

18. Ordinance Amending Title 10 Planning and Zoning of the Manhattan Beach Municipal Code to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Lot Size, Required Alley Access, and Alternative Fuel Vehicle Charger Locations.
CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NO. 13-0015

Attachments: Tables 1-3 and Figures 1 and 2
Draft Ordinance No. 13-0015
Planning Commission Resolution No. PC 13-06
Hyperlink to Planning Commission Minutes, dated 5/8/13
Hyperlink to Planning Commission report, dated 5/8/13

Community Development Director Thompson provided an overview of the aforementioned items and highlighted the proposed changes and the rules under which structures are developed and how open space is defined.

Associate Planner Eric Haaland displayed a PowerPoint Presentation.

In response to Mayor Lesser's inquiry, Community Development Director Thompson reported that steps going forward would include engaging builders, architects and realtors in a conversation to better understand their requirements and impacts to their projects and return to City Council in the near future. He encouraged residents to contact the City for additional information throughout the process. He added that many comments have been received from residents wanting to be more restrictive in the ordinances.

Mayor Pro Tem Howorth asked regarding identification of stakeholders and felt that all residents in affected areas should be notified.

Community Development Director Thompson stated that staff will do its best to notify appropriate parties.

Councilmember Powell addressed the intent of minor exemptions and commented on requirements related to demolition and maintaining 10% of the structure.

In response to Councilmember Powell's inquiry, Community Development Director Thompson addressed minor exemptions related to building up to 75% of the maximum size of a home. He added that the minor exemption would be allowed in exchange for building a smaller home and that each lot is allowed to build up to a certain amount; a minor exemption would reduce that amount, automatically.

The Mayor opened the floor for public comments.

Doug Leach, architect, felt that the existing open space requirements are not easily achieved. He presented a diagram illustrating decks, setbacks and views, pointed out discrepancies and problems with the calculations and voiced the need to study the matter, further. He added that eliminating the ability to stack decks would be a huge impact and would limit flexibility. Additionally, he referenced three projects in which he is currently working and noted that if the new rules are adopted, none of them would be in conformance.

Brad Buckman, architect, spoke regarding unintended consequences of the proposed Code including negative environmental impacts. He referenced energy calculations and that the proposed Code would increase energy impacts by 10%. He expressed concerns with limitations of design options by the proposed amendment. He added that the "wedding cake" design would remove people from the street as, in many instances, the living spaces of the houses are on the third floor.

Bill Victor wondered if the ordinance would apply to multi-unit structures in the beach area. He addressed the possible loss of setbacks and commended Mayor Pro Tem Howorth for recognizing residents who are unable to hire architects and felt that if the ordinance gets too complicated it would discourage improvements in the community.

Brent Strokyc felt that the proposed is a solution in search of a problem and that the current Code is workable. He addressed implications from the new setback requirements adding that it will be disastrous from a design and aesthetic standpoint. He noted the importance of covered spaces and outdoor rooms and stated that the proposed new setbacks will cause a loss in value of \$.5 million to \$1 million to every lot in the Sand Section. Mr. Strokyc felt that there are things that can be done to modify the ordinance working in a collaborative process with stakeholders.

Ray Joseph spoke about caring what the house looks like versus the people residing in them. He felt the matter is "lifestyle versus mansionization" and that City Council is legislating things that people do not use. He noted the need to design something where people want to live and be more useable.

Patrick McBride expressed concerns with the proposed changes.

David Kissinger, South Bay Association of Realtors, spoke in favor of the proposal and noted concerns that still need to be addressed in relation to open space. He suggested that it would be beneficial to discuss the mechanics of the process and addressed the impacts of the recommended changes. He felt that engaging all appropriate stakeholders in the community is a key requirement.

Michael Lee, architect, addressed existing challenges with designing a good-looking house in the Sands Section, especially in designing a workable open space. He felt that the current Code is suitable and spoke in opposition to changing all of the rules. He compared use of open space between the City of Hermosa Beach and Manhattan Beach and felt that the proposed changes will have a cascading affect on the properties and property owners in the City. He urged City Council to consider them carefully.

