



CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT

DATE: June 11, 2025

TO: Planning Commission

FROM: Michael Codron, Interim Community Development Director

THROUGH: Adam Finestone, AICP, Planning Manager
Jaehee Yoon, AICP, Senior Planner

BY: Maricela Guillean, Associate Planner

SUBJECT: Study Session to Discuss Provisions Related to Rear Yard Setbacks for Accessory Structures in Single-Family Residential Zones

RECOMMENDATION

Staff recommends that the Planning Commission conduct a study session to discuss and provide input on existing rear yard setback regulations for accessory structures in single-family residential zones.

BACKGROUND

At the June 18, 2024, City Council meeting, the City Council requested a future agenda item to discuss the City's existing rear yard setback requirements for accessory structures in single-family residential zones.¹ The specific area of concern related to provisions allowing accessory structures in rear yards with no side or rear setbacks. This regulation is codified in Manhattan Beach Municipal Code (MBMC) Section 10.52.050(D) (Relation to Property Lines), as provided in part below:

An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than three feet (3')

¹ For the purpose of this report, rear yard setbacks for accessory structures in the rear yard of a property shall be assumed to mean both the rear and interior side yard. Although this provision applies to all residential zoning districts, this discussion is limited to the RS single-family residential zone.

from said property line(s).

On February 4, 2025, staff presented the agenda item before the City Council for discussion to receive direction on next steps. At the time, staff noted maintaining the status quo would prevent numerous accessory structures from becoming nonconforming and ensure that opportunities for sufficient open space in rear yards are preserved. However, due to concerns with the potential high concentration of accessory structures along a rear property line, and the implications to emergency response, fire safety, ingress/egress, and aesthetics, the Council directed staff to further explore creative solutions, including alternative setbacks and associated implications with the Planning Commission's input.

Purpose of Setbacks

Setback regulations exist for the benefit of public health, safety, and welfare. They create consistent and predictable development patterns, provide visual relief from building bulk and mass, allow space between buildings for light and air, and ensure adequate space for access. Additionally, setback requirements must be considered in relation to other development standards, including building separation and open space, to maximize use and functionality of a property. This is especially important in locations where lots are constrained in size.

The intent of the setback requirements in MBMC Section 10.50.050(D) is consistent with the aforementioned purposes. Specifically, the zero-foot setback allowance for accessory structures in rear yards is intended to accommodate maximum private open space on constrained lots (a typical condition in Manhattan Beach). This intent is consistent with building separation provisions in MBMC Section 10.52.050(J) (in place since at least 1958) which requires a minimum distance of 10 feet between structures. With a limited lot area and the need to comply with the building separation requirement, the most effective way to create open space is to place accessory structures immediately adjacent to the side and rear property lines. If a property owner decides to place an accessory structure in a location not immediately adjacent to the side or rear property line, MBMC Section 10.50.505(D) requires a minimum three-foot setback to accommodate access between the structure and a wall or fence separating properties. It's important to note that the setback provisions discussed in this report do not relate to Accessory Dwelling Units, which have separate development standards set forth in MBMC Section 10.74, including a maximum setback requirement of four feet.

Ordinance History

Based on staff's research, provisions related to accessory structure setbacks have been in place since at least 1958, when the City's first comprehensive zoning code with an official land use plan was adopted. At the time, Ordinance No. 825 included provisions under

“Placement of Buildings and Structures” to allow non-dwelling accessory structures located on the rear third of the lot to have no rear yard setback with the exception of alley-accessed garages (which must be a minimum 15 feet from the alley center line).

In July 1976, Ordinance No. 1464 was adopted that added language specifying that a detached accessory structure be single-story and maintain a standard side-yard setback on at least one side, thus ensuring that rear yard accessory structures did not span the entire width of a lot.

In December 1990, a new zoning code, known as the Zoning Ordinance Revision Program (ZORP), was adopted as Ordinance No. 1832. As part of the ZORP, provisions for an “Accessory Structure” became its own separate section in the MBMC that closely resembles the current code language. While section numbers and formatting changed as part of the ZORP, the actual development standards related to accessory structure setbacks remained unchanged.

In July 1991, Ordinance No. 1842 was adopted to clarify that the setback requirements will apply to the entire accessory structure if any portion of it is within the required rear yard. In addition, it referenced the parking code for information on setbacks for alley-accessed garages rather than including them in the “Accessory Structures” section of the MBMC.

In December 1993, Ordinance 1891 was adopted to add additional provisions to clarify the setback requirements when a fence, wall, or retaining wall are located on the interior side or rear property line. This amendment essentially clarified that accessory structures which were not on the property line had to be at least three feet from the property line, measured from the outside surface of the fence, wall, or retaining wall, in order to provide access around the structure.

No further changes have been made to the accessory structure setback requirements since 1993.

DISCUSSION:

Existing Development Patterns

As the existing provisions have been in place for at least 67 years, accessory structures on side and/or interior rear property lines in rear yards are common throughout the City. In addition, the 15-foot setback requirement from the alley centerline for alley-accessed detached garages has also been in place since 1958, effectively prohibiting a zero-foot rear yard setback for such garages. Rather, rear alley-accessed detached garages are typically set back between five and seven and a half feet from the rear property line, as most alleys in the City range from 15 to 20 feet in width.

From an Area District perspective, Area Districts 1 and 2 have the highest concentration of accessory structures with zero-foot rear yard setbacks. This is primarily due to the larger lot sizes that exist in these districts, which can accommodate both a primary residence and an accessory structure while still complying with the building separation requirement, and the fact that they are predominantly zoned for single-family residential use. Because Area Districts 1 and 2 have very few alleys, most detached accessory structures, whether garages or otherwise, have been built with no rear yard setbacks. This has become less common as properties are redeveloped with new homes that tend to occupy a much larger portion of the lot, minimizing the physical ability to place accessory structures on them.

While accessory structures in Area Districts 3 and 4 exhibit some of the same characteristics as those in Area Districts 1 and 2, it is more likely that they would include alley-accessed detached garages because of the presence of significantly more alleys in those districts. Additionally, because the zero-foot setback allowance for accessory structures is only applicable in single-family zones, the propensity for such structures in Area Districts 3 and 4 is extremely limited because single-family zoned properties make up a very small minority of the properties in these districts.

In general, the City processes permits for several dozen accessory structures each year, of which roughly half are built with a zero-foot rear yard setback. The most-commonly reviewed accessory structures with no rear yard setback are pool cabanas, guest houses, and enclosures for pool equipment.

Implications of Amending Setback Regulations

Accessory structures on a rear property line are common in single-family zones throughout the City. If the allowance for a zero-foot rear yard setback for accessory structures is eliminated, it will impact a significant number of properties because they would become nonconforming structures. Per MBMC Section 10.04.030, a nonconforming structure is defined as “a structure that was lawfully erected but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.”

Legal nonconforming status is evaluated on a structure-by-structure basis. When a structure is determined to be legally nonconforming, the associated limitations on alteration or expansion apply only to that structure—not the entire site. For example, an accessory structure with a nonconforming setback does not impact the conformity status of the primary residence.

When a structure becomes nonconforming, it limits the ability for property owners to alter or expand that structure. Specifically, nonconforming structures cannot be structurally altered or reconstructed in a manner that would intensify the nonconformity, unless specific conditions outlined in MBMC Section 10.68.030 (Alterations and enlargements of nonconforming uses and structures) can be met, including through a Minor Exception process (pursuant to MBMC Section 10.84.120). A Minor Exception is a discretionary review that can be burdensome to homeowners when they seek to alter or remodel structures on their properties. Currently, staff processes approximately 5 to 12 Minor Exceptions a year, and expects an increase in that number if the zero-foot setback allowance is modified. Furthermore, projects moving forward will have less flexibility to maximize the layout and use of rear yards for private open space.

For these reasons, the Planning Commission may wish to consider a provision to exempt existing, legal conforming accessory structures from the City's non-conforming structure requirements if changes to setback requirements for such structures are pursued.

Options for Nonconforming Accessory Structures

If the zero-foot setback allowance is removed from the MBMC, the Planning Commission could either retain the three-foot setback requirement for accessory structures or explore an alternate setback. The following pathways can be considered to address alterations or expansions of accessory structures that become nonconforming as a result of any change in this standard:

- 1. Amend MBMC Chapter 10.68 to create a new legal nonconforming exception category for accessory structures.** The potential exception category could grandfather nonconforming accessory structures and provide parameters around remodels or expansions. MBMC Section 10.68.030(E) limits enlargement or alteration of nonconforming structures with project valuations of more than 50%, unless the project qualifies for either 1) one of the specified exceptions to the subsection, or 2) a Minor Exception per MBMC Chapter 10.84. Adding a new exception dedicated to nonconforming accessory structures within MBMC Section 10.68.030 (E) could allow remodel/additions that exceed 50% valuation, subject to certain parameters the City may consider establishing. Examples of some of these parameters may include requiring all new additions to be proposed with a minimum three-foot side and rear setbacks and/or prohibiting basement additions. An additional provision could be to allow existing accessory structures located at the rear and/or side setbacks to be replaced in a manner that meets the revised setback requirements but allows a 7-foot building separation, instead of the current 10-foot separation standard. This adjustment would require a 3-foot side/rear setback while still allowing property owners to rebuild their accessory structures. Under this scenario, the project would be processed ministerially to

comply with all other applicable development standards in Title 10 of the MBMC.

