

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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July 22, 2004



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**TO:** Commissioners and Interested Persons**Th20a****FROM:** Deborah Lee, Deputy Director  
Pam Emerson, Los Angeles County Area Supervisor  
Charles Posner, Coastal Program Analyst *CP***RE:** Minor Amendment Request No. 1-04 (MNB-MIN-1-04) to the City of Manhattan Beach LCP, for Commission Action at its August 12, 2004 meeting in San Pedro.**Local Coastal Program Amendment No. 1-04 (Minor)**

The City of Manhattan Beach is requesting that the Commission certify an amendment to the implementing ordinances (LIP) portion of the Manhattan Beach certified Local Coastal Program (LCP). The requested LCP amendment would revise the "Definition" section of the City's zoning ordinance (Section A.04.030) in order to adopt new definitions for building terms that the City uses to control the visual bulk and volume of buildings in the coastal zone (e.g. basement, buildable floor area, habitable room, story). The new definitions would change the manner in which allowable buildable floor area is measured, but would not change the currently certified height limits or other building standards. Proposed LCP Amendment Request No. 1-04, submitted with City Council Resolution Nos. 5741 and 5873, and contained in City Council Ordinance Nos. 2033 and 2051, would affect only the LIP portion of the certified LCP and does not propose any rezoning or land use changes. The Manhattan Beach City Council held public hearings for the LCP amendment on April 2, 2002, November 18, 2003, and December 2, 2003.

The requested LCP amendment is a "minor" LCP amendment because the proposed changes are consistent with the certified LUP, would make the zoning regulations more specific, and would not change the kind, location, intensity or density of any uses. The proposed definitions are attached as Exhibit B.

**ANALYSIS**

The Executive Director has determined that City of Manhattan Beach LCP Amendment No. 1-04 is a minor LCP amendment. The LIP amendment clarifies and strengthens the City's existing ordinances that regulate the visual bulk and volume of buildings in the coastal zone (e.g. basement, buildable floor area, habitable room, story). The proposed changes are consistent with the certified LUP, which sets forth the following policies:

**POLICY II.1:** *Control development within the Manhattan Beach coastal zone.*

**POLICY II.B.1:** *Maintain building scale in coastal zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan.*

***POLICY II.B.2: Maintain residential building bulk control established by development standards in Chapter 2 of the Implementation Plan.***

***POLICY II.B.3: Maintain coastal zone residential height limit not to exceed 30' as required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.***

The City is proposing to amend definitions in zoning ordinance that control the way that allowable buildable floor area is measured. The proposed revisions are minor changes in wording which would make the City's building standards more clear.

The definition of "Basement," "Floor Area, Buildable" and "Habitable Room" (See Exhibit B, p.1). The change to the definitions of these three terms would eliminate a method that some architects had been using to manipulate and maximize the amount of allowable floor area in a structure by dividing-up or honeycombing the basement areas of new houses. The proposed definitions changes would encourage architects to design larger habitable rooms in the basements of homes where the rooms would be less visible and have less effect on the visible mass of a structure. Most of the basement area would now be exempted from counting towards the maximum allowable floor area. By simplifying the method for measuring the amount of basement area that is counted towards the maximum allowable floor area, however, the City is strengthening its ability to regulate the scale and bulk of buildings in the coastal zone. This proposed change is expected to have only a minimal effect on the size and scale of new development because the currently certified height limits, set back and open space requirements are not being changed.

The definition of "Story" (See Exhibit B, p.3). This change, according to the City, would codify a City policy that restricts the number of stories that could be placed above a garage (Exhibit A, p.3). This proposed change would strengthen the City's ability to regulate the scale and bulk of buildings in the coastal zone by requiring any upper stories to be set back at least twenty feet beyond the building face.

The definition of "Lot-Street Alley" (See Exhibit B, p.3). This is change clarifies the LIP to confirm that all lots with access to an alley, including corner lots, must provide driveway access from the alley, rather than from the street. This change protects public on-street parking opportunities by making it more difficult to gain approval of curb-cuts for driveways on streets.

The definition of "Structure" (See Exhibit B, p.3). This change would prohibit light and ventilation wells in building setback areas (Exhibit A, p.4). This change has no effect on the LIP definition of "development" that forms the basis for determining which projects must obtain a coastal development permit.

As proposed, the requested LIP amendment clarifies and strengthens the City's existing regulations for measurement of buildable floor area and control of the visual bulk and volume of buildings in the coastal zone. The proposed changes will not result in taller buildings being permitted, or any change in the kind, location, intensity, or density of uses.

**Procedures**

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the California Code of Regulations, the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The proposed LCP amendment will become effective after report to the Commission of any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations.



