



Legislation Details (With Text)

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**On agenda:** 11/19/2013 **In control:** City Council Regular Meeting

**Final action:**

**Title:** 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Tables 1-3 and Figures 1 and 2., 2. Draft Ordinance No. 13-0016, 3. Planning Commission Resolution No. PC 13-06, 4. Hyperlink to Planning Commission Minutes, dated 5/8/13, 5. Hyperlink to Planning Commission report, dated 5/8/13, 6. Draft City Council Minutes Excerpt dated 7/16/2013

Date	Ver.	Action By	Action	Result
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**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
John Jalili, Interim City Manager

**FROM:**  
Richard Thompson, Director of Community Development  
Eric Haaland, Associate Planner  
Esteban Danna, Associate Planner

**SUBJECT:**  
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**

**RECOMMENDATION:**  
Staff recommends that the City Council conduct the public hearing, discuss the proposed Zoning Code Amendments, and introduce Ordinance No. 13-0016.

The Public Hearing and final action for this item will be held at the same time as the Public Hearing for ORD 13-0015; Consideration of Municipal Code Amendments pertaining to Mansionization.

**FISCAL IMPLICATIONS:**

There are no direct fiscal impacts as a result of the adoption of the Zoning Code Amendments.

## **BACKGROUND:**

At its regular meeting of July 16, 2013, the City Council conducted a public hearing considering the Planning Commission's recommendations. Based on public input Council decided to request Staff to study the open space requirements before returning to the City Council. The open space provision has been reviewed by Staff and community members, and a summary of comments is provided in this report for City Council consideration.

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. It was determined that the majority of those amendments were effective, and did not require further changes. At its regular meetings of February 27, and May 8, 2013, the Planning Commission conducted public hearings 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.
- **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.
- **Alternative Fuel Vehicle Charger Locations** - Allow greater flexibility.

The City's "Zoning Ordinance Revision Program" (ZORP), which established the current Zoning Code in 1991, had included comprehensive review of all zoning standards through an intensive public process extending from a comprehensive General Plan update. The ZORP project resulted in reduced maximum floor areas for the inland districts, and two-story limits for inland single-family residences. Reductions in residential floor area for the Beach Area were considered, but not approved, based on substantial community opposition. The residential 26 and 30-foot height limits remained constant Citywide, however, the method of calculating the height of buildings was changed to the current four-corner averaged grade method.

The City most recently adopted Zoning Code Amendments addressing "Mansionization" where approved in 2008. This followed "bulk/volume", "minor exception", and other amendments that had similar goals of easing visual mass of residential buildings in the City. The purpose of these studies, as directed by the City Council, was to implement measures that would reduce residential building bulk without decreasing allowable building heights or allowable buildable floor area (BFA).

The attached Planning Commission report (specifically the January 23, 2013 portion) provides detailed discussion of all items that had been addressed in the Mansionization process from 2002 to 2008, which is summarized in Table 1-"Mansionization Process 2002-2008", attachment 1.

## **DISCUSSION:**

The discussion below summarizes the Planning Commission's comments and recommendations regarding the proposed amendment items including the open space coverage/enclosure item (#7 below), which was separated from the other items by the City Council in July. The City Council expressed general support for items 1 through 6 below, and expressed interest in modifying the open space coverage/enclosure item. The recommended language provided is excerpted from the proposed Ordinance No. 13-0015, which incorporates all items 1 through 7.

### 1. 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, it was recommended that the requirement be revised to exclude foundation and other surface/sub-surface structure (including basement) 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 the recommendation was to keep the 10% factor, and specify that it would apply to above-ground structure elements only.

#### Recommended Amendment:

Amend Section 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.

### 2. 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 in 2008 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. The Commission's recommendation is that 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 home 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 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)~~ one hundred (100) 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.

#### 4. 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 drafted an update of the bulk/volume purpose statement included in the residential Chapter of the code in 2002.

#### Recommended Amendment:

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.

#### 5. Lot Merger Limits in Beach Area

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. Although this language was omitted, no mergers exceeding the intended maximum area have been approved.

#### Recommended Amendment:

Amend the "Lot Dimensions" portion of the "Property Development Standards for Area Districts III and IV" table in Section A.12.030 of the Manhattan Beach Local Coastal Program as shown in Table 2- "Propoerty Development Standards for Area Districts III & IV", attachment 1.

#### 6. Alternative Fuel Vehicle Charger Locations in Garages

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 area. The code amendment has proven itself useful and many residents have taken 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 proposed 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). The proposed changes were discussed with the Building and Safety Division to ensure consistency with their regulations. The location is shown in Figure 1- "Alternative

Fuel Vehicle Charger”, attachment 1.

Recommended Amendment:

Amend 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.

**7. Deferred Open Space Enclosure/Coverage Issue**

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.

It had been discussed that these new restrictions would result in reduced floor area for many projects. The City Council heard testimony from several architects and developers expressing substantial concerns with this issue at its July 2, 2013, public hearing.

