

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Eric Haaland, Associate Planner

DATE: May 8, 2013

SUBJECT: Consideration of Amendment to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Site Areas, Required Alley Access, and Alternative Fuel Vehicle Charger Locations.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the continued public hearing, **DISCUSS** the proposed Amendments, and **ADOPT** the proposed Resolution recommending **APPROVAL** to the City Council.

BACKGROUND

At its regular meeting of January 23, 2013, the Planning Commission conducted a review of the effectiveness of the recently adopted zoning code amendments addressing "Mansionization" and similar issues, as called for by the City Council's 2011/2012 Strategic Plan. Staff determined the majority of those amendments to be appropriately effective without further changes. At its regular meeting of February 27, 2013, the Planning Commission began conducting a public hearing for Amendments revising some of the Mansionization items including:

- **Minor Exceptions** – Increase the amount of minimum building retention required beyond the current 10% minimum, and allow for shallow-lot rear setback relief.
- **Supplemental setback**- Simplify corner-side requirement
- **Open space**- Change small-unit minimum square-footage cap, and third-story square-footage cap; and address open space quality/coverage/enclosure
- **Maximum site sizes**- Re-insert omitted Beach Area language
- **Alley Access** – Require in the Residential Single-Family (RS) zone of Area District III
- **Alternative Fuel Vehicle Charger Locations** – Allow greater flexibility

DISCUSSION

Most of the above-listed amendment items have been reviewed and resolved by the Planning Commission; and the proposed language has been included in the attached draft resolution. The discussion below reviews the Planning Commission's comments and recommendations regarding the pending items. The recommended language provided is also incorporated in the attached resolution.

- Minor Exceptions - Demolition

The Planning Commission indicated a desire to specify a numerical minimum amount of building to be retained for Minor Exception eligibility. Section 10.84.120(G)(3) of the small home addition Minor Exception criteria indicates that a minimum of 10% of the existing structure must be maintained to qualify. This amount of retained structure can often consist of just the building foundations, which appears to the public as complete demolition. In response to this concern, Staff is suggesting the requirement be revised to exclude foundation and other surface/sub-surface structure from this calculation. The Commission discussed raising the percentage factor to as much as 25%, however this may discourage the intended purpose of this section, therefore Staff is recommending to keep the 10% factor, and specify that it would apply to above-ground structure elements only.

Updated Recommended Amendment:

Amend Section 10.84.120(G)(3) of the Manhattan Beach Municipal Code and Section A.84.120(G)(3) of the Manhattan Beach Local Coastal Program as follows:

3. A minimum of ten percent (10%) of the existing structure, located above the ground-level floor surface, based on project valuation as defined in Section 10.68.030, shall be maintained.

- Supplemental Front/Corner-side Setback

Staff had suggested that the corner side requirement of the original front yard second-story supplemental setback had not resulted in enough mass relief to warrant the complexity of the new standards. Since the Planning Commission indicated it had concerns for reducing any relief requirements, the 8% corner lot supplemental setback requirement will not be removed from the ordinance. Although there was discussion of revising the wording, it appears that continuing with the existing standards would be a simpler option for code-users.

- Useable Open Space – Enclosure/Coverage

The Planning Commission had suggested that the useable open space requirement should be amended to improve the quality of open space by not allowing it to be as covered or enclosed as currently allowed. During its discussion at the public hearing, the Commission determined that limiting coverage of up to 50%, and requiring a minimum of two sides to be open, are appropriate restrictions for required open space.

In addition to establishing quantities of top and side areas to be open, language is also provided to define what will qualify as “open” and “uncovered”.

Updated Recommended Amendment:

Amend the “Useable Open Space” definition in Section 10.04.030 of the Manhattan Beach Municipal Code and Section A.04.030 of the Manhattan Beach Local Coastal Program as follows:

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, that is ~~not more than seventy-five~~ at least fifty percent (~~75~~ 50%) uncovered, and with at least two open sides. ~~by buildable floor area, and has~~ The area must have a minimum dimension of five feet (5') in any direction, and a minimum area of forty-eight (48) square feet; minus any parking facilities, driveways, utility or service areas, or any required front or side yards.

For the purposes of useable open space, “uncovered” shall mean unobstructed at any point greater than 3.5 feet directly above the deck or grade surface except a maximum 1-foot roof eave; and “open side” shall mean a primary perimeter segment of a contiguous useable open space area that is unobstructed at any point between 3.5 feet and 8 feet above the abutting useable open space surface. Trellis and post elements may be allowed to partially obstruct restricted tops and sides of useable open space if determined to be appropriate by the Community Development Director.

- Purpose Statement

The Planning Commission had suggested that it would be helpful to have additional explanation within the zoning code regarding the City’s intentions for mass relief, bulk mitigation, etc. In response, Staff has drafted an update of the bulk/volume purpose statement included in the residential Chapter of the code in 2002.

Recommended Amendment:

Amend Section 10.12.010(H) of the Manhattan Beach Municipal Code and add Section A.12.010(H) to the Manhattan Beach Local Coastal Program as follows:

- H. ~~Provide for a reduction in building bulk and volume for single family residential properties located in Area Districts I and II~~ Encourage reduced visual building bulk with effective setback, height, open space, site area, and similar standards, and provide incentives for retention of existing smaller homes. Include provision for an administrative Minor Exception procedure to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

- Additional Comments

At its February 27, 2013 regular meeting, the Planning Commission discussed the removal of “compatibility with surrounding neighborhood” criterium in MBMC Sections 10.12.030(Q) and 10.64.64.020(F)(4) and A.12.030(Q) and LCP Sections A.64.64.020(F)(4) regarding required alley access. The main goal of the proposed amendment requiring alley access in the RS zone, in Area District III, is create more compatible neighborhoods. Most properties use the alley for vehicle access, however, in the rare cases where some neighborhoods have a mix of alley and street vehicle access, it is Staff’s opinion that the Director should have discretion to make exceptions to the proposed amendment in order to maintain neighborhood compatibility. This criterium provides the necessary language for Staff to make that determination. Furthermore, neighborhood compatibility is also part of the Goals and Policies in the General Plan, specifically, Goal 4 in the Land Use element, which states: “Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood’s unique characteristics.”

Previous material and discussion considered by the Planning Commission during this Mansionization review process has mentioned items such as chimneys, basements, buildable floor area, and building height. These items were not recommended to be included as code amendment items.

Chimney projections into yards abutting streets were discussed with respect to visual bulk, in that corner side yards may be more appropriate than front yards for such items. Consideration of this type of change may be of interest since inland corner lots will continue to have the more restrictive 8% supplemental setback requirement.

Basements and similar garage, storage, and crawl space areas within residential buildings continue to be complex items with respect to counting floor area. Basement floor area is either partially or entirely exempt from being counted as buildable floor area. Semi-subterranean floor area that does not qualify as basement area has a minimum countable depth (horizontal) of 20 feet. Areas that have a floor surface with more than 5 feet of vertical clearance above are usually classified as story- or basement- floor area. Crawl spaces without any floor surface are typically not considered any type of floor area. These interpretations/procedures are used by Staff in determining buildable floor area, parking, open space, and other Code criteria compliance, and are not recommended to be changed.

The Planning Commission heard comments that reducing the allowable buildable floor area (BFA) ratios would be the most effective method of reducing visual building bulk. While this may seem to be the most direct way to reduce building bulk and volume, it has been Staff's understanding that the floor area ratios, as well as height limits, established through extensive community review, are not intended to be changed by the Mansionization project.

CONCLUSION

Staff recommends that the Planning Commission conduct the continued public hearing, accept public testimony, discuss the updated Amendment items, discuss the proposed Resolution, and adopt the attached Zoning Code and Local Coastal Program Amendment.

Should the City Council direct Staff to explore reductions in buildable floor area or building height, as discussed above, those items would be studied separately at a future date.

Attachments:

- A. Draft Resolution No. PC 13-
- B. P.C. Minutes excerpt, dated 2/27/13
- C. P.C. Staff Report, dated 2/27/13
- D. Mansionization history summary chart
- E. Nonconformity regulation examples

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RESOLUTION NO. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH, CALIFORNIA RECOMMENDING AMENDMENTS TO SECTIONS 10.04.030, 10.12.010, 10.12.030, 10.64.100, AND 10.84.120, OF THE MANHATTAN MUNICIPAL CODE TITLE 10 (ZONING ORDINANCE) AND SECTIONS A.04.030, A.12.010, A.12.030, A.64.100, AND A.84.120 OF THE IMPLEMENTATION PROGRAM OF THE LOCAL COASTAL PROGRAM, PERTAINING TO OPEN SPACE, SETBACKS, SITE AREA, ALLEY ACCESS, ALTERNATIVE FUEL VEHICLE CHARGER LOCATIONS, NONCONFORMING STRUCTURES, AND MINOR EXCEPTIONS.

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. The Planning Commission conducted a public hearing pursuant to applicable law to consider amendments to Title 10, the zoning ordinance, of the Manhattan Beach Municipal Code and the Implementation Program of the Local Coastal Program pertaining to open space, setbacks, site area, alley access, parking clearances, nonconforming structures, and minor exceptions.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received on February 27, and May 8, 2013. A previous status report reviewing the “Mansionization” project and potential amendments was considered on January 23, 2013.
- C. The proposal is exempt from the requirements of the California Environmental Quality Act due to determination that it has no potential for causing a significant effect on the environment. The proposed zoning ordinance amendments moderately modify open space, setback, alley access, and parking clearance requirements, and procedures for addressing minor nonconformity hardships caused by existing site conditions.
- D. The proposed amendments are consistent with the policies of Chapter 3 of the Coastal Act, will not have an impact either individually or cumulatively on coastal resources, and do not involve any change in existing or proposed use of land or water.
- E. The proposed amendments are consistent with the goals and policies of the City’s General Plan and Local Coastal Program, and with the purposes of the Zoning Codes of the Manhattan Beach Municipal Code and Local Coastal Program, as detailed in the Planning Commission Staff Reports. The proposal specifically supports: Goal LU-1, encouraging low profile development and the small-town atmosphere of Manhattan Beach, Goal LU-2, and Policy LU-1.2 related to open space, landscaping, setbacks, and building bulk, Policy I.A.5 regarding preservation of walk-street resources, and Policies II.B.1 & II.B.2 regarding coastal zone building scale and bulk.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends approval of the subject amendments to the Manhattan Beach Municipal Code and Local Coastal Program as follows:

Amend the “Useable Open Space” definition in Section 10.04.030 of the Manhattan Beach Municipal Code and Section A.04.030 of the Manhattan Beach Local Coastal Program as follows:

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, that is ~~not more than seventy-five~~ at least fifty percent (75 ~~50~~%) uncovered, and with at least two open sides. ~~by buildable floor area, and has~~ The area must have a minimum dimension of five feet (5') in any direction, and a minimum area of forty-eight (48) square feet; minus any parking facilities, driveways, utility or service areas, or any required front or side yards.

For the purposes of useable open space, “uncovered” shall mean unobstructed at any point greater than 3.5 feet directly above the deck or grade surface except a maximum 1-foot roof eave; and “open side” shall mean a primary perimeter segment of a contiguous useable open space area that is unobstructed at any point between 3.5 feet and 8 feet above the abutting useable open space surface. Trellis and post elements may be allowed to partially obstruct restricted tops and sides of useable open space if determined to be appropriate by the Community Development Director.

Amend Section 10.12.010(H) of the Manhattan Beach Municipal Code and add Section A.12.010(H) to the Manhattan Beach Local Coastal Program as follows:

- H. ~~Provide for a reduction in building bulk and volume for single family residential properties located in Area Districts I and II~~ Encourage reduced visual building bulk with effective setback, height, open space, site area, and similar standards, and provide incentives for retention of existing smaller homes. Include provision for an administrative Minor Exception procedure to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

Amend the “Lot Dimensions” portion of the “Property Development Standards for Area Districts III and IV” table in Section 10.12.030 of the Manhattan Beach Municipal Code, and Section A.12.030 of the Manhattan Beach Local Coastal Program as follows:

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)
<u>Minimum</u>	<u>2,700</u>	<u>2,700</u>	<u>2,700</u>	<u>2,700</u>	
<u>Maximum</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	
Width (ft.)	30	30	30	30	
<u>Minimum</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	

Amend Sections 10.12.030(Q) and 10.64.020(F)(4) of the Manhattan Beach Municipal Code and Section A.12.030(Q) and A.64.020(F)(4) of the Manhattan Beach Local Coastal Program as follows:

Q. Parking/Garage Location, Street-Alley Lots. When a street-alley lot in Area Districts I and II or a street-alley RS lot in Area District III adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Exception: The Community Development Director may consider allowing non-alley access. In making a determination, the Director shall consider the following:

1. Compatibility with the surrounding neighborhood.
2. Reduction in street parking inventory.
3. Physical characteristics of the subject property that create practical difficulties include but are not limited to: slope, topography, visibility, lot size and/or shape, and existing utility locations.

Non-Alley Lots: In Area District I and II, the aggregate total of garage door width within the front half of a lot shall be limited to eighteen feet (18') for lots fifty-five feet (55') or less in width. Lots wider than fifty-five feet (55') may have a maximum aggregate garage door width of twenty-seven feet (27') within the front half of a lot if at least one (1) garage door is recessed a minimum of five feet (5') beyond another garage door.

F. Location and Ownership.

4. **Alley Access. Parking/Garage Location, Street-Alley Lots.** When a street-alley lot in Area Districts I and II, or a street-alley RS lot in Area District III adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Exception: The Community Development Director may consider allowing non-alley access. In making a determination, the Director shall consider the following:

- a. Compatibility with the surrounding neighborhood.
- b. Reduction in street parking inventory.
- c. Physical characteristics of the subject property that create practical difficulties include but are not limited to: slope, topography, visibility, lot size and/or shape, and existing utility locations.

Amend Section 10.12.030(M)(1)(2) of the Manhattan Beach Municipal Code and Section A.12.030(M)(1)(2) of the Manhattan Beach Local Coastal Program as follows:

M. Open Space Requirement. The minimum usable open space (private and shared) in RS, RM and RH Districts shall be provided as follows:

1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than ~~two one~~ one hundred (100) ~~twenty (220)~~-square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.
2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (½) of the total required open space, or an amount proportional to the unit's Buildable Floor Area that is located at the same level or story, whichever is more.

