

season and noted the need to educate the public regarding same and commented on the segregation of parking revenues from the General Fund.

Robert Bush wondered if the City is losing revenue by providing free parking and whether the businesses have experienced increased sales. He commented on "following the money" and on time limits set for public comments.

Jim O'Callaghan, Manhattan Beach Chamber of Commerce, commended City Council for considering the matter and commented on the need to educate the public that it will be limited to two hours of free parking and stated that Chamber will do its best to ensure that the message gets out. He acknowledged that the practice represents a loss of parking revenue to the City; he encouraged it in light of projections that this will be the worst holiday sales season in the last five (5) years.

Les Silverman commented on Hanukkah and stated that shopping starts now. He encouraged bagging the meters noting that residents expect it and appreciate getting something back from the City. He commented on the importance of the Downtown Business Association and downtown businesses to the City and their contributions. He encouraged City Council to approve the matter.

Mayor Lesser closed public comment.

Mayor Pro Tem Howorth commented on the possibility of the item not having to be considered every year but noted apprehension regarding encumbering funds prior to the budget being considered and approved.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, to approve the waiver of City parking meter fees to encourage holiday shopping and dining.

Councilmember D'Ericco suggested a substitute motion to bag the meters for three weeks starting on December 26, 2013, and moving backward, and proposed that this matter get into the budget cycle as a discussion the week before Thanksgiving to discuss and debate and make a true value decision.

**A motion was made by Councilmember D'Ericco, seconded by Councilmember Burton, to bag the meters, with a proposed amendment by Councilmember Burton to bag for the period December 6, 2013, through December 27, 2013. The motion carried by the following vote:**

**Aye:** 5 - Lesser, Howorth, Powell, Burton and D'Errico

*At 7:43 p.m. the City Council recessed and reconvened at 7:58 p.m. with all Councilmembers present.*

10. Ordinance Amending Title 10 Planning and Zoning of the Manhattan Beach Municipal Code to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Lot Size, Required Alley Access, and Alternative Fuel Vehicle Charger Locations (Continued from September 17, 2013, City Council Meeting) (Community Development Director Thompson).  
**CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NO. 13-0015**

**Attachments:**     [Tables 1-3 and Figures 1 and 2](#)  
[Draft Ordinance No. 13-0015](#)  
[Planning Commission Resolution No. PC 13-06](#)  
[Hyperlink to Planning Commission Minutes, dated 5/8/13](#)  
[Hyperlink to Planning Commission report, dated 5/8/13](#)  
[Draft City Council Minutes Excerpt dated 7/16/2013](#)

*Per City Council direction, Item Nos. 10 and 11 were heard concurrently.*

*Community Development Director Thompson introduced the item, provided background and deferred to staff for a report.*

*Associate Planner Eric Haaland presented details of the report including background, review and recommendations by the Planning Commission, the public hearing process and public input, minor exceptions amendment, minor open space amendments, purpose statement, maximum lot size amendment, alley access amendment, charger location amendment, open space coverage and enclosure and design community suggestions.*

*He presented examples of current allowances, deck over deck examples and recommendations.*

*Discussion followed regarding taking action on the majority of issues but deferring the open space to a future date.*

*Councilmember Powell commented on minor exceptions for demolition and stated that he understood that the Planning Commission wanted to go to 25%.*

*Associate Planner Haaland stated that a range was offered by the Planning Commission, that a minimum of 10% be above grade. In response to Councilmember Powell's inquiry regarding Item No. 3, Associate Planner Haaland stated that it was the original coverage item and was removed but the list was not renumbered.*

*Councilmember Powell commented on residents who want to have electric vehicles and allowing for charging equipment. Associate Planner Haaland stated that the ordinance satisfies that requirement.*

*Discussion followed regarding basements and regulations regarding same. Associate Planner Haaland stated that allowance for basements in the Zoning Code has been loosened and addressed related regulations and restrictions.*

*Councilmember D'Errico noted that the open space issue will be sent back to the Planning Commission and inquired as to the appropriateness of discussing that topic at this time.*

*City Attorney Barrow stated that this is not a quasi-judicial hearing so City Council can provide direction to the Planning Commission.*

