

No to 50ft yes to 30ft for Highrose El Porto/Verandas

Highrose height limits waiver appeal. The developers have asked for a number of waivers but the height waiver is fundamental to the project and exceeds height allowable and should be reduced to meet the 30ft limit.

Most residents I know want to have more affordable housing but not this one that violates many of City of Manhattan Beaches building Codes. I would request the waiver 50 foot height be repealed and Highrose comply to the 30 foot height that complies with the Property development building standards for district I and II RS, RM and RH. (10.12.030)

**10.12.030 - Property development regulations: RS, RM, and RH districts.**  
[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in [Section 10.01.060\(A\)\(2\)](#) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. **This section shall not be amended to increase the standards for maximum height of structures or maximum buildable floor area, or to reduce the standards for minimum setbacks, minimum lot dimensions or minimum lot area per dwelling unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.**

**What waivers and concessions has the developer requested under State Density Bonus laws, MBMC Chapter 10.94, and MBLCP Chapter A.94?**

As allowed under State law and [local regulations](#), the developer has requested waivers for the following development standards: (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical

transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height.

It seems you have forgotten the above and approved all the waivers. They requested the waivers; does it mean we are powerless to refuse them?

The City has building codes for a reason to protect its citizens and the character of the community. If we are to ignore the code will the next very affordable development be, 150 units 80 feet high with 15 very affordable units? What is there to stop that? We can't just give the State of California and the Developer carte blanche and say its meeting affordable housing goals.

Is your department simply a rubber stamp for the developers and the STATE? This project does very little for affordable housing (6 units out of 79), but it does provide a great windfall for the developers. They get around the code, use the state law for a few affordable units and profit greatly from 73 units at market value. I would like more affordable housing but this is not the way.

This hurts the community and only enriches the Developers and their investors. Please reverse your decision and downsize the project to 30ft. We need to protect the community.

Thanks you

George Bordokas.

**From:** George Bordokas [george@bordokas.com] on behalf of George Bordokas  
**Sent:** Monday, April 11, 2022 9:25 AM  
**To:** george@bordokas.com  
**Subject:** FW: Highrose  
**Attachments:** Atach.1.jpg

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**Subject:** Highrose

The City of Manhattan Beach has a certified LCP. The LCP was certified by the California Coastal Commission in 1994 and therefore the City is able to issue its own coastal permits. The LCP addresses three primary issue areas: public access, locating and planning for new development, and the preservation of marine-related resources. The LCP includes a number of policies that will affect the ability to develop new housing within the coastal areas of the City.



Page | 15 City of Manhattan Beach Appendix C: Constraints and Zoning Analysis  
preservation of beach access, the provision of adequate parking (including requiring adequate off-street parking to be provided in new residential development) and controlling the types and densities

of residential development within the Coastal Zone. Those coastal policies related to residential development within the Coastal Zone include the following:

1. Policy II.B.1: Maintain building scale in Coastal Zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan.
2. Policy II.B.2: Maintain residential building bulk control established by development standards in Chapter 2 of the Implementation Plan.
3. Policy II.B.3: Maintain Coastal Zone residential height limit not to exceed 30 feet as required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.

It seems to me that for a project of this size the Director does not have authority but the permit (Precise Development Plan & Site Development Plan) approval must originate with the Planning Commission. This may be unimportant except for the required findings. No matter where the approval originates the findings include:

**Findings.** In making a determination, the Director shall be required to make the following findings:

- a. The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height.
- b. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air.
- c. There are practical difficulty which warrants deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
- d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
- e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

The Planning Commission has additional constraints as well:

- A. **Public Hearing.** The Planning Commission shall conduct the public hearing and hear testimony for and against
- C. **Limits on Conditions of Approval.** No conditions of approval of a use permit shall include

use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

**For Precise Development Plans and Site Development Permits.**

- 1. The proposed project is consistent with the General Plan and Local Coastal Program;
- 2. The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards.
- D. **Mandatory Denial.** Failure to make all the required findings under [subsections] (A), (B), (C) or (D) shall require denial of the application for use permit, variance, precise development plan or site development permit.

The Director's findings in granting approval does not justify the variances granted.

**See referenced table as attachment 1:**

*The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards.*

The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards, with the exception of those development standards for which waivers or concessions are granted in accordance with State density bonus law (California Government Code 65915). The project's compliance with applicable standards of the Local Coastal Program-Implementation Plan and California Government Code 65915 are demonstrated in the table below:

The State has incentives for the low income housing but they are limited.

**Types of Incentives.** Incentives provided pursuant to this chapter may consist of any combination of the items listed below. In addition to the incentives listed, the City may allow for fast track and priority processing for a project with affordable housing.

- 1. Modification of Development Standards. Up to twenty percent (20%) in modification of site development standards or zoning code requirements that exceeds minimum building code standards and fire code standards, including, but not limited to:
  - a. Reduced minimum lot sizes and/or dimensions.
  - b. Reduced minimum building setbacks and building separation requirements.
  - c. Reduced minimum outdoor and/or private outdoor living area requirements.

Increased maximum lot coverage.

d.

Increased building height.

e.

An up to 20% increase over the 30' limit doesn't get to 50'.

**Per the cities explanation on this project the developer requested waivers on several things, that does not mean they must be granted.**

**What waivers and concessions has the developer requested under State Density Bonus laws, MBMC Chapter 10.94, and MBLCP Chapter A.94?**

As allowed under State law and local regulations, the developer has requested waivers for the following development standards: (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height.

