

Attachment 4

Planning Commission Clarification Items

1. Non-Pedestrian Oriented Ground Floor Uses on Alleys- Chapter 4

Draft Downtown Specific Plan

The Draft Plan proposed that banks, credit unions, savings and loans, offices, communication facilities, and catering services that are adjacent to a sidewalk, pedestrian area, or on a ground level require a Use Permit. The Draft Plan did not address these uses on alleys. This requirement has broad approval from the community as the conversion of Downtown ground-floor space to office and bank uses was one of the original catalysts for the creation of a Downtown Specific Plan.

City Council Consensus

This concept was discussed only with the Planning Commission, so no direction was given by the City Council.

Planning Commission Consensus

Planning Commission agreed with requiring a Use Permit for non-pedestrian oriented uses in ground floor pedestrian-adjacent locations, but also concluded that non-pedestrian oriented ground floor uses (banks, credit unions, savings and loans, offices, communication facilities, and catering services) should be allowed on the ground floor without a Use Permit if these uses are located exclusively on an alley. Staff believed that having a ground floor office or other non-pedestrian oriented use on an alley may be appropriate, and suggested possible language to the Planning Commission that would allow these uses to be located exclusively on an alley without a Use Permit. Staff noted that many other cities that require Use Permits for ground floor offices and similar uses in their downtowns allow these uses in ground floor spaces on alleys without a Use Permit. Staff also made the point that this new language is better suited to the goals of the Plan by promoting a pedestrian-oriented streetscape while giving flexibility to property owners and non-pedestrian oriented uses.

Final Draft Plan

The Final Draft Plan has been revised to allow ground floor non-pedestrian oriented uses located exclusively on alleys without a Use Permit subject to Community Development Director's approval. The Final Draft Plan still requires non-pedestrian oriented uses to obtain a Use Permit if they want to locate on a ground floor space adjacent to a pedestrian area.

2. Land Use Changes (Optometrist) - Chapter 4

Draft Downtown Specific Plan

Mirroring the current Code, the Draft Plan classified optometrists as an office use, and a Use Permit would be required if an optometrist occupied a pedestrian-adjacent ground floor space in the CD zone.

City Council Consensus

This concept was discussed only with the Planning Commission, so no direction was given by the City Council.

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Planning Commission Consensus

Several Downtown optometrists reached out to the Planning Commission, as well as Staff, and explained that they are unlike other medical office uses in that they have a significant retail component to their business, since they sell eye glasses, contact lenses and sunglasses. As a result, Planning Commission recommended that a new land use classification for optometrists be created to allow optometrists to be a permitted use for ground floor spaces adjacent to pedestrian areas.

The new “Optometrist” land use classification, which emphasizes the retail component of the optometrist business, requires optometrists in ground floor spaces adjacent to pedestrian areas to place the retail component of their business in the front of their space with the goal of having an engaging storefront that contributes to an active and pedestrian-oriented streetscape.

Final Draft Plan

The Final Draft Plan has been revised with the following new land use classification:

“Optometrist – A primarily a retail use, where the sale of eye glasses, contact lenses, and other eye care and vision-related products are provided as the primary use. The use also includes as an incidental use, not located on the ground floor streetfront, a medical facility where patients are provided healthcare by one person or a group of eye care professionals practicing optometry.

3. Use Permit Process- Chapter 4

Draft Downtown Specific Plan

The Draft Plan laid out specific required findings for Use Permits that closely mirror the existing Use Permit findings found in MBMC 10.84.060 and LCP A.84.060.

City Council Consensus

City Council directed Staff to create additional Use Permit findings.

Planning Commission Consensus

Planning Commission agreed with City Council.

Final Draft Plan Recommendation

Staff has crafted the following Use Permit findings, as reflected in the Final Draft Plan. These findings are in addition to the current Use Permit findings.

- A. The proposed use is consistent with the goals, purpose, vision, and guidelines of the Specific Plan, Local Coastal Program, and the City’s General Plan.
- B. The proposed use will maintain a balanced mix of uses which serves the needs of both local and nonlocal populations.
- C. The proposed use would preserve and enhance the safe, attractive, pedestrian-friendly, small town atmosphere and a sound economy.
- D. The proposed use will maintain and enhance the residential quality of life for the Manhattan Beach community.

