

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
SEPTEMBER 23, 2009**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 23rd day of September, 2009, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

A. ROLL CALL

Present: Andreani, Fasola, Lesser, Paralusz, Chairperson Seville-Jones
Absent: None
Staff Present: Richard Thompson, Community Development Director
Angelica Ochoa, Assistant Planner
Recording Secretary: Sarah Boeschen

B. APPROVAL OF MINUTES – September 9, 2009

Commissioner Lesser requested that page 7, paragraph 11 of the September 9 minutes be revised to read: “Commissioner Lesser requested that the Council consider changing the Code requirements to make it easier to allow for installing solar panels. He commented that ~~the~~ a contractor he hired with whom he consulted to install solar panels on his home was very frustrated with the City’s Code limitations on the amount of space on a roof that could be occupied by the panels.”

Commissioner Andreani requested that the page 2, paragraph 5 of the minutes be revised to read: “Commissioner Andreani asked ~~regarding the~~ if there is a City or ABC definition of closed, as she was unable to locate any such definition from the Code language.”

Commissioner Paralusz requested that the second sentence of paragraph 8 on page 3 of the minutes be revised to read: “She said that 42 businesses already have closing hours of 1:00 a.m., and there ~~appears~~ appear to be only about 12 businesses that the proposed changes would impact. She said that she has difficulty identifying the need for such a change. She indicated that she is also concerned ~~with~~ about allowing businesses which are located near to residences to remain open until 1:00 a.m. on New Years Eve . . .”

Chairperson Seville-Jones requested that language be added on page 6 of the minutes after “Planning Commission Items” to read: “Chairperson Seville-Jones suggested that input into the work plan be agendized annually for brainstorming by the Planning Commission. Regarding this years work plan, she said that she would like for the City Council to consider providing additional trees for parking lots. .”

A motion was MADE and SECONDED (Lesser/Paralusz) to **APPROVE** the minutes of September 9, 2009, as amended.

AYES: Andreani, Fasola, Lesser, Paralusz, and Chairperson Seville-Jones
NOES: None.
ABSENT: None.
ABSTAIN: None.

C. AUDIENCE PARTICIPATION

None.

D. PUBLIC HEARINGS

09/23/09-1 Consideration of a Use Permit for Proposed Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial Office Space on the Property Located at 627 Aviation Way.

Assistant Planner Ochoa summarized the staff report. She indicated that the proposal is to demolish an existing single family residence and detached two-car garage to allow for a new three story mixed use building. She commented that the project would consist of four condominium units and one office condominium unit with a total of 7,490 square feet. She said that each of the residential units would have two enclosed parking spaces. She stated that two guest spaces would also be provided per unit. She said that four new driveways are proposed on Mathews Avenue. She indicated that the office unit would have one designated parking space on site that would be accessed from the existing driveway on Aviation Way. She commented that some street parking would be impacted on Mathews Avenue, as new driveways would be constructed to accommodate the residential units. She stated that the parking space on Aviation Way would remain. She commented that four extra parking spaces would be provided for guests, which is above the number that is required.

Assistant Planner Ochoa commented that the subject property was changed in 2003 from the CG to the CL zone. She indicated that residential uses are not permitted in the CG zone but are allowed in the CL zone with approval through a Use Permit. She indicated that the project conforms to the Zoning Code. She said that the notice of the public hearing was mailed to property owners within 500 feet of the site and published in the Beach Reporter. She indicated that staff received one letter with concerns regarding the proposal which was included with the staff report. She commented that concerns were raised in the letter regarding the elimination of street parking on Aviation Way. She indicated that there is a requirement from Public Works that the residential and commercial uses must provide for trash within the units outside of the open space and parking areas. She commented that storm water measures as well as water and energy conservation measures are being required for the project including reducing runoff, increasing permeable surfaces, and retaining water on site.

In response to a question from Chairperson Seville-Jones, Assistant Planner Ochoa said that the parking requirement for a barber shop is 1 parking space per 300 square feet of space. She indicated that a barber shop could be located in the proposed commercial space, as it would meet the parking requirement and that the square footage of 441 square feet would not require two parking spaces.

In response to a question from Commissioner Andreani, Assistant Planner Ochoa said that the parking space that would be allocated for the commercial site would not be required to be dedicated for handicapped parking only because there are less than five spaces. She indicated that the space would be handicapped accessible but would not be designated or signed exclusively for handicapped parking.