Subsequent to the City Council's July 2<sup>nd</sup> meeting, Staff met with local architects and other interested individuals to discuss implications of the Planning Commission's recommendation regarding open space. A few suggestions received from the group would result in greater flexibility in providing open space as follows:

- a. Allow more than 50% of open space above the second story level** - The Code's restriction against placing a majority amount of open space at the top level requires a substantial amount of

open space to be distributed to lower building levels. The architect group felt that the upper level open space is more valuable to users as an extension to living room space, and more valuable to neighbors as view or light access. Since the upper level open space does not affect the floors above when coverage restrictions are imposed, it has less impact on total achievable floor area; therefore, increasing the amount of open space allowed at the top level lessens the restrictiveness of the Planning Commission's recommendation.

**b. Reduce or eliminate open space required for basement area** - The group suggested that basement area should not require open space at the same rate as above-ground living area, since it is less useable as living area, and is not very accessible to open space.

**c. Count non-useable open space** - It was discussed that the useable open space requirement could be expanded to include non-useable space such as building notches and recessions that have no accessible surface area. A similar concept to this is the bulk/volume upper-story step-back requirement used in the inland single-family residential areas. This would provide more flexibility in designs, and could allow the space above uncovered lower-level useable open space to count toward the requirement.

**d. Allow increased rail heights** - A suggestion to provide more flexibility for design variation was to allow some deck rail heights to exceed the minimum height. The Planning Commission's recommendation requires two sides of a countable open space area to have rails no more than 42 inches high. Allowing some of that railing to be higher could be more visually interesting and provide greater privacy.

**e. Provide incentives for open space that is more open than current requirements** - It was suggested that providing incentives for open space areas that are more open, and high quality, than current minimum requirements may be effective. An example would be to count a deck area that is open on more than one side as 50% more than the actual physical area provided. The City of Redondo Beach uses a similar incentive method for wider open spaces abutting active/common living areas such as kitchens and living rooms.

In response to the concerns for lost floor area, Staff has drafted revised language that is less restrictive, but still improves open space quality as intended. This language imposes the Planning Commission's recommendation, but exempts decks from being considered coverage, which would allow designers to build decks above each other. This language has been included in the attached draft Ordinance.

Recommended Amendment:

Amend the "Useable Open Space" definition in 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~~ fifty percent (~~75~~ 50%) covered by ~~buildable floor~~ roofed area, and has at least two open sides. 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, "roofed" shall include roof/covering material, walls, or enclosed floors, but shall exclude open deck area; 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, post, and fence 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.

## 8. Additional Comments Regarding Mansionization Topics

Additional comments were raised at the Planning Commission hearings. If Council wants to consider such items, it can direct Staff to notice such items for a separate hearing.

### *Basements, storage, and crawl space areas*

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 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.

### *Changing Buildable Floor Area and Height Limits*

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 understood 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 as originally directed by City Council.

### *Prohibiting Stepped Stories*

Councilman Burton recently suggested specific language to amend Section 10.12.030(H) of the Zoning Code intended to prohibit the stepping of stories within a building on sloped sites. Currently a single building level on a sloped site can be split into part story, and part basement, if the basement portion complies with all relevant criteria as shown in Figure 2- "Example of Current Permitted Story Stepping", attachment 1. The suggested language is as follows:

**Maximum Height of Structures.** See Section 10.60.050, Measurement of height, and Section 10.60.060, Exceptions to height limits. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30') and two (2) where the height limit is twenty-six feet (26'). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story (See Graphic Illustration under "Basement" definition-Section 10.04.030). Notwithstanding anything to the contrary contained herein, or in the

definition of "Basement" or "Story" under Section 10.04.030, for purposes of determining the number of stories under this Section 10.12.030H, in any building that contains floor levels that are not located over or below one another, each such floor level shall count as a separate or additional story, and every change in floor level is considered to be a separate or additional story, and every change in floor level is considered to be a separate and additional story.

During the Mansionization project the City has encouraged basements (BFA exemption) as an option for additional floor area that does not increase building bulk above grade. Many cases can actually decrease visual building bulk since the additional basement area requires additional open space above grade. The suggested language appears to conflict with the intention of encouraging basements.

**CONCLUSION:**

Staff recommends that the City Council conduct the public hearing, accept public testimony, and introduce Ordinance No. 13-0016.

The subject ordinance would return to the City Council on consent calendar at its December 3, 2013, regular meeting for adoption, with a resolution formally transmitting the LCP Amendment to the California Coastal Commission. The ordinance would become effective 30 days later, however, the Local Coastal Program would not be amended until the Coastal Commission has approved the subject Amendment. Projects submitted prior to Ordinance No. 13-0016's date of effectiveness would be reviewed under current requirements.

Attachments:

1. Tables 1-3 and Figures 1 and 2
2. Draft Ordinance No. 13-0016
3. Planning Commission Resolution No. PC 13-06
4. Planning Commission Minutes, dated 5/8/13
5. Planning Commission Staff Report, dated 5/8/13
6. Draft City Council Minutes Excerpt dated 7/16/2013