



Agenda Item #: 07/0403.14

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Laurie B. Jester, Senior Planner

DATE: April 3, 2007

SUBJECT: Consideration of Planning Commission Recommendation To Approve a Zoning Code Amendment (Title 10) and Local Coastal Program Amendment for the City Council 2005-2007 Work Plan Item on Mansionization Proposing New Restrictions for Combining (Merging) New Lots in Residential Zones.

RECOMMENDATION:

Staff recommends that the City Council **CONDUCT THE PUBLIC HEARING, WAIVE FURTHER READING AND INTRODUCE ORDINANCE NOS. 2098 and 2099.**

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action

BACKGROUND:

Each year the City Council adopts a Work Plan which identifies many of the important projects that will be addressed during the following year. On July 5, 2005 the City Council adopted the current 2005-2007 Work Plan which included Mansionization. On July 26, 2005 staff presented an issue paper on the topic at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission reviewed revisions at public hearings in October and November 2005 and made a recommendation to approve a maximum lot size which was considered by Council on December 6, 2005. At that meeting the City Council indicated that it felt that it was important instead to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee. The Committee met thirteen times, from February 2006 through March 2007 and developed recommendations, a portion of which are now before the City Council tonight as proposed Code Amendments.

On October 25, 2006 the Planning Commission conducted a public hearing, reviewed the Mansionization Committees recommendations, and directed staff to return with a Resolution recommending revisions to the Zoning Code and the Local Coastal Program. The Code Amendments reviewed by the Planning Commission on October 25th included the following revisions:

1. Lot Mergers
2. Encourage the retention of smaller homes, including:
 - a. Administratively allow 100% remodel and an increase in Buildable Floor Area (BFA) for existing non-conforming small homes with a limit of 66% to 75% of BFA or 3,000 SF, whichever is less:
 - b. Administratively, with neighborhood notification, allow 100% remodel and an increase in BFA for existing non-conforming homes with a limit of 66% to 75% of BFA, but no SF cap.
 - c. Remodel of existing home- Exception to bulk-volume additional 8% front yard setback/open space requirement if open space provided elsewhere.
 - d. Bulk Volume- Remodel of existing homes on corner lots-Allow a percentage of the 8% additional front yard open space to be provided on the streetside frontage; and,
3. Allow accessory structures on adjacent common ownership parcels.

The Commission requested minor changes to the Lot Mergers portion which were then presented on November 15, 2006. At that meeting the Planning Commission closed and tabled the public hearing as the City Council had expressed a preference for the entire Mansionization issue to be considered at one time rather than in separate components. In February 2007 the City Council provided further direction to staff and requested that just the lot merger changes be brought before the Planning Commission as the Mansionization Committee had not yet completed all of the other Code Amendment recommendations. In March 2007 the Committee completed the fourth, and last of their recommendations for Code Amendments, which relates to construction of new single family homes. These revisions for new homes are scheduled to be brought before the Planning Commission in May along with the changes to encourage the retention of existing smaller homes and allow the accessory use of adjacent common ownership parcels.

Outreach and community input

Mansionization is an issue that has been discussed by the City for over a decade with numerous Amendments having been made to the Zoning Code to address the community's concerns regarding residential development. There has been extensive public outreach to encourage public participation. Numerous formal public hearings have been held before the Planning Commission and City Council with notices, agendas and reports being posted on the City website, ¼ page display ads published in the newspaper, and notices posted at City Hall. Articles have been included in the Community Development Department quarterly newsletter that is distributed to hundreds of architects, contractors, designers and news articles have been published in local newspapers. Planning staff has made presentations to local realtor groups. Notices are placed at the Planning public counter and Planning staff regularly informs the public at the counter on the status of proposed Code revisions.

In February 2006 the City Council formed the Mansionization Committee in order to have a comprehensive look at the issue of mansionization. The Committee has a broad selection of residents that volunteered as interested residents; they were not appointed by the City Council. The Committee includes about 20 members, including architects, real estate agents, City Council and Planning Commission representatives and residents. The Committee is a broad cross section of the community with a wide variety of opinions on the issue of regulating residential development. The Committee has acted as a liaison to the community; discussing issues with friends and neighbors, drawing their opinions into the discussion and recommendations.

DISCUSSION:

Over the past few years a number of owners, predominantly in the RS (Single Family Residential) district have bought a neighboring lot and demolished the building on it, thus creating a double lot building site. In most cases the additional lot has been used only for supplemental yard which provides greater open space and buffer on one side. As such the second lot is not permanently part of the home site and may be sold off at any time. In other instances, an owner, after demolishing the second structure on the adjoining lot, has combined the lots and built a new home that extends over the line separating the two lots. In such cases the added land has often been used for larger yards, more evenly distributed around the home. The latter is what is referred to in this study as a combined lot or a lot merger. Lot mergers legally and permanently join two or more lots together.

Currently, there are minimum lot size standards but no limits on the maximum size of a lot, or the maximum square footage of homes, except for the maximum Buildable Floor Area (BFA), which is a percentage of the lot size. The trend has been as two or more standard size lots are merged, the homes tend not to maximize their BFA but provide more open yard area, and/or increased parking. In other instances a property owner will purchase an adjacent vacant lot and use it strictly for open space without any structures and without merging the two parcels, so that in the future the "open space" lot could be developed with a new home.

The City has approved an average of just over one lot merger per year over the past nine years. These applications are approved administratively if all of the Code standards are met when the lots are merged. Although the BFA's are generally not maximized when lots are merged, the public view of new homes from the street is often more pronounced as the home, as well as the lot, is wider. Additionally, the pattern of development within a neighborhood is altered as there are new larger lots mixed in with the existing standard size lots, and the orientation of front yards may be altered. Attachment C. provides a list of addresses, including lot size, and BFA, where two or more lots have been merged over the past nine years.

Under the current code, a building site comprised of two or more merged lots may develop to the maximum that is set forth in the development regulations. The codes contain limits or allowances based on certain building site attributes. For example, the building height limit is based on the existing ground elevation at the site's four boundary corners and the amount of building floor area allowed is limited to a percentage of the total lot or site area.

Throughout the course of the Mansionization Committee's deliberations this past year, there was debate and differences in opinion regarding the relationship of lot mergers to Mansionization and possible solutions. Some members felt strongly that strict controls should be applied to development on sites comprised of as few as two lots. Others expressed strong concern that such changes would significantly impact private property development rights and should be carefully considered. Staff is striving to provide a balanced approach to addressing all of the views expressed. The revisions to the Code are proposed to address the comments and concerns from the Mansionization Committee, Planning Commission and the community, as well as the direction provided by the City Council. Based on the goals established by the Committee, to preserve neighborhood character, to preserve quality open space and provide adequate space around homes, the Committee developed a compromise proposal that applies to building sites created with combined or merged lots.

Proposed Code revisions

The attached Planning Commission staff report (Attachment E) provides a complete description of the Lot Merger changes. The following are the major elements of the proposed Code Amendments as detailed in Ordinances Nos. 2098 (Zoning Code) and 2099 (Local Coastal Program), included as attachments A and B:

1. **A clear purpose statement** is included to clarify the intent of the proposed development policy.
2. **Applies only to new mergers:** The proposed regulations would apply only to multiple lot building sites that meet the new area criteria, if merged after the effective date of the ordinance. The proposed ordinance would not apply to existing building sites that contain multiple adjoining lots under common ownership that have been legally merged prior to the effective date of the ordinance. Existing common ownership lots with a total combined building site that meets the new area criteria, with existing structures that cross property lines but that have not been legally merged would be subject to the new regulations.
3. **Has limits based on size of merged sites:** The proposal would be enforced for mergers containing lot area between approximately 2 and 3 times the typical lot size in a particular neighborhood. Merged lots containing less than 2 times the typical size would not be affected by the proposed standards. New lots having more than 3 times the typical lot size would be prohibited. For example, in Area District I the minimum lot size standard is 7,500 square feet, and the Committee proposal would set new standards for merged sites greater than 15,000 square feet (2 times 7,500) and less than 22,500 square feet (3 times 7,500). A future merger or subdivision that would create a site with 22,500 square feet or more would not be allowed.

The proposed range of lot area for each area of the City is based on the applicable minimum lot area (which sets the standard for subdivision, and ensures cohesive neighborhood development). The individual factors (e.g. for Area District II, range of 2.3 to 3.5 times the minimum lot area) being proposed are based on the range of typical lot sizes found within each Area District. This proposal cannot set different standards for each subdivision because enforcement would be too complex and be very difficult to enforce. If the ranges were too simple (e.g. just between 2 and 3 times), then the proposed standard would possibly apply to too few or too many lots within each area. For reference purposes a Zoning Map that shows the Area Districts is attached (Exhibit E).

4. **Establishes new standards:** The proposed regulations would:
 - **Require supplemental open space** on the ground located adjacent to a setback (including side yards). The intent is to ensure that setback area that would be lost between buildings on separate lots would be provided on a merged site and would have to be located around the outside perimeter of the home to mitigate bulk (as opposed to an interior open courtyard).

- **Require a reduction in building height** for a portion of the building (to be applicable to new buildings only). This is intended to modulate the exterior building walls and mitigate bulk.
- **Limit the overall building area** to no more than 66% of the amount of buildable floor area (BFA) allowed, to mitigate bulk.
- **Require perimeter fencing** (if proposed) to have variation to preclude the appearance of a fortress or compound and to blend new buildings on merged lots with traditional development patterns on surrounding standard lots.

Planning Commission meeting comments

At the Planning Commission public hearing on March 14th, there were 13 residents that provided input on the proposed Lot Merger revisions, including several members of the Mansionization Committee. There was a wide variety of opinions expressed at the meeting; some supported the proposal, others felt there should be no regulations at all, some felt that mergers should not be allowed at all and others stated that mergers should be limited to three lots with no other regulations. Several property owners with large unmerged lots with multi-family residential units legally built over the property lines felt that their lots should be exempt from the new requirements, just as existing merged lots are exempt. One resident and member of the Committee indicated that there were only one or two dozen of these large unmerged lots and he had personally contacted about ½ of all of those property owners; those west of Sepulveda.

The Planning Commission discussion focused on the need to provide a balance between preserving private property rights and preserving the small town character of the neighborhoods and community, including reducing residential bulk, and maintaining quality private open space. The Commission discussed existing large unmerged lots that are currently developed and used as single lots and felt that it was important as the structures on those lots reach the end of their economic life that any new construction conform to current standards. The Commission emphasized that currently there are no regulations at all on lot mergers, and it is important to proactively develop standards before residential lots are developed out of scale with the neighborhood which would be a detriment. The overall consensus of the Commission was that the recommendation of the Mansionization Committee was a reasonable compromise balancing all the varying opinions of the community.

The Planning Commission recommended approval of the Lot Merger Code Amendments with a 4:0 vote. If the Council introduces the Ordinances tonight then the second reading and adoption will be scheduled for April 17th and if adopted the Ordinances will become effective in 30 days. The Local Coastal Program Amendment will also be submitted to the California Coastal Commission for final certification, which will take several months before it is adopted.

CONCLUSION:

Staff recommends that the City Council conduct the public hearing, review the proposed Amendments, waive further reading and introduce the attached draft Ordinances Nos. 2098 (Zoning Code) and 2099 (Local Coastal Program) for approval of Code Amendments related to lot mergers.

