

**CITY OF MANHATTAN BEACH**  
**[DRAFT]MINUTES OF THE REGULAR MEETING OF THE PLANNING**  
**COMMISSION**  
**MARCH 12, 2008**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, March 12, 2008, at 6:35p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 **ROLL CALL**

6  
7 Chairman Lesser called the meeting to order.

8  
9 Members Present: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser  
10 Members Absent: None  
11 Staff: Richard Thompson, Director of Community Development  
12 Eric Haaland, Associate Planner  
13 Sarah Boesch, Recording Secretary  
14

15 **APPROVAL OF MINUTES**                      **February 13, 2008**

16  
17 Commissioner Seville-Jones requested that page 2, line 16 of the February 13 minutes be revised  
18 to read: "He commented that the total square footage based on the plans submitted to staff by the  
19 applicant is 4,368 square feet."

20  
21 Commissioner Seville-Jones requested that the word "issued" be corrected to "issues" on page 3,  
22 line 4 of the minutes.

23  
24 Commissioner Bohner requested that page 2, line 14 be revised to read: "He indicated that the  
25 proposal is to add 723 square feet of living and storage area on the second level . . ."

26  
27 A motion was MADE and SECONDED (Powell/Seville-Jones) to **APPROVE** the minutes of  
28 February 13, 2008, as amended.

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

35 **AUDIENCE PARTICIPATION**      None

36  
37 **PUBLIC HEARINGS**

38  
39 **06/0726.1**      **Consideration of a Use Permit, Coastal Development Permit, and Vesting**  
40 **Tentative Parcel Map 69052 for Proposed Construction of a Mixed Use**  
41 **Building at 3920 Highland Avenue**

**March 12, 2008**

Page 2

1  
2 Associate Planner Highland summarized the staff report. He indicated that the proposal is for a  
3 5,000 square foot three-story building which would include 694 square feet of commercial space  
4 on the lower level and two residential condominium units above. He indicated that the project  
5 conforms to applicable requirements, including parking, height, setbacks, and open space. He  
6 commented that staff believes residential use is consistent with the surrounding area. He  
7 indicated that the adjacent low intensity commercial uses are unlikely to impact the occupants of  
8 the proposed residential units. He said that retail use is desirable for the neighborhood oriented  
9 CNE zone, particularly at the ground level. He indicated that staff is proposing to allow retail  
10 and personal service uses for the proposed commercial space but not office use. He stated that  
11 the Commission may wish to consider allowing a take-out only food use or convenience store  
12 subject to certain hours. He commented that the proposed structure would be full height as  
13 compared to the existing front structures on the site which are relatively small. He pointed out  
14 that no street parking would be lost as a result of the proposal. He stated that a letter was  
15 received from the adjacent neighbor that raised concerns regarding dust, noise and shoring  
16 during construction; regarding the taller height of the proposed structure; and regarding loss of  
17 privacy.

18  
19 Chairman Lesser asked where in the Code the required finding on page 3 of the staff report is  
20 located which states “The Planning Commission must determine that the proposed residential  
21 units are not detrimental to the subject commercial area, and that the residential occupants of the  
22 units would not be detrimentally affected by the surrounding commercial uses.”

23  
24 Associate Planner Haaland indicated that the language referenced by Chairman Lesser is one of  
25 the required use permit findings and that he will look up the specific Code section. He  
26 commented that the language regarding the effect of the commercial area upon the residential  
27 uses was added, and was not originally in the Code. He indicated that it was added when there  
28 was a concern with the impacts to residential uses within commercial areas.

29  
30 Chairman Lesser commented that he would like more information regarding the criteria that the  
31 Commission should apply in interpreting the finding.

32  
33 In response to a question from Chairman Lesser, Associate Planner Haaland indicated that any  
34 structural engineer report regarding the soundness of a property or the impact to adjoining  
35 properties during construction would be required as part of the plan check process. He stated  
36 that he is not aware of a Planning Commission ever requesting soil or structural engineer reports.

