

**CITY OF MANHATTAN BEACH  
[DRAFT] PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
JULY 14, 2010**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 14th day of July, 2010, 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, Lesser, Paralusz, Seville-Jones, Chairman Fasola  
Absent: None  
Staff Present: Laurie Jester, Acting Director of Community Development  
Esteban Danna, Assistant Planner  
Carol Jacobson, Building Official  
Recording Secretary, Sarah Boeschen

**B. APPROVAL OF MINUTES – June 23, 2010**

A motion was MADE and SECONDED (Seville-Jones/Lesser) to **APPROVE** the minutes of June 23, 2010.

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

**C. AUDIENCE PARTICIPATION**

**D. PUBLIC HEARINGS**

**07/14/10-2 Consideration of a Use Permit Amendment to Allow the Extension of Hours of Operation for Izaka-Ya Restaurant Located at 1133 Highland Avenue**

Assistant Planner Danna summarized the staff report. He commented that the subject restaurant is located in a commercial building with three tenant spaces on the ground level and four tenant spaces on the second level. He indicated that the tenants on the ground level of the building are food and restaurant services, and the tenants on the second level spaces are office uses. He stated that the subject restaurant is currently operated under the 1984 Board of Zoning Adjustment Board Use Permit. He indicated that the site has historically been occupied by restaurants. He said that the subject restaurant is currently restricted to operating hours between 11:30 a.m. to 2:30 p.m. and 5:30 p.m. to 11:00 p.m. Mondays through Thursdays and 11:30 a.m. to 2:30 p.m. and 5:30 p.m. to midnight on Fridays and Saturdays. He indicated that the proposed hours are 11:00 a.m. to midnight seven days a week. He commented that the project was noticed to properties within 500 feet and advertised in the Beach Reporter. He said that the proposed hours are fairly typical for restaurants in the downtown area, and staff does not have any concerns with the proposal. He indicated that the applicant intends to file a request with the ABC (Alcoholic Beverage Control) to change the license to reflect the expanded hours of operation. He said that the current license from the ABC allows for the sale of beer and wine at the restaurant, and no change is proposed for the type of license. He indicated that staff has received no comments from the public regarding the proposal.

Commissioner Seville-Jones commented that the chart provided in the staff report indicates that 16 of the 33 restaurants in the downtown area have earlier closing hours during the week than on Friday and Saturday nights. She said that she would have a concern that having a single closing time seven days a week would set a precedent for other establishments.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna commented that approving hours until midnight seven days a week for a particular establishment can be based on factors such as whether there are any concerns with noise or disturbances. He stated that there is not evidence showing that there have been any disturbances at the subject restaurant.

Commissioner Seville-Jones asked if there are any concerns with additional traffic that would result from allowing the later closing hours. She asked if staff feels there are already a sufficient number of restaurants in the downtown area that are open until midnight during the week in the downtown area.

Acting Director Jester pointed out that each application for a Use Permit is viewed on its own merit. She commented that each site is different in terms of proximity to residential properties and parking and whether there is a history of complaints. She indicated that the proposal with the subject restaurant is for beer and wine service and not for full alcohol service. She indicated that the Commission can determine whether they feel the findings can be made to approve the extended hours. She indicated that staff has provided the Commissioners with the hours of other establishments so that they have that information in helping to make their determination.

In response to a question from Commissioner Lesser, Assistant Planner Danna indicated that bars and other establishments with full alcohol service where people generally stay for a longer duration will typically have split hours between weeknights and weekends. He said that the function of the subject establishment is as a restaurant, and staff did not feel it was necessary to differentiate the hours for weeknights and weekends.

In response to a question from Commissioner Lesser, Assistant Planner Danna said that staff is not aware of any complaints that were received for the establishment while it was operated by the former owner. He stated that the current operator has been established for several months, and no complaints have been received. He commented that the proposal seems to meet the goals of the General Plan for the downtown area.

Commissioner Paralusz pointed out that the Kettle, which is located across the street from the subject site, is open 24 hours every day.

In response to a question from Chairman Fasola, Acting Director Jester indicated that generally the weekend and holidays or during special events is typically when most complaints are made. She commented that Thursday nights have become more like a typical weekend night.

Commissioner Seville-Jones asked whether there is a concern that the granting the extension would result in more traffic in the downtown area for an additional hour on weekdays.

Assistant Planner Danna said that it is difficult to determine the additional impact on traffic because it is not certain how many people would patronize the restaurant during the additional hour.

Chairman Fasola opened the public hearing.