- Attachments:
- A. Draft City Council Ordinance No. 2098- (Zoning Code)
 - B. Draft City Council Ordinance No. 2099- (Local Coastal Program)
 - C. Chart of Merged Lots-Size and BFA

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- D. Planning Commission Resolution No. PC 07-02
- E. Planning Commission minute excerpts, staff report, and attachments –
March 14, 2007
- F. Zoning Map

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ORDINANCE NO. 2098

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING AMENDMENTS TO THE CITY OF MANHATTAN BEACH MUNICIPAL CODE (THE ZONING ORDINANCE) TO ADDRESS MANSIONIZATION (LOT MERGERS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California, does hereby find, determine and declare as follows:

WHEREAS, on June 24, 2005, the City Council held a special session and developed the 2005-2007 Work Plan and on July 5, 2005, the City Council amended and formally adopted the 2005-2007 Work Plan, which included an item on Mansionization, and;

WHEREAS, on July 26, 2005 staff presented an issue paper on Mansionization at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions and made a recommendation to approve a maximum lot size which was considered by Council on December 6, 2005, and;

WHEREAS, on December 6, 2005 the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee in order to take a comprehensive approach to mansionization, and;

WHEREAS, the Committee met twelve times, from February 2006 through February 2007 and developed recommendations that were then presented to the Planning Commission, and;

WHEREAS, pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 25, 2006 which was continued to November 15, 2006 and public testimony was invited and received, regarding the Mansionization Committees recommendations for proposed Code Amendments including:

1. Establishment of development standards for new residential lot mergers throughout the City.
2. Modification of residential development and Minor Exception regulations to encourage retention of small homes.
3. Modification of residential development regulations to allow accessory structures on properties when the related primary structure is on an adjacent lot and under same ownership.

WHEREAS, public notice for the October 25th meeting included a one-quarter page display ad published on October 5, 2006 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach, and;

WHEREAS, on November 15, 2006, the Planning Commission closed and tabled the public hearing as the City Council had expressed a preference for the entire Mansionization issue to be considered at one time rather than in separate components. A future hearing at an undetermined date, would be renoticed as a new public hearing, and;

WHEREAS, in February 2007 the City Council provided further direction to staff and requested that just the lot merger changes be brought before the Planning Commission as the Mansionization Committee had not yet completed all of the other Code Amendments, and;

WHEREAS, pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on March 14, 2007 and public testimony was invited and received, regarding the Mansionization Committee's recommendations for proposed Code Amendments for the establishment of



development standards for new residential lot mergers throughout the City and after accepting public input and discussing the item, the Planning Commission adopted Resolution No. PC 07 -02, recommending to the City Council revisions related to lot mergers, and;

WHEREAS, public notice for the March 14th meeting included a one-quarter page display ad published on March 1, 2007 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on April 3, 2007, on the proposed Code Amendments regarding the Mansionization Committee's and Planning Commissions recommendations for proposed Code Amendments for the establishment of development standards for new residential lot mergers throughout the City and after accepting public input and discussing the item, the City Council introduced Ordinance No. 2098, and;

WHEREAS, the public hearing held by the City Council was advertised by a ¼ page ad published on March 22, 2007 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was mailed to interested parties of record, and;

WHEREAS, the applicant for the subject project is the City of Manhattan Beach, and;

WHEREAS, the subject amendments are proposed in recognition that a *mansionization* trend is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots, appearing out of scale and resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. In addition, it is recognized that construction of large homes that have minimum setbacks and maximum building floor area may result in a decrease of open space and landscaping. Such effects can be controlled in part by limiting the size of a single building site created by merging two or more lots, and;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (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, and;

WHEREAS, the proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code, and;

WHEREAS, the City Council finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

WHEREAS, the proposed amendment to the Title 10 of the Municipal Code (Zoning Ordinance) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-1 of the Land Use Element which seeks to maintain the low-profile development and small-town atmosphere of Manhattan Beach. By limiting the size of lot mergers, requiring additional open space, reducing building height, reducing buildable floor area, and regulating perimeter fencing on larger lots the low-profile development and small-town atmosphere of Manhattan Beach will be maintained.

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood's unique characteristics. By limiting the size of lot mergers, the patterns of existing lots and development will be maintained.

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting merged lot site size, home size may be controlled, thereby conserving open space and yards, including existing mature

vegetation and plantings. Additional ground level open space requirements on larger merged lots will also potentially preserve and encourage private open space.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. By limiting the size of merged lot building sites, standard sized lots in the City will be encouraged to remain available for development of separate housing units.

SECTION 2. The City Council of the City of Manhattan Beach hereby amends Section 10.12.030 of the Manhattan Beach Municipal Code by inserting an additional regulation (K) entitled "Development Standards For Merged Lots" and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section 10.12.030 entitled "Property Development Standards For Area Districts I and II" and "Property Development Standards For Area Districts III and IV" and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I RS	Area District I RM	Area District I RH	Area District II RS	Area District II RM	Area District II RH	Additional Regulations
Minimum Lot Dimensions							
Area (sq. ft) Minimum	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) (K)
Maximum	22,500	22,500	22,500	16,200	16,200	16,200	
Minimum Width (ft)	50	50	50	40	40	40	

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III RS	Area District III RM	Area District III RH	Area District IV RH	Additional Regulations
Minimum Lot Dimensions					
Area (sq. ft) Minimum	2,700	2,700	2,700	2,700	(A) (B) (C) (J) (K)
Maximum	10,500	10,500	10,500	10,500	
Minimum Width (ft)	30	30	30	30	

(K) Minimum and maximum numbers of lot area represent a range of permitted lot area applicable to new subdivisions and building sites created by merging lots or portions of lots. See 10.12.060 Development on Merged Lots for applicable regulations.

SECTION 3. The City Council of the City of Manhattan Beach hereby adds new Section 10.12.060 to the Manhattan Beach Municipal Code, entitled "Development on Merged Lots" as follows:

10.12.060 Development on Merged Lots

The intent of this section is to ensure that the merging of multiple parcels into significantly larger building sites and the development thereon will not create undesirable impacts to a neighborhood. Such impacts resulting from unusually large buildings may include: changing the character of a neighborhood due to disruption of lot size and/or orientation pattern, loss of privacy, open space and vegetation, shadowing of adjoining property and visual bulk impacts.

- A. **Applicability.** The standards of subsection (B) below are supplemental to other development standards of this Chapter, and shall apply to sites proposed to be merged containing lots or portions of lots with a combined lot area as follows:

Area District I: Between 15,000 square feet and 22,500 sq. feet. Mergers that would result in a combined lot area exceeding 22,500 square feet are not permitted.

Area District II: Between 10,800 square feet and 16,200 square feet. Mergers that would result in a combined lot area exceeding 16,200 square feet are not permitted.

Area Districts III & IV: Between 6,999 square feet and 10,500 square feet. Mergers that would result in a combined lot area exceeding 10,500 square feet are not permitted.

- B. **Lot Merger Standards.** Development on merged residential sites shall comply with the following findings and standards as determined by the Director of Community Development:

1. The proposed merged site and development on the site will be consistent with and blend with the standard pattern of building setback/yard locations and orientation of the building to the adjoining street(s).
2. The bulk of the structure will be adequately mitigated by:

a. Additional (yard area) open space. In addition to the minimum setback area and usable open space (if applicable) that is required for the site, additional ground open space (area not covered by a building or roof) has been provided. The additional open space shall be (contiguous with) located adjacent to a required set back (a portion of which shall include side yards) and of an amount equivalent to at least 2 times the setback area that otherwise would be required if the property were to be developed as individual lots (i.e. "makeup setback" area).

b. Reduced building height. (applicable only to sites with new homes). Building height shall be reduced by at least 8 feet (less than the allowed limit) for at least 25% of the total building (footprint) area. A portion of said reduced height area shall be located adjacent to a required setback.

c. Reduced building size. The total buildable floor area shall not exceed 66% of the amount of buildable floor area allowed.

d. Site perimeter fencing design. At least two-thirds of the total length of fencing (including hedges) surrounding the site where located adjacent to a right of way shall be composed of an open material. In addition, the entire site perimeter fence adjacent to a right of way shall have one or more of the following: a variable setback, variable height or be composed of a mix of materials. The purpose of this regulation is to discourage the building site from appearing as a large compound or estate.

- C. **Exemption.** Properties that are zoned RM, RH and CL in Area Districts I and II that are

developed with three or more dwelling units shall be exempt from the requirements of this section in order to encourage development of multi-family housing.

- D. Existing Merged Lots. Any building site composed of merged lots in excess of the combined lot area as prescribed in this Section, which has been legally created or approved prior to (date of approval of this Ordinance) is exempt from this Section.
- E. Appeals. Determinations made by the Director of Community Development regarding the applicability of this section may be appealed to the Planning Commission in accordance with provisions of Chapter 10.100.

SECTION 4. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 5. Any provisions of the City of Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7. A staff review of the proposed amendments per Section 2 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 8. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 9. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2007.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

By 
City Attorney

ORDINANCE NO. 2099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING AMENDMENTS TO THE CITY OF MANHATTAN BEACH COASTAL ZONE ZONING ORDINANCE TO ADDRESS MANSIONIZATION (LOT MERGERS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

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WHEREAS, on July 26, 2005 staff presented an issue paper on Mansionization at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions and made a recommendation to approve a maximum lot size which was considered by Council on December 6, 2005, and;

WHEREAS, on December 6, 2005 the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee in order to take a comprehensive approach to mansionization, and;

WHEREAS, the Committee met twelve times, from February 2006 through February 2007 and developed recommendations that were then presented to the Planning Commission, and;

WHEREAS, pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 25, 2006 which was continued to November 15, 2006 and public testimony was invited and received, regarding the Mansionization Committees recommendations for proposed Code Amendments including:

1. Establishment of development standards for new residential lot mergers throughout the City.
2. Modification of residential development and Minor Exception regulations to encourage retention of small homes.
3. Modification of residential development regulations to allow accessory structures on properties when the related primary structure is on an adjacent lot and under same ownership.

WHEREAS, public notice for the October 25th meeting included a one-quarter page display ad published on October 5, 2006 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach, and;

WHEREAS, on November 15, 2006, the Planning Commission closed and tabled the public hearing as the City Council had expressed a preference for the entire Mansionization issue to be considered at one time rather than in separate components. A future hearing at an undetermined date, would be renoticed as a new public hearing, and;

WHEREAS, in February 2007 the City Council provided further direction to staff and requested that just the lot merger changes be brought before the Planning Commission as the Mansionization Committee had not yet completed all of the other Code Amendments, and;

WHEREAS, pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on March 14, 2007 and public testimony was invited and received, regarding the Mansionization Committee's recommendations for proposed Code Amendments for the establishment of



development standards for new residential lot mergers throughout the City and after accepting public input and discussing the item, the Planning Commission adopted Resolution No. PC 07-02, recommending to the City Council revisions related to lot mergers, and;

WHEREAS, public notice for the March 14th meeting included a one-quarter page display ad published on March 1, 2007 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on April 3, 2007, on the proposed Code Amendments regarding the Mansionization Committee's and Planning Commissions recommendations for proposed Code Amendments for the establishment of development standards for new residential lot mergers throughout the City and after accepting public input and discussing the item, the City Council introduced Ordinance No. 2099, and;

WHEREAS, the public hearing held by the City Council was advertised by a ¼ page ad published on March 22, 2007 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was mailed to interested parties of record, and;

WHEREAS, the applicant for the subject project is the City of Manhattan Beach, and;

WHEREAS, the subject amendments are proposed in recognition that a *mansionization* trend is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots, appearing out of scale and resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. In addition, it is recognized that construction of large homes that have minimum setbacks and maximum building floor area may result in a decrease of open space and landscaping. Such effects can be controlled in part by limiting the size of a single building site created by merging two or more lots, and;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (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, and;

WHEREAS, the proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code, and;

WHEREAS, the City Council finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

WHEREAS, the proposed amendment to the Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-1 of the Land Use Element which seeks to maintain the low-profile development and small-town atmosphere of Manhattan Beach. By limiting the size of lot mergers, requiring additional open space, reducing building height, reducing buildable floor area, and regulating perimeter fencing on larger lots the low-profile development and small-town atmosphere of Manhattan Beach will be maintained.

