CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Esteban Danna, Assistant Planner

DATE: March 9, 2011

SUBJECT: Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT A PUBLIC HEARING, DISCUSS**, and **ADOPT** the Draft Resolution amending Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program (LCP) to incorporate a comprehensive set of Sustainable Building Measures as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force.

BACKGROUND

In June 2008 City Council formed a resident-based Environmental Task Force (Task Force) to study environmental issues of priority to the community. City Council approved the Sustainable Building Subcommittee and Environmental Task Force recommendations on March 16, 2010 and directed Staff to prepare code amendments.

The recommendations require code amendments to several chapters of the MBMC. The Planning Commission will only review those amendments pertinent to Title 10. The City Council will review all proposed code amendments. Some amendments to Title 10 overlap with amendments in other chapters. The role of the Planning Commission is to review the proposed amendments, provide a forum for public participation, provide comments to the City Council, and approve the Draft Resolution.

At its regular meetings of July 14 and September 8, 2010, the Planning Commission held public hearings and discussed upcoming amendments to MBMC Title 10 Planning and Zoning and the LCP as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force. At the September 8, 2010 meeting, the Planning Commission had questions regarding certain aspects of the proposed amendments and asked Staff to return with more information in order to continue the discussion. Many of the questions posed by the Planning Commission at that meeting are addressed in this report. Members of the Sustainable "Green" Building Subcommittee will be present at the Planning Commission meeting to further address questions and provide a dialog for Planning Commission discussion.

The Sustainable "Green" Building Subcommittee and the Environmental Task Force recommended sustainable measures in five different areas of construction that are typically used in green building rating systems. Of the subcommittee's five areas of recommendations, three require the amendment of Title 10 Planning and Zoning in the MBMC and the LCP as follows:

1. **Site Sustainability**
   a. Stormwater Retention Design-Low Impact Development and Best Management Practices
   b. Green Roofs and Decks
2. **Water Efficiency/Water Use Reduction**
   a. Landscaping and Irrigation
   b. Plumbing Fixtures
3. **Energy**
   a. Renewable Energy

ENVIRONMENTAL DETERMINATION

Pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, portions of the subject amendments are exempt in that 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. Portions not covered by the aforementioned exemption are Categorically Exempt, Class 8, Section 15308 in the CEQA Guidelines.

GENERAL PLAN GOALS AND POLICIES

The proposed amendments to Title 10 of the Municipal Code (Zoning Ordinance) and the Local Coastal Program (Title A) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Land Use Element

- Goal LU-1: Maintain the low-profile development and small-town atmosphere of Manhattan Beach.
- Policy LU-1.1: Limit the height of new development to three stories where the height limit is thirty feet, or to two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community..
- *Policy LU-2.4:* Support appropriate stormwater pollution mitigation measures.

Infrastructure Element

- Goal I-7: Maintain and protect a reliable and cost effective water supply system capable of adequately meeting normal demand and emergency demand in the City.
- Goal I-9: Maintain a storm drainage system that adequately protects the health and safety and property of Manhattan Beach residents.

- *Policy I-9.3:* Support the use of storm water runoff control measures that are effective and economically feasible.
- *Policy I-9.5:* Support appropriate storm water pollution mitigation measures.

Community Resource Element

- Policy CR-4.6: Prepare lists of appropriate landscaping materials for the climate, and encourage residents and businesses to use them.
- Policy CR-5.1: Employ principles of a sustainable environment in the development, operation, and maintenance of the community, emphasizing the importance of respecting and conserving the natural resources.
- Policy CR-5.3: Encourage water conservation, including landscaping with drought-tolerant plants, use of reclaimed water, and recycling of cooling system water, in all development.
- Policy CR-5.5: Support expanded use of reclaimed water.
- Policy CR-5.6: Encourage drainage designs which retain or detain stormwater run-off to minimize volume and pollutant concentrations.
- Policy CR-5.7: Encourage the use of energy-saving designs and devices in all new construction and reconstruction.
- Policy CR-5.8: Encourage utilization of "green" approaches to building design and construction, including use of environmentally friendly interior improvements.
- Policy CR-5.10: Encourage and support the use of alternative fuel vehicles, including support of charging or "fueling" facilities.
- Policy CR-5.11: Support sustainable building practices.

Community Safety Element

- Policy CS-1.5: Require that new developments minimize stormwater and urban runoff into drainage facilities by incorporating design features such as detention basins, on-site water features, or other strategies.

DISCUSSION

1. Site Sustainability Recommendations

Stormwater Retention Design – Low Impact Development and Best Management Practices

The goal of the proposed amendment is to design water runoff mitigation measures to achieve zero discharge for 0.75 inch rainfall in a 24 hour period. The proposed measure aims to set standards that require the retention and infiltration of stormwater run-off on site unless it is technically inadvisable, at which point stormwater may be treated and released.

The recommendation proposed to require eighty percent of the required yard area to be permeable surfaces. Upon discussion, Staff determined that such requirement could potentially have an adverse impact on the foundations of structures where minimum setbacks are provided. The alternative, which is to require a licensed engineer to design mitigation plans per the current Municipal National Pollutant Discharge Elimination

System (NPDES) would significantly elevate the cost of design and construction. Further research and development is needed for this recommendation.

Furthermore, Staff has determined that it would be more appropriate to incorporate stormwater mitigation measures into the Building Code to achieve the Environmental Task Force's Stormwater mitigation goals. The Building Code already requires stormwater mitigation for larger commercial developments. The proposed amendments would expand stormwater mitigation requirements to residential and small commercial projects as well.

Green Decks and Roofs

A green deck or roof is a surface that supports the growth of vegetation over a portion of its area generally for the purpose of water and/or energy conservation. Green roofs provide a means to decrease stormwater runoff into the public system as well as provide building insulation and improved aesthetics. While balancing height, views, and safety concerns, the recommendation to amend Title 10 Planning and Zoning provides administrative flexibility for green decks and roofs and is consistent with the 2009-2010 City Council Work Plan. This measure is not a State requirement.

1b.	**Application**	• All new residential and non-residential construction • Major renovations (over 50% valuation) • Balcony/deck/ roof remodels
	Measures	• Treated as other decks and balconies for height and setbacks • Director may approve green roofs on top of roof level if it is not usable as a deck, and if safety, maintenance, slope, and access issues are mitigated • All planting materials on green roofs and decks may not exceed the maximum allowed height of structure
	Purpose/ Benefit	• Reduce stormwater runoff in public system • Filter pollution • Increase thermal and acoustical insulation • Decreased need for air conditioning and other energy consumption

These revisions are shown (Exhibit A) in MBMC Sections 10.04.030, 10.12.030 (Subsection H), 10.52.050 (Subsection H), 10.60.040 (Subsections B and F), 10.60.140 (Subsection C), and 10.68.020 (Subsection D and I). These revisions are also shown in the Local Coastal Program Sections A.04.030, A.12.030, A.60.040, A.60.140, and A.68.020.

The Planning Commission did not express further concerns with the green roofs and decks proposal. Staff, however, added language to the amendment that limits all planting materials to remain below the maximum allowed height of structure. Staff will provide examples of green roofs and decks at the Planning Commission meeting.

2. Water Efficiency/Water Use Reduction Recommendations

The intent of the recommendation is to design irrigation to meet requirements for region 3 (which includes Manhattan Beach) per Water Use Classification of Landscape Species (WUCOLS). WUCOLS is a publication designed to assist in the design of more water efficient landscaping in California. This measure will meet minimum California Model Water Efficient Landscape Ordinance requirements for commercial development and exceed the requirements for residential development.

Landscaping and Irrigation

The California Model Water Efficient Landscape Ordinance mandates all cities to require plans for water efficient landscape design, installation, and maintenance for larger landscaped developments. The primary goal is to reduce the water needed to irrigate landscapes. This is accomplished through both the type and sizing of the irrigation system used and the types of plants in the landscaped areas.

The intent of the recommendation is to design irrigation to meet reqirements for region 3 (which includes Manhattan Beach) per Water Use Classification of Landscape Species (WUCOLS). WUCOLS is a publication designed to assist in the design of more water efficient landscaping in California. These recommendations were discussed by the Sustainable Building Subcommittee with the Water Subcommittee at a joint meeting. The landscaping and irrigation measures exceed the California Model Water Efficient Landscape Ordinance requirements. A permit is not currently required to remodel or make changes to landscaping within private properties. However, a plumbing permit is required for irrigation work and the proposed standards can be enforced at that time. Conformance with these standards will also be required through building permit applications.

2a.	**Application**	• All new residential and non-residential construction • Major renovations (over 50% valuation)
	Measures	• Maximum of 20% of the landscaped area (private property, public parkways, & encroachment areas) may be high water use, such as grass • Small lots of 7,500 square feet or less may use standardized water budget worksheet per WUCOLS or may provide licensed landscape architect design and calculations • Lots over 7,500 square feet must provide licensed landscape architect design and calculations Exceptions: • Director may allow administrative exemptions for hardship or special circumstances • Sites irrigated with non-potable water are exempt • Projects with no exterior site work
	Purpose/ Benefit	• Estimated 20% reduction of water usage • Estimated 20% reduction of runoff discharge • Meet or exceed compliance with California Model Water Efficient Landscape Ordinance

These revisions are shown (Exhibit A) in MBMC Sections 10.12.030 (Subsection O), 10.12.050 (Subsection K), 10.20.030 (Subsection G), 10.44.040 (Subsection K), and 10.60.070. These revisions are also shown in the Local Coastal Program Sections A.12.030, A.12.050, and A.60.070.

At the previous meeting, the Commission was interested in knowing what amount of water is specifically used for maintaining traditional landscaping in Manhattan Beach and how it compares to other areas in California. City data showing water usage for landscaping purposes is not available since only one water meter is used for both interior and exterior water use. Approximately seventy percent of the state's residential water supply is used for landscaping. In coastal regions, Californians use up to fifty percent of their total water supply for landscape irrigation (www.socalwatersmart.com). City records show that the average household consumption of water for single-family residences ranges approximately between 15,700 and 17,900 gallons annually. In order to assess the effectiveness of the proposed measure, these figures may be compared to future figures.

The Commission was also interested in knowing whether limiting lawns is the most effective method of reducing water consumption in the City given the small size of the lots. Traditional turf grass is a high water use landscape feature. The current trend throughout California and other parts of the southwestern United States is to limit and/or eliminate traditional turf grass wherever possible. The Task Force's proposals are consistent with this trend. Furthermore, the proposed measures do not prohibit turf grass that is irrigated with non-potable water. Staff will provide the Commission with photographs of water-efficient landscaping during the presentation.

Plumbing Fixtures

The Sustainable Building Subcommittee's recommendation for plumbing fixtures mainly focuses on water efficient toilets and other water efficient fixtures that are addressed in the Title 9 Building Regulation amendment recommendations. This recommendation also proposed to limit the surface area of exterior water features such as fountains and ponds. The Commission was concerned that this provision was too restrictive and did not provide a significant benefit. Upon further research, it is Staff's opinion that the benefits offered by imposing limits on decorative water features are negligible due to the lack of permit applications proposing such features. Staff recommends the omission of this measure from the Title 10 code amendments.

3. Energy Recommendations

Renewable Energy

The renewable energy recommendations revise Title 10 of the Manhattan Beach Municipal Code to allow administrative approval of solar energy systems (both producing electricity and heating water) not exceeding a maximum of 12" over the maximum allowed height limit if needed to meet State regulations. Renewable energy recommendations also discuss wind energy systems. Because there are many concerns regarding the viability of current technology as well as height, view, location, and noise concerns, the Subcommittee recommends that wind turbines be considered through the public noticing process. These measures are not State requirements.

3a.	**Application**	All new applications for renewable energy production
	Measures	Solar energy systems • Continue to waive fees • Allow 12" over height to meet Solar Rights Act • Director may exempt height restrictions where fire-life safety, and access issues are mitigated Small Wind Energy Systems (turbines) • Allowed within building footprint • Public hearing for other locations
	Purpose/ Benefit	Encourage or facilitate renewable energy

These revisions are shown (Exhibit A) in Sections 10.04.030, 10.60.060, and 10.60.140 (Subsections D and E). These revisions are also shown in the Local Coastal Program Sections A.04.030, A.60.060, and A.60.140.

The Commission had concerns that wind turbines will impact the views of adjacent properties. As proposed, wind turbines will be restricted to the buildable envelope, meaning they could be located only in areas where a structure is allowed, so there is no more impact and arguably less, than a solid structure.

To further encourage environmental sustainability, Staff recommends that the Commission consider allowing alternative-fuel vehicle charging systems to project into the garage parking clearance. Current code requires such systems to have at least seven feet of vertical clearance between the garage floor and the obstruction. Staff's recommendation would reduce the required vertical clearance within the front five feet of the garage (within the area where a car's hood would be) to be four and one half feet above the garage floor. These revisions are shown (Exhibit A) in Sections 10.04.030 and 10.64.100 (Subsection C). These revisions are also shown in the Local Coastal Program Sections A.04.030 and A.64.100.

CONCLUSION

Staff recommends that the Planning Commission **CONDUCT A PUBLIC HEARING**, **DISCUSS** the proposed amendments to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program to incorporate a comprehensive set of Sustainable Building Measures as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force, and **ADOPT** the Draft Resolution. The purpose of the Planning Commission meeting is to review the proposed amendments, provide comments to the City Council, provide a forum for public participation, and adopt the draft resolution. The Commission's recommendations will be forwarded to the City Council for final action.

Exhibits:
A. Draft Planning Commission Code Amendments
B. Draft Resolution
C. Staff Reports, dated July 14 and September 8, 2010
D. Planning Commission Minutes, dated July 14 and September 8, 2010
E. Public Notice and Correspondence

Draft Planning Commission Code Amendments—March 9, 2011

10.04.030 and A.04.030—Definitions

Alternative-fuel Vehicle Charging Systems: Equipment used to recharge a vehicle that uses alternative energy as fuel, such as compressed natural gas (CNG), electricity or other non-petroleum derived fuels.

Greywater Retention/Detention Features: A device or system designed to collect, store, and transport greywater, as defined by the California Plumbing Code, which may include tanks, valves, filters, pumps, or other appurtenances along with piping.

Permeable Surface: an uncovered finish grade surface such as a driveway, walkway, or patio constructed with pervious materials allowing stormwater to directly infiltrate the underlying soils and contained so neither sediment nor the water discharges off the site.

Roof or Deck, Green: A roof or deck/balcony surface that is partially or totally planted with vegetation that is over a waterproof membrane generally for the purpose of water or energy conservation.

Solar Energy System: A combination of solar collector(s) and ancillary solar equipment used to generate electricity or heat water primarily for consumption on the property where the system is located.

Stormwater Retention/Detention Feature: a device or system of improvements that captures, retains and subsequently releases stormwater runoff from a site at a lesser volume and/or slower rate than it is collected, while holding the runoff in temporary storage for the purposes of infiltration, bioretention, and/or storage with beneficial use such as landscape irrigation.

Wind Energy System, Small (SWES): Wind energy system, generally consisting of a wind turbine, tower and ancillary equipment, that is used primarily to generate electricity on the property where the system is located.

10.12.030 and A.12.030—Property development regulations:

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, 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~~ Sustainable Development (Solar Assisted Water Heating, Green Roofs and Decks, Solar Energy Systems, and Small Wind Energy Systems)	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

E. **Setbacks:**

~~E.~~**1. Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3′). In the RM and RH Zones side setbacks need not exceed ten feet (10′), and on corner sides setbacks need not exceed five feet (5′).

~~(1)~~**Exceptions—Side Setbacks.** Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50′) in width need not provide side setbacks greater than five feet (5′) when developed with three (3) or more dwelling units.

2. 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.

3. Rear Setback:

(a) In Area Districts I and II, the rear setback (RS) shall be determined as follows: RS = 0.3 × (lot depth in feet)-20; provided that the minimum setback is twelve feet (12′).

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

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 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 three (3) times the minimum side setback; In Area Districts I and II the rear setback shall be two (2) times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be fifteen (15) feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9′) below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated (See "Roof, Green or Deck" Sections 10.04.030 and 10.60.140C).

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.

O. **Required Landscaping Adjoining Streets.** At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section 10.60.070-Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

10.12.050—RSC district development regulations.

K. **Landscaping.**

9. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

10.20.030—IP district: development regulations.

G. **Planting Areas.** In required front and corner-side yards, 12 feet adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. For site landscaping requirements, see Section 10.60.070, Landscaping, irrigation and hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

10.44.040 and A.44.040—Building permits to conform to overlay district regulations.

K. Residential projects shall include planter boxes at the pedestrian level involving lots of two thousand five hundred (2,500) square feet (or more) along Highland Avenue. For additional site landscaping requirements, see Section 10.60.070, Landscaping, irrigation and hydroseeding. Conformance with standards specified in Section

10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

10.52.050 and A.52.050—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 of this section.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42″) in height.
2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15′) in height.
3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8′) 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 (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13′) in height.
6. Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
   a. Retention/detention features installed entirely below local grade.
   b. Above grade retention/detention features may project a maximum of twelve inches (12”) into required side, rear, or building separation yards provided a five foot (5’) clearance from the property line is maintained.
   c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

   Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5′) of a property line provided it complies with the locational criteria of Section 10.52.040D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5′) of said property lines.

H. Decks. No accessory structure deck or green roof/deck more than thirty inches (30″) or more in height shall be located in a required yard.

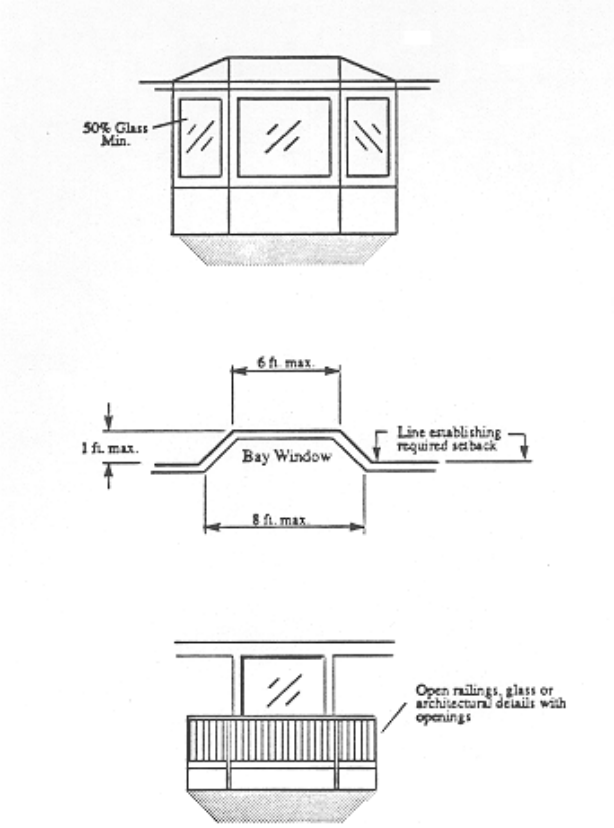
10.60.040 and A.60.040—Building projections into required yards or required open space.

B. Uncovered porches, platforms, decks, green decks and landings, including access stairs thereto, which do not extend above the floor elevation of an adjoining portion of the first story: Three feet in a side or building separation yard, four feet (4') in a front yard and six feet (6') in a rear yard, provided that a two-foot (2') clearance from the property line is maintained. Open-work railing not to exceed three and one-half feet (3½') in height may be installed.

Exception. A zero foot (0') clearance shall be permitted from property lines adjoining numbered "walk streets," or unimproved public street or alley easements which are not open to vehicular use.

F. **Balconies and Bay Windows:** Balconies, including green roofs or decks, and bay windows may project into required yards and usable open space, subject to the following limitations:

1. The glass area of each bay window shall be not less than fifty percent (50%) of the sum of the vertical surfaces of such bay window.
2. The maximum length of each bay window shall be eight feet (8') at the line that establishes the yard setback and shall be reduced in proportion to the distance from such line by means of a forty-five-degree (45º) angle drawn inward from the end of the eight-foot (8') dimension, reaching a maximum of six feet (6') along a line that is one foot (1') from and parallel to the setback line. The total aggregate length of all bay windows on each level projecting into a required yard shall not exceed one-quarter (1/4) of the buildable length or buildable width of the lot, as the case may be.
3. No bay window shall project into an open area established by an inclined plane extending upward at forty-five-degree (45º) angle from a horizontal extension of the adjacent floor level. The intent of this requirement is to ensure that no floor area projects into a required yard.
4. Balconies, shall have open railings, glass or architectural details with openings to reduce visible bulk; balconies composed solely of solid enclosures are not allowed to project into required yards.
5. Balcony projections are allowed in either the required front and rear yard, but not both, provided the depth of projection into the required yard does not exceed three feet and the area does not exceed three feet (3') multiplied by one-half (1/2) of the buildable width of the lot, and a minimum two foot clearance to the property line is maintained.
   a. Exceptions for RM and RH Districts. Balcony projections are allowed in both the required front and rear yard for each dwelling unit to provide private open space. The aggregate area of all balcony projections for the entire lot within required yards shall not exceed three (3) times one-half (1/2) of the buildable width of the lot if all balcony projections are located in either the front or rear yard, and three (3) times two-thirds (2/3) the buildable width of the lot if balconies are located in both the front and rear yards.
6. The aggregate length of all bay window, balcony, chimney, and stair projections into a required yard on a single building level, measured at the setback line, shall not exceed two-thirds (2/3) of the buildable width of the lot.
   a. Exception for Area Districts I and II. Balcony projections within eight feet (8') of local grade shall not be included in the aggregate length applicable to a single level.



BAY WINDOWS, ~~AND~~ BALCONIES, AND GREEN ROOFS/DECKS

J. **Stormwater and Greywater Retention/Detention Features.** Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:

a. Retention/detention features installed entirely below local grade.

b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five foot (5') clearance from the property line is maintained.

c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5′) of a property line provided it complies with the locational criteria of Section 10.52.040D, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5′) of said property lines.

10.60.060 and A.60.060—Exceptions to height limits.

Exceptions to height limits. Vent pipes and radio and television antennas may exceed the maximum permitted height in the district in which the site is located by no more than ten feet (10′). Chimneys may exceed the maximum permitted height by no more than five feet (5′), provided the length and the width of the chimney portion exceeding the height limit shall not exceed three feet (3′) in width and five feet (5′) in length. Solar energy

systems may exceed the maximum permitted height by no more than twelve inches (12”). The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

10.60.070 and A.60.070—Landscaping, Irrigation, and Hydroseeding.

A. **General Requirement.** ~~Minimum~~ For new projects, projects over fifty percent (50%) in building valuation, or as required by the current California Model Water Efficient Landscape Ordinance, all site landscaping and ~~required~~ planting areas shall be installed in accord with the standards and requirements of this section, which shall apply to all projects including construction or exterior alterations of structures ~~with more than a total of two thousand five hundred (2,500) square feet of buildable floor area and covered parking area, except single-family residences and two-family dwelling units (duplexes)~~.

1. Landscape plans shall be prepared by a landscape designer, a licensed landscape architect or other qualified person, and submitted to the Community Development Department for approval prior to issuance of a building permit, and no significant or substantive changes to approved landscaping or irrigation plans shall be made without prior written approval by the Community Development Director and the landscape designer. Substantial changes shall require approval of the Planning Commission or Board of Zoning Adjustment, as appropriate, if these bodies granted approval of the project.
2. Evidence of completion of required landscaping and irrigation improvements shall be supplied to the Community Development Department on a Landscape Certification form. This form shall be required to be submitted prior to issuance of an occupancy permit for new construction unless an extension of up to one (1) year has been granted by the Community Development Director. For projects consisting primarily of additions to or remodeling of existing buildings for which landscaping is required, a deferred completion agreement may be executed prior to issuance of the building permit. The agreement shall guarantee installation of the landscape and any irrigation improvements within one (1) year or prior to occupancy, whichever occurs first.
3. A maximum of twenty percent (20%) of the total landscaped area on private property, parkways, and encroachment areas may be plants of high water use per Region 3 of Water Use Classification of Landscape Species (WUCOLS). When calculating lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size. This requirement may be met as follows:

   a. For parcels 7,500 square feet or less:

      1. Submittal of a Standardized Water Budget Worksheet per WUCOLS or;
      2. Submittal of design and calculations prepared by a licensed landscape architect.

   b. For parcels 7,500 square feet or greater:

      1. Submitting a design and calculations prepared by a licensed landscape architect.

   Exceptions.

   1. Sites entirely irrigated by non-potable water.
   2. Administrative exception for special circumstances or undue hardship as determined by the Director of Community Development.

3. Projects with no exterior site work, landscaping, hardscaping, or similar improvements.

10.60.140 and A.60.140—~~Solar-assisted water heating.~~ Sustainable Development.

A. **Solar-assisted water heating.** To promote energy conservation, installation of plumbing for future solar-assisted water heating systems shall be required in all new residential and commercial construction and in major alterations and additions to residential and commercial structures when the total estimated cost of the enlargement or alteration exceeds fifty percent (50%) of the total estimated cost of reconstructing the structure.

B. **Stormwater Retention/Treatment.** For additional Municipal National Pollutant Discharge Elimination System (NPDES) or current Municipal stormwater permit requirements, see Section 5.84.

C. **Green Roofs and Decks.**

1. A green roof or deck may be located only where decks and balconies are allowed.
2. All planting materials on green roofs and decks may not exceed the maximum allowed height of structure permitted by the development standards of the base district.

Exception. Green roofs that are used solely as a roof and designed in a manner that prohibits usability as a deck may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated (See "Roof, Green or Deck" definition).

D. **Solar Energy Systems.** Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12"). The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

E. **Small Wind Energy Systems (Turbines).** Small Wind Energy Systems (SWES) are permitted in all districts subject to the following standards and procedures:

1. **Development Standards.** The following minimum requirements and standards shall apply to SWES:

a. System type and location.

1. The SWES shall comply with the definition of Small Wind Energy System in Section 10.04.030.
2. Where feasible, ancillary SWES equipment shall be located inside a building or screened from public view in a manner compatible with the site.

b. The SWES shall not exceed the applicable height limit as defined in Sections 10.12.030, 10.16.030, 10.20.030, and 10.60.050.

c. Setbacks and Clearances.

1. The SWES shall comply with the setbacks applicable to the zone in which the SWES is located, provided that a greater setback may be required to reduce impacts to adjacent parcels.
2. No portion of a blade when fully operational shall extend within ten (10) feet of finished grade or a property line, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity, or conflict with the zone in which the property is located.

3. A minimum clearance of ten (10) feet shall be maintained between any tower or blade and any structure, tree, utility line, or similar object, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity.

4. The SWES shall not inhibit or interfere with emergency vehicle or structure access, fire escapes, exits, standpipes, or other Fire Department requirements as determined by the Fire Department.

5. Every SWES shall be designed so that no ladder or other means of climbing a tower is located within twelve (12) feet of the finished grade or accessible space.

6. Guy wires or other rough appurtenances shall not be visible unless deemed to be appropriate and necessary by the Director of Community Development.

7. The SWES shall be equipped with manual and automatic over-speed protection controls so that blade rotation speed does not exceed the system's design limits.

8. An on-grid SWES shall be designed to automatically turn off when on-grid connection is lost or the batteries are fully charged.

9. All on-grid SWES shall be approved by the applicable utility prior to installation.

10. Electrical poles, wires and other items required to convey power generated by a SWES to the public utility grid shall be installed underground.

11. The SWES shall comply with the requirements of Section 5.48—Noise Regulations, except during short-term events such as utility outages and severe wind storms.

12. The SWES shall not bear any signs or advertising devices other than certifications, public safety warnings, or other seals or signage required by law.

13. No lighting shall be placed upon, attached to, or in any way illuminate a SWES unless required by law. Any required lighting shall be designed and located to reduce impacts to properties in the vicinity to the maximum extent allowed by law as determined by the Community Development Director.

d. Maintenance and removal.

1. The SWES shall at all times be operated and maintained in accordance with manufacturer's requirements, the requirements of this section, and all applicable laws. In no case shall the condition or operation of the SWES pose noise, safety, or other adverse effects to the site, or persons, improvements or properties in the vicinity.

2. The Community Development Director may require the SWES to be removed from the property if the Director determines that the SWES has been inoperable, or has ceased to operate, for twelve (12) consecutive months or more.

2. **Submittal Requirements—All SWES Applications.** Applications for all SWES shall be initiated by submitting the following materials to the Community Development Department.

a. A completed Master 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.

b. Written statements to support the standards, required findings and, criteria of this Code section.

c. A vicinity map showing the location and street address of the development site.

d. 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 three hundred feet (300′) of the boundaries of the property; and

e. 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 three hundred feet (300′) of the boundaries of the property. This list shall be keyed to the map required by subsection (d) of this subsection and shall be accompanied by mailing labels.

3. **Notice to Property Owners.** After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners as provided in subsection 2 of this section. 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.