As allowed under State law and local regulations, the developer has requested a concession for the maximum height of a wall/fence within the setbacks.

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[REDACTED]

[REDACTED]



No.: PE-21-00015, CDP-21-00015, SUBDIV-21-00002, PDP-  
P

Development Standard	Project Proposal	LCP Requirements
Height	49.9 feet maximum	30 feet maximum
Number of Stories	Four	Three maximum
Totalable Floor Areas	96,217 sq. ft.	74,033 sq. ft. maximum
Setbacks:		
Front	5 feet	5 feet minimum
Rear	5 feet	5 feet minimum
Side	2 feet	10 feet minimum <sup>3</sup>
Parking	114 standard spaces 13 compact spaces 7 motorcycle spaces 27 bicycle spaces	103 spaces minimum State Gov. Code
Open Space	20,444 sq. ft.	17,380 sq. ft. minimum





# City of Manhattan Beach

## Community Development

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

### ***PERMIT APPROVING PRECISE DEVELOPMENT PLAN AND RELATED ENTITLEMENTS (collectively “Permit” hereinafter)***

The Manhattan Beach Community Development Director hereby issues to Highrose El Porto, LLC (property owner) this Permit (PE-21-00015, CDP-21-00015, SUBDIV-21-00002, PDP-21-00001) for the development described below.

**Site:** 401 Rosecrans Avenue (4137-001-031) and 3770 Highland Avenue (4137-001-027)

**Description:** The project proposal includes the demolition of existing structures and the construction of a new, 96,217 square-foot, four-story multifamily residential structure, 37 to 50-feet in height, containing 79 rental dwelling units, six of which will be set aside for “very low income” households, with an attached 127-car subterranean garage, located within the non-appealable portion of the coastal zone in the North End Commercial (CNE) District, Area District III. The General Plan land use designation and the Local Coastal Program zoning designation for the subject site is North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices.<sup>1</sup> There are two existing commercial structures on site, with the structure at 401 Rosecrans Avenue being approximately 7,178 square-feet in size and the structure at 3770 Highland Avenue being approximately 11,634 square-feet in size. The proposed consolidation of the lots at 401 Rosecrans Avenue (lot size: 32,201 square feet) and 3701 Highland Avenue (lot size: 11,447 square feet) will result in a single, irregularly shaped 43,648 square-foot parcel with frontage along both Rosecrans Avenue and 38<sup>th</sup> Street.

The majority of the subject site’s northern and eastern boundary abuts a parking lot approximately 570-feet long by 66-feet wide owned by Chevron Corporation, with Chevron’s El Segundo Refinery located north of the aforementioned parking lot. Both the parking lot and the Chevron El Segundo refinery are located within the

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<sup>1</sup> Determinations of consistency with the Local Coastal Program, General Plan Housing Element, and other relevant City zoning documents are based on the provisions of those documents as they existed at the time the project application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(5), (j)(1), as amended by Sen. Bill 330 [2019-2020 Reg. Sess.] ch. 654, § 2; Sen. Bill 8 [2021-2022 Reg. Sess.] ch. 161.)

jurisdiction of the City of El Segundo. A small segment of the subject site's northern boundary abuts 38th Street within the City of Manhattan Beach, with properties north of 38th Street developed with multi-story, single- and multi-family residential uses. The property west of the subject site is developed with a two-level, City-owned public parking structure. Properties southwest of the subject site include two-story commercial and multi-family residential uses. Properties south (across Rosecrans Avenue) of the subject site are developed with multi-story, single- and multi-family residential uses.

The property owner seeks a Precise Development Plan for the development of affordable housing utilizing State density bonus provisions pursuant to California Government Code Section 65915. In addition, the property owner has applied for a Coastal Development Permit for development within the City's Coastal Zone and a Tentative Parcel Map (No. 083628) for the consolidation of two parcels into one.

In accordance with Government Code Section 65915(f)(2), by providing six of the 79 units for very low-income households (11% of the base density), the property owner is entitled to a 35% density bonus. This further entitles the property owner to waivers and reductions of development standards, two concessions, and parking ratios as prescribed by Government Code 65915. In addition to the State density bonus, the proposed consolidation of lots entitles the property owner to a 10% local lot consolidation bonus pursuant to Manhattan Beach Local Coastal Program Section A.12.030(T).

In accordance with California Government Code Section 65915(b)(1) and 65915(e)(1), the project application includes waivers or reductions of the following development standards: (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height. Additionally, the project application includes one concession for the maximum wall/fence height in setbacks in accordance with California Government Code Section 65915(b)(1) and 65915(d)(1). The parking provided is based on the parking ratios prescribed by Government Code 65915(p)(1).

Pursuant to State and local regulations, the utilization of density bonus law and the incorporation of affordable housing qualify the project for a streamlined, administrative, non-discretionary Precise Development Plan review, which subjects all components of the application to a ministerial review process.

**CEQA:** Pursuant to Section 21080 of the California Public Resources Code, the California Environmental Quality Act (CEQA) does not apply to ministerial projects approved by public agencies.

COMMUNITY DEVELOPMENT DEPARTMENT  
Carrie Tai, AICP, Director

A handwritten signature in blue ink, appearing to read 'Carrie Tai', is written over a horizontal line.

**Acknowledgment:**

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all requirements thereof.