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4. Maximum Ground Floor Setback - Chapter 6

Draft Downtown Specific Plan

The creation of maximum front, side, and street side setbacks for properties in the Downtown Commercial CD Zone were proposed in the Draft Plan. The current Code does not contain maximum setbacks. The intent is to ensure that buildings maintain a relationship between the building, sidewalk, pedestrians, and adjacent buildings. Buildings set too far back from a sidewalk create an awkward void and possible dead zone that disrupts the pedestrian-oriented rhythm along the sidewalk.

City Council Consensus

This concept was discussed only with the Planning Commission, so no direction was given by the City Council.

Planning Commission Consensus

A potential concern with the maximum setbacks as proposed in the Draft Plan that Staff brought to the attention of the Planning Commission is that a building's second story would also have to meet the maximum setback requirements. This would negatively affect building owners who want to design a building that only has a small amount of square footage on a second story, forcing them to "fill out" their buildable envelope up to the maximum setbacks.

Planning Commission shared Staff's concern and changed the term in the Final Draft Plan from maximum setback to "maximum ground floor setback", based on Staff's recommended language. Maximum ground floor setbacks would still encourage the pedestrian-oriented rhythm of buildings and storefronts on the ground level without penalizing property owners who want to design their buildings in a way that provides a small amount of square footage on the second story of their buildings.

Final Draft Plan

The Final Draft Plan has been revised to reflect Planning Commission's recommendation to change the term "maximum setbacks" to "maximum ground floor setbacks".

5. Maximum Ground Floor Front Setback - Chapter 6

Draft Downtown Specific Plan

The Draft Plan introduced the concept of a 10 foot maximum front setback for properties located in the CD zone; the current Code does not contain a maximum front setback.

City Council Consensus

City Council did not change this requirement but asked that Staff compile a list of commercial buildings' existing ground floor front setbacks to better understand how this new development standard would affect existing Downtown commercial structures.

Planning Commission Consensus

Planning Commission directed staff to change the maximum proposed front yard setback from 10 feet to 12 feet based on data staff compiled on the fourteen Downtown commercial buildings that have ground floor front setbacks. Planning Commission reasoned that many of the existing

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buildings with 11 or 12 foot ground floor front setbacks were still pedestrian-oriented and appropriately scaled. Most commercial buildings Downtown are built either right up to or very close to the front property line, explaining the relatively small number of buildings with ground floor front setbacks. Staff presented this data to the Planning Commission, and noted that almost 43% of the fourteen buildings exceeded the Draft Plan's maximum 10 foot front setback requirement.

Final Draft Plan

The Final Draft Plan reflects Planning Commission's recommendation to change the maximum front yard setback from 10 feet to 12 feet. Staff has further refined the requirement by relabeling "maximum front setback" to "maximum ground floor front setback" to reflect the true intention of the Draft Plan as explained above.

6. Minimum Rear Yard Setback - Chapter 6

Draft Downtown Specific Plan

Changes were proposed in the Draft Plan to the existing minimum rear yard setback for properties in the Downtown Commercial CD Zone, from zero feet (current requirement) to zero feet or 10 feet.

City Council Consensus

City Council did not object to the new proposed minimum rear yard setbacks standard.

Planning Commission Consensus

Staff asked the Commission to reconsider the Draft Plan's proposed changes to the minimum rear yard setback after identifying unforeseen issues that could result from the new regulation. As proposed in the Draft Plan, the minimum rear setback would be either zero feet or 10 feet, and does not allow for flexibility for any other dimensions. The intent of a minimum 10 foot setback was to allow enough room for a car to park parallel to the rear of a building along an alley. However, a potential consequence of this proposal is that it would create far too many nonconforming structures that are not setback exactly zero or 10 feet.

Planning Commission agreed with Staff's proposal that the minimum rear yard setback be changed back to zero as it currently exists in the code with some flexibility. The dimension of any paved parking area would be the length of a car space (parallel- 10 feet, single- 20 feet, tandem- 36 feet, etc.) with any leftover space over the required dimensions of a parking space dedicated towards landscaping or walkways, with Community Development Director approval. Planning Commission's and Staff's recommendation would avoid having a six or seven foot area of pavement between a structure and a rear property line on an alley where a car would be tempted to illegally park and cause congestion and potentially block emergency and other vehicle access on an alley. Landscaping would also help beautify alleys to create a more inviting environment where property owners and tenants could have pride of ownership.