2. **Amend MBMC Chapter 10.84 to create a new Minor Exception category for nonconforming accessory structures.** Minor exceptions are generally intended to allow limited alterations and additions to certain existing nonconforming structures, and encourage remodeling and additions to existing smaller older legal nonconforming homes. Essentially, the provisions strive to balance a desire to maintain older homes while still allowing some flexibility to encourage these homes to be maintained, upgraded and enlarged, as long as certain development standards are met. To align with a 3-foot side and rear setback requirement, a new 7-foot building separation standard may be applied to offset the property constraints created by the new 3-foot setback requirement. Projects exceeding 50% of a structure's valuation may maintain their nonconformities if the required Minor Exception findings can be made by the Community Development Director. The required findings are summarized below, with additional criteria that must also be considered for projects involving additions.

Minor Exception Required Findings

- a. Compatibility with properties in the surrounding area (e.g., scale, mass, orientation, size and location of setbacks, and height)
- b. No significant detrimental impact to surrounding neighbors (e.g., impacts to privacy, pedestrian and vehicular accessibility, light, and air)
- c. Existing practical difficulties warrant deviation from standards (e.g., lot configuration, size, shape, or topography)
- d. Existing nonconformities would be brought closer to or in conformance with Zoning Code and Building Safety requirements
- e. Consistency with the City's General Plan, Local Coastal Program and any other applicable policies

Additional Criteria

- New construction conforms to all code requirements except permitted by Minor Exception.
- Structural alternations or modifications are determined to be necessary
- Minimum 10% of existing nonconforming structure to be maintained
- Parking related nonconformities and requirements
- Minimum 50% of required setbacks to be maintained
- Nonconformities to be brought closer into compliance with zoning and building code regulations to the extent feasible

If a new Minor Exception category is added that allows an addition to a nonconforming accessory structure, the 'Additional Criteria' may include a requirement that subjects the

proposed improvements to a minimum three-foot side and rear yard setback. While the outcome of this option is similar to that of Option 1 (requiring proposed improvements to comply with the three-foot side and rear yard setback), Minor Exceptions are more costly and lengthier to process due to the discretionary review that would be required. Further, as part of an approval of a minor exception, the Community Development Director may impose reasonable conditions to the project to address the findings identified above. In addition, decisions on Minor Exception applications are appealable to the Planning Commission which may add additional costs and delays to a project.

3. **Establish different setback standards for different types of occupancy.** Accessory Structures are defined to include both habitable and non-habitable structures. One option the Planning Commission may consider is to develop different setback standards based on whether the accessory structure will be a habitable accessory structure, such as a pool house or guest house, or non-habitable such as a garage or storage shed. For example, a habitable accessory structure could be required to have a minimum 3-foot (or greater) setback (accessory dwelling units already require a minimum 4-foot setback), while non-habitable accessory structures, may continue to be permitted with a zero-foot setback.
4. **Maintain the existing provisions related to nonconforming structures.** This option would limit the ability to remodel or expand an existing nonconforming accessory structure and could potentially lead to phasing out of such structures completely over time as they deteriorate.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity (study session) for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the study session is not subject to CEQA. Thus, no environmental review is necessary.

PUBLIC OUTREACH:

A courtesy notice for this meeting was published in The Beach Reporter and emailed to all interested parties on May 29, 2025. Should staff undertake any work effort to update the MBMC provisions related to accessory structure rear yard setbacks, public notification in accordance with State and Municipal Code requirements will be conducted.

CONCLUSION:

Numerous existing, conforming accessory structures would become nonconforming if the zero-foot rear yard setback provision is eliminated, which could limit future alternations

and/or additions to said structures unless a more creative approach is pursued. Additionally, the zero-foot setback requirement helps preserve opportunities for ample open space in rear yards for many of the single-family residential lots that are constrained in size. Given the implications, if the Planning Commission supports new setback requirements for accessory structures, direction should be given to staff to apply creative solutions to avoid the creation of a large number of non-conforming structures across the city. In any case, staff will conduct additional analysis and report back should the Planning Commission provide guidance to explore the alternative setback options or processes introduced in this report.

ATTACHMENTS:

1. Existing Ordinance (MBMC Section 10.52.050)
2. City Council Meeting Staff Report and Minutes (February 4, 2025)

10.52.050 Accessory structures.

- A. **Timing.** Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.
- B. **Location.** Except as provided in this chapter, accessory structures shall not occupy a required front, side, or building separation yard. Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site; this shall not prohibit development allowed in subsection F of this section.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42") in height.
2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15') in height.
3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8') in height.
4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030(P).
5. One (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13') in height.
6. Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
 - a. Retention/detention features installed entirely below local grade.
 - b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five-foot (5') clearance from the property line is maintained.
 - c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of Section 10.52.040(D), stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

- C. **Maximum Height.** The maximum height of an accessory structure shall be twelve feet (12'), subject to the provisions of this subsection. Additional height shall be permitted, as provided in Section 10.60.060; Exceptions to height limits. For the purpose of this Section, height shall be determined by a weighted averaging of the local grades taken around the perimeter of the accessory structure.

Exceptions.

1. The maximum height of any portion of an accessory structure which has a minimum three (3) in twelve (12) roof slope, and has a single roof ridge-line located at approximately the center of the structure, may be fifteen feet (15').
2. The maximum height of any portion of an accessory structure containing a Guest House or accessory living quarters, as defined in this title, constructed directly above a garage, may be twenty-two feet

(22'), when that portion is not located within a required yard, or when it takes vehicle access from a rear alley and is located at least three feet (3') from all property lines.

- D. **Relation to Property Lines.** An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than three feet (3') from said property line(s) (See Section 10.64.110; Aisle Dimensions, for exceptions applicable to detached alley-accessed garages). Building projections within the required setback area as prescribed in this section are permitted in accordance with Section 10.60.040; Building projections into required yards or open space.

Exception: Where a fence, wall, or retaining wall is located on an interior side or rear property line, the setback for an accessory structure to the property line may be between zero and three feet (3'), providing there is zero clearance between said fence, wall or retaining wall and accessory structure.

- E. **RS District.** In an RS district, the total gross floor area of accessory structures more than four feet (4') in height that are not attached to a dwelling shall not exceed nine hundred (900) square feet or twelve percent (12%) of lot area, whichever is more.

- F. **Residential Zones-Adjacent Separate Lots with Common Ownership.** Contiguous residential lots under common ownership may be developed as one (1) site, with only detached accessory structure(s) on one (1) or more of the lots, subject to the following criteria.

1. Development shall be compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).
2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).
3. One (1) of the lots must be developed with a residential dwelling unit as the principal structure.
4. The development is in compliance with current zoning code standards and any policy guidelines. For development standards the lots shall be treated as separate, except that parking shall be provided for the total buildable floor area on all of the common ownership lots combined.
5. The recordation of a covenant shall be required, and shall provide for the removal of the accessory structure(s) or the construction of a dwelling unit on the lot that only has the accessory structure prior to selling the lots as separate lot(s). The covenant shall stay in effect until such time as the lot(s) that does not have a residential dwelling unit on it is developed with a dwelling unit, or the accessory structure(s) are removed. The covenant shall be required prior to the issuance of a building permit for any accessory structure on the lot(s) without the dwelling unit.
6. A development plan for the entire site, all of the contiguous lots under common ownership, shall be submitted.
7. Development on the lot(s) that do not have a residential dwelling unit shall be limited to the following accessory structures, and shall be in compliance with all requirements of this title:
 - a. Guest House (or accessory living quarters) in compliance with the requirements of Section 10.04.030.
 - b. Other accessory structures in compliance with subsection E of this section.
 - c. Garages and parking areas, provided the garages or parking is not required for the dwelling unit on the contiguous lot.
 - d. Other accessory structures that are not included as gross floor area or square footage, including, but not limited to, pools and spas, sports courts, decks, and patios.

- G. **Swimming Pools and Hot Tubs.**

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1. A swimming pool or hot tub and related equipment may occupy a required rear yard or side yard but shall not be within five feet (5') of a property line.