37  
38 In response to a question from Chairman Lesser, Associate Planner Haaland stated that staff is  
39 not aware of any information regarding the historical significance of the existing structure on the  
40 site. He said that there is a procedure in the City for designating buildings that have historic  
41 value, which is a voluntary procedure to encourage the preservation of such buildings.

42

**March 12, 2008**

Page 3

1 Commissioner Powell commented that his recollection on a previous project was that a condition  
2 was imposed that best practices be utilized for shoring to include drilling rather than pile driving.

3  
4 Associate Planner Haaland indicated that he is not aware of such a condition being placed on a  
5 project, although he is certain that less intrusive methods are encouraged by the Building  
6 Division.

7  
8 Director Thompson said that it would be best to assume that such a special condition regarding  
9 shoring would not be necessary in this case. He commented that there generally is cooperation  
10 in instances when development is proposed adjacent to other properties. He indicated that the  
11 City has certain responsibilities to enforce regulations, and the developer has certain  
12 responsibilities regarding the relationship of their project to the adjacent properties. He  
13 indicated that staff has found that the relationships work without imposing special conditions.  
14 He commented that if there is continued disagreement, there is also a mediation process.

15  
16 In response to a question from Commissioner Powell, Associate Planner Haaland said that a sign  
17 program is typically not necessary when only one commercial tenant space was included with  
18 the project.

19  
20 Commissioner Powell suggested that the term “El Porto” might be changed on page 1 section 1,  
21 item G of the Resolution since the City Council has indicated a preference for “North Manhattan  
22 Beach”, and Associate Planner Haaland responded that the finding language is quoted directly  
23 from the General Plan.

24  
25 Commissioner Fasola commented that the proposed parking area has a very steep slope of 15  
26 percent which makes it difficult for vehicles to negotiate. He asked about the City requirement  
27 for the maximum slope for driveways.

28  
29 Associate Planner Haaland indicated that 15 percent is the maximum slope that is permitted for  
30 driveways and the project will need to be designed to meet the maximum. He stated that the  
31 Traffic Engineer reviews the parking to ensure the best flow of vehicles.

32  
33 In response to questions from Commissioner Fasola, Associate Planner Haaland indicated that  
34 there is not a landscaping requirement for the size of development that is proposed. He  
35 commented that there is not a restriction against a commercial structure being built immediately  
36 adjacent to a residential unit.

37  
38 Commissioner Fasola commented that it would be very easy to later incorporate a second floor  
39 with the very high ceiling height of the commercial space, which is a concern with the limited  
40 amount of parking.

41  
42 Associate Planner Haaland said that staff usually does not have a major concern with retail

**March 12, 2008**

Page 4

1 commercial structures illegally adding square footage because the space is very visible to the  
2 public and such additions are uncommon.

3  
4 In response to a question from Commissioner Seville-Jones, Associate Planner Haaland  
5 commented that the sign for the commercial use is required to be located on the premises, but it  
6 is not specifically required to be placed on the commercial portion of the structure.

7  
8 Director Thompson stated that an appropriate condition could be included regarding the location  
9 of the sign.

10  
11 **Patrick Killen**, the project architect, said that they feel the development would fit in with the  
12 neighborhood. He stated that the structure would have two residential condominium units and a  
13 small commercial component in the front. He indicated that the intent is to have the ceiling of  
14 the commercial unit be a tall vertical space so that it feels larger. He commented that there  
15 would be an undivided glass window at the front which would not provide an opportunity to  
16 incorporate a second story. He said that they designed the structure in order to require the least  
17 amount of shoring possible. He indicated that the building has a series of articulations on the  
18 north elevation in order to prevent having an unbroken massive wall of 25 feet. He commented  
19 that their intent would be to keep the sign within the commercial component of the building. He  
20 said that the applicant has a concern with limiting the commercial space to only a retail use. He  
21 indicated that they would want a retail tenant at the location but are not sure of the interest and  
22 are concerned that it would be vacant if they are not able to attract such a use. He indicated that  
23 keeping a commercial frontage on Highland Avenue is appropriate.

