



Agenda Item # \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Fahey and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Rosemary Lackow, Senior Planner

**DATE:** December 6, 2005

**SUBJECT:** Consideration of Planning Commission Recommendation to Approve Amendments to Title 10 of the Municipal Code (The Zoning Ordinance) and Title A of the Local Coastal Program (LCP) for the Purpose of Establishing a Maximum Lot Size for Residential Properties

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### **RECOMMENDATION:**

Staff recommends that the City Council **CONDUCT THE PUBLIC HEARING, WAIVE FURTHER READING AND INTRODUCE ORDINANCE NOS. 2080 AND 2081.**

### **FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

### **BACKGROUND:**

On June 24, 2005 the City Council held their annual Work Plan Meeting and adopted a two-year Work Plan. One of the adopted Work Plan items is intended to address *mansionization* occurring in the City, and has three components: 1) review the possibility of establishing a maximum lot size in the Zoning Ordinance, 2) review a past Work Plan item regarding possible lot merger building regulations and 3) consider establishing development incentives in exchange for development benefits. This report addresses the first component of the Work Plan item which relates to establishing a maximum lot size standard for residential development.

On October 12, and November 9, 2005 the Planning Commission conducted a public hearing regarding this issue. The Commission concluded its review by adopting Resolution PC 05-17 (5-0 vote) on November 9<sup>th</sup>. This Resolution recommends that the City Council add a new zoning regulation that would limit the size of residential lots or building sites throughout the City to no more than twice the applicable minimum lot area.

Staff has therefore prepared Ordinance No.'s 2080 and 2081 which contain the Planning Commission's recommendation for consideration by the City Council (Attachments A and B). Ordinance 2080 contains the proposed changes to the Zoning Ordinance in the Municipal Code and Ordinance 2081, the changes to the Local Coastal Program. Both ordinances propose two

changes. The first change is the addition of a new section (Sections 10.12.52/A.2.40) entitled “Maximum site area for all residential districts” which contains the text of the new regulation and the second change is the insertion of a reference to the new regulation within the summary table of residential development standards (Sections 10.12.030/A.12.030).

Upon adoption of the ordinance by the City Council, Staff will submit the proposed changes to the Coastal Commission for approval of the Local Coastal Program amendment.

**DISCUSSION:**

*Current regulations/building trends*

For many years the City has had a minimum lot size standard. A minimum lot size is an important standard because it guides the subdivision of land and establishes density and lot patterns within the various subdivisions that form neighborhoods. The minimum required lot area varies depending on the section of the City, ranging from 2,700 square feet in the beach areas (Area Districts III/IV) to 4,600 square feet in the Tree Section (Area District II) to 7,500 square feet in the eastside of town (Area District I). There has never been, however, a maximum lot size standard or a regulation that limits the number of lots, once subdivided, that can be consolidated or merged together, creating a much bigger development site.

Residential development activity continues to occur at a high rate throughout the City and the vast majority of development occurs on single lots of a size equal or close to the applicable minimum lot area. While much activity consists of home additions or remodels on standard sized lots, there continues to be a significantly high rate of homes being demolished to make way for new larger homes.

Some owners have purchased and developed multiple contiguous lots. In such instances an owner has two basic development options: to either 1) build a home that extends over the lot line(s) that previously separated the individual lots, or 2) build a home on only one of the lots and use or develop the other lot(s) as one or more independent home sites or as supplemental open yard or pool area. While in both options, the lots may be in common ownership and both could be developed to appear as a single residential “compound”, there are important differences.

In the first option the owner must record a document “merging” or legally combining the lots. The original lot line(s) separating the lots is dissolved and the multiple lots become one larger lot. All building and zoning regulations (which can differ according to lot size) are applied to the property as one lot or single building site. This option has been referred to as a “lot merger”. Most, if not all of the recent lot mergers have consisted of only two lots and in many cases more open yard area has resulted when such lots are combined, when compared to the same sized lots developed individually. However, potentially owners could purchase more than two lots for development and the Planning Commission recognized that potentially the size of a structure on such a site could be unusually large, due to the increased lot size. Such merged lots can only be sold as single properties and can be redeveloped independently in the future only upon approval of a new subdivision that would reestablish the original lot lines.

In the second option, an owner may elect to develop one lot as the primary residence and the other lot(s) as accessory uses or yard, with no structures extending over the existing lot lines. In such

situations each structure that contains living area must independently comply with all single family standards applicable to that individual lot, including provision of at least two garage parking spaces. This option has been referred to as the “assembling” of lots. Each lot remains independent; the lots are not merged and can be sold off separately without any special planning approval.

*Planning Commission recommendation*

The Planning Commission determined that the merging of more than two lots into a single building site or lot may potentially disrupt the lot pattern in a neighborhood and detract from its character. Therefore two changes have been recommended and both would apply in both the Municipal Code and Local Coastal Program. The first, adding a new section (MBMC 10.12.52 and LCP A.12.40) would require that any building site proposed for residential development could not exceed twice the square footage of the minimum lot area that applies within that Area District. This would be applicable to all residential zones, low, medium and high density (RS, RM, RH) as well as the commercial districts that permit residential development (CL and CD).

This proposed new provision contains an exemption that allows merging of more than twice the minimum lot area for properties that are zoned for multi-family development and developed with three or more units. The purpose of this is to provide more flexibility for design of multiple dwelling units, thereby encouraging and protecting these zones for development as provided for in the Zoning Ordinance and consistent with Housing Element policies in the General Plan. This section also provides that the new standard would not apply to any lot that exceeds this new limitation of site area that was legally created before December 20, 2005 (the projected date of ordinance adoption), as long as such properties are not enlarged.

The second recommended change is the addition of a cross reference of the proposed new maximum site area standard in the existing summary table of residential standards (MBMC 10.12.030/ LCP A.12.030). Inclusion in the table will aid in making the public aware of the limitation because it will be listed along with other basic development standards.

The Planning Commission emphasized two points in particular in making their recommendation. First, the proposed limitation will apply only in those instances (as described in this report) where an owner is “merging” lots because a structure is proposed to extend over a lot line. It will not apply to “assembled” lots owned in common, but developed independently and where no structure extends over a lot line. Therefore owners still continue to have a lot of flexibility in designing reasonably sized homes “assembled” by common ownership and those owners will continue to have the ability to sell off any individual lots because their development complies with the code per lot.