Commissioner Lesser asked regarding whether the Commissioners should consider the viability of a homeowners association that includes a commercial unit along with four residential units. He asked whether staff has a concern with a commercial owner having to manage the property along with the residential tenants.

Director Thompson commented that staff can make sure that any issues regarding the management of the property are addressed with the condominium association. He pointed out that the purpose of an association is to address issues regarding the management of the development.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa indicated that a condominium development without a commercial component would be permitted in the CL zone with a Use Permit.

Commissioner Fasola indicated that there have been several mixed commercial and residential development projects in the last couple years in the CL zone in which the commercial uses have not been successful. He said that there is a concern with the owner of the commercial units being involved with the management of the residential properties. He indicated that the owners of the residential units also are responsible for the management issues of the commercial space if it is vacant. He also indicated that it is difficult to attract a good tenant for an isolated business that is not near other commercial uses.

Director Thompson commented that there is no ordinance requiring a certain percentage of commercial space in a mixed use development.

In response to a question from Commissioner Paralusz, Assistant Planner Ochoa indicated that the residents of Redondo Beach who live within 500 feet of the subject site were provided with notice regarding the project.

In response to a question from Chairperson Seville-Jones, Director Thompson stated that language could be added to clarify that the extra parking spaces must remain as shown in the approved plans.

In response to a question from Commissioner Seville-Jones, Director Thompson indicated that the residential spaces could not be accessed for use by the commercial unit.

Chairperson Seville-Jones opened the public hearing.

Patrick Killen, the project architect, described the project design. He said that the rear yard would include an open space area. He pointed out that they are exceeding the open space requirement for the units by 600 square feet. He commented that having a commercial component with a residential project is very attractive. He said that the commercial unit would most likely have a general office use, which can stand alone apart from other commercial businesses unlike a restaurant or general store which are more successful in a shopping center. He indicated that there are some commercial uses in the area. He indicated that they feel that the proposed location of the commercial unit at the corner at Aviation Way and Mathews Avenue is the most appropriate on the site, as it would allow for great visibility. He stated that mixed use projects are successful in many communities. He said that the proposed commercial unit would be appropriate for a small one or two person office and would be marketed for a much lower price than other locations. He pointed out that the parking space for the commercial unit must be made available for handicapped parking but is not required to be designated for handicapped parking only.

In response to a question from Commissioner Fasola, **Mr. Killen** said that there would be sufficient space for two cars to park in the parking space designated for the commercial unit; however, the space needs to remain marked as a single space in order to provide handicapped

accessibility.

Commissioner Fasola said that he is concerned that the width of the driveway is not sufficient as shown on the plans to allow for cars to maneuver. He pointed out that there is a requirement that there be sufficient space on a driveway for cars to be able to back out straight for 18 or 20 feet. He stated that the throat of the driveway at the curb as shown on the plans has a width of 11 or 11 ½ feet instead of 16 or 18 feet which would be preferred. He commented that he is certain that the driveway would need to be widened in order to meet the Code requirements, and the street parking spaces in front of the subject site would need to be reduced to 16 feet rather than 20 feet wide.

Director Thompson commented that the design of the building would need to accommodate the street spaces to the dimensions as shown on the plans.

Mr. Killen said that he does not have an issue with changing the design to neck down at the driveway in order to provide for sufficient space for cars to exit. He indicated, however, that he would have a concern if the City has a requirement for the curb cut that is larger than could be accommodated. He said that he does not have a concern with the width of the driveways as shown in the plans, as cars would have sufficient space to maneuver.

Director Thompson indicated that staff does not have a concern with the width of the driveway being 11 ½ feet, as driveways for many projects are as narrow as 8 or 10 feet.

Commissioner Fasola said that there would be an issue with cars backing out of the driveway and hitting the planters with the proposed design. He commented that he feels the street spaces would end up needing to be less than 20 feet long in order to accommodate the driveway.

Director Thompson said that staff receives many complaints from residents regarding cars being parked too close to driveways. He indicated that staff would not recommend spaces with a width of 18 feet between the driveways.

Mr. Killen indicated that a length of 18 feet should be sufficient for the street parking spaces, as there would be driveways on both sides of the spaces which would allow extra room for cars to maneuver.