24  
25 In response to a question from Chairman Lesser, **Mr. Killen** stated that they have attempted to  
26 limit the shoring as much as possible in order to minimize the impact to the adjacent neighbor.  
27 He commented that all of the decks would face on the north side of the building toward the street  
28 and there are no exterior spaces proposed on the south side of the structure adjacent to the  
29 neighbors. He indicated that they have included a wall at the back side of the parking garage to  
30 reduce any noise to the neighbors.

31  
32 In response to a question from Chairman Lesser, **Mr. Killen** said that they have considered a  
33 convenience store for the commercial use. He said that they envisioned a shop that could sell  
34 items for tourists as well as everyday items for residents. He commented that they were  
35 discouraged from a coffee shop because of the amount of parking such a use would require. He  
36 indicated that they are looking for a low impact commercial use.

37  
38 In response to a question from Commissioner Seville-Jones, **Mr. Killen** said that they would like  
39 to have some flexibility with the hours of operation for the commercial use but are not seeking to  
40 operate during late hours. He indicated that for a convenience store they might suggest allowing  
41 hours until 10:00 p.m.

March 12, 2008

Page 5

1 **Mr. Killen** commented that having a parking structure and parking district in the North End  
2 might help to encourage developments that are done appropriately. He commented that the small  
3 lots are difficult to develop.

4  
5 In response to a comment from Commissioner Powell, **Mr. Killen** said that they would not use  
6 reflective glass on the structure and would most likely use a grey tinted glass.

7  
8 In response to a question from Chairman Lesser, **Mr. Killen** commented that the existing  
9 building is 70 years old but does not have the architectural character or historical significance to  
10 meet the criteria to be given historical status. He said that it is very difficult to incorporate the  
11 existing wood structure into a new design.

12  
13 Chairman Lesser opened the public hearing.

14  
15 **Bob Holmes**, a resident of the 1300 block of The Strand, commented that there have been no  
16 new commercial structures built in the North End since he came on the City Council in 1980. He  
17 stated that the existing buildings on the site are falling apart and nonconforming for any  
18 commercial use. He commented that the question is whether or not the North End should be  
19 redeveloped, and the Commission can prevent the project from being built if they decide to  
20 include too many restrictions. He indicated that he feels the project offers a benefit to the area.  
21 He said that it is a creative solution to redevelopment. He pointed out that everyone has their  
22 own ideas about what should be built on the site, but the applicant is the one with an economic  
23 interest. He indicated that the City needs to encourage the owner to develop the property in the  
24 manner that they wish. He commented that he feels the applicant should not be limited to the  
25 type of use for the commercial portion of the building. He indicated that there are many people  
26 who are sole practitioners that would be interested in having an office walking distance from  
27 their home so that they would not need to drive to work. He stated that the applicant may find  
28 that a convenience store would be successful.

29  
30 **Mr. Holmes** commented that the property is a small lot that does not have the benefit of a  
31 vehicle parking district, and there are handicapped parking requirements. He indicated that it is  
32 good to encourage change instead of attempting to fix the existing structure. He pointed out that  
33 if he were to lease the commercial space, he would want to have a sign as close to the business  
34 as possible and not above on another portion of the building 50 or 60 feet away. He commented  
35 that no neighbor is happy to have construction and shoring next to their property. He said that at  
36 some point the two buildings to the south of the property will be rebuilt and be inconvenient to  
37 the occupants of the subject building. He indicated that there are controls in place to limit the  
38 impacts of construction to the neighbors. He commented that the ground in the area is sand, and  
39 shoring can be done with less pounding than in other areas. He stated that the goal for the  
40 North End was to promote and preserve commercial uses along Highland Avenue, and there has  
41 been no new commercial businesses on Highland Avenue to serve the residents and visitors to  
42 the City.

March 12, 2008

Page 6

1  
2 **Dennis Cleland**, the applicant, said that his main concern is that it is not certain whether they  
3 would be able to attract a retail tenant as required by Condition 18 of the draft Resolution. He  
4 stated that the type of use that they would be able to attract would be dictated by the market, and  
5 they may be overly restricted if they are only lease the space as retail. He requested that they  
6 would also like to have the possibility of having an office use for the space.