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood's unique characteristics. By limiting the size of lot mergers, the patterns of existing lots and development will be maintained.

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting merged lot site size, home size may be controlled, thereby conserving open space and yards, including existing mature vegetation and plantings. Additional ground level open space requirements on larger

merged lots will also potentially preserve and encourage private open space.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. By limiting the size of merged lot building sites, standard sized lots in the City will be encouraged to remain available for development of separate housing units.

WHEREAS, the proposed amendments to the Manhattan Beach Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following policies of the City's certified Local Coastal Program:

Policy II.B.1: Maintain building scale in coastal zone residential neighborhoods consistent with coastal zoning regulations.

Policy II.B.2: Maintain residential building bulk control established by development standards contained in the Local Coastal Program Implementation Plan.

SECTION 2. The City Council of the City of Manhattan Beach hereby amends Section A.12.030 of the Coastal Zone Zoning Ordinance by adding an additional regulation (K) entitled "Development Standards For Merged Lots" and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section A.12.030 entitled "Property Development Standards For Area Districts III and IV" and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III RS	Area District III RM	Area District III RH	Area District IV RH	Additional Regulations
Minimum Lot Dimensions					
Area (sq. ft)					(A) (B) (C) (J)
<u>Minimum</u>	2,700	2,700	2,700	2,700	(K)
<u>Maximum</u>	10,500	10,500	10,500	10,500	
<u>Minimum</u> Width (ft)	30	30	30	30	

(K) Minimum and maximum numbers of lot area represent a range of permitted lot area applicable to new subdivisions and building sites created by merging lots or portions of lots. See A.12.060 Development on Merged Lots for applicable regulations.

SECTION 3. The City Council of the City of Manhattan Beach hereby adds new Section A.12.060 to the Manhattan Beach Coastal Zone Zoning Ordinance, entitled "Development on Merged Lots" as follows:

A.12.060. Development on Merged Lots

The intent of this section is to ensure that the merging of multiple parcels into significantly larger building sites and the development thereon will not create undesirable impacts to a neighborhood. Such impacts resulting from unusually large buildings may include: changing the character of a neighborhood due to disruption of lot size and/or orientation pattern, loss of privacy, open space and vegetation, shadowing of adjoining property and visual bulk impacts.

- A. **Applicability.** The standards of subsection (B) below are supplemental to other development standards of this Chapter, and shall apply to sites proposed to be merged containing lots or portions of lots with a combined lot area as follows:
- Area Districts III & IV: Between 6,999 square feet and 10,500 square feet. Mergers that would result in a combined lot area exceeding 10,500 square feet are not permitted.
- B. **Lot Merger Standards.** Development on merged residential sites shall comply with the following findings and standards as determined by the Director of Community Development:
1. The proposed merged site and development on the site will be consistent with and blend with the standard pattern of building setback/yard locations and orientation of the building to the adjoining street(s).
 2. The bulk of the structure will be adequately mitigated by:
 - a. **Additional (yard area) open space.** In addition to the minimum setback area and usable open space (if applicable) that is required for the site, additional ground open space (area not covered by a building or roof) has been provided. The additional open space shall be (contiguous with) located adjacent to a required set back (a portion of which shall include side yards) and of an amount equivalent to at least 2 times the setback area that otherwise would be required if the property were to be developed as individual lots (i.e. "makeup setback" area).
 - b. **Reduced building height.** (applicable only to sites with new homes). Building height shall be reduced by at least 8 feet (less than the allowed limit) for at least 25% of the total building (footprint) area. A portion of said reduced height area shall be located adjacent to a required setback.
 - c. **Reduced building size.** The total buildable floor area shall not exceed 66% of the amount of buildable floor area allowed.
 - d. **Site perimeter fencing design.** At least two-thirds of the total length of fencing (including hedges) surrounding the site where located adjacent to a right of way shall be composed of an open material. In addition, the entire site perimeter fence adjacent to a right of way shall have one or more of the following: a variable setback, variable height or be composed of a mix of materials. The purpose of this regulation is to discourage the building site from appearing as a large compound or estate.
- C. **Existing Merged Lots.** Any building site composed of merged lots in excess of the combined lot area as prescribed in this Section, which has been legally created or approved prior to (date of approval of this Ordinance) is exempt from this Section.
- D. **Appeals.** Determinations made by the Director of Community Development regarding the applicability of this section may be appealed to the Planning Commission in accordance with provisions of Chapter A.100.

SECTION 4. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 5. Any provisions of the City of Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each

section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7. A staff review of the proposed amendments per Section 2 of this Ordinance is hereby directed to occur approximately twelve (12) months after the effective date of this Ordinance.

SECTION 8. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 9. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2007.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

By 

City Attorney

LOT MERGES- 1999-2007

ADDRESS	ZONE/AD/ MIN LOT SIZE	LOT SIZE	EXISTING REGULATIONS		IMPACT OF PROPOSED ORDINANCE	
			MAXIMUM ALLOWED BFA	BFA AND % OF MAXIMUM ALLOWED BFA	IF NEW MERGER, SUBJECT TO NEW REGULATIONS	PROPOSED BFA ALLOWED
250 Dianthus	RS/ AD I / 7,500	14,375	9,584	7,353 77%	NO	NO CHANGE
212 Anderson	RS/AD I 7,500	13,000	8,690	7,485 86%	NO	NO CHANGE
113& 119 S. Poinsettia	RS/AD I 7,500	12,500	8,365	7,960 95%	NO	NO CHANGE
1015 1 st St.	RS/AD I 7,500	13,200	8,820	6,992 79%	NO	NO CHANGE
525 15 th St.	RS/AD II 4,600	10,545	7,094	4,862 69%	NO	NO CHANGE
533 15 th St.	RS/AD II 4,600	7,700	5,630	4,859 86%	NO	NO CHANGE
720 & 724 33 rd St.	RS/AD II 4,600	10,981	7,378	3,504 47%	YES	4,870
621 13 th St.	RS/AD III 2,700	4,215	6,745	5,816 86%	NO	NO CHANGE
1616 Strand	RM/ AD III 2,700	6,327	10,123	6,195 61%	NO	NO CHANGE
212-220 Strand	RM/ AD III 2,700	9,996	15,993	13,825 86%	YES	10,555
1216/1220 Strand	RH/AD III 2,700	6,666	11,332	10,233 90%	NO	NO CHANGE

RESOLUTION NO. PC 07-02

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MANHATTAN BEACH
RECOMMENDING THAT THE MANHATTAN
BEACH MUNICIPAL CODE (THE ZONING
ORDINANCE) AND LOCAL COASTAL PROGRAM
(COASTAL ZONE ZONING ORDINANCE) BE
AMENDED TO ADDRESS MANSIONIZATION (LOT
MERGERS) IN RESIDENTIAL NEIGHBORHOODS
THROUGHOUT THE CITY**

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. On June 24, 2005, the City Council held a special session and developed the 2005-2007 Work Plan and on July 5, 2005, the City Council amended and formally adopted the 2005-2007 Work Plan, which included an item on Mansionization.
- B. On July 26, 2005 staff presented an issue paper on Mansionization at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions and made a recommendation to approve a maximum lot size which was considered by Council on December 6, 2005.
- C. On December 6, 2005 the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee in order to take a comprehensive approach to mansionization.
- D. The Committee met twelve times, from February 2006 through February 2007 and developed recommendations that were then presented to the Planning Commission.
- E. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 25 which was continued to November 15, 2006 and public testimony was invited and received, regarding the Mansionization Committees recommendations for proposed Code Amendments including:
 - a. Establishment of development standards for new residential lot mergers throughout the City.
 - b. Modification of residential development and Minor Exception regulations to encourage retention of small homes.

EXHIBIT

D

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- c. Modification of residential development regulations to allow accessory structures on properties when the related primary structure is on an adjacent lot and under same ownership.
- F. Public notice for the October 25th meeting included a one-quarter page display ad published on October 5, 2006 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- G. On November 15, 2006, the Planning Commission closed and tabled the public hearing as the City Council had expressed a preference for the entire Mansionization issue to be considered at one time rather than in separate components. A future hearing at an undetermined date, would be renoticed as a new public hearing
- H. In February 2007 the City Council provided further direction to staff and requested that just the lot merger changes be brought before the Planning Commission as the Mansionization Committee had not yet completed all of the other Code Amendments.
- I. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on March 14, 2007 and public testimony was invited and received, regarding the Mansionization Committee's recommendations for proposed Code Amendments for the establishment of development standards for new residential lot mergers throughout the City.
- J. Public notice for the March 14th meeting included a one-quarter page display ad published on March 1, 2007 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- K. The applicant for the subject project is the City of Manhattan Beach.
- L. The subject amendments are proposed in recognition that a *mansionization* trend is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots, appearing out of scale and resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. In addition, it is recognized that construction of large homes that have minimum setbacks and maximum building floor area may result in a decrease of open space and landscaping. Such effects can be controlled in part by limiting the size of a single building site created by merging two or more lots.
- M. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (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

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that the activity will have a significant effect on the environment, the activity is not subject to CEQA.

- N. The proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code.
- O. The Planning Commission finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- P. The proposed amendment to the Title 10 of the Municipal Code (Zoning Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-1 of the Land Use Element which seeks to maintain the low-profile development and small-town atmosphere of Manhattan Beach. By limiting the size of lot mergers, requiring additional open space, reducing building height, reducing buildable floor area, and regulating perimeter fencing on larger lots the low-profile development and small-town atmosphere of Manhattan Beach will be maintained.

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood's unique characteristics. By limiting the size of lot mergers, the patterns of existing lots and development will be maintained.

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting merged lot site size, home size may be controlled, thereby conserving open space and yards, including existing mature vegetation and plantings. Additional ground level open space requirements on larger merged lots will also potentially preserve and encourage private open space.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. By limiting the size of merged lot building sites, standard sized lots in the City will be encouraged to remain available for development of separate housing units.

- Q. The proposed amendments to the Manhattan Beach Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following policies of the City's certified Local Coastal Program:

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Policy II.B.1: Maintain building scale in coastal zone residential neighborhoods consistent with coastal zoning regulations.

