

**ATTACHMENT 3
KEY CONCEPTS SUMMARY TABLE**

	Key Concept	City Council Consensus	Planning Commission Consensus	Final Draft Plan Recommendation
1	Non-Pedestrian Oriented Ground Floor Uses on Alleys Chapter 4	<ul style="list-style-type: none"> • Concept discussed only with Planning Commission, so no direction from City Council 	<ul style="list-style-type: none"> • Revise Plan to allow for ground-floor non-pedestrian oriented uses (office, banks, etc.) located exclusively on alleys without a Use Permit 	<ul style="list-style-type: none"> • Consistent with Planning Commission Consensus
2	Land Use Changes Animal Veterinary Services Chapter 4	<ul style="list-style-type: none"> • General support for Animal Hospital and Animal Boarding facilities to be changed to unpermitted uses • Create a new use to allow veterinary services to serve Downtown pet-owners that ties limited overnight animal boarding of animals to on-site medical treatments 	<ul style="list-style-type: none"> • Add new land use classification to read: "Animal: Veterinary Services. An establishment where small animals receive medical treatment, and overnight boarding only if associated with the on-site veterinary services. This classification only includes facilities that are entirely enclosed, soundproofed and air-conditioned" • Animal Hospital and Animal Boarding facilities uses to remain unpermitted 	<ul style="list-style-type: none"> • Consistent with Planning Commission Consensus
3	Land Use Changes Optometrist Chapter 4	<ul style="list-style-type: none"> • Concept discussed only with Planning Commission, so no direction from City Council 	<ul style="list-style-type: none"> • Create a new permitted use, Optometrist, that can be located on the ground-floor adjacent to pedestrian areas without a Use Permit. (Optometrist is currently classified as medical/dental offices which under the Draft Plan requires a Use Permit if located on the ground-floor • Add new land use classification to read: "Optometrist. A primarily retail use, where the sales of eye glasses, contact lenses, and other eye care and vision-related products are provided as the primary use. The use also includes as an incidental use, not located on the ground floor streetfront, a medical facility where patients are provided healthcare by one person or a group of eye care professionals practicing optometry" 	<ul style="list-style-type: none"> • Consistent with Planning Commission Consensus

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4	Land Use Changes <i>Live/Work</i> Chapter 4	<ul style="list-style-type: none"> No objection to the new proposed live/work land use classification 	<ul style="list-style-type: none"> Support for a more robust and refined definition for live/work Create live/work regulations that are simple, easy to understand, and limit negative potential impacts to neighbors and businesses 	<ul style="list-style-type: none"> New regulation outlines allowed and prohibited commercial uses for the “work” portion, requires work portion on the ground floor streetfront, and performance standards that must be met during the Use Permit process. Live/work is classified as a Commercial Use to allow for benefits of commercial development standards for maximum height, setbacks, parking, FAR, etc., with a limited open space requirement for the “live” portion of the use.
5	Use Permit Process Chapter 4	<ul style="list-style-type: none"> Support to develop additional findings to implement the vision and goals of the Plan Remove findings related to Formula Uses Add finding: “Maintain and enhance residential quality of life for Manhattan Beach residents” 	<ul style="list-style-type: none"> Create additional use permit findings for any use permit in the Downtown 	<p>The following use permit findings have been added to the Final Draft Plan:</p> <ul style="list-style-type: none"> A. The proposed use is consistent with the goals, purpose, vision, and guidelines of the Specific Plan, Local Coastal Program, and the City’s General Plan. B. The proposed use will maintain a balanced mix of uses which serves the needs of both local and nonlocal populations. C. The proposed use would preserve and enhance the safe, attractive, pedestrian-friendly, small town atmosphere and a sound economy. D. The proposed use will maintain and enhance the residential quality of life for the Manhattan Beach community.