4. **Director's Review and Action**

a. **Notice of Decision.** After the commenting deadline date, and within thirty (30) days of receipt of a completed application, the Director of Community Development shall approve, conditionally approve, or deny the application. The Director shall send the applicant a letter stating the reasons for the decision under the authority for granting or denying the SWES, as provided by the applicable sections of this chapter. The letter also shall state that the Director's decision is appealable under the provisions of subsection 6 of this section.

b. **Request for Planning Commission Action.** At the Community Development Director’s discretion, review and action may be deferred to the Planning Commission.

c. **Findings.** In making a determination, the Community Development Director or Planning Commission shall be required to make the following findings:

1. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to light, air, noise, and views.

2. 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, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

3. The installation of the SWES is primarily to reduce on-site consumption of electricity.

4. The proposed SWES will not produce or result in noise levels exceeding the requirements of Section 5.48—Noise Regulations.

5. **Conditions of Approval.** In approving a SWES application, the Director or Planning Commission may impose reasonable conditions necessary to:

a. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the SWES will be located, or to be consistent with the General Plan;

b. Protect the public health, safety, and general welfare.

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

10.64.100 and A.64.100—Application of Dimensional Requirements.

C. **Vertical Clearance.** Vertical clearance for parking spaces shall be an unobstructed headroom clearance of not less than seven feet (7′) above the finish floor to any ceiling, beam, pipe, vent, mechanical equipment or similar construction, except that automatic garage door opening equipment and the garage door entrance may be 6.67 feet. For storage ~~purposes~~ (not including mechanical equipment) and vehicle refueling purposes for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, ~~or~~ cabinets, or alternative-fuel vehicle charging systems may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front five feet (5′) of a parking space.

10.68.020 and A.68.020—Continuation and Maintenance.

D. Routine maintenance and repairs may be performed on a structure, the use of which is nonconforming; and on a nonconforming structure. Exterior nonconforming elements including, but not limited to: stairways, decks, balconies, green roofs or decks, chimneys, fences, and retaining walls may be replaced in their entirety, if, upon finding in a report prepared by a State of California licensed civil engineer, that, due to a deteriorated condition, such structures are unsafe, and routine repair is infeasible.

I. Lots Without Vehicular Access. Residential buildings on lots with no vehicular access to public streets constitute nonconforming uses and may not be altered or enlarged except in accordance with the provisions of this section. Such buildings may be altered as follows:

1. Interior improvement repairs consistent with all applicable building regulations.
2. Additions of exterior architectural features such as a fireplace, chimney, balcony, green roof or deck, or bay window, subject to Section 10.60.040, Building projections in yards and required open space.

RESOLUTION NO. PC 11-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH AMENDING TITLE 10 OF THE MANHATTAN BEACH MUNICIPAL CODE (MBMC) AND THE LOCAL COASTAL PROGRAM (LCP) TO IMPLEMENT COMPREHENSIVE SUSTAINABLE BUILDING MEASURES

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 June 2008 City Council formed a resident-based Environmental Task Force (Task Force) to study environmental issues of priority to the community.

B. On March 16, 2010, the City Council approved the Sustainable Building Subcommittee and Environmental Task Force recommendations and directed Staff to prepare code amendments.

C. At its regular meetings of July 14, 2010, September 8, 2010, and March 9, 2011 the Planning Commission held public hearings and discussed the amendments to MBMC Title 10 Planning and Zoning and the LCP as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force.

D. The Sustainable "Green" Building Subcommittee and the Environmental Task Force recommended sustainable measures in five different areas of construction that are typically used in green building rating systems. Of the subcommittee's five areas of recommendations, three require the amendment of Title 10 Planning and Zoning in the MBMC and the LCP as follows:

a. Site Sustainability
   - Green Roofs and Decks

b. Water Efficiency/Water Use Reduction
   - Landscaping and Irrigation

c. Energy
   - Renewable Energy

E. All of the Planning Commission and City Council public hearings included public notices published in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.

F. The applicant for the subject project is the City of Manhattan Beach.

G. Pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, portions of the subject amendments are exempt in that 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. Portions not covered by the aforementioned exemption are Categorically Exempt, Class 8, Section 15308 in the CEQA Guidelines.; and,

H. 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.

I. The Planning Commission finds that the proposed amendments will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

J. The proposed amendment to the Title 10 of the Municipal Code (Zoning Ordinance) and Local Coastal Program (Title A) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Land Use Element
Goal LU-1: Maintain the low-profile development and small-town atmosphere of Manhattan Beach.

Policy LU-1.1: Limit the height of new development to three stories where the height limit is thirty feet, or to two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community.

Policy LU-2.4: Support appropriate stormwater pollution mitigation measures.

Infrastructure Element
Goal I-7: Maintain and protect a reliable and cost effective water supply system capable of adequately meeting normal demand and emergency demand in the City.

Policy I-9.3: Support the use of storm water runoff control measures that are effective and economically feasible.

Policy I-9.5: Support appropriate storm water pollution mitigation measures.

Community Resource Element
Policy CR-4.6: Prepare lists of appropriate landscaping materials for the climate, and encourage residents and businesses to use them.

Policy CR-5.1: Employ principles of a sustainable environment in the development, operation, and maintenance of the community, emphasizing the importance of respecting and conserving the natural resources.

Policy CR-5.3: Encourage water conservation, including landscaping with drought-tolerant plants, use of reclaimed water, and recycling of cooling system water, in all development.

Policy CR-5.5: Support expanded use of reclaimed water.

Policy CR-5.6: Encourage drainage designs which retain or detain stormwater run-off to minimize volume and pollutant concentrations.

Policy CR-5.7: Encourage the use of energy-saving designs and devices in all new construction and reconstruction.

Policy CR-5.8: Encourage utilization of "green" approaches to building design and construction, including use of environmentally friendly interior improvements.

Policy CR-5.10: Encourage and support the use of alternative fuel vehicles, including support of charging or "fueling" facilities.

Policy CR-5.11: Support sustainable building practices.

Community Safety Element
Policy CS-1.5: Require that new developments minimize stormwater and urban runoff into drainage facilities by incorporating design features such as detention basins, on-site water features, or other strategies.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapters 10.04 and A.04 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance by adding definitions as follows:

10.04.030 and A.04.030—Definitions
Alternative-fuel Vehicle Charging Systems: Equipment used to recharge a vehicle that uses alternative energy as fuel, such as compressed natural gas (CNG), electricity or other non-petroleum derived fuels.

Greywater Retention/Detention Features: A device or system designed to collect, store, and transport greywater, as defined by the California Plumbing Code, which may include tanks, valves, filters, pumps, or other appurtenances along with piping.

Permeable Surface: an uncovered finish grade surface such as a driveway, walkway, or patio constructed with pervious materials allowing stormwater to directly infiltrate the underlying soils and contained so neither sediment nor the water discharges off the site.

Roof or Deck, Green: A roof or deck/balcony surface that is partially or totally planted with vegetation that is over a waterproof membrane generally for the purpose of water or energy conservation.

Solar Energy System: A combination of solar collector(s) and ancillary solar equipment used to generate electricity or heat water primarily for consumption on the property where the system is located.

Stormwater Retention/Detention Feature: a device or system of improvements that captures, retains and subsequently releases stormwater runoff from a site at a lesser volume and/or slower rate than it is collected, while holding the runoff in temporary storage for the purposes of infiltration, bioretention, and/or storage with beneficial use such as landscape irrigation.

Wind Energy System, Small (SWES): Wind energy system, generally consisting of a wind turbine, tower and ancillary equipment, that is used primarily to generate electricity on the property where the system is located.

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapters 10.12 and A.12 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance as follows:

10.12.030 and A.12.030—Property development regulations:
PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and 10.60.150/A.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64/A.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110/A.60.110
Refuse Storage Area	See Section 10.60.100/A.60.100
Outdoor Facilities	See Section 10.60.080/A.60.080
Screening of Mechanical Equipment	See Section 10.60.090/A.60.090
~~Solar-assisted Water Heating~~ Sustainable Development (Solar Assisted Water Heating, Green Roofs and Decks, Solar Energy Systems, and Small Wind Energy Systems)	See Section 10.60.140/A.60.140
Performance Standards	See Section 10.60.120/A.60.120
Nonconforming Structures and Uses	See Chapter 10.68/A.68
Signs	See Chapter 10.72/A.72
Condominium Standards	See Section 10.52.110/A.52.110
Minor Exceptions	See Section 10.84.120/A.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/A.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section 10.60.040/A.60.040
Landscaping	See Section 10.60.070/A.60.070
Accessory Structures	See Section 10.52.050/A.52.050
Exterior Materials	See Section 10.52.020/A.52.020
Home Occupation	See Section 10.52.070/A.52.070
Tree Preservation	See Section 10.52.120/A.52.120

E. **Setbacks:**

~~E.~~**1. Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3′). In the RM and RH Zones side setbacks need not exceed ten feet (10′), and on corner sides setbacks need not exceed five feet (5′).

~~(1)~~**Exceptions—Side Setbacks.** Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50′) in width need not provide side setbacks greater than five feet (5′) when developed with three (3) or more dwelling units.

2. 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.

3. Rear Setback:

(a) In Area Districts I and II, the rear setback (RS) shall be determined as follows: RS = 0.3 × (lot depth in feet)-20; provided that the minimum setback is twelve feet (12′).

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

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 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 three (3) times the minimum side setback; In Area Districts I and II the rear setback shall be two (2) times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be fifteen (15) feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9′) below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated (See "Roof, Green or Deck" Sections 10.04.030/A.04.030 and 10.60.140C/A.60.140C).

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.

O. **Required Landscaping Adjoining Streets.** At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section 10.60.070/A.60.070- Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070/A.60.070 may result in landscaping that exceeds the minimum requirements of this section.

10.12.050—RSC district development regulations.

K. **Landscaping.**

9. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

SECTION 4. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapter 10.20 of the Manhattan Beach Municipal Code as follows:

10.20.030—IP district: development regulations.

G. **Planting Areas.** In required front and corner-side yards, 12 feet adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. For site landscaping requirements, see Section 10.60.070, Landscaping, irrigation and hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

SECTION 5. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapter 10.44 of the Manhattan Beach Municipal Code as follows:

10.44.040—Building permits to conform to overlay district regulations.

K. Residential projects shall include planter boxes at the pedestrian level involving lots of two thousand five hundred (2,500) square feet (or more) along Highland Avenue. For additional site landscaping requirements, see Section 10.60.070, Landscaping, irrigation and hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

SECTION 6. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapters 10.52 and A.52 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance as follows:

10.52.050 and A.52.050—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 of this section.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42″) in height.
2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15′) in height.
3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8′) 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 (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13′) in height.
6. Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
   a. Retention/detention features installed entirely below local grade.
   b. Above grade retention/detention features may project a maximum of twelve inches (12”) into required side, rear, or building separation yards provided a five foot (5’) clearance from the property line is maintained.
   c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

   Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5′) of a property line provided it complies with the locational criteria of Section 10.52.040D/A.52.040D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5′) of said property lines.

H. Decks. No accessory structure deck or green roof/deck more than thirty inches (30″) or more in height shall be located in a required yard.

SECTION 7. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapters 10.60 and A.60 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance as follows:

10.60.040 and A.60.040—Building projections into required yards or required open space.

B. Uncovered porches, platforms, decks, green decks and landings, including access stairs thereto, which do not extend above the floor elevation of an adjoining portion of the first story: Three feet in a side or building separation yard, four feet (4') in a front yard and six feet (6') in a rear yard, provided that a two-foot (2') clearance from the property line is maintained. Open-work railing not to exceed three and one-half feet (3½') in height may be installed.

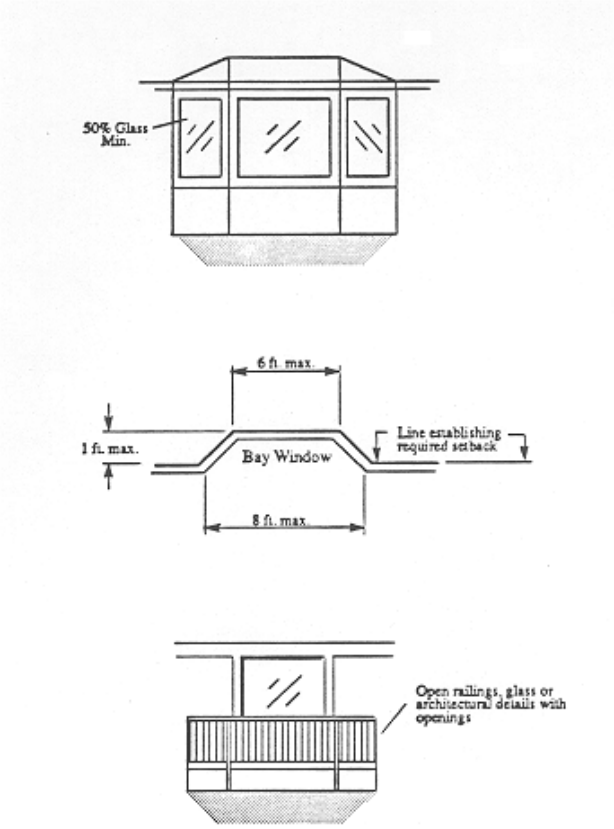
Exception. A zero foot (0') clearance shall be permitted from property lines adjoining numbered "walk streets," or unimproved public street or alley easements which are not open to vehicular use.

F. **Balconies and Bay Windows:** Balconies, including green roofs or decks, and bay windows may project into required yards and usable open space, subject to the following limitations:

1. The glass area of each bay window shall be not less than fifty percent (50%) of the sum of the vertical surfaces of such bay window.
2. The maximum length of each bay window shall be eight feet (8') at the line that establishes the yard setback and shall be reduced in proportion to the distance from such line by means of a forty-five-degree (45º) angle drawn inward from the end of the eight-foot (8') dimension, reaching a maximum of six feet (6') along a line that is one foot (1') from and parallel to the setback line. The total aggregate length of all bay windows on each level projecting into a required yard shall not exceed one-quarter (1/4) of the buildable length or buildable width of the lot, as the case may be.
3. No bay window shall project into an open area established by an inclined plane extending upward at forty-five-degree (45º) angle from a horizontal extension of the adjacent floor level. The intent of this requirement is to ensure that no floor area projects into a required yard.
4. Balconies, shall have open railings, glass or architectural details with openings to reduce visible bulk; balconies composed solely of solid enclosures are not allowed to project into required yards.
5. Balcony projections are allowed in either the required front and rear yard, but not both, provided the depth of projection into the required yard does not exceed three feet and the area does not exceed three feet (3') multiplied by one-half (1/2) of the buildable width of the lot, and a minimum two foot clearance to the property line is maintained.
   a. Exceptions for RM and RH Districts. Balcony projections are allowed in both the required front and rear yard for each dwelling unit to provide private open space. The aggregate area of all balcony projections for the entire lot within required yards shall not exceed three (3) times one-half (1/2) of the buildable width of the lot if all

balcony projections are located in either the front or rear yard, and three (3) times two-thirds (2/3) the buildable width of the lot if balconies are located in both the front and rear yards.

6. The aggregate length of all bay window, balcony, chimney, and stair projections into a required yard on a single building level, measured at the setback line, shall not exceed two-thirds (2/3) of the buildable width of the lot.
   a. Exception for Area Districts I and II. Balcony projections within eight feet (8') of local grade shall not be included in the aggregate length applicable to a single level.



BAY WINDOWS, ~~AND~~ BALCONIES, AND GREEN ROOFS/DECKS

J. **Stormwater and Greywater Retention/Detention Features.** Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:

a. Retention/detention features installed entirely below local grade.

b. Above grade retention/detention features may project a maximum of twelve inches (12”) into required side, rear, or building separation yards provided a five foot (5’) clearance from the property line is maintained.

c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

Exception. Stormwater and greywater retention/detention equipment may be located

within five feet (5′) of a property line provided it complies with the locational criteria of Section 10.52.040D/A.52.040D, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5′) of said property lines.

10.60.060 and A.60.060—Exceptions to height limits.

Exceptions to height limits. Vent pipes and radio and television antennas may exceed the maximum permitted height in the district in which the site is located by no more than ten feet (10′). Chimneys may exceed the maximum permitted height by no more than five feet (5′), provided the length and the width of the chimney portion exceeding the height limit shall not exceed three feet (3′) in width and five feet (5′) in length. Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12"). The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

10.60.070 and A.60.070—Landscaping, Irrigation, and Hydroseeding.

A. **General Requirement.** ~~Minimum~~ For new projects, projects over fifty percent (50%) in building valuation, or as required by the current California Model Water Efficient Landscape Ordinance, all site landscaping and ~~required~~ planting areas shall be installed in accord with the standards and requirements of this section, which shall apply to all projects including construction or exterior alterations of structures ~~with more than a total of two thousand five hundred (2,500) square feet of buildable floor area and covered parking area, except single-family residences and two-family dwelling units (duplexes)~~.

1. Landscape plans shall be prepared by a landscape designer, a licensed landscape architect or other qualified person, and submitted to the Community Development Department for approval prior to issuance of a building permit, and no significant or substantive changes to approved landscaping or irrigation plans shall be made without prior written approval by the Community Development Director and the landscape designer. Substantial changes shall require approval of the Planning Commission or Board of Zoning Adjustment, as appropriate, if these bodies granted approval of the project.
2. Evidence of completion of required landscaping and irrigation improvements shall be supplied to the Community Development Department on a Landscape Certification form. This form shall be required to be submitted prior to issuance of an occupancy permit for new construction unless an extension of up to one (1) year has been granted by the Community Development Director. For projects consisting primarily of additions to or remodeling of existing buildings for which landscaping is required, a deferred completion agreement may be executed prior to issuance of the building permit. The agreement shall guarantee installation of the landscape and any irrigation improvements within one (1) year or prior to occupancy, whichever occurs first.
3. A maximum of twenty percent (20%) of the total landscaped area on private property, parkways, and encroachment areas may be plants of high water use per Region 3 of Water Use Classification of Landscape Species (WUCOLS). When calculating lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size. This requirement may be met

as follows:

a. For parcels 7,500 square feet or less:

1. Submittal of a Standardized Water Budget Worksheet per WUCOLS or;

2. Submittal of design and calculations prepared by a licensed landscape architect.

b. For parcels 7,500 square feet or greater:

1. Submitting a design and calculations prepared by a licensed landscape architect.

Exceptions.

1. Sites entirely irrigated by non-potable water.

2. Administrative exception for special circumstances or undue hardship as determined by the Director of Community Development.

3. Projects with no exterior site work, landscaping, hardscaping, or similar improvements.

10.60.140 and A.60.140~~—Solar-assisted water heating.~~ Sustainable Development.

A. **Solar-assisted water heating.** To promote energy conservation, installation of plumbing for future solar-assisted water heating systems shall be required in all new residential and commercial construction and in major alterations and additions to residential and commercial structures when the total estimated cost of the enlargement or alteration exceeds fifty percent (50%) of the total estimated cost of reconstructing the structure.

B. **Stormwater Retention/Treatment.** For additional Municipal National Pollutant Discharge Elimination System (NPDES) or current Municipal stormwater permit requirements, see Section 5.84.

C. **Green Roofs and Decks.**

1. A green roof or deck may be located only where decks and balconies are allowed.

2. All planting materials on green roofs and decks may not exceed the maximum allowed height of structure permitted by the development standards of the base district.

Exception. Green roofs that are used solely as a roof and designed in a manner that prohibits usability as a deck may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated (See "Roof, Green or Deck" definition).

D. **Solar Energy Systems.** Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12"). The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

E. **Small Wind Energy Systems (Turbines).** Small Wind Energy Systems (SWES) are permitted in all districts subject to the following standards and procedures:

1. **Development Standards.** The following minimum requirements and standards shall apply to SWES:

a. System type and location.

1. The SWES shall comply with the definition of Small Wind Energy System in Section 10.04.030/A10.04.030.

2. Where feasible, ancillary SWES equipment shall be located inside a building or screened from public view in a manner compatible with the site.

b. The SWES shall not exceed the applicable height limit as defined in Sections

10.12.030/A.12.030, 10.16.030/A.16.030, 10.20.030, and 10.60.050/A.60.050.

c. Setbacks and Clearances.

1. The SWES shall comply with the setbacks applicable to the zone in which the SWES is located, provided that a greater setback may be required to reduce impacts to adjacent parcels.
2. No portion of a blade when fully operational shall extend within ten (10) feet of finished grade or a property line, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity, or conflict with the zone in which the property is located.
3. A minimum clearance of ten (10) feet shall be maintained between any tower or blade and any structure, tree, utility line, or similar object, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity.
4. The SWES shall not inhibit or interfere with emergency vehicle or structure access, fire escapes, exits, standpipes, or other Fire Department requirements as determined by the Fire Department.
5. Every SWES shall be designed so that no ladder or other means of climbing a tower is located within twelve (12) feet of the finished grade or accessible space.
6. Guy wires or other rough appurtenances shall not be visible unless deemed to be appropriate and necessary by the Director of Community Development.
7. The SWES shall be equipped with manual and automatic over-speed protection controls so that blade rotation speed does not exceed the system's design limits.
8. An on-grid SWES shall be designed to automatically turn off when on-grid connection is lost or the batteries are fully charged.
9. All on-grid SWES shall be approved by the applicable utility prior to installation.
10. Electrical poles, wires and other items required to convey power generated by a SWES to the public utility grid shall be installed underground.
11. The SWES shall comply with the requirements of Section 5.48—Noise Regulations, except during short-term events such as utility outages and severe wind storms.
12. The SWES shall not bear any signs or advertising devices other than certifications, public safety warnings, or other seals or signage required by law.
13. No lighting shall be placed upon, attached to, or in any way illuminate a SWES unless required by law. Any required lighting shall be designed and located to reduce impacts to properties in the vicinity to the maximum extent allowed by law as determined by the Community Development Director.

d. Maintenance and removal.

1. The SWES shall at all times be operated and maintained in accordance with manufacturer's requirements, the requirements of this section, and all applicable laws. In no case shall the condition or operation of the SWES pose noise, safety, or other adverse effects to the site, or persons, improvements or properties in the vicinity.
2. The Community Development Director may require the SWES to be removed

from the property if the Director determines that the SWES has been inoperable, or has ceased to operate, for twelve (12) consecutive months or more.

2. **Submittal Requirements—All SWES Applications.** Applications for all SWES shall be initiated by submitting the following materials to the Community Development Department.

a. A completed Master 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.

b. Written statements to support the standards, required findings and, criteria of this Code section.

c. A vicinity map showing the location and street address of the development site.

d. 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 three hundred feet (300′) of the boundaries of the property; and

e. 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 three hundred feet (300′) of the boundaries of the property. This list shall be keyed to the map required by subsection (d) of this subsection and shall be accompanied by mailing labels.

3. **Notice to Property Owners.** After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners as provided in subsection 2 of this section. 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.

4. **Director's Review and Action**

a. **Notice of Decision.** After the commenting deadline date, and within thirty (30) days of receipt of a completed application, the Director of Community Development shall approve, conditionally approve, or deny the application. The Director shall send the applicant a letter stating the reasons for the decision under the authority for granting or denying the SWES, as provided by the applicable sections of this chapter. The letter also shall state that the Director's decision is appealable under the provisions of subsection 6 of this section.

b. **Request for Planning Commission Action.** At the Community Development Director’s discretion, review and action may be deferred to the Planning Commission.

c. **Findings.** In making a determination, the Community Development Director or Planning Commission shall be required to make the following findings:

1. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to light, air, noise, and views.

2. 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, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

3. The installation of the SWES is primarily to reduce on-site consumption of

electricity.

4. The proposed SWES will not produce or result in noise levels exceeding the requirements of Section 5.48—Noise Regulations.

5. **Conditions of Approval.** In approving a SWES application, the Director or Planning Commission may impose reasonable conditions necessary to:

a. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the SWES will be located, or to be consistent with the General Plan;

b. Protect the public health, safety, and general welfare.

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

SECTION 8. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapters 10.64 and A.64 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance as follows:

10.64.100 and A.64.100—Application of Dimensional Requirements.

C. **Vertical Clearance.** Vertical clearance for parking spaces shall be an unobstructed headroom clearance of not less than seven feet (7′) above the finish floor to any ceiling, beam, pipe, vent, mechanical equipment or similar construction, except that automatic garage door opening equipment and the garage door entrance may be 6.67 feet. For storage ~~purposes~~ (not including mechanical equipment) and vehicle refueling purposes for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, ~~or~~ cabinets, or alternative-fuel vehicle charging systems may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front five feet (5′) of a parking space.

SECTION 9. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapters 10.68 and A.68 of the Manhattan Beach Municipal Code and the Coastal Zone Zoning Ordinance as follows:

10.68.020 and A.68.020—Continuation and Maintenance.

D. Routine maintenance and repairs may be performed on a structure, the use of which is nonconforming; and on a nonconforming structure. Exterior nonconforming elements including, but not limited to: stairways, decks, balconies, green roofs or decks, chimneys, fences, and retaining walls may be replaced in their entirety, if, upon finding in a report prepared by a State of California licensed civil engineer, that, due to a deteriorated condition, such structures are unsafe, and routine repair is infeasible.

I. Lots Without Vehicular Access. Residential buildings on lots with no vehicular access to public streets constitute nonconforming uses and may not be altered or enlarged except in accordance with the provisions of this section. Such buildings may be altered as follows:

1. Interior improvement repairs consistent with all applicable building regulations.

2. Additions of exterior architectural features such as a fireplace, chimney, balcony, green roof or deck, or bay window, subject to Section 10.60.040, Building projections in yards and required open space.

SECTION 10. 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 11. 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.

SECTION 12. 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 March 9, 2011 and that said Resolution was adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

RICHARD THOMPSON
Secretary to the Planning Commission

_____

SARAH BOESCHEN
Recording Secretary

CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Planning Commission

THROUGH: Laurie B. Jester, Acting Director of Community Development

FROM: Esteban Danna, Assistant Planner
Carol Jacobson, Building Official

DATE: September 8, 2010

SUBJECT: Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan.

RECOMMENDATION

Staff recommends that the Planning Commission **ACCEPT A PRESENTATION** from the Sustainable "Green" Building Subcommittee, **HOLD A PUBLIC HEARING**, and **CONTINUE DISCUSSING** amendments to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program (LCP) to incorporate a comprehensive set of Sustainable Building Measures as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force.

BACKGROUND

At its regular meeting of August 25, 2010, the Planning Commission decided to continue the public hearing to its regular meeting on September 8, 2010 due to time constraints as a result of the time when discussion for the item would have started. Upon review of the August 25 staff report, Staff has made several revisions to the staff report and Draft Planning Commission Code Amendments (Exhibit A). These revisions are shown with double strikethrough or double underlines on pages 4 and 6 in the staff report and pages 10, 11, and 12 of Exhibit A.

At its regular meeting of July 14, 2010, the Planning Commission held a public hearing and discussed upcoming amendments to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program (LCP) as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force. The Planning Commission asked Staff to return with more information in order to continue the discussion. Many of the questions posed by the Planning Commission at that meeting are addressed in this report. The Sustainable "Green" Building Subcommittee will provide a presentation at the Planning Commission meeting to further address questions and provide a dialog for Planning Commission discussion. The role of the Planning Commission is to review the proposed amendments, provide comments, and provide a forum for public participation.

EXHIBIT C
PC Mtg. 3/9/11

The Sustainable "Green" Building Subcommittee and the Environmental Task Force recommended sustainable measures in five different areas of construction that are typically used in green building rating systems. Of the subcommittee's five areas of recommendations, three require the amendment of Title 10 Planning and Zoning in the MBMC and the LCP as follows:

1. **Site Sustainability**
   a. Stormwater Retention Design-Low Impact Development and Best Management Practices
   b. Green Roofs and Decks
2. **Water Efficiency/Water Use Reduction**
   a. Landscaping and Irrigation
   b. Plumbing Fixtures
3. **Energy**
   a. Renewable Energy

ENVIRONMENTAL DETERMINATION

Pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, portions of the subject amendments are exempt in that 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. Portions not covered by the aforementioned exemption are Categorically Exempt, Class 8, Section 15308 in the CEQA Guidelines.

DISCUSSION

1. Site Sustainability Recommendations

Stormwater Retention Design – Low Impact Development and Best Management Practices

The goal of the proposed amendment is to design water runoff mitigation measures to achieve zero discharge for ¾" rainfall in a 24 hour period. This can be achieved through the measures detailed below. This measure will meet minimum State requirements for commercial development and exceed State requirements for residential development.