Policy II.B.2: Maintain residential building bulk control established by development standards contained in the Local Coastal Program Implementation Plan.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 of the Manhattan Beach Municipal Code by inserting an additional regulation (K) entitled “Development Standards For Merged Lots” and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section 10.12.030 entitled “Property Development Standards For Area Districts I and II” and “Property Development Standards For Area Districts III and IV” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	<u>Area District I</u> RS	<u>Area District I</u> RM	<u>Area District I</u> RH	<u>Area District II</u> RS	<u>Area District II</u> RM	<u>Area District II</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>							(A) (B) (C) <u>(K)</u>
<u>Area (sq. ft) Minimum</u>	7,500	7,500	7,500	4,600	4,600	4,600	
<u>Maximum</u>	<u>22,500</u>	<u>22,500</u>	<u>22,500</u>	<u>16,200</u>	<u>16,200</u>	<u>16,200</u>	
<u>Minimum Width (ft)</u>	50	50	50	40	40	40	

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					(A) (B) (C)
<u>Area (sq. ft)</u>					

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<u>Minimum</u>	2,700	2,700	2,700	2,700	(J) (K)
<u>Maximum</u>	10,500	10,500	10,500	10,500	
<u>Minimum</u>					
<u>Width (ft)</u>	30	30	30	30	

(K) Minimum and maximum numbers of lot area represent a range of permitted lot area applicable to new subdivisions and building sites created by merging lots or portions of lots. See 10.12.060 Development on Merged Lots for applicable regulations.

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section A.12.030 of the Coastal Zone Zoning Ordinance by adding an additional regulation (K) entitled “Development Standards For Merged Lots” and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section A.12.030 entitled “Property Development Standards For Area Districts III and IV” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					
<u>Area (sq. ft)</u>					(A) (B) (C)
<u>Minimum</u>	2,700	2,700	2,700	2,700	(J) (K)
<u>Maximum</u>	10,500	10,500	10,500	10,500	
<u>Minimum Width (ft)</u>	30	30	30	30	

(K) Minimum and maximum numbers of lot area represent a range of permitted lot area applicable to new subdivisions and building sites created by merging lots or portions of lots. See A.12.060 Development on Merged Lots for applicable regulations.

SECTION 4. The Planning Commission of the City of Manhattan Beach hereby

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recommends adding new Section 10.12.060 and A.12.060 to the Manhattan Beach Municipal Code and Manhattan Beach Coastal Zone Zoning Ordinance, entitled "Development on Merged Lots" as follows:

10.12.060 /A.12.060. Development on Merged Lots

The intent of this section is to ensure that the merging of multiple parcels into significantly larger building sites and the development thereon will not create undesirable impacts to a neighborhood. Such impacts resulting from unusually large buildings may include: changing the character of a neighborhood due to disruption of lot size and/or orientation pattern, loss of privacy, open space and vegetation, shadowing of adjoining property and visual bulk impacts.

- A. **Applicability.** The standards of subsection (B) below are supplemental to other development standards of this Chapter, and shall apply to sites proposed to be merged containing lots or portions of lots with a combined lot area as follows:

Area District I: Between 15,000 square feet and 22,500 sq. feet. Mergers that would result in a combined lot area exceeding 22,500 square feet are not permitted.

Area District II: Between 10,800 square feet and 16,200 square feet. Mergers that would result in a combined lot area exceeding 16,200 square feet are not permitted.

Area Districts III & IV: Between 6,999 square feet and 10,500 square feet. Mergers that would result in a combined lot area exceeding 10,500 square feet are not permitted.

- B. **Lot Merger Standards.** Development on merged residential sites shall comply with the following findings and standards as determined by the Director of Community Development:
1. The proposed merged site and development on the site will be consistent with and blend with the standard pattern of building setback/yard locations and orientation of the building to the adjoining street(s).
 2. The bulk of the structure will be adequately mitigated by:
 - a. Additional (yard area) open space. In addition to the minimum setback area and usable open space (if applicable) that is required for the site, additional ground open space (area not covered by a building or roof) has been provided. The additional open space shall be (contiguous with) located adjacent to a required set back (a portion of which shall include side yards) and of an amount equivalent to at least 2 times the setback area that otherwise would

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be required if the property were to be developed as individual lots (i.e. "makeup setback" area).

b. Reduced building height. (applicable only to sites with new homes). Building height shall be reduced by at least 8 feet (less than the allowed limit) for at least 25% of the total building (footprint) area. A portion of said reduced height area shall be located adjacent to a required setback.

c. Reduced building size. The total buildable floor area shall not exceed 66% of the amount of buildable floor area allowed.

d. Site perimeter fencing design. At least two-thirds of the total length of fencing (including hedges) surrounding the site where located adjacent to a right of way shall be composed of an open material. In addition, the entire site perimeter fence adjacent to a right of way shall have one or more of the following: a variable setback, variable height or be composed of a mix of materials. The purpose of this regulation is to discourage the building site from appearing as a large compound or estate.

- C. Exemption. Properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall be exempt from the requirements of this section in order to encourage development of multi-family housing.
- D. Existing Merged Lots. Any building site composed of merged lots in excess of the combined lot area as prescribed in this Section, which has been legally created or approved prior to (date of approval of this Ordinance) is exempt from this Section.
- E. Appeals. Determinations made by the Director of Community Development regarding the applicability of this section may be appealed to the Planning Commission in accordance with provisions of Chapter 10.100.

SECTION 6. A staff review of the proposed amendments is hereby directed to occur approximately twelve (12) months after the effective date of the Ordinance.

SECTION 7. 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.

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SECTION 8. If any sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this resolution. The Planning Commission hereby declares that it would have passed this resolution and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 9. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this resolution, and no further, are hereby repealed.

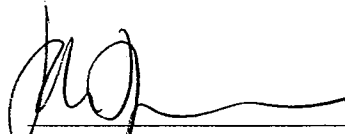
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of March 14, 2007 and that said Resolution was adopted by the following votes:

AYES: Chairman Bohner, Vice-chairman Lesser,
Commissioners Schlager and Powell

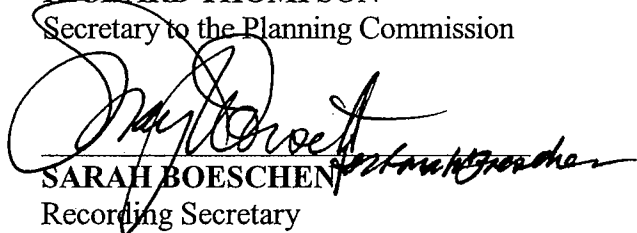
NOES: None

ABSENT: None

ABSTAIN: None



RICHARD THOMPSON
Secretary to the Planning Commission



SARAH BOESCHEN
Recording Secretary

**CITY OF MANHATTAN BEACH
EXCERPTS OF THE MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
MARCH 14, 2007**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, March 14, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

8
9 Members Present: Lesser, Powell, Schlager, Chairman Bohner
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Laurie Jester, Senior Planner
13 Daniel Moreno, Associate Planner
14 Eric Haaland, Associate Planner
15 Sarah Boeschen, Recording Secretary
16

17 **APPROVAL OF MINUTES** February 28, 2007

18
19 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the minutes of February
20 23, 2007,.

21
22 AYES: Lesser, Powell, Schlager, Chairman Bohner
23 NOES: None
24 ABSENT: None
25 ABSTAIN: None
26

27 **AUDIENCE PARTICIPATION**

28
29 **Portia Cohen** said that she is resigning from her position on the Planning Commission to focus
30 on her new responsibilities as a City Council member. She commented that she has had the
31 honor and pleasure of working with each of the Commissioners since June of 2006. She
32 commented that each of the Commissioners has contributed to her knowledge and understanding
33 of the City, and she has had the benefit of learning from their discussions. She said that she
34 looks forward to working with the Commission in her capacity on the Council. She thanked
35 Director Thompson and staff for their dedication and hard work for the City.

36
37 Commissioner Lesser congratulated **Council Member Cohen**. He stated that she has provided a
38 wonderful balance to the Commission in her questions, analysis and conscientiousness with
39 regard to environmentally friendly architecture and other issues.
40

EXHIBIT
E

PLANNING COMMISSION MINUTES EXCERPTS

March 14, 2007

Page 2

1 Commissioner Schlager and Chairman Bohner indicated that they echo the comments of
2 Commissioner Lesser.

3
4 Commissioner Powell presented **Council Member Cohen** with a plaque on behalf of the
5 Commission in recognition of her service.

6
7 **PUBLIC HEARINGS, NEW**

8
9 **03/14/07.3 Consideration of a ZONING CODE AMENDMENT (Title 10) and LOCAL**
10 **COASTAL PROGRAM AMENDMENT for the City Council 20005-2007**
11 **Work Plan Item on Mansionization for Proposed New Restrictions for**
12 **Combining (Merging) New Lots in Residential Zones**

13
14 Commissioner Lesser commented that he is a member of the Mansionization Committee and
15 participated in the drafting of certain portions of the proposals, and he has participated in his
16 capacity as a Planning Commissioner.

17
18 Senior Planner Jester summarized the staff report. She commented that it was hoped the
19 Mansionization Committee could complete its consideration of all items and bring them to the
20 Planning Commission at one time; however, the Council directed staff to bring the issue of lot
21 mergers before the Commission separately since the remaining discussions have not been
22 completed. She stated that the concerns raised regarding lot mergers is that they can result in a
23 change in neighborhood character regarding lot size, orientation, lot patterns, loss of privacy, loss
24 of open space, shadowing of adjoining property structures, and visual bulk with larger structures.
25 She stated that the proposed amendment would apply only to new lot mergers, and the
26 regulations would not apply to existing lots over two to three times the typical lot size. She
27 commented that exemptions for the regulations would apply in RM, RH, and the CL zones in
28 Area Districts I and II for properties with three or more units. She indicated that the specified
29 zones have been exempted in order to encourage the development of multi-family units in those
30 areas.

31
32 Senior Planner Jester commented that staff wanted to take into account in the Resolution that
33 there are a number of lots that are typical in an Area District and zone that are larger than the
34 standard lot size for that Area District. She said that staff is suggesting deleting the
35 multiplication factors within the parenthesis throughout the paragraphs of Section 4A on page 6
36 of the draft Resolution. She commented that the multiplication factors were rounded off in the
37 Resolution, and staff wants to avoid any confusion that might result from including the rounded
38 numbers. She said that the proposed Ordinance would apply to new lots two to three times the
39 typical lot size, and new lots of three times the typical lot size or greater would not be permitted.
40 She commented that lots between 2 to 3 times the typical lot size would have new standards with

PLANNING COMMISSION MINUTES EXCERPTS

March 14, 2007

Page 3

1 requirements including supplemental open space next to the setback; a reduction in building
2 height for a portion of the building in order to provide articulation and break up mass; a
3 reduction of BFA limiting square footage to 66 percent of the maximum permitted for the
4 combined lot; and a variation in perimeter fencing.

5
6 Commissioner Lesser said that there is a great deal of disagreement as to the meaning of the term
7 “mansionization” and as to the goals behind what is attempting to be achieved. He stated that the
8 Mansionization Committee has attempted to reach a compromise as to what constitutes
9 reasonable limitations on property rights. He pointed out that there are currently no limits on the
10 number of lot that can be merged. He said that some would argue that it is appropriate not to
11 restrict lot mergers because private property rights are at issue, and others believe that there
12 should be some reasonable limitations on the number of lots that may be merged. He said that in
13 meeting once a month for the past year, the Committee has sought to reach a compromise where
14 staff has considered the specific impacts on lots throughout the City of various proposals
15 including the subject proposal. He asked the reasoning behind limiting lot mergers rather than
16 the more straightforward method of expressly limiting the amount of BFA on lots.