Exception: A swimming pool or hot tub and related equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of subsection D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

2. All pools and hot tubs shall be fenced, as required by Title 9, Chapter 48 of the Municipal Code.
- H. **Decks.** No accessory structure deck or green roof/deck more than thirty inches (30") in height shall be located in a required yard.
- I. **In RPD District.** The location of accessory structures shall comply with the requirements of the RPD permit.
- J. **Separation.** The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings on the same lot shall not be less than ten feet (10').
- K. Accessory Dwelling Units constructed in compliance with Chapter 10.74 are not subject to the provisions of this Section 10.52.050.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1842, Amended, 08/15/91; Ord. No. 1860, Amended, 10/29/92; Ord. No. 1891, Amended, 01/06/94; §§ 12, 13, Ord. 2111, eff. March 19, 2008, § 8, Ord. 2146, eff. August 4, 2011, and §§ 6, 7, Ord. 18-0024, eff. Jan. 18, 2019)

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City of Manhattan Beach

Legislation Details (With Text)

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On agenda: 2/4/2025 **Final action:** 2/4/2025

Title: Discussion of Existing Rear Yard Setback Regulations for Accessory Structures in Single-Family Residential Zones (No Budget Impact) (Acting Community Development Director Heise).
(Estimated Time: 30 Mins.)
DISCUSS AND PROVIDE DIRECTION

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Existing Ordinance (MBMC Section 10.52.050), 2. PowerPoint Presentation

Date	Ver.	Action By	Action	Result
2/4/2025	1	City Council Regular Meeting		

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Talyn Mirzakhanian, City Manager

FROM:

Ryan Heise, Acting Community Development Director
Adam Finestone AICP, Planning Manager
Jaehee Yoon AICP, Senior Planner
Maricela Guillean, Associate Planner

SUBJECT:

Discussion of Existing Rear Yard Setback Regulations for Accessory Structures in Single-Family Residential Zones (No Budget Impact) (Acting Community Development Director Heise).

(Estimated Time: 30 Mins.)

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction on existing rear yard setback regulations for accessory structures in single-family residential zones.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

At the June 18, 2024, City Council meeting, the City Council requested a future agenda item to discuss the City's existing rear yard setback requirements for accessory structures in single-family residential zones. Specifically, provisions allowing for accessory structures in rear yards with no side or rear setbacks was noted. This regulation is codified in Manhattan Beach Municipal Code (MBMC) Section 10.52.050(D) (Relation to Property Lines), as provided in part below:

An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than three feet (3') from said property line(s).

For the purpose of this report, rear yard setbacks for accessory structures in the rear yard of a property shall be assumed to mean both the rear and interior side yard.

Purpose of Setbacks

Setback regulations exist for the benefit of the public health, safety, and welfare. They create consistent and predictable development patterns, provide visual relief from building bulk and mass, allow space between buildings for light and air, and ensure adequate space for access. Additionally, setback requirements must be considered in relation to other development standards, including building separation and open space, to maximize use and functionality of a property. This is especially important in jurisdictions where most lots are constrained in size.

Ordinance History

Based on staff's research, provisions related accessory structure setbacks have been in place since at least 1958, when the City's first comprehensive zoning code with an official land use plan was adopted. At the time, Ordinance No. 825 included provisions under "Placement of Buildings and Structures" to allow non-dwelling accessory structures located on the rear third of the lot to have no rear yard setback with the exception of alley-accessed garages (which must be a minimum 15 feet from the alley center line).

In July 1976, Ordinance No. 1464 was adopted that added to the original code language by specifying that the accessory structure be single-story and detached a distance equivalent to the required side yard for one side of the structure. This ensured that rear-yard accessory structures did not span the entire width of a lot.

In December 1990, a new zoning code, known as the Zoning Ordinance Revision Program (ZORP), was adopted as Ordinance No. 1832. As part of the ZORP, provisions for an "Accessory Structure" became its own separate section in the MBMC.

In July 1991, Ordinance No. 1842 was adopted to clarify that the setback requirements will apply if any portion of the accessory structure is within a required rear yard. In addition, it referenced the parking code for information on setbacks for alley-accessed garages rather than including them in the Accessory Structures section.

In December 1993, Ordinance 1891 was adopted to add additional provisions to clarify the setback requirements when a fence, wall, or retaining wall are located on the interior side or rear property line. This amendment essentially clarified that accessory structures which were not on the property line had to be at least three feet from the property line in order to provide access around the structure.

DISCUSSION:

Existing Development Patterns

As the existing provisions have been in place for at least 67 years, accessory structures on side and/or interior rear property lines in rear yards are commonly found throughout the City. In addition, the 15-foot setback requirement from the alley centerline for alley-accessed detached garages has also been in place since 1958, effectively prohibiting a zero rear yard setback for such garages. Rather, rear alley-accessed detached garages are typically set back between five (5') and seven and a half feet (7 ½') from the rear property line, as most alleys in the City range from 15 to 20 feet in width.

From an Area District perspective, Area Districts 1 and 2 have the highest concentration of accessory structures with zero rear yard setbacks. This is primarily due to the larger lot sizes, which can accommodate both an accessory structure and primary residence while complying with the building separation requirement, and the fact that they are predominantly zoned for single-family residential use. Because Area Districts 1 and 2 have very few alleys, most detached accessory structures, whether garages or otherwise, have been built with no rear yard setbacks. This has become less common as properties are redeveloped because new homes tend to occupy a much larger portion of the lot, minimizing the physical ability to place accessory structures on them.

While accessory structures in Area Districts 3 and 4 exhibit some of the same characteristics as those in Area Districts 1 and 2, it is more likely that they would include alley-accessed garages because of the presence of significantly more alleys in those districts. Additionally, because the zero setback requirement for accessory structures is limited to single-family zoned properties, the propensity for such structures is minimized because single-family zoned properties make up a minority of the properties in these districts.

In general, the City processes permits for several dozen accessory structures each year, in which roughly half of them are built with a zero foot rear yard setback. The most-commonly reviewed accessory structures with no rear yard setback are pool cabanas, guest houses, and enclosures for pool equipment.

Implications of Amending Setback Regulations

Accessory structures on a rear property line are quite common in single-family zones throughout the City and their existence is expanding. If the allowance for a zero foot rear yard setback for accessory structures is eliminated, it will impact a significant number of properties because they would become nonconforming structures. Per MBMB Section 10.04.030, a nonconforming structure is defined as “a structure that was lawfully erected but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.”

It is worth noting that when a structure becomes nonconforming, it impacts the ability for property owners to alter or expand their homes. MBMC Section 10.68.030 outlines the specific conditions under which a nonconforming structure can be altered or expanded, including with a Minor Exception (pursuant to MBMC Section 10.84.120), which may create limitations on the buildable floor area or require review of the project valuation. It will likely become a burden for many legal nonconforming accessory structures, which will often require some form of alteration or remodel with time. Furthermore, projects moving forward will have less flexibility to maximize the layout and use of rear yards for private open space.

CONCLUSION:

Continuing to allow detached accessory structures in single-family zones to be built with zero rear yard setbacks will prevent numerous accessory structures from becoming nonconforming, and will ensure opportunities for ample open space in rear yards is preserved. If the City Council would like to provide guidance on exploring any alternative setback options or processes, staff will conduct additional analyses and report back.

PUBLIC OUTREACH:

An interested party who reached out to the City regarding this issue has been notified of this meeting. Should staff undergo any work effort to update the provision, public notification in accordance with State and Municipal Code requirements will be conducted.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed discussion for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the discussion is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENT/ATTACHMENTS:

1. Existing Ordinance (MBMC Section 10.52.050)
2. PowerPoint Presentation

10.52.050 Accessory structures.

- A. **Timing.** Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.
- B. **Location.** Except as provided in this chapter, accessory structures shall not occupy a required front, side, or building separation yard. Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site; this shall not prohibit development allowed in subsection F of this section.

Exceptions.

- 1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42") in height.
- 2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15') in height.
- 3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8') in height.
- 4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030(P).
- 5. One (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13') in height.
- 6. Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
 - a. Retention/detention features installed entirely below local grade.
 - b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five-foot (5') clearance from the property line is maintained.
 - c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of Section 10.52.040(D), stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

- C. **Maximum Height.** The maximum height of an accessory structure shall be twelve feet (12'), subject to the provisions of this subsection. Additional height shall be permitted, as provided in Section 10.60.060; Exceptions to height limits. For the purpose of this Section, height shall be determined by a weighted averaging of the local grades taken around the perimeter of the accessory structure.

Exceptions.

- 1. The maximum height of any portion of an accessory structure which has a minimum three (3) in twelve (12) roof slope, and has a single roof ridge-line located at approximately the center of the structure, may be fifteen feet (15').
- 2. The maximum height of any portion of an accessory structure containing a Guest House or accessory living quarters, as defined in this title, constructed directly above a garage, may be twenty-two feet

(22'), when that portion is not located within a required yard, or when it takes vehicle access from a rear alley and is located at least three feet (3') from all property lines.

