

CITY OF MANHATTAN BEACH
[DRAFT]MINUTES OF THE REGULAR MEETING OF THE PLANNING
COMMISSION
OCTOBER 24, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, October 24, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

8 Members Present: Lesser, Powell, Seville-Jones, Chairman Bohner

9 Members Absent: Schlager

10 Staff: Richard Thompson, Director of Community Development

11 Eric Haaland, Associate Planner

12 Esteban Danna, Assistant Planner

13 Sarah Boesch, Recording Secretary

14
15 **APPROVAL OF MINUTES** **October 10, 2007**

16 Commissioner Powell requested that Bob Bickel's name be corrected from "Bickle" to "Bickel"
17 on page 13, line 23, and page 19, line 38 of the October 10 minutes.

18
19 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the minutes of October
20 10, 2007, as amended.

21
22 AYES: Lesser, Powell, Seville-Jones

23 NOES: None

24 ABSENT: Schlager

25 ABSTAIN: Chairman Bohner

26
27 **AUDIENCE PARTICIPATION** None

28
29 **PUBLIC HEARINGS (CONTINUED)**

30
31 **07/0725.2-1-1 Consideration of Proposed Construction of Larger Concrete Pads on the**
32 **Beach/Bike Path Between 27th Street and 28th Street (Los Angeles County**
33 **Department of Public Works)**

34
35 Associate Planner Haaland summarized the staff report. He stated that the proposal is for an
36 amendment to allow the existing enlarged pads abutting the bike path to remain. He indicated
37 that a written report analyzing the storm drain project's maintenance has been prepared by the
38 County with a proposal for the northerly pad to be reduced from a length of 85 feet to 76 feet and
39 the southerly pad to be reduced from 80 feet to a length of 76 feet. He stated that they were
40 originally approved at 18 feet for the northerly pad and 48 feet for the southerly pad. He
41 commented that it is felt that preserving the beach is very important for coastal recreational and

D R A F T

1 aesthetic purposes. He indicated that the applicant has stated that the concrete pads do serve a
2 substantial public benefit in helping the workers to clean the water quality improvement system
3 with minimal bike path disruption. He said that the applicant has indicated in their report that 27
4 maintenance visits of four hours each are expected each year; over 200 bicycle trips can occur at
5 peak hours on the bike path on summer weekdays; they feel any obstructions to the bike path is a
6 hazard to public safety; and the pads must have space to accommodate a 23 foot long vacuum
7 truck and 17-foot long support truck with some additional clearance spacing to allow their
8 workers to remove collected material.

9
10 In response to a comment from Commissioner Seville-Jones, Associate Planner Haaland pointed
11 out that the Commissioners were provided with a response to the applicant's report prepared by
12 the City's Traffic Engineer and a letter from the Los Angeles County Bicycle Coalition which
13 were received after the staff report was prepared. He said that the they both expressed concerns
14 to obstructing of the bike path.

15
16 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that
17 the role of the City in approving the project is to approve the Coastal Development Permit which
18 is derived from the State Coastal Commission's authority. He said that the permit is required for
19 the project and can be appealed to the Coastal Commission once the City takes final action. He
20 said that the City is required to review the project to determine if it is in conformance with the
21 City's Local Coastal Program including a determination if it is compatible with the recreational
22 aspects of the beach.

23
24 Director Thompson pointed out that the original approval for the project stands, and the portion
25 of the pads that were extended is under consideration with this request.

26
27 **John Burton**, representing the Los Angeles County Department of Public Works, indicated that
28 the County staff involved in the construction felt it was necessary to construct the larger pads,
29 and they mistakenly decided to seek approval after construction. He said that they want to work
30 with the Commission to reach an agreement regarding the enlarged pads. He indicated that the
31 low flow diversions were constructed to divert dry weather flows from the storm drain into the
32 sewer line to improve water quality along the beach. He stated that the project was built and is
33 maintained by using flood control district benefit assessment funds, which is paid for by the
34 City's tax payers. He commented that maintenance with heavy equipment is required for proper
35 facility operations, and the goal is to protect the public and avoid lawsuits. He stated that they
36 want to have a working area that is safe for their staff to avoid accidents. He indicated that the
37 goal is to be able to do the necessary maintenance on the facility such that people can enjoy
38 recreational activities on The Strand without having to use a detour. He pointed out that the Los
39 Angeles County Bike Coalition has indicated that they strongly believe that the Manhattan
40 Beach Strand bike lane should not be obstructed, especially when there are ways to ameliorate
41 the matter. He commented that they acknowledge that it would be possible to block off The

1 Strand and provide a detour for bicyclists, but they feel it is not the best option. He said that
2 their preference is to reduce the length of the pads to a length of 76 feet. He stated that it would
3 be a benefit to the public who use The Strand and add protection to the public, and a detour
4 would increase the possibility for injury.

5
6 In response to a question from Commissioner Lesser, **Mr. Burton** stated that they are proposing
7 to reduce the pad lengths by 4 feet for the pad adjacent to 27th Street and 9 feet for the pad
8 adjacent to 28th Street, resulting in each pad being approximately 13 feet by 76 feet.

9
10 In response to a question from Commissioner Bohner, **Mr. Burton** said that the size for the
11 typical Vactor truck they need to access the site is 23 feet long. He said that there is another
12 Vactor truck which is also used for maintenance that is 33 feet long. He indicated that the
13 support truck is 17 feet long. He indicated that the workers need space to work around the
14 opening to the facility. He said that with the input of their field staff, the proposal is what was
15 determined to be a reasonable safe work clearance based on their experience working with heavy
16 equipment. He stated that the concern with safety would increase if the work area is reduced
17 further.

18
19 Commissioner Powell commented that in the first report stated that the drains needed to be
20 cleaned four to six days per year, and page 4 of the current report states that maintenance would
21 be required 27 times per year.

