

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development
Rosemary Lackow, Senior Planner

DATE: October 12, 2005

SUBJECT: Proposed Zoning Code Amendments Revising Title 10 of the Municipal Code (The Zoning Ordinance) and Title A of the Local Coastal Program (LCP) for the Purpose of Establishing a Maximum Lot Size for Residential Properties

RECOMMENDATION

Staff recommends that the Commission **CONDUCT** the **PUBLIC HEARING** and **ADOPT** the attached Resolution (Exhibit A) recommending that a maximum lot size be established for residential properties.

BACKGROUND

On June 24, 2005 the City Council held their annual Work Plan Meeting and developed the 2005-2007 Work Plan. The Work Plan included an item intended to address mansionization. A joint meeting was held on July 26, at which the City Council, Planning Commission and Staff discussed mansionization. To address mansionization issues the Council directed Staff to: 1) review the possibility of establishing a maximum lot size in the Zoning Ordinance, 2) review a past Work Plan item regarding lot merger regulations and 3) consider development incentives in exchange for development benefits. This report addresses the first component of this Work Plan item.

DISCUSSION

Mansionization/zoning controls

The term “mansionization” is a trend facing many cities nationwide whereby small or average sized homes are being demolished at high rates and replaced by large homes, sometimes on sites formed by combining lots. In 2004 in Manhattan Beach permits were issued to demolish 136 homes, compared to 77 in 1996, signaling a rapid rate by which this change is occurring. In fact since 1996 well over 130 home demolition permits have been issued each year and this number does not appear to be diminishing. The main concern in Manhattan Beach is that, accompanying this change is a significant loss or erosion of neighborhood character. Neighborhood character is affected when development interrupts an existing pattern or physical conditions. Contributing factors include: noticeable differences in scale or size of buildings, when the “bulk” or mass of a building is not relieved by architectural design elements (e.g. articulation of the façade, or

layout of the building on the lot) and changes in lot patterns. Another factor may be the loss of mature vegetation and trees. Overall the loss of neighborhood character and development changes may cause many impacts. There often is a sense of discomfort from “crowding” or higher “density” or a loss of open space and related issues such as decrease in sunlight due to shadowing by buildings, and privacy due to closeness and height of structures.

Over the last few years the City Council has adopted three ordinances to address either building “bulk” or mansionization. Ordinance 2032 and 2061, adopted in 2002 and 2004 and applicable in the inland Area Districts, are intended to reduce the mass/bulk of single family residences at the second story from the street (front) perspective. Ordinance 2050, adopted in February, 2005¹ is intended to encourage older homes throughout the City to be retained and upgraded at a moderate but functional size (maximum 2000 square feet). In addition, the City Council is currently considering revisions to the City’s Tree Ordinance to further protect and encourage retention of mature front yard trees.

Since 2004 Staff has made a number of presentations to the Planning Commission regarding the second component of the Work Plan item, related to lot mergers. The past focus has been on using lot merger regulations to control the building rather than the land. The efforts have been to address the appearance of buildings – how well the building mass is articulated or how a building is placed on the lot. (For example increasing side setbacks on combined lots to compensate for open space that otherwise would be provided between buildings on single lots.) This has been the focus because the lot merger study so far has shown that, when lots are merged for a new home, more often the overall amount of open space increases and building square footage decreases compared to what is typically constructed on individual lots. Further study related to lot mergers will begin later this year.

Contiguous lots are required to be “merged” when a building straddles a property line; such lots legally become one larger parcel. The “assembling” of lots occurs when an owner acquires one or more contiguous lots or portions of lots.

In many cases such assembled lots are improved or used such that no construction extends over any lot line. One lot may be developed with a main residence and additional lots may be used as a yard or for moderately sized accessory structures. Such situations may be difficult to identify since the lots retain their original configuration, and therefore it is hard to say how many of these types of developments exist. Staff believes, however, that this particular trend is occurring more often in Area District I, especially in the “Hill Section” but the trend is also occurring in the “Tree Section” in Area District II and near the beach in Area District III. The proposed ordinance is not intended to address these situations.

The main concern would be those cases where lots are legally merged for large buildings where construction would extend over a lot line and the more lots that are combined, the bigger the building that may result. The purpose of this report is to address the Work

¹ Not yet effective in coastal zone

Plan, where the focus is on the land and controlling mansionization by setting a maximum lot size for newly created lots.