- D. **Relation to Property Lines.** An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than three feet (3') from said property line(s) (See Section 10.64.110; Aisle Dimensions, for exceptions applicable to detached alley-accessed garages). Building projections within the required setback area as prescribed in this section are permitted in accordance with Section 10.60.040; Building projections into required yards or open space.

Exception: Where a fence, wall, or retaining wall is located on an interior side or rear property line, the setback for an accessory structure to the property line may be between zero and three feet (3'), providing there is zero clearance between said fence, wall or retaining wall and accessory structure.

- E. **RS District.** In an RS district, the total gross floor area of accessory structures more than four feet (4') in height that are not attached to a dwelling shall not exceed nine hundred (900) square feet or twelve percent (12%) of lot area, whichever is more.

- F. **Residential Zones-Adjacent Separate Lots with Common Ownership.** Contiguous residential lots under common ownership may be developed as one (1) site, with only detached accessory structure(s) on one (1) or more of the lots, subject to the following criteria.

1. Development shall be compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).
2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).
3. One (1) of the lots must be developed with a residential dwelling unit as the principal structure.
4. The development is in compliance with current zoning code standards and any policy guidelines. For development standards the lots shall be treated as separate, except that parking shall be provided for the total buildable floor area on all of the common ownership lots combined.
5. The recordation of a covenant shall be required, and shall provide for the removal of the accessory structure(s) or the construction of a dwelling unit on the lot that only has the accessory structure prior to selling the lots as separate lot(s). The covenant shall stay in effect until such time as the lot(s) that does not have a residential dwelling unit on it is developed with a dwelling unit, or the accessory structure(s) are removed. The covenant shall be required prior to the issuance of a building permit for any accessory structure on the lot(s) without the dwelling unit.
6. A development plan for the entire site, all of the contiguous lots under common ownership, shall be submitted.
7. Development on the lot(s) that do not have a residential dwelling unit shall be limited to the following accessory structures, and shall be in compliance with all requirements of this title:
 - a. Guest House (or accessory living quarters) in compliance with the requirements of Section 10.04.030.
 - b. Other accessory structures in compliance with subsection E of this section.
 - c. Garages and parking areas, provided the garages or parking is not required for the dwelling unit on the contiguous lot.
 - d. Other accessory structures that are not included as gross floor area or square footage, including, but not limited to, pools and spas, sports courts, decks, and patios.

- G. **Swimming Pools and Hot Tubs.**

-
1. A swimming pool or hot tub and related equipment may occupy a required rear yard or side yard but shall not be within five feet (5') of a property line.

Exception: A swimming pool or hot tub and related equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of subsection D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

2. All pools and hot tubs shall be fenced, as required by Title 9, Chapter 48 of the Municipal Code.
- H. **Decks.** No accessory structure deck or green roof/deck more than thirty inches (30") in height shall be located in a required yard.
- I. **In RPD District.** The location of accessory structures shall comply with the requirements of the RPD permit.
- J. **Separation.** The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings on the same lot shall not be less than ten feet (10').
- K. Accessory Dwelling Units constructed in compliance with Chapter 10.74 are not subject to the provisions of this Section 10.52.050.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1842, Amended, 08/15/91; Ord. No. 1860, Amended, 10/29/92; Ord. No. 1891, Amended, 01/06/94; §§ 12, 13, Ord. 2111, eff. March 19, 2008, § 8, Ord. 2146, eff. August 4, 2011, and §§ 6, 7, Ord. 18-0024, eff. Jan. 18, 2019)

REAR YARD SETBACK REGULATIONS FOR ACCESSORY STRUCTURES IN SINGLE-FAMILY RESIDENTIAL ZONES

FEBRUARY 4, 2025

CITY COUNCIL MEETING



BACKGROUND

- June 18, 2024:

City Council requested item to be discussed at a future meeting

- Provisions allowing zero setbacks for accessory structures in the rear yard of single-family residential properties



GOVERNING REGULATION

MBMC Section 10.52.050(D) - Relation to Property Lines

An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than three feet from said property line(s). (See Section 10.64.110; Aisle Dimensions, for exceptions applicable to detached alley-accessed garages). Building projections within the required setback area as prescribed in this section are permitted in accordance with Section 10.60.040; Building projections into required yards or open space.

Exception: Where a fence, wall, or retaining wall is located on an interior side or rear property line, the setback for an accessory structure to the property line may be between zero and three feet, providing there is zero clearance between said fence, wall or retaining wall and accessory structure.

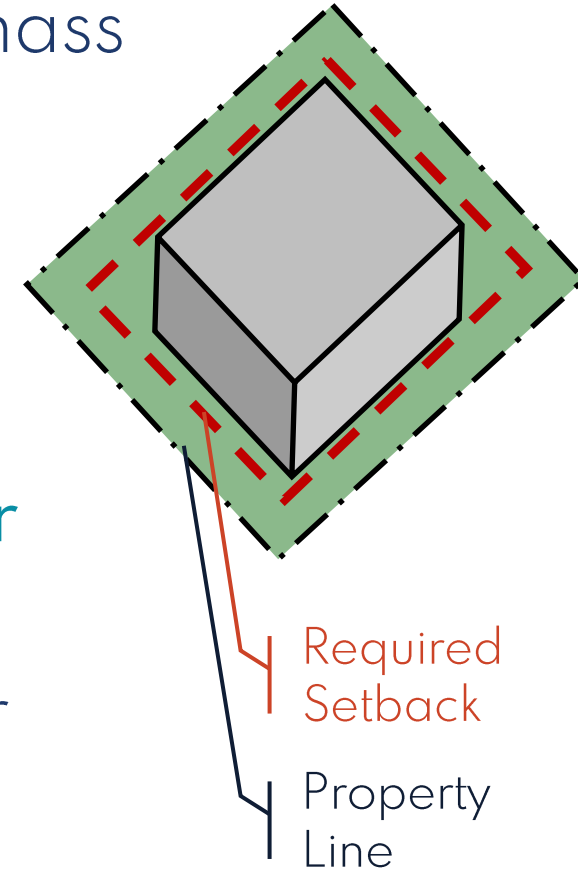


PURPOSE OF SETBACKS

- Reduce visual impact of building mass
- Incorporate open space between structures to allow for light and air
- Ensure adequate space for access

Zero-foot rear and side setbacks for accessory structures:

To maximize private open space for light, privacy, and enjoyment, as most lots in the City are small



ORDINANCE HISTORY

- **At least since 1958**

Zero foot accessory structure setbacks have been in place (Incl. setbacks for rear alley accessed detached garage and building separation)