22
23 **Mr. Burton** said that his understanding is that their field staff spent more time to provide more
24 data for the current report. He said that the current estimate of 27 times per year is based on the
25 best judgment of the County's field staff.

26
27 Commissioner Powell commented that the Vactor truck which previously was used to service the
28 facility has a length of 243 inches, and the truck which is indicated in the report that would be
29 used has a length of 296 inches. He commented that the current report also shows a flat bed
30 truck which is apparently used to carry tools and equipment to the site. He said that according to
31 the current report, a much larger length is necessary to accommodate the larger truck than
32 previously indicated.

33
34 **Mr. Burton** indicated that the same Vactor truck is not always used to service the site, and
35 sometimes they must use the trucks that are available at the time if the other trucks are in use.
36 He indicated that it is better planning to allow for use of the larger vehicle for maintenance if it is
37 necessary. He said that in a busy storm season with all of the trucks in use, it is difficult to
38 require use of a specific size truck for a specific site.

39
40 Commissioner Powell commented that the measurements of the pads as indicated by the County
41 has also changed since the first and second hearings regarding the proposal.

1
2 **Mr. Burton** indicated that they probably were not as thorough in verifying the measurement of
3 the pads for their initial report.

4
5 Commissioner Powell commented that bicycle traffic counts were taken from Hermosa Beach
6 during the middle of August in order to provide the data for the report, and he asked the reason
7 that a count was not instead taken at the area of the subject site.

8
9 **Mr. Burton** stated that the traffic count was available data that was taken in the past. He said
10 that the intent was to conduct a field test to show the operation of the vehicles on the site and
11 demonstrate visual impacts to people using The Strand. He pointed out that the input from their
12 field staff is that it is very important to minimize any obstructions to the bike path.

13
14 Commissioner Seville-Jones commented that her understanding from the current report is that
15 the site would require maintenance once monthly between April through October and twice
16 monthly between October and April, which would be 17 maintenance visits. She asked the
17 reason for estimating up to 27 visits per year if their indication is only that 17 would be required.

18
19 **Mr. Burton** pointed out that additional visits may be necessary for storms which occur that
20 could result in the number of maintenance visits being larger than 17.

21
22 Commissioner Seville-Jones commented that there appears to be a safety concern currently with
23 County workers opening the door and walking around the side of the truck which intrudes into
24 the bike path.

25
26 **Mr. Burton** said that they feel the safety of the public with having a permanent detour during
27 maintenance visits should be considered.

28
29 Commissioner Seville-Jones asked whether better protection would be provided by blocking the
30 bike path so that bikers are not passing while workers are entering and exiting on the east side of
31 the trucks.

32
33 **Mr. Burton** said that they do not feel it is in the best interest of safety for them to be required to
34 block off the bike way. He said that they feel by using the pads they are able to optimize the
35 conditions for their workers access to the site. He said that using the bike path would be more
36 expensive because it would require more time to set up the detour and extra staff to monitor the
37 site while the workers are present.

38
39 Commissioner Lesser commented that the Commissioners are looking for specific details after
40 three hearings regarding the issue. He asked for more specific information regarding the exact
41 length of the pads; the minimum length required for the pads and the grounds by which that

1 determination is made; the specific size of the various maintenance trucks; and the number of
2 maintenance visits that would be required per year.

3
4 **Dale Sakamoto**, representing the Los Angeles County Department of Public Works, said that he
5 would hope the City would send the message to their workers and to the residents of the
6 community that public safety is important.

7
8 In response to a question from Chairman Bohner, **Mr. Sakamoto** said that the reason for the
9 differing information in the previous reports is that this is the only facility they have that is
10 located on the beach and they are still developing procedures. He stated that the number of visits
11 to the site would vary depending on the number of storms. He indicated that they are attempting
12 to provide a general idea of the possible scenarios.

13
14 **Rami Matar**, representing the Los Angeles County Department of Public Works, said that they
15 did a test with both the Vactor truck and the support truck. He said that they attempted to access
16 the bike path from the north access and the south access and parked the truck to the edge of the
17 concrete pad. He indicated that their determination of 76 feet being necessary for the pads was
18 based on their tests. He stated that their objection to the detour is based not only on any added
19 expense but because it creates a safety hazard with the possibility of bicyclists not complying
20 with the detour and because the detour would require bicyclists to ride next to pedestrians on the
21 walkway or next to cars on the street.

22
23 In response to a question from Chairman Bohner, **Mr. Matar** stated that there were several times
24 during their tests where bicyclists did not comply with the cones and signs that were in place.
25 He commented that there were pictures taken of a bicyclist who disobeyed the warning cones
26 and signs. He stated that the detour added stress to the workers with people asking them
27 questions about the work and the detour and with monitoring compliance with the detour.

28
29 Commissioner Seville-Jones commented that it would seem that the County workers are still
30 relying on compliance of the bicyclists with the detour even if they are within the concrete pad.

31
32 **Mr. Matar** commented that the trucks would be completely out of the bike path if they use the
33 concrete pads.

34
35 In response to a comment from Commissioner Seville-Jones, **Mr. Matar** indicated that their
36 standard procedure would require that the truck doors be closed. He said that with the use of the
37 pads, the cones would be placed outside of the edge of the bike path.

38
39 Commissioner Powell asked whether a viable alternative would be to require bicyclists to walk
40 their bikes around the area of the site while maintenance vehicles and workers were present as is
41 done for the area around the pier during peak times.

1
2 **Mr. Burton** said that requiring people to walk their bikes around is an alternative, but they do
3 not believe it is a preferable option. He said that they feel the best alternative is for the bike path
4 to be obstructed as little as possible, which can be achieved with the reduced pads.