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May 24, 2004

Pam Emerson, L.A. County Area Supervisor  
California Coastal Commission  
South Coast Area  
200 Oceangate - Suite 1000  
Long Beach, Ca. 90802

**Re: Amendment Request No. 1-2004 to the "Definitions" Section A.04.030 of the Manhattan Beach Local Coastal Implementation Program (LCP) Pertaining to: "Basement", "Floor Area, Buildable", "Room (Space) Habitable", "Story", "Lot, Street-Alley and "Structure"**

Dear Ms. Emerson:

The City of Manhattan Beach respectfully submits the enclosed amendments to the Implementation Program of the City's Local Coastal Program for Commission consideration. The proposed amendments are presented within Ordinance Nos. 2033, 2051, and Resolutions Nos. 5741 and 5873 (attached) and are transmitted to the California Coastal Commission. The amendments to the "Definition" Section A.04.030 of the City of Manhattan Beach Local Coastal Program-Implementation Program are contained in Ordinances 2033 and 2051. The ordinances amend regulations pertaining to the City's zoning "Definitions", Section A.04.030 regarding "Basement", "Floor Area, Buildable", "Room (Space), Habitable" "Story", "Lot, Street-Alley and "Structure" as discussed in more detail below.

The changes are minor in nature and do not alter any existing procedures, nor do they significantly change any existing development standards. It is the City's desire to have the Ordinances and Resolution processed as a minor or de minimis amendment on the basis that the proposed amendments do not have an impact on coastal resources, involve any changes in existing or proposed use of land or water, and are consistent with the policies of Chapter 3 of the Coastal Act.

The Ordinances and Resolutions are submitted to the Coastal Commission for review and adoption. Additionally, you will find all reports prepared for the City Council and Planning Commission, Public Notices, Minutes from the public hearings, and all applicable attachments (see attached submittal content sheet).

In order to provide a better understanding of the implications of these proposed changes, the following background information for the proposed amendments is provided.

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EXHIBIT # A  
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## Background

As part of the Manhattan Beach City Council Workplan, the Community Development Department was directed to reevaluate residential development standards. Staff was specifically directed to explore methods to reduce visual bulk and/or volume of single family homes in Area District I and II (**excluding Area Districts III and IV located in the Beach Areas and within the area of the Coastal Zone**). After conducting extensive review and public hearings on the subject, the City adopted regulations in non-coastal areas that require additional upper-story front setbacks and limit the visual prevalence of garages in single family neighborhoods. While developing these new development standards, changes to the "Definitions" Section of the MBMC as well as the Manhattan Beach Local Coastal Implementation Program (LCP) were also included in the amendment.

On April 16, 2002, the City Council adopted Ordinance No. 2032, establishing new Bulk/Volume standards pertaining to single family residential zoned properties located in Area District I and II, not including Area District III and IV, the beach area. At the same time, Ordinance No. 2033 amended regulations pertaining to the City's zoning "Definitions" in the Local Coastal Program regarding "Basement", "Floor Area, Buildable", "Room (Space), Habitable" and "Story, as discussed in more detail below.

Section 10, of Ordinance No. 2033, specified that a review of the adopted Ordinance was to occur approximately 12 months after the effective date with a hearing before the Planning Commission. This hearing would then be followed by any recommendations to the City Council, and the Council would consider any appropriate additions, revisions, or deletions to the subject requirements.

On December 2, 2004, the City Council adopted Ordinance 2050, establishing additional Bulk/Volume regulations for Area Districts I and II, not including Area Districts III and IV, the beach area. At the same time, Ordinance No. 2051 amended regulations pertaining to the City's zoning "Definitions" in the Local Coastal Program regarding "Floor Area, Buildable", "Lot, Street-Alley" and "Structure".

## Definitions

The following "Definitions" changes are proposed and already apply in all areas of the City excluding the coastal zone.

### 1) Basement, 2) Floor Area, Buildable, and 3) Room (Space), Habitable

Over the last several years, it has become common for new development to propose basement storage and habitable space. It is the City's opinion that basement areas that are entirely below grade add very little to the bulk and volume of a home and could actually reduce first and second floor bulk and volume by encouraging designers to place some large rooms below grade where they are minimally visible. Eliminating the 70 square foot area and 7.5 foot ceiling height limitations from the current "room, habitable" definition would discourage the "honeycombed" basement storage areas designs that have become common under this definition and allow larger habitable rooms below grade. Additionally, concerns have been raised that these "honeycombed" areas could be illegally converted in the future to habitable room(s) thus creating safety egress issues.