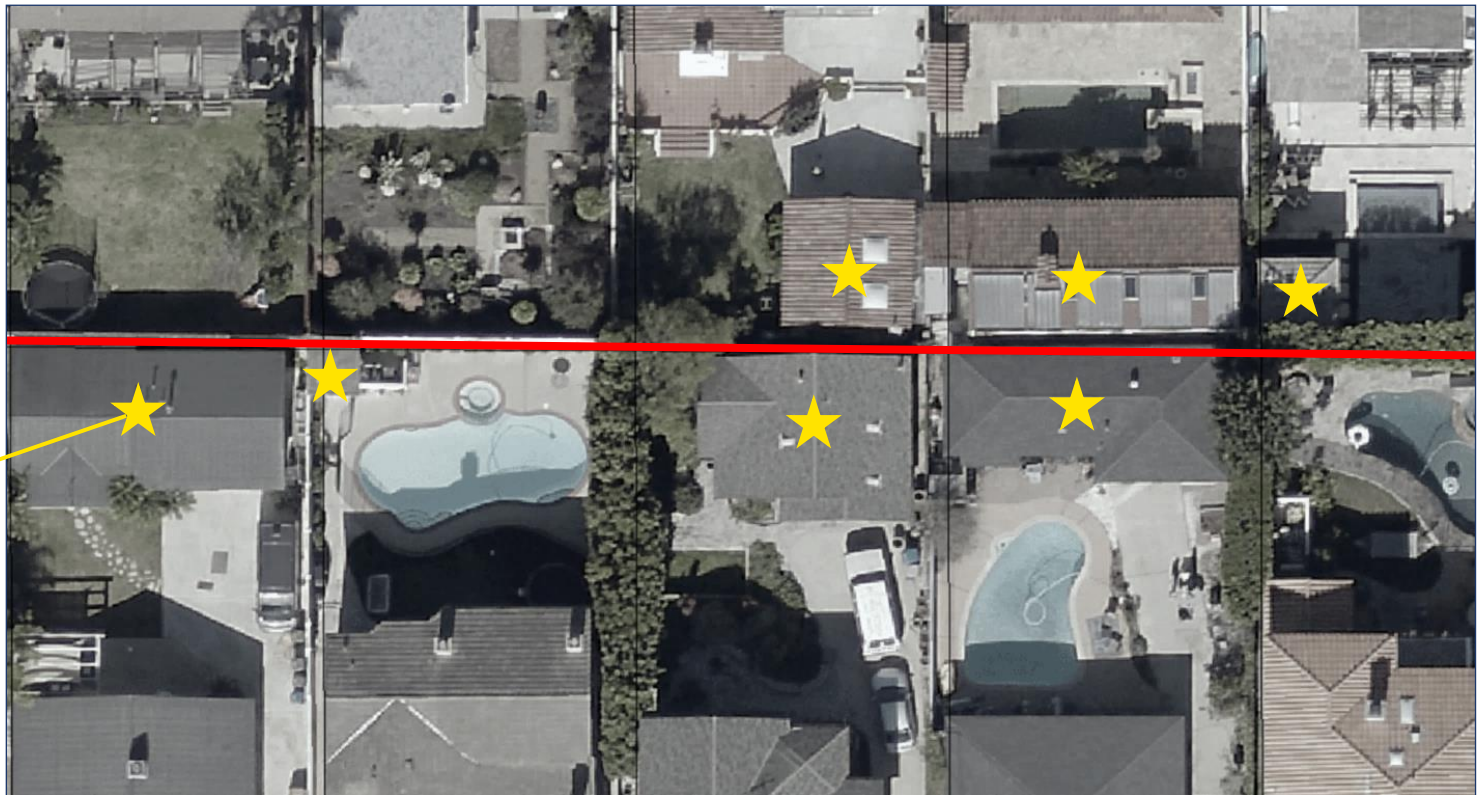
- **1976 – 1993**

Four minor amendments were made to clarify the provision



EXISTING DEVELOPMENT PATTERNS

Accessory structures on the side and/or rear property lines in the rear yard are common



Rear PL

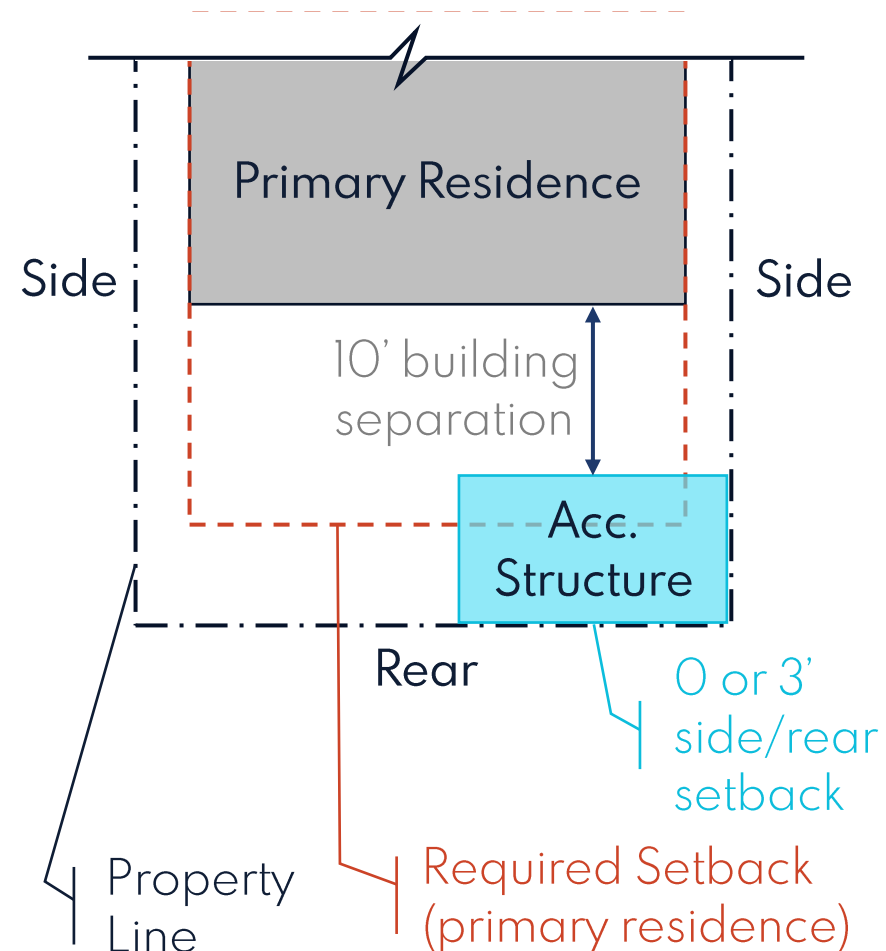
Accessory Structure



EXISTING DEVELOPMENT PATTERNS

Area District I & II

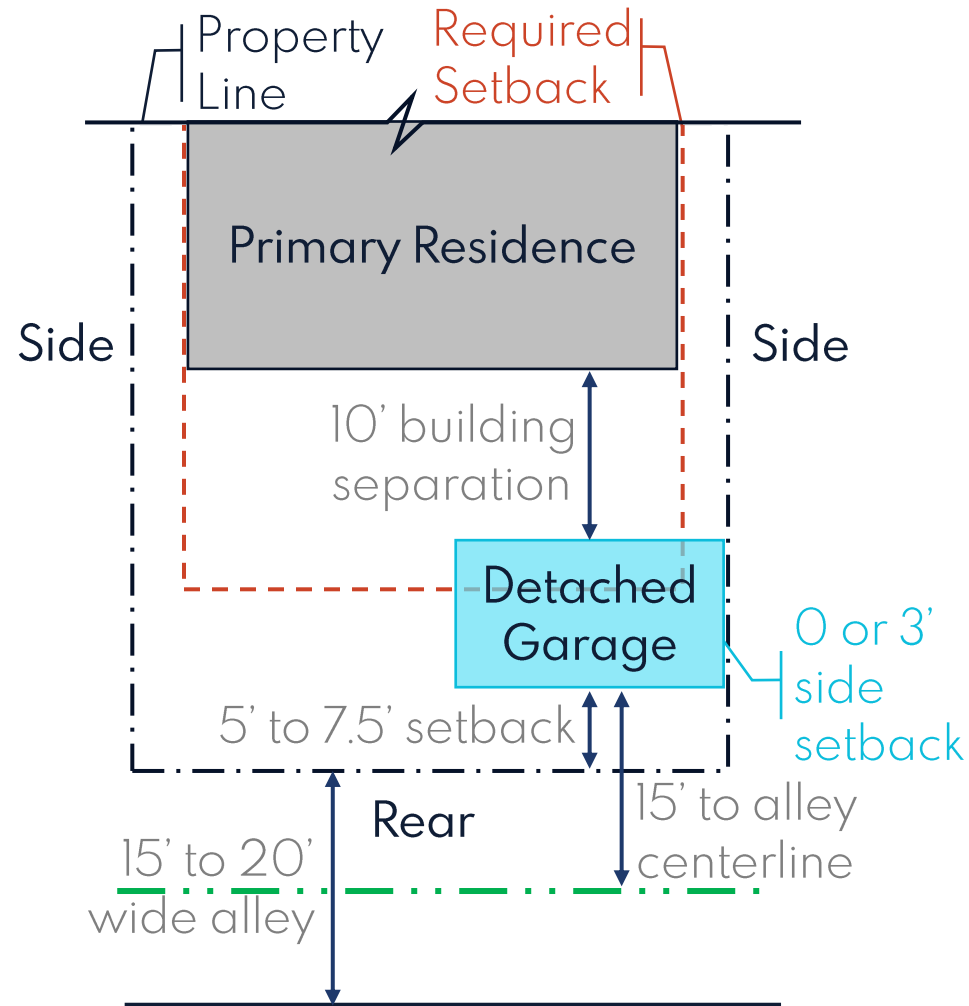
- Higher concentration of accessory structures with zero setbacks
 - Lots are larger which can accommodate both primary residence and accessory structure



EXISTING DEVELOPMENT PATTERNS

Area Districts III & IV

- Characterized by smaller lots; frequently include walk streets and alleys
- Common for older developments to have a detached garage setback off an alley



ELIMINATION OF PROVISION

- Will create a significant number of nonconforming properties:
 - Limitations to future changes or expansions
(May be subject to a *Minor Exception*)
 - Less flexibility to maximize layout and use property



CONCLUSION

Staff recommends that the City Council discuss and provide direction





City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Final

Tuesday, February 4, 2025

6:00 PM

Regular Meeting

City Council Chambers and Zoom

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Amy Thomas Howorth

Mayor Pro Tem David Lesser

Councilmember Joe Franklin

Councilmember Nina Trieu Tarnay

Councilmember Steve S. Charelian

PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:

www.manhattanbeach.gov/departments/city-clerk/city-council-meetings-agendas-and-minutes

A. CALL MEETING TO ORDER

Mayor Pro Tem Lesser called the meeting to order.