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6	Retail Sales Floor Area Square Footage Cap Chapter 4	<ul style="list-style-type: none"> Conceptually in favor of 1,600 square footage cap for retail without a Use Permit Plan will not include any formula use regulations 	<ul style="list-style-type: none"> Support for 1,600 square footage cap for the “sales floor area” of a retailer 	<ul style="list-style-type: none"> 1,600 square footage cap for the “Sales floor area” of a retailer “Sales floor area” defined as the area of a tenant space, measured from the inside walls, excluding rooms that are permanently inaccessible to the public, including but not limited to storage rooms, offices associated with the retail tenant, mechanical rooms, bathrooms, and common areas shared with other tenants in the building Any new retail space over 1,600 square feet of sales floor area requires a Use Permit <p style="text-align: center;">*Administrative Minor Exception process for non-conforming major remodels that cannot meet the standards</p>
7	Second-Floor Outdoor Dining Chapter 6	<ul style="list-style-type: none"> Expressed concern regarding potential impacts from second-floor outdoor dining Continue to regulate all restaurant uses with the Use Permit process 	<ul style="list-style-type: none"> Support for second-floor outdoor dining Create regulation that limits location to certain primary corridors away from residentially zoned uses Create stronger Use Permit findings specific to this concept 	<ul style="list-style-type: none"> Map identifies specific locations where allowed (Manhattan Beach Boulevard, Manhattan Avenue, Highland Avenue; at least one block away from residentially zoned properties) Added new Use Permit finding and submittal requirements. Require submittal of Noise Study (if proposed to serve full alcohol with hours of operation past 10:00 P.M.)

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8	Optional Second-Story Stepback Chapter 6	<ul style="list-style-type: none"> General support for second-story stepback 	<ul style="list-style-type: none"> Remove second-story stepback language, as regulation seems unwarranted. 	<ul style="list-style-type: none"> Consistent with Planning Commission Consensus
9	Building Height / Stories Chapter 6	<ul style="list-style-type: none"> General support for height limit in Area B to remain two stories and 26 feet Expand exceptions to height limit to include mechanical equipment, solar, pitched roofs, to not exceed 28 feet 	<ul style="list-style-type: none"> Height limit to remain 26 feet in Area B Allow for 2 foot height exception for elevator shafts (max 10ft x 10ft dimension, located in rear half of lot) Do not allow exceptions to the height limit for mechanical equipment and pitched roofs 	<ul style="list-style-type: none"> Consistent with Planning Commission Consensus
10	Historic Preservation Chapter 6	<ul style="list-style-type: none"> No comments on the Historic Preservation section 	<ul style="list-style-type: none"> Revise language in Plan to be consistent with recently adopted Historic Preservation regulations 	<ul style="list-style-type: none"> Consistent with Planning Commission Consensus
11	Maximum Ground Floor Setback Chapter 6	<ul style="list-style-type: none"> Concept discussed only with Planning Commission, so direction from City Council 	<ul style="list-style-type: none"> Language changed from “maximum setbacks” to “maximum <i>ground floor</i> setbacks” 	<ul style="list-style-type: none"> Consistent with Planning Commission Consensus
12	Maximum Ground Floor Front Setback Chapter 6	<ul style="list-style-type: none"> No objection to 10 feet maximum front yard setback Request for additional information on existing front setbacks to understand how new standard would affect existing commercial structures 	<ul style="list-style-type: none"> Revise maximum front yard setback from 10 feet to 12 feet Change proposed language in Plan from “maximum front setback” to “maximum <i>ground floor</i> front setback” 	<ul style="list-style-type: none"> Consistent with Planning Commission Consensus <p>*Administrative Minor Exception process for non-conforming major remodels that cannot meet the standards</p>