Amend Section 10.64.100(C) of the Manhattan Beach Municipal Code and Section

A. 64.100(C) of the Manhattan Beach Local Coastal Program as follows:

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 (not including mechanical equipment) and vehicle recharging purposes for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, cabinets, or electricity based 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.~~

Exceptions:

1. For storage (not including mechanical equipment) for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks or cabinets, may encroach into the vertical clearance within the front five feet (5') of a parking space (opposite to the garage door) provided a minimum of 4.5 feet vertical clearance is maintained above the garage finished floor.
2. For vehicle recharging purposes for residential uses, electricity based alternative-fuel vehicle charging systems may encroach into the vertical clearance, as follows:
 - a. Within the front five feet (5') of a parking space (opposite to the garage door), provided a minimum of 4.5 feet vertical clearance is maintained above the garage finished floor provided, or
 - b. Attached to or immediately adjacent to the wall of the garage adjacent to the garage door (wing wall) provided a minimum 4.5 feet vertical clearance is maintained above the garage finished floor.

Amend Section 10.84.120(G)(3) of the Manhattan Beach Municipal Code and Section A.84.120(G)(3) of the Manhattan Beach Local Coastal Program as follows:

3. ~~A minimum of ten percent (10%)~~ quantity of the existing structure as determined by the Director of Community Development, based on project valuation as defined in Section 10.68.030 including substantial portions of foundation and framing, shall be maintained.

Amend the “Applicable Section” column of the “Exception Allowed” table of Section 10.84.120 of the Manhattan Beach Municipal Code, for cross-reference purposes only, as follows:

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	Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone—

10.12.030(E)	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/streetside yard setback required on corner lots in the RS Zone—Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12—10.68	Non-compliant construction due to Community Development staff review or inspection errors.
10.68.030(D) and (E), 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.

Amend Section 10.84.120(G)(3) of the Manhattan Beach Municipal Code and Section A.84.120(G)(3) of the Manhattan Beach Local Coastal Program as follows:

3. A minimum of ten percent (10%) of the existing structure, located above the ground-level floor surface, based on project valuation as defined in Section 10.68.030, shall be maintained.

SECTION 3. The Secretary to the Planning Commission shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

SECTION 4. 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.

PASSED, APPROVED, and ADOPTED this 8th day of May, 2013.

Ayes:
Noes:
Absent:
Abstain:

Richard Thompson
Secretary to the Planning Commission

Rosemary Lackow
Recording Secretary

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4. PUBLIC HEARING

02/27/13-2. Consideration of Amendments to Title 10 Planning and Zoning of the Manhattan Beach / Municipal Code (MBMC) and the City's Local Coastal Program to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Lot Size, Required Alley Access, and Alternative Fuel Vehicle Charger Locations.

Chairperson Andreani announced the public hearing subjects. Community Development Director Thompson announced staff will present in a combined report.

Proposed amendments related to Minor Exceptions, Setbacks, Open space, Max lot Size:

Associate Planner Haaland made a power point presentation/staff report, noting that architects and homeowners were further engaged in this effort and other cities were contacted.

In response to questions from Commissioner Gross, Associate Planner Haaland stated that a limit on the upright posts that support overhead trellises could be established, and the code somewhat addresses this now (in the allowed projections). Associate Planner Haaland also responded that a 50% coverage standard for open space areas seems to allow some potential for maximization of BFA, although the staff analysis on this is simplified.

There being no further questions at this time, Associate Planner Haaland continued with graphics, photo illustrations, and summarizing the staff recommendation to require 50% of open space to be uncovered on top, with additional restrictions on side openness.

Associate Planner Haaland presented the proposal to include 7,000 square feet as the maximum lot area for the beach area districts previously omitted in error, and there were no further questions.

Required alley access/alternative fuel vehicle garage charging stations:

Associate Planner Danna made a power point presentation / staff report related to these topics, explaining the purpose for the first (alley access) is to extend this code to RS lots in the sand section Area Districts III and IV. Regarding traffic, staff found this was not a big concern because in these districts, the affected area is mainly used by local traffic and the amount of cars is not expected to increase just due to the code change. However, the code change will have a design impact, and, if it were to be applied in the RM and RH zones, tandem parking configurations would result in those zones. Associate Planner Danna noted the Staff recommendation: to limit to RS districts, and provide in the code as an exception with more restrictive criteria, addressing three issues: 1) compatibility with the surrounding neighborhood; 2) possible reduction in street parking spaces; and 3) suitability of the physical characteristics of the lot for access (e.g. is topography a significant factor?) Associate Planner Danna also discussed encroachment issues.

In response to questions from Commissioner Gross, Associate Planner Danna said he did not have photos illustrating multifamily zones, but he described and explained possible scenarios, including a 2-unit condo with its required guest parking space. With respect to the alternative fuel vehicle charging unit proposal, Associate Planner Danna explained the need to create flexibility as to where chargers can be located in areas of the garage but Staff is recommending only two areas where cars can be parked while a charging system is present: in the "wing" walls near the front garage entry and adjacent to the rear wall.

In response to a question as to what are other cities doing regarding car chargers, Associate Planner Danna stated that the SBCCOG (South Bay Cities Council of Governments) is studying PEV readiness, but Manhattan Beach is one of the first cities to allow this placement in garages. Staff believes any further allowance could hinder effectiveness of parking space.

Commissioner Paralusz commented that it is an important point that, if a garage is built to exceed the code minimum parking size, then an owner would have more space in which to locate a charger.

Associate Planner Danna gave the staff report on the charger location amendment. There were no questions at this time.

Questions and answers on all proposed code amendments (Commission/staff)

Regarding the 6% supplemental setback proposal, in response to a question and comment (s) from Commissioner Ortmann that this still seems a difficult and complex rule, Associate Planner Haaland responded that it takes a while to understand but the proposal is actually a simplification. In response to a question from Commissioner Conaway, who requested clarification regarding the same proposal, Associate Planner Haaland confirmed his understanding that under the staff proposal, a designer could have some flexibility, using the same concept as the front yard, but the ultimate design would still effectively provide bulk relief for the corner side yard. Commissioner Gross pointed out that the code text in paragraph 2 of Section 10.12.030(T) requires abutment and suggested adding the words: “and extends beyond the corner on the side.”

Regarding Open Space (Minimum Square-footage & Upper Level Maximum Percentage), in response to a question from Commissioner Conaway, Associate Planner Haaland explained the proportional (open space to living area) methodology and applicability to top vs. lower levels, and that this older methodology is proposed to be allowed again but would be relevant to a small number of multifamily projects. In response to a question from Commissioner Gross, Associate Planner Haaland stated that the proposed upper level percentage amendment for open space is not needed for single family development. The existing 50% limit is adequate, and would remain, for all single family. Community Development Director Thompson added that Staff is not suggesting more open space be required now, because the focus is on how open space works.

Discussion was held focusing on the issue of usable open space, and Associate Planner Haaland displayed photos of examples. The Commission voiced their concerns, as follows: Commissioner Gross, due to overall concern regarding bulk/volume, has concerns about how RS zoned or single family structures are addressing bulk with open space. Commissioner Conaway’s concern is the proportional issue and, wants clarification of his understanding that the proposal is intended to simplify and retain the existing amount in the code, but also this would fix an unintended consequence. Chairperson Andreani commented that she didn’t understand that they weren’t studying single family homes as well as multifamily.

Chairperson Andreani asked the Commission if they thought at the beginning of the Minor Exception ordinance, there should be a purpose statement, for encouraging preservation of older smaller homes while allowing flexibility, to which Commissioner Gross responded and it was agreed that this discussion would be more appropriate after public testimony is received.

In response to an inquiry from Commissioner Conaway, Associate Planner Haaland stated that the 7,000 square foot maximum site area for the beach area comes from the idea of allowing mergers of up to two 33.33 x 105 lots, the largest original subdivided lots commonly located in the beach area. He also clarified that the useable open space requirement, including the coverage/enclosure issue, being the main open space topic of discussion, is applicable to all development in multi-family zones, and to single family zones in Area District III. Single family zones in Area Districts I & II are subject to the supplemental setback, as a comparable bulk mitigation requirement.

Chairperson Andreani invited public testimony.

Steve Dubakes, resident and owner of a corner lot expressed concern regarding the supplemental sideyard setback issue. His main concern: if he were to rebuild his home, would his lot be treated different from an interior lot, or would he be able to achieve less BFA (buildable floor area) than an interior lot?

At the request of the Chairperson, Associate Planner Haaland responded that currently his lot is more impacted than an interior lot in terms of total supplemental setback area required, but under the new proposal, he would be on an equal footing.

Gerry O'Connor, resident and former Planning Commissioner, expressed a concern which he also sees as a recurring trend, that the proposed code reflects a delegation of responsibility. Mr. O'Connor cited the proposed code text on pages 2 and 3 of the staff report giving the Director of Community Development more responsibility in using judgment in making determinations on Minor Exceptions. While this may not be an issue with current Director, this could be an open door for future abuse or mistakes. He urged the Commission to take more time, and not recommend a code that uses vague standards or criteria unless it provides more review by the Commission.

In response to a question from Commissioner Ortmann regarding the prior speaker's comments, Community Development Director Thompson stated that, except for a few instances it's more difficult to apply discretion. Those cases where discretion has helped include where difficulties arise in addressing nonconformities when "over-demolition" occurs. Regarding the driveway access determination, Community Development Director Thompson stated he is comfortable with the proposed criteria. He also pointed out that staff determinations are appealable, if a homeowner is not satisfied with the Director's decision. Commissioner Gross reiterated that a purpose or intent statement in a code could help and the Commission can discuss after public input is heard.

Will Arviso, beach area property owner, has gone through a lengthy planning process in the past with the City and asked the Commission whether the driveway access and open space proposed codes would negatively impact him in the event he tears his house down. Community Development Director Thompson responded that in that future situation, he would rely on the intent of the code and criteria. Regarding the driveway access, Community Development Director Thompson responded that he did not think his current street access would be taken away. Regarding open space, the issue narrowed down to how a change in the code affect a house currently under construction, Community Development Director Thompson responded that the proposed changes being relatively minor, will not have a significant effect on properties now under construction. Director Thompson also clarified that open space openness design regulations being considered will apply to single family homes.

Karol Wahlberg, served on the past Mansionization Committee, doesn't feel the goals of bulk and volume control have been accomplished, pointing out there is no provision requiring building height to be staggered, design styles can result in boxy, built-out and bulky buildings and fireplace chimneys in particular can have big impacts. She suggested that the City look at other cities codes, such as Newport Beach, La Jolla, and Santa Barbara.

Jim Fasola, resident and former Planning Commissioner, spoke to the open space design issue and pointed out that it is technically difficult, and open space works differently in the beach area and inland districts where lots are larger and open space can be accomplished with setbacks. He thinks the proposed definition is much better and endorses the Staff proposal as a good solution. He distributed photos illustrating open space violations and urged the Commission to address the mansionization issue more broadly and to reflect the goals in the General Plan.

Leta Madison, citizen and owner of a 1930's home, wants to see support for families who want to improve older homes that they own. She recognizes the extent that can be torn down, or retained is affected by safety and parking conformity issues and it is hard to be fair to all.

Joe Biancolli, a 45 year resident and owner of an older home on a 25 foot wide lot, lost his view years ago, tried to recover it but was turned down due to rules. He may come back to City Hall to check into what he can do now.

Community Development Director Thompson described the changes in the codes that have occurred over recent years, noting there is much more encouragement to preserve older homes, which was corroborated by Commissioner Ortmann who encouraged residents to contact staff. Commissioner Gross noted his personal experience in remodeling his 1929 home, but there is an important caveat: the city will not do the design – homeowners need a professional for that.

Viet Ngo, stated that the Planning Commission and City Council must have good reasons for amending the law, and must follow General Plan elements. He was concerned that the public will have enough time to read and understand the proposed changes.

Chairperson Andreani addressed the prior speaker's concerns regarding notification, stating that much notification has already been done and will yet to be done as the amendment hearings are still not finished.

Seeing no persons wishing to speak further, Chairperson Andreani closed the public hearing and invited discussion by the Commission, suggesting a guideline that the Commissioners would address the issues individually, going issue by issue.

Purpose and Intent Statements

Commissioner Paralusz started by speaking to the issue of purpose and intent statements for the proposed code changes. Commissioner Gross opined that the purpose and intent statement is needed and helpful for the ordinance to which Commissioner Conaway agreed should be done for all code items. The consensus of the Commission is that Staff should draft the wording with the caveat from Commissioner Gross that policy itself should not be in the purpose and intent statements because the Commission's action will be a recommendation for City Council which adopts policy. Commissioner Conaway emphasized that the purpose statements should be consistent with the General Plan.

Minor Exceptions and Over-demolition

Commissioner Conaway cited city code research he did; reporting that Santa Monica uses 50% (versus Manhattan Beach's 10%) based on valuation, within a 5-year window, and has provisions to encourage recognition of historically significant buildings, as does Los Angeles which uses 25%. Newport Beach has a 50% limit, with a ten-year window, and this does not include the foundation. He concluded by stating he is not comfortable with the current latitude in the Manhattan Beach code and believes the City should quantify as much as possible (set a definite number and definitions).

Community Development Director Thompson responded that the current 10% threshold was intentional and followed City Council direction to save smaller nonconforming homes. When you see that percentage number reduced, this is a signal that Manhattan Beach is encouraging retention of smaller nonconforming homes and the challenge is to determine what amount of buildable floor area (BFA) is acceptable (e.g. below 70% of achievable or something else?) The key is in recognizing the trade-offs, and you can trade, for example, the ability to keep a nonconforming setback for a limit in the total amount of BFA you can have.

In response to a suggestion by Commissioner Gross that the Minor Exception intent statement included the idea that the demolition not result in the perception that the structure is a brand new home, Community Development Director Thompson stated that would not work, because being new looking is a tradeoff for the limitation in size. Commissioner Gross explained he is trying to address the issue of fairness.