City Clerk Liza Tamura announced that Mayor Howorth requested to attend the meeting remotely for due cause.

Mayor Howorth stated that she requested to participate in the meeting remotely under AB 2449 for just cause due to illness.

B. PLEDGE TO THE FLAG

Dylan Black of Manhattan Beach Middle School led the Pledge of Allegiance.

C. ROLL CALL

Roll Call led by City Clerk Liza Tamura.

Present: 5 - Mayor Howorth, Mayor Pro Tem Lesser, Councilmember Franklin, Councilmember Tarnay and Councilmember Charelian

D. CEREMONIAL CALENDAR

- 1. Presentation of a Certificate of Recognition to Tom Moffett for His Outstanding Dedication and Commitment in Preserving Pete Moffett’s Legacy of the Annual Skechers Fireworks Show in Manhattan (Continued from the January 21, 2025, City Council Meeting). [25-0071](#)

PRESENT

On behalf of the City Council, Mayor Pro Tem Lesser presented a Certificate of Recognition to Tom Moffett for his outstanding dedication and commitment in preserving Pete Moffett’s Legacy of the Annual Skechers Fireworks Show in Manhattan Beach.

2. Presentation of 2024 Recognition Awards for Longstanding Local Businesses (No Budget Impact) (Interim Finance Director Jones).

[25-0057](#)

PRESENT

Financial Services Manager Libby Bretthauer introduced Revenue Services Supervisor Emy-Rose Hanna who provided a PowerPoint presentation showcasing the following longstanding local businesses:

Celebrating 5 years in business:

1. 1121mbca, LLC
2. Aesthetics On Highland
3. Approach Consulting Group LLC
4. Aviation Liquor
5. Bar Au Chocolat
6. Behind the Wheel Driving School
7. Bespoke by Chase
8. Blue Diamond Jeweler
9. Blue Sky Professional Services Group LLC
10. Blue Sky Real Estate LLC
11. Bright Horizons Children's Centers LLC
12. Capitol Medical Supply
13. Charles Salfity Cfp
14. Chelsea Derossi, MFT, ATR
15. College Kupp
16. Dentistry On The Blvd
17. Doll Amir & Eley LLP
18. Dr. Sarah C. Wohn Psychotherapy
19. Finetouch Dermatology Inc.
20. FXNL Form
21. Go Gently Nation
22. Gregory A. Fallon
23. Healthee Life
24. Highland MB Wealth LLC
25. Keystone Mortgage Corporation
26. Lenscrafters at Macy's
27. Leslie Irvine, PC
28. Lorena Pulichino Design
29. Lovell Minnick Partners
30. Manhattan Beach Dental Center
31. Mary Kelley's 23rd St
32. Mercado Manhattan Beach LLC
33. Over the Moon Wellness
34. Pacific Coast Gallery
35. Rackstarz
36. Rock It Body LLC
37. Rozenberg Management Inc.
38. Russell Law, PC
39. Sara Haynes Marriage & Family Therapy Inc.
40. Slay Mb, LLC

41. Slay Steak & Fish House
42. Southbay Lymphatic Therapy
43. Star Dashchund LLC
44. Sugarfish By Sushi Nozawa
45. The Gary Hugh Green Law Firm
46. Two Guns Espresso
47. Unita LLC
48. Urban Plates LLC
49. Valvoline Instant Oil Change
50. Vivo Usa LLC
51. Vuori Clothing
52. Wells Fargo Bank NA
53. Yanagi Kitchen

Celebrating 10 years in business:

1. Body Connection Physical Therapy
2. CBT Treatment Center, A Psychological Corp.
3. Club Pilates Manhattan Beach
4. Deloitte
5. Gelato And Angels
6. Independent Book Publishers Association
7. JDavid Law Practice
8. Just Food for Dogs
9. Lulu's Nouvelle
10. Manhattan Actor Studio
11. Marine Layer
12. Next Generation Leaders Inc.
13. Nick's
14. Noelle Interiors
15. P1 Technologies
16. Palm Realty Boutique, Inc.
17. Pottery Barn #6076
18. Premier Business Centers
19. Puttin' On Productions
20. Sand-Sea Property Management, Inc.
21. Waves Barber Shop & Boutique
22. Wells Fargo Advisors

Celebrating 15 years in business:

1. 3 Leaf Realty Inc.
2. 90266 Apparel
3. Bath & Body Works #152
4. Beach Cities Orthopedics & Sports Medicine Inc.
5. Beachside Smiles
6. Bella Beach Kids
7. Beverages & More, Inc #111
8. Bridgestone Retail Operations, LLC
9. Burstein Law Firm
10. Cielo A Boutique Salon

11. *D'boutique Manhattan Beach*
12. *Elite Design Builders Inc.*
13. *Free People*
14. *JP Morgan Chase Bank, N.A. (2600 Sepulveda)*
15. *JP Morgan Chase Bank, N.A. (700 S Sepulveda)*
16. *Kasai Hair Manhattan Beach*
17. *Moloney Development Inc.*
18. *Northstar Physical & Occupational Therapy Consulting*
19. *Simmzy's*
20. *Summer L. Blake, DDS, MS, A Dental Corp*
21. *Surf Food Stand*
22. *Susiecakes Bakery*
23. *The Hummus Factory*
24. *Tin Roof Bistro*
25. *Vision And Sound*
26. *Windsong Trust*
27. *Yoga Loft*

On behalf of the City Council, Mayor Pro Tem Lesser and Revenue Services Supervisor Hanna, presented Plaques of Recognition to the longstanding businesses in the City of Manhattan Beach that had reached the 20, 25, 30, 40, and 50 year milestones.

Celebrating 20 years in business:

1. *Banc of California*
2. *Bartosik & Telford*
3. *Bond & Associates*
4. *Boyd's Limousine Service Inc.*
5. *Citibank*
6. *El Gringo Manhattan*
7. *First Manhattan Mortgage*
8. *Harris & Associates*
9. *Jon R. Miller, DDS*
10. *Journey of Faith School*
11. *Katwalk*
12. *Lido Di Manhattan*
13. *Manhattan Beach Dental Esthetics*
14. *Ortho Mattress #37*
15. *Patricia J. Panucci, DMD, MS, APDC*
16. *Residence Inn Manhattan Beach*
17. *Riley Arts*
18. *Sephora USA, Inc.*
19. *Skechers USA, Inc.*
20. *Sylvia Gayed Accountancy Corp.*
21. *The Comic Bug*
22. *US Bank*

Celebrating 25 years in business:

1. *Barnes & Noble Booksellers Inc.*

2. DeMich Concrete Co.
3. E-Escrows Inc.
4. Il Fornaio
5. Jennifer M Honey, Law Offices
6. Jiffy Lube #2000
7. JWM CPA & Company
8. Le Sorelle Salon
9. Manhattan Auto Center
10. Mud Honey
11. Old Navy #6043
12. Recreational Equipment Inc-REI
13. Ripe Design Inc.
14. Supercuts
15. The Beehive
16. Trader Joe's #106
17. West Coast Orthopedic Surgery Medicine

Celebrating 30 years in business:

1. California Pizza Kitchen
2. California Tanning Salons, Inc.
3. Equity Management Company
4. Johnny Rockets
5. Oceanographic Teaching Station Inc.
6. Studio K Hair Designs
7. The Coffee Bean & Tea Leaf #22
8. Tomaro Architecture Inc.
9. Victoria's Secret #612
10. West Coast Center for Orthopedic Surgery

Celebrating 40 years in business:

1. Barney M. Hom, DDS
2. Chang's Acupuncture Clinic
3. El Sombrero #2
4. Jay Stephenson A.I.A.
5. Magic Rainbow Pre-School
6. Manhattan Meats
7. Michael J. Devine & Assoc, Inc.
8. Oceanside Camera Repair
9. Olympic Cleaners
10. Vivian F. Credidio, PHD

Celebrating 50 years in business:

1. Asian Arts
2. Auto Meister
3. Gary M. Lazarus OD, PHD Inc.
4. Shellback Tavern
5. Westcoast Land Co Inc.

E. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

A motion was made by Mayor Howorth, seconded by Councilmember Tarnay, to approve the agenda as amended, to pull Agenda Item Nos. 5 and 8 to be heard under Section I - Items Removed From the Consent Calendar, register a “No” vote under Agenda Item No. 6 for Councilmember Charelian, and waive full reading of ordinances. The motion carried by the following vote:

Aye: 5 - Howorth, Lesser, Franklin, Tarnay and Charelian

Nay: 0

F. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS OF UPCOMING EVENTS (1 MINUTE PER PERSON)

Library Manager Josh Murray invited Adults and Teens to celebrate African American and Black History Month with a talk titled 'African American Folktales' by Dr. Anthony Lee on February 8, 2025, from 2:00 PM to 4:30 PM.