7  
8 In response to a question from Chairman Lesser, **Mr. Cleland** indicated that he would not be  
9 opposed to hours for a retail use being restricted to 10:00 p.m.

10  
11 **Linda Kaplan**, a resident of the 300 block of Knob Hill in Redondo Beach, the owner of the  
12 property immediately south of the subject property, said that the area is historic. She commented  
13 that the Beach Hut was on the subject property for many years. She stated that several  
14 businesses have failed in the area. She stated that there are currently liquor stores and  
15 convenience stores to the north and south of the subject property. She indicated that it would not  
16 be possible for the proposed structure to be constructed without damaging her property. She  
17 said that a structural engineer should examine the site before rather than after the project is  
18 approved. She commented that property owners have rights as long as they do not interfere with  
19 the rights of others. She indicated that she will not have any remedy if her property is damaged.  
20 She stated that there is very little space between the stairs to her building and the existing  
21 structure on the subject property that is proposed to be demolished. She commented that it  
22 would not be possible for the shoring to occur without damaging the stairway, breaking  
23 windows, and damaging the concrete on her property. She commented that the view of the  
24 ocean from her property would be taken away if the proposed structure is built, which would  
25 decrease her property value and rental income. She said that she does not feel it is justified to  
26 eliminate her ocean view simply because the applicant wants higher ceilings that are only for  
27 aesthetics.

28  
29 **Mr. Killen** stated that his firm has been involved with similar projects for many years. He  
30 commented that the City does have a process for predemolition where an inspector evaluates  
31 what should be done in order to ensure that damage is not done to adjacent properties. He  
32 indicated that they probably would request permission from **Ms. Kaplan** to support the staircase  
33 of her property during construction because it is not in good condition, and they may ultimately  
34 replace it if necessary. He said that they would not leave an unsafe condition for any adjacent  
35 neighbor or prevent anyone from having access to their property. He commented that the  
36 shoring would be relatively nominal, and he does not believe that damage would occur from the  
37 vibration. He indicated that most of the shoring contractors in the area are very conscientious  
38 and video the adjacent properties to document any existing damage so there is no question of the  
39 existing condition prior to construction.

40  
41 Director Thompson indicated that the City has procedures in place including regulations that  
42 respect the rights of the owners of both the subject and adjacent properties. He stated that the

**March 12, 2008**

Page 7

1 contractors who will work on the project are local and have experience building in close  
2 proximity to adjacent structures.

3  
4 Chairman Lesser closed the public hearing.

5  
6 Commissioner Bohner said that the proposal would be a great addition and is needed in the  
7 North End. He said that there has not been any recent commercial development in the area, and  
8 a mixed use project would serve the community. He indicated that a retail store would be  
9 utilized by the residents. He said that the project is relatively small, and he does not feel there  
10 would be an issue with parking. He commented that hours until 10:00 p.m. for the commercial  
11 use would be appropriate. He stated that there is a procedure in place to ensure that the project is  
12 constructed safely to protect the neighbors. He indicated that the developer also has an interest  
13 in protecting the adjacent neighbor's property to maintain his reputation. He commented that he  
14 would support removing the restriction for office use.

15  
16 In response to a question from Chairman Lesser, Associate Planner Haaland said that finding 4  
17 under "Use Permit Findings" states: "The proposed use will not adversely impact nor be  
18 adversely be impacted by nearby properties." He stated that the intent of that language is for  
19 mixed commercial and residential areas.

20  
21 Director Thompson said that the condition is unique because it directs the Commission to  
22 consider the impacts that would be caused by surrounding uses to the project rather than only the  
23 impacts that the project would cause to adjacent uses.

24  
25 In response to a question from Commissioner Bohner, Director Thompson said that staff feels  
26 the project should include some type of neighborhood serving business. He indicated that staff  
27 has a concern that an office use would close off the building from the community, and they  
28 would like for the project to include a neighborhood serving use. He said that staff would  
29 suggest that if the Commission is interested in broadening the condition to include a type of  
30 office use that is public oriented.