Commissioner Paralusz commented that she is not comfortable with regulating fairness and putting this in an intent statement.

Commissioner Gross endorsed the idea of excluding foundations from the valuation calculation to which Community Development Director Thompson responded that at one time the policy was to bring all homes up to code and get rid of nonconformity, but the current policy is to preserve smaller homes by means of a trade-off. Commissioner Gross confirmed that over-demolition is an important issue, to which Community Development Director Thompson responded affirmative, but the important thing is to have a conversation of what is being traded off, not just demolition per se.

Commissioner Paralusz concurred with members of the public regarding concern with the degree of discretion being extended to the Community Development Director and stated that a balance needs to be struck between rigidity and discretion with lack of clarity. She would like to see more info from other cities. Regarding the staff recommendation: she is comfortable with a percentage and recognizes that a minimum of the existing structure to be maintained is needed, but she is just not sure if 10% is the right number.

Community Development Director Thompson suggested staff can improve clarity; for example the word "substantial" can have many interpretations and this can be fixed.

Commissioner Ortmann noted that he sees where Staff wants to go and agrees, but the caveat is to not lose the bigger picture and the Commission needs to come back to address how "mansions" impacts are to be affected and fixed.

Commissioner Gross pointed out that since this Minor Exception issue is to address the intent of keeping more of the smaller homes, he advised that when Staff researches other cities it should be examined as to which policy is being advanced.

Chairperson Andreani stated that the code should have specifics so it doesn't breed uncertainty and over-demolition is a real concern with her citing 3405 The Strand where height was nonconforming and the home was entirely gutted. She suggested clarifying first the percentage and then deal with legal nonconforming, noting she would like to see a percentage between 40-50%. Chairperson Andreani requested that Staff consider other communities beyond the South Bay but with experience in dealing with saving older homes.

Commissioner Paralusz added that in looking at other city codes, it would be appropriate to ask how long they have been in place and whether that has been sufficient time to test effectiveness.

Commissioner Ortmann expressed his appreciation for Staff input.

Community Development Director Thompson noted that Manhattan Beach is on the cutting edge with this issue, compared to many other cities. Commissioner Gross suggested that a 40-50 % minimum would most likely force a tear down.

Community Development Director Thompson iterated that a purpose statement should clearly state what the policy is trying to achieve.

Commissioner Paralusz further urged that when staff looks at other regulations, they look at coastal communities, but as far away as back east or places where there are many much older homes.

Supplemental Setbacks:

Community Development Director Thompson stated that if the Commission is comfortable, Staff will come back with 6%, but he wants to add how the setback will be added to the side.

Commissioner Conaway questioned dropping down to 6% since there is testimony that the bulk/volume regulations are not working well. Perhaps we should keep it simple, keep 8% total, and require the additional 2% in the corner side yard.

Commissioner Paralusz noted that she heard that currently corner lots are being penalized compared to interior lots and suggested considering increasing the percentage for interior lots to be fair. Commissioner Conaway wondered if there is more input to be gotten from other corner lot owners. Community Development Director Thompson responded perhaps it needs to be simplified and asked if the additional 2% really has an effect.

Chairperson Andreani stated her agreement with Commissioner Conaway – she doesn't like the "bookend" approach.

Commissioner Gross questioned whether there is a consensus for 6% for the corner lots and also wondered if maintained at 8%, does ¾ of that amount need to be in the front yard?

Commissioner Paralusz reiterated that there should be a set minimum supplemental yard for the corner side, to which Chairperson Andreani responded that the Commission should look to Staff as to how the percentage would be applied on properties.

Community Development Director Thompson stated his understanding that Staff will keep the 8% in the code and draft language to address the Commission's issues.

Chairperson Andreani suggested that a minimum amount of softscape be provided in the supplemental setback area. Brief discussion ensued in which Commissioner Ortmann endorsed this concept and Commissioner Conaway recalled that the City's green code partially addresses this. Community Development Director Thompson noted that irrigation water can undermine foundations in some places to which Chairperson Andreani responded that the type of irrigation (drip versus sprinklers) can address this problem.

Open Space (design):

In response to a question from Commissioner Paralusz regarding smaller units, Community Development Director Thompson affirmed that the current open space requirement is practically unreasonable. Regarding the issues of the effectiveness of usable open spaces, Commissioner Paralusz likes the Hermosa ordinance which has maximum coverage of 50% and a minimum of two sides open and would consider the elimination of posts and generally would like to see open space as open as possible.

Discussion ensued regarding the issue of supporting posts on decks. Commissioner Conaway suggested that perhaps the code should just state curtains or similar items not be allowed. Commissioner Gross would like to see no posts as they have a visual impact; perhaps decks can cover another deck if they have open railings and the uppermost deck does not have a solid roof, and some amount of open trellis cantilevers on a minimum of sides. Commissioner Conaway noted that that he does not like the idea of eliminating posts.

Community Development Director Thompson suggested that Staff could work on this with the Commission input. Commissioner Gross suggested that intent is visually trying to break up a boxy building appearance. Chairperson Andreani suggested parameters of a maximum of two sides open, open rails and maximum 50% coverage. Commissioner Gross added that another parameter would be to apply a percentage required at building levels.

Chairperson Andreani reopened the hearing to allow more input on this issue.

Jim Fasola recalled input in the Mansionization Committee meetings from architect and former Planning Commissioner Grant Kirkpatrick, who had recommended that, because this issue is too complex, to just allow a maximum of 50% of open space at the top level, to give a chance to see through the house and give more open-ness to the building overall.

Will Arviso, suggested that to effectively address bulk, the City should pass an ordinance that would require condos to be separate buildings and advised that the rules not discriminate against corner lots.

Chairperson Andreani closed the public hearing.

Commissioner Gross reminded that this is a balance between private property rights and community good. What the last speaker suggested would take away rights and articulation of a building can be effective in breaking the appearance of bulk. Commissioner Ortmann asked the question: are we interested in incrementally dealing with this, or addressing the bigger picture?

Community Development Director Thompson reminded that the direction was that the solutions should not cut significantly into property rights.

Alley Access:

Community Development Director Thompson stated that Staff will come back with an intent statement, with the intent that eventually development should move towards garage access from the alleys; the question is, how far should the intent statement go?

In response to this question, Commissioner Paralusz stated the street should be homogenous, to match a general design. Commissioner Conaway stated that this may not be so simple, many streets have some variety but he supports the amendment because he believes the street/front access undermines values. He would like to strike the compatibility criterium in both Q. and F. of the recommended language on page 8 of staff report, due to vagueness. Commissioner Paralusz stated support for also eliminating “in limited situations” from the same sections.

Alternative Fuel Vehicle Charger Locations:

In response to a question from Commissioner Paralusz, Community Development Director Thompson encouraged the Commission to make a recommendation instead of waiting for the SBCCOG. Commissioner Gross suggested that in a purpose statement, it should say the garage should still be able to be used as parking spaces. Chairperson Andreani stated that this item also deserves a lot of public notice.

Community Development Director Thompson stated the Commission should have bulk volume discussion, and have a consensus as to what it really wants to achieve, and Staff is willing to have that philosophical discussion. Commissioner Paralusz emphasized that the Commission should not forget the Council’s direction, and not overstep its bounds – but this would be a good conversation to have.

In response to an inquiry from Chairperson Andreani Associate Planner Haaland responded that a “through lot”, where the lot rear is adjacent to a street, might be determined to have two front yards and no rear yard.

Commissioner Paralusz clarified her statement to say that the issue bulk volume in broader terms would be a good topic for a joint Commission/Council meeting.

It was agreed that the public hearing would be continued on the subject code amendments; and it was so ordered.

5. DIRECTOR’S ITEMS

Community Development Director Thompson announced that the Chevron coker drums are on the move again tonight starting at 10 p.m.

6. PLANNING COMMISSION ITEMS

Commissioner Paralusz reminded everyone that the City’s election is next Tuesday, March 5, and, for good government, it is important to vote.

Commissioner Gross reported on the SBCCOG General Assembly that he attended February 22nd. The subject was unintended consequences of reduced revenue and he was reminded how lucky the city of Manhattan Beach is, that we have exercised fiscal discipline over decades.

7. TENTATIVE AGENDA

Community Development Director Thompson stated that at the March 13 meeting the Housing Element Code Amendments and Manhattan Village Shopping Center Enhancement Project hearings are tentatively scheduled. It was agreed that, unless some urgency arose, the order of

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Eric Haaland, Associate Planner
Esteban Danna, Associate Planner

DATE: February 27, 2013

SUBJECT: Consideration of Amendments to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Lot Size, Required Alley Access, and Alternative Fuel Vehicle Charger Locations.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the public hearing, **DISCUSS** the proposed zoning ordinance amendments, **PROVIDE DIRECTION** to staff, and **CONTINUE** the public hearing to a date certain.

BACKGROUND

At its regular meeting of January 23, 2013, the Planning Commission conducted a review of the effectiveness of the recently adopted zoning code amendments addressing "mansionization" and similar issues, as called for by the City Council's 2011/2012 Strategic Plan. Staff determined the majority of those amendments do not need further changes, and is now recommending zoning amendments to a limited list of items as follows:

- **Minor Exceptions** – Revise percentage of permitted demolition, to address "over demolition" and allow for reduced rear setbacks for shallow lots.
- **Supplemental setback**- Simplify corner-side requirement.
- **Open space**- Change small-unit minimum square footage requirement, third-story limitation; and address open space quality/coverage/enclosure.
- **Maximum lot size**- Insert omitted Beach Area language that limits lot size.
- **Alley Access** – Require in the RS zone of Area District III as currently required in Area Districts I and II.
- **Alternative Fuel Vehicle Charger Locations** – Allow greater flexibility for locating in garages.

DISCUSSION

The discussion below reviews the zoning code amendment items suggested for revision, and proposes language for incorporation into a future resolution for most items. The item addressing usable open space enclosure requires more review and discussion by the Planning Commission prior to drafting proposed code language. All of the draft code language provided is very preliminary and requires Planning Commission review, discussion, further refinement and revisions.

Minor Exceptions

A continuing concern for Minor Exception remodels is over-demolition. A number of projects have not retained as much of the existing structure as anticipated, and some might be considered “new” buildings as a result. Section 10.84.120(G)(3) of the small home addition Minor Exception criteria indicates that a minimum of 10% of the existing structure, based on building code “valuation” of the project, must be maintained to qualify. This can be a very small visible portion of the building (primarily foundations) and the projects can therefore appear like complete demolitions. Staff typically requires that most of the roof structure and wall/plate height of the existing house remain, as well as the foundation, for Minor Exception approval. At the last meeting, the Planning Commission felt that this interpretation should be considered for inclusion in the Zoning Code.

Previous Mansionization amendments increased rear yard setbacks from 10 feet to 12 feet for inland sites which affects lots less than 107 feet deep. These changes created difficulties for building on extremely shallow (52 feet or less in depth) inland sites unless a Variance is processed since these lots cannot physically fit the required 20-foot front setback, 12-foot rear setback, and a 20-foot deep garage. The Minor Exception provisions should be revised to address the shallow lots, allowing flexibility in the 12 foot rear yard setback.

In addition to revisions to the table in the Minor Exceptions section of the zoning code, revisions to other affected sections cross-referenced will be required, as discussed below.

Recommended Amendments:

Amend Section 10.84.120(G)(3) of the Manhattan Beach Municipal Code and Section A.84.120(G)(3) of the Manhattan Beach Local Coastal Program as follows:

3. A minimum ~~of ten percent (10%)~~ quantity of the existing structure as determined by the Director of Community Development, based on project valuation as defined in Section 10.68.030 including substantial portions of foundation and framing, shall be maintained.

Amend the “Exception Allowed” table of Section 10.84.120 of the Manhattan Beach Municipal Code as follows:

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), <u>10.12.030(E) and</u> <u>10.12.030(M)</u>	Reduction in percentage of additional 6% front or corner-side yard setback, 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, and other development standards as determined by the Community Development Director. 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 or corner-side 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/streetside yard setback required on corner lots in the RS Zone—Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12—10.68	Non-compliant construction due to Community Development staff review or inspection errors.
10.68.030(D) and (E), 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.

Supplemental Front/Corner-side Setback

In 2002 the City established a second-story supplemental front setback for single family residences located in Area Districts I and II (inland) equal to 6% of the lot area. In 2008 the setback was modified for corner lots to require supplemental front and corner-side yard area totaling 8% of the lot area.

Staff's experience with the supplemental setback requirement has found it to be beneficial to front visual perspectives and general street aesthetics. Incorporating the corner side requirement has provided some building notching on street sides that might not have otherwise occurred, but has often decreased some of the front mass reduction in exchange for corner side area that would have already existed, or is less beneficial. Staff is recommending that the original 6% front requirement be restored for corner lots, with at least half of that supplemental setback area being contiguous with the corner side of the site to ensure adequate bulk relief to the side-street perspective.

Recommended Amendment:

Amend Section 10.12.030(T)(1)(2), of the Manhattan Beach Municipal Code by revising the associated "Additional Front and Corner Side Setback Requirement" graphic, and revise the text as follows:

- T. Additional Front and Corner Side Setback Requirement—RS Properties, Area Districts I and II.** In addition to the minimum front and corner side setback shown on the chart, an additional front and corner side setback area shall be ~~provided~~ required to provide visual relief of building mass adjacent to the street, as follows:
1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six percent (6%) of the lot area, and shall be located entirely within the front one-fifth (twenty percent (20%)) of the lot's buildable depth.
 2. On corner lots, a minimum of half of the area required in the preceding subsection (T)(1) shall directly abut the corner side yard. ~~shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of forty five percent (45%) and a maximum of fifty five percent (55%) of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one fifth [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one third [thirty three percent (33%)] of the lot's buildable width, and not located within the rear yard setback. Adjacent to the corner streetside the area shall provide a minimum of three feet (3') of depth or width and shall be distributed to provide building wall articulation.~~

Useable Open Space – Minimum Square-footage & Upper Level Maximum Percentage

The open space requirement cap of 350 square feet for dwellings larger than 2,333 square feet was eliminated since it clearly favored larger units over smaller units. Many multi-family district projects have subsequently proceeded with larger units providing the full 15% requirement without significant difficulty, however, staff has found that the 220 square feet minimum for small dwellings can discourage a developer from building a second unit on a site that allows two units. Staff is recommending the minimum open space be lowered to 100 square feet, which is a reasonably useable area, comparable to a

small bedroom. As a result, a 667 square-foot (or smaller) unit would require a minimum of 100 square feet of open space.