*Councilmember Burton stated that City Council can adopt any one of the ordinances or all of them.*

*Mayor Lesser stated that City Council should give direction, if possible, on any issue.*

*In response to Mayor Lesser's inquiry, Interim City Manager Jalili stated that he has not had the opportunity to review the matter.*

*Discussion followed regarding lot-merger limits and Associate Planner Haaland stated that they allow for accessory structures on a lot.*

*Councilmember Burton commented on a section where discretion is being given to the Community Development Director and asked if there is a reporting requirement when the discretion is exercised. Associate Planner Haaland stated there is no reporting requirement but rather it would be at staff level.*

*Ensuing discussion pertained to the maximum height of structures, items recommended for approval at this time and items offered for City Council discussion.*

*Mayor Lesser confirmed that if there is desire by City Council to return other items to the Planning Commission, besides the open space issue, City Council could so direct.*

*The Mayor opened the floor for public comment.*

*Esther Besbris commented on a previous precise guide for the physical development of the City and addressed the stated purposes. She addressed prior discussions regarding basements and safety issues and stated that present discussions are similar to discussions held in the past.*

*Robert Bush commented on mansionization and on the Shade Hotel adding that this is a matter of revenue for the City.*

*Mayor Lesser stated that the matter being discussed has to do with Zoning Code amendments.*

*Mr. Bush commented on challenges with Southern California Edison and the Public Utilities Commission and stressed the need to addressing the issues.*

*Bill Victor addressed proper noticing and reported that when workshops were held regarding this issue, residents and property owners were conspicuously absent. He stated there is not enough notice provided to the public and commented on the difficulty of the topic adding that the City should make it easier for people to learn about the proposed changes.*

*James Grant commented on various construction projects occurring in the City and complained of noise and vibrations. He added that the project is in the Sand Section and wondered regarding the need for Coastal Commission review. He expressed concerns with structural damage related to basements and commented on the way the house is being measured.*

*Michael Lee, architect, urged City Council to return the matter to the Planning Commission noting problems with some of the changes being proposed. He addressed limiting the amount of roof cover over open space and asked City Council to defer action on the matter as it needs to be studied carefully.*

*Ray Joseph reported attending prior meetings and commented on the feedback given to the Planning Commission. He addressed the stacking of decks, increasing open space, basements, and full covers on decks and blocking the wind on top decks. He indicated that it seems that public feedback is not getting through and wondered regarding the effects of mansionization on property values.*

*Doug Leach, architect, commented positively on the City of Manhattan Beach and stated that the varying architectural styles in the City make it an exciting place in which to live. He addressed noticing of the matter adding that it was very inclusive and that it was a very productive meeting. Mr. Leach stated that people love covered outdoor living spaces. With respect to language related to trellises and obstructions, he suggested that those things be codified and should not be left to discretion. He commented on the 50% maximum allowable open space on top floors, noted that living areas are on the top and stated it would make sense to allow more than 50% maximum.*

*Marty Friedman commented on a current construction project at 2315 Alma and asked that Council review the approval process for the property. He expressed concerns regarding the structural integrity of buildings in the Sand area and the impacts of basements and depth limits adding that the matter should go back to the Planning Commission for their review. He suggested setting a limit on how many construction projects can be going on at one time in a small geographic area and commented on the possibility of requiring environmental analysis when tearing down a cottage and constructing large mansion in its place. He commented about the City's "small-town" feel and on specific areas in Vista Drive where the light doesn't come through because of the height of buildings and suggested the possibility of allowing one house on one lot.*

*Jim Fisola reported working on the mansionization issue for a long time and stated that what is needed is a development vision for the City. He addressed reducing the mass and bulk on houses while at the same time not reducing the floor area and noted that the effect of the 2008 Mansionization Ordinance has been minimal. He stated that houses should be smaller and reported that the average houses being built in the Sand section are over 5,000 square feet and condominiums are, on average, 2,000 square feet. He suggested to reopen the mansionization issue and looking at other ways to provide new types of housing that are not being provided.*