1a.	**Application**	• All new construction • Major renovations (over 50% valuation) • Single and Multi-family Residential • Non-residential • Municipal
	Measures	Parcels 7,500 square feet or less • Maximum of 20% non-permeable surfaces for required yards/setbacks, parkway (MBMC 7.32), & encroachment areas (MBMC 7.36) • Run-off from non-permeable surfaces (e.g., roofs, parking) to be directed to permeable areas and/or approved retention features (grey water, captured rain storage, and other systems). Administrative flexibility is necessary for location approval of retention systems. • Option to show compliance by submitting design by licensed Civil Engineer or Landscape Architect per California Stormwater Quality Association's Best Management Practices Handbook & US Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) Parcels greater than 7,500 square feet • Design by licensed Civil Engineer or Landscape Architect per California Stormwater Quality Association's Best Management Practices Handbook & EPA's NPDES • Run-off from non-permeable surfaces (e.g., roofs, parking) to be directed to permeable areas and/or approved retention features (grey water, captured rain storage, and other systems). Administrative flexibility is necessary for location approval of retention systems.
	Purpose/ Benefit	• Reduce runoff and discharge of pollutants • Meet or exceed municipal discharge requirements

These revisions are shown (Exhibit A) in MBMC Sections 10.04.030, 10.12.030 (Property Development Standards Chart and Subsections E and R), 10.12.040 (Subsection B), 10.12.050 (Subsection F), 10.16.030 (Subsection C), 10.20.030 (Development Regulations Chart and Subsection K), 10.52.050 (Subsection B), 10.60.040 (Subsection J), and 10.60.140 (Subsection B). These revisions are also shown in Local Coastal Program Sections A.04.030, A.12.030, A.12.040, A.12.050, A.16.030, A.20.030, A.52.050, A.60.040, and A.60.140.

The Planning Commission requested more information on non-permeable soils, where they are located in the City, and what other cities are doing. The most common impermeable soil is clay soil. This type of soil is very dense, drains very slowly, and it is difficult for plant roots to thrive. In Manhattan Beach, the clay soil tends to be East of Sepulveda. Through regular soils report reviews, the City's Building Engineers have

found that the degree of impermeability in Manhattan Beach soils do not present a significant drainage problem.

There are not normally any actions taken by municipalities to change the clay soil because it is just a part of the geology of the area. In order to increase drainage and improve the structure of the soil, homeowners can apply organic matter to the soil. This will create more space between the clay particles and will increase drainage and allow plants to thrive.

The Commission expressed interest in pursuing the uncovered permeable parking lot concept for commercial areas. The use of pervious concrete would be the simplest solution to this issue as it is highly effective at allowing water to pass through it, but still functions like normal concrete or pavement. As a result of the high-traffic conditions of commercial parking lots, gravel or turf block products such as Grasscrete is not optimal but acceptable in some cases.

For properties located in Commercial districts, Staff proposes to require a minimum of fifty percent (50%) of the parking area to be paved with pervious surfaces for new projects or projects that exceed fifty percent (50%) of the existing improvement. The areas designated for pervious parking should work in conjunction with a stormwater management system. These requirements are added to subsection B of the new Sustainable Development section of the proposed code amendment (10.60.140B).

Green Decks and Roofs

A green deck or roof is a surface that supports the growth of vegetation over a portion of its area generally for the purpose of water and/or energy conservation. Green roofs provide a means to decrease stormwater runoff into the public system as well as provide building insulation and improved aesthetics. While balancing height, views, and safety concerns, the recommendation to amend Title 10 Planning and Zoning provides administrative flexibility for green decks and roofs and is consistent with the 2009-2010 City Council Work Plan. This measure is not a State requirement.

1b.	**Application**	• All new construction • Major renovations (over 50% valuation) • Single and Multi-family Residential • Non-residential • Balcony/deck/ roof remodels
	Measures	• Treated as other decks and balconies for height and setbacks • Director may approve green roofs on top of roof level if it is not usable as a deck, and if safety, maintenance, slope, and access issues are mitigated
	Purpose/ Benefit	• Reduce stormwater runoff in public system • Filter pollution • Increase thermal and acoustical insulation • Decreased need for air conditioning and other energy consumption

These revisions are shown (Exhibit A) in MBMC Sections 10.04.030, 10.12.030 (Subsection H), 10.52.050 (Subsection H), 10.60.040 (Subsections B, F, and J), 10.60.140 (Subsection C), and 10.68.020 (Subsection D and I). These revisions are also shown in the Local Coastal Program Sections A.04.030, A.12.030, A.60.040, A.60.140, and A.68.020.

The Planning Commission expressed concerns on how a green roof would comply with the maximum allowed height limit. The growing medium for a green roof is relatively shallow (typically just a few inches) and therefore can only support plants with limited height, such as grasses and ground cover. A landscape plan would also be required for green roofs to ensure appropriate plant material. Staff had the opportunity to meet with vendors and discuss typical installation and potential green roof uses in Manhattan Beach, and their input has been incorporated into the proposed regulations.

2. Water Efficiency/Water Use Reduction Recommendations

The intent of the recommendation is to design irrigation to meet requirements for region 3 (which includes Manhattan Beach) per Water Use Classification of Landscape Species (WUCOLS). WUCOLS is a publication designed to assist in the design of more water efficient landscaping in California. This measure will meet minimum California Model Water Efficient Landscape Ordinance requirements for commercial development and exceed the requirements for residential development.

Landscaping and Irrigation

2a.	**Application**	• All new construction • Major renovations (over 50% valuation) • Single & Multi-family Residential • Non-residential • Municipal
	Measures	• Maximum of 20% of the landscaped area (private property, public parkways, & encroachment areas) may be high water use, such as grass • Small lots of 7,500 square feet or less may use standardized water budget worksheet per WUCOLS or may provide licensed landscape architect design and calculations • Lots over 7,500 square feet must provide licensed landscape architect design and calculations Exceptions: • Director may allow administrative exemptions for hardship or special circumstances • Sites irrigated with non-potable water are exempt • Projects with no exterior site work
	Purpose/ Benefit	• Estimated 20% reduction of water usage • Estimated 20% reduction of runoff discharge • Meet or exceed compliance with California Model Water Efficient Landscape Ordinance

These revisions are shown (Exhibit A) in MBMC Sections 10.12.030 (Subsection O), 10.12.050 (Subsection K), 10.20.030 (Subsection G), 10.44.040 (Subsection K), and 10.60.070. These revisions are also shown in the Local Coastal Program Sections A.12.030, A.12.050, A.20.030, A.44.040, and A.60.070.

The Commission was interested in knowing what the State requirements are and how the City is meeting these requirements. The State of California requires that a water budget be developed for landscape irrigation that conforms to the local water efficient landscape ordinance or to the California Department of Water Resources Model Water Efficient Landscape Ordinance and where no local ordinance is applicable.

The State also requires a reduction in use of potable water. This includes water efficient landscape irrigation design that reduces the use of potable water ~~by 50 percent beyond the initial requirements~~ for plant installation and establishment. Calculations for the reduction shall be based on the developed water budget. Manhattan Beach proposes to meet these requirements by allowing only a maximum of 20% of the landscaped area to be high water use and by promoting systems such as grey water and other water recycling systems.

The Commission was also interested in knowing what the average water use per person is in Manhattan Beach compared to the average Los Angeles County resident. Per capita water consumption in Manhattan Beach is 98.67 gallons/day, which is 22% lower than the average per capita water consumption in Los Angeles County, which is 126.5 gallons/day.

Plumbing Fixtures

The Sustainable Building Subcommittee's recommendation for plumbing fixtures mainly focuses on water efficient toilets and other water efficient fixtures that are addressed in the Title 9 Building Regulation amendment recommendations. However, Title 10 is amended as the recommendation addresses exterior decorative water features. Limiting fountain surface area is not a State requirement, but the Green Building Subcommittee felt limitations were appropriate as areas with large water surfaces have high water evaporation rates. Swimming pools would not be affected by the proposed regulations.

2b.	**Application**	• All new construction • Major renovations (over 50% valuation) • Single & Multi-family Residential • Non-residential
	Measures	• Residential and Non-residential fountains, ponds max 25 square-foot footprint with water recirculation system unless using non-potable water; no fountain overspray
	Purpose/ Benefit	• Estimated 20% reduction water usage • Meet or exceed City Water Conservation Ordinance and California Green Building Standards

These revisions are shown (Exhibit A) in Sections 10.52.050 (Subsection K) and 10.60.140 (Subsection D). These revisions are also shown in the Local Coastal Program Sections A.52.050 and A.60.140.

Staff discussed the use of non-potable water in decorative water features with representatives from West Basin Municipal Water District and Los Angeles County Public Health Department. They concluded that the use of reclaimed water may be acceptable pending review and treatment.

3. Energy Recommendations

Renewable Energy

The renewable energy recommendations revise Title 10 of the Manhattan Beach Municipal Code to allow administrative approval of solar energy systems not exceeding a maximum of 12" over the maximum allowed height limit in order to meet State regulations. Renewable energy recommendations also discuss wind energy systems. Because there are many concerns regarding the viability of current technology as well as height, view, location, and noise concerns, the Subcommittee recommends that wind turbines be considered through the public noticing process. These measures are not State requirements.

3a.	**Application**	All new applications for renewable energy production
	Measures	Solar energy systems • Continue to waive fees • Allow 12" over height if needed to meet Solar Rights Act • Director may exempt height restrictions where fire-life safety, and access issues are mitigated Wind turbines • Allowed within building footprint • Public hearing for other locations
	Purpose/ Benefit	Encourage or facilitate renewable energy

These revisions are shown (Exhibit A) in Sections 10.04.030, 10.60.060, and 10.60.140 (Subsections E and F). These revisions are also shown in the Local Coastal Program Sections A.04.030, A.60.060, and A.60.140.

The Planning Commission raised several questions regarding the proposed renewable energy measures. Specifically, the Commission had concerns with visual pollution and view impacts as a result of the installation of photovoltaic panels and Small Wind Energy Systems (SWES). There are several companies that produce alternative and visually appealing designs to photovoltaic panels and small wind energy systems that can be integrated into the architecture.

The Commission was interested in learning how other jurisdictions approach photovoltaic panel heights. Neither Redondo Beach nor El Segundo regulate solar panel heights. Santa Monica will allow solar panels to extend up to five feet above the height limit. Proposed solar panels can go to an architecture review board for approval if additional height is requested.

The Commission was also interested in learning how other jurisdictions approach SWES noise concerns. Most wind turbines that would be used in an urban setting are smaller and create much less noise than commercial scale turbines. Many residential wind turbines are Vertical Axis Wind Turbines (VAWT). These produce very little noise, ranging from being totally silent to producing up to 20 decibels. The Cities of San Diego and Santa Monica do not have a noise limit specifically for wind turbines. If a neighbor files a noise complaint as a result of a wind turbine it is enforced similarly to any other noise complaint regardless of the source.

Additionally, in the interest of encouraging energy conservation and alternative energy solutions, Staff proposes to allow alternative-fuel vehicle recharging stations to project into the required parking clearance for enclosed garages up to five feet, as long as a 4.5-foot vertical clearance is maintained. These dimensions are the current allowed parking clearance projections of non-structural storage as detailed in Section 10.64.100 (C).

CONCLUSION

Staff recommends that the Planning Commission accept the Sustainable "Green" Building Subcommittee presentation, hold a public hearing, and continue discussing amendments to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program (LCP) to incorporate a comprehensive set of Sustainable Building Measures as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force. The purpose of the Planning Commission meeting is to review the proposed amendments, provide comments, and provide a forum for public participation. When the Planning Commission adopts a resolution, the recommendations will be forwarded to the City Council for final action.

Exhibits:
A. Draft Planning Commission Code Amendments
B. Staff Report, dated July 14, 2010
C. Planning Commission Minutes, dated July 14, 2010
D. Public Notice
E. Correspondence

Draft Planning Commission Code Amendments—September 8, 2010

10.04.030 and A.04.030—Definitions

Grey Water Devices: A system designed to collect greywater and transport it out of the structure which may include tanks, valves, filters, pumps, or other appurtenances along with piping.

Permeable Surface: an uncovered finish grade surface such as a driveway, walkway, or patio constructed with pervious materials allowing stormwater to directly infiltrate the underlying soils and contained so neither sediment nor the water discharges off the site.

Pools, Swimming and Hot Tubs: Water-filled enclosures having a depth of eighteen inches (18″) or more used for swimming or recreation (See "Fountains, Ponds, and Decorative Water Features" definition).

Roof/Deck, Green: A roof or deck/balcony surface that is partially or totally planted with vegetation that is over a waterproof membrane generally for the purpose of water or energy conservation.

Solar Energy System: A combination of solar collector(s) and ancillary solar equipment used to generate electricity or heat water primarily for consumption on the property where the system is located, or where multiple consumers or exceptional circumstances exist, on an adjoining property.

Stormwater Retention/Detention Feature: a device or system of improvements that capture and subsequently release stormwater runoff from a site at a slower rate than it is collected, while holding the runoff in temporary storage.

Water Features, Decorative: an ornamental/decorative water feature or structure such as fountains and ponds generally having a depth of eighteen inches (18″) or less not designed or intended for swimming or recreation (See "Swimming Pools and Hot Tubs" definition).

Wind Energy System, A small (SWES): Wind energy system, generally consisting of a wind turbine, tower and ancillary equipment, that is used primarily to reduce consumption of utility power on the site.

EXHIBIT A
PC Hg. 9/8/10

10.12.030 and A.12.030—Property development regulations:
PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Lot Dimensions							
Area (sq. ft.)							(A)(B)(C)(K)
Minimum	7,500	7,500	7,500	4,600	4,600	4,600	
Maximum	15,000	15,000	15,000	10,800	10,800	10,800	
Width (ft.)							
Minimum	50	50	50	40	40	40	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(E)(T)
Side (percentage-ft.)	10%-3 min.	10%-3;10	10%-3;10	10%- 3 min.	10%-3;10	10%-3;10	(D)(E)(F)
Corner Side (percentage-ft.)	10%-3;5	10%-3;5	10%-3;5	10%-3;5	10%-3;5	10%-3;5	(D)(E)(T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	26	26	30	26	26	30	(H)(P)
Maximum Buildable Floor Area							(I)
Lot Area (Sq. Ft.)							
7,500 or less		1.0	1.2		1.0	1.2	
More than 7,500		2250 +0.7	2250 + 0.9		2250 +0.7	2250 +0.9	
4,800 or less	0.7			0.7			
More than 4,800	240 +0.65			240 +0.65			
Minimum Lot Area per Dwelling Unit (sq. ft.)	7,500	3,750	1,000	4,600	2,300	1,000	(A)

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Minimum Lot Dimensions					
Area (sq. ft.)	2,700	2,700	2,700	2,700	(A)(B)(C)(J)
Width (ft.)	30	30	30	30	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D)(E)(G)
Side (percentage-ft.)	10%- 3 min.	10%-3;10	10%-3;10	10%-3;10	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)(E)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	30	30	30	30	(H)(P)
Maximum Buildable Floor Area					
Lot Area (Sq. Ft.)	1.6	1.6	1.7	1.7	(I)
Minimum Lot Area per Dwelling Unit (sq. ft.)	1,700	1,350	850	850	(J)(A)

E. **Setbacks:**

All required yards shall provide permeable surfaces as required in Sections 7.32, 7.36 and 10.60.140B.

~~E.~~**1. Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3′). In the RM and RH Zones side setbacks need not exceed ten feet (10′), and on corner sides setbacks need not exceed five feet (5′).

~~(1)~~**Exceptions—Side Setbacks.** Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50′) in width need not provide side setbacks greater than five feet (5′) when developed with three (3) or more dwelling units.

2. 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.

3. Rear Setback:

(a) In Area Districts I and II, the rear setback (RS) shall be determined as follows: RS = 0.3 × (lot depth in feet)-20; provided that the minimum setback is twelve feet (12′).

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

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 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 three (3) times the minimum side setback; In Area Districts I and II the rear setback shall be two (2) times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be fifteen (15) feet. The surface elevation of any deck or balcony shall be no higher than nine feet (9′) below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated (See "Roof, Green or Deck" Sections 10.04.030 and 10.60.140C).

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.

O. **Required Landscaping Adjoining Streets.** At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section 10.60.070-Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

R. **Building Separation.**

1. The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10'). For permitted projections within said building separation yards, see Section 10.60.040, Building projections into yards.
2. All required yards shall provide permeable surfaces as required in Section 10.60.140B.

10.12.040—RPD district development regulations.

B. **Development Standards.**

5. **Minimum Building Setbacks for Single-Family Dwellings and Accessory Structures.** All required yards shall provide permeable surfaces as required in Sections 7.32, 7.36, and 10.60.140B.
6. **Minimum Building Setbacks for Attached or Cluster Multifamily Dwellings:** All required yards shall provide permeable surfaces as required in Sections 7.32, 7.36, and 10.60.140B.

10.12.050—RSC district development regulations.

F. **Minimum Yards and Building Setbacks.** Minimum yards and setbacks shall not be less than those required in the RH district for the area district in which the development is proposed. All required yards shall provide permeable surfaces as required in Sections 7.32, 7.36, and 10.60.140B.

K. **Landscaping.**

9. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

10.16.030 and A.16.030—CL, CC, CG, CD, and CNE districts: development regulations.

C. See Section 10.60.040, Building projections into yards and required open space. Double-frontage lots shall provide front yards on each frontage. All required yards shall provide permeable surfaces as required in Sections 7.32, 7.36, and 10.60.140B.

10.20.030—IP district: development regulations.
IP DISTRICT: DEVELOPMENT REGULATIONS

	IP	Additional Regulations
Minimum Lot Area (sq. ft.)	40,000	(A)(B)
Minimum Lot Width (ft.)	150	(A)(B)
Minimum Setbacks		(A)(C)(D)(K)
Front (ft.)	25	
Side (ft.)	15	
Corner Side (ft.)	20	
Rear (ft.)	15	
Maximum Height of Structures (ft.)	99	(E)(F)
Maximum Floor Area Factor (FAF)	1.0	
Minimum Site Landscaping	10%	(G)(H)
Fences and Walls		(I)(J)
Off-Street Parking and Loading	See Chapter 10.64.	
Outdoor Facilities	See Section 10.60.080.	(J)
Screening of Mechanical Equipment	See Section 10.60.090.	(J)
Refuse Storage Area	See Section 10.60.100.	
Underground Utilities Performance Standards	See Section 10.60.120.	
Nonconforming Uses and Structures	See Chapter 10.68.	
Signs	See Chapter 10.72.	

G. **Planting Areas.** In required front and corner-side yards, 12 feet adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. For site landscaping requirements, see Section 10.60.070, Landscaping, irrigation and hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

K. All required yards shall provide permeable surfaces as required in Sections 7.32, 7.36, and 10.60.140B.

10.44.040 and A.44.040—Building permits to conform to overlay district regulations.

K. Residential projects shall include planter boxes at the pedestrian level involving lots of two thousand five hundred (2,500) square feet (or more) along Highland Avenue. For additional site landscaping requirements, see Section 10.60.070, Landscaping, irrigation and hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

10.52.050 and A.52.050—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 of this section.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42″) in height.
2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15′) in height.
3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8′) 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 (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13′) in height.
6. Stormwater retention/detention features and grey water devices may be located in required side, rear, or building separation yards as follows:
   a. Retention/detention features installed entirely below grade.
   b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five foot (5') clearance from the property line is maintained.
   c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

H. Decks. No accessory structure deck or green roof/deck more than thirty inches (30″) or more in height shall be located in a required yard.

K. Fountains, Ponds, and Decorative Water Features. See Section 10.60.140D for additional requirements.

10.60.040 and A.60.040—Building projections into required yards or required open space.

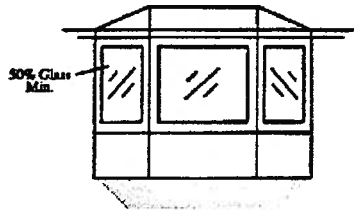
B. Uncovered porches, platforms, decks, green decks and landings, including access stairs thereto, which do not extend above the floor elevation of an adjoining portion of the first story: Three feet in a side or building separation yard, four feet (4') in a front yard and six feet (6') in a rear yard, provided that a two-foot (2') clearance from the property line is maintained. Open-work railing not to exceed three and one-half feet (3½') in height may be installed.

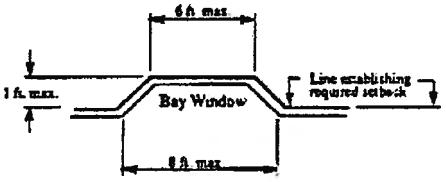
Exception: A zero foot (0') clearance shall be permitted from property lines adjoining numbered "walk streets," or unimproved public street or alley easements which are not open to vehicular use.

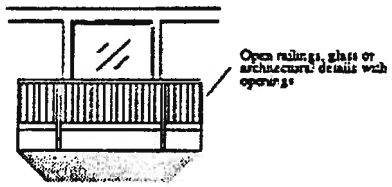
F. **Balconies and Bay Windows:** Balconies, including green roofs/decks, and bay windows may project into required yards and usable open space, subject to the following limitations:

1. The glass area of each bay window shall be not less than fifty percent (50%) of the sum of the vertical surfaces of such bay window.
2. The maximum length of each bay window shall be eight feet (8') at the line that establishes the yard setback and shall be reduced in proportion to the distance from such line by means of a forty-five-degree (45°) angle drawn inward from the end of the eight-foot (8') dimension, reaching a maximum of six feet (6') along a line that is one foot (1') from and parallel to the setback line. The total aggregate length of all bay windows on each level projecting into a required yard shall not exceed one-quarter (1/4) of the buildable length or buildable width of the lot, as the case may be.
3. No bay window shall project into an open area established by an inclined plane extending upward at forty-five-degree (45°) angle from a horizontal extension of the adjacent floor level. The intent of this requirement is to ensure that no floor area projects into a required yard.
4. Balconies, shall have open railings, glass or architectural details with openings to reduce visible bulk; balconies composed solely of solid enclosures are not allowed to project into required yards.
5. Balcony projections are allowed in either the required front and rear yard, but not both, provided the depth of projection into the required yard does not exceed three feet and the area does not exceed three feet (3') multiplied by one-half (1/2) of the buildable width of the lot, and a minimum two foot clearance to the property line is maintained.
   a. Exceptions for RM and RH Districts. Balcony projections are allowed in both the required front and rear yard for each dwelling unit to provide private open space. The aggregate area of all balcony projections for the entire lot within required yards shall not exceed three (3) times one-half (1/2) of the buildable width of the lot if all balcony projections are located in either the front or rear yard, and three (3) times two-thirds (2/3) the buildable width of the lot if balconies are located in both the front and rear yards.
6. The aggregate length of all bay window, balcony, chimney, and stair projections into a required yard on a single building level, measured at the setback line, shall not exceed two-thirds (2/3) of the buildable width of the lot.

a. Exception for Area Districts I and II. Balcony projections within eight feet (8') of local grade shall not be included in the aggregate length applicable to a single level.







BAY WINDOWS, ~~AND~~ BALCONIES, AND GREEN ROOFS/DECKS

J. **Stormwater and Greywater Retention/Detention Features.** Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:

a. Retention/detention features installed entirely below local grade.

b. Above grade retention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five foot (5') clearance from the property line is maintained.

c. Other retention feature locations may be approved at the discretion of the Community Development Director.

10.60.060 and A.60.060—Exceptions to height limits.

Exceptions to height limits. Vent pipes and radio and television antennas may exceed the maximum permitted height in the district in which the site is located by no more than ten feet (10′). Chimneys may exceed the maximum permitted height by no more than five feet (5′), provided the length and the width of the chimney portion exceeding the height

limit shall not exceed three feet (3') in width and five feet (5') in length. Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12"). The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

10.60.070 and A.60.070—Landscaping, Irrigation, and Hydroseeding.

A. **General Requirement.** ~~Minimum~~ For new projects, projects over fifty percent (50%) in building valuation, or as required by the current California Model Water Efficient Landscape Ordinance, all site landscaping and ~~required~~ planting areas shall be installed in accord with the standards and requirements of this section, which shall apply to all projects including construction or exterior alterations of structures ~~with more than a total of two thousand five hundred (2,500) square feet of buildable floor area and covered parking area, except single family residences and two family dwelling units (duplexes)~~.

1. Landscape plans shall be prepared by a landscape designer, a licensed landscape architect or other qualified person, and submitted to the Community Development Department for approval prior to issuance of a building permit, and no significant or substantive changes to approved landscaping or irrigation plans shall be made without prior written approval by the Community Development Director and the landscape designer. Substantial changes shall require approval of the Planning Commission or Board of Zoning Adjustment, as appropriate, if these bodies granted approval of the project.
2. Evidence of completion of required landscaping and irrigation improvements shall be supplied to the Community Development Department on a Landscape Certification form. This form shall be required to be submitted prior to issuance of an occupancy permit for new construction unless an extension of up to one (1) year has been granted by the Community Development Director. For projects consisting primarily of additions to or remodeling of existing buildings for which landscaping is required, a deferred completion agreement may be executed prior to issuance of the building permit. The agreement shall guarantee installation of the landscape and any irrigation improvements within one (1) year or prior to occupancy, whichever occurs first.
3. A maximum of twenty percent (20%) of the total landscaped area on private property, parkways, and encroachment areas may be plants of high water use per Region 3 of Water Use Classification of Landscape Species (WUCOLS). When calculating lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size. This requirement may be met as follows:

a. For parcels 7,500 square feet or less:

1. Submittal of a Standardized Water Budget Worksheet per WUCOLS or;
2. Submittal of design and calculations prepared by a licensed landscape architect.

b. For parcels 7,500 square feet or greater:

1. Submitting a design and calculations prepared by a licensed landscape architect.

Exceptions

1. Sites entirely irrigated by non-potable water.
2. Administrative exception for special circumstances or undue hardship as

determined by the Director of Community Development.

3. Projects with no exterior site work, landscaping, hardscaping, or similar improvements.

10.60.140 and A.60.140—~~Solar-assisted water heating.~~ Sustainable Development.

A. **Solar-assisted water heating.** To promote energy conservation, installation of plumbing for future solar-assisted water heating systems shall be required in all new residential and commercial construction and in major alterations and additions to residential and commercial structures when the total estimated cost of the enlargement or alteration exceeds fifty percent (50%) of the total estimated cost of reconstructing the structure.

B. **Stormwater and Greywater Retention/Detention Design.** For new projects, projects over fifty percent (50%) in building valuation, or as required by the most current municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit, all stormwater runoff from non-permeable surfaces (ie: roofs, driveways, walkways) must be directed to permeable areas and/or approved retention/detention features (See Sections 5.84—Stormwater and Urban Runoff Pollution Control, 10.04.030—Definitions, 10.52.050—Accessory Structures, and 10.60.040—Building projections into required yards or required open space). When calculating lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size. Additionally, plans demonstrating stormwater runoff mitigation measures shall be implemented as follows:

1. For parcels 7,500 square feet or less in all districts:
   a. A maximum of twenty percent (20%) of all required yards and required parking lots may be non-permeable or;
   b. Landscape plans shall be designed by licensed engineer or landscape architect per California Stormwater Quality Association's Best Management Practices Handbook and United States Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES).
2. For parcels 7,500 square feet or greater in all districts:
   a. Landscape plans designed by licensed engineer or landscape architect per California Stormwater Quality Association's Best Management Practices Handbook and United States Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES).

   Exceptions: Remodel projects with no expansion of footprint.
3. ~~For parcels in Commercial and other non-residential districts, a minimum of fifty percent (50%) of the parking area shall be paved with pervious surfaces. Pervious parking areas shall be constructed of permeable pavement, turf pavement, or other material as approved by the Community Development Director. The parking lot surface shall be designed and constructed with a structural support when grass or other vegetation is proposed. The areas designated for pervious parking shall be maintained and shall work in conjunction with a stormwater management system. The pervious parking does not count as part of the landscaping requirements as defined in Section 10.60.070. Any landscaped area required by Section 10.60.070 does not count towards the requirements of this section.~~ The Community

Development Director may approve alternate materials and specifications in lieu of these requirements.

C. **Green Roofs and Decks.** A green roof or green deck may be located only where decks and balconies are allowed. Green roofs/decks that are designed in a manner that prohibits usability as a deck may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated (See "Roof, Green or Deck" definition).

D. **Decorative Water Features.** All fountains, ponds, and other water features, excluding swimming pools and spas, may not exceed twenty five (25) square feet in total water surface area. Water features must ~~be equipped with a water recirculation~~ use a recirculated water system and may not have an overspray feature. The use of non-potable water may be approved at the discretion of the Community Development Director upon submittal and review of water treatment procedures.

E. **Solar Energy Systems.** Solar energy systems may exceed the maximum permitted height by no more than twelve inches (12"). The Director of Community Development may make exemptions where fire-life safety and access issues are mitigated (See Solar energy systems—Section 9.36.080).

F. **Small Wind Energy Systems (Turbines).** Small Wind Energy Systems (SWES) are permitted in all districts subject to the following standards and procedures:

1. **Development Standards.** The following minimum requirements and standards shall apply to SWES:

a. System type and location.