A limit on how much required open space can be placed on the third story of a building is intended to integrate the open space with the living area rather than isolate it above the dwelling. The current requirement allows half of the required open space to be at the third story, which is usually less restrictive than the previous language. This method becomes awkward, however, with multiple units on a lot, when one unit's living area is located all or mostly at the third story. Therefore, allowing more open space on the third level in these situations would be appropriate.

Recommended Amendment:

Amend Section 10.12.030(M)(1)(2) of the Manhattan Beach Municipal Code and Section A.12.030(M)(1)(2) of the Manhattan Beach Local Coastal Program as follows:

M. Open Space Requirement. The minimum usable open space (private and shared) in RS, RM and RH Districts shall be provided as follows:

1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than ~~two one~~ hundred ~~(100)~~ twenty (220) square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.
2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half ($\frac{1}{2}$) of the total required open space, or an amount proportional to the unit's buildable floor area that is located at the same level or story, whichever is more.

Useable Open Space – Enclosure/Coverage

Subsequent to the Mansionization project, the Planning Commission has suggested that the useable open space requirement should be amended to improve the quality of open space by not allowing it to be as covered or enclosed as currently allowed. The current open space coverage restriction allows a maximum of 75% of the open space to be covered by enclosed living area. This reflects a previous Planning Commission's purpose of preventing open space from being completely hidden under or within a building, without having the effect of reducing floor area. At its January 23rd meeting, the Planning Commission discussed greater restrictions on the covering of required open space, and asked for more details, including graphic examples and requirements of other cities.

Staff has provided the attached open space regulations for the cities of Hermosa Beach, Redondo Beach, and Culver City. Each of these nearby cities limits coverage/enclosure of open space to a greater extent than Manhattan Beach. A summary of those limitations is as follows:

Hermosa Beach: Maximum coverage of 50% (trellis exempt), and minimum open on two sides (guardrail exempt)

Redondo Beach: Minimum 50% open to the sky, and open on one side

Culver City: Minimum open on either top, or one side (in addition to “front”)

Staff has also provided the attached simple diagram examples of an open space deck area. Diagram A shows a deck that is uncovered and open on three sides except for guardrails. This appears to be a level of openness that would be sufficient in all cases, and is a more restrictive condition than required by any of the compared cities. Diagrams B, C, and D depict the most enclosed conditions currently allowed in Manhattan Beach. Diagrams E through H depict steps of increased openness from current minimums using open guardrails, open sides, and uncovered areas.

Diagram H of the attachment shows the completely uncovered condition that has been discussed by the Planning Commission (with possible trellis exemption). The graphic following Diagram H depicts a simplified example of applying such a requirement to a typical beach area lot, and its implication on buildable floor area (BFA). It shows that the lot which is permitted a maximum of 4,320 square feet in the RS and RM zones, could only achieve 4,232 square feet of non-basement floor area after required parking, stairs, and open space are provided. Allowing 50% of the open space to be covered similar to the Hermosa and Redondo Beach regulations would allow for the maximum BFA to be achieved. However, in the RH zone, and where complexities such as basements, non-rectangular shapes, equipment and architectural enhancements that otherwise reduce floor area are introduced, maximum BFA could not likely be constructed. Examples and photos of decks and open space will be provided at the Planning Commission meeting.

Recommendation:

Direct staff to prepare amendment language incorporating a 50% open space coverage limitation and other limitations on guardrails or sides, as the Planning Commission determines to be appropriate.

Lot Merger Limits

The newest concept incorporated in the Mansionization zoning amendments was to create maximum site sizes. This amendment item has proven appropriate, but requires a correction since amendment language for Area Districts III and IV was erroneously omitted from Ordinance No. 2111.

Recommended Amendment:

Amend the “Lot Dimensions” portion of the “Property Development Standards for Area Districts III and IV” table in Section 10.12.030 of the Manhattan Beach Municipal Code, and Section A.12.030 of the Manhattan Beach Local Coastal Program as follows:

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)
<u>Minimum</u>	<u>2,700</u>	<u>2,700</u>	<u>2,700</u>	<u>2,700</u>	
<u>Maximum</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	
Width (ft.)	30	30	30	30	
<u>Minimum</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	

Alley Access

The goal of this amendment is to encourage driveway access from alleys for street-alley lots located in Single-Family Residential (RS) districts in Area District III (beach area). Currently, RS-zoned street-alley lots in Area Districts I and II (inland) require only alley-access. The purpose of this amendment is to extend the requirement to RS lots in Area District III.

At its January 23, 2013 regular meeting, the Planning Commission reviewed the proposed amendments and requested additional discussion with regards to traffic safety, extending the restriction to multi-family districts, and more restrictive exception criteria.

Staff is not concerned with traffic safety since many alleys already handle most driveways in the beach area. Furthermore, alleys typically only handle local traffic (property owners within the block). The proposed requirement will affect a negligible amount of properties.

Restricting driveway access on streets in multi-family areas would have a significant impact on the design of buildings and garages. Tandem garages accessed from alleys would have to be designed if two or more units are proposed. Tandem garages tend to be ineffective since they are inconvenient, which encourages home owners to use the back parking space for storage and use the street to park their car. Requiring alley-access in multi-family districts could also discourage the construction of multi-family developments. Staff recommends that the Planning Commission limit the restriction to single-family districts, consistent with current regulations.

The proposed language includes discretion for the Community Development Director's consideration in the form of an exception, which would also be extended to Area Districts I and II. The Commission expressed some concerns with the proposed criteria and discussed more restrictive exception criteria. The language is proposed to be revised and the number of criteria reduced to: neighborhood conditions and compatibility, impacts on street parking, and physical characteristics of the lot (slope, topography, lot shape/size, and existing utility locations). Staff feels it is important to review each project on an

individual basis, and only apply the exception in limited cases where appropriate.

Recommended Amendment:

Amend Sections 10.12.030(Q) and 10.64.020(F)(4) of the Manhattan Beach Municipal Code and Section A.12.030(Q) and A.64.020(F)(4) of the Manhattan Beach Local Coastal Program as follows:

Q. Parking/Garage Location, Street-Alley Lots. When a street-alley lot in Area Districts I and II or a street-alley RS lot in Area District III adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Exception: The Community Development Director may consider, in limited situations, allowing non-alley access. In making a determination, the Director shall consider the following:

1. Compatibility with the surrounding neighborhood.
2. Reduction in street parking inventory.
3. Physical characteristics of the subject property that create practical difficulties include but are not limited to: slope, topography, visibility, lot size and/or shape, and existing utility locations.

Non-Alley Lots: In Area District I and II, the aggregate total of garage door width within the front half of a lot shall be limited to eighteen feet (18') for lots fifty-five feet (55') or less in width. Lots wider than fifty-five feet (55') may have a maximum aggregate garage door width of twenty-seven feet (27') within the front half of a lot if at least one (1) garage door is recessed a minimum of five feet (5') beyond another garage door.

F. Location and Ownership.

4. **Alley Access. Parking/Garage Location, Street-Alley Lots.** When a street-alley lot in Area Districts I and II, or a street-alley RS lot in Area District III adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

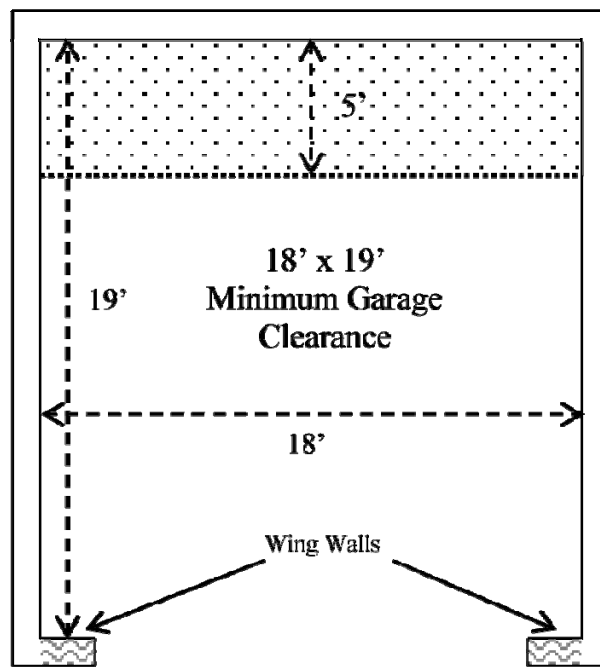
Exception: The Community Development Director may consider, in limited situations, allowing non-alley access. In making a determination, the Director shall consider the following:

- a. Compatibility with the surrounding neighborhood.
- b. Reduction in street parking inventory.
- c. Physical characteristics of the subject property that create practical difficulties include but are not limited to: slope, topography, visibility, lot size and/or shape, and existing utility locations.

Alternative Fuel Vehicle Charger Locations

As part of the 2011 Green Code Amendments approved by the Planning Commission and City Council, alternative-fuel vehicle charging systems were discussed and subsequently partially allowed to encroach into the required garage parking clearance area. The code amendment has proven itself useful and many residents were able to take advantage of the change. Current code requires such systems to have at least seven feet of vertical clearance between the garage floor and the equipment except within the front five feet of the garage (within the area where a car's hood would be located), where recharging units can be as low as four and one half feet above the garage floor. Storage is also allowed within this area of the garage.

Staff proposes allowing the recharging unit and related appurtenances to also be attached to or adjacent to the inside wall of the garage immediately adjacent to the garage door (wing wall) provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage (refer to diagram below). Planning Staff has discussed the proposed changes with the Building and Safety Division to ensure consistency with their regulations.



At its January 23, 2013 regular meeting, the Planning Commission reviewed the proposed amendments and requested additional discussion with regards to how other cities regulate electric vehicle chargers and whether the code should be more flexible.

Currently, the South Bay Cities Council of Governments (SBCCOG) is studying how different cities address electric vehicle chargers. According to the City's staff liaison, Manhattan Beach is the one of the first cities to address the issue for residential properties. City Staff will consider the results of the study when it is complete, and incorporate revisions if appropriate. The proposed code amendment will provide more

flexibility for Staff to approve such systems, thus allowing the City to promote electric vehicle chargers.

Staff has explored allowing electric vehicle charging systems in other areas of the parking clearance and determined that the existing and proposed allowed areas will still allow a car to be parked within the space and not render the parking space useless. The Commission should note that the existing and proposed language in Section 10.64.100(C) addresses electric vehicle chargers when they are installed within the parking clearance. Chargers may be installed anywhere in the garage when no part intrudes into the required parking clearance.

Recommended Amendment:

Amend Section 10.64.100(C) of the Manhattan Beach Municipal Code and Section A. 64.100(C) of the Manhattan Beach Local Coastal Program as follows:

- 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 (not including mechanical equipment) and vehicle recharging purposes for residential uses, non structural improvements including wall-mounted shelves, storage surface racks, cabinets, or electricity based 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.~~

Exceptions:

1. For storage (not including mechanical equipment) for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks or cabinets, may encroach into the vertical clearance within the front five feet (5') of a parking space (opposite to the garage door) provided a minimum of 4.5 feet vertical clearance is maintained above the garage finished floor.
2. For vehicle recharging purposes for residential uses, electricity based alternative-fuel vehicle charging systems may encroach into the vertical clearance, as follows:
 - a. Within the front five feet (5') of a parking space (opposite to the garage door), provided a minimum of 4.5 feet vertical clearance is maintained above the garage finished floor provided, or
 - b. Attached to or immediately adjacent to the wall of the garage adjacent to the garage door (wing wall) provided a minimum 4.5 feet vertical clearance is maintained above the garage finished floor.

Public Outreach and Comments

Two public notices for the proposed amendments were published in the Beach Reporter newspaper over a period of two weeks. Staff also emailed notice to a Community Development Department mailing list that includes approximately 70 architects, designers, contractors, and other interested parties. The City's website also sends out an email containing the Planning Commission's agenda to those who sign up to receive email notices. Staff has not received any public comments at the writing of this report.

In the interest of encouraging more usable back yards, Staff received a comment from a Commissioner recommending future discussions about the concept of reducing front setbacks from the current 20-foot minimum to 19 feet as well as increasing the rear yard setback by one foot. In Staff's opinion, such a change would have significant impacts on existing homes in that rear yard setbacks would all become non-conforming, which would create issues when a home owner decides to remodel or add to their home. Also, a shorter front yard setback would also have a significant impact on those who park their cars on the driveway and need space to walk around their car to get to their front door, or to access the front of their car. This would result in the potential for some cars to encroach into the side walk or street.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, accept public testimony, discuss the recommendations pertaining to each Amendment item, and direct staff to prepare a Zoning Code and Local Coastal Program Amendment Resolution as the Planning Commission determines to be appropriate.

Proposed code language will require further review and development. The language provided above serves as a basis for discussion and code language will be finalized and presented to the Planning Commission in the form of a Resolution. The Planning Commission recommendations will then be forwarded to the City Council for final action.