17
18 Senior Planner Jester indicated that the Committee in general felt that they wanted to address the
19 goals and purpose of the issues of neighborhood compatibility, loss of privacy, block patterns,
20 ventilation, and shadowing of adjacent buildings. She indicated that they felt the best way to
21 address the concerns was with an Ordinance that would provide flexibility that would include
22 increasing setbacks, reducing height, limiting BFA and addressing the issue of perimeter fencing.
23 She indicated that it was felt that the approach of the subject Ordinance was an approach that was
24 more comprehensive and allowed more flexibility, instead of simply limiting BFA.

25
26 In response to a question from Commissioner Lesser, Senior Planner Jester indicated that the
27 possibility of expressly limiting BFA by Area District was not pursued.

28
29 Commissioner Lesser said that the proposal is a starting point for a discussion as a community on
30 the issue and it is changeable.

31
32 In response to a question from Commissioner Schlager, Senior Planner Jester indicated that the
33 intent of being general in item B(d) on page 7 of the Resolution regarding site perimeter fencing
34 was to allow architects flexibility while attempting to prevent the design of a fence creating the
35 appearance of a large compound. She indicated that the design would be reviewed at a staff level
36 on an individual basis.

37
38 Chairman Bohner opened the public hearing.

39
40 **Charles Mau**, a Manhattan Beach resident, commented that he knew the rights that applied to

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1 his property when he originally purchased it in the 1970s, and he has relied on those laws. He
2 said that changing the law is not the correct decision in terms of preserving property rights. He
3 said that property rights have continued to be taken away over the past years. He commented that
4 combining lots was previously encouraged in order to reduce density, and now lot mergers are
5 being discouraged in order to limit bulk. He indicated that property rights end at the property
6 line. He said that there is a competing agenda between those who believe in property rights and
7 those who want others to determine what neighboring property owners may build. He said that
8 he wants to keep the rights he had when he purchased his property.

9
10 **Dave Wachtfogel**, a Manhattan Beach resident, said that he does not see how allowing lots to be
11 combined with larger buildings is consistent with the goal of preserving the small town
12 atmosphere of the City. He said that allowing two or three lots to combine would change the
13 City over time. He stated that property rights are limited by the consensus of the opinion of the
14 residents as to the best pattern of development for the City as expressed in ordinances and codes,
15 and the citizens have a right to place such limits. He commented that ZORP reduced the amount
16 of BFA that is permitted to be built, which was determined to be necessary by the City and did
17 not constitute the removal of property rights. He said that zoning codes per se can be considered
18 the limitation of property rights, and it is appropriate for the City to enact such regulations. He
19 indicated that he is against the combining of any lots. He commented that small changes result in
20 the City losing the character it once had, and it cannot be reversed once it is lost. He said that
21 having fewer lots results in fewer families living in the community. He said that allowing
22 combined lots will result in a different city and would be regretted in the future.

23
24 In response to a question from Commissioner Lesser, **Mr. Wachtfogel** suggested placing the
25 item on the ballot as to whether three lots should be permitted to be combined. He said that lots
26 have not been combined for a long time because there is a sense of the character of the City. He
27 said that people with large amounts of money have brought the possibility of combining lots
28 together. He said that he believes the vast majority of homeowners in the City would not want
29 the three lots next to them to be developed into one property with a large fence surrounding it.

30
31 **Evelyn Gingrich**, a resident of the 1000 block of 11th Street, said that she does not like lots that
32 have large structures with no yards. She said that she would support more restrictions to provide
33 for larger yards and homes that are not so huge and tall. She indicated that it is not good
34 planning to allow for some unusual houses that do not fit in with the others in the area.

35
36 **Wayne Partridge**, asked whether the language of item 2, on page 3 of the staff report is reflected
37 in the proposed Ordinance which states: "The proposed Ordinance would not apply to existing
38 building sites (regardless of the location of existing buildings) that contain multiple adjoining
39 lots under common ownership prior to the effective date of the Ordinance." He indicated that
40 there are many lots that have been combined under common ownership that existed historically

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1 when there was not any regulations regarding building across multiple lots.

2
3 Director Thompson commented that the intent is that the Ordinance would not apply to any
4 existing three lot combinations or greater that are already legally merged. He said that a new lot
5 merger would be the trigger for the restrictions in the Ordinance. He commented that property
6 owners of multiple adjacent lots would not automatically be exempt from the regulations, and
7 future development would be limited on any contiguous lots unless they were merged prior to the
8 Ordinance being in effect.

9
10 **Mr. Partridge** said that the property owners in the City do have property rights, but they are
11 subject to reasonable restriction by the City within Constitutional limits. He indicated that many
12 of the large problems of the City with parking demand, traffic, and the demand on public services
13 derive from the fact that the City was historically created as a vacation home community with
14 very small lots and now has mainly permanent residents. He indicated that the City has one of
15 the highest density communities in Southern California. He said that lot mergers result in a
16 reduction of density which also reduces traffic and parking demand. He commented that large
17 homes are not necessarily unattractive. He indicated that one large home built across three lots
18 would cast substantially the same amount of shadow and would not obstruct views any more than
19 three homes built on the same lots. He commented that larger houses do not necessarily make
20 the City less attractive. He commented that the only effect of allowing someone to build across
21 several lots is that the other property owners are not able to build to the same extent, and
22 restricting lot mergers would not address any of the substantive problems in the City. He said
23 that fewer children would place less demand on public services and the schools. He indicated
24 that property owners who have built structures across multiple lots before there were any
25 requirements for merging should be exempt from the requirements.

26
27 In response to a question from Commissioner Lesser, **Mr. Partidge** stated that he does not see
28 the utility and value to the City and the residents of restricting lot mergers. He said that he does
29 not share the opinion of **Mr. Wachtfogel** and does not have an objections to very large homes
30 being built provided that they are built properly. He stated that merging of lots should not be
31 permitted to result in an increase in units, and the number of units within the City should be
32 decreased.

33
34 Commissioner Powell pointed out that the proposed Ordinance does not require that existing
35 legal nonconforming structures built across two or more lot lines must be torn down but rather
36 that any new structures built if the existing structures are destroyed or demolished would have to
37 conform to the new requirements.

38
39 **Lester Samen**, a resident of the 300 block of 11th Street, said that he owns three lots covered by
40 a single existing building, and his property should be exempt from any new regulations. He said

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1 that problems related to mansionization currently exist within the majority of the City and is not
2 specifically related to larger lots. He commented that most people who have the money to
3 combine three lots do a good job with providing yards and open space. He indicated that no
4 drawings have been shown to compare the difference of three homes built out to the maximum
5 permitted on three consecutive lots as compared to a single structure built across three lots. He
6 commented that the majority of homes in the City are basically massive squares built to the edge
7 of the property lines. He asked whether there is a large number of people purchasing three
8 adjacent lots in the City and whether the homes that do exist across three lots look worse than
9 three homes built across the same lots. He said that merged lots result in less density, less
10 parking demand, and less traffic. He commented that the proposed amendment would restrict the
11 ability of a property owner with three consecutive lots to build a single structure to only 66
12 percent of the allowable BFA, but structures would be permitted to be built to the maximum on
13 each of the three lots if they were not merged. He stated that the square footage permitted on
14 smaller lots should be limited rather than limiting the square footage that is permitted on larger
15 lots. He said that the requirement for reducing the height for a single structure on merged lots is
16 unfair when three structures built over the same area would be permitted to be taller. He stated
17 that property owners of individual lots have been allowed to build to the maximum on their lot,
18 and now property owners of merged lots would be penalized on the amount they can build when
19 they have paid for their property and property taxes.

20
21 **Paul Gross**, a resident of Manhattan Beach and a member of the Mansionization Committee,
22 said that he supports the proposal, although his choice is that no lot mergers be permitted. He
23 stated that compromises are made on personal freedom as well as for property rights at every
24 level of government for the good of the larger society. He pointed out that there currently is no
25 ordinance limiting lot mergers, and the Committee has proposed the amendment in order to
26 prevent a problem with the merger of any number of lots where money is no object. He said that
27 the Committee felt the best policy was to prevent a problem from becoming overwhelming. He
28 indicated that the purpose of the amendment is to preserve the character of neighborhoods in the
29 City. He said that it is recognized that there is constant change within the City, and he feels the
30 proposal is a good compromise. He said that denying the Ordinance would allow for an
31 unlimited number of lots to be joined.

32
33 **Tom Coke**, a property owner on the 500 block of Manhattan Beach Boulevard, said that he does
34 not feel it is fair for him to have invested in his property and now have the potential for a loss of
35 a third of its value if he is not exempt from the new requirements. He requested that an
36 exemption be included so that property owners such as himself are not hurt under certain
37 situations.

38
39 **Don Miller**, a resident of the 900 block of Highland Avenue, said that he is not aware whether
40 the number of situations in the City of a single owner of two or more consecutive properties has

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1 been quantified. He stated that it does not seem feasible for someone to buy a block and build a
2 single great structure. He commented that someone who buys multiple lots would not put up an
3 unattractive structure and would provide a yard area. He stated that the building of homes on
4 individual lots to the maximum allowable results in a loss of yard space. He said that he is
5 uncertain of the threat if properties that currently have a single structure built over more than one
6 lot are grandfathered in and exempt from the requirements.

7
8 **Gerry O'Connor** indicated that he also agrees that two lots should probably not be merged, and
9 three lots definitely should not be permitted to merge. He said that the purpose of the Planning
10 Commission is to anticipate problems that may come before them and address them in a manner
11 that is acceptable to the community as a whole. He commented that the City Council
12 inadvertently and inappropriately tabled the item originally hoping that all of the proposals
13 regarding mansionization would be brought to the Planning Commission as a complete package;
14 however, now the issue of lot mergers is again before the Commission. He said that there is a
15 sentiment among some people that the issue of mergers is not a problem; however, more
16 applications for merging lots will come before the Commission. He said that he does not feel the
17 Commission should assume that anyone who has the resources to purchase contiguous lots would
18 propose a structure on a huge lot with an appealing design. He said that the Commissioners need
19 to address any concerns they have with the recommendations and move forward as expeditiously
20 as possible. He commented that there is a Housing Element in the General Plan that includes
21 State mandated requirements to provide a plan to decrease the number of residential units by
22 combining lots and having single large residences. He indicated that the City was previously
23 divided into smaller lots that allowed a greater number of residences, which is in direct conflict
24 with the State mandated Housing Element.

25
26 **Robert Schumann**, a Manhattan Beach resident and member of the Mansionization Committee,
27 said that he is unable to support the consensus of the Committee with respect to lot mergers. He
28 indicated that he originally did not feel that any limits should be placed with respect to lot
29 mergers but was willing to agree with the consensus for a limit of three lots in the spirit of
30 compromise. He stated that there is really not an example of the type of mansionization that has
31 been most feared having occurred in the City, and the steps being taken would reduce property
32 rights in order to prevent a situation that has not yet happened. He stated that reducing the height
33 and the square footage of structures on three merged lots by 1/3 is extreme, and the person who
34 owns two lots would be able to build a better structure than someone who has three lots.