Existing Lot Area Standards

Section 10.12.030 of the Municipal Code and Section A.12.030 of the Local Coastal Program contain standards for minimum lot area expressed in square feet for each district. Area District I encompasses the Hill Section and the Eastside, south of Manhattan Beach Boulevard. Area District II is the Tree Section, Manhattan Village, and the Eastside, north of Manhattan Beach Boulevard. Area District III is the Beach Area, including Downtown, and neighborhoods such as Grandview and the top of the Dune, Highland North End and a portion of the Tree Section. Area District IV is El Porto.

Table 1 below summarizes the current minimum lot area standard for residential properties by Area District. The requirement is the same in both the Municipal Code and Local Coastal Program.

Table 1: Minimum Lot Area

Area District	I (Inland – north)	II (Inland – south)	III and IV Beach Areas
Minimum Lot Area	7,500 square feet	4,600 square feet	2,700 square feet

The potential size of a home, expressed as “buildable floor area” (BFA) generally increases as lot size increases. Table 2 below is intended to show the maximum BFA that is allowed when lots are combined, compared to a single lot, for the predominant zoning districts in each area. These are the RS zones in Districts I and II, the RM zone in District III and RH zone in District IV. The amounts shown do not take into account application of other development standards such as open space in the beach area, or second story setback in the inland areas.

Table 2: Allowed Building Size Per Lot Area

Area District	Inland Area		Beach Area	
	I	II	III	IV
Allowed Buildable Area (1 lot)	5,115 sf²	3,220 sf³	4,320 sf⁴	4,590 sf⁵
Allowed Buildable Area (2 lots)	9,990 sf	6,200 sf	8,640 sf	9,180 sf
Allowed Buildable Area (3 lots)	14,865 sf	9,210 sf	12,960 sf	13,770 sf

As shown in Table 2, the largest homes can be built in the Hill Section or Eastside south of Manhattan Beach Boulevard (Area District I) where the largest lots are located. In the

² BFA formula: .65 x lot area + 240 sf. Applies to AD I & II, lots >4,800 sf,

³ BFA formula: .7 x lot area. Applies to AD I & II, lots ≤4,800 sf

⁴ BFA formula: 1.6 x lot area. Applies to AD III

⁵ BFA formula: 1.7 x lot area, Applies to AD IV

beach area, because lots are small, and because of other requirements such as open space, often the maximum allowed building area cannot be realized. But the bigger the site area, achieved through consolidating lots, and without any other zoning controls, the maximum building areas might be attainable. In the inland areas, in both Area Districts I and II it is possible to achieve the maximum allowed area, however, the smaller the lot is, or depending on how large a yard is created, the more probable it is that some building area will be placed underground.

In 2002, in the first “bulk/volume” ordinance, the Council relaxed basement regulations. Prior, any basement area that was designed to be habitable would have counted in the total BFA that is allowed. Currently all habitable area that is placed entirely subterranean is exempted from being counted toward the allowed BFA. As a result basements have become much more common, however basements have issues that should be considered, such as the much higher cost, need to provide adequate light and ventilation and waterproofing. Therefore if one wants to avoid a basement, but desires a larger home than allowed on a single lot, one must consider acquiring more land.

The attached maps of all Area Districts, utilizing August 2004 data show individual parcels and highlight any that exceed the proposed maximum lot area. These parcels and any others that have subsequently been legally merged and exceed the proposed maximum lot area will be exempted from the new standard. The map also documents the percentage of parcels in the City that would be exempted, and in each District this amount is less than 2% of all parcels and probably less than 1% when eliminating schools, churches and other large institutional sites.

Proposed Code

The attached Resolution contains the language that would be inserted into the Municipal Code Zoning Ordinance and Local Coastal Program zoning code to implement the new maximum lot size policy. Section 10.12.030 would be amended in the property development matrix, listing the specific maximum lot area for each area and a new Section 10.12.052 (Municipal Code) and Section A.12.040 (Coastal Zoning) are almost identical and will read as follows:

“10.12.052. Maximum lot area for all residential districts

No lot in any residential zoning district in the City including commercial districts where residential development may occur shall exceed more than twice the square footage of the minimum lot area for that zoning district. Provided, however that any lot in excess of that limit which has been legally created prior to October 1, 2005 shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date. In addition properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall also be exempt from this requirement.”