Attachments:

- A. Mansionization Summary Table
- B. Open Space Regulation Examples (Hermosa Beach, Redondo Beach, Culver City)
- C. Open Space Enclosure Diagrams A-H
- D. Public Notices and Comments

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Mansionization Review Summary

February 27, 2013

Item	Section No.	Comments
Minor Exceptions	10.84.120	- Providing for nonconformity relief emphasized for smaller buildings clearly popular and beneficial with continued concerns for over-demolition. Numerous ME applications processed allowing remodel/additions to small nonconforming homes.
Supplemental Setback	10.12.030 (T)	- Front requirement (6%) clearly beneficial. - Corner side reqt. Not always beneficial. Recommend change.
Useable Open Space	10.12.030(M)	- Requiring for beach area RS lots clearly beneficial with numerous ME's as expected. - Elimination of 350 sf cap clearly beneficial although some cases highlight constraint of 220 sf bottom cap. - Requiring open space for basement area clearly beneficial. - Changing upper story proportion limit to half reduces complexity but creates new constraints for flat/upper units. - Subsequent proposal to require improved quality/openness of useable open space
Lot Merger Limits	10.12.030	- Limiting enlarged sites to roughly 2 times standard sizes clearly beneficial with typo. correction needed for beach area
Basement Area Allowances	10.04.030	- Exempting partially and completely buried basements from BFA while requiring parking and open space is popular and appears beneficial
Rear Yard Setbacks	10.12.030 (E)	- Elimination of inland 25' cap apparently beneficial - 12 min. for inland short lots somewhat beneficial & creates some difficulties. - 10' min. for small group of beach area lots somewhat confusing.
Side Yard Setbacks	10.12.030 (E)	- Elimination of 5' interior cap apparently beneficial with numerous ME's to resolve existing nonconformities.
Tall Wall Setbacks	10.12.030 (F)	- Lowering height limit to 24' apparently beneficial.
Front Yard Alley Setbacks	10.12.030(G)	- Allowing reduced upper level front setbacks for beach area half-lots fronting on alleys is popular and appears acceptable.
Deck Height Allowance	10.12.030(H)	- Allowing decks with enlarged setbacks above maximum story levels clearly popular and apparently beneficial with some confusion on corner-side setbacks.
Temporary Merger Allowances	10.52.050(F)	- Allowing greater use of neighboring lots without formal mergers apparently beneficial
Garage Area Allowance	10.04.030	- Changing garage area exemption from BFA to match parking requirement reduces complexity but ...

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Open Space Regulation Examples
From Nearby Cities
February 27, 2013

HERMOSA BEACH

17.12. 080 Open space.

There shall be a minimum of three hundred (300) square feet of usable open space per dwelling unit.

A. One hundred (100) square feet of the required open space shall be directly accessible to and at the same floor level of the primary living area of each unit.

B. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two sides by building walls or guardrails greater than forty-two (42) inches in height. A trellis may be allowed to cover an entire open area so long as the open areas between the trellis beams is equal to or exceeds the area required to remain open and uncovered.

C. The minimum dimension of open space areas shall be seven feet by seven feet (7' X 7").

D. Open space areas may include pools, spas, gardens, play equipment, decks over non-living areas, and decks over living areas of the same dwelling unit but shall not include driveways, turning areas, parking areas and required front, rear and side yard areas.

E. Roof Decks. A maximum of one hundred (100) square feet of required open space may be provided on a roof deck, with minimum dimension of seven by seven feet (7' X 7"). For the purposes of this section, "roof deck" is defined as the walkable or otherwise usable open space area located above the roof framing of the building, the only access to which is from the floors below.

F. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimension of the required setback and the exceeding area together has a dimension of at least seven feet in width and length.

G. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of forty-nine (49) square feet in area as well as minimum seven-foot dimensions.

H. Decks, balconies or similar areas which extend over more than one dwelling unit shall have a minimum S.T.C. rating of 58.

I. Each development of five or more units shall provide one hundred (100) square feet of common open space area or facility per unit in addition to required open space. The common open space area may include play area, pool, spa, recreation room, gym, garden and similar amenities for the common use of all owners, but shall not include driveways, turning areas, parking areas, and required front, rear and side yard areas. (Ord. 00-1207, §4 (part), 10/24/00; Prior code Appx. A, § 507)

REDONDO BEACH

Section 10-2.1510

Outdoor Living Space Requirements

(a) Purpose. Each residential and mixed-use zone establishes a minimum square footage of required outdoor living space per dwelling unit. Calculation of outdoor living space depends on the location and dimensions of the space. It is the purpose of these standards to encourage a design where all or most of the outdoor living space is private and that public outdoor living space is secondary.

(b) Minimum area requirements: R-1, R-1A, R-2, R-3, R-3A, and RMD zones.

Notwithstanding the total outdoor living space required by the zone, each dwelling unit shall be developed with at least one private patio, balcony, deck (not including roof decks), or yard, as described in subsection (c) of this section, with a minimum area of 300 square feet including bonuses, and a minimum dimension of ten (10) feet.

(c) Qualifying outdoor living space areas: all residential and mixed use zones. The following types and sizes of space, developed to the following standards, shall qualify as outdoor living space for dwelling units in all residential and mixed-use zones:

(1) Private patios, balconies, and decks.

a. Location, dimensions, and design. Private patios and decks having a minimum dimension of ten (10) feet by (10) feet and private balconies having a minimum dimension of five (5) feet by ten (10) feet shall qualify if they are located at approximately the same level as the dwelling unit which they serve, and are open to the sky for fifty (50%) percent of their actual area and enclosed by no more than three (3) building walls.

b. Calculating outdoor living space. Qualifying outdoor living space shall be counted based on the actual area of the space except as follows:

1. Private balconies not located immediately adjacent to either a kitchen, dining room, living room or similar communal area shall be counted at fifty (50%) percent of the actual area.
2. A bonus of 150 percent of actual area shall be granted for private balconies which have minimum dimensions of seven (7) feet by ten (10) feet and are located immediately adjacent to either a kitchen, dining room, living room or similar communal area.
3. A bonus of 200 percent of actual area shall be granted for private patios, balconies, and decks which have minimum dimensions of ten (10) feet by fifteen (15) feet and are located immediately adjacent to either a kitchen, dining room, living room or similar communal area.

(2) Private and public roof decks.

a. Location, dimensions and design. Private and public roof decks shall qualify if they have a minimum dimension of fifteen (15) feet by fifteen (15) feet. Accessibility, surfacing, screening, and architectural treatment shall be compatible with the architectural design of the dwelling.

b. Calculating outdoor living space. Roof decks shall be counted at fifteen (15%) percent of their actual area.

(3) Public exterior courts, pools, and activity areas.

a. **Location, dimensions and design.** Public exterior courts, pools and activity areas shall qualify if they have a minimum dimension of twenty (20) feet by twenty (20) feet, and have not less than twenty (20%) percent of their total area devoted to decorative landscaping. Any portion of a public exterior court or activity area which is not devoted to decorative landscaping shall be either surfaced with decorative architectural materials or developed as sports, game, and/or play equipment areas, putting greens, gardens, reflection pools, fountains, or other similar uses.

b. **Calculating outdoor living space.** Public exterior courts, pools and activity areas shall be counted at 100 percent of their actual area, but shall not comprise more than fifty (50%) percent of the total outdoor living space requirement for the development.

(4) Public interior recreation rooms.

a. **Location, dimension, and design.** Recreation rooms shall qualify if they are located immediately adjacent to a public space that qualifies as outdoor living space under the provisions of this section, such as an exterior court or pool, and have a minimum dimension of twenty (20) feet by twenty (20) feet. Interior recreation rooms shall be furnished and maintained with indoor recreational facilities and/or equipment, such as gymnastic equipment, sauna baths, and game tables, which are accessible to all tenants within the development.

b. **Calculating outdoor living space.** A recreation room shall be counted at 100 percent of its actual area, but shall not comprise more than twenty-five (25%) percent of the total outdoor living space requirement for the development.

(5) Required and non-required setbacks.

a. **Location, dimensions, and design.** Required side setbacks, required rear setbacks, required building separations, and non-required setback areas on the ground level shall qualify as outdoor living space if they are ten (10) feet or more in width. Required and non-required setbacks counted as outdoor living space shall be developed in accordance with the standards of one or more of the above specified types of outdoor living space.

b. **Calculating outdoor living space.** The creditable area of required and non-required setbacks, where they are for the sole use of one dwelling, shall be calculated in the same manner used for private patios and decks.

(6) Other types of outdoor living space. Space which does not fall within the above categories of outdoor living space may qualify as outdoor living space if:

a. It conforms to the purpose and intent of this section; and

b. It is not specifically prohibited in this section.

(7) Nonqualified outdoor living space. The following types of space shall not, under any circumstances, qualify as outdoor living space:

a. Required front setbacks;

b. Areas that do not have the minimum dimensions to qualify as outdoor living space under the provisions of this section.

- c. Pedestrian accessways, walkways, corridors, ramps, and catwalks if not an integral part of a space that qualifies as outdoor living space under the provisions of this section;
- d. Areas beneath pedestrian accessways, walkways, corridors, ramps, and catwalks if not an integral part of a space that qualifies as outdoor living space under the provisions of this section;
- e. Areas devoted to automobiles and other vehicles, including, but not limited to, driveways, parking spaces, turning radii, aisles, and required planters within open parking areas;
- f. Areas devoted to trash enclosures or containers;
- g. Areas devoted to public utility vaults, meters, pumps, and similar apparatus unless their existence is visually unapparent and functionally unobtrusive to an area that otherwise qualifies as outdoor living space under the provisions of this section;
- h. Areas devoted to ventilation and air shafts unless their existence is visually unapparent and functionally unobtrusive to an area that otherwise qualifies as outdoor living space under the provisions of this section;
- i. Areas with a slope greater than five (5%) percent with the exception of decoratively landscaped mounds within an area that otherwise qualifies as outdoor living space under the provisions of this section.

CULVER CITY

Open Space, Private. An area of a developed site that is contiguous to, and directly accessible from, an individual dwelling unit, which is available for active and/or passive recreational uses by the inhabitants of the dwelling unit, and which is open on top or on at least one side.

REDONDO BEACH

(21) **“Balcony”** shall mean a platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade, or parapet on at least one side.

a. **“Balcony, unenclosed”** shall mean a balcony open to the sky and not fully enclosed on more than two (2) sides.

(28) **“Building”** shall mean any structure with a roof supported by columns and/or walls securely affixed to the ground which building is designed and/or used for the shelter and enclosure of persons, animals, or property.

(70) **“Floor area, gross”**. In calculating gross floor area, all horizontal dimensions shall be taken from the exterior faces of walls, including covered enclosed porches, but not including the area of inner courts or shaft enclosures.

(117) **“Outdoor living space”** shall mean either an open passive landscaped area specifically designed, improved, and maintained to enhance the architectural design, privacy, and general environmental quality of a residential development or an easily accessible public or private activity area specifically designed, improved, and maintained for outdoor living and/or recreation by occupants of the residential development.

Section 10-2.1510

Outdoor Living Space Requirements

(a) **Purpose.** Each residential and mixed-use zone establishes a minimum square footage of required outdoor living space per dwelling unit. Calculation of outdoor living space depends on the location and dimensions of the space. It is the purpose of these standards to encourage a design where all or most of the outdoor living space is private and that public outdoor living space is secondary.

(b) **Minimum area requirements: R-1, R-1A, R-2, R-3, R-3A, and RMD zones.** Notwithstanding the total outdoor living space required by the zone, each dwelling unit shall be developed with at least one private patio, balcony, deck (not including roof decks), or yard, as described in subsection (c) of this section, with a minimum area of 300 square feet including bonuses, and a minimum dimension of ten (10) feet.

(c) **Qualifying outdoor living space areas: all residential and mixed use zones.** The following types and sizes of space, developed to the following standards, shall qualify as outdoor living space for dwelling units in all residential and mixed-use zones:

(1) **Private patios, balconies, and decks.**

a. **Location, dimensions, and design.** Private patios and decks having a minimum dimension of ten (10) feet by (10) feet and private balconies having a minimum dimension of five (5) feet by ten (10) feet shall qualify if they are located at approximately the same level as the dwelling unit which they serve, and are open to the

sky for fifty (50%) percent of their actual area and enclosed by no more than three (3) building walls.

b. Calculating outdoor living space. Qualifying outdoor living space shall be counted based on the actual area of the space except as follows:

1. Private balconies not located immediately adjacent to either a kitchen, dining room, living room or similar communal area shall be counted at fifty (50%) percent of the actual area.
2. A bonus of 150 percent of actual area shall be granted for private balconies which have minimum dimensions of seven (7) feet by ten (10) feet and are located immediately adjacent to either a kitchen, dining room, living room or similar communal area.
3. A bonus of 200 percent of actual area shall be granted for private patios, balconies, and decks which have minimum dimensions of ten (10) feet by fifteen (15) feet and are located immediately adjacent to either a kitchen, dining room, living room or similar communal area.

(2) Private and public roof decks.

a. Location, dimensions and design. Private and public roof decks shall qualify if they have a minimum dimension of fifteen (15) feet by fifteen (15) feet. Accessibility, surfacing, screening, and architectural treatment shall be compatible with the architectural design of the dwelling.

b. Calculating outdoor living space. Roof decks shall be counted at fifteen (15%) percent of their actual area.

(3) Public exterior courts, pools, and activity areas.

a. Location, dimensions and design. Public exterior courts, pools and activity areas shall qualify if they have a minimum dimension of twenty (20) feet by twenty (20) feet, and have not less than twenty (20%) percent of their total area devoted to decorative landscaping. Any portion of a public exterior court or activity area which is not devoted to decorative landscaping shall be either surfaced with decorative architectural materials or developed as sports, game, and/or play equipment areas, putting greens, gardens, reflection pools, fountains, or other similar uses.

b. Calculating outdoor living space. Public exterior courts, pools and activity areas shall be counted at 100 percent of their actual area, but shall not comprise more than fifty (50%) percent of the total outdoor living space requirement for the development.

(4) Public interior recreation rooms.

a. Location, dimension, and design. Recreation rooms shall qualify if they are located immediately adjacent to a public space that qualifies as outdoor living space under the provisions of this section, such as an exterior court or pool, and have a minimum dimension of twenty (20) feet by twenty (20) feet. Interior recreation rooms shall be furnished and maintained with indoor recreational facilities and/or equipment, such as gymnastic equipment, sauna baths, and game tables, which are accessible to all tenants within the development.

b. Calculating outdoor living space. A recreation room shall be counted at 100 percent of its actual area, but shall not comprise more than twenty-five (25%) percent of the total outdoor living space requirement for the development.

(5) Required and non-required setbacks.

a. Location, dimensions, and design. Required side setbacks, required rear setbacks, required building separations, and non-required setback areas on the ground level shall qualify as outdoor living space if they are ten (10) feet or more in width. Required and non-required setbacks counted as outdoor living space shall be developed in accordance with the standards of one or more of the above specified types of outdoor living space.

b. Calculating outdoor living space. The creditable area of required and non-required setbacks, where they are for the sole use of one dwelling, shall be calculated in the same manner used for private patios and decks.