Signature of Permittee: \_\_\_\_\_ Date: March 29, 2022

**Attachments:**

Attachment A – Summary of Project’s Consistency with General Plan, Local Coastal Program, and Other Applicable Standards

Attachment B – Standard Requirements



**ATTACHMENT A**  
**SUMMARY OF PROJECT'S CONSISTENCY WITH GENERAL PLAN, LOCAL**  
**COASTAL PROGRAM, AND OTHER APPLICABLE STANDARDS**

Pursuant to State and local regulations, the utilization of density bonus law and the incorporation of affordable housing qualify the project for a streamlined, administrative, non-discretionary Precise Development Plan review, which subjects all components of the application to a ministerial review process. Further, based upon substantial evidence in the record:

1. *The proposed project is consistent with applicable provisions of the General Plan.*

The project proposes development of a 79-unit multi-family residential structure, in accordance with State density bonus provisions, on property located within Area District III (Beach Area) and zoned North End Commercial (CNE). The General Plan land use designation and the Local Coastal Program zoning designation for the property is North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices. The majority of the subject site's northern and eastern boundary abut a parking lot owned by Chevron Refinery, located within the jurisdiction of the City of El Segundo. A small segment of the subject site's northern boundary abuts 38th Street within the City, with properties north of 38th Street developed with multi-story, single- and multi-family residential uses. The property west of the subject site is developed with a two-story, City-owned public parking structure. Properties southwest of the subject site include two-story commercial and multi-family residential uses. Properties south (across Rosecrans Avenue) of the subject site are developed with multi-story, single- and multi-family residential uses. Therefore, the proposed high-density residential use is compatible with surrounding uses and complies with the City's General Plan land use designation of North End Commercial.

Furthermore, and as described below, the project as proposed is consistent with the following goals, policies and programs of the Housing Element of the General Plan, as the consolidation of the existing lot accommodates a project that proposes development of very low-income and market rate residential units on a previously developed infill site:<sup>1</sup>

***Housing Element Goal II. Provide a variety of housing opportunities for all segments of the community commensurate with the City's needs, including various economic segments and special needs groups.***

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<sup>1</sup> Determinations of consistency with the Local Coastal Program, General Plan Housing Element, and other relevant City zoning documents are based on the provisions of those documents as they existed at the time the project application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(5), (j)(1), as amended by Sen. Bill 330 [2019-2020 Reg. Sess.] ch. 654, § 2; Sen. Bill 8 [2021-2022 Reg. Sess.] ch. 161.).

**Housing Element Policy 3.** *Provide adequate sites for new housing consistent with the Regional Housing Needs Assessment and the capacity of roadways, sewer lines, and other infrastructure to handle increased growth.*

**Housing Element Program 3a.** *Continue to facilitate infill development in residential areas.*

**Housing Element Program 3b.** *Facilitate multi-family residential development in the CL, CD, and CNE commercial districts.*

**Housing Element Program 3d.** *Ensure that development standards for residential uses in the CD and CNE Districts do not pose unreasonable constraints to housing.*

**Housing Element Policy 5.** *Encourage the development of additional low- and moderate-income housing.*

**Housing Element Program 5a.** *Provide incentives for housing affordable to low-income households and senior housing.*

**Housing Element Program 5b.** *Streamline the development process to the extent feasible.*

2. *The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards.*

The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards, with the exception of those development standards for which waivers or concessions are granted in accordance with State density bonus law (California Government Code 65915). The project's compliance with applicable standards of the Local Coastal Program-Implementation Plan and California Government Code 65915 are demonstrated in the table below:

Development Standard	Project Proposal	LCP Requirement <sup>2</sup>
Height	49.9 feet maximum	30 feet maximum
Number of Stories	Four	Three maximum
Buildable Floor Areas	96,217 sq. ft.	74,033 sq. ft. maximum
Setbacks:		
Front	5 feet	5 feet minimum
Rear	5 feet	5 feet minimum
Side	2 feet	10 feet minimum <sup>3</sup>
Parking	114 standard spaces 13 compact spaces 7 motorcycle spaces 27 bicycle spaces	103 spaces minimum per State Gov. Code 65915
Open Space	20,444 sq. ft.	17,380 sq. ft. minimum

3. The proposed project is consistent with applicable state and local subdivision requirements.

The proposed map is consistent with applicable General Plan policies, including Goal II, Policy 3, Program 3a, Program 3b, Program 3d, Policy 5, Program 5a, and Program 5b of the Housing Element (as described above).

The design or improvement of the proposed subdivision is consistent with the General Plan, including the aforementioned policies.

The site is physically suitable for the type of development, as the proposed project meets all applicable development standards, with the exception of the waivers and concession identified in the project description, to which the property owner is entitled pursuant to State density bonus law. Pursuant to the Manhattan Beach Local Coastal Program Section A.16.030, there are no maximum or minimum lot size requirements applicable to the project site for a proposed residential development subdivision.

The site is physically suitable for the proposed density of development, as the property owner is entitled to 79 units on the proposed site pursuant to State and local regulations.

The design of the subdivision or the proposed improvements are unlikely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as there are no known wildlife habitats on the site, as the site was previously developed with commercial uses.

<sup>2</sup> The proposed height, number of stories, and buildable floor area (BFA) exceed standard development standards in the LCP that would apply in the absence of waivers and concessions prescribed by State density bonus law.

<sup>3</sup> The sole component of the proposed project that is within the required 10-foot side yard setback is a proposed electrical transformer; that location within the setback is allowed pursuant to State density bonus law.



The design of the subdivision or type of improvements is unlikely to cause serious public health problems as it proposes an infill residential development on a previously-developed site surrounded by residential and commercial uses.

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, as no such easement exist on the site and all existing public access to the coast will be preserved.