Second, the proposed code changes are prospective in nature in that they are intended to address a type of development plan involving merging of more than two lots that is not known to have yet occurred in the City. The Commission noted that, without such a standard, however, the size of a residential lot created by merging smaller lots would be unrestrained and construction of very large structures on such lots would be out of character and scale with other nearby homes.

*Planning Commission Findings*

The Commission made the following findings which are incorporated into Ordinances 2080 and 2081:

1. The purpose of the proposed Amendments is part of a City effort to control impacts of *mansionization*, defined as the trend whereby large homes are being built and replacing historically small homes, on consolidated and standard sized lots. This trend can result in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood.
2. The proposed amendments are consistent with the goals and policies of the Manhattan Beach General Plan as follows:

Policy LU-2.2 of the Land Use Element which seeks to preserve and encourage open space on residential lots. By limiting lot size, house size will be restricted and open space will be maintained with traditional building setbacks patterns.

Goal LU-4 of the Land Use Element which seeks to preserve the features of neighborhoods and develop solutions tailored to each neighborhood. By limiting lot size, commensurate with area minimum requirements, patterns of existing lots and development will be maintained.

Policy 3.3 of the Housing Element which seeks to encourage new housing pursuant to the City's Land Use Element and Local Coastal Program.

Policy 5.2 of the Housing Element which states that the City will continue to support a diversity of housing types to accommodate needs. This will occur in that 1) by exempting the multi-family properties in Area Districts I and II, development of apartments and condominiums will be encouraged, and 2) by limiting development to a size no more than two contiguous lots, the standard lots in the City will remain available for development of separate housing units.

*Public Notice*

A quarter page "display" notice of this hearing was published in the Beach Reporter on November 24, 2005. In addition, as done for the Planning Commission hearing, a more detailed notice of this hearing was mailed to all owners of more than two contiguous properties and several architects who were identified as potentially affected or interested in this matter. The Planning Commission received oral testimony from only one person, a local architect who expressed his general interest in standards applicable to merged lots. At this time Staff has received no further communications regarding the proposed ordinances.

**CONCLUSION**

The Planning Commission recommends that the Council limit the size of residential building sites for all zones within the beach area and for all zones in the inland areas except multi-family sites that have three or more units. This will set a limit on the amount of land that can be joined together to accommodate buildings that potentially could be much larger than those that have historically been built in the City.

This recommendation pertains only to a change in the standards applicable to the land area of a development site. There are two other components of the City Council Work Plan that are also intended to address *mansionization* but relate to the specific standards applicable to the size of a residential building on a site formed by merging lots. Those other Work Plan items will be scheduled for public hearing at some time in the future.

- Attachments:
- A. Ordinance 2080
  - B. Ordinance 2081
  - C. PC Resolution PC 05-17
  - D. PC Minutes: 10/12/05 and 11/09/05
  - E. PC Staff Reports (some attachments not available electronically)

ORDINANCE NO. 2080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 10.12.030 AND ADDING SECTION 10.12.052 TO CHAPTER 10.12 OF THE MANHATTAN BEACH MUNICIPAL CODE (THE ZONING ORDINANCE) ESTABLISHING A MAXIMUM LOT SIZE REGULATION FOR RESIDENTIAL DEVELOPMENT

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

SECTION 1. The City Council hereby makes the following findings:

- A. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12 and November 9, 2005 regarding the proposed Code Amendments related to establishing a maximum lot size regulation, and public testimony was invited and received.
- B. The public hearing held by the Planning Commission was advertised by a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach. Additional notices of the public hearing on November 9, 2005 were mailed to interested parties, approximately 40 owners of multiple contiguous residential properties in the City and several local architects on October 31, 2005.
- C. Pursuant to applicable law, the City Council conducted a duly noticed public hearing on December 6, 2005 regarding the Planning Commission's recommendation regarding the proposed Code Amendments (Resolution PC 05-17), and public testimony was invited and received.
- D. The public hearing held by the City Council was advertised by a one-quarter page display ad published on November 24, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was similarly mailed to interested parties of record, approximately 40 owners of multiple contiguous lots and several local architects.
- E. The applicant for the subject project is the City of Manhattan Beach.
- F. The purpose of the proposed Amendments is to limit residential building sites to a maximum size, with exception of properties located in Area Districts I and II developed for high density housing. This action is in recognition that *mansionization* is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- G. 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,
- H. 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.
- I. 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.
- J. The proposed amendments to Title 10 of the Municipal Code (Zoning Ordinance) are consistent with the following goals and policies of the Manhattan Beach General Plan as follows:

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 lot size, housing size will be restricted

and open space will be maintained as traditional building setback patterns will be adhered to.

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 lot size the patterns of existing lots and development will be maintained.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two contiguous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the proposed amendment, inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RS, RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read 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>	<u>Area District II</u> RM	<u>Area District II</u> RH	Additional Regulations
Maximum Lot Area (sq. ft)	15,000	15,000	15,000	9,200	9,200	9,200	(U)

**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	Additional Regulations
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(U)

(U) See 10.12.52 Maximum site area for all residential districts.”

SECTION 3. The City Council of the City of Manhattan Beach hereby APPROVES the proposed amendment, adding the following Section 10.12.052 to the Manhattan Beach Municipal Code:

**“10.12.052. Maximum site area for all residential districts**

No site in any residential zoning district or commercial district where residential development is permitted shall exceed more than twice the square footage of the minimum lot area for that zoning district. Any lot in excess of said limit which has been legally created prior to December 20, 2005 shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date.

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.”

SECTION 4. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this Ordinance and the City Council is served within 120 days of the date of this Ordinance.