1. The SWES shall comply with the definition of Small Wind Energy System in Section 10.04.030.

2. Where feasible, ancillary SWES equipment shall be located inside a building or screened from public view in a manner compatible with the site.

b. The SWES shall not exceed the applicable height limit as defined in Sections 10.12.030, 10.16.030, 10.20.030, and 10.60.050.

c. Setbacks and Clearances.

1. The SWES shall comply with the setbacks applicable to the zone in which the SWES is located, provided that a greater setback may be required to reduce impacts to adjacent parcels.

2. No portion of a blade when fully operational shall extend within ten (10) feet of finished grade or a property line, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity, or conflict with the zone in which the property is located.

3. A minimum clearance of ten (10) feet shall be maintained between any tower or blade and any structure, tree, utility line, or similar object, unless the Director of Community Development finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity.

4. The SWES shall not inhibit or interfere with emergency vehicle or structure access, fire escapes, exits, standpipes, or other Fire Department requirements as determined by the Fire Department.

5. Every SWES shall be designed so that no ladder or other means of climbing a tower is located within twelve (12) feet of the finished grade or accessible space.

6. Guy wires or other rough appurtenances shall not be visible unless deemed to be appropriate and necessary by the Director of Community Development.

7. The SWES shall be equipped with manual and automatic over-speed protection controls so that blade rotation speed does not exceed the system's design limits.

8. An on-grid SWES shall be designed to automatically turn off when on-grid connection is lost or the batteries are fully charged.

9. All on-grid SWES shall be approved by the applicable utility prior to installation.

10. Electrical poles, wires and other items required to convey power generated by a SWES to the public utility grid shall be installed underground .

11. The SWES shall comply with the requirements of Section 5.48—Noise Regulations, except during short-term events such as utility outages and severe wind storms.

12. The SWES shall not bear any signs or advertising devices other than certifications, public safety warnings, or other seals or signage required by law.

13. No lighting shall be placed upon, attached to, or in any way illuminate a SWES unless required by law. Any required lighting shall be designed and located to reduce impacts to properties in the vicinity to the maximum extent allowed by law as determined by the Community Development Director.

d. Maintenance and removal.

1. The SWES shall at all times be operated and maintained in accordance with manufacturer's requirements, the requirements of this section, and all applicable laws. In no case shall the condition or operation of the SWES pose noise, safety, or other adverse effects to the site, or persons, improvements or properties in the vicinity.

2. The Community Development Director may require the SWES to be removed from the property if the Director determines that the SWES has been inoperable, or has ceased to operate, for twelve (12) consecutive months or more.

2. **Submittal Requirements—All SWES Applications.** Applications for all SWES shall be initiated by submitting the following materials to the Community Development Department.

a. A completed Master 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.

b. Written statements to support the standards, required findings and, criteria of this Code section.

c. A vicinity map showing the location and street address of the development site.

d. 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 three hundred feet (300') of the boundaries of the property; and

e. 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 three

hundred feet (300') of the boundaries of the property. This list shall be keyed to the map required by subsection (d) of this subsection and shall be accompanied by mailing labels.

3. **Notice to Property Owners.** After receipt of a completed application, the Community Development Director shall provide notice to surrounding property owners as provided in subsection 2 of this section. 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.

4. **Director's Review and Action**

   a. **Notice of Decision.** After the commenting deadline date, and within thirty (30) days of receipt of a completed application, the Director of Community Development shall approve, conditionally approve, or deny the application. The Director shall send the applicant a letter stating the reasons for the decision under the authority for granting or denying the SWES, as provided by the applicable sections of this chapter. The letter also shall state that the Director's decision is appealable under the provisions of subsection 6 of this section.

   b. **Request for Planning Commission Action.** At the Community Development Director's discretion, review and action may be deferred to the Planning Commission.

   c. **Findings.** In making a determination, the Community Development Director or Planning Commission shall be required to make the following findings:

      1. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to light, air, noise, and views.

      2. 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, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

      3. The installation of the SWES is primarily to reduce on-site consumption of electricity.

      4. The proposed SWES will not produce or result in noise levels exceeding the requirements of Section 5.48—Noise Regulations.

5. **Conditions of Approval.** In approving a SWES application, the Director or Planning Commission may impose reasonable conditions necessary to:

   a. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the SWES will be located, or to be consistent with the General Plan;

   b. Protect the public health, safety, and general welfare.

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

10.64.020—Basic Requirements for Off-street Parking and Loading.

J. **Parking Surface.**

All parking areas, aisles and access drives shall be paved with a minimum of two inches (2") of asphalt on four inches (4") of compacted base or four inches (4") of concrete in residential areas; and 4 inches of concrete in commercial or industrial areas to provide a durable, dustless surface, except as required in Section 10.60.140B. Parking areas, aisles and access drives shall be graded and drained to dispose of surface water without damage to private or public properties, streets, or alleys. The Director of Community Development may approve alternate materials and specifications in lieu of these requirements. See Section 10.60.140(B) for additional requirements for properties located in Commercial and other non-residential districts.

10.64.100—Application of Dimensional Requirements.

C. **Vertical Clearance.** Vertical clearance for parking spaces shall be an unobstructed headroom clearance of not less than seven feet (7') above the finish floor to any ceiling, beam, pipe, vent, mechanical equipment or similar construction, except that automatic garage door opening equipment and the garage door entrance may be 6.67 feet. For storage and vehicle refueling purposes (not including mechanical equipment) for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, ~~or~~ cabinets, or alternative-fuel vehicle charging systems may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front five feet (5') of a parking space.

10.68.020 and A.68.020—Continuation and Maintenance.

D. Routine maintenance and repairs may be performed on a structure, the use of which is nonconforming; and on a nonconforming structure. Exterior nonconforming elements including, but not limited to: stairways, decks, balconies, green roofs/decks, chimneys, fences, and retaining walls may be replaced in their entirety, if, upon finding in a report prepared by a State of California licensed civil engineer, that, due to a deteriorated condition, such structures are unsafe, and routine repair is infeasible.

I. Lots Without Vehicular Access. Residential buildings on lots with no vehicular access to public streets constitute nonconforming uses and may not be altered or enlarged except in accordance with the provisions of this section. Such buildings may be altered as follows:

1. Interior improvement repairs consistent with all applicable building regulations.
2. Additions of exterior architectural features such as a fireplace, chimney, balcony, green roof/deck, or bay window, subject to Section 10.60.040, Building projections in yards and required open space.

CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Planning Commission

THROUGH: Laurie B. Jester, Acting Director of Community Development
Carol Jacobson, Building Official

FROM: Esteban Danna, Assistant Planner

DATE: July 14, 2010

SUBJECT: Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan.

RECOMMENDATION

Staff recommends that the Planning Commission discuss and provide comments for upcoming amendments to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program (LCP) to incorporate a comprehensive set of Sustainable Building Measures as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force.

BACKGROUND

Environmental Task Force

In June 2008 City Council formed a resident-based Environmental Task Force (Task Force) to study environmental issues of priority to the community. Staff solicited applications and on September 2, 2008 Council selected 14 residents to serve on the Task Force. Council then appointed two representatives to the Task Force, Mayor Mitch Ward, and Council Member Portia Cohen. The remaining positions were appointed by the Manhattan Beach Unified School District, including Amy Howorth, School Board Member, and two student representatives.

The 19-member Task Force had its first meeting on October 15, 2008, and divided into four subcommittees to tackle priority environmental issues identified by City Council: Climate Action Plan, Water Conservation and Storm Water Management Issues, Waste Reduction and Recycling, and Sustainable ("Green") Building.

Each subcommittee presented status reports and recommendations to the entire Task Force and gained approval on several proposed solutions to the City's environmental challenges. Once the Task Force approved a set of recommendations, they were presented to City Council for review and direction.

The 2009-2010 City Council Work Plan outlines several Planning and Building Department projects that are fully or partially addressed by the Task Force and the

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Sustainable Building Subcommittee. These include Landscaping, Storm Water Retention, and Green Building Residential Standards.

Sustainable "Green" Building Subcommittee

The Green Building subcommittee was comprised of three residents: Casey Beyer, Ben Burkhalter, and Chris Conaway. Each member brought unique insight and expertise in the sustainable design, architecture, and energy efficiency areas (Exhibit A). City Staff provided support to the Subcommittee as well, including Acting Community Development Director, Laurie Jester; Carol Jacobson, Building Official; Sona Kalapura, Environmental Programs Manager; and Esteban Danna, Assistant Planner.

To achieve the goals in the group's mission statement (See Exhibit B) the Sustainable Building Subcommittee developed a two-phase approach to sustainable development for the City of Manhattan Beach. The first phase, dealing with public buildings and large non-residential construction, was considered and Ordinance No. 2124 was passed on June 17, 2009. The next phase includes broader recommendations that apply to new residential, non-residential, and commercial construction as well as major remodels.

The subcommittee placed specific emphasis on energy efficiency, water conservation, runoff reduction, solid waste reduction and diversion, and air quality and emissions reductions. City Council approved the Sustainable Building Subcommittee and Environmental Task Force recommendations on March 16, 2010 and directed Staff to prepare code amendments. The recommendations require code amendments to several chapters of the MBMC. The Planning Commission will only review those amendments pertinent to Title 10. The City Council will review all proposed code amendments. Some amendments to Title 10 overlap with amendments in other chapters.

Green Building Subcommittee Recommendations

The Sustainable Building Subcommittee's recommendations for comprehensive sustainable measures as reviewed and supported through the Environmental Task Force comprise the following five different areas (Exhibit B) that are typically used in green building rating systems:

1. **Site Sustainability**
    a. Stormwater Retention Design- Low Impact Development & Best Management Practices (Building and Safety, Zoning, and Public Works)
    b. Green Roofs and Decks (Zoning)
2. **Water Efficiency / Water Use Reduction**
    a. Landscaping and Irrigation (Building and Safety, Zoning, and Public Works)
    b. Plumbing Fixtures (Building and Safety and Zoning)
3. **Energy**
    a. Energy Efficiency (Building and Safety)
    b. Renewable Energy (Building and Safety and Zoning)

4. **Materials and Resources**
    a. Waste Management (Building and Safety)
    b. Material Reuse (Building and Safety)
5. **Air Quality** – Indoor and Outdoor
    a. Indoor (Building and Safety)
    b. Outdoor (Building and Safety)

Many of the recommendations are required now or in the near future by the City's Water Conservation Ordinance, California Model Water Efficient Landscape Ordinance, California Energy Efficiency Regulations, and/or the California Green Building Standards (to be effective January 1, 2011). The subcommittee also reviewed Los Angeles County and Santa Monica Low Impact Development requirements and researched of other jurisdictions with cutting edge sustainable policies, such as Santa Monica, Palo Alto, Los Angeles (County and City), San Francisco (County and City), Santa Barbara, San Jose, Chula Vista, and Berkeley when making recommendations. City Council has indicated that one of the goals of Manhattan Beach is to be a leader in our sustainable policies.

DISCUSSION

Of the subcommittee's five recommendations, three require the amendment of Title 10 Planning and Zoning in the MBMC. The City Council will review these three items, along with Materials and Resources and Air Quality. They will amend the Public Works (Title 7), Building Regulations (Title 9), and the Planning and Zoning (Title 10) chapters of the MBMC. There will be cross-references throughout the MBMC as needed. The Planning and Zoning code and LCP revisions are in the following areas:

1. **Site Sustainability**
    a. Stormwater Retention Design-Low Impact Development and Best Management Practices
    b. Green Roofs and Decks
2. **Water Efficiency/Water Use Reduction**
    a. Landscaping and Irrigation
    b. Plumbing Fixtures
3. **Energy**
    a. Renewable Energy

1. Site Sustainability Recommendations

Stormwater Retention Design – Low Impact Development and Best Management Practices

Los Angeles County and all 84 cities within the county, including Manhattan Beach, hold a National Pollutant Discharge Elimination System (NPEDS) permit through the Los Angeles Regional Water Quality Control Board. Part of the Permit's objectives is to minimize impacts from stormwater and urban runoff as well as maximize the percentage of pervious surfaces to allow percolation of stormwater into the ground.

The subcommittee vetted the stormwater retention design, low impact development, best management practices, landscaping and irrigation, and water efficiency recommendations

with the Water Subcommittee of the Environmental Task Force. Additionally, Kathleen McGowan (City's consultant for the Municipal Stormwater Permit) reviewed the recommendations for consistency with the current and the proposed revised Los Angeles County Municipalities Stormwater Permit. The goal of the proposed amendment is to design water runoff mitigation measures to achieve zero discharge for ¾" rainfall in a 24 hour period. This can be achieved through the measures detailed in the chart below.

1a.	**Application**	• All new construction • Major renovations (over 50% valuation) • Single and Multi-family Residential • Non-residential • Municipal
	Measures	Parcels 7,500 s.f. or less • Maximum of 20% non-permeable surfaces for required yards/setbacks, parkway (MBMC 7.32), & encroachment areas (MBMC 7.36) • Run-off from non-permeable surfaces (e.g., roofs, parking) to be directed to permeable areas and/or approved retention features (grey water, captured rain storage, and other systems). Administrative flexibility is necessary for location approval of retention systems. • Option to show compliance by submitting design by licensed Civil Engineer or Landscape Architect per California Stormwater Quality Association's Best Management Practices Handbook & US Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) Parcels greater than 7,500 s.f. • Design by licensed Civil Engineer or Landscape Architect per California Stormwater Quality Association's Best Management Practices Handbook & EPA's NPDES • Run-off from non-permeable surfaces (e.g., roofs, parking) to be directed to permeable areas and/or approved retention features (grey water, captured rain storage, and other systems). Administrative flexibility is necessary for location approval of retention systems.
	Purpose/ Benefit	• Reduce runoff and discharge of pollutants • Meet or exceed municipal discharge requirements

Due to the fact that properties in commercial districts are not required to provide setbacks, Staff suggests that the Planning Commission explore other options in order to achieve water runoff mitigation measures. A possible option is to require a portion of uncovered parking lots in commercial developments to be surfaced with permeable pavement, grasscrete, or other similar pervious materials.

Furthermore, Staff believes that there are challenges that the Downtown and North End commercial districts present in terms of stormwater runoff mitigation. Since Downtown properties are not required to provide parking when the square footage of the structure is less than or equal to the lot size (1:1 ratio), new developments offer limited opportunities for onsite stormwater retention. Staff suggests the Planning Commission explore options to encourage stormwater retention such as possibly allowing the development to exceed the 1:1 ratio as long as the building is Leadership in Energy & Environmental Design (LEED) certified and a stormwater retention system is used. Another option may be in allowing more flexibility in green roof standards (see below).

Similarly, commercial properties in the North End have not been developed with newer buildings due to the challenges presented by parking requirements and, therefore diminishing opportunities to mitigate negative environmental impacts of existing structures. Staff suggests that the Planning Commission explore opportunities to facilitate new development in the district by considering a parking reduction similar to the Downtown district for LEED certified developments.

Green Roofs and Decks

A green roof or balcony is a surface that supports the growth of vegetation over a portion of its area generally for the purpose of water or energy conservation. The roof usually consists of a waterproof, root-safe membrane that is covered by a drainage system, lightweight growing medium, and plants. Green roofs provide a means to decrease stormwater runoff into the public system as well as provide building insulation and improved aesthetics. While balancing height, views, and safety concerns, the recommendation to amend Title 10 Planning and Zoning would provide administrative flexibility for green roofs, which is consistent with the 2009-2010 City Council Work Plan.

1b.	**Application**	• All new construction • Major renovations (over 50% valuation) • Single and Multi-family Residential • Non-residential • Balcony/deck/ roof remodels
	Measures	• Treated as other decks and balconies for height and setbacks • Director may approve green roofs on top of roof level if it is not usable as a deck, and if safety, maintenance, slope, and access issues are mitigated
	Purpose/ Benefit	• Reduce stormwater runoff in public system • Filter pollution • Increase thermal and acoustical insulation • Decreased need for air conditioning and other energy consumption

2. Water Efficiency/Water Use Reduction Recommendations

Landscaping and Irrigation

The California Model Water Efficient Landscape Ordinance mandates all cities to require plans for water efficient landscape design, installation, and maintenance for larger landscaped developments. The primary goal is to reduce the water needed to irrigate landscapes. This is accomplished through both the type and sizing of the irrigation system used and the types of plants in the landscaped areas.

The intent of the recommendation is to design irrigation to meet reqirements for region 3 (which includes Manhattan Beach) per Water Use Classification of Landscape Species (WUCOLS). WUCOLS is a publication designed to assist in the design of more water efficient landscaping in California. These recommendations were discussed by the Sustainable Building Subcommittee with the Water Subcommittee at a joint meeting. The landscaping and irrigation measures exceed the California Model Water Efficient Landscape Ordinance requirements.

2a.	**Application**	• All new construction • Major renovations (over 50% valuation) • Single & Multi-family Residential • Non-residential • Municipal
	Measures	• Maximum of 20% of the landscaped area (private property, public parkways, & encroachment areas) may be high water use, such as grass • Small lots of 7,500 s.f. or less may use standardized water budget worksheet per WUCOLS or may provide licensed landscape architect design and calculations • Lots over 7,500 s.f. must provide licensed landscape architect design and calculations Exceptions: • Director may allow administrative exemptions for hardship or special circumstances • Sites irrigated with non-potable water are exempt
	Purpose/ Benefit	• Estimated 20% reduction of water usage • Estimated 20% reduction of runoff discharge • Meet or exceed compliance with California Model Water Efficient Landscape Ordinance

Plumbing Fixtures

On January 1, 2011, the California Green Building Standards will require a 20% reduction in potable water use when installing plumbing for water fixtures for all new residential construction. Additionally, weather-based and/or sensor-based irrigation controls will be required. The Subcommittee recommends adopting these measures in advance of this State Building mandate. The recommendation mainly focuses on water efficient toilets and other water efficient fixtures that are addressed in the Title 9 Building Regulation amendment recommendations. However, Title 10 is amended as the recommendation also addresses limiting the size of exterior decorative water fountains.

2b.	**Application**	• All new construction • Major renovations (over 50% valuation) • Single & Multi-family Residential • Non-residential
	Measures	• Residential and Non-residential fountains, ponds max 25 sq ft footprint with water recirculation system unless using non-potable water; no fountain overspray
	Purpose/ Benefit	• Estimated 20% reduction water usage • Meet or exceed City Water Conservation Ordinance and California Green Building Standards

3. Energy Recommendations

Renewable Energy

The renewable energy recommendations revise Title 10 of the Manhattan Beach Municipal Code to be consistent with the California Solar Rights Act. It allows administrative approval of solar energy systems not exceeding a maximum of 12" over the maximum allowed height limit in order to meet State regulations. Several solar energy system companies have met with staff and participated in Environmental Task Force meetings. Plan check guidelines have been refined to meet their concerns while balancing safety and access issues for the Fire and Building Department regulations. The City continues to waive plan check and permit fees for solar energy permits. These actions have resulted in triple the number of permits compared to other cities in the South Bay.

This recommendation also discusses wind energy systems. Small-scale units have been demonstrated to the Environmental Task Force; however, this type of technology is not yet in production. Because there are many concerns regarding the viability of current technology as well as height, view, location, and noise concerns; the subcommittee recommends that wind turbines be considered through the public noticing process if located outside of the allowed buildable envelope (height and setbacks).

3a.	**Application**	All new applications for renewable energy production
	Measures	Solar energy systems • Continue to waive fees • Allow 12" over height if needed to meet Solar Rights Act • Director may exempt height restrictions where fire-life safety, and access issues are mitigated Wind turbines • Allowed within building footprint • Public hearing for other locations
	Purpose/ Benefit	Encourage or facilitate renewable energy

Next Steps

Staff will prepare the proposed changes to Title 10 Planning and Zoning of the MBMC and the City's LCP, as directed by the Planning Commission. Staff will present the proposed amendments to the Commission for final recommendation, then to the City Council for final approval.

CONCLUSION

Staff recommends that the Planning Commission discuss and provide comments for the recommendations made by the Environmental Task Force's "Green" Building Subcommittee to amend Title 10 Planning and Zoning of the MBMC and the City's LCP. Staff also recommends the Planning Commission to explore alternative development incentives in commercial districts to accomplish stormwater runoff mitigation and environmental sustainability goals.

Exhibits:
A. Green Building Subcommittee Member Background and Subcommittee Mission Statement
B. City Council Staff Report, minutes, and Select Attachments, dated March 16, 2010

Exhibit A. Green Building Subcommittee Member Background and Subcommittee Goals

Member Background

The subcommittee on Sustainable Design (Green Building) is comprised of three residents: Casey Beyer, Ben Burkhalter, and Chris Conaway, each bringing unique insight and expertise in the sustainable design, architecture, and energy efficiency areas. City Staff provide support to the subcommittee including the Acting Community Development Director, Laurie Jester; Carol Jacobson, Building Official; and Esteban Danna, City Planner.

The subcommittee is chaired by Chris Conaway, a LEED AP architect with the international design firm NBBJ in Los Angeles. Chris has been involved with the sustainable design movement since the early 1990s and has just completed his 6th LEED certified building project.

Casey Beyer is an independent consultant in the energy and environmental policy sector. Ben Burkhalter is an architect with offices located in Manhattan Beach, with a specific focus on energy-efficient design. Ben is currently working on a case study project for a LEED Gold rated single-family residence.

Green Building Subcommittee Mission Statement

The Green Building Subcommittee developed a working mission statement:

- To identify environmentally responsible, sustainable and energy efficient policies for constructing, renovating and occupying the built environment;
- To develop and make recommendations to City Council that will lead towards a healthy and sustainable city; and
- To educate and promote programs that increase awareness and incentivize sustainable building practices.

EXHIBIT
A

Agenda Item #:_____

Staff Report
City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Richard Thompson, Interim City Manager

FROM: Laurie Jester, Acting Director of Community Development
Carol Jacobson, Building Official
Sona Kalapura, Environmental Programs Manager

DATE: March 16, 2010

SUBJECT: Consideration of Recommendations by the Environmental Task Force to Amend the Municipal Code for Comprehensive Sustainable Building Measures.

RECOMMENDATION:
Staff recommends that the City Council **DISCUSS AND PROVIDE DIRECTION** for staff to prepare amendments to the Manhattan Beach Municipal Code, Title 5 Sanitation and Health, Title 9 Building Regulations, and Title 10 Planning and Zoning, to incorporate a comprehensive set of Sustainable Building Measures as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force.

FISCAL IMPLICATION:
Based on a review of several industry reports, case studies and governmental studies, the cost of the majority of the recommended measures would be zero or an insignificant cost. The residential energy efficiency measures have the most potential for cost variation. The energy efficiency program is extremely flexible, which allows an abundance of choices for the owner. Depending on the options chosen, initial costs may vary between 0% and 5% of total construction cost. On the other hand, a project could choose to incorporate "high end", innovative, state-of-the-art, or experimental designs and features; and costs could increase significantly. Because the market for sustainable products is changing to accommodate these choices, the construction costs could actually decrease.

Some measures represent considerable energy savings with direct payback potential within 1 to 5 years. Incentives from utilities and programs, such as the New Solar Homes Program can provide significant rebates to homes exceeding California Title 24 energy efficiency, which could offset any incremental costs. Recent and impending State laws, such as the California Green Building Standards effective January 1, 2011, will require incorporating sustainable practices, which could also reduce costs as the supply and demand for such goods increase.

There will be some nominal costs associated with staff training, website updates, and public meetings to educate staff, residents, and the construction community, which are included in the

EXHIBIT
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proposed 2010-2011 budget. The Building Official has obtained accreditation for the level of Green Associate for knowledge of green building practices to understand the Leadership in Energy and Environmental Design (LEED®) Green Building Rating System™ and the Principal Building Inspector has earned the designation as a Build It Green Certified Green Building Professional. Other department staff, such as Planners and Plan Check Engineers are expected to complete similar training with the goal of obtaining similar designations. The upcoming fee study will also consider and incorporate costs into permits and applications, if approved by the City Council. Preparation of the required reports to the California Energy Commission has been budgeted in the Community Development Department current budget.

BACKGROUND:

Environmental Task Force

In June, 2008 City Council decided to form a resident-based Environmental Task Force (Task Force) to study environmental issues of priority to the community. Staff solicited applications and on September 2, 2008 Council reviewed these applications and selected 14 residents to serve on the Task Force. Council then appointed two representatives to the Task Force, Mayor Mitch Ward, and Council Member Portia Cohen. The remaining positions were appointed by the Manhattan Beach Unified School District, including Amy Howorth School Board Member, and two student representatives.

The 19-member Task Force had its first meeting on October 15, 2008, and divided into four subcommittees to tackle priority environmental issues identified by City Council: the development of a Climate Action Plan; Water Conservation and Storm Water Management Issues; Waste Reduction and Recycling; and Sustainable ("Green") Building. Since this first meeting of the Task Force the subcommittees have made significant progress on the goals and tasks identified.

Each subcommittee has presented status reports and recommendations to the entire Task Force, and has gained approval on several proposed solutions to the City's environmental challenges. Once the Task Force has approved a set of recommendations, they are presented to City Council for review and direction, and then Staff carries out the recommendations.

Sustainable ("Green") Building Subcommittee

The Green Building subcommittee is comprised of three residents: Casey Beyer, Ben Burkhalter, and Chris Conaway, each bringing unique insight and expertise in the sustainable design, architecture, and energy efficiency areas (see Exhibit A). City Staff provide support to the Subcommittee as well, including Acting Community Development Director, Laurie Jester; Carol Jacobson, Building Official; Sona Kalapura, Environmental Programs Manager; and Esteban Danna, Assistant Planner.

To achieve the goals in the group's mission statement (See Exhibit A) the Sustainable Building Subcommittee developed a four-pronged approach to sustainable development for the City of Manhattan Beach. The first two areas, dealing with public buildings and large non-residential construction, were considered and Ordinance No. 2124 was passed on June 17, 2009. The next two parts include recommendations primarily for new residential construction (energy efficiency standards) as well as sustainable practices and requirements for all construction that are attainable and reasonable for Manhattan Beach. These additional regulations include concerns

regarding stormwater retention and landscaping, which are part of the City Council's 2009-2010 Work Plan.

The Green Building Subcommittee has developed recommendations that are best suited for the environment in Manhattan Beach's largely residential makeup and are intended to augment and supplement the previously adopted ordinances requiring Leadership in Energy and Environmental Design (LEED®) Gold Certification for Public Projects and LEED Silver equivalency for larger Private Sector Projects. LEED is the predominant national non-residential third-party green building rating system, developed by the United States Green Building Council. The rating system provides measurable environmentally sound building design, construction, operations and maintenance solutions. The subcommittee placed specific emphasis on energy efficiency, water conservation, runoff reduction, solid waste reduction and diversion, and air quality and emissions reductions.

If the City Council approves the recommendations, staff would prepare ordinances detailing these recommendations that would amend the Municipal Code Title 5 Sanitation and Health, Title 9 Building Regulations, and Title 10 Planning and Zoning. The draft ordinance would be presented to the Planning Commission, for the Zoning Code amendments, and then to the City Council for their review and consideration.

DISCUSSION:

Green Building Subcommittee Recommendations

The Sustainable Building Subcommittee's recommendations for comprehensive sustainable measures as reviewed and supported through the Environmental Task Force comprise the following five different areas that are typically used in both green regulations and green rating systems (Exhibit B):

1. **Site Sustainability**
    a. Stormwater Retention Design- Low Impact Development & Best Management Practices
    b. Green roofs
2. **Water Efficiency/ Water Use Reduction**
    a. Landscaping and Irrigation
    b. Plumbing Fixtures
3. **Energy**
    a. Energy Efficiency
    b. Renewable Energy
4. **Materials and Resources** - Waste Management and Material Reuse
5. **Air Quality** - Indoor and Outdoor

These recommendations for mandatory measures included reviews of current and impending regulations. The measures would apply generally to residential, non-residential, commercial, and municipal construction. Many of these recommendations are required now or in the near future by the City's Water Conservation Ordinance, California Model Water Efficient Landscape Ordinance, California Energy Efficiency Regulations, and/or the California Green Building Standards (to be effective January 1, 2011). Other reviews included Los Angeles County and Santa Monica Low Impact Development requirements and research of other jurisdictions with

cutting edge sustainable policies, such as Santa Monica, Palo Alto, Los Angeles County and City, San Francisco County and City, Santa Barbara, San Jose, Chula Vista, and Berkeley. City Council has indicated that one of the goals of Manhattan Beach is to be a leader in our sustainable policies. As discussed in the fiscal implications section above, the majority of these measures have insignificant to no net impacts.