4. *The proposed project conforms with the certified Manhattan Beach Local Coastal Program.*

The Manhattan Beach Local Coastal Program consists of a Land Use Plan (LUP) composed of “Policies and Implementation Measures” and an Implementation Plan (Phase III LIP) including zoning ordinances, district maps, and other implementing actions. As described above, the proposed high-density residential use is compatible with surrounding uses and complies with the City’s General Plan land use designation and Local Coastal Program zoning designation of North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices.

Furthermore, the project as proposed is consistent with the Coastal Access policies in the Local Coastal Program, the goal of which is to preserve coastal access for the public. Specifically, the project is consistent with the following coastal access policies:

***Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.***

The project does not block or impede any accessways to the coast. Access to the coast remains unaffected by the project. East-west coastal access along the south side of 38th Street will be enhanced as the project includes new sidewalk paving, connecting two pieces of unconnected sidewalk where only landscaping exists currently.

***Policy I.A.3: The City shall preserve pedestrian access systems including the Spider Web park concept (Spider Web park concept: a linear park system linking the Santa Fe railroad right-of-way jogging trail to the beach with a network of walkstreets and public open spaces.).***

The project does not alter any pedestrian access systems, including existing sidewalks or streets, in a way that blocks or impedes access systems to the coast. Access to the coast remains unaffected by the project, albeit improved along the south side of 38<sup>th</sup> Street as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently. The walkstreets and public open spaces

linking the Santa Fe railroad right-of-way jogging trail are unaltered by the project.

The proposed project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (Commencing with Section 30200 of the Public Resources Code), in that the proposed structure does not impact public access to the shoreline. Adequate public access is provided and shall be maintained along Rosecrans Avenue, Highland Avenue, and 38th Street. The project also proposes to improve the sidewalk along the south side of 38<sup>th</sup> Street as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently. Furthermore, the project does not create any barriers along Rosecrans Avenue, Highland Avenue, and 38th Street that prevent public access to the coast.

**ATTACHMENT B  
STANDARD REQUIREMENTS**

1. Notice of Receipt and Acknowledgment. Failure by the Property Owner to file a notice of receipt and acknowledgement accepting its terms and these requirements with the Community Development Department on a form prepared by the City within 30 days of the issuance of this Permit, and, if applicable, the exhaustion of any appeals, invalidates the Permit.
2. Expiration. The entitlements granted herein shall expire one-year from the date of final approval if the project has not commenced during that time. If the Property Owner or authorized agent submits a written request for an extension prior to the expiration of the one-year period, the Director of Community Development may grant a reasonable extension of time.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit. Any deviation from the approved plans shall be reviewed and approved by the Director of Community Development.
4. Interpretation. Any questions of intent or interpretation shall be resolved by the Director of Community Development.
5. Inspections. The City shall be allowed to inspect the site and the development during construction at any time.
6. Affordable Units. As proposed, the project will contain a minimum of six dwelling units designed for occupancy by very low income households. The finishing products used within the affordable units shall be the same as the products that are used in the other units in the building. Each affordable unit shall be a rental unit that is rented in accordance with the provisions of California Government Code Section 65915 or its successor statute and shall be affordable to very low income households for a minimum of 55 years in accordance with California Government Code Section 65915. Prior to or concurrently with the recordation of the final map, the Property Owner shall record an affordable housing agreement pursuant to Manhattan Beach Local Coastal Program A.94.050.D which is recorded against the subject property.
7. Building Plans. The Property Owner shall submit building plans that conform to the terms and requirements of the Permit. Accordingly, the site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans approved per this permit.
8. The Property Owner or successor in interest shall meet the applicable code requirements of all City Departments.



**10.12.030 Property development regulations: RS, RM, and RH districts.**

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. This section shall not be amended to increase the standards for maximum height of structures or maximum buildable floor area, or to reduce the standards for minimum setbacks, minimum lot dimensions or minimum lot area per dwelling unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

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

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Lot Dimensions							
Area (sq. ft.)							(A)(B)(C)(K)
Minimum	7,500	7,500	7,500	4,600	4,600	4,600	
Maximum	15,000	15,000	15,000	10,800	10,800	10,800	
Width (ft.)							
Minimum	50	50	50	40	40	40	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%- 3 min.	10%- 3;10	10%- 3;10	10%- 3 min.	10%- 3;10	10%- 3;10	(D)(E)(F)
Corner Side (percentage-ft.)	10%- 3;5	10%- 3;5	10%- 3;5	10%- 3;5	10%- 3;5	10%- 3;5	(D)(E)(T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	26	26	30	26	26	30	(H)(P)
Maximum Buildable Floor Area							(I)
Lot Area (Sq. Ft.)							(V)
7,500 or less		1.0	1.2		1.0	1.2	
More than 7,500		2250 +0.7	2250 + 0.9		2250 +0.7	2250 +0.9	
4,800 or less	0.7			0.7			
More than 4,800	240 +0.65			240 +0.65			
Minimum Lot Area per Dwelling Unit (sq. ft.)	7,500	3,750	1,000	4,600	2,300	1,000	(A)(U)

Note: See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from buildable floor area.

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

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

Maximum	7,000	7,000	7,000	7,000	
Width (ft.)					
Minimum	30	30	30	30	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D)(G)
Side (percentage-ft.)	10%—3 min.	10%— 3;10	10%-3;10	10%—3;10	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	30	30	30	30	(H)(P)
Maximum Buildable Floor Area					
Lot Area (Sq. Ft.)	1.6	1.6	1.7	1.7	(I)(V)
Minimum Lot Area per Dwelling Unit (sq. ft.)	1,700	1,350	850	850	(J)(A)

Note: See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from buildable floor area.

**PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS**

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and 10.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100
Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Sustainable Development (Solar Assisted Water Heating, Green Roofs and Decks, Solar Energy Systems, and Small Wind Energy Systems)	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures and Uses	See Chapter 10.68
Signs	See Chapter 10.72
Condominium Standards	See Section 10.52.110
Minor Exceptions	See Section 10.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section 10.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section 10.60.040
Landscaping	See Section 10.60.070
Accessory Structures	See Section 10.52.050
Accessory Dwelling Units	See Chapter 10.74
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070

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(Supp. No. 35)

Tree Preservation	See Section 10.52.120
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- A. See Section 10.60.020, Development on substandard lots. The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential districts for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land area before dedication, condemnation, or purchase.
- B. See Section 10.60.030, Development on lots divided by district boundaries.
- C. The minimum site area shall be twelve thousand (12,000) square feet for general day care, general residential care, and public or private schools.
- D. **Permitted Projections into Required Yards.** See Section 10.60.040, Building projections into yards.
- E. **Setbacks.**

- 1. **Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3'). In the RM and RH Zones side setbacks need not exceed ten feet (10'), and on corner sides setbacks need not exceed five feet (5').

**Exceptions—Side Setbacks.** Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50') in width need not provide side setbacks greater than five feet (5') when developed with three (3) or more dwelling units.

- 2. **Reverse Corner Side Setback.** Reverse corner lots in Area Districts I and II shall have the following side yards:
  - a. On the lot side line which adjoins another lot the side yard shall be determined in the same manner as for an interior lot.
  - b. On the street side line, the width of the required side setback shall be the same as for the interior side setback on the lot except that the size and shape of such required side setback nearest the lot rear line shall be increased to include all of that portion, if any, of a triangle formed in the following manner:
    - i. On the common lot line of the reverse corner lot and the key lot, a point shall be established where the rear line of the required front yard on the key lot intersects such common lot line;
    - ii. On the street side line of the reverse corner lot, a point shall be established distant from the common street corner of the key lot and the reverse corner lot equal to the depth of the required front yard on the key lot;
    - iii. The third side of the triangle shall be a straight line connecting points (i) and (ii) of this section. If an alley intervenes between the key lot and the reverse corner lot, the width of the alley shall be included in determining the length of the line on the street side line of the reverse corner lot.
- 3. **Rear Setback:**
  - a. In Area Districts I and II, the rear setback (RS) shall be determined as follows:  $RS = 0.3 \times (\text{lot depth in feet}) - 20$ ; provided that the minimum setback is twelve feet (12').
  - b. In Area District III, RS District, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10').



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F. **Building Height and Required Yards.** Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

1. **Exceptions.** If the lot width is less than thirty-five feet (35'), no increase in the side yard is required.

G. **Alley Setback Exceptions.** Area Districts I and II: The width of a required rear yard adjoining an alley shall be measured from the alley centerline, provided the rear yard width is not less than five feet (5') as measured from the rear property line. See Section 10.64.110; Aisle Dimensions.

Area Districts III and IV: The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2') at height elevations not less than eight feet (8') above the street grade at the rear, or front, property line. See Section 10.64.110; Aisle Dimensions.

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

A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26') or the third story where the height limit is thirty feet (30'), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows; in all Area Districts the interior side setback shall be three (3) times the minimum side setback; in Area Districts I and II the rear setback shall be two (2) times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be fifteen feet (15'). The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections 10.04.030 and 10.60.140(C)].

Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section 10.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5') of the property line.

I. **Maximum Buildable Floor Area.** The maximum buildable floor area on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF) shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts (seven thousand five hundred (7,500) square feet in Area Districts I and II for RM and RH Districts, four thousand eight hundred (4,800) square feet for the RS District in Area Districts I and II), then a base floor area in square feet is noted in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Chapter 10.04.

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That area used for vehicle parking and loading, up to four hundred (400) square feet on lots where two (2) enclosed parking spaces are required and provided, and up to six hundred (600) square feet where three (3) enclosed parking spaces are required and provided.

In all residential districts, seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

J. In Area District IV two (2) units are permitted on preexisting, legal half-lots with a minimum site area of one thousand three hundred fifty (1,350) square feet.

K. **Lot Dimensions—Area.** Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. When calculating maximum lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size.

Preexisting unmerged developed lots which exceed the maximum lot area may continue to be used as one (1) lot until such time as new structures, enlargements or alterations are proposed, in accordance with the fifty percent (50%) building valuation criteria in Section 10.68.030(E), Alterations and enlargements of nonconforming uses and structures. At that time when the fifty percent (50%) building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current zoning code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