Final Draft Plan

The Final Draft Plan revises the minimum rear yard setback requirements based on Planning Commission and Staff's recommendation; changing the minimum rear yard adjacent to alleys to zero, ten or twenty feet, or other dimensions, with a requirement for paved parking, landscaping,

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or a combination of both depending on the dimensions between the rear alley property line and the building, subject to Community Development Directors approval. Figure 6.8 on page 6.15 of the Final Draft Plan illustrates the revised rear yard setback requirement.

7. Optional Second-Story Stepback- Chapter 6

Draft Downtown Specific Plan

The Draft Plan introduces a new development standard for the CD Downtown Commercial zone called the “optional upper floor stepbacks from ground story frontages adjacent to sidewalks and/or pedestrian spaces” or optional second-story stepback for short. The Draft Plan further explains that “wherever stepbacks are utilized [on the second story], they must measure at least five feet deep for residential development and six feet deep for nonresidential development to provide adequate space for outdoor spaces, such as balconies”.

City Council Consensus

The City Council left the optional second-story stepback requirement in the Draft Plan.

Planning Commission Consensus

Planning Commission discussed the new standard and recommended that it be removed from the Final Draft Plan. The general consensus of the Planning Commission was the massing of Downtown buildings’ second-stories has not been an issue or a cause of concern, and that the optional second-story stepback does not provide any tangible benefit to the Downtown.

In addition, the Planning Commission felt that having the new optional second-story stepback standard would lead to uniformity in building form and design, thus decreasing the eclectic variety of Downtown architectural styles, and that it would also limit the creativity of architects and property owners who may want to stepback their building’s second-story less than the minimum five or six feet.

Final Draft Plan

The Final Draft Plan has been updated to reflect the Planning Commission’s direction.

8. Building Height/Stories – Chapter 6

Draft Downtown Specific Plan

No changes were proposed to the current maximum height, maximum stories allowed, or allowed exceptions to the maximum height limit (allowed exceptions are vent pipes, TV/radio antennas, chimneys, and solar panels in some instances). The height limit remained 30 feet in Area A and 26 feet in Area B, as shown in Figure 6.7 of the Draft Plan.

City Council Consensus

The City Council recommended that the maximum height and stories remain unchanged, and consideration be given for more exceptions to the height limit in Area B (see Figure 6.7 of the Draft Plan), specifically allowing mechanical equipment, solar panels, and pitched roofs with a slope equal to or greater than 4:12 to exceed the maximum height limit by two feet.

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Planning Commission Consensus

The Planning Commission came to a different consensus than the City Council on changes to the height regulations. The Planning Commission recommended allowing elevator shafts to exceed the height limit by two feet in Area B, with a maximum area of 10 feet by 10 feet and located in the rear half of the building. Some Commissioners felt this height exception was more useful after citing past projects where keeping the elevator shaft under the height limit was very difficult. Building and Safety standards often require elevators in two-story commercial buildings which further challenges architects and designers.

Planning Commission did not support allowing mechanical equipment and pitched roofs to exceed the height limit, feeling that the exceptions were unwarranted, and designers were not being constrained by the current height limit. The Commissioners expressed concern that allowing mechanical equipment to exceed the height limit would in effect create taller roof lines and thus larger buildings, as commercial buildings require significantly larger and more numerous mechanical equipment units compared to residential buildings. Since mechanical equipment on roofs must also be screened, the Commission felt that the associated screening of the mechanical equipment exceeding the height limit would further add to the effect of creating a continuous bulkier roofline which would in effect create the feeling of taller buildings with more massing.

During the Downtown walking tours staff held with City Councilmembers and Planning Commissioners, Staff pointed to 213 Manhattan Beach Boulevard, 1001 Manhattan Avenue, and 1100 Manhattan Avenue as three different buildings constructed in the last 10 years that were able to stay at or below the existing maximum height limit while:

- 1) having architecturally interesting and varied designs;
- 2) providing attractive commercial spaces with tall, retail-appropriate ceiling heights;
- 3) having different roof pitches; and,
- 4) fitting mechanical equipment at or below the maximum height limit.

Staff agreed with the Planning Commission and believes that the existing height limits, story limits, and exceptions to the height limit should remain the same as the Draft Plan proposes except for allowing elevator shafts to exceed the height limit by two feet in Area B, up to 28 feet total height, with certain conditions as outlined above.