SECTION 5. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 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 6. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 7. 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 8. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of December, 2005.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk



ORDINANCE NO. 2081

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AMENDMENTS TO THE MANHATTAN BEACH LOCAL COASTAL PROGRAM ZONING CODE (SECTIONS A.64.170) ESTABLISHING A MAXIMUM LOT SIZE REGULATION FOR RESIDENTIAL DEVELOPMENT

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

SECTION 1. The City Council hereby makes the following findings:

- A. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12 and November 9, 2005 regarding the proposed Code Amendments related to establishing a maximum lot size regulation, and public testimony was invited and received.
- B. The public hearing held by the Planning Commission was advertised by a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach. Additional notices of the public hearing on November 9, 2005 were mailed to interested parties, approximately 40 owners of multiple contiguous residential properties in the City and several local architects on October 31, 2005.
- C. Pursuant to applicable law, the City Council conducted a duly noticed public hearing on December 6, 2005 regarding the Planning Commission's recommendation regarding the proposed Code Amendments (Resolution PC 05-17) and public testimony was invited and received.
- D. The public hearing held by the City Council was advertised by a one-quarter page display ad published on November 24, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was similarly mailed to interested parties of record, approximately 40 owners of multiple contiguous residential properties in the City and several local architects on October 31, 2005.
- E. The applicant for the subject project is the City of Manhattan Beach.
- F. The purpose of the proposed Amendments is to limit residential building sites to a maximum size. This action is in recognition that *mansionization* is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- G. 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,
- H. 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.
- I. 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.
- J. The proposed amendment to the Title 10 of the Municipal Code (Zoning Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with the following goals and policies of the Manhattan Beach General Plan as follows:

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 lot size, housing size will be restricted

and open space will be maintained as traditional building setback patterns will be adhered to.

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 lot size the patterns of existing lots and development will be maintained.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in that the proposed regulation will limit development on no more than two contiguous standard sized lots, and therefore potentially more standard sized lots in the City will remain available for development of separate housing units.

SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the proposed amendment to the Manhattan Beach Municipal Code inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read 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>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(U)

(U) See A.12.040 Maximum site area for all residential districts.”

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby recommends adding a new section A.12.040 to the Manhattan Beach Local Coastal Program Implementation Program to read as follows:

**“A.12.040 Maximum site area for all residential districts**

No site in any residential zoning district or commercial district where residential development is permitted shall exceed more than twice the square footage of the minimum lot area for that zoning district. Any lot in excess of said limit which has been legally created prior to (adoption date) shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date. ”

SECTION 4. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this Ordinance and the City Council is served within 120 days of the date of this Ordinance.

SECTION 5. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this

Ordinance 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 6. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 7. 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 8. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 20th day of December, 2005.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. PC 05-17**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MANHATTAN BEACH  
RECOMMENDING TO ADD SECTION 10.12.052 AND  
AMEND SECTION 10.12.030 OF CHAPTER 10.12 OF  
TITLE 10 OF THE MANHATTAN BEACH  
MUNICIPAL CODE (THE ZONING ORDINANCE)  
AND TO ADD SECTION A.12.040 AND AMEND  
SECTION A.12.030 OF THE MANHATTAN BEACH  
LOCAL COASTAL PROGRAM IMPLEMENTATION  
PROGRAM ESTABLISHING A MAXIMUM LOT  
SIZE FOR ALL RESIDENTIAL ZONES**

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. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on October 12 and November 9, 2005 regarding the proposed Code Amendments which relate to establishing a maximum lot size for residential properties in Area Districts I, II, III and IV, and public testimony was invited and received.
- B. Public notice included a one-quarter page display ad published on September 29, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- C. The applicant for the subject project is the City of Manhattan Beach.
- D. The purpose of the proposed Amendments is to limit residential building sites to a maximum size, with exception of properties located in Area Districts I and II developed for high density housing. This action is in recognition that *mansionization* is occurring in the City, whereby large homes are replacing historically small homes, on consolidated and standard sized lots. This trend results in an impression of unrelieved building bulk screening out light and air and dwarfing existing standard sized buildings in neighborhood. Such effects can be controlled in part by limiting the size of a single building site.
- E. 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

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a significant effect on the environment, the activity is not subject to CEQA; and,

- F. 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.
- G. 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.
- H. 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 lot size 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 lot size, housing size will be restricted and open space will be maintained as traditional building setback patterns will be adhered to.

Policy 3.3 of the Housing Element which states that the City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program. The proposed amendment is found to be consistent with the Land Use Element and Local Coastal Program.

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. This will occur in two ways: 1) by exempting the multi-family properties in Area Districts I and II, that have at least 3 dwelling units, development of apartments and condominiums will be encouraged, and 2) by limiting development on no more than two contiguous standard sized lots, the standard sized lots in the City will remain available for development of separate housing units.

- I. 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

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development standards contained in the Local Coastal Program Implementation Plan.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends adding a new section 10.12.052 to the Manhattan Beach Municipal Code to read as follows:

**“10.12.052. Maximum site area for all residential districts**

No site in any residential zoning district or commercial district where residential development is permitted shall exceed more than twice the square footage of the minimum lot area for that zoning district. Any lot in excess of said limit which has been legally created prior to (adoption date) shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date.

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.”

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby recommends inserting (after Minimum Lot Dimensions) a new regulation Maximum Lot Area with related maximum lot size square footage and Additional Regulation (U), in the tables and list of Additional Development Regulations in Section 10.12.030 entitled Property development regulations: RS, RM and RH districts of the Manhattan Beach of the Manhattan Beach Municipal Code to read as follows:

**“PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II**

	<u>Area District I</u> <b>RS</b>	<u>Area District I</u> <b>RM</b>	<u>Area District I</u> <b>RH</b>	<u>Area District II</u>	<u>Area District II</u> <b>RM</b>	<u>Area District II</u> <b>RH</b>	<b>Additional Regulations</b>
Maximum Lot Area (sq. ft)	15,000	15,000	15,000	9,200	9,200	9,200	(U)

**PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV**

	<u>Area District III</u> <b>RS</b>	<u>Area District III</u> <b>RM</b>	<u>Area District III</u> <b>RH</b>	<u>Area District IV</u> <b>RH</b>	<b>Additional Regulations</b>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(U)

(U) See 10.12.52 Maximum site area for all residential districts.”

**RESOLUTION NO. PC 05-17**

SECTION 4. The Planning Commission of the City of Manhattan Beach hereby recommends adding a new section A.12.040 to the Manhattan Beach Local Coastal Program Implementation Program to read as follows:

**“A.12.040 Maximum site area for all residential districts**

No site in any residential zoning district or commercial district where residential development is permitted shall exceed more than twice the square footage of the minimum lot area for that zoning district. Any lot in excess of said limit which has been legally created prior to (adoption date) shall be exempt from this limitation but may not be increased in area beyond the boundaries in place on that date.”