5
6 Commissioner Powell said that the Commissioners are considering the minimum area for the
7 pads that is absolutely necessary given that they would be on the beach permanently and the
8 service vehicles would only be on the site a limited amount of time each year. He commented
9 that his impression is that more area could be taken off of the pads than is being proposed.

10
11 **Mr. Matar** indicated that the minimum dimensions required for the pads would be 76 feet. He
12 said that the Vactor truck shown in their diagram is not the larger truck that was used in their last
13 test.

14
15 Chairman Bohner requested that the amount of space for the specific trucks and workers be
16 broken down individually.

17
18 **Mr. Matar** stated that 17 feet is needed for the support truck; 10 to 15 feet is needed for
19 clearance for workers to the manhole between the two trucks; and 33 feet is needed for the larger
20 maintenance vehicle on the other side of the manhole.

21
22 Chairman Bohner pointed out that the minimum area of the pads should be 65 feet given the
23 amount of area needed as specified.

24
25 **Mr. Matar** said that the last test demonstrated that it would not be possible to reduce the pads
26 under the amount requested of 76 feet without obstructing the bicycle path.

27
28 Chairman Bohner commented that while he understands that some extra space may be needed to
29 allow for a turning radius for the trucks, he is unclear regarding the need for 11 extra feet beyond
30 what is necessary to accommodate the trucks and working area. He stated that he is concerned
31 regarding safety and would like to accommodate the County. He indicated, however, that it still
32 appears unclear as to the reasoning behind the determination for the minimum amount that
33 would be necessary for the pads and he is not comfortable in reaching a conclusion.

34
35 Commissioner Powell asked the reason that a 17 foot truck would be necessary to maintain the
36 site and asked whether it would be possible to require smaller vehicles to access the site.

37
38 **Mr. Matar** commented that the support truck is used for hauling the hoses. He stated that
39 contractors respond to the County as soon as possible when they are requested, and they use the
40 trucks that are available at the time.

1 In response to a question from Commissioner Seville-Jones, **Mr. Matar** commented that
2 establishing a detour on the bike path rather than using the concrete pads for the truck would
3 require additional time in coordinating with the City to arrange the detour and would make it
4 more difficult to maintain the facility as efficiently and timely as possible.

5
6 Chairman Bohner opened the public hearing.

7
8 **Bill Caras**, a resident of the 2700 block of The Strand, indicated that he feels the statements of
9 the Commissioners are on point, and it is clear they have put a great deal of thought and effort
10 into the issue. He said that he has been disappointed with the presentation of the County on all
11 three occasions, and the requirements for the facility have changed with the different
12 presentations. He pointed out that the requirements of the Local Coastal Program which
13 regulates such facilities require the minimum visual impact necessary to achieve the goals of
14 maintaining the facility. He stated that it is clear that there are alternatives to using the pads,
15 which is contrary to the assertion of the County that they are necessary. He said that the door of
16 the truck being opened and extending into the bicycle lane as demonstrated in one of the pictures
17 submitted by the County in their report is a safety issue. He indicated that the best option is to
18 place signs requiring people to walk their bikes around the site when maintenance vehicles and
19 workers are present as has been done at the pier. He indicated that given the best option for
20 safety is for bikes to be walked in the area of the site regardless of whether vehicles are parked
21 on the pads or within the bike lane. He pointed out that once the pads are permitted, there will
22 be vested rights applied for them to remain into the future.

23
24 **Ross Nathan**, a resident of the 2800 block of The Strand, said that he feels the visual impact of
25 the pads to the adjacent residents and visitors is significant. He said that he is concerned that
26 allowing the existing pads to remain would allow for similar projects to be built and impact the
27 beach in the future. He said that he has expressed his concern to the City and the police
28 regarding bicycle riders on The Strand walkway on many occasions. He said that accidents
29 occur with people walking their bikes from the 27th Street pathway and meeting oncoming
30 traffic. He indicated that trucks typically use the west or east side of The Strand and block one
31 of the pathways, which is not a safety issue because the bicycles are able to see them and move
32 over. He said that bicycles are also able to see and avoid sand when it is blown across the bike
33 path by wind. He commented that he does not believe there is an issue of safety with placing
34 cones on the path and requiring bicyclists to walk their bikes. He said that he feels the best
35 option is to block the path and require bicyclists to walk their bikes around the site, and he does
36 not feel there would be an issue of placing cones around the site while maintenance vehicles are
37 present.

38
39 **Bill Young**, a resident of the 2800 block of The Strand, said that he has seen children running
40 back and forth across The Strand in front of bicycles. He said that trucks parked on the pads
41 block access so that the bicyclists cannot see children who run out behind or in front of the

1 trucks. He commented that there are many pedestrians running back and forth across The
2 Strand for approximately seven months out of the year. He said that in addition to being a
3 recreational bike path, many bicyclists use The Strand as a raceway. He said that although the
4 pads were submitted as a manner of providing safety, it actually creates a significant safety
5 concern. He stated that any bicycle traffic should be stopped if trucks are parked on The Strand
6 or on the pads. He commented that he believes people would obey signs if they are required to
7 walk their bikes, and it is the only safe way to allow the maintenance trucks to park to service the
8 facility.

9
10 **Steve Kahn**, a resident of the 2800 block of Laurel Avenue, said that he supports the comments
11 of the previous residents who have spoken. He said that having a large truck parked along The
12 Strand does create a safety concern with bikers traveling at full speed having their view blocked
13 of children crossing the pathway. He said that stopping the bicycle traffic is the best method of
14 providing safety.

15
16 Chairman Bohner closed the public hearing.