(6) Other types of outdoor living space. Space which does not fall within the above categories of outdoor living space may qualify as outdoor living space if:

a. It conforms to the purpose and intent of this section; and

b. It is not specifically prohibited in this section.

(7) Nonqualified outdoor living space. The following types of space shall not, under any circumstances, qualify as outdoor living space:

a. Required front setbacks;

b. Areas that do not have the minimum dimensions to qualify as outdoor living space under the provisions of this section.

c. Pedestrian accessways, walkways, corridors, ramps, and catwalks if not an integral part of a space that qualifies as outdoor living space under the provisions of this section;

d. Areas beneath pedestrian accessways, walkways, corridors, ramps, and catwalks if not an integral part of a space that qualifies as outdoor living space under the provisions of this section;

e. Areas devoted to automobiles and other vehicles, including, but not limited to, driveways, parking spaces, turning radii, aisles, and required planters within open parking areas;

f. Areas devoted to trash enclosures or containers;

g. Areas devoted to public utility vaults, meters, pumps, and similar apparatus unless their existence is visually unapparent and functionally unobtrusive to an area that otherwise qualifies as outdoor living space under the provisions of this section;

h. Areas devoted to ventilation and air shafts unless their existence is visually unapparent and functionally unobtrusive to an area that otherwise qualifies as outdoor living space under the provisions of this section;

i. Areas with a slope greater than five (5%) percent with the exception of decoratively landscaped mounds within an area that otherwise qualifies as outdoor living space under the provisions of this section.

HERMOSA BEACH

"Building" means a permanently located structure having a roof but excluding all forms of vehicles even though immobilized. Where this title requires, or where special authority granted pursuant to this title requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

"Dwelling unit" or "apartment" means one or more rooms in a dwelling or apartment house or apartment hotel designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

All rooms comprising a dwelling unit shall have interior access through an interior doorway not containing a deadbolt lock to other parts of the dwelling unit with the exception of accessory living quarters, provided that where a dwelling unit occupies two stories, interior access shall be provided between stories by an open unenclosed stairway.

For the purpose of this section, **"open stairway"** means a stairway which has a minimum of one wall which is not more than forty-two (42) inches high opening into at least one room from which the stairway connects each floor.

If in the opinion of the director of building and safety the design of a dwelling has the potential to be converted to additional dwelling units, the director may require a deed restriction to be recorded prior to issuance of a building permit.

"Open space" means areas which are from ground to sky free and clear of any obstructions or obstacles unless otherwise specified within each zone classification. Minor obstacles such as telephone and power lines or similar obstacles, and obstructions such as eaves or entryway overhangs, a maximum of thirty (30) inches wide, may encroach into open space areas in the R-1 zone.

17.12. 080 Open space.

There shall be a minimum of three hundred (300) square feet of usable open space per dwelling unit.

A. One hundred (100) square feet of the required open space shall be directly accessible to and at the same floor level of the primary living area of each unit.

B. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two sides by building walls or guardrails greater than forty-two (42) inches in height. A trellis may be allowed to cover an entire open area so long as the open areas between the trellis beams is equal to or exceeds the area required to remain open and uncovered.

C. The minimum dimension of open space areas shall be seven feet by seven feet (7' X 7").

D. Open space areas may include pools, spas, gardens, play equipment, decks over non-living areas, and decks over living areas of the same dwelling unit but shall not include driveways, turning areas, parking areas and required front, rear and side yard areas.

E. Roof Decks. A maximum of one hundred (100) square feet of required open space may be provided on a roof deck, with minimum dimension of seven by seven feet (7' X 7'). For the purposes of this section, "roof deck" is defined as the walkable or otherwise usable open space area located above the roof framing of the building, the only access to

which is from the floors below.

F. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimension of the required setback and the exceeding area together has a dimension of at least seven feet in width and length.

G. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of forty-nine (49) square feet in area as well as minimum seven-foot dimensions.

H. Decks, balconies or similar areas which extend over more than one dwelling unit shall have a minimum S.T.C. rating of 58.

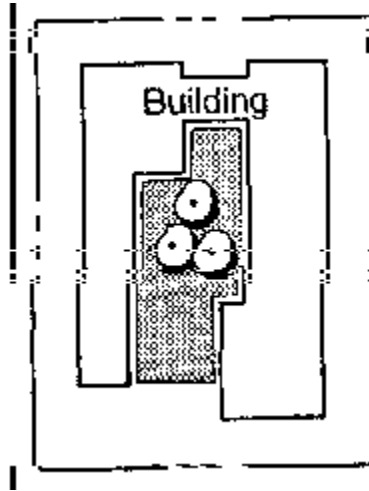
I. Each development of five or more units shall provide one hundred (100) square feet of common open space area or facility per unit in addition to required open space. The common open space area may include play area, pool, spa, recreation room, gym, garden and similar amenities for the common use of all owners, but shall not include driveways, turning areas, parking areas, and required front, rear and side yard areas. (Ord. 00-1207, §4 (part), 10/24/00; Prior code Appx. A, § 507)

CULVER CITY

Open Space, Private. An area of a developed site that is contiguous to, and directly accessible from, an individual dwelling unit, which is available for active and/or passive recreational uses by the inhabitants of the dwelling unit, and which is open on top or on at least one side.

EL SEGUNDO

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.



COURTYARD: A court that is open to the sky and is adjacent to or within a building mostly or entirely surrounded by walls and/or buildings on all four (4) sides.

VERANDA: A large, open porch, usually roofed and partly enclosed, as by a railing, often extending across the front and sides of a house.

Torrance

COURTYARD.

An open unoccupied space other than a yard, bounded on two (2) or more sides by buildings located on the same parcel.

OUTDOOR DINING.

Any restaurant or other eating establishment where seating is provided and food or beverages are served, on private property, and where there is not a roof and walls on all sides of the seating area.

RHE

Court.

"Court" means a space, open and unobstructed to the sky, located at or above ground level on a lot and bounded on three or more sides by walls of a building.

LOS ALAMITOS

"Completely enclosed structure" means a structure enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrances and exit doors.

"Open space" means the area of a parcel that is not occupied by structures, parking lots, or driveways and that is open to the sky

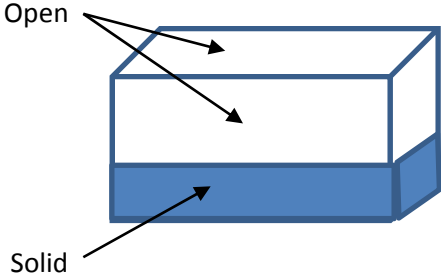
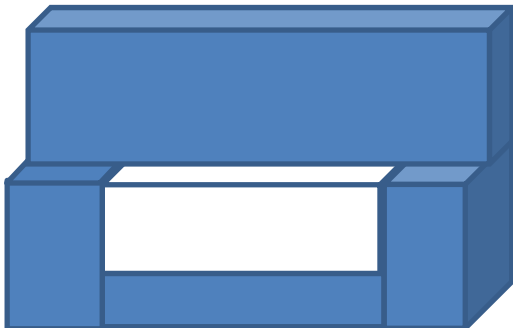
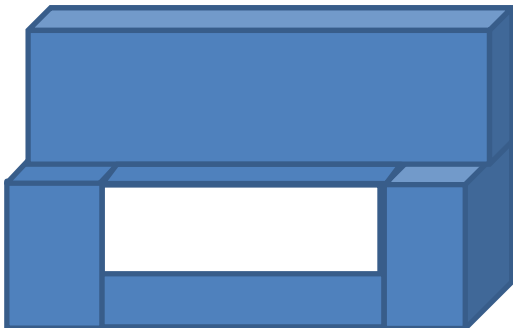
DANA POINT

Enclosed Parking Structure — a building or structure used for the parking of motor vehicles, having exterior enclosure walls which have less than twenty-five (25) percent of the total wall area open to the atmosphere at each level that enclose at least two sides of the structure.

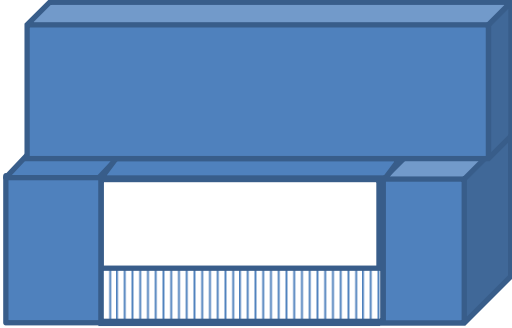
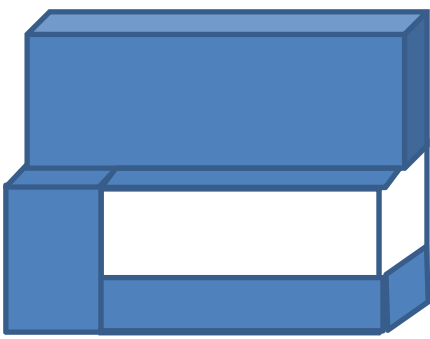
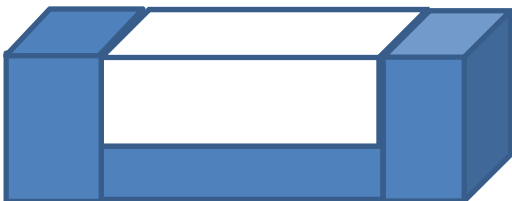
Enclosed Portion of any Structure — an edifice or building of any kind, attached to or detached from the dwelling unit, or any piece of work artificially built up or composed of parts joined together, that serves some functional or aesthetic connection to the primary building.

Open Space Volume Diagrams

February 27, 2013

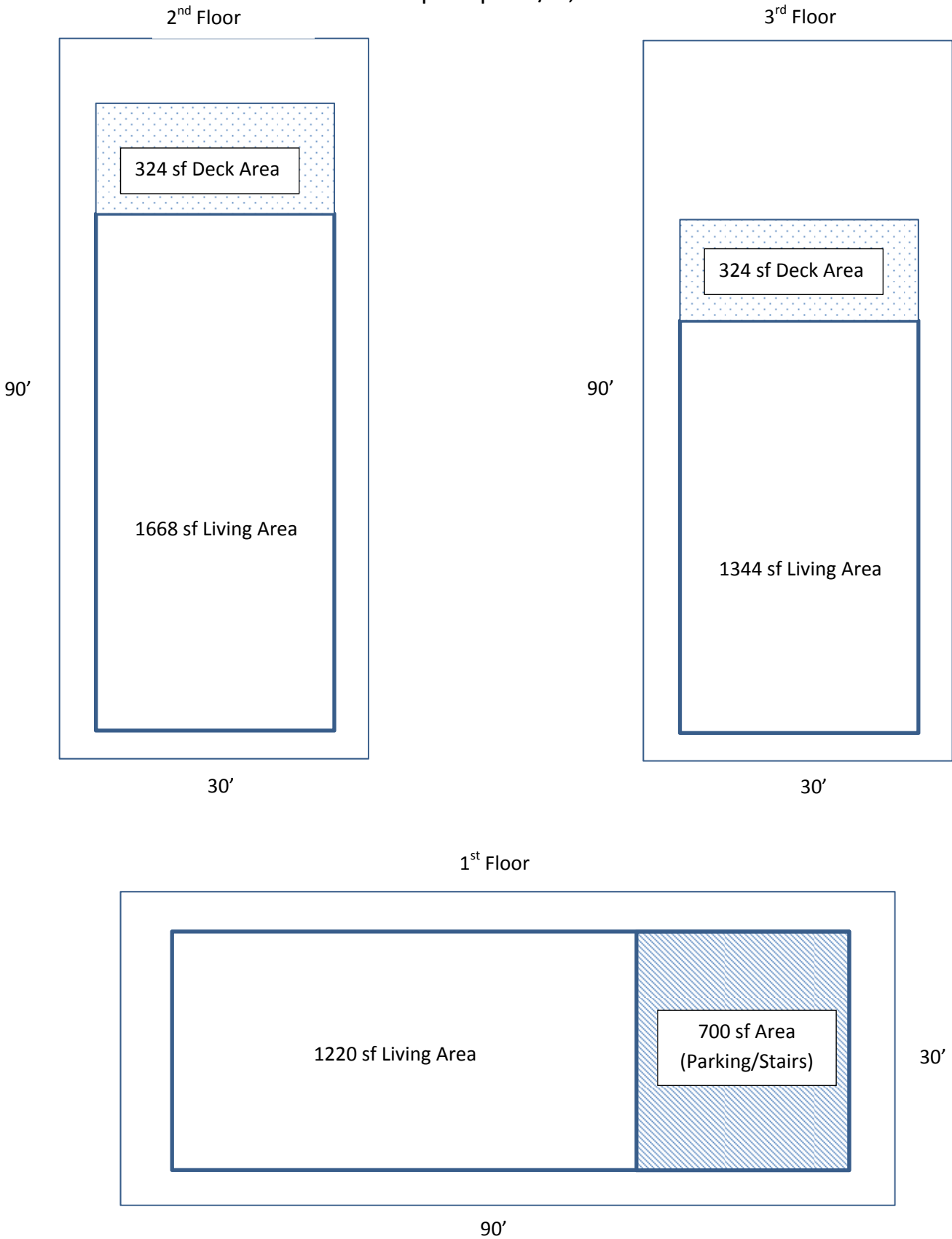
A. 	Open Space deck area • Open above • Open on three sides with solid rail. Comment: Assumed most restrictive/open condition possible. Would prevent maximizing BFA since all OS cannot be on top floor.
B. 	Open Space deck area • Completely covered by roof or deck • Open on one side with solid rail. Comment: Most enclosed condition currently permitted. Deck above (more open space) as cover design strategy retains ability to maximize BFA.
C. 	Open Space deck area • 75% covered by BFA, 25% open above • Open on one side with solid rail. Comment: One of most enclosed conditions currently permitted.
D. 	Open Space deck area • 75% covered by BFA, 25% by roof or deck • Open on one side with solid rail. Comment: Most enclosed condition currently permitted including maximum BFA coverage.