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EXHIBIT A  
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Most "basement areas" currently designed are rarely entirely below grade. The current Code definition for "Floor Area, Buildable" (BFA) states that those portions of a basement that are entirely below local grade are excluded from the BFA calculation. Entirely below "local grade" is defined as the vertical dimension between the local grade elevation and finished floor of the next floor above being no greater than two feet. However, if these basement areas are used for habitable purposes, then 50% of the area counts towards BFA. "Local Grade" is the ground elevation adjacent to a specific location on the exterior of a building (existing or finished whichever is lower). Therefore, under the current Code requirements in most cases, basement areas would count towards BFA, as they are more than 2 feet above local grade.

The amendment to count 30% of basement areas towards BFA would in effect simplify the sometimes complicated current language requirements. Basement conditions that are exposed more than 2 feet from outside local grade count 30% towards BFA to reduce visible bulk above grade. Additionally, up to 200 square feet of basement area used for storage and mechanical use would be exempted from BFA. Basement conditions, which are entirely below "local grade" and exposed less than 2 feet (as currently required) to the outside local grade, would be 100% exempt from BFA. This will allow flexibility and encourage basement areas.

With the adoption of the bulk/volume requirements, a significant change occurred to the "Buildable Floor Area" (BFA) definition. This new language exempts many basement areas from counting as BFA regardless of whether it is used as habitable space or for storage purposes. This was a significant change because more projects are now being designed with large basements to gain more living area, and additional parking is currently not required for these basement areas. The amendment requires that basement areas count toward BFA for parking purposes only, which would then require a third garage space for many projects.

#### 4) Story

In 1991, the City Council established a policy, which restricted the number of "stories" that could be placed above a garage. This policy established that the garage area (19 feet of required interior depth dimension or 20 feet of exterior depth) would be defined as a "story" and therefore restricted that any upper level (as a second story) be required to be stepped back an equal distance from the garage door opening. Since this policy had not been codified, City staff looked to codify and expand the ability to divide basement levels into portions that do and do not qualify as basements as established by City Council in 1991.

The new proposed definition defines the first 20 feet of garage depth as a "story" (as previously directed by Council). Additionally, the recommended "story" definition change would also extend to other non-subterranean areas. This would require that any upper level story conditions be stepped back at least 20 feet beyond the building face.

#### 5) Lot-Street Alley

With regards to corner lots/alley access, a question was raised as to whether vehicle access from an alley is required, instead of the front or side street, for corner lots just as it is for interior lots with alley access.

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Municipal Code Section 10.04.030, Lot, Street-Alley, defines a Street-Alley lot as an interior lot having frontage on a street and an alley. Since this definition did not appear to include corner lots it was interpreted that this definition exempts street-alley corner properties from being required to provide access from an ally as is required with street-alley interior lots. The amendment changes the "definition" of "Lot-Street Alley" which requires all alley lots, including corner lots, to provide driveway access from a dedicated alley as is currently required for interior lots.

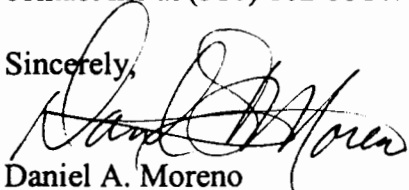
6) Structure

With the revised Buildable Floor Area (BFA) standard, which encourages lower level basement areas, many new projects provide large habitable and storage basement areas. In many instances, these areas are being excluded either partially or entirely from BFA. In almost all instances the Uniform Building Code requires these basement areas provide emergency egress and/or light and ventilation wells. These wells, which were designed and located within required building setback areas, were many and large in size. The Council, based on their concerns regarding the number, size and safety of these well, recommended that all egress, light and ventilation wells required for basement conditions shall be prohibited in any required building setback area.

The prohibition of wells in building setback areas necessitated the need to revise the "Structure" definition. The amendment changes the "Structure" definition which includes language that a wall forming a below-grade well (e.g. egress, light, and ventilation) shall be considered to be a structure, thus prohibiting wells in building setback areas.

We hope this clarifies the proposed minor amendments to the "Definitions" Sections. Should the Commission require additional information, or if you have any questions, please do not hesitate to contact me at (310) 802-5516.