17
18 Commissioner Seville-Jones said that she realizes the County has come to the hearings in good
19 faith. She stated that the Commission is attempting to balance the impact of paving over the
20 beach with the benefit and safety of the workers and the public. She indicated that there needs to
21 be a very strong justification for paving over the beach, and necessity is an appropriate standard
22 to consider as stated in the Local Coastal Program. She stated that the visual impacts are also
23 very important to consider. She commented that the issue is not whether only a very small
24 portion is covered by the subject concrete pads but rather the preservation of the beach for the
25 future and regarding the standard applied for paving over the beach. She indicated that she
26 objects to the statement that not allowing 76 foot long pads would hurt safety because she feels
27 there are other alternatives that are viable. She said that the alternative of blocking the subject
28 portion of The Strand while workers are present and having bikers walk their bikes or possibly
29 using Ocean Avenue as a detour can be tested to determine the best alternative. She indicated
30 that she feels there is a real question regarding the number of hours during which the bike path
31 would need to be closed. She said that the amount of time that the path would need to be closed
32 would not be very significant and would occur during non peak hours for use of the bike path.
33 She said that she is not in favor of granting the extended length for the pads and would support
34 reducing them to the size as originally approved and that the County work with the City to find
35 less obtrusive alternatives which would ultimately be safer. She indicated that an active bikeway
36 located adjacent to workers who are entering and exiting trucks is not a good solution. She
37 stated that the best safety would be to stop the bike traffic which has worked at the end of the
38 pier.

39
40 Commissioner Lesser said that he is frustrated by the proposal as one who supports the
41 underlying project for the dry flow diversion which is terribly important to the ocean. He

1 indicated that he regrets that more detailed questions were not asked when the proposal was first
2 considered because there were concerns regarding maintenance and the length of the trucks. He
3 commented that the Commissioners are not experts on truck lengths or maneuverability. He
4 pointed out that the pads are already in place. He also commented that he rides along the bike
5 path with his children, and safety is the paramount objective with the minimal visible
6 improvements necessary. He stated that he wants to support the pads, as he is concerned about
7 the ability to enforce a requirement that bikers walk their bikes around the site when the cones
8 and signs are in place. He indicated that he would support the size of the pads being reduced, as
9 the County did proceed inappropriately in constructing them without approval. He stated that he
10 is not convinced after three hearings regarding the issue that the County has made the case that
11 the proposed size of the pads is the minimal size that is necessary to allow for service of the
12 facility. He said that he is not in favor of denying the application unless a case can be made that
13 the City Council determine what is the minimal length. He said that he supports maintaining the
14 minimal amount of concrete that is necessary for the existing pads.

15
16 Commissioner Powell commented that the low flow diversion project is absolutely necessary,
17 and no one wants to see ocean water quality compromised. He said that it is also necessary that
18 the project is adequately maintained. He stated that he has concerns for the safety of the County
19 workers as well as the public. He said that he still is not certain of what the appropriate length of
20 the pads would be if they were reduced, but he is certain that it is less than has been indicated by
21 the County. He stated that there were a number of good points raised by members of the public
22 regarding the safety concern of having the maintenance vehicles parked on the pads. He
23 commented that he has not seen anyone disobey the signs requiring people to walk their bicycles
24 at the pier on holidays. He indicated that his conclusion is that it is not worth having the pads for
25 the very limited amount of time the trucks would be at the site. He stated that he cannot support
26 the pads as proposed. He said that the portion of the pads that exceeds the original approval
27 needs to be removed and that the vehicles can be in the bicycle lane with cones placed around
28 the subject area. He commented that he does not feel placing cones within the bike path would
29 require advanced scheduling with the City for the maintenance visits. He said that a sign
30 indicating that people must walk their bikes should also be placed at the area.

31
32 Chairman Bohner said that the Commissioners previously asked regarding the minimal amount
33 of space for the pads that would be necessary to accommodate maintenance of the drains, and no
34 figure has been presented with any credibility. He said that he does agree that public safety and
35 safety of the workers is paramount, and the necessity of intruding onto the beach is also an
36 important consideration. He commented that he is not convinced that the pads are really
37 necessary. He said that simply allowing the pads because they are already constructed could
38 send a message to others that they could build a project that does not comply with City
39 requirements and after the fact say that it should not be torn down. He commented that bicycle
40 traffic could be diverted around the area of the workers by shutting off the west side of the
41 bicycle path and requiring people to walk their bikes. He said that he is not convinced that

1 people would disobey the signs if a portion of the bike path were closed, and he feels it is the
2 option that is the least obtrusive that satisfies safety concerns. He commented that he is
3 disappointed with the manner in which the County has presented their case, which has made it
4 very difficult for the Commissioners to understand the necessity of cordoning off such a large
5 portion of the beach with the pads. He also pointed out that the time required for servicing the
6 site would only be an hour or two, and he feels shutting down the bike path is the best approach.
7 He said that he would not support allowing the additional area for the pads.

8
9 In response to a question from Commissioner Lesser, Associate Planner Haaland commented
10 that the comments of the City's Traffic Engineer only related to the report provided by the
11 County and did not address the safety considerations of closing the bike path and requiring
12 people to walk their bicycles.

13
14 Commissioner Lesser said that he understands that he is in the minority in believing that the pads
15 could serve a purpose if the minimum length that were required could be more firmly
16 established. He said that he is in no position to support the proposal before the Commission for
17 the extension of the pads because he does not believe a specific finding can be made. He
18 commented that he remains concerned regarding the viability of using signs and cones at the site
19 because he has seen such signs violated on a regular basis at the pier. He indicated that he is
20 concerned with safety particularly with removing a pad that adds extra width at a site that
21 includes an open shaft, and he does not believe the Traffic Engineer has had an opportunity to
22 provide his opinion regarding safety in such a situation.

23
24 Director Thompson pointed out that the assumption when the project was originally approved
25 was that it would be a safe situation, and he would not agree that an unsafe situation would result
26 if the proposal is not approved. He said that the Commission should deny the project if there is
27 not support, and the assumption should be that the City would assist the County in ensuring the
28 safety of the bicyclists.