The new standard will apply to all zones that permit residential development in Area Districts III (RS, RM, RH) and IV (El Porto, RH only). In Area Districts I and II where the multi-family lots and right-of-ways are larger and where the majority of multi-family housing is being developed (typically condominiums), properties that are developed with at least three dwelling units would be exempted. This exemption is being provided because often multi-family projects need to merge lots to have adequate land to provide all desired amenities and to provide for all code required elements such as open space, parking spaces, unit storage, driveway access, and enlarged side yards. Additional land area is also necessary to enhance design flexibility so that the building, comprised of individual units is attractive. The minimum threshold of three units is suggested to preclude a developer from assembling several lots in Area Districts I and II, and then minimally developing one or two very small units, which when attached to a very large home, would be exempted from the maximum lot area standard if this threshold is not included.

General Plan and Local Coastal Program (LCP) Consistency

Pursuant to Section 10.96.050 of the Municipal Code, the Planning Commission has the duty to conduct a public hearing on these code amendments. Subject to testimony received, the Commission must make findings as to whether the proposal is consistent with the General Plan and objectives of the Zoning Ordinance, and make a recommendation to the City Council. The Commission must also make findings regarding consistency with coastal policies. Subsequent to the Planning Commission's action, the amendment and record of the Commission hearing will be forwarded to the City Council which will conduct another public hearing, in the form of two proposed Ordinances, one to amend the Municipal Code, and the other to amend the Local Coastal Program.

Upon adoption, the new standard will become effective in 30 days in Area Districts I and II. The Local Coastal Program amendment will be forwarded to the Coastal Commission for certification. Until the amendment is certified, Staff will enforce the standard in the coastal zone, however, because, when such a conflict exists, the most restrictive standard applies.

The proposed amendments will be consistent with and facilitate the following General Plan goals and policies:

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

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting lot size, housing size will be restricted and open space will be maintained as traditional building setback patterns will be adhered to.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two continuous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

ENVIRONMENTAL DETERMINATION

The proposed amendments are a statutory exemption from CEQA pursuant to Guidelines, Section 15061 (b) (3) in that the changes consist of a clarification and minor modification of lighting regulations and with implementation, it can be seen with certainty that no significant adverse environmental impacts would result.

PUBLIC NOTICE

A large display notice of this hearing was published in the September 29, 2005 edition of the Beach Reporter. Staff has received no written or other communications.

CONCLUSION

Mansionization has been a concern of the City in that small homes are being demolished at a high rate and are being replaced with much larger homes, in some cases on sites formed by combining lots and building over the original lot lines. If three or more lots are combined to create a single large lot amidst smaller building sites, the pattern of development is interrupted and character of such a neighborhood is in jeopardy. The City Council in its current Work Plan is committed to addressing impacts from mansionization, and this proposed zoning and coastal amendment, is one component of that commitment. The establishment of a maximum lot size is appropriate for all Area Districts and zones. The multi-family zones in Area Districts I and II however should be exempted for multi-family development for properties with at least three units.

The proposed amendments are consistent with the Manhattan Beach General Plan and Local Coastal Program, and in conjunction with other measures, will serve to protect the existing residential neighborhoods.

Attachments:

- A. Draft Resolution PC 05 -
- B. Minutes: July, 2005 Joint Commission/Council Meeting
- C. Area District Maps

**RESOLUTION NO. PC 05-XX
(D R A F T)**

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MANHATTAN BEACH
RECOMMENDING TO ADD SECTION 10.12.052 AND
AMEND SECTION 10.12.030 OF CHAPTER 10.12 OF
TITLE 10 OF THE MANHATTAN BEACH
MUNICIPAL CODE (THE ZONING ORDINANCE)
AND TO ADD SECTION A.12.040 AND AMEND
SECTION A.12.030 OF THE MANHATTAN BEACH
LOCAL COASTAL PROGRAM IMPLEMENTATION
PROGRAM ESTABLISHING A MAXIMUM LOT
SIZE FOR ALL RESIDENTIAL ZONES**

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. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12, 2005 regarding the proposed Code Amendments which relate to establishing a maximum lot size for residential properties in Area Districts I, II, III and IV, and public testimony was invited and received.
- B. Public notice included a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- C. The applicant for the subject project is the City of Manhattan Beach.
- D. The purpose of the proposed Amendments is to limit residential building sites to a maximum size, with exception of properties located in Area Districts I and II developed for high density housing. This action is in recognition that *mansionization* is occurring in the City, whereby extremely large homes are replacing small homes, on consolidated standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- E. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, 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; and,

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- F. 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.
- G. The Planning Commission finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- H. The proposed amendment to the Title 10 of the Municipal Code (Zoning Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

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

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting lot size, housing size will be restricted and open space will be maintained as traditional building setback patterns will be adhered to.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two continuous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

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

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

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

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Implementation Plan.