**Kevin Franklin**, representing the applicant, commented that the ABC requires approval by the City before they will approve modified hours for alcohol service. He said that being open until midnight would result in more patrons at the restaurant, as the intent for extending hours is to increase business. He pointed out that the subject property is located in a commercial area and is more than 100 feet away from any residents. He indicated that other commercial developments provide a buffer between the subject site and the nearest residents. He pointed out that there is no live entertainment or dancing proposed for the establishment. He stated that none of the restaurants operated by the applicant have received any ABC violations. He commented that it is traditional for sushi restaurants to close between 3:00 p.m. and 5:00 p.m., but the applicant wishes to remain open during those hours to better accommodate customers.

Chairman Fasola closed the public hearing.

Chairman Fasola pointed out that the subject establishment is not located adjacent to residences and has not generated any problems. He stated that he does not see any reason to limit the hours. He stated that many bars are open until 1:00 a.m. or 2:00 a.m. which generate more noise than the subject restaurant.

Commissioner Seville-Jones said that she feels it is too narrow to only consider the proximity of the nearest residents in determining whether the hours should be extended. She pointed out that almost half of the restaurants in the downtown area have a closing hour that is 11:00 p.m. or earlier on Sundays through Thursdays. She said that there is good public policy in having restaurants closing earlier during the week to reduce traffic and noise. She stated that there are currently plenty of establishments in the downtown area where people can get a late night drink or meal. She indicated that the proposal would set a precedent for other small restaurants that may request to remain open until midnight which would result in more traffic and parking impacts. She said that she has difficulty making the finding that the extended hours on weeknights would not result in an adverse impact.

Commissioner Andreani indicated that she also is in favor of allowing different hours of operation for weekdays and weekends. She indicated that she would support allowing the restaurant to open at 11:00 a.m. every day and to remain open through the evening hours. She stated that the proposed hours until midnight every night would set a precedent and is not in keeping with the ambiance that is intended for the City. She said that she is not aware of issues regarding noise at the location, but she has noticed lines of patrons forming outside of the restaurant. She indicated that Simmzy's has different operating hours on weeknights and on weekends and is located on the same property as the subject restaurant.

Commissioner Lesser said that he is swayed toward granting the proposed hours because the subject site is not adjacent to residences. He also pointed out that there are public parking lots nearby the subject site. He said that he does not feel the main concern is whether there is a bifurcation of hours between weeknights and weekends but rather whether the closing hours are appropriate considering the hours of other establishments in the downtown area. He stated that the Kettle across from the subject site is open 24 hours, and some of the restaurants to the east of the subject site have much later closing hours than are proposed even with bifurcated hours. He said that he feels he can make the specific findings for allowing the proposed hours at the subject location. He also indicated that the establishment does have a history of operating as a restaurant with alcohol service secondary to food service. He commented that although the Commission considers each project in an individual basis, it is true that a precedent is somewhat set with approvals that are granted. He commented that he would have liked more information included in the staff report regarding the criteria that staff used in evaluating the proposal. He said that the City Council has previously made an express decision to limit the hours of operation for establishments in the downtown area, and he does acknowledge the

concerns raised by Commissioner Seville-Jones. He said, however, that he does not feel the subject application would provide a party atmosphere to the downtown area, and he can support the expansion of hours as proposed.

Commissioner Paralusz pointed out that many restaurants that are nearby to the subject site are open later than midnight every night. She said that it is not likely that many people will eat dinner at the subject restaurant at 11:00 p.m. on weekdays. She commented that she is sensitive to the concerns raised by Commissioner Seville-Jones, but she does not want to employ a blanket approach to approving hours. She indicated that the establishment has not generated complaints in the past, and there is not a proposal for live entertainment or dancing. She stated that she supports the application.

In response to a question from Chairman Fasola, Acting Director Jester commented that she cannot recall any requests for an increase in operating hours other than for Petros and Sashi, as well as Shade. She indicated that operators are reevaluating their businesses and determining ways in which to attract customers with the current economy, which could result in more requests for increasing hours. She pointed out that each proposal is considered on an individual basis. She stated that the subject establishment serves beer and wine only. She also commented that the restaurant also has no live entertainment or dancing. She said that staff is not aware of any complaints to the City or the Police Department regarding the establishment.