Commissioner Andreani said that she also has a concern regarding the parking and the elimination of street parking. She indicated that there is a great need to retain the street parking spaces and to keep the length of the spaces at 20 feet. She indicated that she is concerned with the landscaping plan. She said that she has a concern that people may back out over the landscaping with the design as shown. She indicated that there is a yard between the subject property and the home to the west of the site which includes a mature spruce pine tree and jacaranda tree that provide a substantial canopy. She commented that the landscaping plan shows four palm trees along Mathews Avenue which would not provide the canopy that currently exists around the property. She indicated that there is also currently shrubbery along the south side of the property. She commented that larger canopy trees, shrubbery and vines are needed on the south side of the property to help prevent the harsh sunlight from shining into the master bedrooms and living rooms of the residential units. She commented that planting trees would also improve the view of the parking lot across the street to the south. She commented that the mondo grass shown for the open space area requires regular watering and may not be compatible with the City's requirement for conservation of water. She also commented that the grass would not provide a surface that would be appropriate for recreational use by the residents of the development.

Mr. Killen said that there are alternative types of trees that could be used along Mathews Avenue rather than palm trees that would provide more of a canopy. He commented that they are attempting to obtain LEED certification, but it is not certain for this project. He indicated that they are proposing to use a white roof in order to help provide cooling. He said that they are also proposing a large overhang on the building that will help to reduce the amount of direct sunlight from reaching the windows on the south side. He commented that they are also considering adding a rain water storage tank that could provide water for irrigation, although it is not clear whether it would provide a benefit to the project. He stated that he would agree that there are other types of grass that would be preferable for the open space area rather than mondo grass.

Commissioner Andreani commented that although the existing spruce pine tree may not be protected within the commercial zone, she feels it is important that the tree canopy be preserved as much as possible. She commented that she would like for further consideration to be given to the trees that would be placed along Mathews Avenue. She said that she is also concerned with the viability of the office space on the site. She commented that the staff report indicated that it was presumed that one of the owners of the residential units may also wish to own the commercial unit in the development; however, it is not certain whether young families that may purchase the units would necessarily want to purchase an additional unit for office space.

Mr. Killen said that one of the owners of the project is planning on occupying one of the units as well as the commercial space.

Commissioner Andreani commented that it may be difficult to sell the commercial unit in the future if one of the owners of the residential units does not wish to occupy the commercial space. She said that she feels it may be preferable to develop the property as residential only without the commercial unit. She indicated that she feels the parking with the two garage space and two guest spaces per unit is very good; however, she is concerned with the elimination of any street parking.

Chairperson Seville-Jones closed the public hearing.

Commission Discussion

Commissioner Paralusz said that the project would not be detrimental to the commercial area. She commented that there are commercial businesses in the area, and the residents would not be negatively impacted by the commercial use included with the project. She also indicated that the proposal is consistent with other developments in the area and meets residential standards including setbacks. She pointed out that the amount of open space included in the project is twice the amount that is required. She indicated that it also meets the local commercial standards. She indicated that she supports the project.

Commissioner Fasola said that retaining the existing large trees would result in a smaller project, and he is not certain if the Commission can require that the size of the development be reduced in order to preserve the trees. He commented that it is sad for existing mature trees to be lost as a result of the project. He commented that he is convinced that the street parking spaces as shown on the plans would actually end up being approximately 16 feet rather than 20 feet long. He said that he would like for the project to be continued to address the issue of the parking spaces and width of the driveways, which should be addressed before the project is approved.

Commissioner Andreani indicated that she appreciates that **Mr. Killen** is willing to consider alternative types of trees along Mathews Avenue. She suggested that Carrotwoods provide a good canopy, although she would defer to staff regarding the selection of an appropriate type of tree. She indicated that she does appreciate the open space area that would be provided. She commented that she would be appreciative of any additional consideration for protecting the tree canopy on the site. She said that she has a concern with the viability of the office space, although she understands that it has been thought out by the project architect. She said that she is agreeable to approving the project, as it is compatible with the neighborhood.