*Brent Stroyke stated that "bulk" can be very arbitrary and that the Sand section is at the threshold of bulk that is not family-friendly. He added that has a big impact on who ends up living in the City, which ends up changing the dynamic of the town and retail over time. Mr. Stroyke reported that people love covered outdoor spaces and that basements have been a huge positive for the City.*

*Todd Paolillo, architect, encouraged the public to review drawings for a project in which he is currently working and stated when there are two lots on a hillside, building height will be driven down. Regarding the matter of open space, he noted that there is now ten (10) years' worth of buildings that can be seen as examples. He commented on two projects that are presently in plan check and stated that the new regulations will cause a reduction of open space.*

*Jane Guthrie commented on the construction sites on Alma and noted that the smaller site has no parking in the basement but rather on the roof of the basement, or street-level. She commented on the plans for the larger site noting that they are two separate plans. She stated that an 11,000 square foot home in the Sands section is monstrous by comparison to what is around it and that open space is for the people living around such homes.*

*Wayne Partridge stated that he had to defend himself against a large building being built next to his home and expressed concerns with noticing for this process adding that it has not been broad enough. He indicated the need for broader consideration of the issues and involving more of the public. He urged City Council to continue the*

matter and expand noticing in order to obtain input from a larger number of community members. He added that it is time to give the matter a rest and see what the results area.

Will Arviso commented on the creation of tall buildings that create "canyons" in the City. He stated that the entire matter should go back to the Planning Commission with expanded notification with special consideration given to half lots.

Robert Schumann agreed with the comments from the previous two speakers. He commented on the need to reduce bulk and hoped that City Council would send the matter back to the Planning Commission and simplify the process for increased understanding by residents.

Mayor Lesser closed the public comment period.

Mayor Pro Tem Howorth agreed that the issue is confusing and asked whether the square footage of basements works against open space calculations.

Community Development Director Thompson reported there is a requirement to provide more open space in consideration of the basement.

In response to Mayor Pro Tem Howorth's inquiry regarding open space and how having shutters and screens would not make it open space, Community Development Director Thompson reported when the ordinance was first adopted, many roof decks were being enclosed and that it was recognized as not being the intent of the ordinance.

Mayor Pro Tem Howorth commented on open space decks and family-friendly floor plans and indicated that the topic seems a bit muddled.

Community Development Director Thompson stated that the objective at this time is to take a look at what was done in 2008 and report to City Council what is working and what is not and what needs to be changed. Present discussion has expanded to consider if there is any desire by City Council to study the issue further and review bulk volume, limiting or encouraging basements or limiting their size.

Mayor Pro Tem Howorth commented on the need for further clarity and the need to see real-world examples.

Councilmember Burton stated that he would like to better understand the matter. He understood that prior City Council direction was to have a status report only, without proposed changes. He questioned why the matter is being reconsidered adding that a lot does not make sense to him. He commented on leveraging the knowledge of the Interim City Manager on this matter, agreed with sending it back to the Planning Commission and providing property notice.

Councilmember Powell agreed with the need for broader notice and engaging architects, realtors, builders and residents for as much input as possible. He stated that it is counter-intuitive to prohibit lanais and indicated that none of the items were agreed with. He commented on Item No. 1 adding that it is a loophole that threatens the fabric of bulk, volume and density. He commented on his experience as a Planning Commissioner and commented positively on the minor exemption rule. Additionally, he agreed with the need to look at the City's small-town environment and presented examples of "bulky", non-conforming homes. He stated that the mansionization rule works well but took exception to the minor exemption rule. Councilmember Powell agreed with the minor changes presented but stated the need

*to review open space and the minor exemption rule and provide broad notice.*

*Mayor Pro Tem Howorth commented on sending the matter back to the Planning Commission with clear direction in terms of what is expected of them.*

*Councilmember Burton agreed with the need to provide clear direction to the Planning Commission.*

*Councilmember D'Errico commented on the importance of property value and property enjoyment but added that equally important, is added-value to surrounding residents. He agreed with the need for a vision and stated that involves significant public outreach and input. He commented on basements in the Sands section, the true definition of stories and the definition of lots.*