29
30 Commissioner Lesser commented that he would hope the staff report that is forwarded to the
31 City Council regarding the issue conveys the frustration of the Commissioners with not receiving
32 evidence that was sought through three separate proceedings to meet the necessary findings and
33 that the Commissioners were genuinely concerned about which approach would provide the
34 greatest amount of safety.

35
36 A motion was MADE and SECONDED (Powell/Seville-Jones) to **DENY** Proposed Construction
37 of Larger Concrete Pads on the Beach/Bike Path Between 27th Street and 28th Street and that the
38 pads be returned to the previously approved length and that the minutes of all three meetings
39 regarding be presented with the staff report to the City Council.

40
41 AYES: Lesser, Powell, Seville-Jones, Chairman Bohner

1 NOES: None
2 ABSENT: Schlager
3 ABSTAIN: None
4

5 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
6 the City Council's Consent Calendar for their meeting of November 20, 2007.
7

8 **07/0926.1-2 Consideration of a Use Permit and Coastal Development Permit for**
9 **Proposed Construction of a New Mixed-Use Building, to Include Three**
10 **Residential Apartment Units and One Professional Office Suite, at 229 12th**
11 **Street**
12

13 Director Thompson stated that the item is continued from the meeting of September 26, 2007,
14 during which the Commission raised a number of issues regarding the proposal. He stated that
15 staff has not received any revised plans or additional information since the last hearing and is
16 recommending the item be tabled. He said that the item would be renoticed when it is
17 rescheduled once further information is received from the applicant.
18

19 A motion was MADE and SECONDED (Seville-Jones/Lesser) to **TABLE** consideration of a
20 Use Permit and Coastal Development Permit for Proposed Construction of a New Mixed-Use
21 Building, to Include Three Residential Apartment Units and One Professional Office Suite, at
22 229 12th Street
23

24 AYES: Lesser, Powell, Seville-Jones, Chairman Bohner
25 NOES: None
26 ABSENT: Schlager
27 ABSTAIN: None
28

29 At 8:30, a 10 minute recess was taken.
30

31 **PUBLIC HEARINGS (NEW)**
32

33 **07/0926.1-2 Consideration of Variances, Coastal Development Permits, a Use Permit, and**
34 **Vesting Tentative Tract Map 668805 for a Proposed Two-Lot Five Unit**
35 **Condominium Project at 4320 Highland Avenue and 4321 Crest Drive**
36

37 Commissioner Powell indicated that he served on the Cultural Arts Commission with the wife of
38 the project applicant and is also acquainted with the project architect. He said that he feels he
39 can be impartial in considering the issue.
40

41 Associate Planner Haaland summarized the staff report. He indicated that the proposal is to

1 approve condominium development for two reconfigured lots without rear alley access in Area
2 District IV where such access is required. He said that the project is in compliance with Code
3 standards other than for providing rear vehicle access. He said that the subject project does
4 provide adequate access because of the size of the corner site and design of the lots. He stated
5 that there are some exceptions for corner lots provided in other portions of the City but not for
6 Area District IV. He commented that a Variance was approved by the Commission for another
7 project with similar circumstances, and there was support for allowing such an exception in Area
8 District IV. He said that there is adequate vehicle access to accommodate the required parking
9 for the development. He stated that the density of the development as proposed is less than
10 would be allowed for apartment units. He stated that a driveway is proposed on Highland
11 Avenue at the front of the site which includes street parking, and it is important that street
12 parking be preserved when possible. He said that at least one parking space would be lost as a
13 result of the proposal due to the proposed driveway on Highland Avenue, which is appropriately
14 located as determined by the Traffic Engineer. He stated that the applicant should be required to
15 preserve the two remaining street parking spaces to the extent possible. He stated that there is an
16 option of widening the 44th Street roadway which appears to allow for some new street parking
17 where it presently is not permitted.

18
19 Commissioner Lesser asked regarding the intent of Code Section 10.52.110 which states that all
20 residential condominiums newly constructed or converted located in Area Districts III and IV
21 shall have vehicular access from both the front and rear property lines.

22
23 Associate Planner Haaland indicated that the Code section primarily assumes that standard lots
24 would be used for condominium projects in the beach area and that the lots need front and rear
25 access for such development to be viable.

26
27 In response to a question from Commissioner Powell, Associate Planner Haaland said that the lot
28 re-configuration is not subject to the current moratorium for lot mergers.

29
30 Commissioner Seville-Jones asked regarding consideration of the proposed five unit
31 condominium development as opposed to nine apartment units in terms of the requirements of
32 the City's Housing Element in allowing renters to have an opportunity to live in the City.

33
34 Associate Planner Haaland said that the goal of having more owner-occupied properties is
35 usually in contrast to encouraging rental housing. He said that the Commission has previously
36 expressed in the past that it is more desirable to have more owner-occupied properties.

37
38 Director Thompson commented that staff feels that providing opportunities for ownership and
39 rentals are both important. He said that there is a State requirement that each city provide
40 additional units to their housing stock regardless if it is rental or ownership. He said that the
41 subject proposal would increase but not maximize density for the property and would be creating

1 opportunities for ownership which is identified in the Housing Element as being important.

2
3 Commissioner Seville-Jones said that she is not clear on whether peculiar and exceptional
4 circumstances can be determined in this case other than possibly the topography of the site.

5
6 Associate Planner Haaland commented that the applicable section of the Code that is being
7 considered is related to providing adequate parking access, and the proposal clearly does provide
8 sufficient access.

9
10 Commissioner Seville-Jones indicated that the Commission needs to make a finding that there
11 are peculiar and exceptional circumstances in order to allow an exception to the Code, and she is
12 not certain of such circumstances for this case that suggest an exception should be granted.

13
14 Commissioner Lesser said that the Commission is not expressly being asked to evaluate the
15 Housing Element, and he has a question regarding in what instances it is appropriate for it to be
16 considered in the Commission making their decisions.

