

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

RESOLUTION NO. PC 13-06

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~~ A qualifying 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 contiguously unobstructed at any point greater than 3.5 feet directly above the deck or grade surface except a maximum 1-foot roof eave; "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; and "unobstructed" shall mean absent of fixed material, including, but not limited to awnings, curtains, shutters, shades, and screens. 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	
<del>Minimum</del> Lot Dimensions					
Area (sq. ft.)	<del>2,700</del>	<del>2,700</del>	<del>2,700</del>	<del>2,700</del>	(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.)	<del>30</del>	<del>30</del>	<del>30</del>	<del>30</del>	
<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. Reduction in street parking inventory.
2. 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.**

**3. 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. Reduction in street parking inventory.
- b. 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 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-foot 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 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 10.12.030(E)	Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone—Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots or other unique conditions.
10.12.030(T)	Reduction in percentage of additional 6% front yard setback required in the RS Zone—Area Districts I and II for remodel/additions to existing dwelling units if the

	additional setback area is provided elsewhere on the lot.
10.12.030(T)	Reduction in percentage of additional 8% front/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.

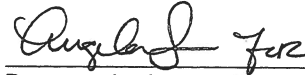
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of May 8, 2013 and that said Resolution was adopted by the following vote:

**AYES:** Andreani, Gross, Ortmann,  
Paralusz, Chairman Conaway  
**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

  
Richard Thompson,  
Secretary to the Planning Commission

  
Rosemary Lackow,  
Recording Secretary 