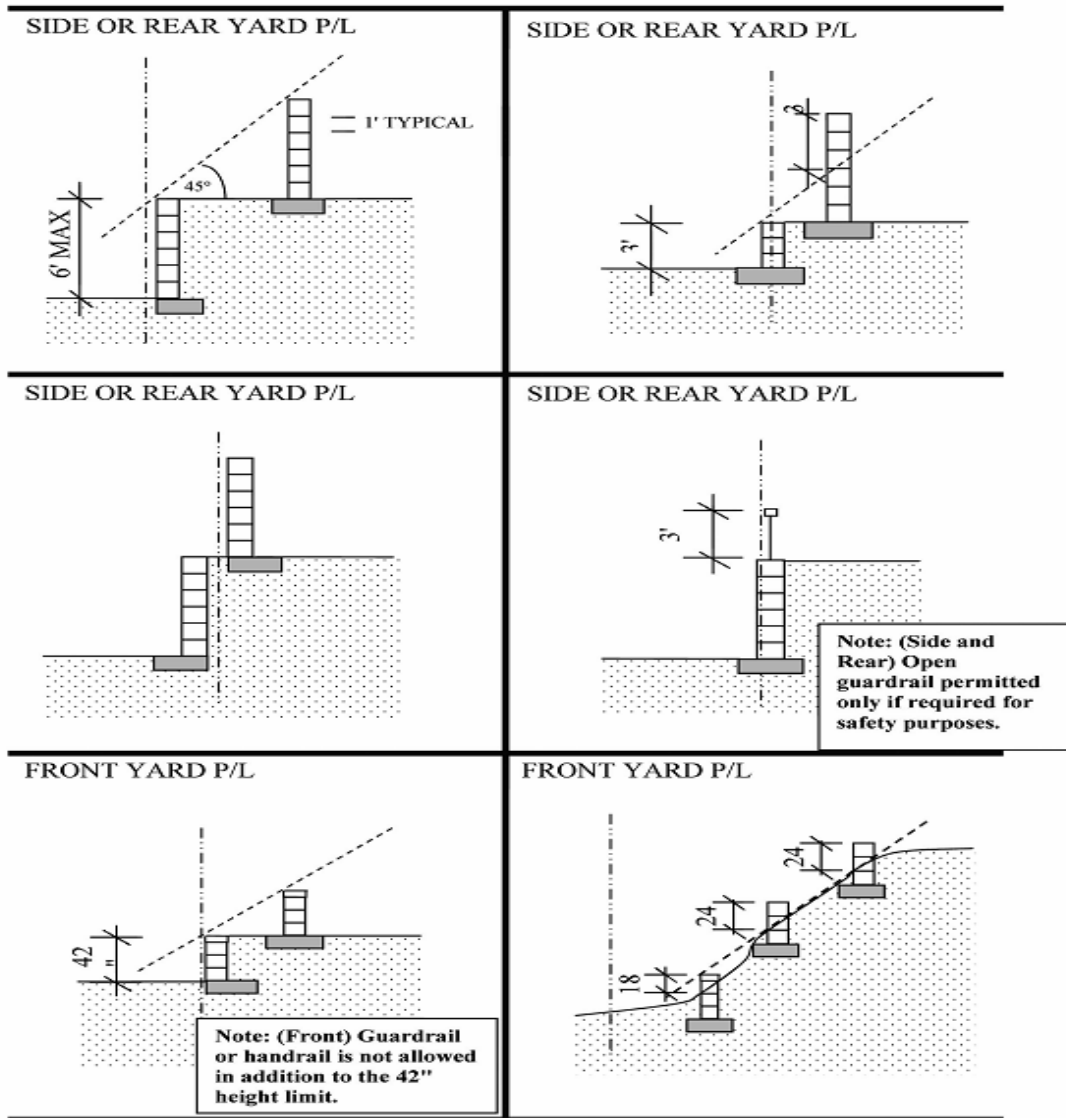
1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three (3) or more dwelling units, in order to encourage development of multifamily housing in these areas.
2. Properties zoned RM, RH and CL in Area Districts III and IV that are located within five hundred feet (500') of the Local Commercial (CL) or Downtown Commercial (CD) Zones and developed with three (3) or more dwelling units, excluding those located on the Strand, subject to review and approval of a use permit in accordance with Chapter 10.84.
3. Existing Legally Created Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to February 19, 2008.
4. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, since vehicles are not allowed to back out onto the street in this area and lots need to be merged in order to allow adequate on-site turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.
5. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a certificate of compliance, and in accordance with Section 11.04.050, Certificate of compliance. These lots may continue to be used as one (1) building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.
6. The RS-D7 Design Review Overlay-Longfellow Drive, which has larger lots that are established through a Precise Plan and are required by the Overlay district.

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7. The RSC—Residential Senior Citizen Zone, which has a minimum lot size of forty thousand (40,000) square feet per the zoning code requirements.
  8. The RPD—Residential Planned Development Zone which has a minimum lot size of forty thousand (40,000) square feet per the zoning code requirements.
- L. (Reserved)
- M. **Open Space Requirement.** The minimum usable open space (private and shared) in RS, RM and RH Districts shall be provided as follows:
1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than two hundred twenty (220) square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.
  2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (½) of the total required open space.
  3. Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, or within an RM or RH zone in Area District I and II, additional usable open space shall be provided equal to fifteen percent (15%) of the added buildable floor area, until the total open space requirement provided in this section is attained.
- N. **Semi-Circular Driveways.** Semi-circular driveways are permitted within front yards on lots with widths of eighty feet (80') or more, subject to the following standards:
- a. No more than fifty percent (50%) of the front setback area shall be paved, and visible landscaping equal to ten percent (10%) of the front setback (in addition to any other required landscaping) shall be installed between the driveway and the front property line.
  - b. The semi-circular driveway does not have to provide access to the garage.
- O. **Required Landscaping Adjoining Streets.** At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.
- a. **Exceptions for Area Districts III and IV.** The Community Development Director may grant an exception for a portion of the amount of required landscaping, not to exceed seventy-five percent (75%) of the total, in order to accommodate driveways and walkways.
- P. **Fences, Walls, and Hedges.** The maximum height of a fence, wall, or hedge shall be six feet (6') in required side or rear yards, and forty-two inches (42") in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section 10.64.150, and the traffic vision clearance on corner lots of Section 10.60.150 (Chapter 3.40).