17
18 Director Thompson pointed out that the Commission has an obligation to make a finding for
19 each project that it is in conformance with the General Plan, which includes the Housing
20 Element as one of its chapters.

21
22 Commissioner Lesser said that a potentially relevant issue in this case is providing rental
23 property as opposed to ownership, which is difficult in Manhattan Beach where there is less
24 rental properties because of the fair market value of the land.

25
26 Director Thompson indicated that the subject proposal for condominium units is not in violation
27 of the General Plan, and the General Plan does identify goals and policies that are consistent
28 with encouraging home ownership.

29
30 **Elizabeth Srour**, representing the applicant, said that the topography of the site makes it
31 difficult to be developed conventionally, which forms the basis for the Variance application
32 relating to access onto the site. She stated that they believe the findings can be made for
33 granting the Variance. She indicated that the proposal meets the goal of providing safe and
34 adequate vehicular access to each of the units. She said that there is a very steep slope on the
35 property as well as a cross-slope, which makes the site very difficult to develop in compliance
36 with the Code requirements. She commented that Highland Avenue curves at the location which
37 also is a constraint on the development of the property. She pointed out that the proposal is for
38 a three unit residential condominium project and a two unit condominium project which are each
39 separate entities. She stated that the proposal meets or exceeds all of the applicable standards for
40 residential development in the area. She said that the logical use of the property is to reorient the
41 lots in a north south fashion. She indicated that almost every lot in the El Porto area east of

1 Highland Avenue has been split in half because of the sloping configuration, and the proposal
2 does not conflict with the surrounding configuration of the lots. She pointed out that no vehicles
3 would back out onto Highland Avenue. She stated that the proposal would increase public
4 parking. She commented that one public parking space would be removed from Highland
5 Avenue as a result of the proposal, but there is potential for it to be relocated on 44th Street. She
6 commented that although the Code requires vehicular access from the front and rear, it does not
7 stipulate that parking must be provided from the front or rear.

8
9 **Michael Lee**, the project architect, stated that it is very difficult to design a second story at the
10 high end of the lot because of the length of the lots and the slope. He said that they are
11 requesting to reconfigure the lots to more effectively use the natural aspects of the site. He
12 pointed out that the proposed building would be lower than the existing home on the site. He
13 indicated that they are not asking for a reduction in any standards. He commented that they are
14 proposing fewer units than would be permitted, as well as a larger setback on the south side. He
15 also pointed out that they are proposing two separate structures, and the properties could be
16 joined and developed with one large single structure. He indicated that the proposal would result
17 in no cars backing out onto Highland Avenue. He commented that they would also provide up to
18 three parking spaces on 44th Street and are only proposing to eliminate one space on Highland
19 Avenue.

20
21 In response to a question from Commissioner Seville-Jones, **Mr. Lee** indicated that the building
22 would need to be lowered by 5 feet if the Variance were denied, which would not allow for the
23 second story in the rear. He said that the subject Code requirement for the Variance request does
24 not take into account the topography of the site.

25
26 Chairman Bohner opened the public hearing.

27
28 **Rob Tocarn**, a resident of the 300 block of 44th Street, stated that he is also representing his
29 downstairs neighbor and two other tenants in the area who were unable to attend the meeting.
30 He asked regarding the difference between merging the lots and the proposed lot reconfiguration.
31 He commented that the proposal appears to be one large development.

32
33 Director Thompson said that there are currently two lots which are proposed to be reoriented.
34 He said that the lots would remain separate after development.

35
36 **Mr. Tocarn** commented that there are constantly traffic accidents along Highland Avenue at the
37 subject location, and he hopes that safety is taken into account when considering traffic at the
38 location and access to the site. He also asked regarding the impact of the height of the proposed
39 building to the properties on the other side of 44th Street. He also asked regarding the required
40 time for the project to be completed if it is approved.

1 Director Thompson commented that the project is within the height requirements of the Code.
2 He indicated that projects typically must begin construction within three years of approval, and
3 there are limitations on the dates which the permits are valid. He commented that typically
4 projects are completed within 1 ½ to 2 years.

5
6 Chairman Bohner commented that the owner has an incentive to complete construction in order
7 to sell the units as soon as possible.

8
9 **Mr. Tocarn** commented that several properties in the area currently are under construction
10 which generates a great deal of noise. He indicated that several of the adjacent residents work
11 from home and have a concern with the noise resulting from ongoing construction.

12
13 Chairman Bohner closed the public hearing.

14
15 Commissioner Powell stated that he feels the architecture is outstanding; the project is in
16 conformity with residential density requirements; the BFA is less than is permitted; and it
17 conforms to requirements for height, setback and parking. He said that the subject property has a
18 steep slope from the back to the front of the lot as well as cross sloping, and the shape of the lot
19 is irregular because of the curve of Highland Avenue. He said that he feels the design is
20 aesthetically pleasing and does not appear bulky. He stated that up to nine apartment units could
21 have been built on the site, and the proposal would be an improvement to the current condition.
22 He commented that the vehicular access that would be provided for the development would be
23 safer and would not require cars to back out onto Highland Avenue. He said that he is not
24 certain of the reason for the subject Code section having different requirements for vehicular
25 access in Area Districts III and IV. He said that when the legislative intent is unclear and the
26 proposal appears to be the most desirable for the lot, it should not be denied on a technicality.
27 He commented that a similar Variance request was previously approved. He indicated that the
28 architectural design is outstanding; great care was taken in being sensitive to the neighborhood;
29 there are no properties behind the subject site where the views would be impacted; and there was
30 noticing of the project. He said that he feels the project would be a benefit to the neighborhood,
31 and he would be in favor of approving the project.