35
36 **Mr. Schumann** commented that the issue of lot mergers is very important, and he was surprised
37 that the meeting was not attended by more members of the public. He said that he feels the City
38 needs to do a more thorough job of providing notice for such hearings well beyond the legal
39 requirements. He suggested that the City compile an address list of all real property owners in
40 the City in order to provide them with a mailed notice regarding public hearings before the

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1 Commission or City Council that may impact their property rights in exchange for receiving
2 some public good. He also suggested that seminars be conducted by the City to allow people the
3 opportunity to have all of their questions answered. He commented that informing the public
4 would allow the Commission the benefit of input from fully informed property owners. He
5 commented that the only reason that property owners of two or more contiguous lots have
6 attended this hearing is because he compiled a list and informed them of the meeting. He
7 commented that in addition to himself, he is also speaking on behalf of the Bittan Family Trust
8 who own three lots; Ed Wilkinson who owns four lots with 26 units; and Robert and Elizabeth
9 Beverly with three lots. He said that most of the subject properties provide relatively modest
10 income related housing. He indicated that the City never requested that the properties be merged.
11 He said that the owners he represents are asking to be granted an exception. He commented that
12 there are probably nine such properties west of Sepulveda Boulevard, and he did not have
13 sufficient time to determine the number that are located east of Sepulveda Boulevard.

14
15 Commissioner Powell said that he does not feel the reason that there was not greater attendance
16 at the meeting is not due to a lack in noticing, as there was a posting regarding the hearing on the
17 web site and notices placed in City Hall in addition to a large ad in the Beach Reporter.

18
19 In response to a question from Commissioner Powell, Director Thompson stated that an
20 extraordinary job in noticing was done for this particular issue. He indicated that an important
21 purpose of the Mansionization Committee was to be representatives to inform their friends and
22 acquaintances regarding the issue. He commented that the discussion has been occurring
23 regarding the proposed Ordinance for over two years, and discussions regarding mansionization
24 have been occurring for over ten years. He indicated that anyone who is interested in the topic
25 has had the opportunity to become involved. He commented that staff is always challenged in
26 getting people interested and involved in a particular topic. He indicated that this hearing is an
27 example where there is a variety and cross section of differing opinions.

28
29 **Bob Harbor**, a resident of Manhattan Beach, said that they would have formally combined their
30 three lots if they had been requested by the City. He commented that he would not want to have
31 to build several box homes to replace the structures on his property if a fire or earthquake
32 damaged the existing building. He commented that many families have started out living in
33 apartments in his development and then purchased property in the beach area. He said that to
34 force out the very few apartment buildings that remain in the City would be unfounded. He said
35 that the concern is not combining lots but rather the size of the structures that are built on the
36 lots.

37
38 **Pat Miller**, a property owner on the 900 block of Highland Avenue, said that the development on
39 their site is an apartment complex that spreads across four lots. She said that lots such as theirs
40 that have not been combined formally with existing developments should be grandfathered in as

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1 an exception along with the lots that have been formally merged. She commented that they do
2 not read the Beach Reporter regularly to read the noticing. She stated that the proposed
3 amendment would have an impact on the value of their property. She said that the proposal
4 effectively is changing the zoning, and noticing for such issues should be mailed to all property
5 owners.

6
7 **Carol Wahlberg**, a Manhattan Beach resident and member of the Mansionization Committee,
8 said that she is opposed to lot mergers because of the criteria of the General Plan to maintain the
9 small town atmosphere. She said that the City did not start restricting building many years ago,
10 and at some point it must be done. She said that the properties with existing development over
11 several lots that are not formally merged need to be addressed. She stated that she hopes that the
12 issue can move forward. She commented that she moved to the City because of the unique small
13 town atmosphere, and she feels it has been lost. She indicated that there is a concern regarding
14 traffic, congestion, and the number of children in the City's schools. She commented that she
15 hopes those issues will be addressed with other planning decisions that are made by the City.
16 She pointed out that there is also discussion occurring regarding limiting building out on smaller
17 lot sizes.

18
19 Chairman Bohner closed the public hearing.

20
21 Commissioner Powell stated that he has attended a number of the Mansionization Committee
22 meetings as a member of the public, and the Committee has met over the course of more than a
23 year. He indicated that there are approximately 20 members including representatives from the
24 Council, architects, the real estate community, and the building community. He said that the
25 members also include a school teacher and engineer along with other residents. He indicated that
26 the Committee represented a true cross section of the community. He said that the compromise
27 was reached with a delicate balance between preserving private property rights and the need to
28 preserve the small town character of the City, reduce bulk, and maintain quality open space. He
29 commented that action must be taken to preserve the small town atmosphere of the
30 neighborhoods which is being lost. He stated that this issue came before the Commission two
31 months ago, and the Commissioners have had an opportunity to consider the ramifications of the
32 proposed Ordinance. He indicated that the General Plan refers to limiting the size of lot mergers,
33 preserving the patterns of existing lots, and preserving the small town atmosphere and private
34 open space. He indicated that the Local Coastal Program addresses maintaining building scale in
35 the Coastal Zone residential neighborhoods and maintaining residential building bulk control.

36
37 Commissioner Powell said that many residents indicated that they originally moved into the City
38 because of the small town atmosphere, but now there are people that are buying lots where there
39 is a potential to demolish and build even bigger structures. He stated that existing developments
40 across lots that are not formally merged were built to conform under different standards are

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1 permitted to remain; however, they should be rebuilt to conform to the current standards as the
2 original structures reach the end of their economic useful life or are destroyed. He commented
3 that allowing the building bulk to remain unchecked will result in Manhattan Beach becoming
4 like other areas that are built out, which is not the reason why the residents chose to live in the
5 City. He said that the neighborhood and buildings that are out of scale with the neighborhood is
6 a detriment to the City and to allow it to continue is a further detriment. He said that the purpose
7 of the proposed Ordinance is to address the issue before it does become irreversible. He
8 indicated that a true compromise was reached, and it is hard to find fault with the proposal. He
9 said that he concurs with the draft Resolution and supports it moving forward to the Council.

10
11 Commissioner Lesser commented that there is a difference of opinion regarding whether there is
12 a problem with lot mergers in the City that needs to be addressed. He said that his concern is that
13 there currently are no limits to the number of lots that may be merged. He indicated that the City
14 has received proposals for the merging of three lots. He said that there are a sufficient number of
15 properties where merging could occur that it is a prospective problem where it is appropriate for
16 the Council and Commission to act. He indicated that he does not want his own property rights
17 to be restricted; however, there is a growing consensus in the community that certain restrictions
18 are appropriate as reflected in the proposed Ordinance. He said that he would like for the
19 Council to consider having a community meeting to allow for further input from members of the
20 public rather than for the issue to be considered only at a single Council meeting.

21
22 Commissioner Schlager stated that he echoes many of the comments of the other Commissioners.
23 He commended the Mansionization Committee for their hard work up to this point, and he
24 complimented the members of the audience who have spoken to voice their concerns. He
25 commented that the Commission always tries to reach a compromise in considering what they
26 believe is the voice of the community and the vision of the General Plan. He stated that the
27 recommendation of the Committee is specific. He commented that he agrees with Commissioner
28 Powell that existing structures which spread across multiple lots that have not been formally
29 merged should be rebuilt to the new Code requirements when they have reached the end of their
30 economic useful life. He pointed out that all property owners must comply with new standards
31 when properties are destroyed or torn down and rebuilt, and he does not believe that there should
32 be further language to grandfather in existing properties to be exempt from the proposed
33 requirements. He indicated that has no problems with the Resolution and he is prepared to move
34 it forward to the Council.

35
36 Chairman Bohner said that the Mansionization Committee brought together varying viewpoints
37 and representatives with very different backgrounds, and compromises were made that it appears
38 were agreed to by most of the members. He commented that he does not feel in a position to
39 question the compromise that was made by the Committee. He said that he feels the restrictions
40 as proposed are reasonable. He said that properties in any community are subject to the policing

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1 power of the governing agency, and hopefully the decisions made reflect the wishes of the
2 majority of the community. He commented that the City Council took an extra step by forming a
3 Committee that reflected varying viewpoints within the community, which he respects. He stated
4 that his understanding is that the hearing was properly noticed, and the City went beyond the
5 normal noticing requirements. He said that he is also certain that the Committee members spread
6 information to other members of the community regarding the issue. He commented that there
7 appear to be more members of the community at the present hearing who are skeptical of the
8 Resolution than are in support, and the members of the public who were present to oppose the
9 Resolution were eloquent in expressing their opinions. He said that any structures that are rebuilt
10 on lots that are not formally merged should be required to conform to the current requirements,
11 and the new regulations would not apply to existing structures. He said that he feels the
12 Resolution as written is sufficiently specific, and he trusts staff to be fair with regard to making
13 decisions on issues such as the perimeter fencing. He said that he would support the draft
14 Resolution as written.

15
16 Commissioner Lesser requested that "February 2006" should be corrected to "February 2007" on
17 page 2, paragraph H of the draft Resolution. He suggested that Policy LU-1 from the General
18 Plan be added to paragraph P on page 3 of the draft Resolution, which includes the language "to
19 maintain the low profile development and small town atmosphere of Manhattan Beach." He
20 commented that the goal was a preliminary starting point for the consideration of the issue of
21 mansionization. He pointed out that Policy LU-2.2 of the General Plan not only seeks to
22 preserve and encourage private open space in residential lots City wide, but it also includes the
23 verbiage that it hopes to discourage large homes with minimum open space. He indicated,
24 however, that he does not feel it is necessary to add language of the section regarding LU-2.2 on
25 page 3 of the Resolution as written.

26
27 Senor Planner Jester commented that staff is suggesting that the references to the multiplication
28 factors be deleted from the paragraphs in item 4(A) on page 6 of the draft Resolution.

29
30 Commissioner Powell requested that "Mansionization Committees" be corrected to
31 "Mansionization Committee's" in item I on page 2 of the draft Resolution. He requested that
32 "possibly" be corrected to "possibility" in item M on page 2 of the draft Resolution. He
33 requested that the underscore be deleted between the words "open space" in the second sentence
34 of item B 2(a) on page 6.

35
36 Commissioner Lesser pointed out that members of the community will have an opportunity to
37 continue their discussion regarding the proposal at the City Council level.

38
39 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the draft Resolution a
40 Zoning Code Amendment (Title 10) and Local Coastal Program Amendment for the City

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1 Council 20005-2007 Work Plan Item on mansionization for proposed new restrictions for
2 combining (merging) new lots in residential zones as amended.

- 3
4 AYES: Lesser, Powell, Schlager, Chairman Bohner
5 NOES: None
6 ABSENT: None
7 ABSTAIN: None

8
9 Director Thompson explained that the item will likely be scheduled for City Council
10 consideration on April 17, 2007.


11
12 The meeting of the Planning Commission was **ADJOURNED** at 9:45 p.m. in the City Council
13 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, March 28, 2007, at 6:30 p.m. in the
14 same chambers.


15
16
17 _____
18 RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

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

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development 

FROM: Laurie B. Jester, Senior Planner 

DATE: March 14, 2007

SUBJECT: Consideration of a Zoning Code Amendment and Local Coastal Program Amendment for the City Council 2005-2007 Work Plan Item on Mansionization Proposing New Restrictions for Combining (Merging) New Lots in Residential Zones.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the **PUBLIC HEARING, DISCUSS,** and **ADOPT THE ATTACHED DRAFT RESOLUTION** for revisions to the Zoning Code and Local Coastal Program related to lot mergers.