Sincerely,



Daniel A. Moreno  
Associate Planner

cc: Richard Thompson, Director of Community Development  
Project File

CoastalComAmendMemMay2004

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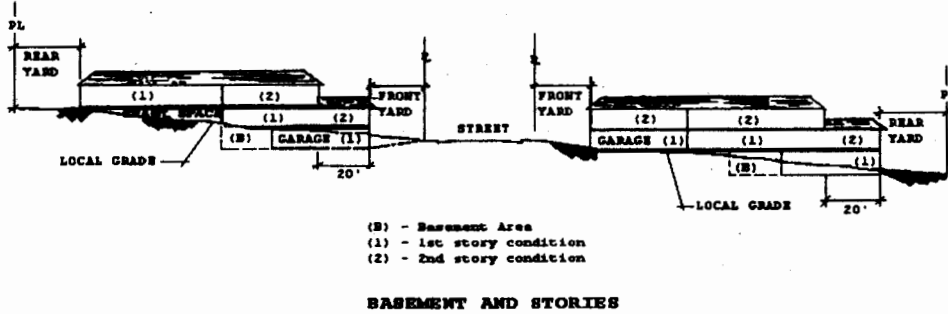
EXHIBIT # A  
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#1

**Basement:** Any floor level, or portions thereof, below the first story in a building. Any building having only one floor level shall be classified as a basement unless such a floor level qualifies as a first story as defined herein. A floor level may be divided between portions qualifying as a basement and portions qualifying as a story. Any portion qualifying as a story shall be considered to have a minimum dimension of 20 feet measured perpendicular from the outside face(s) of the exterior building wall(s) which disqualifies that area as a basement (See Graphic Illustration).

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#2

**Floor Area, Buildable:** The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and 30% of the area of all basements of a building that are not entirely below local grade, and including halls and the area of the stairs, but excluding floor area under stairs and those portions of a basement that are entirely below local grade (See Graphic Illustrations). The following elements also are excluded from a determination of buildable floor area:

Deleted: The floor area in any habitable room on a basement level shall be included in the determination of buildable floor area, with the exception of a basement that is entirely below local grade (in which case 50% of floor area of a habitable room(s) shall be excluded), as well as window or door wells as required in the Building Regulations, (Title 9, Chapter 0.01 of the Municipal Code). A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet.

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EXHIBIT # B  
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Commercial and Industrial Districts: That area used exclusively for vehicle parking and loading and in service and mechanical rooms, enclosed vertical shafts, or elevators.

Single-family Residential Districts:

Area Districts I and II: That area used for vehicle parking and loading, up to 400 square feet on lots with less than 4,800 square feet and up to 600 square feet on lots with 4,800 square feet or more. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC. A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet.

**Deleted:** For lots less than 4,800 square feet, an area used for vehicle parking and loading not to exceed

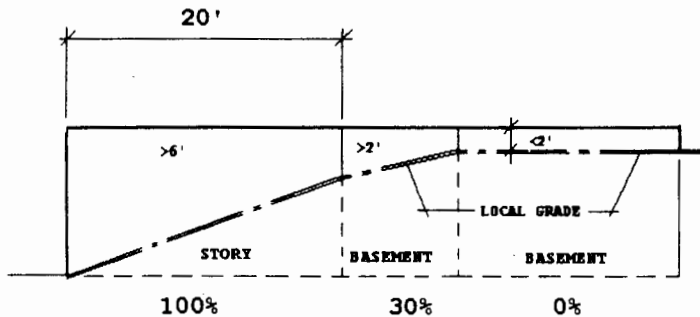
**Deleted:** ; (600 square feet on corner lots if a third parking space is required) for lots with

**Deleted:** or more, an area used for vehicle parking and loading not to exceed

**Deleted:** In both cases, additional space used for vehicle parking and loading is considered buildable floor area unless otherwise excluded because it is a basement.

Area Districts III and IV: That area used for vehicle parking and loading, up to 400 square feet on lots with less than 2,700 square feet and up to 600 square feet on lots with 2,700 square feet or more. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC. A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet.

Multi-family Residential Districts: That area used exclusively for vehicle parking and loading. Up to 200 square feet of basement area for purposes of storage and mechanical equipment use. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC. A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet.



PROPOSED BASEMENT/STORY CONDITIONS COUNTED AS BFA

#3

**Room (Space), Habitable:** A space in a structure meeting the requirements of the Building Regulations (Title 9, Chapter 9.01 of the Municipal Code) for sleeping, living, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**Deleted:** Storage spaces or utility rooms excluded in this definition only apply to those spaces which have a ceiling height of less than 7.5 feet and a total area of less than 70 square feet.

#4

**Story:** That portion of a building included between the surface of any floor and the surface of the floor above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the portion of a building included between the finished floor level directly above a basement or a usable or unused under-floor space is more than 4 feet above local grade, as defined herein, for more than 50 percent of the total perimeter or is more than 6 feet above local grade as defined herein at any point, such basement or usable or unused under-floor space shall be considered a story. 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 20 feet 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).

#5

**Lot, Street Alley:** A lot having frontage on a street and an alley.

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#6

**Structure:** Anything constructed or erected that requires a location on the ground, including a building or swimming pool, but not including a driveway, walk, fence or wall (used as a fence or boundary grade wall). A wall forming a below-grade well (e.g. egress, light, ventilation) shall be considered to be a structure.

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