32
33 Commissioner Lesser indicated that a strong case has been made for granting the Variance. He
34 said that he is not certain why Area District IV should be treated differently in the Code section
35 than other areas of the City. He said that he also can make the findings for granting the Variance
36 request. He stated that the most difficult finding is whether there are special circumstances for
37 granting of the Variance. He said that the question in this instance is whether there is
38 exceptional topography on the site, and he can make that determination due to the limitation of
39 the lot and the lot line patterns. He said that he can support the project and does not feel it would
40 result in a detriment to the public good. He pointed out that the property could be built out with
41 up to nine units and is proposed to be developed with five. He said that he also is convinced by

1 the comments of the City’s Traffic Engineer regarding the improvement to vehicular access. He
2 indicated that he also does not feel the project would be granting a special privilege to the
3 applicant because of the existing lot pattern in the area. He said that he would support the
4 proposal.

5
6 Commissioner Seville-Jones said that she feels the project is well designed but cannot make the
7 finding for peculiar and exceptional difficulty. She indicated that she understands all of the
8 arguments regarding the advantages of the proposed design, but she does not feel she can make
9 the finding for peculiar and exceptional circumstances in applying the standard that is before the
10 Commission. She commented that there are other lots in the area that have been developed. She
11 stated that the fact that the design of the project is beautiful does not necessarily mean that other
12 attractive designs could not be done. She said that if the difficulty for approving the project is
13 because of a Code section that is felt should not apply, then the issue of whether or not the Code
14 section should apply needs to be addressed rather than using a Variance.

15
16 Chairman Bohner said that he supports the project and can make the required findings to support
17 the Variance request. He stated that strict application of the Code would greatly impact the
18 development of the lot because of its slope and because of the curvature of Highland Avenue.
19 He said that he feels the topography of the site is exceptional and constitutes a peculiar and
20 exceptional difficulty and an undue hardship on the use of the property. He said that he does not
21 feel the proposal would conflict with surrounding configurations of other projects and feels relief
22 may be granted without substantial detriment to the public good. He stated that he does not feel
23 granting the application would grant a special privilege inconsistent with limitations on other
24 properties within the City. He commented that he is in favor of granting the Variance.

25
26 A motion was MADE and SECONDED (Lesser/Powell) to direct staff to prepare a draft
27 Resolution to **APPROVE** Variances, Coastal Development Permits, a Use Permit, and Vesting
28 Tentative Tract Map 668805 for a Proposed Two-Lot Five Unit Condominium Project at 4320
29 Highland Avenue and 4321 Crest Drive

30
31 AYES: Lesser, Powell, Chairman Bohner
32 NOES: Seville-Jones
33 ABSENT: Schlager
34 ABSTAIN: None

35
36 **BUSINESS ITEMS**

37
38 **A. Appeal of an Administrative Decision Denying a Driveway Vehicular Turntable for**
39 **a New Duplex Development at 729 Manhattan Beach Boulevard**

40
41 Assistant Planner Danna summarized the staff report. He indicated that the proposed design

1 shows the proposed turntable in front of two tandem car garages along side Manhattan Beach
2 Boulevard. He indicated that the Commission considered the request at the previous Planning
3 Commission meeting of August 22. He said that the applicant is proposing construction of a new
4 duplex to replace an existing duplex. He stated that staff has concerns with the proposal as
5 stated in the staff report. He indicated that the Commission discussed at the August 22 hearing
6 whether the proposed turntable was appropriate for a duplex and asked for further information
7 including whether there were similar projects in other areas. He commented that both the City's
8 Traffic Engineer and the applicant were unable to find similar projects. He said that the
9 Commission also asked regarding any safety concerns with driveway turntables. He stated that
10 the applicant has submitted information suggesting that there was a reduction in back-over
11 incidents when turntables were used. He commented that the Commission also asked for further
12 information regarding providing rear alley access from the property. He stated that the applicant
13 has submitted their title report which states that there is no evidence of a private easement to the
14 alley for the subject property and the only access is through Manhattan Beach Boulevard. He
15 indicated that the City's Traffic Engineer reviewed the plans and concludes that the proposal
16 would be acceptable. He said that staff has determined that there are a total of approximately
17 eight lots along Manhattan Beach Boulevard that are less than 50 feet wide which is the
18 minimum requirement to comply with the minimum parking dimensions and turning radius
19 necessary to allow cars to pull out forward onto the street specified in Code section 10.64.130A.

20
21 Director Thompson said that a similar turntable was approved for the property next to the
22 applicant's for a single family home. He indicated that staff's concern with approving such a
23 turntable for a duplex is that there might be conflicts accessing the garage with two different
24 owners or families using the same turntable.

25
26 Chairman Bohner pointed out that the Traffic Engineer's report said that he would find use of a
27 turntable for a duplex acceptable with certain modification.

28
29 Commissioner Lesser said that he is uncertain as to why a turntable for a duplex would not
30 satisfy Code section 10.64.130A which prohibits cars from backing out onto Manhattan Beach
31 Boulevard.

32
33 **Chris Steinbacher**, the applicant, said that they are hoping that there is still support for the
34 project by the Commission. He said that in looking at the information provided by staff, he
35 cannot find reasons why such a turntable should not be permitted for a duplex. He indicated that
36 they have provided information to show that safety concerns would be addressed. He stated that
37 the title to the property shows that they do not have an easement over the back alley in order to
38 access from the rear. He indicated that if the finding can be made that the turntable can satisfy
39 the subject Code requirement for a single family home, it could be used just as effectively for a
40 duplex. He said that they would be forced to use the turntable as it is intended. He stated that
41 the City's Traffic Engineer supports the proposal with conditions of approval, including a

1 condition that they not park on the turntable.
2

3 In response to a question from Commissioner Powell, **Mr. Steinbacher** said that he would not
4 have any objections to the seven conditions proposed by the Traffic Engineer.
5