31  
32 Commissioner Seville-Jones said that she likes the project and supports mixed use. She  
33 commented that she feels there is the ability to create a vibrant area in the North End that extends  
34 beyond Rosecrans Avenue, and she feels the project would add to the area. She said that she  
35 would support hours of the commercial use until 10:00 p.m. She indicated that she would not be  
36 in favor of removing the restriction for office use, and the applicant can always come back in the  
37 future and ask for the restriction to be removed if they have difficulty finding a retail tenant. She  
38 indicated that it is her hope that the applicant can find a tenant who will add to the vibrancy of  
39 the area. She commented that she recognizes the concern that placing too many restrictions on  
40 the project can prevent it from being built. She indicated, however, that she would support the  
41 project as proposed and would support hours of operation for the commercial use until 10:00  
42 p.m. She said that she would like for the signage to be restricted to the area of the building with

1 the commercial space. She stated that she also feels the applicant has taken care in considering  
2 and articulating a response to the concerns of the neighbor. She pointed out that there are  
3 protections in place for residents when construction occurs adjacent to their property. She  
4 commented that she is sympathetic to the adjacent neighbor that a portion of the view of her  
5 property will be lost; however, the City does not have a view ordinance. She said that she  
6 respects the concerns of the neighbor, and she feels they will be addressed over the course of the  
7 project.

8  
9 Commissioner Powell said that his experience is that shoring that uses drilling is much less  
10 intrusive than using an impact hammer. He indicated that he is certain that an appropriate  
11 shoring contractor will be used for the project and that damage can be kept to a minimum. He  
12 commented that he supports mixed use as well as improving the nature of the North End, and he  
13 believes it is a good project. He indicated that he feels the design is aesthetically pleasing and it  
14 meets all of the requirements in order to grant the Use Permit and Coastal Development Permit  
15 including density, buildable floor area, height, setbacks, parking, vehicle access, and open space.  
16 He indicated that the proposal is for a low intensity commercial use and would be compatible  
17 with the surrounding neighborhood. He commented that the proposal would replace a 70-year-  
18 old structure that does not have historical significance and would be an improvement to the area.  
19 He stated that the two condominium units would also promote local home ownership. He said  
20 that he would support the proposal.

21  
22 Commissioner Fasola stated that he sympathizes with the concerns of the neighbor. He indicated  
23 that although the project does meet the requirements of the Code, **Ms. Kaplan** will be faced with  
24 a giant wall on the north side of her property. He indicated that the lots in the El Porto area are  
25 basically half lots, and the subject lot is the one that extends from street to street. He indicated  
26 that the project does conform to Code requirements. He stated that the project would be an  
27 improvement to the existing structure which is 70 years old. He commented that he feels the  
28 project is attractive; however, he is surprised that there is no requirement for landscaping on  
29 such a lot. He indicated that he would be opposed to changing the language of Condition 18, and  
30 he feels an office use would be inappropriate. He indicated that the subject site is one of very  
31 few opportunities with street frontage where a community serving use could be located. He  
32 indicated that he does have a concern that an additional floor could be incorporated into the  
33 commercial portion of the development. He said that he would support the project as proposed.

34  
35 Chairman Lesser indicated that he also supports the project. He stated that he supports mixed  
36 use and its benefits to the North End. He commented that he appreciates applicants working  
37 with staff. He said that he also would support retaining the language of Condition 18. He  
38 indicated that he would like for the applicant to at least initially attempt to find a retail tenant for  
39 the commercial space that would fill a need in the community, and they can come back in the  
40 future if they have a problem finding such a tenant. He said that he feels the findings for  
41 granting the Use Permit can be made. He indicated that the proposed use will not adversely  
42 impact nor be adversely be impacted by nearby properties because the existing structure on the



March 12, 2008

Page 9

1 site is mixed use. He stated that he would prefer that the proposed structure not be so large, and  
2 he empathizes with the concerns of the adjoining neighbor. He stated, however, that a structure  
3 could be built with a maximum BFA of 6,292 square feet and the proposal is for 5,097 square  
4 feet. He commented that historical preservation is not necessarily appropriate in this case, but he  
5 wishes that the question be asked more often before older structures are torn down. He said that  
6 he would like for there to be more incentives for property owners to consider retaining and  
7 preserving older structures. He said that he feels the concerns of the adjoining neighbor  
8 regarding construction have been addressed by the architect who has experience working with  
9 this type of development, and there are procedures of the City for addressing damage which  
10 could result from construction.