SECTION 2. The City Council of the City of Manhattan Beach hereby approves adding a new section 10.12.052 to the Manhattan Beach Municipal Code to read as follows:

“10.12.052. Maximum lot area for all residential districts

No lot in any residential zoning district in the City including commercial districts where residential development may occur shall exceed more than twice the square footage of the minimum lot area for that zoning district. Provided, however that any lot in excess of that limit which has been legally created prior to October 1, 2005 shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date. In addition properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall also be exempt from this requirement.”

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby approves inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RS, RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read as follows:

“PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	<u>Area District I RS</u>	<u>Area District I RM</u>	<u>Area District I RH</u>	<u>Area District II</u>	<u>Area District II RM</u>	<u>Area District II RH</u>	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft)	15,000	15,000	15,000	9,200	9,200	9,200	(U)

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III RS</u>	<u>Area District III RM</u>	<u>Area District III RH</u>	<u>Area District IV RH</u>	<u>Additional Regulations</u>
Maximum Lot Area (sq. ft.)	2,700	2,700	2,700	2,700	(U)

(U) See 10.12.52 Maximum lot area for all residential districts.”

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SECTION 4. The City Council of the City of Manhattan Beach hereby approves adding a new section A.12.040 to the Manhattan Beach Local Coastal Program Implementation Program to read as follows:

“A.12.040 Maximum lot area for all residential districts

No lot in any residential zoning district in the City including commercial districts where residential development may occur shall exceed more than twice the square footage of the minimum lot area for that zoning district. Provided, however that any lot in excess of that limit which has been legally created prior to October 1, 2005 shall be exempt from this limitation but may not be increased in size beyond the boundaries in place on that date.”

SECTION 5. The Planning Commission of the City of Manhattan Beach hereby approves inserting (after Minimum Lot Dimensions) a new regulation entitled Maximum Lot Area with related maximum lot size square footage and Additional Regulation (T), in the tables and list of Additional Development Regulations in Section A.12.030 entitled Property development regulations: RM and RH districts of the Manhattan Beach Local Coastal Program Implementation Program to read as follows:

“PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	Additional Regulations
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(T)

(T) See A.12.040 Maximum lot area for all residential districts.”

SECTION 6. 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 7. 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

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unconstitutional or otherwise invalid.

SECTION 8. 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 October 12, 2005 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

**JOINT MEETING OF THE
CITY COUNCIL
AND THE
PLANNING COMMISSION
JULY 26, 2005**

The Adjourned Regular Joint Meeting of the City Council and the Planning Commission of the City of Manhattan Beach, California, was held on the 26th day of July, 2005 at the hour of 6:40 p.m., at the Creative Arts Center, at 1560 Manhattan Beach Boulevard, in said City.

ROLL CALL

Present: City Council: Tell, Aldinger, Montgomery, Ward and Mayor Fahey.
 Planning Commissioners: Simon, Schlager, Bohner, Lesser and Chairperson Savikas.
 Staff: City Manager Dolan, Community Development Director Thompson, Senior Planner Jester, Senior Planner Lackow and Associate Planner Moreno.

Absent: None.

Clerk: Dolan (Acting).

AUDIENCE PARTICIPATION

Laura Cohen, No Address Provided, indicated that she is interested in the proposed Lot Merger Ordinance and expressed concerns about the standards, particularly the increased setbacks, that were proposed but not approved last year for oversized lots.

SCHEDULED

05/0726.1 Discussion Regarding Lot Mergers, Establishing Maximum Lot Size and Developer Incentives to Reduce Mansionization

The City Council, Planning Commission and Staff discussed the issues as outlined in the staff report which will be studied by staff in the following order and presented to the Planning Commission for recommendations to the City Council:

- **1. Maximum Lot Size**
Staff will propose maximum lot sizes for various residential zones.

- **2. Standards for Merging Lots**
Staff will propose standards for merging residential lots, including looking at reduced Buildable Floor Area.