Commissioner Lesser said that he feels it is important that the length of the street parking spaces remain at 20 feet as shown in the plans. He commented that he has observed that the parking on the street in the area is fully utilized on weekdays, and it is important to ensure that the parking is preserved as presented in the plans. He said that the project is consistent with the intent of the Council in allowing the zoning change to promote mixed use. He said that he feels the findings can be met for approving the project, as it complies with the residential requirements in the commercial zone; it provides for an appropriate subdivision of the lot; and it complies with the General Plan. He commented that he does have concern with the viability of a mixed use condominium project. He said that he would appreciate further information regarding the viability of other mixed use projects which have previously been approved by the Commission and regarding the viability of homeowners associations for mixed use developments. He said that he has questions regarding how such projects are managed and whether the Use Permits conditions can be met if the commercial space is vacant for a prolonged period of time. He indicated that he appreciates the comments of Commissioner Andreani regarding the landscaping. He indicated that he would trust **Mr. Killen** to incorporate the comments of the Commissioners into the landscaping plan. He commented that he is sad for existing mature trees to be removed; however, the Tree Ordinance does not apply within the CL zone. He commented that he also appreciates the input of Commissioner Fasola regarding the layout of the parking, which is very helpful in considering the project.

Chairperson Seville-Jones said that she would support the project moving forward. She indicated that she supports mixed use. She commented that she feels a commercial space on the site could be viable given the location of the site with other small businesses in the vicinity. She stated that mixed use developments allow for businesses to be in close proximity to residences which can decrease traffic and provide nearby services to residents. She commented that she likes the appearance of the project and the amount open space and parking that would be provided. She said that she does feel the spaces on the street need to be preserved as shown on the plans. She indicated that she has a concern that there would not be sufficient parking for a commercial use on the site, and preserving the parking spaces on the street is critical for her to make the findings to approve the project.

Chairperson Seville-Jones stated that she appreciates the comments of Commissioner Andreani regarding the landscaping. She indicated that she also appreciates the willingness of **Mr. Killen** to give further consideration to increasing the tree canopy and in making the open space area useable for the residents. She indicated that she feels the findings can be made that the project is an appropriate division of the parcel; that the project is consistent with the General Plan; that the findings can be made for approval of the Use Permit; the commercial use would not be detrimental to the residential use; and the residential use would not be detrimental to the commercial use.

Commissioner Fasola commented that he would like to vote for the project; however, he is convinced that the drawings as provided do not show the back-up space for the driveways correctly as required by Code. He suggested possibly including a condition that the back-up

space meets Code requirements and that the street parking spaces remain at 20 feet long. He said that he would prefer for the architect to have an opportunity to further review the layout of the driveways with staff before the Commission votes on the project.

Mr. Killen commented that he would prefer for the item to be continued to have an opportunity to resolve the issue regarding the layout of the driveways.

A motion was MADE and SECONDED (Lesser/Paralusz) to **REOPEN** the public hearing and **CONTINUE** the consideration of a Use Permit for Proposed Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial Office Space on the Property Located at 627 Aviation Way to the meeting of October 14, 2009.

AYES: Andreani, Fasola, Lesser, Paralusz, Chairperson Seville-Jones
NOES: None
ABSTAIN: None

E. DIRECTORS ITEMS

F. PLANNING COMMISSION ITEMS

In response to a question from Commissioner Fasola, Director Thompson said that the e-mails that the Commissioners sent to staff regarding the work plan have been forwarded to the City Council.

Commissioner Lesser said that he would like further discussion regarding the role of the Commission in evaluating the commercial viability of projects. He said that although the Commission is not directly asked to evaluate the commercial viability of projects, it does enter into the consideration as to whether the findings can be made under the general Use Permit guidelines. He commented that the danger of the Commissioners considering the commercial viability of projects is that it is interjecting their judgment.

Commissioner Fasola commented that he has suggested that the City Council's work plan include consideration as to whether mixed use projects with very small commercial components and large residential components should be permitted. He commented that such projects may be considered mixed use but are basically an attempt to sidestep the commercial requirements. He indicated that there is an issue with the management of projects that include condominium units and commercial uses. He said that mixed use may be more appropriate for the downtown area.

Commissioner Andreani said that it has not been the role of the Commission to question the commercial viability of a project. She said, however, there can be blight in the community when a development is built and then later remains vacant after the business fails. She commented that she feels that consideration of the commercial viability of projects is an important issue for further discussion.

Chairperson Seville-Jones suggested that the issue be included for discussion at the next joint meeting with the City Council and the Commission.

G. TENTATIVE AGENDA October 14, 2009

H. ADJOURNMENT

The meeting was adjourned at 8:22 p.m. to Wednesday, October 14, 2009, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director