1. Site Sustainability Recommendations

STORMWATER RETENTION DESIGN
LOW IMPACT DEVELOPMENT & BEST MANAGEMENT PRACTICES

1a.	**Application**	All New Construction & Major Renovations
	Measures	• Retain 100% of runoff water on site to pre-development standards • Small lots of 7,500 sq ft or less may use prescriptive method that allows no more than 20% of the required yard, setback, parkways, & encroachment area to be non-permeable *or* may use the option of engineered design • Lots over 7,500 sq ft must use engineered design
	Benefit	Reduce runoff and discharge of pollutants Meet or exceed municipal discharge permit

The subcommittee vetted the stormwater retention design, low impact development, Best Management Practices, landscaping and irrigation, and water efficiency recommendations with the Water Subcommittee of the Environmental Task Force. Additionally, Kathleen McGowan (City's consultant for the Municipal Stormwater Permit) reviewed the recommendations for consistency with the current and the impending revised Los Angeles County municipalities Stormwater Permit. Part of the Permit's objectives is to minimize impacts from stormwater and urban runoff as well as maximize the percentage of pervious surfaces to allow percolation of stormwater into the ground. Stormwater retention and encouragement of softscape is part of the 2009-2010 Work Plan.

GREEN ROOFS

1b.	**Application**	All New Construction & Major Renovations & Roof/Deck/Balcony Remodels
	Measures	• Treated as other decks and balconies for height & setbacks • Director may approve green roofs on top of roof level if not useable as a deck, and if fire-life-safety, maintenance, slope, and access are mitigated.
	Benefit	• Reduce stormwater runoff in public system • Filters pollution • Increases thermal & acoustical insulation

A green roof is a roof surface that supports the growth of vegetation over a portion of its area generally for the purpose of water or energy conservation. The roof usually consists of a waterproof, root-safe membrane that is covered by a drainage system, lightweight growing medium, and plants. Green roofs provide a means to decrease stormwater runoff into the public system as well as provide building insulation. To encourage this while balancing height, views, and safety concerns; the recommendation to amend Title 10 Planning and Zoning would provide administrative flexibility for green roofs, which is consistent with the 2009-2010 City Council Work Plan.

2. Water Efficiency/Water Use Reduction Recommendations

LANDSCAPING AND IRRIGATION

	Application	All New Construction & Major Renovations
2a.	**Measures**	• Maximum of 20% of the landscaped area (private property, public parkways, & encroachment areas) may be high water use, such as grass • Small lots of 7,500 sq ft or less may use a basic worksheet *or* may provide an engineered design to allow flexibility • Lots over 7,500 sq. ft. must use a landscape architect for plans & engineered calculations • Director may allow administrative exemptions for hardship or special circumstances
	Benefit	Estimated 20% reduction water usage and runoff discharge.

These recommendations were also discussed with the Water Subcommittee at a joint meeting. The landscaping and irrigation measures exceed the California Model Water Efficient Landscape Ordinance. The California landscape ordinance mandates all cities to require plans for water efficient landscape design, installation, and maintenance for larger landscaped developments. The primary goal is to reduce the water needed to irrigate landscapes. This is accomplished through both the type and sizing of the irrigation system used and the types of plants in the landscaped areas. If a site uses non-potable water use (i.e., graywater, reclaimed water), it is exempt from the water efficiency measures.

PLUMBING FIXTURES

2b.	**Application**	New Construction, Major Renovations, Plumbing Remodels and Additions, Retrofits upon sale and/or transfer of property
	Measures	• Residential Remodel and New Construction applicants may have the alternative of providing a Water Use Budget to reduce water use by 20% *or* install plumbing fixtures that use 20% less water, such as: o toilets, faucets, o showerheads, o weather/sensor based irrigation controls o clothes washers & dishwashers • Residential Water Use Budget or prescriptive plumbing fixture options are same requirements as in 2011 Calif Green Building Standards • Residential to retrofit with WaterSense toilets upon sale of property with exemptions, such as foreclosures or transfers within family • Residential and Non-residential fountains, ponds max 25 sq ft footprint with water recirculation system unless using non-potable water; no fountain overspray
	Benefit	• Estimated 20% reduction water usage • Meet or exceed City Water Conservation Ordinance and Calif Green Building Standards

On January 1, 2011, the California Green Building Standards will require a 20% reduction in potable water use when installing plumbing water fixtures for all new residential construction as well as weather-based and or sensor-based irrigation controls. The subcommittee recommends adopting these measures as leaders of the community in advance of this mandate.

An additional measure would be implemented through the Residential Building Record Reports for sales of property, which require only toilets to be retrofit. Subcommittee members discussed this with a representative of South Bay Association of Realtors as well as other local real estate brokers and agents. These representatives noted that retrofit requirements for property sales or transfer are a common practice. The WaterSense program by the Environmental Protection Agency lists several hundred selections of high efficiency low water-use toilets from major suppliers as well as smaller manufacturers. The local West Basin Municipal Water District often provides toilet rebate incentives for high efficiency toilets and other plumbing fixtures.

3. Energy Recommendations

ENERGY EFFICIENCY

3a.	**Application**	New Construction & Major Renovations; Additions
	Measures	• Exceed Title 24 Calif Residential Energy Efficiency Standards by 20% - residential only • Individual Water Heater efficiency based on size & type – residential and some non-residential • Provide Energy Star light fixtures - non-residential & residential • Major appliances, fixtures, and equipment to be Energy Star efficient - non-residential & residential • New Swim pools and spas to provide 60% of heating from solar energy system - non-residential & residential • Fireplace energy and venting efficiency - non-residential & residential
	Benefit	Estimated 20% to 70% reduction of energy demand

Residential construction is the primary target of the Title 24 energy efficiency recommendation. By improving the energy efficiency of all new construction and major renovations, the City potentially reduces energy demand by 20% to 70%. The subcommittee enlisted the services of a local energy design consultant, who provided energy efficiency "baselines" for five different typical homes built in town (See Exhibit C). These homes meet the current "baseline" requirements for energy efficiency established by the California Title 24 requirements. Next, both 15% and 20% efficiency above the baseline were reviewed. The subcommittee concluded that requirements to meet 20% energy efficiency above the California Title 24 requirements were feasible and reasonable. If the City of Manhattan Beach were to require 20% efficiency above Title 24, this would place Manhattan Beach in a leadership role as many of the jurisdictions have only chosen to require 15% over Title 24.

There is an extremely large toolkit for the designer and owner to choose from in order to reach the 20% above Title 24 energy efficiency goal. There is also a wide variation in potential cost impacts. It is possible to achieve compliance with no net increase to the total construction cost. The probable increase ranges from 0% to 5% of the total construction cost. One example from the toolkit is verification of caulking, insulation, and the heating/air conditioning systems. The verification would be performed by a certified rater from the California Home Energy Rating System (HERS) program. The subcommittee noted that this verification has the potential to substantially increase the energy efficiency and thus reduce the overall operation costs for a minimal expenditure. Some options available include:

- Increasing insulation – added thickness or increased efficiency
- Verifying that caulking around windows, doors, and other opening is not leaking heated or cooled air
- Verifying heating and air conditioning duct leakage is mitigated

- Orientation of glass and shading devices
- Increasing the effectiveness of heaters from 80% to 90% efficiency
- Increasing efficiency of window and glass
- Adding insulation to basement retaining walls and concrete slab edges

Other energy efficiency measures beyond the Title 24 requirements have minimal to no fiscal impacts. These are the "low hanging fruit" that can provide high efficiency for lower costs over the lifetime of the appliances, fixtures, and equipment. In most instances, these measures apply to both residential and non-residential construction. Examples of these requirements include light fixtures, heaters, individual water heaters, and fireplaces, which would need to meet strict energy efficiency requirements. Energy Star is a listing required on some of the fixtures and appliances. Energy Star is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy that lists products with superior energy efficiency ratings. The heating and insulation of new swimming pools and spas are also addressed to discourage inefficient and fossil-fuel heating that emit greenhouse gas.

RENEWABLE ENERGY

3b.	**Application**	Modification to Title 10 Planning and Zoning
	Measures	• Solar energy systems – continue to waive fees; allow 12" over height if needed to meet Solar Rights Act; Director may exempt height restrictions where fire-life safety, and access issues are mitigated. • Wind turbines – allowed within building footprint; public hearing for other locations
	Benefit	Encourage or Facilitate renewable energy

The renewable energy recommendations would revise Title 10 of the Manhattan Beach Municipal Code to document the City's support of the California Solar Rights Act. It would allow administrative approval of a maximum 12" over the height limit for solar energy systems that meet the Solar Rights Act. The Director would have the flexibility to allow exemptions to the height limit where fire-life safety and access issues are mitigated. Several solar energy system companies have met with staff and plan check guidelines have been refined to meet their concerns while balancing safety and access issues for the Fire and Building regulations. The City continues to waive plan check and permit fees. These actions have resulted in triple the number of permits compared to other cities in the South Bay.

This recommendation also discusses wind energy systems. Small-scale units had been demonstrated to the Environmental Task Force; however, this type of technology is not yet in production. Because there are many concerns regarding the viability of current technology as well as height, view, location, and noise concerns; the subcommittee recommends that wind turbines outside the building footprint area be considered through the public hearing process.

4. Material and Resources Recommendations

WASTE MANAGEMENT and MATERIAL REUSE

4.	**Application**	New Construction & Major Renovations
	Measures	• Waste management - Require 65% waste diversion of construction and demolition debris • Fly ash reuse – Require minimum 20% fly ash in concrete pour in-place cement
	Benefit	• Additional 15% reduction in construction-related waste • Fly ash use diverts waste product & reduces use of Portland cement, which is energy intensive to produce

Improved waste diversion from the landfill and material reuse are the main objectives of these recommendations. The current requirement is to recycle 50% of construction and demolition debris. This proposal would increase the requirement by 15% for a total of a 65% diversion rate. The recent Wells Fargo project diverted more than 80% of their debris from landfills.

Fly ash is a by-product of coal, which is typically burned to produce electricity. Fly ash can be used as a mixture additive to cement, which reduces the amount of Portland cement used. Portland cement is energy intensive to produce. The subcommittee researched the feasibility and viability of combining fly ash in poured in-place concrete and determined it to be practical, inexpensive and locally available. The quality of the concrete works well with 20% fly ash. Fly ash, which is potentially detrimental to the atmosphere, is instead captured and reused for cement.

5. Air Quality Recommendations

INDOOR AND OUTDOOR

5.	**Application**	New Construction and Major Renovations
	Measures	• Indoor - Finishes, Caulks, Sealants, Adhesives – low or no Volatile Organic Compounds (VOC). • Outdoor - Best Management Practices – o Discourage or prohibit material deliveries to construction sites on trash pick up days o Educate and enforce limits on idling of gas or diesel fueled construction vehicles
	Benefit	• Improve indoor air quality • Reduce construction-related traffic and fuel waste

This recommendation expands the current requirements of Low Volatile Organic Compounds (VOC) in caulking. VOC's are harmful vapors that are regulated by a variety of air quality

governmental agencies. The measure brings the City's regulations in line with that of the California Green Building Standards, which will be effective January 1, 2011. The market for low and no VOC finishes, caulks, sealants, and adhesives is growing rapidly; so a wide selection of these items is easily attainable for reasonable costs.

The outdoor air quality recommendations are Best Management Practices that the Residential Construction Officer will implement and enforce.

Next Steps

Staff will develop the appropriate ordinance to implement measures as directed by City Council. Also, the California Public Resources Code (PRC) requires that the City make a determination, as part of the ordinance, that proposed energy efficiency portions of the measures are cost effective. The PRC requires that the energy efficiency information be submitted to the California Energy Commission, who will review the application/ordinance to assure that the proposed standards exceed the current Standards, and by how much (20% per the subcommittee's recommendations).

In order to educate the public and construction community, staff would be trained on the new regulations. Subsequently, staff will conduct public outreach through construction community meetings and newsletter, City cable television public service announcements, and the City's website. It is anticipated that code enforcement of the sustainable measures after final inspections would be minimal; similar to the water conservation measures, which had a strong public outreach - without pro-active enforcement - and the City has reduced water usage by 20%.

CONCLUSION:

Staff recommends that City Council approve the recommendations of the Environmental Task Force, and direct staff to prepare amendments to the Manhattan Beach Municipal Code, Title 5 Sanitation and Health, Title 9 Building Regulations, and Title 10 Planning and Zoning. Draft ordinances to incorporate the mandatory measures would then be presented to the Planning Commission, for the Zoning Code amendments, and then to the City Council for their review and consideration.

Exhibits:

A. Green Building Subcommittee Member Background and Subcommittee Goals
B. Detailed Sustainable Measures Recommendations – Tables 1-5
C. Five examples of Title 24 Reports with 20% Improved Energy Efficiency

Exhibit A. Green Building Subcommittee Member Background and Subcommittee Goals

Member Background

The subcommittee on Sustainable Design (Green Building) is comprised of three residents: Casey Beyer, Ben Burkhalter, and Chris Conaway, each bringing unique insight and expertise in the sustainable design, architecture, and energy efficiency areas. City Staff provide support to the subcommittee including the Acting Community Development Director, Laurie Jester; Carol Jacobson, Building Official; and Esteban Danna, City Planner.

The subcommittee is chaired by Chris Conaway, a LEED AP architect with the international design firm NBBJ in Los Angeles. Chris has been involved with the sustainable design movement since the early 1990s and has just completed his 6th LEED certified building project.

Casey Beyer is an independent consultant in the energy and environmental policy sector.
Ben Burkhalter is an architect with offices located in Manhattan Beach, with a specific focus on energy-efficient design. Ben is currently working on a case study project for a LEED Gold rated single-family residence.

Green Building Subcommittee Mission Statement

The Green Building Subcommittee developed a working mission statement:

- To identify environmentally responsible, sustainable and energy efficient policies for constructing, renovating and occupying the built environment;
- To develop and make recommendations to City Council that will lead towards a healthy and sustainable city; and
- To educate and promote programs that increase awareness and incentivize sustainable building practices.

EXHIBIT B. Detailed Sustainable Measures Recommendations – Tables 1-5

1 a. SITE SUSTAINABILITY

STORMWATER RETENTION DESIGN

LOW IMPACT DEVELOPMENT & BEST MANAGEMENT PRACTICES

Application	Measures	Purpose/Benefit	Fiscal Impact	Similar Policies
Title 9 Building Regulations • All new construction • Major renovations (over 50%) • Single & Multi-Residential • Non-residential • Municipal	Design runoff mitigation measures to achieve zero discharge for ¾" rainfall in 24 hr period & retain 100% pre-development runoff capacity Parcels 7,500 sf or less Two Methods: Prescriptive – • Non-permeable surface max 20% required yard &/or setback, parkway, & encroachment areas • Run-off from non-permeable surfaces (e.g., roofs, parking)direct to non-permeable areas &/or approved *Retention Features. Performance – Licensed Civil Engineer or Landscape Architect design per Calif Stormwater Quality Assn Best Management Practices Handbook & US Environ.Protection Agency NPDES Parcels greater than 7,500 sf may only use Performance method above	Reduce runoff & discharge of pollutants Meet or exceed compliance with Municipal discharge Permit * Retention Features – may include Gray water, captured rain storage, and other systems – Administrative approval to allow some flexibility for placement	Moderate to no net impacts	Santa Barbara; Santa Monica; Palo Alto

EXHIBIT B. Detailed Sustainable Measures Recommendations – Tables 1-5

1 b. SITE SUSTAINABILITY
GREEN ROOFS

Application	Measures	Purpose/Benefit	Fiscal Impact	Similar Policies
Title 10 Planning & Zoning • All new construction • Major renovations (over 50%) • Single & Multi-Residential • Non-residential • Roof/Deck/ Balcony remodels	Green Roofs allowed : Where decks & balconies allowed Director exemptions: • Administrative approval where usability at roof level prohibited if fire-life safety, maintenance, slope, & access issues are mitigated	Filters pollution Decreases stormwater runoff into public system Increases thermal & acoustical insulation Lowers need for air conditioning & energy consumption	Very moderate to no net impacts	Los Angeles City; Monterey

EXHIBIT B. Detailed Sustainable Measures Recommendations – Tables 1-5

2 a. WATER EFFICIENCY
WATER USE REDUCTION
LANDSCAPING AND IRRIGATION

Application	Measures	Purpose/Benefit	Fiscal Impact	Similar Policies
Title 9 Building Regulations Sites using potable water • All new construction • Major renovations (over 50%) • Single & Multi-Residential • Non-residential • Municipal	Design irrigation to meet requirements for Region 3 per Water Use Classification of Landscape Species (WUCOLS) Plants of high water use – max. 20% total landscaped area on private property, parkways, & encroachment areas per WUCOLS Parcels 7,500 sq ft or less Two Methods: Prescriptive – Standardized Water Budget Worksheet per WUCOLS Performance – Licensed Landscape Architect design & calculations Parcels greater than 7,500 sq ft may only use Performance method above Exemptions: • Sites irrigated w/ non-potable water • Dept Director administrative for hardship or special circumstances	Estimated 20% reduction of water usage Estimated 20% reduction of runoff discharge Meet or exceed compliance with California Model Water Efficient Landscape Ordinance	Very moderate to no net impacts	Santa Barbara; Santa Monica; Palo Alto

EXHIBIT B. Detailed Sustainable Measures Recommendations – Tables 1-5

2 b. WATER EFFICIENCY
WATER USE REDUCTION
PLUMBING FIXTURES

Application	Measures	Purpose/Benefit	Fiscal Impact	Similar Policies
Title 9 Building Regulations • All new construction • Additions/ renovations with new plumbing • Single & Multi-Residential • Non-residential • Retrofit toilets upon residential sale/transfer	New Construction, Additions, Renovations with new/replaced plumbing fixtures, such as: • Lavatory faucets, kitchen faucets, toilets, clothes and dishwashers to reduce water use by 20% - residential • Weather &/or sensor-based irrigation controls • Fountains -unless non-potable water, excluding swim pools/spas, max 25 sq ft foot print with water recirculation system; No Overspray. Two Methods: Prescriptive – Specific plumbing fixtures meeting high efficiency standards Performance – Water Use Budget per the Calif Green Building Standards Residential Sale/Transfer Retrofits • Toilets WaterSense rated or equivalent with exemptions (eg: foreclosures; transfer within family)	Estimated 20% reduction of water usage Estimated 20% reduction in effluent discharge Meet or exceed current Manhattan Beach Water Conservation Ordinance & California Green Building Standards effective 1/1/11	Very moderate to no net impacts	Berkeley; Santa Monica; San Francisco

EXHIBIT B. Detailed Sustainable Measures Recommendations – Tables 1-5

3 a. ENERGY
ENERGY EFFICIENCY

Application	Measures	Purpose/Benefit	Fiscal Impact	Similar Policies
Title 9 Building Regulations • All new construction • Additions/ renovations • Single & Multi-Residential • Non-residential per MB LEED ordinance • Municipal per MB LEED ordinance	Energy Efficiency: Exceed 2008 Title 24 Calif Energy Efficiency Standards by 20% - Residential Only **RESIDENTIAL & NON-RESIDENTIAL:** Lighting Efficiency – Light fixtures – Energy Star rated Major Appliances, Fixtures, Equipment Efficiency: Energy Star rated - • Exhaust & Ceiling fans • Clothes & Dish Washers • Refrigerators & Freezers • Heating, Ventilating, Air Conditioning • Wine coolers Water heaters – min efficiency req'ts based on size & type Pipe insulation (currently required) Heat traps for non-circulating water heaters & tanks Gas Fireplaces – sealed, direct vent – min 65% efficiency Swim pools & spas - • Solar energy system for 60% minimum heating of new pools/spas • Thermal covers/blankets – minimum R-15 rating • Electric resistance heaters must be powered by renewable energy system	Estimated minimum 20% to 70% reduction of energy demand Meet or exceed LEED requirements, current California Energy Efficiency regulations & California Green Building Standards effective 1/1/11	Moderate to no net impacts Direct operational & Life cycle cost savings	San Jose; Chula Vista; San Francisco

EXHIBIT B. Detailed Sustainable Measures Recommendations – Tables 1-5

3 b. ENERGY
RENEWABLE ENERGY

Application	Measures	Purpose/Benefit	Fiscal Impact	Similar Policies
Title 10 Planning & Zoning	Solar Energy Systems: Administrative approval - Max 12" over height if to meet State Solar Rights Act; • Director exemptions where fire-life safety, access issues are mitigated Wind Turbines: Allowed within building footprint; public hearing for other locations: • Small scale units technology not yet viable • Prevailing wind velocities may make this inefficient • Other concerns re: height, location, noise, view, bird capture need to be mitigated	Encourage and/or facilitate renewable energy & resource conservation	Not applicable; voluntary	Hermosa Beach;

EXHIBIT B. Detailed Sustainable Measures Recommendations – Tables 1-5

4. MATERIALS & RESOURCES
WASTE MANAGEMENT & MATERIAL REUSE

Application	Measures	Purpose/Benefit	Fiscal Impact	Similar Policies
Title 5 Sanitation & Health and Title 9 Building Regulations • All new construction • Additions/ renovations • Single & Multi-Residential • Non-residential • Municipal	Waste Diversion: Require waste from Construction & Demolition to be recycled – Modify current requirement from 50% to 65%. Fly ash or Similar Supplementary Cementitious Materials (SCM) Reuse: Require use of minimum 20% fly ash in concrete poured in-place cement.	Additional 15% reduction in construction-related waste Use of fly ash diverts waste product and reduces use of Portland cement, which is energy intensive to produce. Meet or exceed LEED requirements and California Green Building Standards effective 1/1/11	Very Moderate to no net impacts	Santa Monica; Los Angeles County; San Francisco

EXHIBIT B. Detailed Sustainable Measures Recommendations – Tables 1-5

5. AIR QUALITY
INDOOR & OUTDOOR

Application	Measures	Purpose/Benefit	Fiscal Impact	Similar Policies
Title 9 Building Regulations & Best Management Practices • All new construction • Additions/ renovations • Single & Multi-Residential • Non-residential • Municipal	Indoor - Finishes, Caulks, Sealants, Adhesives: Low Volatile Organic Compound (VOC) or No -VOC Outdoor - Best Management Practices: • Discourage or prohibit equipment and/or material deliveries to construction sites on Refuse & Recycling Pickup days that block or interfere with traffic flow through Residential Construction Officer & Contractor Meetings • Educate contractors & enforce Calif Air Resources Board limits on idling of gas &/or diesel fueled vehicles to maximum 5 minutes. Exceptions include concrete mixers	Improve indoor air quality Reduce construction-related traffic & fuel waste Meet or exceed LEED requirements and California Green Building Standards effective 1/1/11	Very Moderate to no net impacts	Beverly Hills; San Francisco; Palo Alto

PUBLIC HEARINGS

None.

GENERAL BUSINESS

03/16/10-16. Consideration of Environmental Task Force Recommendations to Reduce Greenhouse Gas Emissions

Interim City Manager Richard Thompson introduced the subject item and Environmental Programs Manager Sona Kalapura, Climate Action Subcommittee Chairperson Bob Scott and Climate Action Subcommittee member Todd Dipaola provided a PowerPoint presentation.

The following individuals spoke on this item:

- **Casey Beyer, Green Building Subcommittee member**
- **Peter De Maria, No Address Provided**
- **David Wachtfogel, No Address Provided**

MOTION: Mayor Pro Tem Montgomery moved to approve the following recommendations from the Climate Action Subcommittee: a plan for phasing in energy efficiency measures for municipal facilities when funds become available; replacement of the City's vehicle fleet with low-emissions vehicles; restructuring of the City's Rideshare Program to encourage use by commuters with larger carbon footprints; adoption of a Green Purchasing Plan; continued work with the South Bay Bicycle Coalition to access County grant funding for a regional bike plan; and the inclusion of traffic circles and roundabouts as potential traffic mitigation tools that can reduce CO2 emissions. The motion was seconded by Councilmember Tell and passed by the following roll call vote.

Ayes:	Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes:	None.
Absent:	None.
Abstain:	None.

Council also recommended that some of the items be funded in the Capital Improvement Plan.

Hearing no objection, it was so ordered.

RECESS AND RECONVENE

At 8:47 p.m. the Council recessed and reconvened at 9:05 p.m. with all Councilmembers present.

03/16/10-17. Consideration of Recommendations By the Environmental Task Force to Amend the Municipal Code for Comprehensive Sustainable Building Measures

Interim City Manager Richard Thompson introduced the subject item and Building Official Carol Jacobson, Green Building Subcommittee Chairperson Chris Conaway, Green Building Subcommittee Member Ben Burkhalter and Green Building Subcommittee Member Casey Beyer provided a PowerPoint presentation.

The following individual spoke on this item:

- **David Kissinger, South Bay Association of Realtors**

MOTION: Councilmember Cohen moved to approve the recommendations from the Green Building Subcommittee which involve amending the Municipal Code to include several changes regarding Site Sustainability, Water Conservation, Energy Efficiency, Materials, & Air Quality and approve several zoning issues related to Green Roofs, Wind Turbines and Solar Panels as outlined in the staff report. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

Ayes:	Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes:	None.
Absent:	None.
Abstain:	None.

Council further directed Staff to review the above with the Planning Commission, as needed; to return with the subject changes in an ordinance for Council consideration; and to provide more information regarding the upgrades to water efficient toilets, the cost implications of requiring 60% of pool heating by renewable resources, and the implications of storm water and landscaping improvement requirements for large scale (over 50%) interior remodels.

Hearing no objection it was so ordered.

Because the time was after 10:30 p.m. (the cut off for introduction of new agenda items) and due to Resolution No. 6132 stating that "the City Council shall adjourn each regular meeting thereof by 10:30 p.m., unless four-fifths (4/5) of the Council Members present vote to waive or extend the required adjournment time" the following motion was made.

MOTION: At 10:36 p.m. Mayor Pro Tem Montgomery moved to continue the meeting past the 10:30 p.m. cut off. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote.

Ayes:	Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes:	None.
Abstain:	None.
Absent:	None.

03/16/10-18. Consideration of a City Council Work Plan Item to Consolidate the City's March General Municipal Election with the Los Angeles County's November Odd-Year Election

Interim City Manager Richard Thompson introduced the subject item and City Clerk Liza Tamura provided the staff presentation.

The following individuals spoke on this item:

- **Martha Andreani, Downtown Manhattan Beach**
- **Don McPherson, 1000 Block of 1st Street**
- **Todd Dipaola, 100 Block of 14th Place**
- **David Wachtfogel, No Address Provided**
- **Sandra Seville-Jones, No Address Provided**
- **Charles Foley, 1100 Block of 2nd Street**

Following a brief discussion regarding the possibility of moving the City's General Municipal Election in March of odd-years to the Manhattan Beach Unified School District (MBUSD) November odd-year election, Council directed staff to contact MBUSD to find out whether they would be interested in consolidating their November odd-year election with the City's General Municipal Election in March of odd-years; to obtain information from the Los Angeles County Registrar Recorder's Office regarding the possibility of consolidating the City's General Municipal Election with the County's November even-year election utilizing the same polling locations, and if doable, contact the MBUSD to determine whether they would be interested in consolidating with the City; and to research historical data regarding voter turnout not only for MBUSD, but for other jurisdictions that combine their General Election with their School Districts.

Acting Director Jester explained the appeal process and indicated that the item will be placed on the City Council's Consent Calendar for their meeting of August 3, 2010.

07/14/10-2 Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan

Assistant Planner Danna summarized the staff report. He commented that the Sustainable Green Building Subcommittee of the Environmental Task Force is comprised of three residents and City Staff. He said that the subcommittee placed emphasis on energy efficiency, water conservation, runoff reduction, solid waste reduction and diversion, and air quality and emissions restrictions. He indicated that the City Council approved the Sustainable Green Building Subcommittee Environmental Task Force recommendations on March 16, 2010, and directed staff to prepare the proposed Code Amendments. He stated that the recommendations for amendments pertain to site sustainability; water efficiency and water use reduction; energy materials and resources; and air quality. He pointed out that many of the recommendations are required now or will be in the near future by the City's Water Conservation Ordinance, the California Model Water Efficiency Landscape Ordinance, the California Energy Efficiency Regulations; and California Green Building Standards.

Assistant Planner Danna indicated that the goal of the proposed Amendment regarding site sustainability is to design water runoff mitigation measures to achieve a zero discharge for a ¾ inch rainfall in a 24 hour period. He indicated that the requirements would apply to all new construction and major renovations over 50 percent in valuation for single family and multi family residential, non residential, and municipal developments. He indicated that parcels for 7,500 square feet or less would be permitted to have a maximum of 20 percent of non-permeable surfaces for required yard setbacks, parkways, and encroachment areas. He said that runoff from non-permeable surfaces such as roofs and parking pads would be required to be directed to permeable areas and/or approved retention features. He said that there would be an option to show compliance to the requirements by submitting a design from a licensed Civil Engineer or Landscape Architect per California Storm Water Quality Association's Best Management Practices Handbook and the Environmental Protection Agency's National Pollutant Discharge Elimination System. He stated that parcels greater than 7,500 square feet would need to show plans designed by a licensed civil engineer or landscape architect. He indicated that the purpose of the Amendment is to reduce the runoff and discharge of pollutants into the streets and storm drains and to meet municipal discharge requirements. He indicated that there are challenges of imposing the regulations in commercial areas where there are no setback requirements. He indicated that staff is suggesting that the Commission explore alternative means of achieving storm water runoff mitigation through other measures for commercial properties.