Final Draft Plan

The Final Draft Plan has been updated to reflect the Planning Commission's direction.

9. Façade Transparency- Chapter 6

Draft Downtown Specific Plan

Regulations for "ground floor commercial façade transparency along sidewalks and pedestrian spaces" were included in the Draft Plan. The intent is to ensure that commercial buildings provide visual interest for pedestrians, helping to create lively streets with active street fronts. The Draft Specific Plan specified a minimum 7 percent storefront transparency, with windows measured between 2.5 feet and 8 feet above the finished ground floor.

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City Council Consensus

The City Council had general support for the 70 percent façade transparency requirements along primary streets as presented in the Draft Plan, but also requested other options for non-primary street frontages and asked Staff and Planning Commission to study the requirement further.

Planning Commission Consensus

Planning Commission recommended that the façade transparency requirement of 70 percent apply to all commercial spaces on Manhattan Beach Boulevard, Highland Avenue, and Manhattan Avenue. For corner properties located at the intersections of Manhattan Beach Boulevard and Highland Avenue, as well as Manhattan Beach Boulevard and Manhattan Avenue, Planning Commission recommended that a minimum of 70 percent facade transparency be provided for the primary frontage of the corner building, as determined by the Director of Community Development. The non-primary frontage of these corner buildings must attempt to meet a minimum 60 percent facade transparency. If 60 percent cannot be reached, due to structural limitations, extreme topographic situations or floor plan configuration, such as the location of offices, dressing rooms, safes, kitchens, mechanical equipment or similar constraints, architectural elements consistent with the Design Guidelines must be added to the non-primary frontage in order to create visual interest along the building side.

Final Draft Plan

The Final Draft Plan incorporates the Planning Commission's recommendations on minimum façade transparency and contains language that allows projects to become eligible for a Minor Exception and/or Variance if they do not meet the requirement.

10. Historic Preservation- Chapter 6

Draft Downtown Specific Plan

The Draft Plan established guidelines for historic preservation.

City Council Consensus

The City Council did not recommend any changes to this portion of the Draft Plan.

Planning Commission Consensus

The Planning Commission expressed concern with the Historic Preservation Design Guidelines and asked Staff to revise the language to better reflect the City's recently adopted Historic Preservation regulations. It is important to note that Chapter 6's guidance on Historic Preservation are guidelines, not regulations; and Staff believes they work in concert with the existing Historic Preservation standards.

Final Draft Plan

Staff has updated the Historic Preservation portion of the Design Guidelines in the Final Draft Plan to reflect the recently adopted Historic Preservation regulations.

11. Private Dining in the Public Right-of-Way- Chapter 6

Draft Downtown Specific Plan

The Draft Plan discussed private dining in the public right-of-way in Section 6.2F of the Design Guidelines. The Draft Plan did not propose any changes to the way the City regulates private

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dining in the public right-of-way. Private dining in the public right-of-way requires an Encroachment Permit for Sidewalk Dining, and is governed by MBMC 7.36.160.

City Council Consensus

City Council asked Staff to review the City's current sidewalk dining standards and enforcement procedures, and to follow up with any recommendations.

Planning Commission Consensus

The Planning Commission was supportive of maintaining options for outdoor dining in the public right-of-way, and for Code Enforcement staff to continue to educate restaurateurs about sidewalk dining standards and requirements.

Since meeting with Planning Commission, Planning staff has compiled data on the sidewalk clearance outside each restaurant in the Downtown that has private dining in the public right-of-way. The Draft Plan and the Municipal Code currently require a minimum of four feet of unobstructed sidewalk width be maintained at all times. Before collecting the data on existing Downtown businesses, Planning staff discussed the possibility of expanding the minimum sidewalk clearance from four feet to six feet. After reviewing the compiled data, Planning Staff does not believe the minimum sidewalk clearance should be expanded beyond four feet, as almost all of the existing restaurants would be prevented from keeping their outdoor dining. Staff is sensitive to those in the community who have voiced concern about blocked sidewalks from private dining tables and chairs in the public right-of-way. Staff believes the best way to balance the need for clear sidewalks with the benefits of outdoor dining is to better educate Downtown restaurateurs on the sidewalk standards and requirements.

Final Draft Plan Recommendation

The Final Draft Plan does not alter the minimum four feet of sidewalk clearance for private dining in the public right-of-way.