SECTION 5. The Planning Commission of the City of Manhattan Beach hereby recommends inserting (after Minimum Lot Dimensions) a new regulation entitled Maximum Lot Area with related maximum lot size square footage and Additional Regulation (T), in the tables and list of Additional Development Regulations in Section A.12.030 entitled Property development regulations: RM and RH districts of the Manhattan Beach Local Coastal Program Implementation Program to read 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	<b>Additional Regulations</b>
Maximum Lot Area (sq. ft.)	5,400	5,400	5,400	5,400	(T)

(T) See A.12.040 Maximum lot area for all residential districts.”

SECTION 6. 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 7. 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

**RESOLUTION NO. PC 05-17**

unconstitutional or otherwise invalid.

SECTION 8. 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 November 9, 2005 and that said Resolution was adopted by the following votes:

AYES: Bohner, Lesser, Schlager, Simon, Chairperson  
Savikas

NOES: None

ABSENT: None

ABSTAIN: None

---

**RICHARD THOMPSON**  
Secretary to the Planning Commission

---

**SARAH BOESCHEN**  
Recording Secretary



**CITY OF MANHATTAN BEACH**  
**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION**  
**OCTOBER 12, 2005**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, October 12, 2005, at 6:35 p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 **ROLL CALL**

6  
7 Vice-Chairperson Simon called the meeting to order.

8  
9 Members Present: Bohner, Lesser, Schlager, Vice-Chairperson Simon  
10 Members Absent: Chairperson Savikas  
11 Staff: Richard Thompson, Director of Community Development  
12 Rosemary Lackow, Senior Planner  
13 Eric Haaland, Associate Planner  
14 Sarah Boesch, Recording Secretary  
15

16 **APPROVAL OF MINUTES** September 28, 2005

17  
18 Commissioner Lesser requested that page 3, line 21 of the September 28 minutes be revised to  
19 read: "He said he is not sure what criteria the Commission should apply in reviewing the  
20 application. He asked whether aesthetic concerns are a sufficient standard by which to concur on  
21 staff's recommended proposal."  
22

23 A motion was MADE and SECONDED (Lesser/Bohner) to **APPROVE** the minutes of  
24 September 28, 2005, as amended.  
25

26 AYES: Bohner, Lesser, Schlager, Vice-Chairman Simon  
27 NOES: None  
28 ABSENT: Chairperson Savikas  
29 ABSTAIN: None  
30

31 **AUDIENCE PARTICIPATION** None

32  
33 **BUSINESS ITEMS**

34  
35 **PUBLIC HEARINGS**

36  
37 **05/1012.2 Code Amendment to Title 10 of the Municipal Code and Title A of the Local**  
38 **Coastal Program for the Purpose of Establishing a Maximum Lot Size for**  
39 **Residential Properties**  
40

41 Director Thompson commented that the proposal is a result of a long term priority of the City  
42 Council to address mansionization. He said that establishing a maximum lot size is one of three

1 issues to address mansionization that are planned to come before the Commission. He indicated  
2 that a review of lot merger regulations and considering development incentives in exchange for  
3 development benefits will come before the Commission in the future.

4  
5 Senior Planner Lackow summarized the staff report. She commented that the purpose of the  
6 work plan item is to preserve neighborhood character within the City that could potentially be  
7 impacted by lot mergers. She stated that the subject proposal is to limit lot size and does not  
8 directly address or limit building size. She indicated that currently the minimum lot size in Area  
9 District I is 7,500 square feet; in Area District II is 4,600 square feet; and in Area Districts III  
10 and IV is 2,700 square feet. She stated that the proposal is to limit the lot size for a residential  
11 development to twice the minimum size that is permitted in the area in which the site is located.  
12 She stated that the proposed regulation would apply in all residential zones and area districts;  
13 would not apply to existing large lots already over twice the permitted lot size; and would  
14 include an exemption for multifamily development. She said that with the new restriction, the  
15 maximum lot size would be 15,000 for Area District I; 9,200 for Area District II; and 5,400 for  
16 Area Districts III and IV. She showed slides with examples of developments in different areas of  
17 the City. She said that the decision of the Commission would be a recommendation forwarded to  
18 the City Council. She indicated that another public hearing would be scheduled before the City  
19 Council.

20  
21 Commissioner Lesser indicated that the term “mansionization” is rather subjective and means  
22 different things to different people. He commented that there are no people in the audience for  
23 the hearing, and he requested information about the type of noticing that was done for the  
24 hearing beyond the ad that was placed in the Beach Reporter.

25  
26 Senior Planner Lackow said that notice of the hearing was published as a display ad in the Beach  
27 Reporter and on the City’s website. She said that staff did not individually notice homeowners.

28  
29 Director Thompson said that the noticing for the hearing was appropriate and consistent with  
30 noticing for Code amendments that would have a widespread impact. He said that there was not  
31 a unique situation that staff identified in this case for noticing of individual property owners.

32  
33 In response to a question from Commissioner Lesser, Director Thompson stated that there are  
34 three properties on The Strand at 3<sup>rd</sup> Street which are owned by one person that could possibly  
35 be merged and developed in the future.

36  
37 In response to a question from Commissioner Lesser, Director Thompson indicated that staff  
38 receives requests for approximately one merger per year, which have only been to merge two  
39 lots.

40  
41 Commissioner Lesser requested information on what other cities have done to restrict lot sizes.

42  
43 Director Thompson said that cities typically place a minimum and not a maximum for lot sizes.  
44 He said that typically zoning codes have minimum standards such as for setbacks. He said that  
45 he was not aware of other cities having to restrict lot size.

1  
2 Commissioner Schlager asked whether lot owners of contiguous lots were provided notice of the  
3 hearing. He said that he would not want to predispose a homeowner's opinion about whether  
4 they would wish to merge their lots. He indicated that he would be concerned about providing  
5 adequate notice to homeowners that could be impacted, even though the legally required noticing  
6 was provided.

7  
8 Commissioner Schlager commented that he likes the idea of limiting lot size; however he wants  
9 to be certain that anyone who is potentially impacted knows about the hearing. He said that it is  
10 difficult many times for busy homeowners to catch an ad in the paper of the hearing. He said his  
11 biggest concern was that a viable attempt should be made to notify potentially affected property  
12 owners of this matter.