Commissioner Seville-Jones commented that currently there is a split in the downtown area of closing times for restaurants, and the question is whether the mix of closing times is the correct balance. She said that for every restaurant that is open late, there is also a restaurant that has earlier closing times on weeknights than on weekends. She commented that the decisions of the Commission are often cited later by other applicants with similar requests. She said that approving longer hours for an applicant would result in the approval of other similar requests and in residents having to endure increased traffic every night. She said that she believes that the reason for the request is for the applicant to accommodate patrons later at night. She indicated that she does not feel there is a reason for granting the extra hour on weeknights if it is not anticipated that the applicant will have patrons during that time. She indicated that if the applicant does have patrons until midnight, it would result in more traffic being generated during later hours. She stated that she believes there are a sufficient number of restaurants in the downtown area that are open until later hours.

Chairman Fasola stated that approving longer operating hours for the subject restaurant would set a precedent that could result in a gradual creep of more establishments generating more noise during later hours. He indicated that the applicant has not operated that restaurant for very long and has not had an opportunity to establish their operation. He said that an option would be to grant the request for additional hours during the afternoon and then allowing the applicant to return in a year for the closing hours at midnight. He pointed out that many restaurants that are entitled to operate during later hours do not necessarily remain open until that time. He said that he would not be in favor of granting the extra hours simply to help the applicant because of the current poor economy, as the economy will change in the future.

Commissioner Lesser said that he does share the concern of Commissioner Seville-Jones regarding the hours for other establishments slowly being expanded if a precedent is set by the subject restaurant. He stated, however, that he does not feel the subject application would result in many of the concerns, particularly because of the mix of customers that the restaurant attracts. He commented that he personally would prefer to have the option of going to the subject restaurant for a late night dinner on weeknights rather than going to some of the other establishments in town that have a louder atmosphere.

Commissioner Andreani said that she is also concerned with not changing the nature of the downtown area. She said that she is suggesting that the restaurant open at 11:00 a.m. every day and close at 11:00 p.m. Sunday through Wednesday and midnight Thursday through Saturday. She indicated that there are several restaurants in the downtown area that close at midnight. She indicated that she also does not believe it is the role of the Commission to help restaurants increase their revenue during the current poor economic condition by increasing hours.

A motion was MADE (Seville-Jones) to **APPROVE** a Use Permit Amendment to Allow the Extension of Hours of Operation for Izaka-Ya Restaurant from 11:00 a.m. until 11:00 p.m. Sunday through Thursday and 11:00 a.m. until midnight on Fridays and Saturdays.

There was no second to the motion.

In response to a question from Commissioner Lesser, **Mr. Franklin** indicated that the applicant would accept the hours as suggested by Commissioner Andreani. He pointed out that condition 15 allows the Commission and City Council to review the Use Permit at any time at the expense of the applicant.

Acting Director Jester said that Condition 15 indicates that the City has the ability through the Zoning Code to have a revocation hearing of the Use Permit if issues arise regarding the establishment. She commented that it is a public process that needs to be noticed. She said that there must be a clear history of issues before the conditions would be modified or the permit revoked.

Commissioner Seville-Jones commented that she feels like Thursdays are the same as other weeknights and should not be treated the same as a weekend night.

Chairman Fasola said that he would support approving the applicant's request for the restaurant to remain open during the afternoon hours now and allowing the applicant to come back in a year after they are better established to request hours until midnight.

Commissioner Paralusz commented that she would support allowing operating hours until midnight on Thursdays. She said that many people have work schedules with Fridays off which allows them to stay out later on Thursday evenings.

A motion was MADE and SECONDED (Andreani/Lesser) to **APPROVE** a Use Permit Amendment to Allow the Extension of Hours of Operation for Izaka-Ya Restaurant Located at 1133 Highland Avenue from 11:00 a.m. to 11:00 p.m. Sunday through Wednesday and from 11:00 a.m. to midnight Thursday through Saturday with no requirement to close between 2:30 p.m. and 5:30 p.m.

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

Acting Director Jester explained the appeal process and indicated that the item will be placed on the City Council's Consent Calendar for their meeting of August 3, 2010.

**07/14/10-2 Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan**

Assistant Planner Danna summarized the staff report. He commented that the Sustainable Green Building Subcommittee of the Environmental Task Force is comprised of three residents and City Staff. He said that the subcommittee placed emphasis on energy efficiency, water conservation, runoff reduction, solid waste reduction and diversion, and air quality and emissions restrictions. He indicated that the City Council approved the Sustainable Green Building Subcommittee Environmental Task Force recommendations on March 16, 2010, and directed staff to prepare the proposed Code Amendments. He stated that the recommendations for amendments pertain to site sustainability; water efficiency and water use reduction; energy materials and resources; and air quality. He pointed out that many of the recommendations are required now or will be in the near future by the City's Water Conservation Ordinance, the California Model Water Efficiency Landscape Ordinance, the California Energy Efficiency Regulations; and California Green Building Standards.