- **3. Possible Development Incentives to Reduce Mansionization**
Staff will propose various possible incentives as a way to address mansionization.

These items will be studied after the *Tree Ordinance Revisions* Work Plan item.



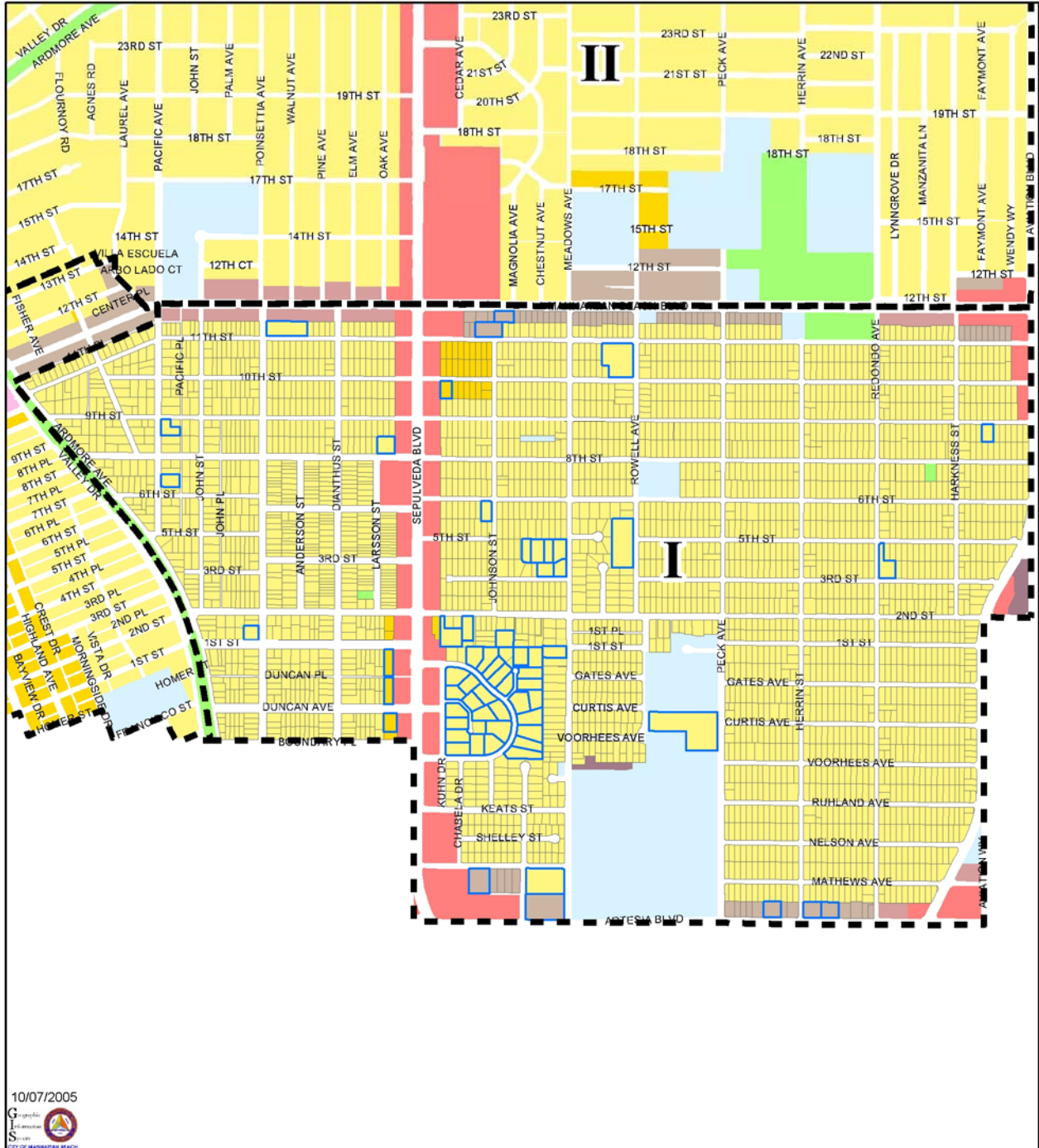
Area District I

zoned RS, RM, RH = 3,240
 lot size > 15,000 sf = 62

1.91% of ADI residential lots are > 15,000 sf