BACKGROUND:

Each year the City Council adopts a Work Plan which identifies many of the important projects that will be addressed during the following year. On July 5, 2005 the City Council adopted the current 2005-2007 Work Plan which included Mansionization. On July 26, 2005 staff presented an issue paper on the topic at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions and made a recommendation to approve a maximum lot size which was considered by Council on December 6, 2005. At that meeting the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee. The Committee has met twelve times, from February 2006 through February 2007 and developed recommendations, a portion of which are now before the Planning Commission tonight as proposed Code Amendments.

On October 25, 2006 the Planning Commission conducted a public hearing, reviewed the Mansionization Committees recommendations, and directed staff to return with a Resolution recommending revisions to the Zoning Code and the Local Coastal Program. The October 25th Planning Commission staff report provides a complete background on the project, as well as a comprehensive definition of Mansionization, and the numerous steps and Code Amendments that the City has taken over the past 15 years to address mansionization.

The Code Amendments reviewed by the Planning Commission on October 25th included the following revisions:

1. Lot Mergers

EXHIBIT 

2. Encourage the retention of smaller homes, including:
 - a. Administratively allow 100% remodel and an increase in BFA for existing non-conforming small homes with a limit of 66% to 75% of BFA or 3,000 SF, whichever is less:
 - b. Administratively, with neighborhood notification, allow 100% remodel and an increase in BFA for existing non-conforming homes with a limit of 66% to 75% of BFA, but no SF cap.
 - c. Remodel of existing home- Exception to bulk-volume additional 8% front yard setback/open space requirement if open space provided elsewhere.
 - d. Bulk Volume- Remodel of existing homes on corner lots-Allow a percentage of the 8% additional front yard open space to be provided on the streetside frontage; and,
3. Allow accessory structures on adjacent common ownership parcels.

The Commission requested minor changes to the Lot Mergers portion to indicate the loss of green area is a potential impact that is addressed by the revisions, to clarify the lot area requirements, and to require that the reduced building height area be adjacent to the building perimeter. All of the changes requested by the Commission have been incorporated into the attached Draft Resolution. All of the new Code language that is incorporated with existing Code language is shown as underlined/strike-out text in the Draft Resolution to clearly show the changes. If the entire Code Section is new then it is not shown as underlined as the Section is entitled as being added.

On November 15, 2006, the Planning Commission closed and tabled the public hearing as the City Council had expressed a preference for the entire Mansionization issue to be considered at one time rather than in separate components. At that time the Mansionization Committee had planned to be finished with consideration of all of the issues in January, and the item would then be brought before the Commission at a hearing most likely in February. In February 2007 the City Council provided further direction to staff and requested that just the lot merger changes be brought before the Planning Commission as the Mansionization Committee had not yet completed all of the other Code Amendments.

The last item to address Mansionization, related to construction of new single family homes, is continuing to be addressed by the Committee. They are scheduled to meet again tomorrow night and finalize the conceptual recommendations on further Code Amendments. Code changes to encourage the retention of smaller homes, allow the accessory use of adjacent parcels, and address Mansionization of new residential construction will be brought before the Planning Commission and City Council at noticed public hearings in the near future when the Mansionization Committee has completed it's review.

DISCUSSION

Over the past few years a number of owners, predominantly in the RS (Single Family Residential) district have bought a neighboring lot and demolished the building on it, thus creating a double lot building site. In most cases the additional lot has been used only for supplemental yard which provides greater open space and buffer on one side. As such the second lot is not permanently part of the home site and may be sold off at any time. In other instances, an owner, after demolishing the second structure on the adjoining lot, has combined the lots and built a new home that extends over

the line separating the two lots. In such cases the added land has often been used for larger yards, more evenly distributed around the home. The latter is what is referred to in this study as a combined lot or a lot merger. Lot mergers legally and permanently join two or more lots together.

Under the current code, a building site comprised of two or more merged lots may develop to the maximum that is set forth in the development regulations. The codes contain limits or allowances based on certain building site attributes. For example, the building height limit is based on the existing ground elevation at the site's four boundary corners and the amount of building floor area allowed is limited to a percentage of the total lot or site area. There currently are no regulations that specifically restrict or control the size of a home or yard area when lots are merged and result in a site that contains land area in excess of the minimum lot size standard.

As noted, the Committee studied lot mergers as related to Mansionization, based on guidance from the City Council in the Work Plan and joint meeting with the Planning Commission. Throughout the course of its deliberations this year there was debate and differences in opinion regarding the relationship of lot mergers to Mansionization and possible solutions. Some members felt strongly that strict controls should be applied to development on sites comprised of as few as two lots. Others expressed strong concern that such changes would significantly impact private property development rights and should be carefully considered.

Based on the goals established by the Committee, to preserve neighborhood character, to preserve quality open space and provide adequate space around homes, the Committee developed a proposal that could be codified and apply to building sites created with merged lots.

The proposal is attached as Exhibit A and if adopted would be codified in the residential development regulations of the Municipal Code and Coastal Zone Code. The following are the major elements of the proposed code:

1. **A clear purpose statement** is included to clarify the intent of the proposed development policy.
2. **Applies only to new mergers:** The proposed regulations would apply only to multiple lot building sites that meets the new area criteria, if merged with new development after the effective date of the ordinance. The proposed ordinance would not apply to existing building sites (regardless of the location of existing buildings) that contain multiple adjoining lots under common ownership prior to the effective date of the ordinance.
3. **Has limits based on size of merged sites:** The proposal would be enforced for mergers containing lot area between approximately 2 and 3 times the typical lot size in a particular neighborhood. Merged lots containing less than 2 times the typical size would not be affected by the proposed standards. New lots having more than 3 times the typical lot size would be prohibited. For example, in Area District I the minimum lot size standard is 7,500 square feet, and the Committee proposal would set new standards for merged sites containing more than 15,000 square feet (2 times 7,500) but less than 22,500 square feet (3 times 7,500). A future merger or subdivision that would create a site with 22,500 square feet or more would not be allowed.

The proposed range of lot area for each area of the City is based on the applicable minimum lot area (which sets the standard for subdivision, and ensures cohesive neighborhood development). The individual factors (e.g. for Area District II, range of 2.3 to 3.5 times the minimum lot area) being proposed are based on the range of typical lot sizes found within each Area District. This proposal cannot set different standards for each subdivision because enforcement would be too complex and be very difficult to enforce. If the ranges were too simple (e.g. just between 2 and 3 times), then the proposed standard would possibly apply to too few lots within each area. For reference purposes a Zoning Map that shows the Area Districts is attached (Exhibit B).

4. **Establishes new standards:** The proposed regulations would:
- **Require supplemental open space** on the ground located adjacent to a setback (including side yards). The intent is to ensure that setback area that would be lost between buildings on separate lots would be provided on a merged site and would have to be located around the outside perimeter of the home to mitigate bulk (as opposed to an interior open courtyard).
 - **Require a reduction in building height** for a portion of the building (to be applicable to new buildings only). This is intended to modulate the exterior building walls and mitigate bulk.
 - **Limit the overall building area** to no more than 66% of the amount of buildable floor area (BFA) allowed, to mitigate bulk.
 - **Require perimeter fencing** (if proposed) to have variation to preclude the appearance of a fortress or compound and to blend new buildings on merged lots with traditional development patterns on surrounding standard lots.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, review the proposed Amendments, and adopt the attached draft Resolution recommending approval of the Amendments to the City Council.

EXHIBITS

- A. Draft Resolution No. PC 07-XX
- B. Zoning Map

RESOLUTION NO. PC 07-XX
(draft)

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MANHATTAN BEACH
RECOMMENDING THAT THE MANHATTAN
BEACH MUNICIPAL CODE (THE ZONING
ORDINANCE) AND LOCAL COASTAL PROGRAM
(COASTAL ZONE ZONING ORDINANCE) BE
AMENDED TO ADDRESS MANSIONIZATION (LOT
MERGERS) IN RESIDENTIAL NEIGHBORHOODS
THROUGHOUT THE CITY**

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. On June 24, 2005, the City Council held a special session and developed the 2005-2007 Work Plan and on July 5, 2005, the City Council amended and formally adopted the 2005-2007 Work Plan, which included an item on Mansionization.
- B. On July 26, 2005 staff presented an issue paper on Mansionization at the joint City Council Planning Commission meeting. Based on the direction at the joint meeting, the Planning Commission then reviewed revisions and made a recommendation to approve a maximum lot size which was considered by Council on December 6, 2005.
- C. On December 6, 2005 the City Council indicated that it felt that it was important to take a comprehensive approach to addressing Mansionization. The City Council tabled the item and formed the Mansionization Issues Committee in order to take a comprehensive approach to mansionization.
- D. The Committee met twelve times, from February 2006 through February 2007 and developed recommendations that were then presented to the Planning Commission.
- E. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 25 which was continued to November 15, 2006 and public testimony was invited and received, regarding the Mansionization Committees recommendations for proposed Code Amendments including:
 - a. Establishment of development standards for new residential lot mergers throughout the City.
 - b. Modification of residential development and Minor Exception regulations to encourage retention of small homes.

EXHIBIT A

RESOLUTION NO. PC 07-XX

- c. Modification of residential development regulations to allow accessory structures on properties when the related primary structure is on an adjacent lot and under same ownership.
- F. Public notice for the October 25th meeting included a one-quarter page display ad published on October 5, 2006 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- G. On November 15, 2006, the Planning Commission closed and tabled the public hearing as the City Council had expressed a preference for the entire Mansionization issue to be considered at one time rather than in separate components. A future hearing at an undetermined date, would be renoticed as a new public hearing
- H. In February 2006 the City Council provided further direction to staff and requested that just the lot merger changes be brought before the Planning Commission as the Mansionization Committee had not yet completed all of the other Code Amendments.
- I. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on March 14, 2007 and public testimony was invited and received, regarding the Mansionization Committees recommendations for proposed Code Amendments for the establishment of development standards for new residential lot mergers throughout the City.
- J. Public notice for the March 14th meeting included a one-quarter page display ad published on March 1, 2007 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- K. The applicant for the subject project is the City of Manhattan Beach.
- L. The subject amendments are proposed in recognition that a *mansionization* trend is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots, appearing out of scale and resulting in an impression of unrelieved building bulk, screening out light and air and dwarfing existing standard sized buildings in a neighborhood. In addition it is recognized that construction of large homes that have minimum setbacks and maximum building floor area may result in a decrease of open space and landscaping. Such effects can be controlled in part by limiting the size of a single building site created by merging two or more lots.
- M. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (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 possibly that

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the activity will have a significant effect on the environment, the activity is not subject to CEQA.

- N. The proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code.
- O. The Planning Commission finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- P. The proposed amendment to the Title 10 of the Municipal Code (Zoning Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood's unique characteristics. By limiting the size of lot mergers the patterns of existing lots and development will be maintained.

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage private open space on residential lots city-wide. By limiting merged lot site size home size may be controlled, thereby conserving open space and yards, including existing mature vegetation and plantings.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate existing and future needs. By limiting the size of merged lot building sites, standard sized lots in the City will be encouraged to remain available for development of separate housing units.

- Q. The proposed amendments to the Manhattan Beach Local Coastal Program (Title A, Chapter 2) are consistent with and will advance the following policies of the City's certified Local Coastal Program:

Policy II.B.1: Maintain building scale in coastal zone residential neighborhoods consistent with coastal zoning regulations.