6 Commissioner Powell suggested adding a condition to state that the turntable shall remain
7 operable at all times.
8

9 **Mr. Steinbacher** said that they would not have an objection to an additional condition as
10 suggested by Commissioner Powell.
11

12 Commissioner Lesser commented that having more vehicles using the turntable with a duplex
13 would increase the chances of a car having to back out onto Manhattan Beach Boulevard if
14 another car is parked on the turntable or if there is a power outage.
15

16 **Mr. Steinbacher** commented that they currently back out onto Manhattan Beach Boulevard,
17 which is very dangerous, and they would prefer to improve the current situation. He said that it
18 is their intent to use the turntable properly.
19

20 Commissioner Seville-Jones said that an important consideration for her is that the ability to
21 design the two units would be lost without the use of the turntable. She stated that she respects
22 the position of staff regarding the number of users at some point making the use of the turntable
23 not feasible. She said that the question with the subject proposal is whether it could be used with
24 two units. She said that she is swayed by the fact that the property is not able to be developed
25 with two units without having the turntable. She pointed out that the property is zoned for two
26 units. She commented that she understands that use of the turntable would become more
27 difficult with more vehicles; however, she trusts that it would be in the interest of the applicants
28 to use the turntable properly. She commented that she does not feel use of such a turntable
29 should be applicable above two units because any larger property would allow for other options.
30 She stated that she would support allowing the use of the turntable in a limited situation.
31

32 Commissioner Lesser said that the concern with projects is not only use by the subject applicants
33 but use by future owners of the property. He said that he understands staff's arguments. He said
34 that he can see the use of the turntable being viable with two units; however, at some point there
35 is a problem with its use being feasible. He said that there is a greater likelihood of the Code
36 section being violated because it will become difficult for the homeowners to comply and they
37 will attempt to quickly back out. He indicated, however, that he could support a turntable for
38 two units based on the proposal. He commented that he is concerned with the absence of any
39 data regarding the use of such turntables to provide for a comparison to understand the new use.
40 He said that he would support the proposal.
41

1 Commissioner Powell commented that he concurs with the comments of the other
2 Commissioners. He said that he would also agree that there needs to be a threshold for the use of
3 such turntables. He indicated that there still is the possibility of conflict arising by the use of the
4 pad with a single family home or a duplex. He said that there could always be the potential for a
5 car to be parked on the turntable when someone else needs to use it; however, that concern is
6 addressed in the conditions. He said that properties with more than two units would not have the
7 same situation of cars needing such a method for turning. He said that he understands that staff
8 is always interested in the general welfare of the public. He commented that he is swayed
9 because the Traffic Engineer has no objections contingent on the seven conditions included in
10 the report. He stated that he would like for an eighth condition to be added to state that the
11 turntable shall be operable at all times. He said that he supports the proposal.

12
13 Chairman Bohner indicated that he agrees with the comments of the other Commissioners, and
14 he would also vote to support the appeal. He commented that there is an existing situation in
15 which it was determined that section 10.64.130A of the Code can be satisfied to prohibit backing
16 onto Manhattan Beach Boulevard in a single family residence. He said that he does not see the
17 difference between use of such a turntable by a single family home and a duplex. He commented
18 that he believes the applicants would be cooperative and have an incentive to use the turntable as
19 it is intended, and it is the only method for providing proper access onto Manhattan Beach
20 Boulevard. He stated that he is also swayed by the report of the Traffic Engineer who feels it is
21 acceptable and has included seven reasonable conditions. He stated that there would be a point
22 when use of such a turntable would not be feasible, but he is not convinced that such a point is
23 reached with the subject proposal.

24
25 A motion was MADE and SECONDED (Powell/Seville-Jones) to **APPROVE** Appeal of an
26 Administrative Decision Denying a Driveway Vehicular Turntable for a New Duplex
27 Development at 729 Manhattan Beach Boulevard subject to the conditions in the staff report and
28 an additional condition that the turntable remain operable at all times.

29
30 AYES: Lesser, Powell, Seville-Jones, Chairman Bohner
31 NOES: None
32 ABSENT: Schlager
33 ABSTAIN: None
34

35 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
36 the City Council's Consent Calendar for their meeting of November 20, 2007.

37
38 **DIRECTOR'S ITEMS** None

39
40 **PLANNING COMMISSION ITEMS**
41

1 Commissioner Lesser commented that with all of the fires occurring in Southern California, it is
2 a day to think of those who have lost their homes and have sustained terrible tragedies. He said
3 that he is interested as a Planning Commissioner in the sustainability of building homes in areas
4 where the trees and brush burn as part of the life cycle.

5
6 Commissioner Powell stated that the American Planning Association has designated October as
7 national community planning month. He said that the City Council made a proclamation at their
8 October 16 meeting commemorating that October is designated as community planning month,
9 which is an honor to the work of the outstanding staff, the Commissioners, and residents.

10
11 Commissioner Seville-Jones commented that six homes were identified and approved as historic
12 sites at the same City Council meeting.

13
14 Commissioner Powell said that the Beach Cities Health District has a relief program for the
15 victims of the wildfires. He indicated that anyone can drop off donations until Sunday, October
16 28 at the Marine Avenue Sports Complex at 1635 Marine Avenue from 8:00 a.m. to 8:00 p.m.

17
18 **TENTATIVE AGENDA: November 14, 2007**

- 19
20 A. Consideration of City Council 2005-2007 Work Plan Item to Address Mansionization in
21 Residential Zones (Continued)

22
23 **ADJOURNMENT**

24
25 The meeting of the Planning Commission was **ADJOURNED** at 10:25 p.m. in the City Council
26 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, November 14, 2007, at 6:30 p.m.
27 in the same chambers.

28
29
30 _____
31 RICHARD THOMPSON
Secretary to the Planning Commission

30 _____
SARAH BOESCHEN
Recording Secretary