For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade) to the top of the fence/wall/hedge, including any attachments. If more than one (1) fence/wall/hedge is located within a required yard, any portion of a fence/wall/hedge that projects above a forty-five degree (45°) daylight plane inclined inward from the top of the lowest adjacent fence/wall/hedge, shall be counted toward the height measurement of the lowest fence/wall/hedge.

Exceptions:

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1. A fence, wall or hedge having additional non-retaining height shall be permitted wherever a six foot (6') fence is allowed, provided such additional height over six feet (6') meets one (1) of the following criteria.
    - a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven feet (11').
    - b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty degrees (30°) and no more than forty-five degrees (45°) from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8') and shall not extend closer than three feet (3') to any part of any building.
    - c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8'), or the combined height of adjacent neighboring retaining walls and fences more than twelve feet (12'). If a coastal development permit is required for a fence by Sections 10.96.040 and 10.96.050 of this title, the additional height of the fence may be approved only if the additional height does not impede public views of the ocean, the beach, or to and along the shoreline.
  2. Architectural screen walls not to exceed six feet (6') six inches (6") in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen feet (14') back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (½) the lot width.



**PERMITTED FENCE/WALL/HEDGE HEIGHTS**

**Q. Parking/Garage Location, Street-Alley Lots.** When a street-alley lot in Area Districts I and II adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Non-Alley Lots: In Area District I and II, the aggregate total of garage door width within the front half of a lot shall be limited to eighteen feet (18') for lots fifty-five feet (55') or less in width. Lots wider than fifty-five feet (55') may have a maximum aggregate garage door width of twenty-seven feet (27') within the front half of a lot if at least one (1) garage door is recessed a minimum of five feet (5') beyond another garage door.

**R. Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10'). For permitted projections within said building separation yards, see Section 10.60.040, Building projections into yards.

**Exception:** A detached accessory dwelling unit shall have a minimum separation from other buildings on the lot as specified by Section 10.74.040.B.



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- S. **House Moving.** For the purpose of this chapter, permits required for moving buildings and structures within City limits must comply with Title 9, Chapter 9.08, Building Moving.
- T. **Additional Front and Corner Side Setback Requirement—RS Properties, Area Districts I and II.** In addition to the minimum front and corner side setback shown on the chart, an additional front and corner side setback area shall be provided as follows:
1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six percent (6%) of the lot area, and shall be located entirely within the front one-fifth (twenty percent (20%)) of the lot's buildable depth.
  2. On corner lots, the area shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of forty-five percent (45%) and a maximum of fifty-five percent (55%) of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one-fifth [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one-third [thirty-three percent (33%)] of the lot's buildable width, and not located within the rear yard setback. Adjacent to the corner streetside the area shall provide a minimum of three feet (3') of depth or width and shall be distributed to provide building wall articulation.
  3. The ground level construction in this area shall be limited to fourteen feet (14') in height for areas with less than 3:12 roof pitch and seventeen feet (17') in height for areas with 3:12 or more roof pitch, as measured from local grade. Areas not having a minimum 3:12 roof pitch located behind minimum 3:12 roof pitch areas shall be set back a minimum of three feet (3') beyond the front building line of the pitched roof area (See Graphic Illustration).
  4. A maximum of one-half of said area shall be designed or useable as roof top deck surfaces.
  5. Building projections above said area shall be considered as projections within a front yard.

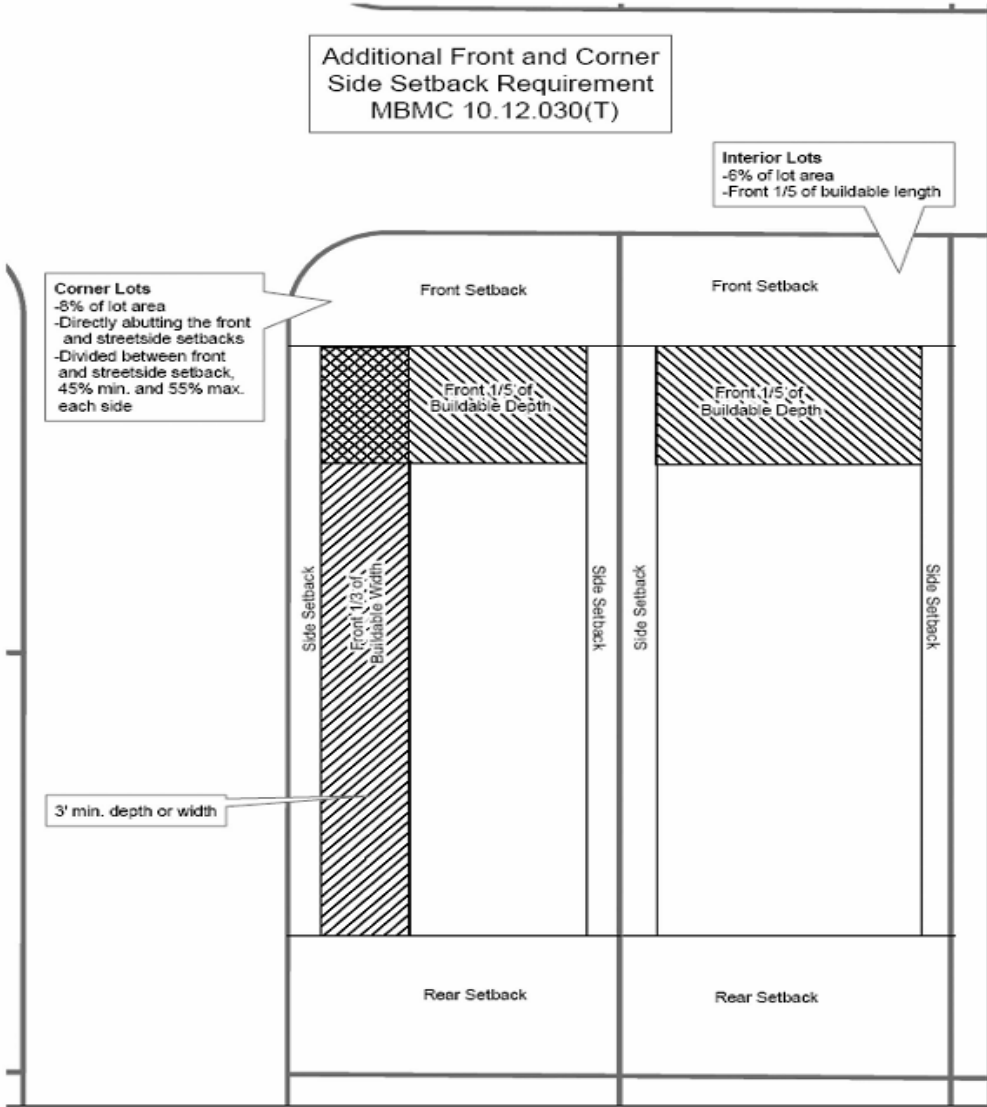
Exceptions:

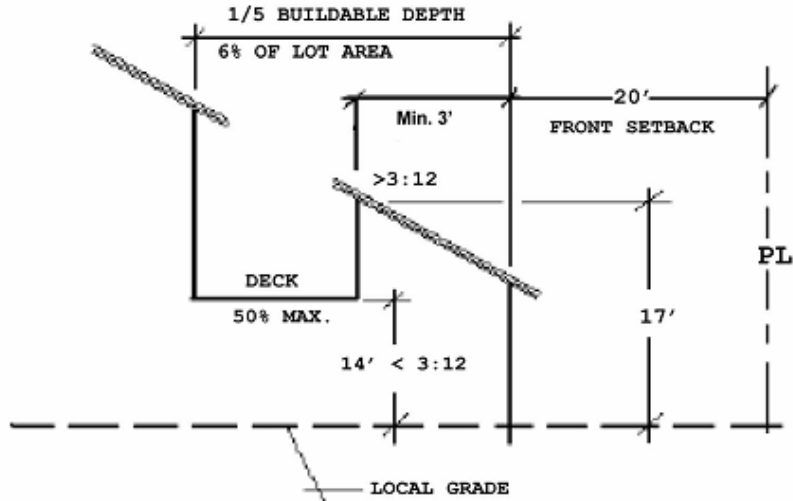
1. Interior non-alley lots fifty-five feet (55') or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.
2. This requirement may be reduced for a small, wide, shallow, multiple front yard and/or unusually shaped lots or other unique conditions subject to approval of a minor exception.
3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.
4. This requirement may be modified for the remodel/addition of existing homes if the additional setback area is provided elsewhere on the lot subject to approval of a minor exception.

**Additional Front and Corner  
Side Setback Requirement  
MBMC 10.12.030(T)**

**Interior Lots**  
-6% of lot area  
-Front 1/5 of buildable length

**Corner Lots**  
-6% of lot area  
-Directly abutting the front  
and streetside setbacks  
-Divided between front  
and streetside setback,  
45% min. and 55% max.  
each side





**ADDITIONAL FRONT SETBACK REQUIREMENT  
MBMC 10.12.030T**

- U. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter 10.94 shall be granted a lot consolidation bonus incentive when two (2) or more parcels are consolidated into a single building site according to the following formula:

Combined Parcel Size	Base Density Increase
Less than 0.50 acre	No increase
0.50 acre to 0.99 acre	5% increase
1.00 acre or more	10% increase

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Chapter 10.94.

- V. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter 10.94 shall be exempt from these maximum lot size limitations.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1840, Amended, 07/05/91; Ord. No. 1842, Amended, 08/15/91; Ord. No. 1853, Amended, 05/21/92; Ord. No. 1860, Amended, 10/29/92; Ord. No. 1861, Amended, 12/03/92; Ord. No. 1889, Amended, 12/16/93; Ord. No. 1891, Amended, 01/06/94; § 6, Ord. 1977, eff. March 5, 1998; § 2, Ord. 1992, eff. February 18, 1999; § 3, Ord. 1999, eff. April 1, 1999; § 2, Ord. 2032, eff. May 16, 2002; § 2, Ord. 2049, eff. November 18, 2003; § 2, Ord. 2050, eff. January 1, 2004; § 2, Ord. 2061, eff. October 7, 2004; § 5, Ord. 2075, eff. July 7, 2005; §§ 3—11, Ord. 2111, eff. March 19, 2008; § 5, Ord. 2146, eff. August 4, 2011; §§ 4, 5, Ord. 13-0006, eff. August 1, 2013, § 4, Ord. 15-0026, eff. December 3, 2015, § 9, Ord. 16-0029, eff. Dec. 20, 2016, and § 5, Ord. 18-0022, eff. Dec. 6, 2018; Ord. No. 21-0001, §§ 6, 7, eff. Feb. 19, 2021)