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13	Minimum Rear Yard Setback Chapter 6	<ul style="list-style-type: none"> No objection to the new proposed minimum rear yard setback standard of zero or 10 feet 	<ul style="list-style-type: none"> Revise minimum rear yard setback requirement to zero, ten or 20 feet for rear alleys Require paved parking, landscaping or combination of the two depending on the dimensions between the rear alley property line and building The dimension of the paved parking area would be car space length (single parallel 10', single 20', etc.) with any leftover space dedicated towards landscaping and/or walkway 	<ul style="list-style-type: none"> Consistent with Planning Commission Consensus <p>*Administrative Minor Exception process for non-conforming major remodels that cannot meet the standards</p>
14	Façade Transparency (Windows) Chapter 6	<ul style="list-style-type: none"> General support for 70 percent façade transparency Provide options for non-primary street frontages (architectural details through Design Guidelines, materials, and active frontages) 	<ul style="list-style-type: none"> Require minimum 70 percent façade transparency on Manhattan Beach Boulevard, Highland Avenue, and Manhattan Avenue Corner properties: Minimum 70 percent façade transparency on primary frontage and minimum 60 percent façade transparency on non-primary frontage, where feasible; if minimum cannot be reached due to structural and/or design layout imitations, architectural elements consistent with the Design Guidelines must be added, as determined by the Community Development Director Storefront sides on alleys and walk streets do not need to meet minimum façade transparency requirements 	<ul style="list-style-type: none"> Consistent with Planning Commission Consensus <p>*Administrative Minor Exception process for non-conforming major remodels that cannot meet the standards</p>

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15	Maximum Tenant Frontage Chapter 6	<ul style="list-style-type: none"> • General support for 35 foot maximum tenant frontage for retail on Manhattan Beach Boulevard, and options for Manhattan Avenue and Highland Avenue • Request for examples of 50 foot building frontages for restaurants, and review options for primary streets 	<ul style="list-style-type: none"> • Lots 35 feet or more in depth allow a maximum tenant frontage of 35 feet • Lots with less than 35 feet in depth allow a maximum tenant frontage of 50 feet • For corner lots, the Community Development Director would determine on a case-by-case basis which frontage would be subject to the maximum tenant frontage of 35 feet or 50 feet 	<ul style="list-style-type: none"> • Consistent with Planning Commission Consensus <p>*Administrative Minor Exception process for non-conforming major remodels that cannot meet the standards</p>
16	Private Dining in the Public Right-of-Way Chapter 6	<ul style="list-style-type: none"> • General support for outdoor dining in the right-of-way in the furniture zone • Evaluate current sidewalk regulations and enforcement 	<ul style="list-style-type: none"> • Support for outdoor dining in the right-of-way in the furniture zone • Evaluate current sidewalk regulations and enforcement • Evaluate possibility of expanding minimum sidewalk clearance requirement from four feet to six feet 	<ul style="list-style-type: none"> • No changes to current standard: minimum 4 feet of sidewalk clearance for private dining in the public right-of-way • Continue education and enforcement efforts with restaurateurs

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MBMC 10.84.120 - Minor exceptions.

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

Valuation No Limitation. Projects that involve new structures or remodels without limits of project valuation [i.e., may exceed fifty percent (50%) valuation provisions of Section 10.68.030(E)], as provided below. Notice may be required for exceptions to Sections 10.68.030(D) and (E), see subsection A and B of this section for noticing requirements.

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

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10.12—10.68	Non-compliant construction due to Community Development staff review or inspection errors.
10.68.030(D) and (E), 10.12.030 and 10.12.030(R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
10.68.030(D) and (E)	Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
10.68.030(E)	Alterations and remodeling to existing legal non-conforming structures.

- A. **Minor Exception Application Without Notice.** All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in subsection B of this section. Additionally, a minor exception from Section 10.68.030(D) and (E) must meet the following criteria:
1. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and seventy-five percent (75%) of the maximum allowed (Area Districts I and II) or three thousand (3,000) square feet, whichever is less.
 2. **Alterations and remodeling to existing legal non-conforming structures.** No limit to the total existing Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.
- B. **Minor Exception Application with Notice.**
1. Applications for minor exceptions from Section 10.68.030(D) and (E) which do not meet the criteria in subsection (A)(1) of this section, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section 10.68.030(D) and (E) must meet the following criteria, and notice as provided in subsection D of this section, must be provided:
 - a. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and seventy-five percent (75%) of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds three thousand (3,000) square feet but does not exceed four thousand (4,000) square feet.
- C. **Submittal Requirements—All Minor Exceptions Applications.** Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