Assistant Planner Danna indicated that the goal of the proposed Amendment regarding site sustainability is to design water runoff mitigation measures to achieve a zero discharge for a ¾ inch rainfall in a 24 hour period. He indicated that the requirements would apply to all new construction and major renovations over 50 percent in valuation for single family and multi family residential, non residential, and municipal developments. He indicated that parcels for 7,500 square feet or less would be permitted to have a maximum of 20 percent of non-permeable surfaces for required yard setbacks, parkways, and encroachment areas. He said that runoff from non-permeable surfaces such as roofs and parking pads would be required to be directed to permeable areas and/or approved retention features. He said that there would be an option to show compliance to the requirements by submitting a design from a licensed Civil Engineer or Landscape Architect per California Storm Water Quality Association's Best Management Practices Handbook and the Environmental Protection Agency's National Pollutant Discharge Elimination System. He stated that parcels greater than 7,500 square feet would need to show plans designed by a licensed civil engineer or landscape architect. He indicated that the purpose of the Amendment is to reduce the runoff and discharge of pollutants into the streets and storm drains and to meet municipal discharge requirements. He indicated that there are challenges of imposing the regulations in commercial areas where there are no setback requirements. He indicated that staff is suggesting that the Commission explore alternative means of achieving storm water runoff mitigation through other measures for commercial properties.

Commissioner Seville-Jones asked regarding the role of the Commissioners in reviewing the amendments, as the Council has already approved the guidelines.

Assistant Planner Danna said that the role of the Commission is to discuss the proposed Amendments and add any suggestions that they may have for improving the requirements.

In response to comments from the Commissioners, Acting Director Jester indicated that the item is being brought to the Commission at this stage to provide an introduction to the language and concepts of the proposed new standards without providing all of the details of the Zoning Code language. She indicated that the Task Force did look at very specific requirements from other cities while also recognizing that Manhattan Beach is unique. She said that staff would like for the Commissioners to understand the basic concepts and provide any opinions or suggestions they may have to provide ideas to help further refine or improve the recommended amendments.

Commissioner Lesser indicated that it would be helpful for him to have further information regarding actions taken by other cities. He stated that it would also help to have a better idea of what measures the task force considered and the reasons why the measures were rejected or

accepted. He stated that he would like more specific information regarding the origin of the proposals. He said that the City Council has basically approved the proposals, and he is not certain how much the Commission should suggest changing the recommendations of the task force.

In response to a question from Commissioner Seville-Jones, Building Official Carol Jacobson indicated that the standard of zero discharge for  $\frac{3}{4}$  inches of rain within a 24 hour period is required for communities in the area under the Municipalities Permit. She indicated that currently the standard only pertains to commercial areas and not residential. She indicated that applying the requirement to smaller lots would help Manhattan Beach to be ahead of other cities in the area in applying the standard.

Commissioner Lesser asked whether staff feels that there would be a difficulty in complying with the standard for smaller residential properties or for commercial properties with very little setback.

Ms. Jacobson commented that Santa Monica has requirements that are similar to the subject proposal, and there has not been a problem with projects being able to comply. She stated that materials are readily available for providing permeable pavements. She indicated that the costs can range depending on whether the material that is used is low or high end. She said that there are numerous materials that can provide permeable surfaces that are very reasonable in cost.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that it was suggested to include renovations that are over 50 percent valuation in the requirements because such renovations are generally quite substantial. He indicated that most likely that such a substantial remodel would include removing and replacing brick or concrete sidewalks and that the cost of changing the material to a permeable surface would not be a large percentage of the total cost of the project.

In response to a question from Commissioner Seville-Jones, Acting Director Jester commented that meeting the requirement would not necessarily require installing an expensive system and could be as simple as replacing a concrete walkway with pavers.

Commissioner Andreani suggested encouraging capturing rain water for use in irrigation.

Assistant Planner Danna commented that the recommendations do include capturing rain water from non-permeable surfaces in water retention bins or other approved systems.

In response to a question from Commissioner Seville-Jones, Acting Director Jester indicated that staff has discussed making allowances for water collection bins to be located within the required setback.

In response to a question from Commissioner Lesser, Assistant Planner Danna stated that flexibility needs to be provided in the language to allow the Community Development Director discretion in approving systems that currently are not developed provided that they meet the required findings.