Zoning	
 RS	 CG
 RM	 CL
 RH	 CNE
 RPD	 IP
 RSC	 OS
 CC	 PD
 CD	 PS



10/07/2005















Source: LA County Assessor's parcel data, August 2003

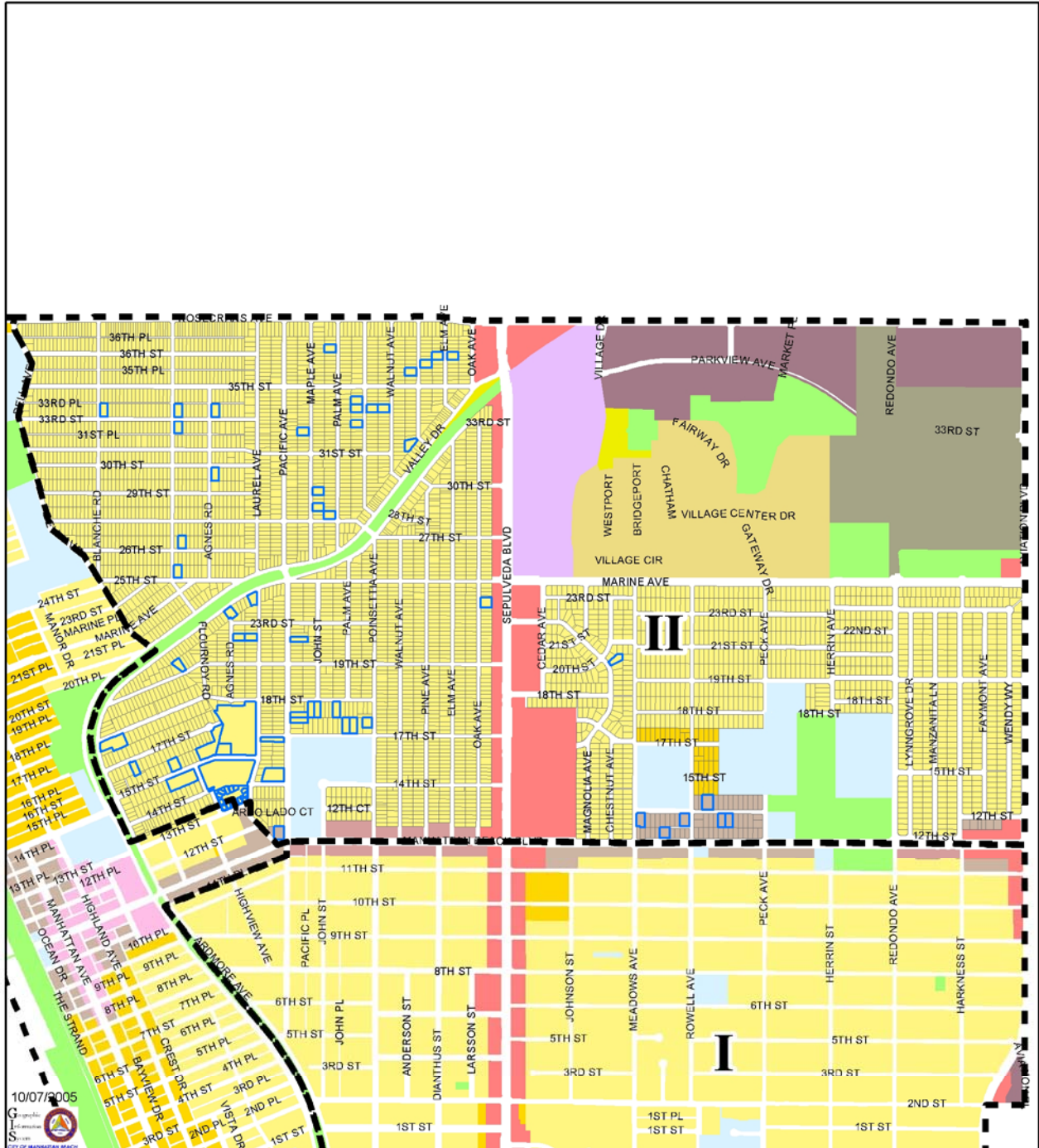
Area District II

zoned RS, RM, RH = 4,293
 lot size > 9,200 sf = 56 

1.30% of ADII residential lots are > 9,200 sf




Zoning			
	RS		CG
	RM		CL
	RH		CNE
	RPD		IP
	RSC		OS
	CC		PD