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1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
 2. Written statements to support the required findings and criteria of this Code section.
 3. A vicinity map showing the location and street address of the development site.
- D. **Submittal Requirements—Minor Exception Applications with Notice.** Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:
1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
 2. Written statements to support the required findings and criteria of this Code section.
 3. A vicinity map showing the location and street address of the development site;
 4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within three hundred feet (300') of the boundaries of the property; and
 5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within three hundred feet (300') of the boundaries of the property. This list shall be keyed to the map required by subsection (D)(4) of this section and shall be accompanied by mailing labels.
- E. **Notice to Property Owners—Minor Exception with Notice.** After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in subsection D 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.
- F. **Director's Review and Action—All Minor Exceptions.**
1. **Notice of Decision.** After the commenting deadline date, if any, and within thirty (30) days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant a letter stating the reasons for the decision under the authority for granting the exception, 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 K of this section. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection E of this section.
 2. **Findings.** In making a determination, the Director shall be required to make the following findings:
 - a. The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height.
 - b. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air.
 - c. There are practical difficulty which warrants deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.

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- d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
 - e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.
- G. **Additional Criteria—Sections 10.68.030(D) and (E).** When making a determination to approve an exception to Sections 10.68.030(D) and (E), the Director shall also require the following criteria to be met, in addition to the findings in subsection (F)(2), as stated above:
1. New construction must conform to all current Code requirements except as permitted by this Chapter.
 2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e., stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (i.e., roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
 - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
 - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
 3. A minimum of ten percent (10%) of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
 4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a one foot (1') reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
 5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
 6. Projects under two thousand (2,000) square feet in area per dwelling unit shall provide a minimum one (1) car fully enclosed garage per dwelling unit.
 7. Projects two thousand (2,000) square feet in area and up to two thousand eight hundred (2,800) square feet per dwelling unit shall provide a minimum two (2) car off-street parking with one (1) fully enclosed garage and one (1) unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
 8. Projects two thousand eight hundred (2,800) square feet in area and up to three thousand six hundred (3,600) square feet per dwelling unit shall provide a minimum two (2) car fully enclosed garage per dwelling unit.
 9. Projects three thousand six hundred (3,600) square feet in area per dwelling unit and over shall provide a minimum three (3) car fully enclosed garage per dwelling unit.

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10. All development on the site which is existing legal non-conforming development for zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current zoning requirements to the extent that it is reasonable and feasible.
 11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of fifty percent (50%) of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than fifty percent (50%) of the minimum required setback may be retained.
 12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
 13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.
- H. **Additional Criteria—Section 10.12.030(T). Interior Lots.** When making a determination to approve an exception to Section 10.12.030(T) for a reduction in percentage of additional front yard setback for alterations, remodeling and additions (enlargements) to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated in subsection (F)(2) of this section:
1. A minimum of three percent (3%) of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
 2. The percentage of area that is provided outside of the additional front setback area, as established in Section 10.12.030(T), shall be required to be two (2) times the percentage if it was provided in the front yard {i.e., six percent (6%) required, if three percent (3%) in the front [three percent (3%) balance due] - provide six percent (6%) outside of the front yard equals nine percent (9%) total}.
 3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (i.e., not an interior courtyard).
 4. The area provided outside of the additional front setback area shall meet all of the criteria established in Section 10.12.030(T)(2) through (4).
 5. The proposed project is consistent with the purpose stated in Section 10.12.010(H).
- I. **Additional Criteria Section 10.12.030(T)—Corner Lots.** When making a determination to approve an exception to Section 10.12.030(T) on corner lots for alterations, remodeling and additions (enlargements) to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated in subsection (F)(2) of this section:
1. A minimum of three percent (3%) of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
 2. A minimum of three percent (3%) of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required eight percent (8%) shall be located adjacent to another required setback (i.e., not an interior courtyard).
 3. The area abutting the streetside setback shall meet all of the criteria established in Section 10.12.030(T)(2) through (4).
 4. The proposed project is consistent with the purpose stated in Section 10.12.010(H).