13  
14 Director Thompson said that it would be difficult to identify property owners who have an  
15 intension of purchasing a contiguous lot sometime in the future. He said that placing a large  
16 display ad in the Beach Reporter is the standard for noticing these types of regulations that are  
17 generally and uniformly applied.

18  
19 In response to a question from Commissioner Schlager, Senior Planner Lackow said staff arrived  
20 at a maximum of two times the minimum lot size because the typical pattern has been for two  
21 lots to be merged, and staff felt that an amount beyond that would be unusually large.

22  
23 Director Thompson said that a trend has been established over time for two-lot mergers, which  
24 has been accepted by residents. He said that staff has not received any requests to merge more  
25 than two lots, and such a merger could impact the neighborhood and change the character of a  
26 block.

27  
28 Vice-Chairperson Simon opened the public hearing.

29  
30 There being no one wishing to speak on the issue, Vice-Chairman Simon closed the public  
31 hearing.

32  
33 Vice-Chairperson Simon said that people who have an interest in an issue may be able to give  
34 different perspectives and ideas to the Commission, and no such input was received for this  
35 hearing. He stated that providing notice to owners of three contiguous properties who could be  
36 impacted might be worthwhile even though he acknowledged that it is not possible to identify  
37 owners contemplating to merge more than two standard lots. He commented that he would hope  
38 the owner of the three properties along The Strand at 3<sup>rd</sup> Street was provided specific notice of  
39 the proposal, since it would take away the right to merge those properties.

40  
41 Commissioner Lesser said that he is generally in favor of the proposal; however, he too has a  
42 problem with the noticing. He said that he would like staff to make an extra effort to identify  
43 and notify property owners that could be affected and who might have objections. He  
44 commented that he appreciates the generous size of the lots that would still be permitted if the  
45 Ordinance were to be passed. He said that he feels it would be appropriate to renotify the

1 hearing.

2

3 Commissioner Bohner said that he concurs with providing direct notice to people to the extent  
4 that there is a viable method for identifying the people that would be impacted. He said that the  
5 proposal for limiting lot size is in keeping with the general concept and policy goals of the City  
6 Council to maintain the character of neighborhoods. He said that limiting lot size to two times  
7 the minimum required are of lots is a viable formula, and he would not require any alternative  
8 formulas in light of the fact that it is a prospective plan and would not be applied retroactively to  
9 the larger lots.

10

11 Commissioner Schlager said that he is satisfied with how staff reached the formula for the  
12 maximum lot size. He said that limiting the size to two lots makes sense, and the formula should  
13 be kept simple. He said that his main objection to acting on the proposal at this point is due to  
14 concerns regarding the noticing that was provided. He said that if staff could give notice to those  
15 residents who may be impacted, then those residents would have the opportunity to present a  
16 different perspective. He said that he would like to have the Commission approve the Resolution  
17 with all concerns addressed before a recommendation is forwarded to the Council.

18

19 Vice-Chairperson Simon suggested that architects and developers also be provided notice of the  
20 hearing.

21

22 Director Thompson said that staff will send out a courtesy notice to all property owners that are  
23 determined to be potentially impacted by the proposal. He said that staff will explain in the  
24 notice what is being proposed and what impact it would have on their lots if, in the future they  
25 wish to merge their lots to build larger homes.

26

27 Commissioner Schlager commented that he feels the Commission's responsibility is to the  
28 homeowners who have an interest in the community and not necessarily to the developers who  
29 do not live in the City.

30

31 Commissioner Lesser stated that he is in favor of the proposal but is genuinely interested in  
32 hearing viewpoints that may differ from his own, especially regarding any adverse impacts that  
33 could result from restricting lot mergers. He noted that it may be a developer who would have  
34 that insight.

35

36 A motion was MADE and SECONDED (Lesser/Schlager) to **REOPEN** the hearing and  
37 **CONTINUE** the hearing regarding a proposed Amendment of Title 10 of the Municipal Code  
38 and Title A of the Local Coastal Program for the Purpose of Establishing a Maximum Lot Size  
39 for Residential Properties to the meeting of November 9, 2005, with the direction that staff  
40 attempt to improve upon the amount of public legal notice that has already been provided, and  
41 that an additional courtesy notice should be provided to all property owners whom Staff  
42 identifies could be impacted.

43

44 AYES: Bohner, Lesser, Schlager, Vice-Chairperson Simon

1 NOES: None  
2 ABSENT: Chairperson Savikas  
3 ABSTAIN: None  
4  
5  
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**D R A F T      C I T Y O F M A N H A T T A N B E A C H      D R A F T**  
**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION**  
**NOVEMBER 9, 2005**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, November 9, 2005, at 6:35 p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 **ROLL CALL**

6  
7 Chairperson Savikas called the meeting to order.

8  
9 Members Present:            Bohner, Lesser, Schlager, Simon, Chairperson Savikas  
10 Members Absent:            None  
11 Staff:                         Richard Thompson, Director of Community Development  
12                                    Rosemary Lackow, Senior Planner  
13                                    Sarah Boesch, Recording Secretary  
14

15 **APPROVAL OF MINUTES**            October 26, 2005

16  
17 A motion was MADE and SECONDED (Simon/Bohner) to **APPROVE** the minutes of October  
18 26, 2005.

19  
20 AYES:            Bohner, Lesser, Schlager, Simon, Chairperson Savikas  
21 NOES:            None  
22 ABSENT:        None  
23 ABSTAIN:       None  
24

25 **AUDIENCE PARTICIPATION**    None

26  
27 **BUSINESS ITEMS**

28  
29 **PUBLIC HEARINGS**

30  
31 **05/1012.2-1    CODE AMENDMENT to Title 10 of the Municipal Code and Title A of the**  
32 **Local Coastal Program for the Purpose of Establishing a Maximum Lot Size**  
33 **for Residential Properties**  
34

35 Director Thompson commented that since the last hearing, staff has made their best effort in  
36 providing outreach and notification to property owners with lots that they may wish to merge in  
37 the future and contacting architects and contractors who may have an interest in the issue. He  
38 commented that a copy of the notice is included in the staff report.