Waste Management Recycling Education Representative Bobby Bell reminded the community of one of the services they offer to commercial businesses, restaurants, multifamily residences, and families of the on-site training for proper diversion of the three waste streams.

Mayor Howorth shared that she attended an event over the weekend organized by the PaliSouth CommUNITY Team, which served as a social gathering for displaced families from Pacific Palisades. She expressed that many of the displaced families are deeply grateful for the Manhattan Beach Unified School District and American Martyrs for welcoming their students and families with open arms, which is something we should all be proud of.

Councilmember Franklin added that the PaliSouth CommUNITY Team created a helpful resource guide for relocated families and thanked the group for their efforts and for making these families feel welcome in Manhattan Beach.

G. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Mayor Pro Tem Lesser opened the floor to public comments. The following individual(s) spoke:

Anna C.

Olivia F.

Mae O.

Nora M.

Stefan Kampe

Fred Taylor

Karen

Ray Joseph

Seeing no further requests to speak, Mayor Pro Tem Lesser closed the floor to public comments.

H. CONSENT CALENDAR (APPROVE)

A member from the community requested that the City Council pull Item No. 9 from the Consent Calendar for staff to provide additional information regarding the cost.

A motion was made by Mayor Howorth, seconded by Councilmember Franklin, to approve the Consent Calendar with Agenda Item Nos. 5 and 8 being removed to be heard under Section I - Items Removed From the Consent Calendar, and to register a "No" vote under Agenda Item No. 6 for Councilmember Charelian. The motion carried by the following vote:

Aye: 5 - Howorth, Lesser, Franklin, Tarnay and Charelian

Nay: 0

Councilmember Charelian requested an explanation of Consent Item No. 9, as it was raised by a community member.

Public Works Director Erick Lee provided a response regarding Item No. 9, which pertains to the amendment for additional costs.

3. City Council Minutes:

This Item Contains Minutes of the Following City Council Meeting(s):

[25-0022](#)

- a) City Council Special Meeting Minutes of January 21, 2025
- b) City Council Regular Meeting Minutes of January 21, 2025 (City Clerk Tamura).

APPROVE

The recommendation for this item was approved on the Consent Calendar.

4. Declaration of Proclamations for the Following:

[25-0079](#)

- a) February 18 - 24, 2025, as National Engineers Week
- b) February 2025, as Black History Month.

PROCLAIM

The recommendation for this item was approved on the Consent Calendar.

5. Consideration of a Resolution Adopting the 2025 Legislative Platform (No Budget Impact) (City Manager Mirzakhianian).

[25-0023](#)

ADOPT RESOLUTION NO. 25-0013

This item was removed from the Consent Calendar and heard under Section I - Items Removed from the Consent Calendar.

6. Consideration of the Second Reading and Adoption of an Ordinance to Establish a \$17 Fee to Support the City's Regulation of Businesses (No Budget Impact) (Interim Finance Director Jones). [25-0024](#)

ADOPT ORDINANCE NO. 25-0001

The recommendation for this item was approved on the Consent Calendar with Councilmember Charelian registering a "No" vote.

7. Consideration of Approving a Comprehensive Citywide Salary Schedule for all City Positions and Adjustments to Salary Ranges (No Budget Impact) (Human Resources Director Jenkins). [25-0062](#)

ADOPT RESOLUTION NO. 25-0014

The recommendation for this item was approved on the Consent Calendar.

8. Approve Amended Size of the Shark Mural and Allocate \$18,000 from the Public Art Fund (Partially Budgeted) (Parks and Recreation Director Leyman). [25-0059](#)

A) APPROVE

B) ALLOCATE ADDITIONAL FUNDS

This item was removed from the Consent Calendar and heard under Section I - Items Removed from the Consent Calendar.

9. Consideration of Resolutions Approving Amendment No. 4 to the Professional Services Agreement with Ardurra Group, Inc. for \$321,800 and Amendment No. 4 to the Professional Services Agreement with Z&K Consultants, Inc. for \$708,384 for Project Management Consulting Services to Support the Delivery of Capital Improvement Projects (Unbudgeted) (Public Works Director Lee). [25-0063](#)

A) ADOPT RESOLUTION NOS. 25-0017 AND 25-0018

B) AUTHORIZE

The recommendation for this item was approved on the Consent Calendar.

10. Lot 3 Parking Structure Local Emergency Update (Unbudgeted) (Public Works Director Lee). [25-0026](#)

DETERMINE THAT THERE IS A NEED TO CONTINUE THE EMERGENCY ACTION

The recommendation for this item was approved on the Consent Calendar.

I. ITEMS REMOVED FROM THE CONSENT CALENDAR

- 5.** Consideration of a Resolution Adopting the 2025 Legislative Platform (No Budget Impact) (City Manager Mirzakhanian). [25-0023](#)

ADOPT RESOLUTION NO. 25-0013

Mayor Pro Tem Lesser stated that he pulled the item to propose a new addition for the subcommittee and to give the current City Council an opportunity to consider it. The proposal suggested adding a new Section 1D, which states that the city will support legislation to limit the adverse impacts of large multi-tenant residential projects while fulfilling the City’s state housing obligations.

Mayor Pro Tem Lesser opened the floor to public comments.

Seeing no requests to speak, Mayor Pro Tem Lesser closed the floor to public comments.

City Manager Talyn Mirzakhanian responded to City Council questions.

A motion was made by Councilmember Tarnay, seconded by Councilmember Charelian, to adopt Resolution No. 25-0013, a resolution of the Manhattan Beach City Council adopting the City of Manhattan Beach 2025 Legislative Platform as amended with added language to Topic Specific Priority 1. Local Control and Contracting as follows “d. Support legislation to limit the adverse impacts of large multi-tenant residential projects while fulfilling the City’s State Housing obligations. The motion carried by the following vote:

Aye: 5 - Howorth, Lesser, Franklin, Tarnay and Charelian

Nay: 0

- 8. Approve Amended Size of the Shark Mural and Allocate \$18,000 from the Public Art Fund (Partially Budgeted) (Parks and Recreation Director Leyman).

[25-0059](#)

A) APPROVE

B) ALLOCATE ADDITIONAL FUNDS

Mayor Pro Tem Lesser stated that he pulled the item since the proposal is to expand the scale of the art and to provide the public with a clearer understanding of the item.

Parks and Recreation Director Mark Leyman provided background regarding the item.

Cultural Arts Senior Supervisor Eric Brinkman and Parks and Recreation Director Leyman responded to City Council questions.

Mayor Pro Tem Lesser opened the floor to public comments. The following individual spoke:

Ray Joseph

Seeing no further requests to speak, Mayor Pro Tem Lesser closed the floor to public comments.

A motion was made by Councilmember Charelian, seconded by Councilmember Tarnay, to approve the amended size of the Shark Mural, to be installed on the Civic Plaza Parking Lot wall facing 13th Street and allocate \$18,000 from the Public Art Fund. The motion carried by the following vote:

Aye: 3 - Howorth, Tarnay and Charelian

Nay: 2 - Lesser and Franklin

J. PUBLIC HEARINGS

None.

K. GENERAL BUSINESS

11. Consideration of Polliwog Park Dog Run Proposal (No Budget Impact) [25-0027](#)
(Parks and Recreation Director Leyman).
(Estimated Time: 30 Mins.)

APPROVE

Parks and Recreation Director Mark Leyman provided the PowerPoint presentation.

Parks and Recreation Director Leyman and Public Works Director Erick Lee responded to City Council questions.

Mayor Pro Tem Lesser opened the floor to public comments. The following individual spoke:

Ray Joseph

Seeing no further requests to speak, Mayor Pro Tem Lesser closed the floor to public comments.

Parks and Recreation Director Leyman responded to City Council questions.

A motion was made by Councilmember Franklin, seconded by Councilmember Tarnay, to approve the Polliwog Park Dog Run project, as recommended by the Parks and Recreation Commission. The motion carried by the following vote:

Aye: 5 - Howorth, Lesser, Franklin, Tarnay and Charelian

Nay: 0

At 7:37 PM, the City Council recessed and reconvened at 7:48 PM with all City Councilmembers present.

- 12. Consideration of a Request from Waste Management to Adjust Solid Waste Diversion Requirements in the City’s Franchise Agreement for Integrated Solid Waste Management Services (No Budget Impact) (Public Works Director Lee).

[25-0072](#)

(Estimated Time: 30 Mins.)

REVIEW AND PROVIDE DIRECTION

Public Works Director Erick Lee provided the PowerPoint presentation.

Public Works Director Lee, Public Works Senior Management Analyst Anna Luke-Jones, and HF&H Consultant Senior Vice President Laith Ezzet responded to City Council questions.

Mayor Pro Tem Lesser opened the floor to public comments. The following individual(s) spoke:

*Stefan Kampe
Sandra Pursley
Ray Joseph*

Seeing no further requests to speak, Mayor Pro Tem Lesser closed the floor to public comments.

