointed out that the proposed regulations address the concerns and issues  
27 that have been raised regarding the 50 percent rule because it allows for consideration for  
28 projects where there is an issue of not reaching maximum allowed BFA. He said that it will be  
29 studied further if it is determined to create an issue.

30

31 Commissioner Lesser indicated that there is a great deal of confusion in the community  
32 regarding the 50 percent rule in terms of what it includes and its impact to the development of  
33 properties. He suggested that staff address the rule more thoroughly in its report to the City  
34 Council.

35

36 In response to a question from Commissioner Seville-Jones, Director Thompson stated that half  
37 lots in Area District IV that have been merged may not be subdivided. He commented that the  
38 half lots are substandard size, and such lots are currently required to be merged by State law  
39 unless it is determined that the lot split was created legally.

40

41 Commissioner Seville-Jones suggested possibly including requirements regarding front and rear

1 landscaping.

2

3 Senior Planner Jester indicated that the City Council did not direct staff to address landscaping;  
4 however, staff has heard that the Commission has an interest in landscaping requirements being  
5 considered.

6

7 Director Thompson pointed out that the City currently has landscaping percentage requirements.  
8 He stated that there are also a number of Work Plan items that will come before the City Council  
9 regarding storm drains and water collection that will also address landscaping.

10

11 In response to a question from Commissioner Seville-Jones, Director Thompson commented that  
12 side yards are generally enclosed with fences because people want to protect their property and  
13 privacy. He said that staff feels the issue of providing additional space between properties is  
14 addressed through greater side yard setbacks.

15

16 Commissioner Seville-Jones commented that the other issues raised by **Ms. Andreani** regarding  
17 shoring, Jacuzzis on walk-streets, the depth permitted for basements are valid concerns but are  
18 not appropriately addressed by the subject regulations.

19

20 In response to a question from Commissioner Seville-Jones, Commissioner Schlager commented  
21 that there are a large number of flat roofs because pitched roofs limit the ceiling height in the  
22 interior of the structure.

23

24 Commissioner Powell requested on page 30 of the draft Resolution under item F(2)(e) to read:  
25 That the proposed project is consistent with the City's General Plan and the City's certified  
26 Local Coastal Program where applicable, the purposes of this title and the zoning district where  
27 the project is located, and with any other current applicable policy guidelines

28

29 A motion was MADE and SECONDED (Schlager/Lesser) to **APPROVE** the draft Resolution  
30 for proposed Amendments to Address Mansionization in Residential Zones: 1) Increase Open  
31 Space and Setbacks; 2) Limit Lot Mergers; 3) Encourage the Retention of Existing Smaller  
32 Homes; 4) Allow Accessory Use of Adjacent Common Ownership Lots with the language added  
33 to item F(2)(e) on page 30 as suggested by Commissioner Powell and consistent with the  
34 direction provided by the Commission

35

36 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner

37 NOES: None

38 ABSENT: None

39 ABSTAIN: None

40

41 **DIRECTOR'S ITEMS** None

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**PLANNING COMMISSION ITEMS**

**TENTATIVE AGENDA: November 28, 2007**

- A. Use Permit and Variance for Proposed 13,400 Square Foot Retail Pharmacy at 1100 Manhattan Beach Boulevard (Rite-Aid)

**ADJOURNMENT**

The meeting of the Planning Commission was **ADJOURNED** at 10:10 p.m. in the City Council Chambers, City Hall, 1400 Highland Avenue, to Wednesday, November 28, 2007, at 6:30 p.m. in the same chambers.

\_\_\_\_\_  
RICHARD THOMPSON  
Secretary to the Planning Commission

\_\_\_\_\_  
SARAH BOESCHEN  
Recording Secretary