39  
40 Senior Planner Lackow summarized the staff report. She stated that this work plan item for  
41 establishing a maximum lot size is one of three to come before the Commission to address  
42 mansionization. She indicated that consideration of lot merger building standards and

1 development incentives in exchange for development benefits are the other two work plan items  
2 and they also will come before the Commission in the future. She stated that notice was  
3 provided to 43 property owners who were identified who owned more than two contiguous lots,  
4 and notice was also sent to approximately 25 architects who work within the City. She  
5 commented that staff received no comments from property owners and received one comment  
6 from an architect. She commented that the purpose of the proposed Ordinance is to limit the  
7 amount of land that can be merged to form a larger parcel with the goal to preserve and maintain  
8 the existing lot patterns and character of neighborhoods. She stated that there is a provision that  
9 will “grandfather” any existing legal oversized lots and there is also an exemption for multi-  
10 family development in Area Districts I and II in order to encourage multi-family development.

11  
12 Senior Planner Lackow commented that minor changes have been made to the Resolution, and  
13 the updated language has been provided to the Commissioners. She pointed out that the first  
14 sentence of the Ordinance has been changed to read: “No ~~lot~~ site in any residential zoning  
15 district or commercial district where residential development is permitted shall exceed more than  
16 twice the square footage of the minimum lot are for that zoning district.” She indicated that the  
17 word “lot” was changed to “site” because staff felt the definition of “site” in the Zoning Code is  
18 broader and more reflective of lots being assembled together, and therefore more appropriate.

19  
20 Senior Planner Lackow stated that the word “site” will be changed to “lot” on the charts titled  
21 “Property Development Standards for Area Districts I and II” and “Property Development  
22 Standards for Area Districts III and IV” on page 3 of the Resolution.

23  
24 Commissioner Bohner commented that he feels it is appropriate to clarify the Ordinance by  
25 changing “lot” to “site” to make the Ordinance consistent with the Code.

26  
27 In response to a question from Commissioner Lesser, Senior Planner Lackow indicated that staff  
28 decided to exempt lots within Area Districts I and II for multi-family development because they  
29 are typically larger than lots in Area Districts III and IV and tend to be more appropriate for  
30 multi unit development.

31  
32 Commissioner Lesser thanked staff for re-noticing the hearing and that this will allow for  
33 additional input to identify any possibly adverse impacts.

34  
35 Chairperson Savikas opened the public hearing.

36  
37 **Louis Tomaro**, a resident of the 200 block of Anderson Street, asked if there might be an  
38 impact resulting from the proposed Ordinance perhaps in situations where a corner lot is merged  
39 with another lot resulting in the creation of a different front yard. He asked whether changing  
40 the “front yard” location would still be an option with the proposed Ordinance. He also asked  
41 regarding possible constraints that would be placed on the location of structures once lots are  
42 merged.

43  
44 Senior Planner Lackow stated that the Ordinance does not address issues of development  
45 standards for buildings on merged lots but simply establishes a maximum size permitted for

1 merged lot sites. She indicated that the proposed Ordinance does not affect setback  
2 requirements.

3  
4 Director Thompson stated that the proposed Ordinance would not affect the amount of  
5 construction that may occur on a merged lot. He stated, however, that there is some interest by  
6 the City Council to consider placing further limitations on the amount of allowable buildable  
7 floor area (BFA), and the issue will be coming before the Commission in the near future.

8  
9 Chairperson Savikas closed the public hearing.

10  
11 Commissioner Bohner indicated that the Resolution is in keeping with the desire to maintain the  
12 neighborhood character of the City, and it is reasonable to limit lot mergers to two minimum  
13 sized lots as proposed. He commented that the exemptions for existing legal oversized lots and  
14 for multi family units in Area Districts I and II are reasonable. He said that the proposal has  
15 been noticed, and there has been an opportunity for property owners to provide input. He  
16 indicated that he supports the modifications to the language of the Ordinance proposed by staff  
17 because they make it simpler and more precise. He indicated that he supports the Resolution.

18  
19 Commissioner Lesser thanked staff for re-noticing the hearing to ensure that property owners  
20 who might be impacted by the Ordinance had an opportunity to bring any possible issues to the  
21 attention of the Commissioners and staff. He said that he has not heard specific objections to  
22 limiting the maximum site size. He commented that lot mergers can produce more open space,  
23 and property owners should have the opportunity to assemble lots. He said that with the growing  
24 number of demolition permits being requested in the City, the Ordinance is appropriate in order  
25 to mitigate the possibility of a property owner buying a number of contiguous lots and building a  
26 very large home.

27  
28 Commissioner Simon pointed out that the Ordinance is reinforcing the existing regulations for  
29 standard sized lots. He indicated that it would not restrict the ability to build on third lots  
30 provided that a structure is not built over the property line. He said that he feels comfortable  
31 with the staff's suggestion to change the word "lot" to "site"; however, he would have liked to  
32 have more opportunity to consider the reasoning behind the change. He commented that he is  
33 pleased with the language in Section 1, Item D which clarifies the meaning of the term  
34 "mansionsization." He suggested, however, changing the wording to read: "This action is in  
35 recognition that mansionsization is occurring in the City, whereby extremely large homes are  
36 replacing small homes on standard sized and consolidated lots." He indicated that the concern is  
37 building large homes on standard sized lots and not only consolidated standard sized lots. He  
38 also commented that the term "extremely large homes" in the wording is very subjective.

39  
40 Commissioner Bohner suggested removing the word "extremely" to read: "whereby large homes  
41 are replacing small homes . . ." He indicated that the intent is not to target a particular size of  
42 home but rather to recognize that the trend is that the size of homes in general is becoming  
43 larger. He said that the purpose is to set in place the context the reason for the Ordinance.

44  
45 Chairperson Savikas suggested changing the wording to read: "whereby large homes are



1 replacing historically smaller homes . . .”

2  
3 Commissioner Lesser asked regarding whether reference should be made in the wording  
4 regarding the trend of building homes to the maximum allowable buildable floor area (BFA).

5  
6 Senior Planner Lackow commented that the City Attorney in drafting the language of the  
7 Ordinance was referring solely to the concept of consolidating lots. She said that staff would  
8 support Commissioner Simon’s proposed language to read: “. . . on standard sized and  
9 consolidated lots.” She said that staff would also support removing the word “extremely” before  
10 “large homes” and replacing “small homes” with “historically smaller homes.”

11  
12 Commissioner Bohner commented that referring to mansionization in the Ordinance should  
13 provide a context and should not become burdened with too many definitions.