	CD		PS

















Source: LA County Assessor's parcel data, August 2003

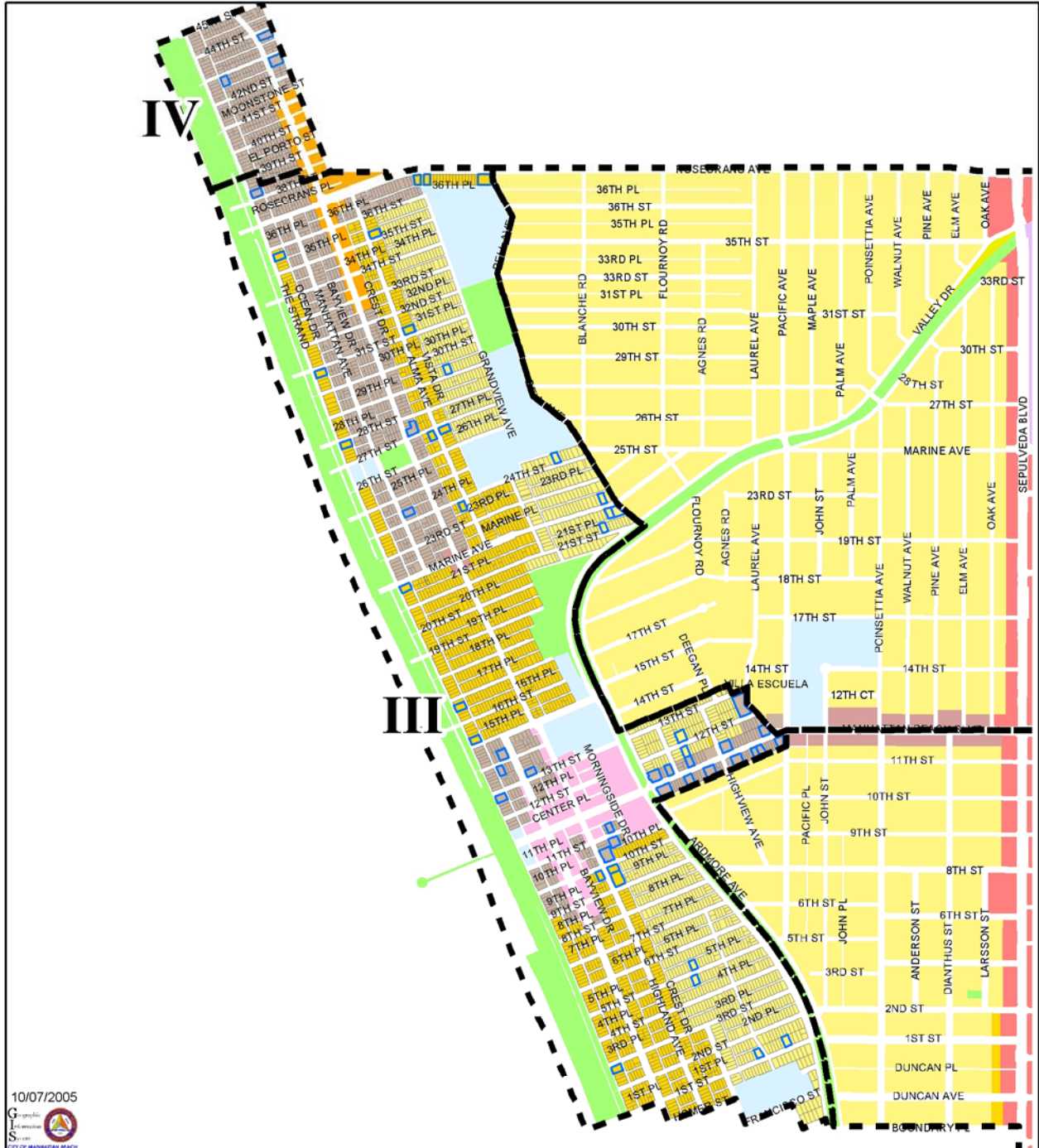
Area District III-IV

zoned RS, RM, RH = 3,654
 lot size > 5,400 sf = 56 

1.53% of ADIII-IV residential lots are > 5,400 sf



Zoning			
	RS		CG
	RM		CL
	RH		CNE
	RPD		IP
	RSC		OS
	CC		PD
	CD		PS



10/07/2005


Source: LA County Assessor's parcel data, August 2003