*Mayor Lesser reported that as a former Planning Commissioner, he served on the mansionization issue and commented on balance and the belief of some that property rights are being taken away. He indicated that the City has strayed far from the General Plan vision in terms of maintaining a small-town feel and stated a path back to that vision is needed. He acknowledged the difficulty in maintaining a balance and commented on the direction of the prior City Council regarding lot merger limits in the beach area, a purpose statement, alley access and the minor exemptions definition. He reported that the Planning Commission spent a lot of time discussing these difficult issues and addressed the Interim City Manager for suggestions going forward.*

*Interim City Manager Jalili stated that City Council has touched on most of the relevant issues in this matter. He stated that City Council's expectations regarding the results of the ordinance may be more than what the ordinance can deliver noting that zoning ordinances do not guarantee good designs and that are mostly designed to prevent disasters, i.e., excessive height, excessive bulk. He suggested sending the matter back to the Planning Commission to consider the matter and City Council's comments and return the matter to City Council with proposed recommendations/changes.*

*Mayor Lesser indicated he would like to segregate less controversial matters that should be revised.*

*Councilmember Burton commented on lot mergers in the Sand Section and stated that something that might appear minor may actually be major. Additionally, he addressed prioritizing issues such as building heights and bulks.*

**A motion was made by Councilmember Burton, seconded by Councilmember Powell, to send the matter back to the Planning Commission to identify problems, provide the status of problems with the mansionization ordinance and specifically address the maximum height of structures, minor exemptions, basements and open space definitions. The motion carried by the following vote:**

**Aye:** 5 - Lesser, Howorth, Powell, Burton and D'Errico

- 11.** Ordinance Amending the Implementation Program of the Manhattan Beach Local Coastal Program (LCP) to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Lot Size, and Alternative Fuel Vehicle Charger Locations *(Continued from September 17, 2013, City Council Meeting)*  
(Community Development Director Thompson).

**CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NO.  
13-0016**

**Attachments:**     [Tables 1-3 and Figures 1 and 2.](#)  
                              [Draft Ordinance No. 13-0016](#)  
                              [Planning Commission Resolution No. PC 13-06](#)  
                              [Hyperlink to Planning Commission Minutes, dated 5/8/13](#)  
                              [Hyperlink to Planning Commission report, dated 5/8/13](#)  
                              [Draft City Council Minutes Excerpt dated 7/16/2013](#)

*Per City Council direction, Item Nos. 10 and 11 were heard concurrently.*

12. Consideration of Ordinance to Amend Titles 5, and 9 and to Adopt the Most Recent California Building Standards Code and City Amendments to the following Codes: 2013 California building Code, 2013 California Residential Code, 2013 California Electrical code, 2013 California Plumbing Code, 2013 California Green Building Standards Code, 2013 California Energy Code, 2013 California Mechanical Code, and City Amendments (Community Development Director Thompson).

**CONDUCT THE PUBLIC HEARING AND ADOPT ORDINANCE  
13-0027**

**Attachments:**     [Ordinance No.13-0027 \(Building Codes\)](#)

*Per City Council direction, Item Nos. 12 and 13 were heard concurrently.*

*Community Development Director Thompson presented the report noting that the current Building and Fire Code are adopted every three years and recommended that City Council conduct the Public Hearing and adopt the Ordinances.*

*The Mayor opened the floor for public comment.*

*There were no members of the public wishing to comment on this item.*

*Mayor Lesser closed the public comment period.*

**A motion was made by Councilmember Powell, seconded by Councilmember Burton, to adopt Ordinance No. 13-0027. The motion carried by the following vote:**

**Aye:** 5 - Lesser, Howorth, Powell, Burton and D'Errico

13. Ordinance Adopting By Reference the 2013 Edition of the California Fire Code, and Portions of the International Fire Code, 2012 Edition, Together With Certain Amendments, Deletions, and Additions, and Amending Title 3 of the Manhattan Beach Municipal Code (Community Development Director Thompson & Fire Chief Espinosa).

**CONDUCT PUBLIC HEARING AND ADOPT ORDINANCE NO.  
13-0028 (FIRE CODE)**