



**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

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

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(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

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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 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) Minimum</u>	7,500	7,500	7,500	4,600	4,600	4,600	(A) (B) (C) (K)
<u>Maximum</u>	22,500	22,500	22,500	16,200	16,200	16,200	
<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) Minimum</u>	2,700	2,700	2,700	2,700	(A) (B) (C) (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 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	Additional Regulations
Minimum Lot Dimensions					
Area (sq. ft)					(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

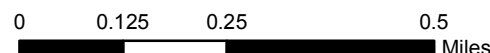
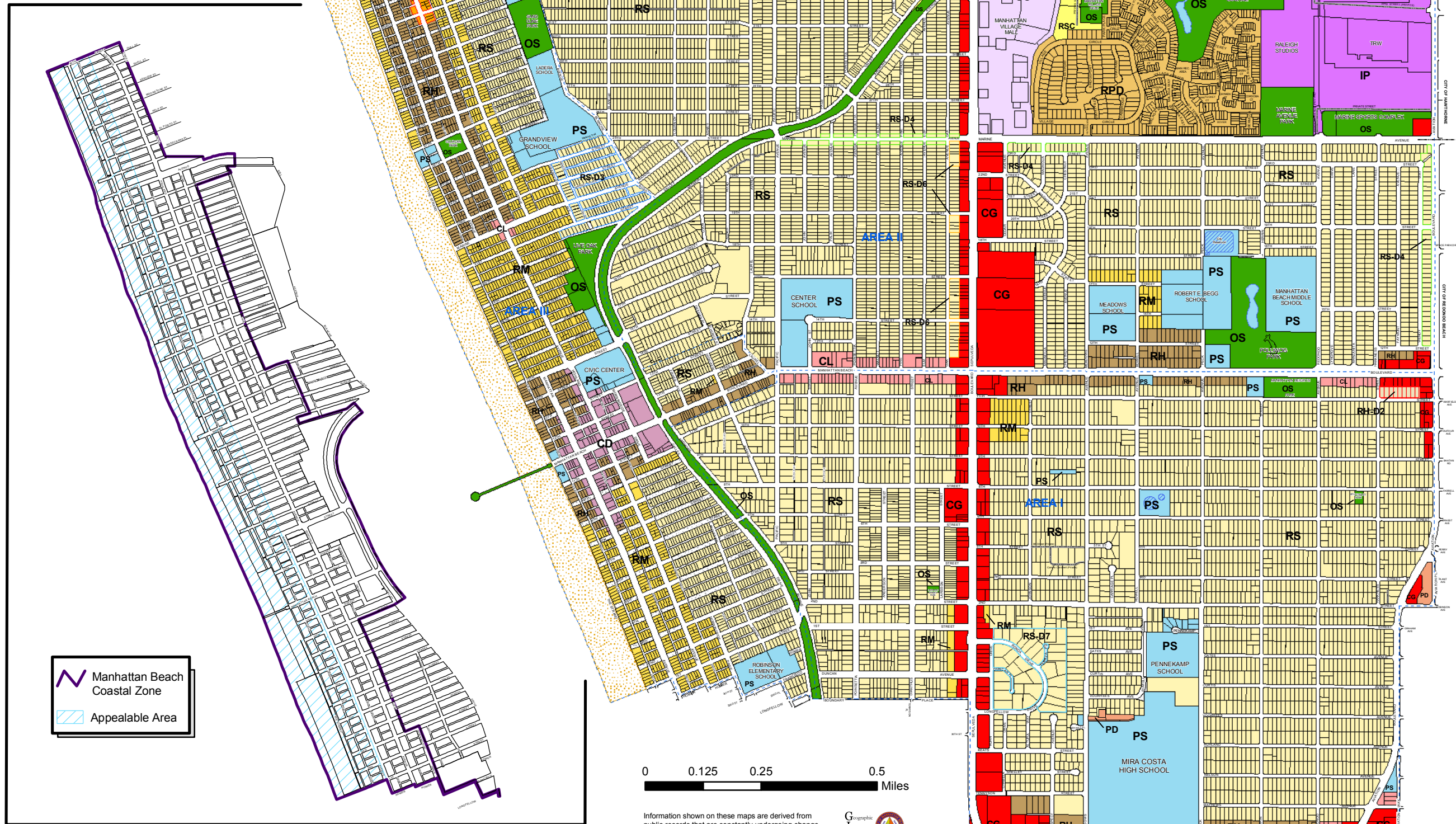
Other Districts

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.



Map Adopted by Ordinance Number 2057 August 3, 2004.
Adoption Incorporates the Following Preceding Ordinances
2025, 2019, 2012, 1988, 1935, 1869, 1848, 1832, 1779