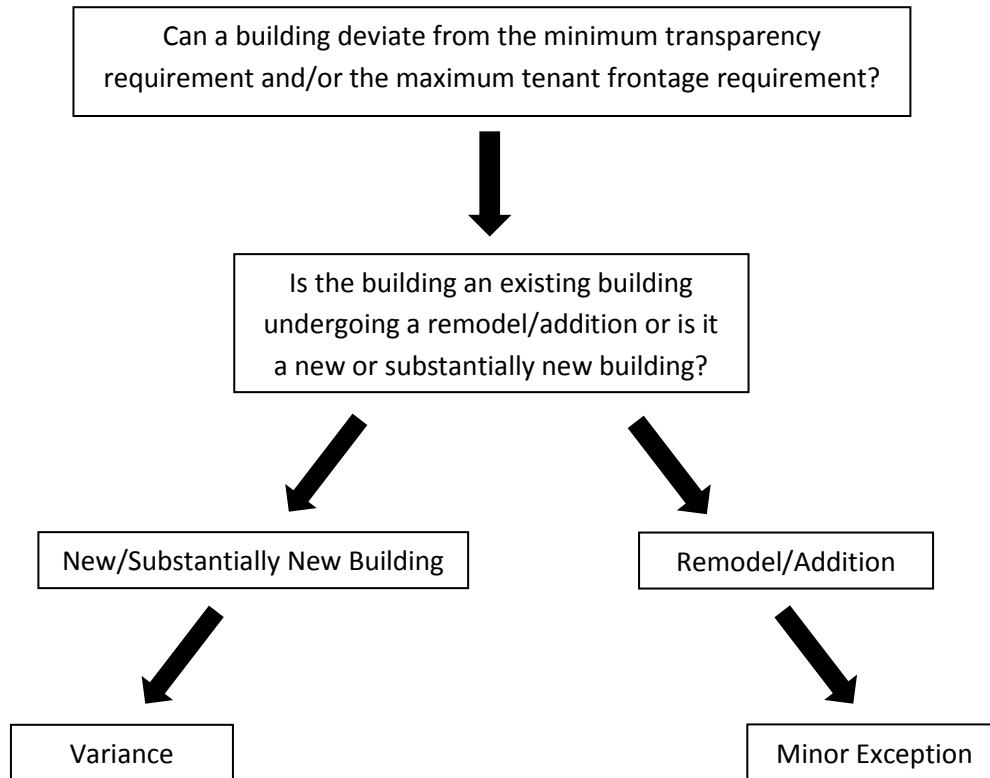
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- J. **Conditions of Approval.** In approving a minor exception permit, the Director may impose reasonable conditions necessary to:
1. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;
 2. Protect the public health, safety, and general welfare; or
 3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.
- K. **Effective Date—Appeals.** Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 Manhattan Beach Municipal Code.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 12/03/92; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996; § 5, Ord. 1992, eff. February 18, 1999; § 2, Ord. 2032, eff. May 16, 2002; § 2, Ord. 2050, eff. January 1, 2004; § 3 (part), Ord. 2068, eff. February 4, 2005; § 20, Ord. 2111, eff. March 19, 2008, and § 4, Ord. 15-0026, eff. December 3, 2015)

Attachment 5

Addressing New Nonconformities Created with the Adoption of the Specific Plan



Variations

Problem:

MBMC 10.84 does not explicitly allow a variance for these new development standards.

Solution:

Add a footnote in Chapter 6:

For purposes of the Specific Plan, variances may be granted for maximum tenant frontages and/or minimum transparency requirements in addition to other development standards identified in MBMC 10.84.010 and LCP A.84.010.

Applicants in the CD zone seeking a variance for maximum tenant frontage and/or minimum transparency requirements would need to meet the following new required variance findings in addition to the standard required variance findings outlined in the municipal code and LCP:

- A. Granting the application would not result in development that is significantly inconsistent with other development in the surrounding area, and the character of the area will not be significantly adversely changed by the granting of the variance.
- B. The relief granted would still result in a building with an attractive and pedestrian-friendly design, and consistent with the goals and policies of the Downtown Specific Plan.