14  
15 Commissioner Schlager commended the staff for sending out additional notice regarding  
16 consideration of the new Ordinance. He commented that he is extremely surprised that there  
17 was no response from the public. He indicated that he supports the new language as proposed by  
18 staff. He commented that the Ordinance is very clear regarding the goal of preventing the  
19 maximum allowable amount of BFA to be built on more than two contiguous lots.

20  
21 Chairperson Savikas commented that she did not feel that the proposed Ordinance was necessary  
22 to enact because of the history of very few lot mergers in the City. She commented, however,  
23 that she feels it is good to have such a regulation enacted to mitigate concerns regarding future  
24 development of merged lots. She commented that the Ordinance also helps to define the term of  
25 “mansionization.” She indicated that she is comfortable that the Ordinance would not infringe  
26 on property rights, as there have historically not been requests in the City to merge more than  
27 two lots.

28  
29 Commissioner Lesser referenced the definition of “mansionization” used in the October 12<sup>th</sup>  
30 Staff report which states: “The term mansionization is a trend facing many cities nationwide  
31 whereby small or average sized homes are being demolished at high rates and replace by large  
32 homes sometimes on sites formed by combining lots.”

33  
34 Commissioner Bohner said that he feels the language of the Ordinance should not give a precise  
35 definition of mansionization but rather provide a context for its purpose. He said that he would  
36 not belabor the definition of mansionization in the Resolution by trying to make it more detailed  
37 or complicated. He suggested that changes to the language be made simple.

38  
39 A motion was MADE and SECONDED (Simon/Lesser) to **APPROVE** the Proposed Ordinance  
40 with changes to the wording of Section 1 item D to read: This action is in recognition that  
41 *mansionization* is occurring in the City, whereby ~~extremely~~ large homes are replacing  
42 historically smaller homes, on standard sized and consolidated existing lots,” and changing the  
43 word “site” to “lot” on the first column of the two charts on page 3 of the Resolution.

44  
45 AYES: Bohner, Lesser, Schlager, Simon, Chairperson Savikas

1 NOES: None  
2 ABSENT: None  
3 ABSTAIN: None  
4

5 Director Thompson stated that the item is tentatively scheduled to be placed on the City  
6 Council's agenda as a public hearing for their meeting of December 6, 2005.  
7

8 **DIRECTOR'S ITEMS**  
9

10 Director Thompson announced that the dedication ceremony for the Metlox development will  
11 take place on December 1, 2005 at 4:00 p.m.  
12

13 **PLANNING COMMISSION ITEMS**  
14

15 Commissioner Simon commented that he is pleased with the discussion and input regarding the  
16 definition of mansionization in the previous discussion because it is helpful to the overall  
17 challenge in the City.  
18

19 **TENTATIVE AGENDA: December 14, 2005**  
20

- 21 A. City Council Work Plan Item: Zoning Code Amendment to the Tree Preservation  
22 Regulations (Continued from 10/26/05)  
23
- 24 B. Use Permit for a Three Unit Condominium located at 1114 2<sup>nd</sup> Street (Sweeney)  
25
- 26 C. Amendment to Planned Development Permit located at 3601 Aviation Boulevard  
27

28 **ADJOURNMENT**  
29

30 The meeting of the Planning Commission was **ADJOURNED** at 7:30 p.m. in the City Council  
31 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, December 14, 2005, at 6:30 p.m. in  
32 the same chambers.  
33

34 \_\_\_\_\_  
35 RICHARD THOMPSON  
36 Secretary to the Planning Commission  
37

\_\_\_\_\_  
SARAH BOESCHEN  
Recording Secretary

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

**TO:** Planning Commission

**FROM:** Richard Thompson, Director of Community Development  
Rosemary Lackow, Senior Planner

**DATE:** November 9, 2005

**SUBJECT:** Proposed Zoning Code Amendments Revising Title 10 of the Municipal Code (The Zoning Ordinance) and Title A of the Local Coastal Program (LCP) for the Purpose of Establishing a Maximum Lot Size for Residential Properties

**RECOMMENDATION**

Staff recommends that the Commission **CONDUCT** the **PUBLIC HEARING** and **ADOPT** the attached Resolution (Exhibit A) recommending that a maximum lot size be established for residential properties.

**BACKGROUND**

On June 24, 2005 the City Council held their annual Work Plan Meeting and developed the 2005-2007 Work Plan. The Work Plan included an item regarding mansionization. Mansionization has been a concern in that small homes are being demolished at a high rate and are being replaced with much larger homes, in some cases on sites formed by combining lots and building over the original lot lines.

A joint meeting was subsequently held on July 26, at which the City Council, Planning Commission and Staff discussed this issue. There was a consensus that steps should be taken to address mansionization in Manhattan Beach. The City Council directed Staff to: 1) review the possibility of establishing a maximum lot size in the Zoning Ordinance, 2) review a past Work Plan item regarding zoning regulations on merged lots and 3) consider establishing development incentives in exchange for development benefits.

On October 12, 2005 the Planning Commission conducted a public hearing on the first component of this Work Plan item, relating to establishing a new maximum lot size standard. At that meeting, the Planning Commission discussed the proposed ordinance but received no public testimony (see minutes, Exhibit B). The Commission continued the public hearing to this date to allow more opportunity for public input.

## **DISCUSSION**

### *Proposed Ordinance*

The intent of the proposed ordinance is generally to limit the amount of land or lots that could be merged to form a larger parcel, thereby preserving the existing lot and development pattern in a neighborhood. This could also indirectly limit the size of structures being built on single lots. Specifically, the proposal is to establish a maximum size for a building site or parcel of land (if being enlarged in the future) to an amount equivalent to twice the prescribed minimum lot size currently in the zoning regulations. The minimum lot size varies depending on the applicable zoning designation and area of the City.

For example, in Area District III in the beach area, a lot must have a minimum of 2,700 square feet of land but if this ordinance is adopted, the total size of a single lot or building site could not exceed 5,400 square feet of land (2 times 2,700 square feet). The proposed ordinance would not limit the number of contiguous lots that can be owned by someone, but it would limit the amount of land area that can be merged for development. Staff has prepared a graphic (Exhibit C) to illustrate in two scenarios, how the proposed ordinance would theoretically apply to a typical site in the beach area comprised of three contiguous lots.