Open Space Volume Diagrams

E. 	Open Space deck area • 75% covered by BFA, 25% by roof or deck • Open on one side with open rail. Comment: Smallest incremental increase (open rail) from current minimum openness (D).
F. 	Open Space deck area • Completely covered by roof or deck • No coverage by BFA • Open on one side with open rail. Comment: Similar small incremental increase (open rail, no BFA above) from current minimum openness retaining option for deck above allowing maximization of BFA.
G. 	Open Space deck area • 75% covered by BFA, 25% by roof or deck • Open on two sides with solid rail. Comment: Significant incremental increase (open on two sides) from current minimum openness retaining option for deck or partial BFA above allowing maximization of BFA.
H. 	Open Space deck area • Completely open above • Open on one side with solid rail. Comment: Substantial increase (open above) from current minimum openness. Would prevent maximizing BFA since all OS cannot be on top floor.

Open Space/Floor Area Example (Diagram H above): 30'x 90' lot

648 sf open space / 4,232 sf BFA



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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
REVISE RECENT MANSIONIZATION REGULATIONS

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

- Applicant:** City of Manhattan Beach- City Council 2011-12 Work Plan Item—Mansionization Review
- Property Location:** Citywide
- Project Description:** Consideration of amendment to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program to revise residential regulations regarding Minor Exceptions, setbacks, open space, maximum site areas, required alley access, and electric vehicle charger locations.
- 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 (b)(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.
- Project Planners:** Eric Haaland, Associate Planner (310)-802-5511, ehaaland@citymb.info
Esteban Danna, Associate Planner (310) 802-5514, edanna@citymb.info
- Public Hearing:** **Wednesday, February 27, 2013 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, February 23, and at the Community Development Department on Monday, February 25, or on the City website (<http://www.citymb.info>) on Friday February 22 after 5:00 pm.
- 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 February 20, 2013. Comments received after this date will be forwarded to the Planning Commission at or prior to the public hearing.

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



PUBLIC HEARING

MANSIONIZATION

The City is reviewing and revising its Mansionization project that has been intended to reduce building bulk in residential neighborhoods, and we need your Input on what you have seen so far, and would like to see in the future!

Please come and share your thoughts on:

- Building Bulk
- Open Space
- Setbacks
- Alleys and driveways
- Other zoning topics

The Planning Commission is currently considering changes to open space, corner setbacks, alley access, minor exceptions, and electric car charger locations

WHEN: WEDNESDAY, FEBRUARY 27, 2013 AT 6:30 PM

WHERE: CITY HALL COUNCIL CHAMBERS

1400 HIGHLAND AVENUE

MANHATTAN BEACH, CA 90266

If you would like to send us comments, please submit to
Eric Haaland at ehaaland@citymb.info or
Esteban Danna at edanna@citymb.info,
or call (310) 802-5503 for more information.



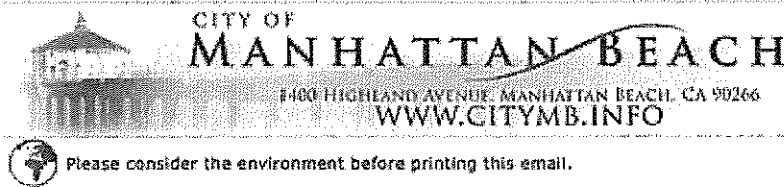
Laurie B. Jester

From: Richard Thompson
Sent: Thursday, January 24, 2013 3:51 PM
To: Paul Gross (External)
Cc: Eric Haaland
Subject: RE: Mansionazation

Follow Up Flag: Follow up
Flag Status: Flagged

I will forward your comments to Eric.

Richard Thompson
Director of Community Development
P: (310) 802-5502
E: rtompson@citymb.info



From: Paul Gross [<mailto:pjgross@msn.com>]
Sent: Thursday, January 24, 2013 3:44 PM
To: Richard Thompson
Subject: Mansionazation

Richard,

This is a follow up to my comments last night when I asked if any consideration has been given to less front set backs, especially the very common 20 ft version. I would hope you give this an opportunity to be discussed at future meetings with the objective of having bigger back yards that are used and smaller front yards that are not. You guys are the experts on how and what that discussion can be but here may be a starting point.

Reduce the front setback one foot in such a way that the back yard must be one foot bigger – it can not be for a bigger structure. This would probably be only for districts I & II at the beginning at least. One foot would be unnoticeable in front but may be noticeable in back. So it would not change the neighborhood look. It could even be an option by the owner BUT would be cast in stone so the next owner can not use it to have a bigger structure. After watching how it works for 5-10 years we could consider making it two feet or take it back to where it was – for new structures.

A 19 foot setback still leaves room for a car in the driveway as that is the required depth for a garage. In 5-10 years cars will probably be shorter.

I do think that life styles have changed and we need to consider Planning changes that accommodate those changes – slowly and on a trial basis. How much time do you spend in your front yard? In your back yard?

Paul

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**MANSIONIZATION
CITY COUNCIL APPROVAL 2-19-08
RESIDENTIAL DEVELOPMENT STANDARDS
EFFECTIVE 3-21-08**

		EXISTING	PROPOSAL
AD I AND II	RS	• 8% BV-ALL LOTS • SIDE SETBACK- 10%- RANGE 3'-5' • CORNER SIDE SETBACK-- 10%- RANGE 3'-5' • SIDE/REAR SETBACK- LOTS > 35' WIDE, BUILDING WALL > 25' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- RANGE 10'-25' • DECKS ABOVE 2ND STORY NOT PERMITTED • LOT SIZE-NO MAXIMUM • GARAGE BFA EXCLUSION <4,800 SF LOT=400 SF , >4,800 SF LOT=600 SF EXCLUDED	• 6% BV – INTERIOR LOTS • 8%- CORNER LOTS REQUIRED TO WRAP AROUND CORNER • SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP • CORNER SIDE-10% RANGE -3' MIN. KEEP 5' CAP • SIDE/REAR/CORNER SETBACK- LOTS > 35' WIDE, BUILDING WALL > 24' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK-RANGE 12'-WITH NO 25'CAP • DECKS ABOVE 2ND STORY PERMITTED- ADJACENT TO LIVING AREA WITH INCREASED SETBACKS • LOT SIZE- AD I: 15,000 SF MAX, AD II: 10,800 SF MAX • ALL REQUIRED GARAGE AREA EXCLUDED-FROM BFA
	RM RH	• OPEN SPACE -15% OF BFA -RANGE 220 SF- 350 SF • OPEN SPACE- BASEMENT AREAS NOT COUNTED AS BFA FOR 15% OPEN SPACE CALC • OPEN SPACE ON 3RD FLOOR PROPORTIONAL TO 3RD FLOOR BFA • SIDE SETBACK- 10%- RANGE 3'-5' • CORNER SIDE SETBACK-- 10%- RANGE 3'-5' • SIDE/REAR SETBACK- LOTS > 35' WIDE, BUILDING WALL > 25' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- RANGE 10'-25' • DECKS ABOVE 2ND/3RD STORY NOT PERMITTED • LOT SIZE-NO MAXIMUM	• OPEN SPACE 15% OF BFA-RANGE 220 SF WITH NO 350 SF CAP • BASEMENT AREA COUNTED AS BFA FOR 15% OPEN SPACE CALC • OPEN SPACE ON 3RD FLOOR UP TO ½ OF TOTAL REQUIRED • SIDE SETBACK- 10%- RANGE 3' WITH 10' CAP- SEE EXCEPTION • CORNER SIDE- 10% RANGE- 3' MIN. KEEP 5' CAP • SIDE/REAR/CORNER SETBACK- LOTS > 35' WIDE, BUILDING WALL > 24' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- RANGE 12'-WITH NO 25' CAP • DECKS ABOVE 2ND/3RD STORY PERMITTED- ADJACENT TO LIVING AREA WITH INCREASED SETBACKS • LOT SIZE- AD I: 15,000 SF MAX, AD II: 10,800 SF MAX

**EXHIBIT D
PC MTG 5-8-13**

MANSIONIZATION
CITY COUNCIL APPROVAL 2-19-08
RESIDENTIAL DEVELOPMENT STANDARDS
EFFECTIVE 3-21-08

AD III	RS • NO 8% BV • NO 15% OPEN SPACE • OPEN SPACE- BASEMENT AREAS NOT COUNTED AS BFA FOR 15% OPEN SPACE • OPEN SPACE ON 3RD FLOOR PROPORTIONAL TO 3RD FLOOR BFA • SIDE SETBACK- 10%- RANGE 3'-5' • SIDE/REAR SETBACK- LOTS > 35' WIDE, BUILDING WALL > 25' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- 5' • DECKS ABOVE 3RD STORY NOT PERMITTED • LOT SIZE-NO MAXIMUM • GARAGE BFA EXCLUSION <4,800 SF LOT=400 SF , . >4,800 SF LOT=600 SF EXCLUDED	• NO 6% OR 8% BV • OPEN SPACE 15% OF BFA-RANGE 220 SF NO 350 SF CAP • BASEMENT AREA COUNTED AS BFA FOR 15% OPEN SPACE CALC • OPEN SPACE ON 3RD FLOOR UP TO ½ OF TOTAL REQUIRED • SIDE SETBACK- 10%- RANGE 3' WITH NO 5' CAP • SIDE/REAR/CORNER SETBACK- LOTS > 35' WIDE, BUILDING WALL > 24' TALL, ADDITIONAL 3' SETBACK • REAR SETBACK- 5' EXCEPT 10' ON NON-ALLEY LOTS, REAR ABUTTING RESIDENTIAL, 2700 SF MIN • DECKS ABOVE 3RD STORY PERMITTED- ADJACENT TO LIVING AREA WITH INCREASED SETBACKS • LOT SIZE-7,000 SF MAX • ALL REQUIRED GARAGE AREA EXCLUDED FROM BFA
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**MANSIONIZATION
CITY COUNCIL APPROVAL 2-19-08
RESIDENTIAL DEVELOPMENT STANDARDS
EFFECTIVE 3-21-08**

		EXISTING	PROPOSAL
AD III (RM-RH) AND IV (RH)	RM RH	• OPEN SPACE 15% OF BFA-RANGE 220 SF- 350 SF • OPEN SPACE- BASEMENT AREAS NOT COUNTED AS BFA FOR 15% OPEN SPACE • OPEN SPACE ON 3RD FLOOR PROPORTIONAL TO 3RD FLOOR BFA • SIDE SETBACK- 10%- RANGE 3'-5' • SIDE/REAR SETBACK- LOTS > 35' WIDE, BUILDING WALL > 25' TALL, ADDITIONAL 3' SETBACK • DECKS ABOVE 3RD STORY NOT PERMITTED • LOT SIZE-NO MAXIMUM	• OPEN SPACE 15% OF BFA-RANGE 220 SF NO 350 SF CAP • BASEMENT AREA COUNTED AS BFA FOR 15% OPEN SPACE CALC • OPEN SPACE ON 3RD FLOOR UP TO ½ OF TOTAL REQUIRED • SIDE SETBACK- 10%- RANGE 3' WITH 10' CAP-SEE EXCEPTION • SIDE/REAR/CORNER SETBACK- LOTS > 35' WIDE, BUILDING WALL > 24' TALL, ADDITIONAL 3' SETBACK • DECKS ABOVE 3RD STORY PERMITTED- ADJACENT TO LIVING AREA WITH INCREASED SETBACKS • LOT SIZE-7,000 SF MAX-SEE EXCEPTION

NOTES:

1. SEE REVISIONS TO MINOR EXCEPTION PROVISIONS THAT ALLOW NON-CONFORMING REMODELS AND ADDITIONS OVER 50% VALUATION IF BFA LESS THAN MAXIMUM ALLOWED (AD I AND II- 75% OF MAX; AD III AND IV- 66% OF MAX), AS WELL AS OTHER EXCEPTIONS TO DEVELOPMENT STANDARDS
2. SEE ALLOWANCES FOR DETACHED ACCESSORY STRUCTURES ON SEPERATE ADJACENT COMMON OWNERSHIP LOTS.
3. MISCELLANEOUS CLEAN-UP: BFA DEFINITION- REQUIRED GARAGE EXCLUDED FROM BFA, AD III AND IV LOTS WITH FRONT YARD ON ALLEY ALLOWED 2' SETBACK, PROPERTY DEVELOPMENT STANDARDS CROSS-REFERENCES, AND FENCE/WALL/HEDGE CLARIFICATION.
4. SIDE SETBACK EXCEPTION- EXISTING LOTS IN THE RESIDENTIAL MEDIUM DENSITY (RM) AND RESIDENTIAL HIGH DENSITY (RH) ZONES THAT CURRENTLY ARE MULTI-FAMILY AND GREATER THAN 50' IN WIDTH, 5' MAXIMUM SETBACK WHEN DEVELOPED WITH THREE OR MORE DWELLING UNITS.
5. LOT SIZE EXCEPTION- NEW MERGERS OVER THE MAXIMUM LOT SIZE IN AREA DISTRICT III ALLOWED IN THE RM, RH, AND CL ZONES IF THE PROPERTY IS WITHIN 500 FEET OF THE CD OR CL ZONES, AND IF THE LOT IS DEVELOPED WITH THREE OR MORE DWELLING UNITS, WITH APPROVAL OF A USE PERMIT. THIS EXCEPTION EXCLUDES LOTS ON THE STRAND. SEE ORDINANCES FOR OTHER EXCEPTIONS.

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Nonconformity Regulation Examples

Seal Beach

§ 11.4.40.010 Maintenance and Repair of Nonconforming Structures.

A. Continuation of Nonconforming Structures. A lawful nonconforming structure may be used, occupied and maintained in its current size and configuration.

B. Maintenance, Nonstructural Repairs and Interior Alterations.

An owner may perform non-structural repairs and interior alterations to structures that are nonconforming or contain nonconforming uses, provided the structure is not enlarged, the life of the structure is not extended or the nonconforming use is not expanded.

C. Structural Repairs Requiring Only a Building Permit. An owner shall apply for and obtain a building permit prior to performing any structural repair, including modification or repair of bearing walls, columns, beams or girders, to:

1. Nonconforming Single-Unit Residences. Provided:
 - a. The residence is located in a residential zone;
 - b. The residence has an existing garage that meets minimum dimensional requirements under this Code; and
 - c. The improvement will not increase habitable space.
2. All Other Nonconforming Structures. Provided:
 - a. The structure is not enlarged;
 - b. The life of the structure is not extended;
 - c. The nonconforming use is not expanded; and
 - d. The cost of any structural repair during a 12-month period does not exceed 40% of the appraised value of all improvements.