Commissioner Seville-Jones asked regarding the role of the Commissioners in reviewing the amendments, as the Council has already approved the guidelines.

Assistant Planner Danna said that the role of the Commission is to discuss the proposed Amendments and add any suggestions that they may have for improving the requirements.

In response to comments from the Commissioners, Acting Director Jester indicated that the item is being brought to the Commission at this stage to provide an introduction to the language and concepts of the proposed new standards without providing all of the details of the Zoning Code language. She indicated that the Task Force did look at very specific requirements from

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other cities while also recognizing that Manhattan Beach is unique. She said that staff would like for the Commissioners to understand the basic concepts and provide any opinions or suggestions they may have to provide ideas to help further refine or improve the recommended amendments.

Commissioner Lesser indicated that it would be helpful for him to have further information regarding actions taken by other cities. He stated that it would also help to have a better idea of what measures the task force considered and the reasons why the measures were rejected or accepted. He stated that he would like more specific information regarding the origin of the proposals. He said that the City Council has basically approved the proposals, and he is not certain how much the Commission should suggest changing the recommendations of the task force.

In response to a question from Commissioner Seville-Jones, Building Official Carol Jacobson indicated that the standard of zero discharge for ¾ inches of rain within a 24 hour period is required for communities in the area under the Municipalities Permit. She indicated that currently the standard only pertains to commercial areas and not residential. She indicated that applying the requirement to smaller lots would help Manhattan Beach to be ahead of other cities in the area in applying the standard.

Commissioner Lesser asked whether staff feels that there would be a difficulty in complying with the standard for smaller residential properties or for commercial properties with very little setback.

Ms. Jacobson commented that Santa Monica has requirements that are similar to the subject proposal, and there has not been a problem with projects being able to comply. She stated that materials are readily available for providing permeable pavements. She indicated that the costs can range depending on whether the material that is used is low or high end. She said that there are numerous materials that can provide permeable surfaces that are very reasonable in cost.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that it was suggested to include renovations that are over 50 percent valuation in the requirements because such renovations are generally quite substantial. He indicated that most likely that such a substantial remodel would include removing and replacing brick or concrete sidewalks and that the cost of changing the material to a permeable surface would not be a large percentage of the total cost of the project.

In response to a question from Commissioner Seville-Jones, Acting Director Jester commented that meeting the requirement would not necessarily require installing an expensive system and could be as simple as replacing a concrete walkway with pavers.

Commissioner Andreani suggested encouraging capturing rain water for use in irrigation.

Assistant Planner Danna commented that the recommendations do include capturing rain water from non-permeable surfaces in water retention bins or other approved systems.

In response to a question from Commissioner Seville-Jones, Acting Director Jester indicated that staff has discussed making allowances for water collection bins to be located within the required setback.

In response to a question from Commissioner Lesser, Assistant Planner Danna stated that flexibility needs to be provided in the language to allow the Community Development Director

discretion in approving systems that currently are not developed provided that they meet the required findings.

Chairman Fasola indicated that he has a concern that the requirement that parcels less than 7,500 square feet have a maximum of 20 percent non-permeable surfaces for required yards, setbacks, parkway and encroachment areas penalizes smaller lots which have a proportionately larger setback area than a larger lot. He indicated that it would be very difficult for a half lot to meet the requirement. He commented that water does soak through sandy soil but does not soak through clay soil very easily. He indicated that he has a concern with making a requirement that 80 percent of required yards, setbacks, parkway and encroachment areas surfaces be permeable when it may not be feasible for properties where water may not soak through depending on the soil. He indicated that including such a blanket requirement in the Code could be detrimental to many projects where the water would not soak in but instead could end up saturating the soil and flooding the property. He said that a better option may be to list the goals and for the property owner to have the option of submitting a design from a licensed civil engineer that meets the goal. He indicated that the intent regarding sustainability is not necessarily to have permeable surfaces for walkways or patios but rather that the storm water be collected and directed down into the soil. He indicated that he is concerned with forcing a specific technical solution to solve a general problem.

Commissioner Seville-Jones commented that her understanding is that people would have the option of not meeting the requirement provided they submit a design from a licensed engineer that meets the goal of zero discharge for ¾ inches of rainfall within a 24 hour period.

Commissioner Lesser said that he would like to confirm that the goal of achieving zero discharge for ¾ inches of rainfall within a 24 hour period is possible for all properties in the City.

Acting Director Jester said that it is a good suggestion to allow for an administrative process for properties on which retaining the storm water on site is not feasible because of the soil conditions or other limitations.

Ms. Jacobson said that it was felt that it is important to allow for administrative approval to provide flexibility for situations where the options for retaining storm water on site are not feasible.

Assistant Planner Danna indicated that a green roof balcony or deck is a surface that supports the growth of vegetation over a portion of its area for the purpose of water or energy conservation. He said that green roofs usually consist of a waterproof safe membrane that is covered by a drainage system, a light weight growing medium, and plants. He stated that green roofs provide a means to decrease storm water runoff into the public system as well as provide building insulation and improved aesthetics. He said that the proposed regulations for green roofs would apply to all new construction and major renovations of over 50 percent valuation for single and multifamily residential and nonresidential projects. He indicated that green roofs would be treated the same as other decks and balconies in terms of height and setback requirements. He commented that the Community Development Director may approve green roofs on top of a roof level if it is not usable as a deck and if safety, maintenance, access and slope issues are mitigated. He indicated that the Code currently does not allow rooftop decks. He indicated that staff is concerned that green roofs would be used as decks, as providing access to the roof is necessary in order to maintain the plants. He said that a green roof may be approved if it is not usable as a deck due to the slope and limited access. He indicated that the benefit of a green roof is to reduce storm water runoff into the public system, to filter out

pollution, to increase thermal and acoustical insulation, and decrease the need for air conditioning and other energy consumption.

Assistant Planner Danna said that the primary goal of recommendations regarding water efficiency and water use reduction is to reduce the water needed to irrigate landscapes. He indicated that the intent of the recommendation is to design irrigation to meet the requirements for region 3 per Water Use Classification of Landscape Species (WUCOLS) to assist in the design of more water efficient landscaping. He stated that the regulations would apply to all new construction, major renovations of over 50 percent valuation, single and multifamily residential, non residential and municipal projects. He indicated that the recommendation is to allow a maximum of 20 percent of landscaped area (private property, public parkways and encroachment areas) to require high water usage such as grass. He commented that lots under 7,500 square feet may use a standardized water budget worksheet as provided by WUCOLS or may provide a licensed landscape architect design and calculations. He stated that lots over 7,500 square feet would be required to provide a design and calculations from a licensed landscape architect. He indicated that the Community Development Director would be able to give exemptions for hardships or special circumstances. He commented that sites irrigated with non-potable water would also be exempt from the requirement. He stated that the requirement would provide for an estimated 20 percent reduction in water usage; would provide for an estimated 20 percent reduction in runoff discharge; and would meet or exceed compliance with the California Model Water Efficient Landscape Ordinance.

Assistant Planner Danna commented that the recommendation regarding plumbing fixtures within the water efficient and water use reduction recommendations would apply to all new construction and major renovations of over 50 percent valuation for single and multifamily residential and non residential projects. He commented that the recommendation is that residential and non residential fountains and ponds be limited to a maximum of 25 square feet with a water recirculation system unless non-potable water is being used. He indicated that the purpose and benefit would be to provide an estimated 20 percent reduction in water use and meet or exceed the City's Water Conservation Ordinance and California Green Building Standards.

Assistant Planner Danna indicated that the renewable energy recommendations would allow administrative approval of solar energy systems on top of buildings that do not exceed a maximum of 12 inches above the maximum allowable height for the structure. He stated that several solar panel companies have met with staff and participated with the Environmental Task Force meetings. He indicated that plan check guidelines have been refined to meet the concerns expressed by the representatives of solar energy companies while balancing the safety and access issues for the Fire Department and Building Department regulations. He indicated that the City continues to waive the plan check fees for all solar system permits. He commented that the recommendation would also address wind energy systems. He stated that much of the technology for wind energy systems is not yet available, and flexibility needs to be provided in the Code language to allow for future changes in technology. He said that because of concerns regarding height, view obstruction, noise, and the viability of current technology, the Subcommittee recommends that approval of wind turbines be done through a public noticing process if they are proposed to be located out of the allowed buildable envelope. He commented that the purpose and benefit of the recommendations regarding renewable energy is to encourage or facilitate the installation of renewable energy systems.

Chairman Fasola opened the public hearing.

Toni Reina, representing Continental Development Corporation, said that they would suggest that a mechanism be provided in the Code Amendments to allow for flexibility to approve Minor Exceptions or exemptions. She said that consideration should be given to practicality and feasibility of implementing the proposed new regulations. She commented that they would also be interested in receiving further information on how the City intends to exceed the State agency requirements for storm water retention and the California Efficient Landscape Ordinance.

Laura Gillin, representing Solar City, said that their solar panel system would require a height of 23 inches above the level of the roof on which it is installed for optimal efficiency. She said that their panels require an angle of tilt of 5 degrees on a flat roof to provide for maximum performance. She commented that they have submitted a report to the Environmental Task Force in January of 2010. She stated that the lowest height she found for solar panel systems provided by other companies was 18 inches. She requested that the Commission consider allowing 18 inches above the maximum height limit for installation of solar panels on the roof of buildings.

In response to a question from Commissioner Lesser, **Dustin Huskins**, representing Solar City, said that a 5 degree tilt for the panels is necessary in order for them to receive the optimal amount of ultra violet rays from the sun and to prevent water or debris from collecting on them rather than running off. He indicated that having the panels raised also allows for air flow under the panels which aids in their efficiency.

Ben Burkhalter, a member of the Green Building Task Force, said that the recommendations of the Subcommittee arrived after a year and a half of studying the requirements of numerous other cities and counties in California regarding energy efficient standards. He indicated that they also received input from applicants of projects and Code enforcement officials. He said that they also took into consideration requirements that they knew were in the process of being enacted as well as the direction of the City Council. He commented that they utilized a tremendous amount of information, and they included references where possible in their recommendations. He said that they are still in the process of writing the language of the Amendments. He commented that they arrived at the recommendation of allowing 12 inches over the maximum building height for solar panels based on a report they received from Solar City. He indicated that their intent was for the requirements to be attainable with the technology that is available.

In response to a question from Commissioner Lesser, **Mr. Burkhalter** said that the soil permeability rating for the City is about 87 percent sand and 13 percent clay. He pointed out that the requirements they are recommending regarding water retention would apply to the maximum extent practicable. He said that providing a blanket requirement that could be met on the vast majority of properties would push the City's storm water permit compliance well into the future. He commented that for the vast majority of sites simply not paving would allow the storm water to permeate into the soil rather than running off into the storm drains.

Commissioner Lesser said that having the standard apply to the extent practicable is different than having it apply strictly to all properties.

Acting Director Jester commented that her understanding is that the Commission wants to provide flexibility in applying the requirement for having a maximum of 20 percent of non-permeable surfaces for required yard setbacks, parkways, and encroachment areas.

Chairman Fasola suggested requiring that a maximum of perhaps 5 percent of the site be permitted to have non-permeable surfaces rather than requiring that 20 percent of the setback area have permeable surfaces, as this would allow the designer more flexibility. He said that allowing something like for 5 percent of the site would arrive at the same goal for water retention while allowing more flexibility.

Chairman Fasola commented that his understanding is that the City does a good job in filtering storm runoff water and that not much unfiltered water flows from the storm drains into the ocean. He asked regarding the amount of storm water runoff that is being filtered currently. He asked about the necessity of such a requirement for retaining storm water runoff on individual sites if the vast majority of the water is already being filtered back into the soil.

Acting Director Jester indicated that the Environmental Task Force and the Subcommittee considered implementing a series of citywide filtration systems rather than requiring individual property owners to retain storm water. She indicated that there is the ability because of the sandy soil for water to be retained on individual properties, and it is much easier and less expensive. She said that there are very few sites in the City that have clay soil. She indicated that there are a number of filtration devices at different locations in public parking lots throughout the City.

In response to a question from Chairman Fasola, Acting Director Jester said that staff could provide further information regarding the amount of untreated water runoff that reaches the ocean from Public Works.

Chairman Fasola said that retaining storm water runoff on site is a goal that the City should attempt to reach, but he would like to know more regarding if there is a large concern with untreated water reaching the ocean currently.

Mr. Burkhalter commented that the City has taken measures to filter storm water runoff during certain conditions; however the requirements for filtering are becoming more stringent in both wet and dry conditions. He indicated that it was indicated to the Subcommittee that water containment must be done on site in conjunction with larger filtration systems. He said that the main concern is with large storms during which the storm drains become overwhelmed. He stated that the system is designed to discharge the water into the sand and use the sand as filtration, but the filtration system becomes overrun during large storms.

Commissioner Lesser requested further information regarding the specific areas in the City that have clay soil and the additional challenges that would be posed for projects on such properties. He indicated that he would also like further input regarding any exceptions that should be considered for such properties. He indicated that he would also like further information regarding how the Ordinances of other cities are written to address retaining storm runoff water on properties with clay rather than sandy soil.

In response to a question from Commissioner Lesser, Assistant Planner Danna said that staff would like for the Commission to suggest possible solutions for addressing water runoff retention on site for commercial properties that are built out to near the property line and have very little setbacks. He indicated that a possible alternative would be to require permeable pavement for parking lots along the Sepulveda Boulevard corridor. He said that another possibility would be to allow more square footage for structures in the downtown area provided that a water retaining system is provided on site.

Acting Director Jester stated that staff also has suggested the possibility of allowing a parking reduction for buildings that are built to the Leadership in Energy and Environmental Design (LEED) standards for buildings in the North End.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that currently there is not much development in the El Porto area because the lot sizes are not large enough to accommodate the parking that is required. He said that staff is suggesting the commission consider the possibility of allowing a parking reduction in order to encourage building more sustainable developments.

Chairman Fasola said that there is a question as to whether it is economically feasible to build in the North End. He said that the issue in the North End is that there are not opportunities for providing parking and there is no in lieu fee for providing parking. He commented that it would seem that the best approach to providing sustainable building practices is to retain existing structures which saves a large amount of materials from being used to build new structures.

Assistant Planner Danna said that property owners in the North End are limited in remodeling their properties because of the parking. He indicated that allowing a parking reduction could be an incentive for providing energy efficiency if a property owner wants to remodel an existing building.

Commissioner Andreani commented that she does not feel parking requirements should be relaxed in exchange for building energy efficient structures, as it could result in exacerbating existing parking problems which already is a large issue.

Commissioner Seville-Jones said that she likes the idea of requiring a portion of uncovered parking lots in commercial developments to be built with permeable pavement or other permeable materials.

Chairman Fasola suggested the possibility of only applying the standards to residential properties, as a very small percentage of the properties in the City are commercial.

Commissioner Andreani commented that it is possible to place requirements on commercial properties such as permeable surfaces and planting of trees for parking lots that would help address storm water, drainage, and runoff.

Chairman Fasola commented that it would be difficult to address commercial properties that are built to the property line.

In response to a question from Commissioner Lesser, Acting Director Jester indicated that the green roofs she is familiar with generally use drought tolerant plants.

Commissioner Lesser asked whether restrictions would be placed on the type of plants that could be placed on such a roof.

Acting Director Jester said that it would not be practical to place landscaping that requires a large amount of water on a green roof, as the intent is that such roofs are not usable surfaces that are easily accessed.

Assistant Planner Danna pointed out that property owners would also be limited by the requirement that only 20 percent of the landscaped area on the property require high water usage.

In response to a question from Commissioner Lesser, Assistant Planner Danna said that staff can determine from plans that are submitted whether a roof would be able to be easily accessed and used as a deck.

Commissioner Seville-Jones asked about regulating the height of plants on roofs, as they do continually grow.

Acting Director Jester said that the plants used for the green roofs that she has seen typically are succulents and other drought tolerant plants that do not grow very tall. She pointed out that the type of plants that are used is limited because they would require a shallow soil surface. She said that a height limit could be placed for plants on green roofs.

Commissioner Seville-Jones commented that she does feel a height limit should be considered for plants on green roofs, although she would not want to restrict the type of plant that could be grown on a green roof. She said her understanding is that the intent is that green roofs function to lower energy consumption by helping to cool structures. She indicated that the intent is not for such roofs to become gardening areas. She said that she is not certain about the balance of being overly restrictive and at the same time not providing for roofs that become usable areas.

Acting Director Jester indicated that staff would not want for third story roofs to become usable spaces in areas zoned for three stories. She indicated that having usable areas on roof levels results in concerns with providing for railing and other safety measures. She said that decks are permitted on the second level of homes in areas that are zoned for three stories. She commented that green roofs that are on the third level would be required to be sloped and to not have access from a permanent staircase and would only have limited access.

Chairman Fasola indicated that his experience is that green roofs are generally done on large commercial structures. He asked about circumstances where the plants die because the roof is not maintained.

Commissioner Seville-Jones requested that she would like more information regarding the State requirements and how the proposed Amendments would meet or exceed those requirements.

Commissioner Lesser said that he would also like more information regarding cities that have adopted similar measures to the proposed Amendments.

In response to a question from Commissioner Lesser, Ms. Jacobson commented that there are many toilets now on the market that use 1.2 gallons of water per flush as opposed to 1.6 gallons per flush which is currently the standard.

Chairman Fasola indicated that with the small size of many of the lots in the City, he would like to know where Manhattan Beach compares in terms of water usage with other cities in the Los Angeles area where the properties have much larger lawns. He asked whether it would be appropriate to allow smaller lots to be exempt from being restricted to 20 percent of the landscaped area requiring high water usage.

Chairman Fasola stated that he would like further information regarding which of the proposed requirements are measures mandated by the State and which are additional measures that are being taken by the City.

Acting Director Jester pointed out that information regarding which of the suggested regulations are State requirements has been included in the staff report. She indicated that references can also be added to the charts that are in the staff report regarding which suggested regulations are State requirements.

Commissioner Paralusz said that she is concerned that not allowing solar panels to extend up to the height required for their maximum performance may discourage some people from installing solar panel systems because of the cost involved.

Acting Director Jester said staff's understanding is that allowing solar panels to extend up to 12 inches about the maximum height limit would meet the State requirement that solar panels not be restricted from reaching up to at least 80 percent of their maximum performance.

Commissioner Andreani stated that she is concerned regarding allowing the height of solar panels to extend beyond the maximum permitted building height considering all of the work that has been done to reduce visual bulk and density in the City. She suggested that the maximum height limit be reduced to allow for the added height of the panels.

Acting Director Jester said that she would want to consult with the City Attorney as to the implications of not adhering to the State requirement that solar panels be able to reach at least 80 percent of their maximum efficiency.

Commissioner Andreani pointed out that the regulation would pertain to new construction which the City does have a right to control.

Commissioner Lesser said that the renewable energy proposals would also apply to projects on existing construction which is why the City must adhere to the State law as to existing structures. He said that he would like more information regarding how other cities have addressed the issue regarding solar panels being installed on structures built to the height limit.

Acting Director Jester commented that there are a number of cities that allow solar panels on roofs to exceed the maximum height limit.

Commissioner Seville-Jones said that she would most like to see information as to the requirements of other coastal cities.

Commissioner Andreani indicated that she feels it is appropriate that any projects for wind turbines require noticing. She indicated that the issue of approving wind turbines is similar to the issue regarding the approval of cellular communication towers.

Commissioner Seville-Jones pointed out that wind turbines that are proposed within the building footprint on residential properties would not require noticing. She indicated that she has a concern that wind turbines that are built in residential areas within the building footprint could create additional impacts to neighbors. She said that she would like further information regarding any additional impacts that could result in the turbines being allowed on residential properties.

Chairman Fasola pointed out that there are noise standards that would restrict the noise generated by turbines from exceeding a certain level.

Acting Director Jester indicated that staff felt allowing turbines within the building footprint would be basically the same as allowing mechanical equipment. She said that the turbines would be tied in with noise regulations.

Commissioner Paralusz commented that she would like further information regarding wind turbines that have been installed in other coastal areas or other cities.

Commissioner Seville-Jones asked whether there could be an impact to neighbors from seeing the continual motion of the turbines. She said that she would also like any additional information regarding possible visual impacts of turbines. She commented that she would like to see examples of turbines in other areas.

Commissioner Paralusz commented that determining what is considered visual pollution can be very subjective.

Chairman Fasola asked about limiting the size of fountains to 25 square feet when swimming pools are allowed to be much larger.

Acting Director Jester commented that the distinction that was made during the discussions is that swimming pools provide a recreational use whereas fountains are decorative.

Chairman Fasola commented that he does not believe that very much water is being evaporated from fountains and he questions whether there is much of an issue regarding their water usage.

Mr. Burkhalter pointed out that the new restrictions that are being proposed for swimming pools are very onerous and will be a systemic change to pools in the City. He said that the Subcommittee looked at the requirements of other cities in considering fountains.

Chairman Fasola closed the public hearing.

The Commissioners decided to close the public hearing and have the item be renoticed for a future date.

E. DIRECTORS ITEMS

Acting Director Jester stated that the Parking and Public Improvements Commission will be continuing their hearing regarding regulations for RVs and oversized vehicles at their meeting on July 22, 2010, at 6:30 p.m.

F. PLANNING COMMISSION ITEMS

G. TENTATIVE AGENDA July 28, 2010

1. Shade Hotel Resolution
2. 626 Rosecrans Avenue- Appeal of Director Decision

H. ADJOURNMENT

The meeting was adjourned at 9:55 p.m. to Wednesday, July 28, 2010, in the City Council

NOTICE OF A PUBLIC HEARING BEFORE THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH ZONING CODE AMENDMENT (TITLE 10) AND LOCAL COASTAL PROGRAM AMENDMENT TO INCORPORATE COMPREHENSIVE SUSTAINABLE BUILDING MEASURES

A public hearing will be held before the Planning Commission for the project described below.

Applicant:	City of Manhattan Beach- City Council 2010 Work Plan Item—Sustainable Building Measures
Filing Date:	August 25, 2010
Property Location:	Citywide
Project Description:	Continuation of discussion to amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program to incorporate a comprehensive set of Sustainable Building Measures as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force to the City Council. Measures include site sustainability (landscaping, irrigation, and plumbing fixtures), water efficiency (stormwater retention and green roofs), and energy efficiency (solar panels and wind turbines).
Environmental Determination:	Pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, portions of the subject amendments are exempt in that 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. Portions not covered by the aforementioned exemption are Categorically Exempt, Class 8, Section 15308 in the CEQA Guidelines.
Project Planner:	Esteban Danna, Assistant Planner (310)-802-5514, edanna@citymb.info
Public Hearing:	**Wednesday August 25, 2010 at 6:30 p.m.** **Council Chambers, City Hall, 1400 Highland Avenue**
Further Information:	Proponents and opponents may be heard at that time. For further information contact the project Planner. Project files are available for review at the Community Development Department at City Hall. A Staff Report will be available for review at the Civic Center Library on Saturday, August 21 and at the Community Development Dept. on Monday, August 23 or on the City website: http//www.citymb.info.
Public Comments:	Oral and written testimony will be received during the public hearing. Anyone wishing to provide written comments for inclusion in the Staff Report must do so by August 18, 2010. Comments received after this date will be forwarded to the Planning Commission at or prior to the public hearing. On the Zoning Code Amendment, the Planning Commission will make a recommendation to the City Council and the City Council will make a decision on the application. On the Local Coastal Program Amendment, the Planning Commission will make a recommendation to the City Council and City Council decision will be forwarded to the California Coastal Commission for review and certification. *If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in correspondence delivered to the Planning Commission at, or prior to, the public hearing.*

LAURIE B. JESTER
Acting Director of Community Development

EXHIBIT D
PC Mtg 9/8/10

Publish: August 11, 2010 – Beach Reporter

RREEF
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Dallas, TX 75201
F 214.740.7994
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August 25, 2010

Planning Commission
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

VIA E-MAIL AND HAND DELIVERY

Agenda Item 08/25/10-4

Re: Consideration of Environmental Task Force Recommendations to Amend the Municipal Code for Comprehensive Sustainable Building Measures

Dear Honorable Commissioners:

RREEF America REIT II Corp. BBB ("Owner") operating as Manhattan Village Shopping Center is pleased to have the opportunity to comment on the Environmental Task Force ("Task Force") recommendations to amend the Manhattan Beach Municipal Code to include a set of comprehensive Sustainable Building Measures. Specifically, we are writing to briefly comment on the Task Force's and Staff's recommendations regarding stormwater retention design, low impact development ("LID"), and Best Management Practices ("BMPs"), and to offer some suggestions and recommendations for incorporating LID into the Municipal Code.

The Owner is currently processing an Environmental Impact Report and seeking approvals for the Manhattan Village Shopping Center Enhancement Project (the "Project"). The Project proposes to redevelop an 18-acre "Development Area" within the existing, 44-acre Shopping Center. The proposed Project's additional floor area and parking would aid in attracting a diverse mix of high-quality tenants to provide a broad range of shopping and dining options with featured amenities to serve the needs of the community and ensure the continued success of the Shopping Center. The Project will create new jobs and generate additional tax revenues to the City. In addition, the Project will incorporate green building techniques and comply with the City's Sustainable Building Ordinance. The Owner supports the intent of LID, and we are coordinating to incorporate LID principles into the Project.

We appreciate the hard work of the Task Force and Staff in analyzing and preparing these recommendations. We also thank your Commission for its careful consideration of LID, and offer the following suggestions for your additional consideration in drafting an appropriate LID ordinance for the City of Manhattan Beach.

EXHIBIT E
PC Mtg 9/8/10

A. General LID Considerations

1. Retention of Storm Water On-Site

Based on the Staff Report and statements made by Staff, we understand that the Task Force is recommending that the City's proposed LID ordinance require projects to infiltrate, evapotranspire, capture and reuse, and/or treat through a biofiltration / biotreatment system the volume of the first 0.75 inch of stormwater runoff from a 24-hour storm event. While the Staff Report includes some proposed amendments to the Municipal Code to incorporate LID principles, the proposed amendments do not set forth the volume of water to be retained or the design storm event, the methodology for determining the amount of water to be retained on-site, and the techniques to manage stormwater on-site. We suggest that if the Commission proceeds with a LID ordinance, it direct Staff to prepare comprehensive, proposed amendments to the Code that clarify the volume of water to be retained, the design storm event, the methodology for determining the amount of water to be retained on-site, and stormwater management techniques.

2. Standards for Redevelopment Projects

The Staff Report states that the LID requirements would apply to all new construction and major renovation projects in the City. The LID ordinance should provide clear standards for redevelopment projects. Other jurisdictions that have adopted LID ordinances have incorporated standards providing that where redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, only the redeveloped portion of the site must comply with the LID ordinance, and not the entire development.

3. Provisions for Technical Infeasibility

On-site infiltration of stormwater is not always possible due to site constraints and soil conditions. Accordingly, the City's LID ordinance should include provisions that would exempt certain projects from the ordinance's infiltration requirements should such compliance be "technically infeasible" on-site. "Technical infeasibility" may result from conditions that include, but are not limited to:

- Locations where seasonal high groundwater interferes with infiltration;
- Locations near groundwater wells used for drinking water;
- Brownfield development sites or other locations where pollutant mobilization is a documented concern;
- Locations with potential geotechnical hazards as outlined in a report prepared and stamped by a licensed geotechnical engineer;
- Locations with natural, undisturbed soil infiltration rates that do not support infiltration-based BMPs;
- Locations where infiltration could cause adverse impacts to biological resources;

- Development projects in which the use of infiltration BMPs would conflict with local, State or Federal ordinances or building codes; and
- Locations where infiltration would cause health and safety concerns.

4. Grandfathering Provisions

The LID ordinance should include reasonable grandfathering protections. Such protections recognize that it would be unfair and unreasonable to impose new rules on projects that have reached a point where substantial design and other costs have been made in furtherance of the development. The LID ordinance should include a grandfathering provision that would, at minimum, exempt projects that have filed applications for discretionary permits prior to the effective date of the ordinance.

B. Response to Staff Report

The Staff Report includes some proposed amendments to the Municipal Code to incorporate LID principles. As noted above, we suggest that if the Commission proceeds with a LID ordinance, that they direct Staff to prepare comprehensive, proposed amendments for your Commission, the City Council upon your recommendation, and the public to consider. In addition, the proposed amendments that are included are a sweeping, one-site-and-size fits all approach to LID that do not take into consideration unique site constraints; in particular for redevelopment projects, and the necessary flexibility for a project to employ a variety of stormwater management techniques to comply with LID.