Minor Exceptions

Problem:

Nonconforming structures that want to do a significant remodel/addition and still maintain their nonconformities can apply for a Minor Exception, assuming the proposed work meets the Minor Exception requirements. However, the definition of a nonconforming structure in MBMC 10.68.030 D & E does **not** include the types of nonconformities that would be created with the adoption of the new Specific Plan development standards (minimum transparency requirement and/or maximum tenant frontage requirement). Buildings that don't meet the minimum transparency requirement, for instance, would technically not be considered a nonconforming structure, and thus would not be eligible for a Minor Exception. A new definition of a nonconforming structure is needed to technically qualify for the Minor Exception.

Solution:

Footnote in Chapter 6:

For purposes of the Specific Plan, a nonconforming structure is defined as "A structure that was lawfully erected but which does not conform with the standards for yard spaces, height of structures, maximum allowable buildable floor area, driveways, open space, distances between structures, **or Specific Plan Development standards** prescribed in the regulations for the district in which the structure is located."

Attachment 6

Final Draft Plan Live/Work Regulations

Defined:

A "live/work unit" is defined as a space comprised of both living space and work area, and such that the resident of the living space is the business owner and operator of the work area.

Permitted Uses:

The nonresidential component of a live/work unit shall only be a nonresidential use allowed within the CD Downtown Commercial zone, except Offices (Business and Professional), Banks, Credit Unions, Savings & Loans, Eating and Drinking Establishments, Food and Beverage Sales, Communication Facilities, Swap Meets, Recurring Travel Services, Commercial Parking, Visitor Accommodations, all Temporary Uses, all Public and Semi-Public Uses, and similar uses as determined by the Community Development Director are not permitted.

The residential component of each live/work unit shall only be a single dwelling unit, as defined in MBMC 10.04.030.

Performance Standards:

- Live/work is defined as a commercial land use. CD Downtown Commercial development standards apply to live/work buildings. Open space is required for the residential component, where the minimum open space requirement is ten percent (10%) of the residential buildable floor area, but not less than 48 square feet.
- Live/work units are designed to ensure that they will function predominantly as commercial spaces with incidental residential accommodations.
- The residential and commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
- The commercial component may not be converted to residential use.
- The residential component may not be converted to commercial use.
- All activities related to the commercial component of a live/work unit shall be conducted within an enclosed building.
- The commercial portion of the live/work use shall be open to the public as a commercial use with minimum operating hours identified through the use permit process.
- The commercial component must be located along the ground floor street front, and all buildings with approved live/work uses must meet the Private Realm Development Design Guidelines.
- The residential space within the live/work unit shall be contiguous with the working space, with direct access between the two areas.
- The residential component of a live/work space must either be above or behind the commercial component. The residential component shall not be on the ground floor street front.