### *Exemptions*

The new standard is proposed to apply to all zones that permit residential development in Area Districts III (RS, RM, RH) and IV (El Porto, RH only). Two exemptions are included, however, that would waive the standard for the following: 1) Any lot in excess of the maximum lot size limit which has been legally created prior to October 1, 2005, but would not be allowed to be increased in lot area beyond the parcel boundaries in place on that date, and 2) Any property that is zoned RM, RH and CL in Area Districts I and II that is developed with three or more dwelling units.

The purpose of the first exemption is so that existing building sites already comprised of merged lots that exceed the new building site limit will not be rendered “nonconforming” by this ordinance. The purpose of the second exemption is to encourage multi-family housing in the districts where permitted.

### *Public notice*

The Planning Commission directed that Staff notify property owners of more than two contiguous lots, so that the owners could learn about this proposal and have an opportunity to express their opinion to the Planning Commission in the public hearing. The attached notice was therefore sent to approximately 40 owners who were identified as owning multiple contiguous lots (Exhibit D). Staff has not been able to examine each site with respect to the applicability of the ordinance but has encouraged each owner to contact the City for further information and to participate in the public hearing. Staff also sent the same notice to several architects or designers. No further input has been received at the writing of this report.

*Background reference materials*

Besides the draft Resolution, which contains the proposed code text changes, other background materials are available for reference. The October 12, 2005 Staff Report to the Commission (with attachments) can be accessed on the City's website: [www.citymb.info/commissions](http://www.citymb.info/commissions) (Planning Commission meeting index, October 12, 2005.)

**CONCLUSION**

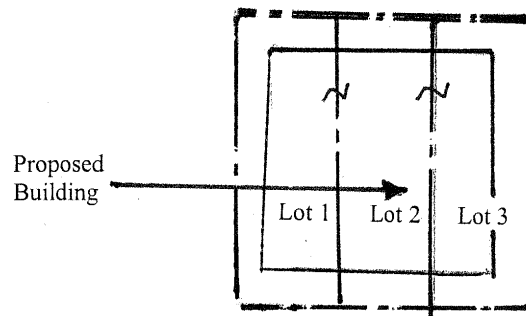
The City Council is committed to addressing impacts from mansionization, and this proposed zoning amendment is one component of that commitment. The establishment of a maximum lot size, with certain exemptions is appropriate for all Area Districts and zones. The proposed amendments are consistent with the Manhattan Beach General Plan and Local Coastal Program, and in conjunction with other measures, will serve to protect the existing residential neighborhoods.

Attachments:

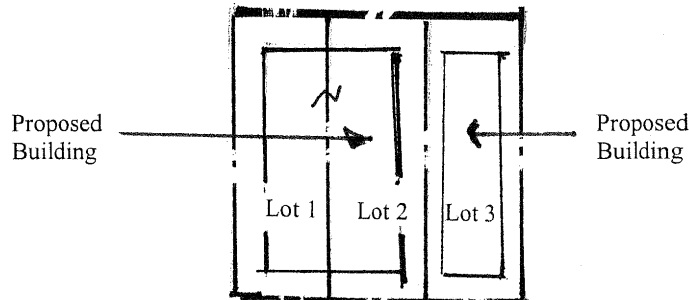
- Exhibit A. Draft Resolution PC 05 -
- Exhibit B. Minutes: Planning Commission October 12, 2005
- Exhibit C. Graphic: Applicability of Proposed Ordinance
- Exhibit D. Public Hearing Notice: October 31, 2005

# Applicability of Proposed Ordinance

Theoretical situation: Owner of three contiguous standard beach lots (2,700 square feet each) proposes to develop site.



**Option 1:** New home "footprint" extends over two internal lot lines, merging three lots (to be prohibited).



**Option 2:** New home "footprint" extends over one internal lot line, merging two lots (to be allowed). If owner retains ownership of third lot, that lot could be developed independently with a single family dwelling or as a yard.

EXHIBIT  
C



# City of Manhattan Beach

## Community Development

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Phone: (310) 802-5500  
FAX: (310) 802-5501  
TDD: (310) 546-3501

October 31, 2005

Dear property owner and other interested parties:

You are hereby advised that the Manhattan Beach Planning Commission will be conducting a public hearing to consider a proposed Lot Merger Ordinance. The proposed ordinance, as currently drafted, would limit the size of a residential building site, if created by merging or combining lots, to a maximum area equivalent to two times the applicable minimum lot size. For example, in the “beach area” of the City, where the minimum size of a lot is 2,700 square feet, the proposed ordinance would prevent a property owner from merging or combining contiguous properties if, as a result of combining, the lot area would then exceed 5,400 square feet. However, using this same “beach area” example, the proposed ordinance would not prevent an owner of such 5,400 square foot lot from using a third contiguous lot (also under his/her ownership) as an accessory yard or developing the third contiguous lot independently, provided there are no structures that extend over the lot line of the third lot onto the adjoining 5,400 square foot lot.

This public hearing was initiated by the City Council and is part of a program intended to address “mansionization”. Mansionization in this context is the construction of unusually large homes built on unusually large building sites that are created by consolidating or merging contiguous lots. The City Council’s concern is that such development, if it were to occur could disrupt the traditional development pattern and alter the character of a neighborhood.

The Lot Merger Ordinance public hearing will be held:

November 9, 2005 (Wednesday), at 6:30 p.m.  
City Council Chambers, City Hall  
1400 Highland Avenue, Manhattan Beach.

Interested parties are encouraged to review the proposed ordinance and participate in the public hearing. Further detailed information, including a detailed Staff Report dated October 12, 2005 is available online at: [www.cityymb.info/commissions/planning\\_commission/2005/20051012/max\\_lot\\_size.pdf](http://www.cityymb.info/commissions/planning_commission/2005/20051012/max_lot_size.pdf). Copies of an updated Staff Report will also be available on the same Planning Commission web page (11/09/05 agenda) after November 5, 2005. Correspondence may be submitted to the Planning Commission in care of the Department of Community Development, and no later than Tuesday, November 3<sup>rd</sup> in order for such correspondence to be included in the 11/9/05 Staff Report. Letters received after November 5th will be presented to the Planning Commission by Staff at the public hearing. For further information, contact Rosemary Lackow, Senior Planner, at 802-5515, or by e-mail at [rlackow@cityymb.info](mailto:rlackow@cityymb.info)

Richard Thompson  
Director of Community Development