1. The Commission Should Reject Staff's Recommendation that a Minimum of 50 Percent of Parking Areas in Commercial Districts be Paved with Pervious Surfaces

Proposed Municipal Code Section 10.60.140.B.3 requires that parcels in Commercial and other non-residential districts pave a minimum of 50 percent of the parking area with pervious surfaces. Pervious parking areas constructed with permeable pavement, turf pavement, or other pervious material is an example of a treatment control Best Management Practice ("BMP"). However, a mandate that all projects pave a minimum of 50 percent of parking areas with pervious surfaces fails to consider a variety of site constraints for redevelopment projects and technical infeasibility of infiltrating stormwater. Such a mandate does not account for properties with impermeable soil (e.g., clay), Brownfield development sites or other locations where pollutant mobilization is a documented concern, and other redevelopment site constraints. The City's LID ordinance can ensure that stormwater quantity and quality is addressed by incorporating a variety of BMPs into the project design. Such flexibility will allow developers and their licensed civil engineers to work with the City to develop an approach to comply with LID while taking into consideration site constraints.

Esteban M. Danna

From: Ben Burkhalter <blbarchitect@gmail.com>
Sent: Friday, August 27, 2010 3:08 PM
To: List - Planning Commission
Cc: Laurie B. Jester; Carol Jacobson; cconaway@nbbj.com; Casey Beyer; Esteban M. Danna; Sona Kalapura
Subject: RREEF/Phillip C. Pearson, Vice President letter the dated August 25, 2010

Dear Chairman Fasola, and Commissioners Andreani, Lesser, Paralusz and Seville-Jones:

As a member of the Manhattan beach Environmental Task Force's Sustainable Building Subcommittee, I wanted to take the opportunity to repsond to RREEF/Phillip C. Pearson, Vice President letter the dated August 25, 2010. I am very pleased to hear that RREEF America is committed to incorporating green building techniques, compliance with the City's sustainable building ordinance and the intent of LID. I would love to hear more about the specifics in that regard. As for some of the points raised by the letter, the following are my comments, respectively.

1. Retention of Storm Water On-Site: Mr. Pearson suggests that we clarify the volume of water to be retained, the design storm event, the methodology for determining the amount of water to be retained on-site and stormwater management techniques. I admit to a bit of confusion here because I believe we have in fact defined the storm event which, in turn, defines the amount of water. As well, it is important to note that the proposed ordinance language does not and should not specify that stormwater is infiltrated but rather that it may not be allowed to directly run off onto public rights-of-way and property. This can be accomplished by a myriad fo techniques that include but are not limited to infiltration. As for specifying the methodology and the techniques, I feel certain that the LID handbooks, California Stormwater Quality Association (CWQA) BMP Handbook and the National Pollutant Discharge Elimination System (NPDES) Handbook which will ultimately be referenced and included by reference in the final ordinance language will provide an adequate level of specificity and detail. But, the true benefit of incorporating these materials by reference is that they can provide a broad array of options for a broad array of variables. So, the ordinance will not and should not stipulate the specific means for accomplishing the goals. That will and should be up to the applicant.

2. Standards for Redevelopment Projects: As Mr. Pearson states, it was the ETF's recommendation that the so-called 50% rule apply and, in this case, it refers to the relative area(s) of impermeable surfaces added or altered as a parto f the proposed project including roofs, impervious paving, etc.

3. Provisions for Technical Infeasibility: Again, virtually all of the referenced standards and guidelines address the examples and conditions cited by Mr. Pearson that may make on-site infiltration feasible or less effective. But, there are many more and it would be virtually impossible to anticipate and list all of the potential conditions. The guidelines can only indicate intent, namely that the project incorporate LID principles and techniques to the "maximum extent practicable" given the specific site and project conditions.

4. Grandfathering Provisions: Although I am not aware of the specific status of the RREEF project in the review and approval process, I don't disagree with this in principle. In lland planning and review processes, is not unusual to set benchmarks for so-called grandfathering. For instance, in most Coastal Development Permit (CDP) reviews, the codes, rules and regulations in effect on the date that an application is deemed "complete" are often established as those that will apply to the project. This is necessary because it can take years to take a project from CDP approval to actual building permits. Codes can (and usually do) change over than period of time. So, staying "current" to applicable codes would be an ever-moving target.

As for Mr. Pearson's response to the Staff Report, I welcome his and all other stakeholders' ongoing participation in the development of a workable LID ordinance. However, I fundamentally with several of his statements and comments.

In closing, based on a review of some thirty to forty similar ordinances and codes, some of which have been in effect for decades now in very similar communities with very similar soils conditions and based the opinion of the City's stormwater consultant, the basic intent of the recommendation are fully in line with prevalent thinking and professional practice in this area. Admittedly, the "Devil is in the details" with any undertaking of this sort. The final language will need to provide a clear statement of intent and expectation.
However, it should not and can not stipulate exact methods and means nor can it anticipate or catalog all of the possible conditions that might effect a given site's ability to retain runoff because, ironically, this would have the one-size-fits-all effect described by Mr. Pearson. And, this is precisely why most jurisdictions have adopted the various LID/BMP handbooks as a basic library of design guidance and techniques and the "maximum extent practicable" standard as the basic level of compliance. The fact is that, no matter how comprehensive and specific the code language may be, each and every site will have its own set of variables and, therefore, each and every project will be subject to individual review, discretion and interpretation.

Sincerely:

B.L. Burkhalter, AIA, USGBC
2200-B Highland Ave.
Manhattan Beach, CA 90266
(310) 939-0915

Acting Director Jester explained the appeal process and indicated that the item will be placed on the City Council's Consent Calendar for their meeting of August 3, 2010.

07/14/10-2 Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan

Assistant Planner Danna summarized the staff report. He commented that the Sustainable Green Building Subcommittee of the Environmental Task Force is comprised of three residents and City Staff. He said that the subcommittee placed emphasis on energy efficiency, water conservation, runoff reduction, solid waste reduction and diversion, and air quality and emissions restrictions. He indicated that the City Council approved the Sustainable Green Building Subcommittee Environmental Task Force recommendations on March 16, 2010, and directed staff to prepare the proposed Code Amendments. He stated that the recommendations for amendments pertain to site sustainability; water efficiency and water use reduction; energy materials and resources; and air quality. He pointed out that many of the recommendations are required now or will be in the near future by the City's Water Conservation Ordinance, the California Model Water Efficiency Landscape Ordinance, the California Energy Efficiency Regulations; and California Green Building Standards.

Assistant Planner Danna indicated that the goal of the proposed Amendment regarding site sustainability is to design water runoff mitigation measures to achieve a zero discharge for a ¾ inch rainfall in a 24 hour period. He indicated that the requirements would apply to all new construction and major renovations over 50 percent in valuation for single family and multi family residential, non residential, and municipal developments. He indicated that parcels for 7,500 square feet or less would be permitted to have a maximum of 20 percent of non-permeable surfaces for required yard setbacks, parkways, and encroachment areas. He said that runoff from non-permeable surfaces such as roofs and parking pads would be required to be directed to permeable areas and/or approved retention features. He said that there would be an option to show compliance to the requirements by submitting a design from a licensed Civil Engineer or Landscape Architect per California Storm Water Quality Association's Best Management Practices Handbook and the Environmental Protection Agency's National Pollutant Discharge Elimination System. He stated that parcels greater than 7,500 square feet would need to show plans designed by a licensed civil engineer or landscape architect. He indicated that the purpose of the Amendment is to reduce the runoff and discharge of pollutants into the streets and storm drains and to meet municipal discharge requirements. He indicated that there are challenges of imposing the regulations in commercial areas where there are no setback requirements. He indicated that staff is suggesting that the Commission explore alternative means of achieving storm water runoff mitigation through other measures for commercial properties.

Commissioner Seville-Jones asked regarding the role of the Commissioners in reviewing the amendments, as the Council has already approved the guidelines.

Assistant Planner Danna said that the role of the Commission is to discuss the proposed Amendments and add any suggestions that they may have for improving the requirements.

In response to comments from the Commissioners, Acting Director Jester indicated that the item is being brought to the Commission at this stage to provide an introduction to the language and concepts of the proposed new standards without providing all of the details of the Zoning Code language. She indicated that the Task Force did look at very specific requirements from

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other cities while also recognizing that Manhattan Beach is unique. She said that staff would like for the Commissioners to understand the basic concepts and provide any opinions or suggestions they may have to provide ideas to help further refine or improve the recommended amendments.

Commissioner Lesser indicated that it would be helpful for him to have further information regarding actions taken by other cities. He stated that it would also help to have a better idea of what measures the task force considered and the reasons why the measures were rejected or accepted. He stated that he would like more specific information regarding the origin of the proposals. He said that the City Council has basically approved the proposals, and he is not certain how much the Commission should suggest changing the recommendations of the task force.

In response to a question from Commissioner Seville-Jones, Building Official Carol Jacobson indicated that the standard of zero discharge for ¾ inches of rain within a 24 hour period is required for communities in the area under the Municipalities Permit. She indicated that currently the standard only pertains to commercial areas and not residential. She indicated that applying the requirement to smaller lots would help Manhattan Beach to be ahead of other cities in the area in applying the standard.

Commissioner Lesser asked whether staff feels that there would be a difficulty in complying with the standard for smaller residential properties or for commercial properties with very little setback.

Ms. Jacobson commented that Santa Monica has requirements that are similar to the subject proposal, and there has not been a problem with projects being able to comply. She stated that materials are readily available for providing permeable pavements. She indicated that the costs can range depending on whether the material that is used is low or high end. She said that there are numerous materials that can provide permeable surfaces that are very reasonable in cost.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that it was suggested to include renovations that are over 50 percent valuation in the requirements because such renovations are generally quite substantial. He indicated that most likely that such a substantial remodel would include removing and replacing brick or concrete sidewalks and that the cost of changing the material to a permeable surface would not be a large percentage of the total cost of the project.

In response to a question from Commissioner Seville-Jones, Acting Director Jester commented that meeting the requirement would not necessarily require installing an expensive system and could be as simple as replacing a concrete walkway with pavers.

Commissioner Andreani suggested encouraging capturing rain water for use in irrigation.

Assistant Planner Danna commented that the recommendations do include capturing rain water from non-permeable surfaces in water retention bins or other approved systems.

In response to a question from Commissioner Seville-Jones, Acting Director Jester indicated that staff has discussed making allowances for water collection bins to be located within the required setback.

In response to a question from Commissioner Lesser, Assistant Planner Danna stated that flexibility needs to be provided in the language to allow the Community Development Director

discretion in approving systems that currently are not developed provided that they meet the required findings.

Chairman Fasola indicated that he has a concern that the requirement that parcels less than 7,500 square feet have a maximum of 20 percent non-permeable surfaces for required yards, setbacks, parkway and encroachment areas penalizes smaller lots which have a proportionately larger setback area than a larger lot. He indicated that it would be very difficult for a half lot to meet the requirement. He commented that water does soak through sandy soil but does not soak through clay soil very easily. He indicated that he has a concern with making a requirement that 80 percent of required yards, setbacks, parkway and encroachment areas surfaces be permeable when it may not be feasible for properties where water may not soak through depending on the soil. He indicated that including such a blanket requirement in the Code could be detrimental to many projects where the water would not soak in but instead could end up saturating the soil and flooding the property. He said that a better option may be to list the goals and for the property owner to have the option of submitting a design from a licensed civil engineer that meets the goal. He indicated that the intent regarding sustainability is not necessarily to have permeable surfaces for walkways or patios but rather that the storm water be collected and directed down into the soil. He indicated that he is concerned with forcing a specific technical solution to solve a general problem.

Commissioner Seville-Jones commented that her understanding is that people would have the option of not meeting the requirement provided they submit a design from a licensed engineer that meets the goal of zero discharge for ¾ inches of rainfall within a 24 hour period.

Commissioner Lesser said that he would like to confirm that the goal of achieving zero discharge for ¾ inches of rainfall within a 24 hour period is possible for all properties in the City.

Acting Director Jester said that it is a good suggestion to allow for an administrative process for properties on which retaining the storm water on site is not feasible because of the soil conditions or other limitations.

Ms. Jacobson said that it was felt that it is important to allow for administrative approval to provide flexibility for situations where the options for retaining storm water on site are not feasible.

Assistant Planner Danna indicated that a green roof balcony or deck is a surface that supports the growth of vegetation over a portion of its area for the purpose of water or energy conservation. He said that green roofs usually consist of a waterproof safe membrane that is covered by a drainage system, a light weight growing medium, and plants. He stated that green roofs provide a means to decrease storm water runoff into the public system as well as provide building insulation and improved aesthetics. He said that the proposed regulations for green roofs would apply to all new construction and major renovations of over 50 percent valuation for single and multifamily residential and nonresidential projects. He indicated that green roofs would be treated the same as other decks and balconies in terms of height and setback requirements. He commented that the Community Development Director may approve green roofs on top of a roof level if it is not usable as a deck and if safety, maintenance, access and slope issues are mitigated. He indicated that the Code currently does not allow rooftop decks. He indicated that staff is concerned that green roofs would be used as decks, as providing access to the roof is necessary in order to maintain the plants. He said that a green roof may be approved if it is not usable as a deck due to the slope and limited access. He indicated that the benefit of a green roof is to reduce storm water runoff into the public system, to filter out

pollution, to increase thermal and acoustical insulation, and decrease the need for air conditioning and other energy consumption.

Assistant Planner Danna said that the primary goal of recommendations regarding water efficiency and water use reduction is to reduce the water needed to irrigate landscapes. He indicated that the intent of the recommendation is to design irrigation to meet the requirements for region 3 per Water Use Classification of Landscape Species (WUCOLS) to assist in the design of more water efficient landscaping. He stated that the regulations would apply to all new construction, major renovations of over 50 percent valuation, single and multifamily residential, non residential and municipal projects. He indicated that the recommendation is to allow a maximum of 20 percent of landscaped area (private property, public parkways and encroachment areas) to require high water usage such as grass. He commented that lots under 7,500 square feet may use a standardized water budget worksheet as provided by WUCOLS or may provide a licensed landscape architect design and calculations. He stated that lots over 7,500 square feet would be required to provide a design and calculations from a licensed landscape architect. He indicated that the Community Development Director would be able to give exemptions for hardships or special circumstances. He commented that sites irrigated with non-potable water would also be exempt from the requirement. He stated that the requirement would provide for an estimated 20 percent reduction in water usage; would provide for an estimated 20 percent reduction in runoff discharge; and would meet or exceed compliance with the California Model Water Efficient Landscape Ordinance.

Assistant Planner Danna commented that the recommendation regarding plumbing fixtures within the water efficient and water use reduction recommendations would apply to all new construction and major renovations of over 50 percent valuation for single and multifamily residential and non residential projects. He commented that the recommendation is that residential and non residential fountains and ponds be limited to a maximum of 25 square feet with a water recirculation system unless non-potable water is being used. He indicated that the purpose and benefit would be to provide an estimated 20 percent reduction in water use and meet or exceed the City's Water Conservation Ordinance and California Green Building Standards.

Assistant Planner Danna indicated that the renewable energy recommendations would allow administrative approval of solar energy systems on top of buildings that do not exceed a maximum of 12 inches above the maximum allowable height for the structure. He stated that several solar panel companies have met with staff and participated with the Environmental Task Force meetings. He indicated that plan check guidelines have been refined to meet the concerns expressed by the representatives of solar energy companies while balancing the safety and access issues for the Fire Department and Building Department regulations. He indicated that the City continues to waive the plan check fees for all solar system permits. He commented that the recommendation would also address wind energy systems. He stated that much of the technology for wind energy systems is not yet available, and flexibility needs to be provided in the Code language to allow for future changes in technology. He said that because of concerns regarding height, view obstruction, noise, and the viability of current technology, the Subcommittee recommends that approval of wind turbines be done through a public noticing process if they are proposed to be located out of the allowed buildable envelope. He commented that the purpose and benefit of the recommendations regarding renewable energy is to encourage or facilitate the installation of renewable energy systems.

Chairman Fasola opened the public hearing.

Toni Reina, representing Continental Development Corporation, said that they would suggest that a mechanism be provided in the Code Amendments to allow for flexibility to approve Minor Exceptions or exemptions. She said that consideration should be given to practicality and feasibility of implementing the proposed new regulations. She commented that they would also be interested in receiving further information on how the City intends to exceed the State agency requirements for storm water retention and the California Efficient Landscape Ordinance.

Laura Gillin, representing Solar City, said that their solar panel system would require a height of 23 inches above the level of the roof on which it is installed for optimal efficiency. She said that their panels require an angle of tilt of 5 degrees on a flat roof to provide for maximum performance. She commented that they have submitted a report to the Environmental Task Force in January of 2010. She stated that the lowest height she found for solar panel systems provided by other companies was 18 inches. She requested that the Commission consider allowing 18 inches above the maximum height limit for installation of solar panels on the roof of buildings.

In response to a question from Commissioner Lesser, **Dustin Huskins**, representing Solar City, said that a 5 degree tilt for the panels is necessary in order for them to receive the optimal amount of ultra violet rays from the sun and to prevent water or debris from collecting on them rather than running off. He indicated that having the panels raised also allows for air flow under the panels which aids in their efficiency.

Ben Burkhalter, a member of the Green Building Task Force, said that the recommendations of the Subcommittee arrived after a year and a half of studying the requirements of numerous other cities and counties in California regarding energy efficient standards. He indicated that they also received input from applicants of projects and Code enforcement officials. He said that they also took into consideration requirements that they knew were in the process of being enacted as well as the direction of the City Council. He commented that they utilized a tremendous amount of information, and they included references where possible in their recommendations. He said that they are still in the process of writing the language of the Amendments. He commented that they arrived at the recommendation of allowing 12 inches over the maximum building height for solar panels based on a report they received from Solar City. He indicated that their intent was for the requirements to be attainable with the technology that is available.

In response to a question from Commissioner Lesser, **Mr. Burkhalter** said that the soil permeability rating for the City is about 87 percent sand and 13 percent clay. He pointed out that the requirements they are recommending regarding water retention would apply to the maximum extent practicable. He said that providing a blanket requirement that could be met on the vast majority of properties would push the City's storm water permit compliance well into the future. He commented that for the vast majority of sites simply not paving would allow the storm water to permeate into the soil rather than running off into the storm drains.

Commissioner Lesser said that having the standard apply to the extent practicable is different than having it apply strictly to all properties.

Acting Director Jester commented that her understanding is that the Commission wants to provide flexibility in applying the requirement for having a maximum of 20 percent of non-permeable surfaces for required yard setbacks, parkways, and encroachment areas.

Chairman Fasola suggested requiring that a maximum of perhaps 5 percent of the site be permitted to have non-permeable surfaces rather than requiring that 20 percent of the setback area have permeable surfaces, as this would allow the designer more flexibility. He said that allowing something like for 5 percent of the site would arrive at the same goal for water retention while allowing more flexibility.

Chairman Fasola commented that his understanding is that the City does a good job in filtering storm runoff water and that not much unfiltered water flows from the storm drains into the ocean. He asked regarding the amount of storm water runoff that is being filtered currently. He asked about the necessity of such a requirement for retaining storm water runoff on individual sites if the vast majority of the water is already being filtered back into the soil.

Acting Director Jester indicated that the Environmental Task Force and the Subcommittee considered implementing a series of citywide filtration systems rather than requiring individual property owners to retain storm water. She indicated that there is the ability because of the sandy soil for water to be retained on individual properties, and it is much easier and less expensive. She said that there are very few sites in the City that have clay soil. She indicated that there are a number of filtration devices at different locations in public parking lots throughout the City.

In response to a question from Chairman Fasola, Acting Director Jester said that staff could provide further information regarding the amount of untreated water runoff that reaches the ocean from Public Works.

Chairman Fasola said that retaining storm water runoff on site is a goal that the City should attempt to reach, but he would like to know more regarding if there is a large concern with untreated water reaching the ocean currently.

Mr. Burkhalter commented that the City has taken measures to filter storm water runoff during certain conditions; however the requirements for filtering are becoming more stringent in both wet and dry conditions. He indicated that it was indicated to the Subcommittee that water containment must be done on site in conjunction with larger filtration systems. He said that the main concern is with large storms during which the storm drains become overwhelmed. He stated that the system is designed to discharge the water into the sand and use the sand as filtration, but the filtration system becomes overrun during large storms.

Commissioner Lesser requested further information regarding the specific areas in the City that have clay soil and the additional challenges that would be posed for projects on such properties. He indicated that he would also like further input regarding any exceptions that should be considered for such properties. He indicated that he would also like further information regarding how the Ordinances of other cities are written to address retaining storm runoff water on properties with clay rather than sandy soil.

In response to a question from Commissioner Lesser, Assistant Planner Danna said that staff would like for the Commission to suggest possible solutions for addressing water runoff retention on site for commercial properties that are built out to near the property line and have very little setbacks. He indicated that a possible alternative would be to require permeable pavement for parking lots along the Sepulveda Boulevard corridor. He said that another possibility would be to allow more square footage for structures in the downtown area provided that a water retaining system is provided on site.

Acting Director Jester stated that staff also has suggested the possibility of allowing a parking reduction for buildings that are built to the Leadership in Energy and Environmental Design (LEED) standards for buildings in the North End.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that currently there is not much development in the El Porto area because the lot sizes are not large enough to accommodate the parking that is required. He said that staff is suggesting the commission consider the possibility of allowing a parking reduction in order to encourage building more sustainable developments.

Chairman Fasola said that there is a question as to whether it is economically feasible to build in the North End. He said that the issue in the North End is that there are not opportunities for providing parking and there is no in lieu fee for providing parking. He commented that it would seem that the best approach to providing sustainable building practices is to retain existing structures which saves a large amount of materials from being used to build new structures.

Assistant Planner Danna said that property owners in the North End are limited in remodeling their properties because of the parking. He indicated that allowing a parking reduction could be an incentive for providing energy efficiency if a property owner wants to remodel an existing building.

Commissioner Andreani commented that she does not feel parking requirements should be relaxed in exchange for building energy efficient structures, as it could result in exacerbating existing parking problems which already is a large issue.

Commissioner Seville-Jones said that she likes the idea of requiring a portion of uncovered parking lots in commercial developments to be built with permeable pavement or other permeable materials.

Chairman Fasola suggested the possibility of only applying the standards to residential properties, as a very small percentage of the properties in the City are commercial.

Commissioner Andreani commented that it is possible to place requirements on commercial properties such as permeable surfaces and planting of trees for parking lots that would help address storm water, drainage, and runoff.

Chairman Fasola commented that it would be difficult to address commercial properties that are built to the property line.

In response to a question from Commissioner Lesser, Acting Director Jester indicated that the green roofs she is familiar with generally use drought tolerant plants.

Commissioner Lesser asked whether restrictions would be placed on the type of plants that could be placed on such a roof.

Acting Director Jester said that it would not be practical to place landscaping that requires a large amount of water on a green roof, as the intent is that such roofs are not usable surfaces that are easily accessed.

Assistant Planner Danna pointed out that property owners would also be limited by the requirement that only 20 percent of the landscaped area on the property require high water usage.

In response to a question from Commissioner Lesser, Assistant Planner Danna said that staff can determine from plans that are submitted whether a roof would be able to be easily accessed and used as a deck.

Commissioner Seville-Jones asked about regulating the height of plants on roofs, as they do continually grow.

Acting Director Jester said that the plants used for the green roofs that she has seen typically are succulents and other drought tolerant plants that do not grow very tall. She pointed out that the type of plants that are used is limited because they would require a shallow soil surface. She said that a height limit could be placed for plants on green roofs.

Commissioner Seville-Jones commented that she does feel a height limit should be considered for plants on green roofs, although she would not want to restrict the type of plant that could be grown on a green roof. She said her understanding is that the intent is that green roofs function to lower energy consumption by helping to cool structures. She indicated that the intent is not for such roofs to become gardening areas. She said that she is not certain about the balance of being overly restrictive and at the same time not providing for roofs that become usable areas.

Acting Director Jester indicated that staff would not want for third story roofs to become usable spaces in areas zoned for three stories. She indicated that having usable areas on roof levels results in concerns with providing for railing and other safety measures. She said that decks are permitted on the second level of homes in areas that are zoned for three stories. She commented that green roofs that are on the third level would be required to be sloped and to not have access from a permanent staircase and would only have limited access.

Chairman Fasola indicated that his experience is that green roofs are generally done on large commercial structures. He asked about circumstances where the plants die because the roof is not maintained.

Commissioner Seville-Jones requested that she would like more information regarding the State requirements and how the proposed Amendments would meet or exceed those requirements.

Commissioner Lesser said that he would also like more information regarding cities that have adopted similar measures to the proposed Amendments.

In response to a question from Commissioner Lesser, Ms. Jacobson commented that there are many toilets now on the market that use 1.2 gallons of water per flush as opposed to 1.6 gallons per flush which is currently the standard.

Chairman Fasola indicated that with the small size of many of the lots in the City, he would like to know where Manhattan Beach compares in terms of water usage with other cities in the Los Angeles area where the properties have much larger lawns. He asked whether it would be appropriate to allow smaller lots to be exempt from being restricted to 20 percent of the landscaped area requiring high water usage.

Chairman Fasola stated that he would like further information regarding which of the proposed requirements are measures mandated by the State and which are additional measures that are being taken by the City.

Acting Director Jester pointed out that information regarding which of the suggested regulations are State requirements has been included in the staff report. She indicated that references can also be added to the charts that are in the staff report regarding which suggested regulations are State requirements.

Commissioner Paralusz said that she is concerned that not allowing solar panels to extend up to the height required for their maximum performance may discourage some people from installing solar panel systems because of the cost involved.

Acting Director Jester said staff's understanding is that allowing solar panels to extend up to 12 inches about the maximum height limit would meet the State requirement that solar panels not be restricted from reaching up to at least 80 percent of their maximum performance.

Commissioner Andreani stated that she is concerned regarding allowing the height of solar panels to extend beyond the maximum permitted building height considering all of the work that has been done to reduce visual bulk and density in the City. She suggested that the maximum height limit be reduced to allow for the added height of the panels.

Acting Director Jester said that she would want to consult with the City Attorney as to the implications of not adhering to the State requirement that solar panels be able to reach at least 80 percent of their maximum efficiency.

Commissioner Andreani pointed out that the regulation would pertain to new construction which the City does have a right to control.

Commissioner Lesser said that the renewable energy proposals would also apply to projects on existing construction which is why the City must adhere to the State law as to existing structures. He said that he would like more information regarding how other cities have addressed the issue regarding solar panels being installed on structures built to the height limit.

Acting Director Jester commented that there are a number of cities that allow solar panels on roofs to exceed the maximum height limit.

Commissioner Seville-Jones said that she would most like to see information as to the requirements of other coastal cities.

Commissioner Andreani indicated that she feels it is appropriate that any projects for wind turbines require noticing. She indicated that the issue of approving wind turbines is similar to the issue regarding the approval of cellular communication towers.

Commissioner Seville-Jones pointed out that wind turbines that are proposed within the building footprint on residential properties would not require noticing. She indicated that she has a concern that wind turbines that are built in residential areas within the building footprint could create additional impacts to neighbors. She said that she would like further information regarding any additional impacts that could result in the turbines being allowed on residential properties.

Chairman Fasola pointed out that there are noise standards that would restrict the noise generated by turbines from exceeding a certain level.

Acting Director Jester indicated that staff felt allowing turbines within the building footprint would be basically the same as allowing mechanical equipment. She said that the turbines would be tied in with noise regulations.

Commissioner Paralusz commented that she would like further information regarding wind turbines that have been installed in other coastal areas or other cities.

Commissioner Seville-Jones asked whether there could be an impact to neighbors from seeing the continual motion of the turbines. She said that she would also like any additional information regarding possible visual impacts of turbines. She commented that she would like to see examples of turbines in other areas.

Commissioner Paralusz commented that determining what is considered visual pollution can be very subjective.

Chairman Fasola asked about limiting the size of fountains to 25 square feet when swimming pools are allowed to be much larger.

Acting Director Jester commented that the distinction that was made during the discussions is that swimming pools provide a recreational use whereas fountains are decorative.

Chairman Fasola commented that he does not believe that very much water is being evaporated from fountains and he questions whether there is much of an issue regarding their water usage.

Mr. Burkhalter pointed out that the new restrictions that are being proposed for swimming pools are very onerous and will be a systemic change to pools in the City. He said that the Subcommittee looked at the requirements of other cities in considering fountains.

Chairman Fasola closed the public hearing.

The Commissioners decided to close the public hearing and have the item be renoticed for a future date.

E. DIRECTORS ITEMS

Acting Director Jester stated that the Parking and Public Improvements Commission will be continuing their hearing regarding regulations for RVs and oversized vehicles at their meeting on July 22, 2010, at 6:30 p.m.