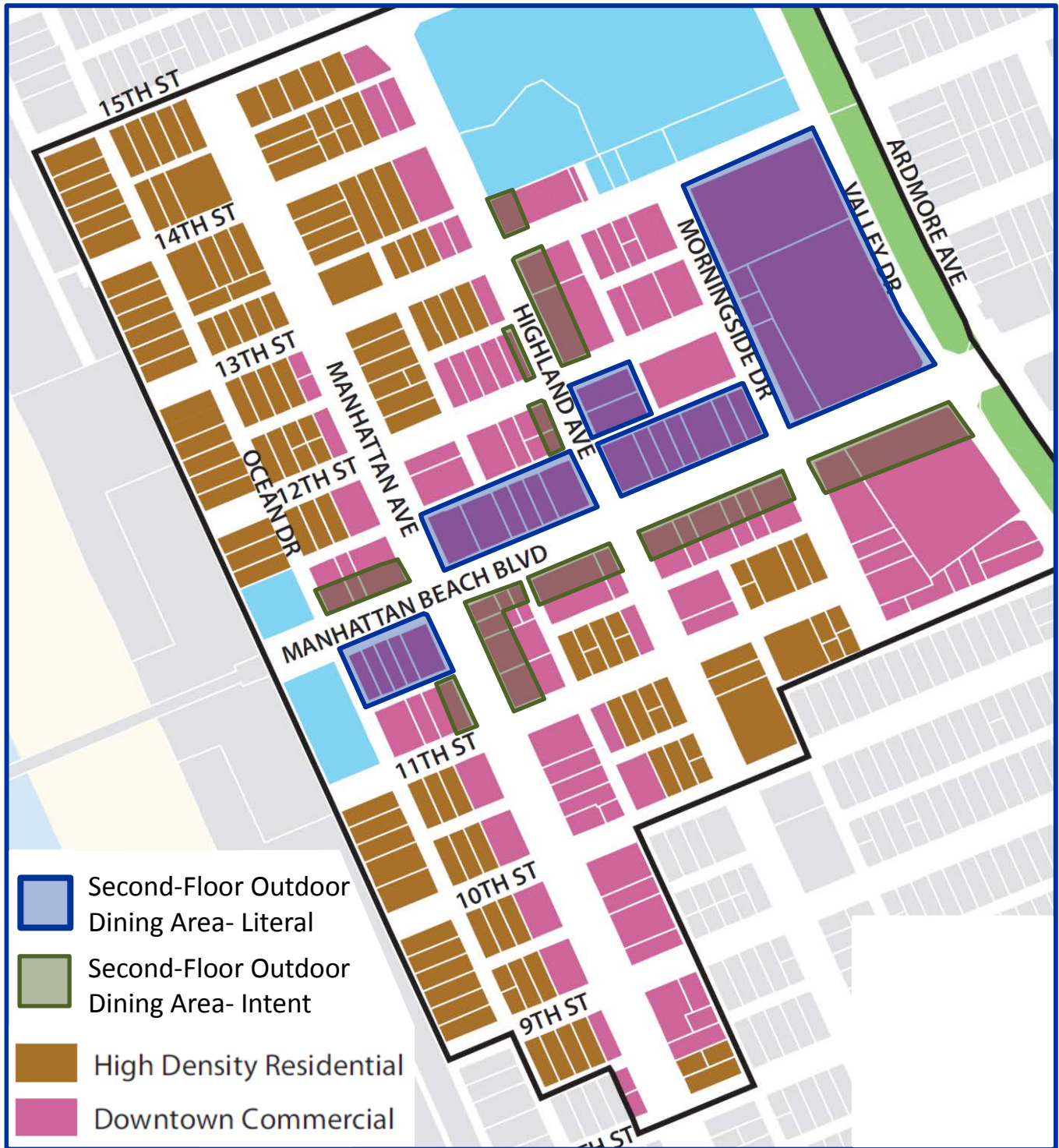
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Retail Sales Floor Area Data

Retailer	Sales Floor Area Sq Ft	Buildable Floor Area
American Apparel	1,965	2,600
Wright's	1,605	1,700
Trina Turk	1,550	1,924
Beehive	1,420	1,900
Skechers	1,400	3,435
Pages	1,390	2,000
Free People	1,145	2,462
Splendid	1,142	1,649
Gum Tree	1,290	1,800