Will Orvizo addressed half lots and wondered how building on them would be considered a mansion. He felt that the proposed changes would negatively impact mostly half lots.

Rob Strokyc voiced opposition to the proposed changes related to the practical use of the homes. He stated looking forward to further discussions on the matter. He commended staff but felt that the amendment is a step in the wrong direction.

James Myer, architect, spoke regarding sustainable building concepts and strategies and felt that the proposed changes work in their contradiction. He felt that strategies need to be in place to reduce the amount of solar heat gain and addressed the importance of outdoor living spaces.

Robert Schumann felt that the proposed changes will limit views, cause property values to decrease and reduce the amount and quality of interior space. He agreed

with Mayor Pro Tem Howorth in terms of notifying all parties that the changes will affect. He urged City Council to maintain the existing Code.

Kim Commick, developer, spoke in opposition to the proposed changes and expressed concerns that existing homes will subsequently be considered legal/non-conforming.

Robert Friedman, realtor and developer, spoke in opposition to the proposed changes, how they will impact the ability to design a project that is aesthetically pleasing and impacting residents unequally. He felt that the existing Code is sufficient and that property rights should not be so restrictive.

Kim Barry spoke in opposition to the proposed changes and commented on the possibility of grandfathering those properties that have not been remodeled and the benefits of outdoor living spaces.

Peter DeMaria commented on garages and suggested the City consider allowing bonus points for tandem garages.

Janet Schuman, realtor, commented on properties that have not been built out, felt that the proposed changes will penalize new developments and expressed concerns with impacts to privacy because of the setback requirements.

Dave Saulsman stated, "If it ain't broke, don't fix it".

Mayor Lesser closed the public comment period.

Mayor Lesser commented on serving on the Mansionization Committee and its direction to staff to consider the effectiveness of prior Mansionization Ordinances. He stated the need to consider goals including limiting the growing bulk of properties, address lot mergers and make it easier to remodel. He noted that community interest has not been defined and felt that is part of the problem. He addressed the need to provide direction regarding proper notice to all applicable stakeholders.

Councilmember Powell stated that the process lacked a proper forum for architects, developers, realtors and community members to get together and discuss the matter fully. He addressed issues with minor exemptions and open space and felt that there are still many issues that need to be discussed.

Mayor Pro Tem Howorth noted that City Council will not act on the matter at this time but stated the need to provide direction to staff.

Councilmember D'Errico felt that staff should be directed to identify the problem and create a process for this community and others to develop solutions.

Councilmember Burton commented on the need to understand the problem.

In response to an inquiry from Mayor Lesser, Community Development Director Thompson commented positively on the input received. He stated it would have been great to have received it during Planning Commission deliberations. He reported that he would like to the opportunity to work with local architects to discuss open space and engage the Planning Commission and public. He indicated that the current Code is working well, addressed the issue of non-conformance and recommended against changing the Code year after year.

Community Development Director Thompson commented on the definition of open

space, what is working in the Code and what is not and that staff is trying to fine tune the ordinances.

Mayor Pro Tem Howorth reiterated that no action should be taken tonight. She suggested that staff return with an explanation of the current zoning, receive public input and give further direction.

Mayor Lesser felt it important to return to City Council prior to going back to the Planning Commission.

Councilmember Burton would like the report to include current language and possible solutions.

Community Development Director Thompson stated that the matter is not urgent but that the only time-sensitive issue would be car charging stations. He reported that other provisions are fairly benign and that clarifications are needed but do not create a big impact.

Mayor Lesser expressed his appreciation to those providing comments.

- 19. Ordinance Amending the Implementation Program of the Manhattan Beach Local Coastal Program (LCP) to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Lot Size, and Alternative Fuel Vehicle Charger Locations. CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NO. 13-0016**

Attachments:

Tables 1-3 and Figures 1 and 2
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Planning Commission Resolution 13-06
Hyperlink to Planning Commission Minutes, dated 5/8/13
Hyperlink to Planning Commission Staff Report, dated 5/8/13