F. PLANNING COMMISSION ITEMS

G. TENTATIVE AGENDA July 28, 2010

1. Shade Hotel Resolution
2. 626 Rosecrans Avenue- Appeal of Director Decision

H. ADJOURNMENT

The meeting was adjourned at 9:55 p.m. to Wednesday, July 28, 2010, in the City Council

D. BUSINESS ITEMS

E. PUBLIC HEARINGS

08/25/10-4 Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan

Acting Director Jester said that the item was continued from the last meeting, as the Commissioners decided that they wanted to devote more time for discussion of the item. She pointed out that a few changes were made to the staff report since it was distributed for the previous meeting. She commented that those changes are shown on pages 4 and 6 of the staff report and pages 10, 11 and 12 of Exhibit A to the staff report.

Chris Conaway, representing the Green Building Subcommittee of the Environmental Task Force, said that the Subcommittee was formed to address the City's fair share of climate impact and environmental footprint for construction in the City; to meet the City's obligations to the 2006 Global Warming Solutions Act; to provide leadership in the region; and to improve the value and quality of life for the community. He stated that the size of homes in Manhattan Beach currently averages 2,132 square feet per person, which is more than a four fold increase since the 1970s. He pointed out that houses can become more energy efficient, but the benefit of efficiency is counteracted by the larger size of homes. He said that Manhattan Beach benefits by having very walkable neighborhoods. He stated that the Environmental Task Force chose to concentrate on priorities that are very important for the City, which include water quality, water efficiency, and energy efficiency. He indicated that they are also focusing on measures that are easy to implement; that would not burden the construction industry; and that would make a substantial rather than a very small contribution. He commented that they looked very closely at the measures that are being implemented in other cities such as Santa Monica, Santa Barbara, and Palo Alto. He stated that the Subcommittee has presented 18 to 20 recommendations to the City Council for new green building measures, including more efficient pluming and water irrigation systems; pushing for permeable sites; handling storm water on site; asking for energy star appliances in all new construction; and requiring high energy efficiency lighting. He stated that their recommendations mainly focus on site sustainability in terms of storm water runoff retention and green roofs, water efficiency, and energy efficiency with renewable energy sources.

Mr. Conaway said that the Subcommittee is proposing that California Stormwater Quality Association's Best Management Practices for low impact development be implemented for storm water retention. He said that storm water picks up the particulates and poisons that have accumulated on the ground as it flows into Santa Monica Bay. He said that retaining storm water on site reduces the amount of runoff that ultimately reaches the Bay. He stated that they are recommending a requirement of allowing a maximum of 20 percent non-permeable side yard setbacks landscaping for lots under 7,500 square feet. He indicated that they are recommending that lots over 7,500 square feet be required to meet California Stormwater Quality Association's Best Management Practices. He stated that the measures would reduce load on the stormwater system; reduce runoff and discharge of pollutants into Santa Monica Bay; and allow for early compliance with Regional Water Quality Control Board.

Commissioner Lesser asked regarding the ability of property owners to comply with the proposed measures regarding storm water retention in all of the area districts, particularly in Area Districts III and IV which has narrow side yards and a large percentage of concrete.

In response to a question from Commissioner Lesser, **Mr. Conaway** said that they are not proposing to mandate the amount of permeable surfaces for lots over 7,500 square feet. He commented that for larger sites, it is appropriate for a design to be prepared by a licensed civil engineer. He said that the Best Management Practices provide a guide to a number of methods of handling water on site.

In response to a question from Commissioner Andreani, Acting Director Jester said that there is an issue with contaminants building up on the pavement over a long period of dry weather and then being washed into the ocean from storm water runoff. She commented that the City has installed several CDS units that capture and filter the storm water under normal conditions.

In response to a question from Commissioner Andreani, **Mr. Conaway** said that requiring organic material to be added to the soil to increase permeability is not an option that was considered by the Subcommittee.

Acting Director Jester said that the intent is for the measures to allow flexibility and provide options for methods to comply. She said that organic matter being added to the soil provides more of a benefit for landscaping than for permeability.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that the suggested requirement for 50 percent of the parking area on commercial sites to be paved with pervious surfaces was taken out of the draft Code language. He said that staff's intent was for the Commission to provide input on appropriate regulations regarding water retention for commercial sites.

Mr. Conaway commented that the Subcommittee felt that assigning requirements for percentages of sites provides less flexibility.

Commissioner Seville-Jones asked if applicants for projects on commercial properties would have the same option as applicants for projects on residential properties to comply with the site permeability requirements by submitting a plan from a licensed engineer.

Mr. Conaway pointed out that there are numerous methods of achieving the goal of preventing storm water runoff from flowing into storm drains. He commented that permeability is a major method of preventing storm water runoff; however, it is not appropriate for all sites.

Commissioner Paralusz said that a new library is hopefully going to be constructed in the near future, and she asked about measures for municipal buildings.

Mr. Conaway commented that the City Council has already adopted the recommendation of the Environmental Task Force that the City will commit to a LEED gold certification for all new municipal buildings.

Acting Director Jester indicated that the City is working with the County toward making the new library LEED certified.

Chairman Fasola said that he would suggest requiring that a minimum amount of area on the entire site be permeable rather than requiring that 80 percent of side yards be permeable. He

commented that permeable pavement cannot very well be used for stairs or in areas with tiers or steep slopes. He indicated that requiring a certain percentage of the site to be permeable would allow more flexibility for designs in that the permeable surface could be outside of the setbacks. He stated that larger projects are currently required to provide a method of retaining the storm runoff water, which is more important than requiring permeable surfaces. He commented that it would be more effective to retain water from roofs rather than from the site yards on sites with a large percentage of building area.

Mr. Conaway pointed out that permeable surface means any permeable material and not only permeable concrete.

Ben Burkhalter, representing the Green Building Subcommittee of the Environmental Task Force, indicated that requiring a certain percentage of the lot to be permeable would make compliance more difficult to achieve. He said that the building would need to be more greatly articulated by requiring a certain percentage of the site to include permeable surfaces.

Chairman Fasola pointed out that requiring a certain percentage of the site to include permeable surfaces would allow the requirement to be met in other areas of the site rather than only in the side yards.

Acting Director Jester suggested changing the language to read that the area of non-permeable surface must equal a maximum of 20 percent of the setbacks and that it may be located anywhere on the site.

Commissioner Seville-Jones commented that she would be concerned that providing a maximum percentage on the site for non-permeable surfaces may be a more complicated calculation than a requirement of a maximum for side yards.

Acting Director Jester suggested changing the language to read that an area equal to a maximum of 20 percent of all required yards and required parking areas may be non-permeable.

Commissioner Andreani commented that she feels it would be simpler to follow the original recommendation of the Subcommittee. She said that a permeable surface requirement for the side yard may disregard that there are requirements for front side and rear yard setbacks.

Amber Rochane, representing RREEF, the operator of the Manhattan Village mall, said that they support the City's efforts to address storm water pollution and encourage innovative site design and improve water quality. She indicated that RREEF and staff are coordinating to incorporate certain LID (Low Impact Design) principles into the Manhattan Village Mall enhancement project. She indicated that RREEF submitted a letter to staff for the August 25 hearing to offer suggestions and recommendations for additional consideration in drafting an appropriate LID Ordinance for Manhattan Beach. She stated that RREEF is suggesting that the Code provide clear language regarding the volume of water to be retained; regarding the methodology for determining the amount of water to be retained onsite; regarding storm water management techniques; regarding standards for redevelopment projects; regarding provisions for technical infeasibility; and regarding grandfathering provisions. She said that the proposed Amendments should be flexible rather than apply strictly to all sites and should take into account unique site constraints, particularly with redevelopment projects. She stated that they feel that flexibility should be applied to projects to employ a variety of storm water management techniques to comply with LID.

In response to a question from Commissioner Lesser, **Ms. Rochane** said that RREEF would like clarification regarding the method for measuring the volume of water for the first ¾ inches of rain water, which can be measured using two different techniques. She indicated that RREEF does not have a suggestion for which method should be used for measuring the water. She commented that they have a meeting with staff scheduled in September regarding the Ordinance and how they intend to meet the proposed new requirements.

In response to a question from Chairman Fasola, **Mr. Burkhalter** said that the Manhattan Village project would at a minimum need to meet the District's requirements for storm water retention.

Carol Jacobson said that there is a regional municipal storm water permit that is required for projects which provides at least four methods for retaining storm water. She indicated that the purpose of LID is also to retain as much storm water as possible on site. She stated that many jurisdictions are adopting very specific LID ordinances to require as much water as possible to be retained, which is not feasible in some instances. She commented that the meeting that is scheduled with RREEF and staff will hopefully help to address their concerns. She indicated that the proposed amendments provide sufficient flexibility through the Community Development Director to address requirements that are not feasible for a particular site.

Commissioner Lesser requested that staff provide the Commissioners with the code language of other cities regarding storm water retention. He commented that looking at the language of other cities could help in the consideration of the suggestion of Chairman Fasola to require a maximum percentage of non-permeable surfaces for an entire site rather than for side yards and in considering the concerns raised by RREEF.

Ms. Jacobson said that the Subcommittee has looked at the code language of Santa Barbara, San Diego, Santa Monica and Los Angeles in arriving at the proposed storm water requirements and landscaping requirements.

Commissioner Lesser requested that staff provide the Commissioners with a summary of the code language used in other cities, particularly as it relates to the concerns raised by RREEF.

Commissioner Lesser said that he would like for staff to have an opportunity to comment regarding the concerns raised in the letter from RREEF. He asked regarding the feasibility of installing grey water tanks for homeowners and whether they are currently available on the market.

Mr. Conaway said that they are not proposing to mandate gray water tanks, and gray water is not addressed as part of the requirements for storm water permeability. He indicated that the reference to storm water and grey water retention in Section B on page 11 of draft Resolution10.60140 is an error, and grey water should not be included.

Assistant Planner Danna suggested that storm water retention can be addressed for commercial sites by adding language that a maximum of 20 percent of the required yard area have non-permeable surfaces. He said that adding such language would not rely on required setbacks, as many commercial properties do not have setbacks.

In response to a question from Commissioner Seville-Jones, **Mr. Conaway** commented that commercial sites would be required to retain 100 percent of the runoff from the first ¾ inch of water from a storm event.

Mr. Conaway stated that the Subcommittee wanted to balance the advantages of allowing green roofs with the concerns that were raised regarding such roofs becoming useable areas or with the plants growing very tall. He indicated that green roofs are allowed in areas where decks and balconies are allowed. He commented that exceptions can be granted to allow green roofs on roofs that are sloped and not easily accessible. He said that the Subcommittee wanted to be certain that the Community Development Director would have the ability to allow exceptions. He said that they did not want to discourage green roofs, and there are many examples of such roofs that are beautiful amenities. He indicated that the benefits of green roofs include reducing the load on the stormwater system; filtering pollutants; increasing thermal and acoustic insulation; and reducing energy loads.

Chairman Fasola pointed out that green roofs do help with energy conservation but generally do not help with water conservation, contrary to the indication included in the definition of green roof decks on page 1 of the draft Resolution. He suggested that it could help with storm water mitigation, which is different than water conservation.

In response to a question from Commissioner Seville-Jones, Acting Director Jester said that applications for green roofs would require landscaping plans to be submitted.

Commissioner Seville-Jones suggested adding language to limit the height of plants on green roofs.

Chairman Fasola commented that his reading of the first sentence under Item C on page 12 of the draft Amendments is that it green roofs may only be located in areas where decks and balconies are allowed and that the second sentence falls under the requirement of the first sentence.

Acting Director Jester said that the language of Item C can be reworded to clarify that green roofs are not restricted to locations where decks and balconies are allowed, if approved by the Community Development Director.

In response to a question from Commissioner Lesser, Acting Director Jester indicated that appropriate types of plant material would be required for green roofs. She said that any alterations from the approved landscaping plan would be enforced on a complaint basis. She pointed out that it is difficult to grow plants that are very high on green roofs because of the large volume of soil that is needed to grow taller plants. She said that green roofs would be allowed on sloped roofs where safety and maintenance issues are mitigated at the discretion of the Community Development Director.

Chairman Fasola pointed out that property owners currently are allowed to have planters on decks that are below the height limit.

Matt Dickinson, representing Greensulate, said that they have designed green roofs in the Los Angeles area and have found that they do well in the region. He commented that a variety of Sedum is typically used for such roofs. He said that Sedum is low growing; is drought resistant; and flourishes in Southern California. He said that such plants require approximately 4 inches of soil and grow to be 4 inches tall. He commented that there are more opportunities on commercial buildings to include a greater amount of soil and to have taller plants on roofs. He indicated that they would be able to provide staff with a list of plants that flourish in Southern California and do not require a large amount of water. He indicated that there are also methods for limiting accessibility on green roofs.

Commissioner Andreani indicated that she is concerned with green roofs exceeding the maximum height limit. She indicated that there is a height difference between having a flat roof and with having an additional 8 inches of soil and plant material.

Acting Director Jester said that the intent with the new requirements is that green roofs remain within the maximum height limit for structures. She indicated that language can be added to clarify that green roofs must remain within the maximum height limit.

Mr. Dickinson pointed out that green roofs can also enhance the views of the neighboring properties and can raise neighboring property values.

Mr. Conaway indicated that they are recommending requiring high efficiency landscapes, and the intent is to discourage the use of plant species that require a large amount of water to maintain. He stated that they are suggesting that new construction on lots under 7,500 square feet be required to meet a WUCOLS (Water Use Classification of Landscape Species) water budget worksheet or that a landscape architect provide calculations for the required amount of water usage. He said that lots over 7,500 square feet would require water use calculations from a landscape architect. He commented that the goal is to encourage the use of native plant species and drought tolerant species rather than the traditional large lawn. He indicated that the goal is for a 20 percent reduction in the amount of overall water usage. He indicated that there would be exemptions for using non-potable water, grey water or rain water. He said that the Community Development Director would have the ability to exempt certain installations in areas that are determined to be a hardship. He pointed out that there are exemptions also included in the WUCOLS standards for areas where there is a benefit to having lawns such as ball fields and parks.

In response to a question form Commissioner Lesser, Environmental Programs Director Sona Kalapura said that 70 percent of the water consumption for residential properties is typically used for irrigation of traditional landscaping. She said that the intent is to reduce water consumption by encouraging the use of plants that are included in the WUCOLS standards. She commented that the Manhattan Beach Botanical Garden offers suggestions for changing to water efficient landscaping.

In response to a question from Chairman Fasola, Ms. Kalapura said that the figure of 70 percent of household water consumption being used for traditional landscaping applies to California and not specifically for Manhattan Beach.

Chairman Fasola said that it would be important to consider the amount of water that Manhattan Beach specifically uses for maintaining traditional landscaping as opposed to other areas of California.

In response to a question from Commissioner Seville-Jones, Ms. Kalapura said that people would be able to have traditional lawns with the new requirements by using drip irrigation, non-potable water, grey water, rain water, or a reduced size of lawn.

In response to a question from Commissioner Lesser, **Mr. Burkhalter** said that traditional lawns would be permitted under the WUCOLS worksheet provided that it is demonstrated that the amount of water consumption would be reduced 20 from the base line that is provided.

Commissioner Lesser pointed out that it is important for many homeowners who have children and pets to have a lawn.

Chairman Fasola asked whether limiting lawns is the most effective method of reducing water consumption in the City given the small size of the lots. He commented that he has a concern that property owners not be overregulated.

Mr. Conaway commented that they felt the WUCOLS water budgeting process was a simple method of providing flexibility for providing high efficiency landscapes which reduce the amount of water consumption. He said that they are not suggesting that the requirement be immediately implemented to every property in the City. He pointed out that the requirement is intended for new construction and major renovations. He pointed out that a reduction in water use also reduces the energy costs required for transporting the water.

Chairman Fasola stated that there is a benefit to having lush landscaping, and he is not certain that he would want for the City to only have xeriscaping. He said that he would like to know the amount of water that is used for maintaining traditional landscaping for residences specifically in Manhattan Beach. He pointed out that the lots in the City are very small, and the climate in the City is very mild.

Commissioner Lesser commented that he would like further information on the exemptions that would apply with the WUCOLS standards and how they may apply to the amount of lawn area that would be permitted for properties.

Commissioner Seville-Jones said that she would like more information regarding the cost of installing grey water retention tanks. She indicated that they would not be a feasible option for many homeowners if they are cost prohibitive. She also requested that staff provide the Commissioners with pictures of drought tolerant gardens that include lush landscaping.

Commissioner Andreani commented that there are great examples of a variety of drought tolerant plants at the Manhattan Beach Botanical Garden. She pointed out that the lawn at neighboring Polliwog Park is watered three times a week, and she has heard that the plants at the botanical garden are watered only three times a year. She indicated that there are many options of drought tolerant plants that are available.

Mr. Burkhalter commented that there is a type of turf grass currently available that requires moderate water usage to maintain and looks the same as a traditional lawn.

Commissioner Seville-Jones commented that it seems odd that people who plant landscaping that requires a low amount of water usage to maintain would still be restricted to watering only on certain days.

Acting Director Jester commented that there is a home on 9th Street that has a very lush rear yard lawn which is irrigated using grey water and a subsurface drip system. She commented that the home also has a front driveway that is a decomposed granite which is permeable.

Acting Director Jester indicated that the artificial turf that is now available looks very real.

Mr. Conaway said that the Subcommittee is recommending that decorative water features be limited to a maximum of 25 square feet and that they must use recirculated water with no overspray. He stated that they are suggesting allowing an exemption for fountains that provide a public benefit. He commented that they would also request input from the Commissioners as to whether they feel the maximum size for fountains should be increased. He indicated that fountains that use non-potable water would be exempted. He said that the benefit of the draft Amendment is to increase water efficiency from less evaporative loss.

In response to a question from Commissioner Seville-Jones, **Mr. Conaway** indicated that the fountains in the Metlox plaza and the fountain in the municipal plaza all exceed 25 square feet, and those fountains provide a great benefit to the community.

Commissioner Seville-Jones stated that she feels the City should adhere to the same standard for the size of fountains that would be imposed on the residents. She said that it does not seem fair for the City to dictate that residents may not have a water feature over 25 square feet and then exempt fountains that are for public use. She indicated that she feels the restriction is intrusive on the residents.

In response to a question from Commissioner Lesser, **Mr. Burkhalter** indicated that Santa Monica has a restriction on water features.

Commissioner Paralusz requested further information regarding restrictions on the size of fountains in other cities. She indicated that she also feels that the City should adhere to the same requirements regarding the size of fountains that they are imposing on the residents.

Chairman Fasola asked regarding the number of gallons that are used by fountains in the City.

Commissioner Lesser said that it would be helpful for the Commissioners to have further information regarding the number of fountains and the amount of gallons of water that are used for fountains in the City. He said that he would like to know the amount of water that would be saved by restricting water features as proposed.

Chairman Fasola commented that he feels regulating water features would be extremely invasive and onerous. He said that regulating the size of fountains would not save a significant amount of water. He stated that limiting fountains to 25 square feet does not seem justifiable when the size of pools is not being regulated. He indicated that the spray from fountains helps to provide cooling on hot days, which is a traditional passive cooling design dating back to the Romans. He said that he does not believe that fountains should be regulated, and people would most likely choose on their own to design fountains that use a limited amount of water. He said that he would like further information regarding the number of gallons of water that is used per year Citywide for fountains.

In response to a question from Commissioner Paralusz, Ms. Jacobson said that the West Basin Water District and the L.A. County Department Public Health are working to develop good methods for using non-potable water for fountains, but she is not certain if non-potable water is routinely used for fountains currently.

Ms. Kalapura said that there are examples of designs for fountains that use non-potable water. She pointed out that the requirement would apply to new construction which can utilize newer technologies. She said that Manhattan Beach is holding a Sustainable Building Summit on October 10 that will include discussion of sustainable landscaping and rain water harvesting.

Mr. Conaway commented that the State of California has passed the Solar Rights Act which states that municipalities may not restrict the installation of solar panels over height limits provided health and safety concerns are met. He indicated that municipalities may limit the height of panels over the maximum height limit provided that the panels are able to operate at 80 percent of their maximum efficiency. He stated that the Subcommittee is suggesting to allow a height of 12 inches above the maximum height limit for solar panels. He commented that solar panels cannot be flat because of debris and water that can collect on the panels which

results in a loss of efficiency. He also commented that space is needed under the panels to provide for air flow. He said that the optimum angle for a solar panel during winter varies between 33 and 17 degrees, and 17 degrees is generally the best orientation year round. He said that reducing the angle of the panel to 5 degrees results in a loss of efficiency that is within the limits permitted by the Solar Rights Act. He indicated that they received feedback from solar companies that they could add solar panels to existing homes that are to the height limit with an allowance of an additional 12 inches.

Commissioner Andreani said that she has a concern with exceeding the height limit, particularly for new construction.

Commissioner Lesser pointed out that there was a representative of a solar power company present at the last hearing regarding the issue who indicated that an additional height of 12 inches above the maximum height limit would not be sufficient to allow for the installation of solar panels.

Mr. Conaway said that there were representatives of solar panel companies who have indicated that they feel 12 inches is reasonable.

Acting Director Jester indicated that solar companies would prefer to use existing equipment that is already manufactured rather than change their hardware to meet the 12-inch requirement.

Commissioner Andreani said that she feels the City has the right to control height limits. She indicated that allowing an exception to the height limit for new construction to install solar panels could result in requests for exceptions to the height limit for other features. She said that increasing height limits for any reason can result in problems.

Chairman Fasola commented that he agrees with the comments of Commissioner Andreani that he does not feel the maximum height limit should be allowed to be exceeded. He said that constructing a home to the height limit is already using the entire envelope that is allowed by Code. He indicated that homes should be required to be less than the maximum height in order to include solar panels or else provide a pitched roof in order to remain within the maximum height limit.

Commissioner Paralusz said that she does not like the idea of restricting a homeowner who has an existing home that is built to the height limit from installing solar panels.

Assistant Planner Danna stated that staff does not want to include two different standards regarding solar panels for existing homes and for new construction. He pointed out that having separate standards could result in people constructing homes to the height limit and then requesting to install solar panels 12 inches above the height limit after construction is complete.

Commissioner Andreani suggested the possibility of not allowing the addition of solar panels above the height limit for five years after home construction is completed if they are not included during the original construction phase.

Chairman Fasola commented that requiring solar panels to remain within the height limit may create a demand for homes that are built under the height limit.

Commissioner Seville-Jones pointed out that the Solar Rights Act addresses existing homes. She indicated that the City does not have the ability to restrict property owners with homes that are already built to the maximum height limit from installing solar panels, but solar panels can

be required to remain within the height limit for new construction. She asked if there is a method of prohibiting someone from building a new home to the height limit and then requesting solar panels above the height limit after construction is completed.

Acting Director Jester said that she would need to consult with the City Attorney regarding whether differentiating between existing homes and new construction would be in violation of the Solar Rights Act.

In response to a question from Chairman Fasola, Acting Director Jester indicated that fire and safety requirements that limit the amount of area on a roof that can be covered by solar panels.

In response to a question from Chairman Fasola, **Mr. Burkhalter** indicated that residents in cities such as Palos Verdes Estates that have view ordinances have successfully sued under the Solar Rights Act to be allowed to install solar panels, as the language specifically states that panels may not be restricted simply because of impacts to aesthetics or views.

Commissioner Seville-Jones said that she would like further input from the City Attorney as to whether the intent of the Solar Rights Act is mainly regarding existing construction and whether it is possible for the City to make a requirement that solar panels for new construction remain within the height limit.

Mr. Conaway stated that there have not been many requests for wind turbines to be installed. He commented that current wind turbines must raise 150 feet to be efficient in an urban environment. He indicated that technology is continuing to improve; however, current designs are not efficient at providing energy for individual residential properties. He commented that the recommendation of the Subcommittee is that turbines be permitted provided that they are located within the building envelope subject to any existing Code restrictions.

In response to a question from Chairman Fasola, **Mr. Conaway** indicated that there are new designs for wind turbines that generate a low level of noise.

Assistant Planner Danna pointed out that wind turbines would be regulated by the City's Noise Ordinance.

Commissioner Seville-Jones asked whether addressing wind turbines is premature, as currently they are not able to meet the objectives of the Code Amendments to reduce the use of fossil fuels.

Mr. Conaway commented that the language regarding wind turbines was included with the draft Code Amendments because there was a homeowner that approached the Subcommittee who inquired as to whether wind turbines would be able to exceed the height limit and whether they could encroach outside of the building envelope. He said that the Subcommittee felt that specific new regulations were not necessary to address wind turbines and decided to recommend that they be regulated using existing Code requirements.

Chairman Fasola said that he can foresee that homeowners may wish to install wind turbines, and he feels it is good to include language to address them in the Code.

Commissioner Seville-Jones indicated that she is concerned with wind turbines impacting views of adjacent properties. She indicated that she understands the need for renewable energy sources. She commented, however, she is concerned about the visual pollution that could result

from wind turbines that are not incorporated into the building, particularly if they do not provide a significant amount of energy to power the home.

In response to a question from Commissioner Lesser, Acting Director Jester said that the language would not change any requirements for wind turbines but would simply codify that they must be placed within the building envelope. She said that staff does feel there is a need to include the language regarding turbines in the proposed Amendments for clarification.

Commissioner Seville-Jones said that she is suggesting that the Code Amendments be more restrictive regarding wind turbines than the current proposed language to allow them within the building envelope. She indicated that her main concern is that the wind turbines are particularly visually intrusive because of their constant motion.

Chairman Fasola commented that he feels looking at an ocean view through a windmill would be preferable to looking at a view of the solid side of a building. He indicated that people may have differing opinions regarding the visual attractiveness of wind turbines.

Commissioner Seville-Jones requested further information regarding the amount of energy that can be generated by wind turbines located on a residential property.

Commissioner Lesser said that he would not want to prevent homeowners from utilizing new technologies for wind turbines that are currently being developed.

Assistant Planner Danna pointed out that the Community Development Director has the discretion to bring any projects to the Commission where concerns have been raised by neighbors or that are questionable as to whether they meet the intent of the Code requirements.

Chairman Fasola suggested including a requirement that the turbines must be maintained in working condition.

Commissioner Seville-Jones said that such a requirement is included in the draft language.

Commissioner Lesser requested further information regarding turbines that have been installed in other cities in Southern California.

Acting Director Jester said that staff will look into the questions that have been raised by the Commissioners and will provide additional information. She said that she would recommend that the hearing be closed and the item be renoticed when staff has had an opportunity to research the questions that have been raised.

Chairman Fasola closed the public hearing.

Chairman Fasola thanked the members of the Environmental Task Force for all of their hard work and for attending the hearing to present their findings and recommendations.

F. DIRECTORS ITEMS

G. PLANNING COMMISSION ITEMS

Commissioner Paralusz asked regarding the status of the Chevron station at the corner of Aviation Boulevard and Marine Avenue and the Rite Aid project at Sepulveda Boulevard and Manhattan Beach Boulevard.

NOTICE OF A PUBLIC HEARING BEFORE THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH ZONING CODE AMENDMENT (TITLE 10) AND LOCAL COASTAL PROGRAM AMENDMENT TO INCORPORATE COMPREHENSIVE SUSTAINABLE BUILDING MEASURES

A public hearing will be held before the Planning Commission for the project described below.

Applicant:	City of Manhattan Beach- City Council 2010 Work Plan Item—Sustainable Building Measures
Property Location:	Citywide
Project Description:	Continuation of discussion to amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program to incorporate a comprehensive set of Sustainable Building Measures as recommended by the Sustainable "Green" Building Subcommittee and the Environmental Task Force to the City Council. Measures include site sustainability (landscaping, and irrigation), water efficiency (stormwater retention and green roofs), and energy efficiency (solar panels and wind turbines).
Environmental Determination:	Pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, portions of the subject amendments are exempt in that 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. Portions not covered by the aforementioned exemption are Categorically Exempt, Class 8, Section 15308 in the CEQA Guidelines.
Project Planner:	Esteban Danna, Assistant Planner (310)-802-5514, edanna@citymb.info
Public Hearing:	**Wednesday March 9, 2011 at 6:30 p.m.** **Council Chambers, City Hall, 1400 Highland Avenue**
Further Information:	Proponents and opponents may be heard at that time. For further information contact the project Planner. Project files are available for review at the Community Development Department at City Hall. A Staff Report will be available for review at the Civic Center Library on Saturday, March 5 and at the Community Development Dept. on Monday, March 7 or on the City website: http//www.citymb.info.
Public Comments:	Oral and written testimony will be received during the public hearing. Anyone wishing to provide written comments for inclusion in the Staff Report must do so by March 2, 2011. Comments received after this date will be forwarded to the Planning Commission at or prior to the public hearing. On the Zoning Code Amendment, the Planning Commission will make a recommendation to the City Council and the City Council will make a decision on the proposed changes. On the Local Coastal Program Amendment, the Planning Commission will make a recommendation to the City Council and City Council decision will be forwarded to the California Coastal Commission for review and certification. *If you challenge the proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in correspondence delivered to the Planning Commission at, or prior to, the public hearing.*

RICHARD THOMPSON
Director of Community Development

EXHIBIT E
PC Mtg. 3/9/11

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