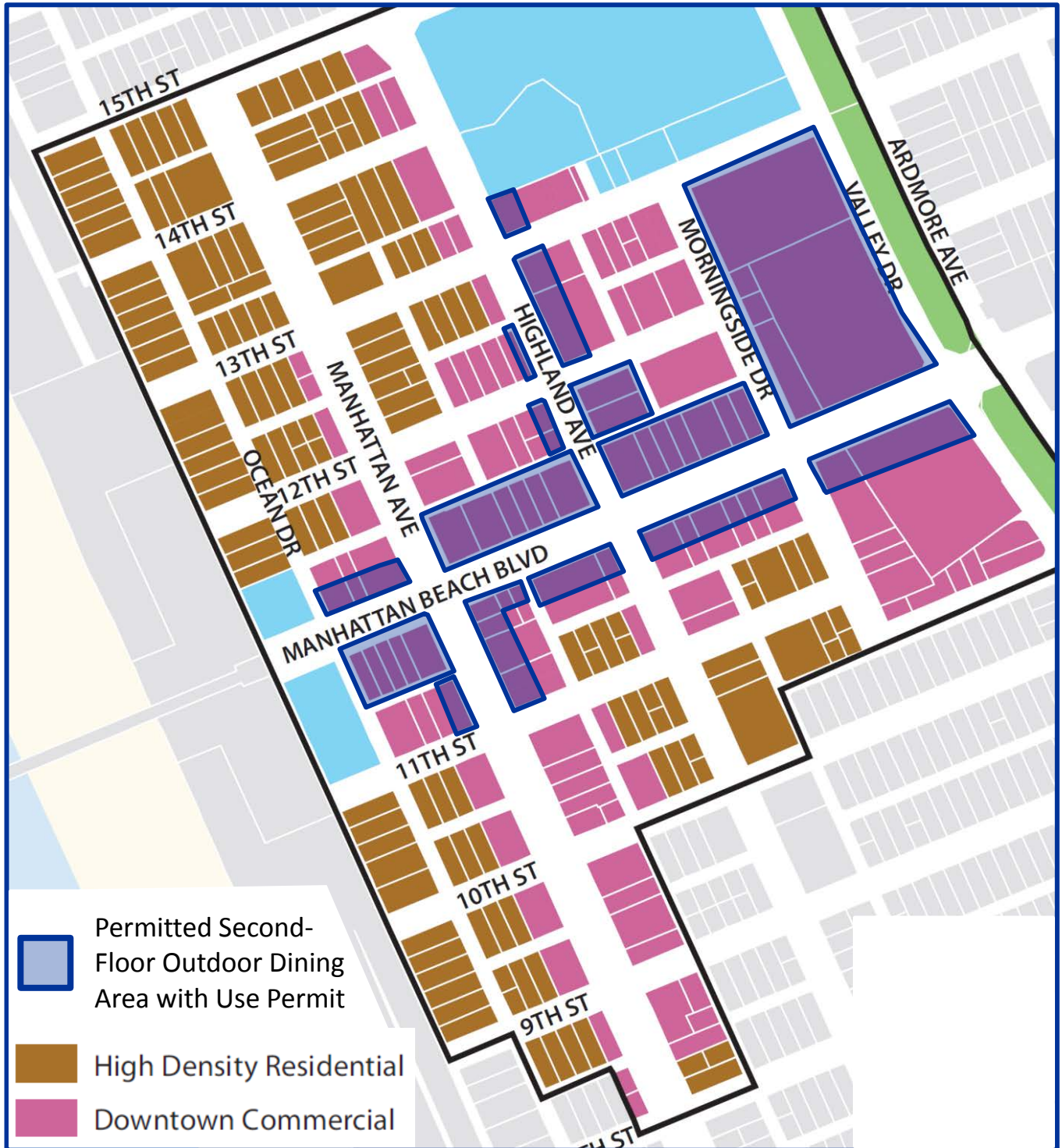
Attachment 8

Potential Second-Floor Outdoor Dining



- Second-floor outdoor dining is defined as outdoor dining in the floor above the street-level floor.
- The dining area of second-floor outdoor dining can NOT face residential uses.

Attachment 9
Permitted Second-Floor Outdoor Dining Map
(Final Draft Plan Figure 4.2)



Second-Floor Outdoor Dining Cross-Section

(drawn approximately to scale)

Allowed Location of Second-Floor Outdoor Dining with Use Permit
(faces **away** from residential properties)

Any deck/balcony surface where outdoor dining could take place needs to be 9 feet below the max height limit.
The westward sloping topography of some lots on the western side of Manhattan and Highland Avenues make it challenging to have second-floor outdoor dining and a useable ground floor, street-adjacent commercial space.

Allowed Location of Second-Floor Outdoor Dining with Use Permit
(faces **away** from residential properties)