D. Structural Repairs Requiring a Minor Use Permit. An owner shall apply for and obtain a Minor Use Permit pursuant to Chapter 11.5.20: Development Permits, prior to performing any structural repair not governed by Subsection C, above.

§ 11.4.40.015 Minor Improvements to Nonconforming Residential Structures.

A. Minor Improvements Requiring Only a Building Permit.

1. Skylights.
2. Solar Systems.
3. Windows.
4. Decorative exterior improvements.
5. Utilities.
6. Other similar minor structural improvements approved by the Planning Commission.

B. Minor Improvements Requiring a Minor Use Permit.

1. Open roof decks.
2. Balconies and porches (not enclosed).
3. Roof additions over balconies and porches.
4. Roof eaves projecting 5 feet into the required rear yard setback in the RLD-9 District, along Ocean Avenue between First Street and

Nonconformity Regulation Examples

Eighth Street.

5. Exterior doors.

6. Garages, carports, and additional covered parking spaces.

7. Interior wall modifications and remodeling which involves removal of or structural alteration to less than 25% of the structure's interior walls. Such interior wall modifications or remodeling may increase the number of bathrooms provided that the number does not exceed the following bedroom/bathroom ratio: one bath for each bedroom plus an additional half-bath. The number of bedrooms shall not be increased if the subject property is nonconforming due to density or parking.

8. Reduction in the number of units involving removal or structural alteration to less than 50% of the structure's interior walls.

9. Other similar minor improvements, as determined by the Director.

§ 11.4.40.020 Structural Alterations or Additions to Single Unit Residences Require a Conditional Use Permit (All Residential Districts).

A. Conditionally Permitted Alterations and Additions. Subject to Subsection B of this Section, the Planning Commission may grant a Conditional Use Permit pursuant to Chapter 11.5.20: Development Permits, for structural alterations or additions to any single unit residence that is nonconforming only with respect to one or more of the following required development standards:

(Ord. No. 1611)

1. Maximum building height;

2. Minimum building setbacks;

B. Required Features for Conditionally Permitted

Alterations and Additions. No Conditional Use Permit shall be issued pursuant to Subsection A unless both of the following requirements are met:

1. Applicable minimum yard dimensions are maintained; and

2. The nonconforming side yard setback is no less than 3 feet in width. Notwithstanding this requirement,

a. Existing legal non-conforming exterior stairways that comply with all other applicable provisions of the California Building Code may be located in the setback.

b. Side yard setbacks may be less than 3 feet in width on properties developed pursuant to a "Precise Plan" or "Planned Unit Development."

§ 11.4.40.025 Valuation of Improvements.

The Building Official shall determine the value of improvements by considering the total cost of all construction for which a permit is required, including: finish work, painting, roofing, electrical, plumbing heating, air conditioning, and any permanent work or permanent equipment.

Nonconformity Regulation Examples

Hermosa Beach

B. Nonconforming Buildings.

1. Structural removal allowed:

a. Portions of the structure that currently conform to the provisions of this Title may be removed and replaced, as long as the foundation and floor system remain intact.

b. Any existing nonconforming portions of the structure (e.g. a wall nonconforming to a yard requirement, or a roof non-conforming to height requirements) may be partially modified or altered only to the extent necessary to satisfy the Uniform Building Code as recommended by a certified structural engineer but shall not be completely removed and replaced, and if completely removed must be brought into compliance with current requirements.

2. Expansion allowed:

a. Maximum of one hundred (100) percent expansion in floor area of the existing building(s) on the building site that existed prior to October 26, 1989, provided that for residential uses the expansion does not result in greater than 3,000 square feet of floor area for each dwelling unit but in no event exceeds 5,000 square feet of total floor area for the building site. The percentage increase in floor area shall be calculated by comparing the existing floor area (excluding any expansion that occurred after October 26, 1989), against the proposed increased floor area excluding garages, accessory structures, basements that are completely below grade, and balconies or decks.

b. Expansion shall conform to current codes.

c. For buildings nonconforming to current parking requirements of Chapter 17.44 pertaining to off-street parking, refer to Section 17.52.035.

d. Existing nonconforming stairways: Existing nonconforming stairways that encroach into required yard areas and that provide legally required access to legal dwelling units, may be fully reconstructed if beyond repair, provided no other reasonable location is available that does not require major reconfiguration or alteration of the structure. Said stairways, if reconstructed or replaced to allow continued access to the dwelling unit, shall be constructed in conformance with Chapter 34 of the Uniform Building Code; shall be constructed of non-combustible materials; shall conform to handrail, guardrail, tread depth, and riser requirements; and, shall not contain storage areas below. No replacement of said stairways shall be allowed in conjunction with an expansion and/or remodel project that exceeds a 100% increase in floor area. (Ord. 05-1257 § 7, 2005; 95-1124 § 1(part), 1995; prior code Appx. A, 13-2)

Redondo Beach

(a) **Continuation of nonconforming structure.** Where a use is conforming but the structure is nonconforming because it does not comply with the development standards for the zone in which it is located, such structure may continue and may be structurally altered.

(b) **Floor area additions.** Any addition of floor area to the structure shall meet the full requirements for the zone in which it is located, and also shall not increase the degree of nonconformity of the structure as a whole with regard to density, building height, floor area ratio, or off-street parking. Further provided, floor area additions to existing residential units may be permitted without fully complying with the parking requirements only if the Planning Director determines that: (a) it is physically impossible to locate the required parking on site without relocating or demolishing all or a portion of the existing residential structure, or (b) the cumulative economic value of the currently proposed addition and previous additions made subsequent to March 12, 1975 are less than the value of the otherwise required garage.

Nonconformity Regulation Examples

Culver City

A. Alterations or Additions. The construction, enlargement, expansion, extension, or reconstruction of a nonconforming structure shall be subject to the following.

1. Increase in area. Work resulting in an increase or enlargement of the area, space, or volume of the structure shall only be allowed if the structure is nonconforming with respect to setbacks, height, distance between structures, architectural projections, staircase and landing area encroachments, and the requirements of the Uniform Building Code are met. New additions, replacement structures or alterations shall not increase existing nonconformities (e.g., the construction may comply with the existing nonconforming setbacks, but shall not propose any further encroachment in the required setbacks).

2. Improvements to nonconforming multiple-family and non-residential primary structure(s).

a. Major improvement defined. A **Major Improvement** is an improvement that will add 10% or more, with a minimum of 750 square feet, to the existing gross floor area of the multiple-family or non-residential structure(s) on the site, as determined by the Building Official.

b. Minor improvement defined. If the City determines that the estimated value of the work for which the permit is requested is equal to 10% or more of the replacement value of the multiple-family or non-residential structure(s) on the site, but at least \$50,000 (to be adjusted annually each July 1st to reflect the increase in the Consumer Price Index for all Urban Consumers, Los Angeles/Riverside/Orange County Area, as established by the U.S. Department of Labor for the period from March of the preceding year through March of the current year), it shall be considered a **Minor Improvement**. In application of this Section, “work value” and “replacement value” shall be determined as follows.

i. Work value. Each permit shall indicate the value of the work to be performed. If the Building Official believes the work value estimate indicated on the permit is too low, the Building Official shall estimate the value of the proposed work for the purpose of this calculation.

ii. Replacement value. The replacement value of an existing structure shall be determined using tables of reconstruction costs published by the International Conference of Building Officials. The type of construction is determined, and a cost per square foot is derived from the table. This cost is multiplied by the number of gross square feet in the structure to obtain the estimated reconstruction cost of the structure.

iii. Commercial revitalization area. If the proposed minor improvements include exterior building facade improvements to an existing structure located within an area designated by the Council as a Commercial Revitalization Area, the portion of the work value devoted to exterior building facade improvements shall not be included in determining the 10% or \$50,000 enforcement threshold for minor improvements.

Nonconformity Regulation Examples

c. Incidental improvements defined. An improvement that does not qualify as a major or minor improvement shall be considered an **Incidental Improvement**.

d. Requirements. Whenever a permit for a major improvement or minor improvement to an existing nonconforming structure is requested, the Director shall not approve the application unless the requirements of Table 6-1 (Requirements for Major and Minor Improvements) are met.

Table 6-1 Requirements for Major and Minor Improvements		
Requirement	Major Improvement	Minor Improvement
1. The appropriate number of parking spaces shall be provided for the type of uses proposed for the site, in compliance with <u>Chapter 17.320</u> (Off-Street Parking).	X	
2. Any sign on the subject site shall be in compliance with <u>Chapter 17.330</u> (Signs).	X	X
3. All roof equipment screening shall be provided in compliance with § <u>17.300.035</u> (Screening).	X	X
4. All trash enclosures shall be provided, subject to the approval of the Sanitation Manager and the Director.	X	X
5. Parking lot landscaping, paving, screening, and striping shall meet all City requirements; provided, compliance with the requirements does not decrease the number of available parking spaces, in compliance with <u>Chapter 17.320</u> (Off-Street Parking).	X	X
6. Fences, walls, and hedges shall comply with § <u>17.300.030</u> (Fences, Hedges, and Walls).	X	X
7. The project shall conform to the City's "Comprehensive Standard Conditions of Approval for Site Plan Review and Other Discretionary Planning and Zoning Applications," as adopted by the Commission.	X	X
8. Notwithstanding requirement 5 above, the addition of floor area to an existing structure shall not be allowed, unless there is additional parking to serve the newly-added floor area, in compliance with <u>Chapter 17.320</u> (Off-Street Parking).		X

B. Nonconforming Due to Parking. A structure that is nonconforming due to the lack of compliance with off-street parking standards may undergo changes in compliance with this Section, subject to the following provisions.

1. Residential additions. Additional parking spaces shall not be required for additions to single-family homes, duplexes or triplexes that result in no more than 4 bedrooms per

Nonconformity Regulation Examples

unit. However, additions resulting in 5 or more bedrooms per unit shall provide the minimum parking required.

2. Multiple-family residential structures. Additional parking spaces shall not be required, provided the change does not result in an increase in the number of dwelling units, nor the elimination of the only portion of the parcel that can be used for the required/existing vehicle parking or access.

3. Non-residential structures and uses. Structures with parking space deficiencies shall be allowed to expand or accommodate a change of use, provided that:

a. The expansion or new use has the same or lesser parking requirement as the existing or previous use or structure;

b. The expansion or new use has a greater parking requirement than the existing or previous use or structure, and a sufficient number of additional parking spaces have been provided to accommodate the net increase of required spaces in the following manner:

i. The net new parking spaces shall equal the number of spaces directly required by the change in use only;

ii. The number of additional parking spaces shall equal the number of spaces directly required by the expansion area only;

iii. Where there are 2 or more nonconforming structures on a site, but not all structures are proposed for additions, changes, or intensifications, parking nonconformities for the structures not proposed for additions, changes, or intensifications may remain as they are.

(Ord. No. 2005-007 § 1 (part))

Berkeley

23C.04.070 Expansions of Non-conforming Buildings and Structures

A. Additions to and/or enlargements of lawful non-conforming structures are allowed to the extent such addition/enlargement complies with all applicable laws, if the existing use of the property is conforming.

B. Additions or enlargements which vertically and/or horizontally extend a non-conforming yard and/or horizontally extend a non-conforming height, or an alteration of a portion of a building which encroaches into a non-conforming yard or which extends above the permitted height, may be authorized by an AUP if the existing use of the property is conforming and if the addition/enlargement would not:

Nonconformity Regulation Examples

1. Reduce any yard below the minimum setback requirements, or further reduce existing non-conforming yards; or
 2. Exceed the maximum or calculated height limits.
- C. Additions to and/or enlargements of lawful non-conforming structures that are non-conforming by reason of violation of the maximum allowable lot coverage are not permitted, unless the addition/enlargement does not increase coverage or exceed the height limit. If the addition/enlargement does not increase coverage or exceed the height limit, it is permitted subject to issuance of a Use Permit.
- D. Enlargements of lawful non-conforming structures that are non-conforming by reason of violation of the maximum allowable FAR are not permitted, unless the enlargement does not increase the FAR or exceed the height limit. If the enlargement does not increase the FAR or exceed the height limit, it is permitted subject to issuance of a Use Permit.
- E. Additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of residential density are not permitted, unless the addition/enlargement does not increase residential density or exceed the height limit. If the addition/enlargement does not increase the residential density or exceed the height limit, it is permitted subject to issuance of a Use Permit.
- F. Additions to and/or enlargements of a lawful non-conforming building or structure located on a property that also contains a lawful non-conforming use, whether or not that use occupies the subject building or structure, are subject to a Use Permit. (Ord. 6718-NS § 1, 2002: Ord. 6478-NS § 4 (part), 1999)

Redwood City

33.11 - Repair of Nonconforming Structures.

Notwithstanding the provisions of Section 33.10, any nonconforming structure may be repaired and/or altered, provided that:

- A. For single-family, two-family (duplex), and three-family (triplex) residential structures, no more than seventy (70) percent of the floor area per residential unit may be structurally altered and at least two habitable rooms (e.g., living room, family room, kitchen or bedroom) per residential unit must remain without alterations, unless the entire structure is brought into compliance with zoning requirements.

Nonconformity Regulation Examples

Calculations shall not include garage floor area, but shall include all cumulative repair, maintenance and alterations over any five (5) year period;

B. For all other structures, no more than seventy (70) percent of the floor area may be altered unless the entire structure is brought into compliance with zoning requirements. Calculations shall not include garage floor area, but shall include all cumulative repair, maintenance and alterations over any five (5) year period;

C. The foregoing limitations may be exceeded with respect to repairs or alterations to single-family, two-family (duplex) and three-family (triplex) structures which are nonconforming only as to parking requirements, subject to the provisions of Sections 33.16 and 33.17 of this article;

D. Existing nonconforming accessory structures may be repaired or reconstructed, provided that there is no increase in the nonconformity caused or created by such structure.