Public Works Senior Management Analyst Luke-Jones, HF&H Consultant Senior Vice President Ezzet, and Public Works Director Lee responded to City Council questions.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Charelian, to direct staff to analyze and confirm that a 37% diversion rate is achievable by WM, evaluate the potential loss in diversion, and return at a later date with recommendations. The motion carried by the following vote:

Aye: 5 - Howorth, Lesser, Franklin, Tamay and Charelian

Nay: 0

13. Consideration of a Resolution Approving Participation in Clean Power Alliance's Reach Code Program for Building and Transportation Electrification and Grant Funding Opportunity, and Authorizing the City Manager to Execute an Agreement (No Budget Impact) (Acting Community Development Director Ryan Heise).

[25-0029](#)

(Estimated Time: 30 Mins.)

ADOPT RESOLUTION NO. 25-0016

Mayor Pro Tem Lesser stated that a resident had requested his recusal, as he serves as the City Council's delegate to the Clean Power Alliance. He clarified that he holds this position as the City's representative and has no financial interest in the organization, nor did he participate in the formation of the program. He continues to participate in this matter because he believes there is no conflict of interest.

Acting Community Development Director Ryan Heise introduced Environmental Programs Administrator Britny Coker-Moen who provided the PowerPoint presentation.

Environmental Programs Administrator Coker-Moen and Acting Community Development Director Heise responded to City Council questions.

Mayor Pro Tem Lesser opened the floor to public comments. The following individual(s) spoke:

*Stefan Kampe
Ray Joseph
Rita Crabtree-Kampe
Michael Jenkins
Lee Phillips
Heather Kim*

Seeing no further requests to speak, Mayor Pro Tem Lesser closed the floor to public comments.

City Manager Talyn Mirzakhanian and Environmental Programs Administrator Coker-Moen responded to City Council questions.

A motion was made by Mayor Howorth, seconded by Councilmember Tarnay, to adopt Resolution No. 25-0016, a resolution of the Manhattan Beach City Council authorizing the City Manager to execute an agreement between the City of Manhattan Beach and Clean Power Alliance of Southern California to participate in the CPA Reach Code Program. The motion carried by the following vote:

Aye: 3 - Howorth, Lesser and Tarnay

Nay: 2 - Franklin and Charelian

14. Discussion of Existing Rear Yard Setback Regulations for Accessory Structures in Single-Family Residential Zones (No Budget Impact) (Acting Community Development Director Heise). [25-0030](#)
(Estimated Time: 30 Mins.)

DISCUSS AND PROVIDE DIRECTION

Acting Community Development Director Ryan Heise introduced Associate Planner Maricela Guillean who provided the PowerPoint presentation and responded to City Council questions.

Mayor Pro Tem Lesser opened the floor to public comments. The following individual(s) spoke:

*Stefan Kampe
Bob Waldren
Tom Hillus*

Seeing no further requests to speak, Mayor Pro Tem Lesser closed the floor to public comments.

Acting Community Development Director Heise and City Manager Talyn Mirzakhanian responded to City Council questions.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Charelian, to direct staff to refer the matter to the Planning Commission for further review of the impacts of the zero-foot rear yard setback requirement, and to gain a better understanding of the options and implications for legal nonconforming structures. The motion carried by the following vote:

Aye: 5 - Howorth, Lesser, Franklin, Tarnay and Charelian

Nay: 0

15. Consideration of the Parking and Public Improvements Commission's Recommendation to Approve Initial Traffic Calming Measures for Valley Drive and Ardmore Avenue Between 1st Street and 10th Place (Partially Budgeted) (Acting Community Development Director Heise).

[25-0032](#)

(Estimated Time: 1 Hr.)

APPROVE

Mayor Howorth stated that she will be recusing herself from the Item No. 15, as she resides within one thousand feet of several of the adjusted measures.

City Attorney Quinn Barrow confirmed that a majority vote is required, and that the meeting will adjourn at 11:00 PM unless a motion is made at 10:30 PM to extend the meeting beyond that time.

A motion was made by Councilmember Charelian, seconded by Councilmember Franklin, to extend the meeting beyond 11:00 PM. The motion carried by the following vote:

Aye: 4 - Lesser, Franklin, Tarnay and Charelian

Nay: 0

Abstain: 1 - Howorth

Mayor Howorth stated that she is recusing herself from Item No. 15, as she resides within one thousand feet of several of the adjusted measures.

Acting Community Development Director Ryan Heise introduced Traffic Engineer Erik Zandvliet who provided the staff presentation and responded to City Council questions.

Mayor Pro Tem Lesser opened the floor to public comments. The following individual(s) spoke:

Unknown Speaker

Tom Williams

Seeing no further requests to speak, Mayor Pro Tem Lesser closed the floor to public comments.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Franklin, to approved the Parking and Public Improvements Commission's recommendation to approve initial traffic calming measures for Valley Drive and Ardmore Avenue between 1st Street and 10th Place. The motion carried by the following vote:

Aye: 4 - Lesser, Franklin, Tarnay and Charelian

Nay: 0

Recused: 1 - Howorth

L. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

16. City Council AB 1234 Reports. [25-0076](#)
RECEIVE AND FILE

Mayor Pro Tem Lesser reported that he attended the League of California Cities Mayor and City Council Academy this past week, where he completed his AB1661 harassment training and participated in an insightful session on social media best practices.

Councilmember Charelian reported that he also attended the League of California Cities Mayor and City Council Academy and completed his AB1661 and AB1234 training.

Councilmember Tarnay reported that she, too, attended the League of California Cities Mayor and City Council Academy this past week and completed her AB1661 and AB1234 training.

17. Consideration of a Request by Councilmember Franklin and Mayor Howorth to Place on a Future Agenda a Discussion Regarding Emergency Shelter Solutions in the City (City Manager Mirzakhania). [25-0080](#)
DISCUSS AND PROVIDE DIRECTION

Councilmember Charelian provided that he would be the third vote in order to have the item return on a future agenda.

The City Council directed staff to provide a comprehensive report regarding emergency shelter solutions in the City.

18. Consideration of a Request by Mayor Howorth and Mayor Pro Tem Lesser to Place on a Future Agenda a Discussion Regarding the Selection Process for the City's Board and Commission Seats (City Manager Mirzakhania). [25-0081](#)
DISCUSS AND PROVIDE DIRECTION

Councilmember Tarnay provided that she would be the third vote in order to have the item return on a future agenda.

The City Council directed staff to provide a comprehensive report regarding the selection process for the City's boards and commission seats.

M. FUTURE AGENDA ITEMS

Mayor Pro Tem Lesser requested to agendaize a discussion on a report to review prosecution services for the City including options for supplementation. Councilmember Tarnay concurred.

City Attorney Quinn Barrow stated that, as previously discussed by the City Council in 2023, a three-step process is not required. Staff can return with the report at a future City Council meeting and clarified that only two votes are needed at this time.

N. CITY MANAGER REPORT

None.

O. CITY ATTORNEY REPORT

None.

P. INFORMATIONAL ITEMS

19. Agenda Forecast (City Clerk Tamura). [25-0033](#)
INFORMATION ITEM ONLY

This item was received and filed by order of the Chair.

20. Commission Minutes: [25-0073](#)
This Item Contains Minutes of the following City Commission Meetings:
a) Parking and Public Improvements Commission Meeting Minutes of October 24, 2024 (Acting Community Development Director Heise)
b) Parking and Public Improvements Commission Meeting Minutes of December 5, 2024 (Acting Community Development Director Heise).
INFORMATION ITEM ONLY

This item was received and filed by order of the Chair.

21. Recent Planning Commission Quasi-Judicial Decision: [25-0061](#)
Master Use Permit Amendment to Allow for the Sale and Service of Distilled Spirits in Addition to the Existing Beer and Wine Sales and Service in Conjunction with Food Service at an Existing Eating and Drinking Establishment Located at 1112 Manhattan Avenue (Hook & Plow) (Acting Community Development Director Heise).
INFORMATION ITEM ONLY

This item was received and filed by order of the Chair.

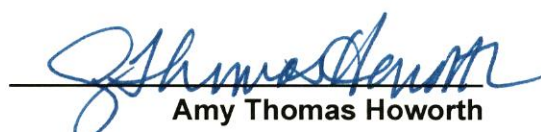
Q. CLOSED SESSION

None.

R. ADJOURNMENT

At 10:48 PM, Mayor Pro Tem Lesser adjourned the meeting to the February 10, 2025, Adjourned Regular City Council Meeting at 8:00 AM at the Manhattan Beach Los Angeles County Public Library.


Breana Contreras
Recording Secretary


Amy Thomas Howorth
Mayor

ATTEST:



Liza Tamura
City Clerk