Policy II.B.2: Maintain residential building bulk control established by development standards contained in the Local Coastal Program Implementation Plan.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.12.030 of the Manhattan Beach Municipal Code by inserting an additional regulation (K) entitled "Development Standards For Merged Lots"

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and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section 10.12.030 entitled "Property Development Standards For Area Districts I and II" and "Property Development Standards For Area Districts III and IV" and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	<u>Area District I</u> RS	<u>Area District I</u> RM	<u>Area District I</u> RH	<u>Area District II</u> RS	<u>Area District II</u> RM	<u>Area District II</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>							
<u>Area (sq. ft)</u> <u>Minimum</u>	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) (K)
<u>Maximum</u>	<u>22,500</u>	<u>22,500</u>	<u>22,500</u>	<u>16,200</u>	<u>16,200</u>	<u>16,200</u>	
<u>Minimum Width (ft)</u>	50	50	50	40	40	40	

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					
<u>Area (sq. ft)</u> <u>Minimum</u>	2,700	2,700	2,700	2,700	(A) (B) (C) (J) (K)
<u>Maximum</u>	<u>10,500</u>	<u>10,500</u>	<u>10,500</u>	<u>10,500</u>	
<u>Minimum Width (ft)</u>	30	30	30	30	

(K) Minimum and maximum numbers of lot area represent a range of permitted lot area applicable to new subdivisions and building sites created by merging lots or portions of lots. See 10.12.060 Development on Merged Lots for applicable regulations.

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SECTION 3. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section A.12.030 of the Coastal Zone Zoning Ordinance by adding an additional regulation (K) entitled “Development Standards For Merged Lots” and modifying the Minimum Lot Dimension standard (to establish a range of permitted lot sizes) and adding a cross reference to regulation (K) within the Property Development Standards tables, Section A.12.030 entitled “Property Development Standards For Area Districts III and IV” and inserting a new regulation (K) to the list of additional regulations: RS, RM and RH Districts as follows:

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	<u>Area District III</u> RS	<u>Area District III</u> RM	<u>Area District III</u> RH	<u>Area District IV</u> RH	<u>Additional Regulations</u>
<u>Minimum Lot Dimensions</u>					
<u>Area (sq. ft)</u>					(A) (B) (C)
<u>Minimum</u>	2,700	2,700	2,700	2,700	(J) (K)
<u>Maximum</u>	<u>10,500</u>	<u>10,500</u>	<u>10,500</u>	<u>10,500</u>	
<u>Minimum Width (ft)</u>	30	30	30	30	

(K) Minimum and maximum numbers of lot area represent a range of permitted lot area applicable to new subdivisions and building sites created by merging lots or portions of lots. See A.12.060 Development on Merged Lots for applicable regulations.

SECTION 4. The Planning Commission of the City of Manhattan Beach hereby recommends adding new Section 10.12.060 and A.12.060 to the Manhattan Beach Municipal Code and Manhattan Beach Coastal Zone Zoning Ordinance, entitled “Development on Merged Lots” as follows:

10.12.060 /A.12.060. Development on Merged Lots

The intent of this section is to ensure that the merging of multiple parcels into significantly larger building sites and the development thereon will not create undesirable impacts to a neighborhood. Such impacts resulting from unusually large buildings may include: changing the character of a neighborhood due to disruption of lot size and/or orientation pattern, loss of privacy, open space and vegetation, shadowing of adjoining

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property and visual bulk impacts.

- A. **Applicability.** The standards of subsection (B) below are supplemental to other development standards of this Chapter, and shall apply to sites proposed to be merged containing lots or portions of lots with a combined lot area as follows:

Area District I: Between 15,000 square feet (2.0 times minimum lot area) and 22,500 sq. feet (3.0 times minimum lot area). Mergers that would result in a combined lot area exceeding 22,500 square feet are not permitted.

Area District II: Between 10,800 square feet (2.3 times minimum lot area) and 16,200 square feet (3.5 times minimum lot area). Mergers that would result in a combined lot area exceeding 16,200 square feet are not permitted.

Area Districts III & IV: Between 6,999 square feet (2.6 times minimum lot area) and 10,500 square feet (3.9 times minimum lot area). Mergers that would result in a combined lot area exceeding 10,500 square feet are not permitted.

- B. **Lot Merger Standards.** Development on merged residential sites shall comply with the following findings and standards as determined by the Director of Community Development:

1. The proposed merged site and development on the site will be consistent with and blend with the standard pattern of building setback/yard locations and orientation of the building to the adjoining street(s).
2. The bulk of the structure will be adequately mitigated by:
 - a. Additional (yard area) open space. In addition to the minimum setback area and usable open space (if applicable) that is required for the site, additional ground open space (area not covered by a building or roof) has been provided. The additional open space shall be (contiguous with) located adjacent to a required set back (a portion of which shall include side yards) and of an amount equivalent to at least 2 times the setback area that otherwise would be required if the property were to be developed as individual lots (i.e. "makeup setback" area).
 - b. Reduced building height. (applicable only to sites with new homes). Building height shall be reduced by at least 8 feet (less than the allowed limit) for at least 25% of the total building (footprint) area. A portion of said reduced height area shall be located adjacent to a required setback.
 - c. Reduced building size. The total buildable floor area shall not

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exceed 66% of the amount of buildable floor area allowed.

d. Site perimeter fencing design. At least two-thirds of the total length of fencing (including hedges) surrounding the site where located adjacent to a right of way shall be composed of an open material. In addition the entire site perimeter fence adjacent to a right of way shall have one or more of the following: a variable setback, variable height or be composed of a mix of materials. The purpose of this regulation is to discourage the building site from appearing as a large compound or estate.

- C. Exemption. Properties that are zoned RM, RH and CL in Area Districts I and II that are developed with three or more dwelling units shall be exempt from the requirements of this section in order to encourage development of multi-family housing.
- D. Existing Merged Lots. Any building site composed of merged lots in excess of the number of lots or maximum site area as prescribed in this section, which has been legally created or approved prior to (date of approval of this Ordinance) is exempt from this section.
- E. Appeals. Determinations made by the Director of Community Development regarding the applicability of this section may be appealed to the Planning Commission in accordance with provisions of Chapter 10.100.

SECTION 6. A staff review of the proposed amendments is hereby directed to occur approximately twelve (12) months after the effective date of the Ordinance.

SECTION 7. 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.

SECTION 8. If any sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this resolution. The Planning Commission hereby declares that it would have passed this resolution and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

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SECTION 9. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this resolution, and no further, are hereby repealed.

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 March 14, 2007 and that said Resolution was adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

CITY OF MANHATTAN BEACH

ZONING DESIGNATIONS

◆◆◆ Area District Boundaries

Zoning Designations & Overlays

Residential Districts

RS Residential Single Family

D1-Design Review
-Rosecrans Avenue

D3-Design Review
-Gaslamp Neighborhood

D4-Design Review
-Traffic Noise Impact Area

D6- Design Review
-Oak Avenue

D7- Design Review
-Longfellow Drive

RM Residential Medium Density

D1- Design Review
-Rosecrans Avenue

RH Residential High Density

D2- Design Review
-11th Street

RPD Residential Planned Development

RSC Residential Senior Citizen

Commercial Districts

CL Local Commercial

CC Community Commercial

CG General Commercial

CD Downtown Commercial

CNE North End Commercial

D5- Design Review
-North End Commercial

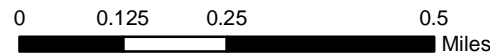
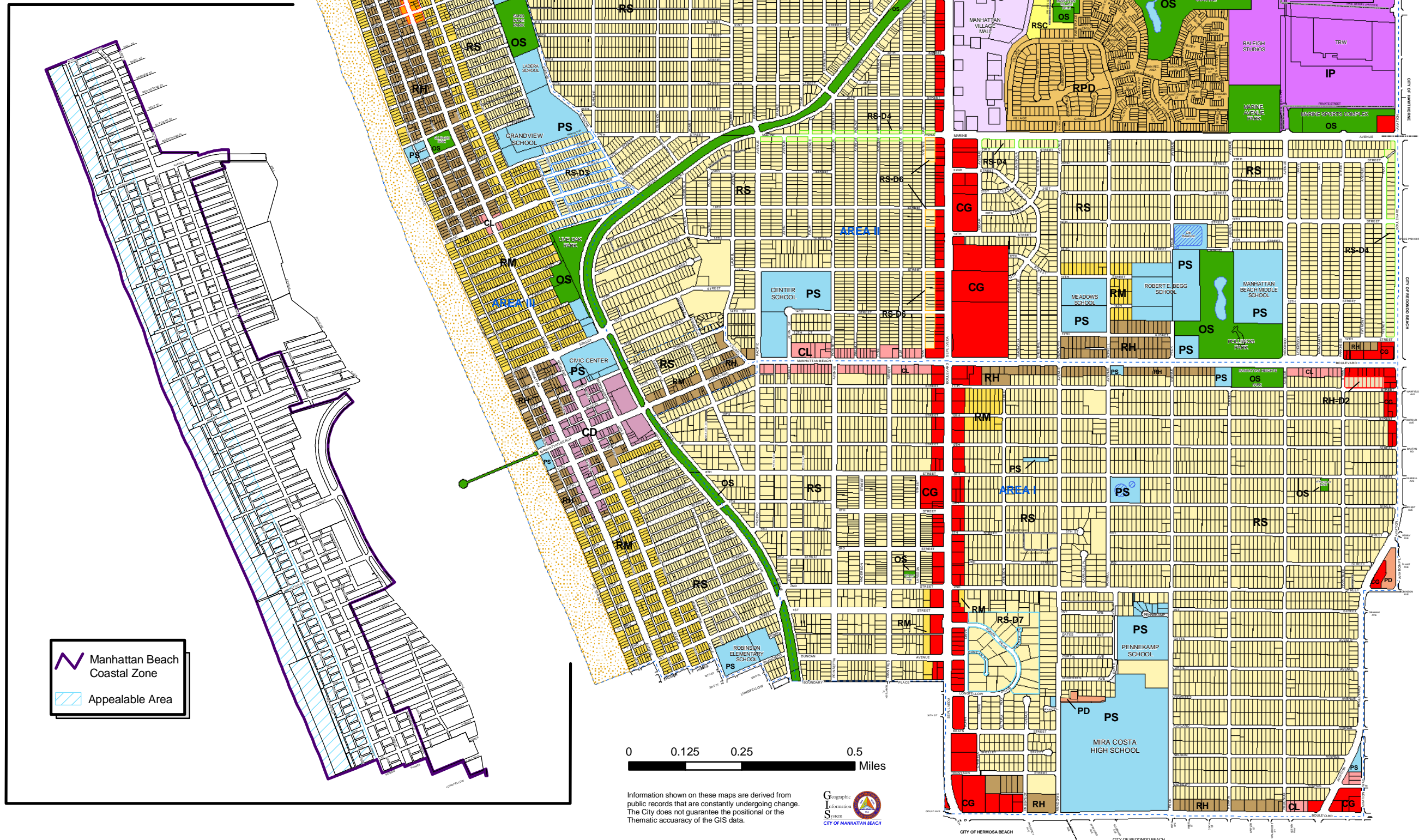
Other Districts

PD Planned Development

IP Industrial Park

PS Public and Semi-Public

OS Open Space



Information shown on these maps are derived from public records that are constantly undergoing change. The City does not guarantee the positional or the Thematic accuracy of the GIS data.