11  
12 Commissioner Fasola commented that he would question whether the hours for a retail use  
13 should be limited, and he would think that operating at later hours should be encouraged.

14  
15 Commissioner Bohner said that he feels some restriction should be placed on the hours.

16  
17 Commissioner Seville-Jones said that she feels there should be a restriction on the hours because  
18 there are adjacent residences that front Highland Avenue that could be impacted by the noise of a  
19 commercial use.

20  
21 Director Thompson pointed out that the applicant does not have an objection to restricting the  
22 hours at 10:30 p.m., which would be staff's recommendation. He said that staff would suggest  
23 adding food and beverage service to the permitted type of commercial use.

24  
25 Commissioner Powell indicated that he believes there should be some restriction on the  
26 permitted hours for the commercial use, and the applicant was agreeable to limiting hours of  
27 operation at 10:30 p.m. He said that he also feels opening hours should also be established.

28  
29 Associate Planner Haaland said that the unregulated hours of operation specified in the Code for  
30 a food and beverage use are between 6:00 a.m and 10:30 p.m.

31  
32 A motion was MADE and SECONDED (Bohner/Powell) to **APPROVE** a Use Permit, Coastal  
33 Development Permit, and Vesting Tentative Parcel Map 69052 for proposed construction of a  
34 mixed use building at 3920 Highland Avenue with the addition of language to allow for a food  
35 and beverage sales use with permitted hours of operation between 6:00 a.m. and 10:30 p.m.  
36 seven days a week.

37  
38 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser

39 NOES: None

40 ABSENT: None

41 ABSTAIN: None

March 12, 2008

Page 10

1 Director Thompson explained the 15-day appeal period and stated that the item will be placed on  
2 the City Council's Consent Calendar for their meeting of April 1, 2008.

3  
4 **DIRECTOR'S ITEMS**

5  
6 Director Thompson said that the Mansionization Ordinance has been adopted and will go into  
7 effect on March 21, 2008.

8  
9 **PLANNING COMMISSION ITEMS**

10  
11 Commissioner Powell indicated that he attended the Ninth General Assembly of the South Bay  
12 Cities Council of Governments with Director Thompson. He commented that the subject was  
13 preparing for the impact as the baby boom population ages. He said that it was well represented  
14 for 16 cities, and it was an informative conference.

15  
16 Commissioner Seville-Jones commented that there are a number of internally illuminated signs  
17 in the downtown area that she feels are not particularly attractive. She said that such signs may  
18 be appropriate in some areas, but she suggested that some areas of the City in which they should  
19 be restricted possibly be specified in the Code. She also suggested amending the Sign Code to  
20 require signs in mixed use projects to be placed within the commercial component of the  
21 development.

22  
23 Director Thompson commented that the City may wish to adopt a mixed use ordinance at some  
24 point in the future.

25  
26 In response to a question from Chairman Lesser, Director Thompson said that the City has done  
27 a lot of work on bike paths, and there is language in the General Plan regarding bike routes. He  
28 indicated that the City prepared recommendations regarding bike routes to be included in the  
29 regional plan, and the City has not received any more input regarding their incorporation with  
30 adjacent cities.

31  
32 **TENTATIVE AGENDA: March 26, 2008**

33  
34 **ADJOURNMENT**

35  
36 The meeting of the Planning Commission was **ADJOURNED** at 8:30 p.m. in the City Council  
37 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, March 28, 2008, at 6:35 p.m. in the  
38 same chambers.

39  
40  
41 \_\_\_\_\_  
42 RICHARD THOMPSON  
Secretary to the Planning Commission

41 \_\_\_\_\_  
SARAH BOESCHEN  
Recording Secretary