Chairman Fasola indicated that he has a concern that the requirement that parcels less than 7,500 square feet have a maximum of 20 percent non-permeable surfaces for required yards, setbacks, parkway and encroachment areas penalizes smaller lots which have a proportionately larger setback area than a larger lot. He indicated that it would be very difficult for a half lot to meet the requirement. He commented that water does soak through sandy soil but does not soak through clay soil very easily. He indicated that he has a concern with making a

requirement that 80 percent of required yards, setbacks, parkway and encroachment areas surfaces be permeable when it may not be feasible for properties where water may not soak through depending on the soil. He indicated that including such a blanket requirement in the Code could be detrimental to many projects where the water would not soak in but instead could end up saturating the soil and flooding the property. He said that a better option may be to list the goals and for the property owner to have the option of submitting a design from a licensed civil engineer that meets the goal. He indicated that the intent regarding sustainability is not necessarily to have permeable surfaces for walkways or patios but rather that the storm water be collected and directed down into the soil. He indicated that he is concerned with forcing a technical specific solution to solve a general problem.

Commissioner Seville-Jones commented that her understanding is that people would have the option of not meeting the requirement provided they submit a design from a licensed engineer that meets the goal of zero discharge for  $\frac{3}{4}$  inches of rainfall within a 24 hour period.

Commissioner Lesser said that he would like to confirm that the goal of achieving zero discharge for  $\frac{3}{4}$  inches of rainfall within a 24 hour period is possible for all properties in the City.

Acting Director Jester said that it is a good suggestion to allow for an administrative process for properties on which retaining the storm water on site is not feasible because of the soil conditions or other limitations.

Ms. Jacobson said that it was felt that it is important to allow for administrative approval to provide flexibility for situations where the options for retaining storm water on site are not feasible.

Assistant Planner Danna indicated that a green roof balcony or deck is a surface that supports the growth of vegetation over a portion of its area for the purpose of water or energy conservation. He said that green roofs usually consist of a waterproof safe membrane that is covered by a drainage system, a light weight growing medium, and plants. He stated that green roofs provide a means to decrease storm water runoff into the public system as well as provide building insulation and improved aesthetics. He said that the proposed regulations for green roofs would apply to all new construction and major renovations of over 50 percent valuation for single and multifamily residential and nonresidential projects. He indicated that green roofs would be treated the same as other decks and balconies in terms of height and setback requirements. He commented that the Community Development Director may approve green roofs on top of a roof level if it is not usable as a deck and if safety, maintenance, access and slope issues are mitigated. He indicated that the Code currently does not allow rooftop decks. He indicated that staff is concerned that green roofs would be used as decks, as providing access to the roof is necessary in order to maintain the plants. He said that a green roof may be approved if it is not usable as a deck due to the slope and limited access. He indicated that the benefit of a green roof is to reduce storm water runoff into the public system, to filter out pollution, to increase thermal and acoustical insulation, and decrease the need for air conditioning and other energy consumption.

Assistant Planner Danna said that the primary goal of recommendations regarding water efficiency and water use reduction is to reduce the water needed to irrigate landscapes. He indicated that the intent of the recommendation is to design irrigation to meet the requirements for region 3 per Water Use Classification of Landscape Species (WUCOLS) to assist in the design of more water efficient landscaping. He stated that the regulations would apply to all new construction, major renovations of over 50 percent valuation, single and multifamily residential, non residential and municipal projects. He indicated that the recommendation is to



allow a maximum of 20 percent of landscaped area (private property, public parkways and encroachment areas) to require high water usage such as grass. He commented that lots under 7,500 square feet may use a standardized water budget worksheet as provided by WUCOLS or may provide a licensed landscape architect design and calculations. He stated that lots over 7,500 square feet would be required to provide a design and calculations from a licensed landscape architect. He indicated that the Community Development Director would be able to give exemptions for hardships or special circumstances. He commented that sites irrigated with non-potable water would also be exempt from the requirement. He stated that the requirement would provide for an estimated 20 percent reduction in water usage; would provide for an estimated 20 percent reduction in runoff discharge; and would meet or exceed compliance with the California Model Water Efficient Landscape Ordinance.

Assistant Planner Danna commented that the recommendation regarding plumbing fixtures within the water efficient and water use reduction recommendations would apply to all new construction and major renovations of over 50 percent valuation for single and multifamily residential and non residential projects. He commented that the recommendation is that residential and non residential fountains and ponds be limited to a maximum of 25 square feet with a water recirculation system unless non-potable water is being used. He indicated that the purpose and benefit would be to provide an estimated 20 percent reduction in water use and meet or exceed the City's Water Conservation Ordinance and California Green Building Standards.

Assistant Planner Danna indicated that the renewable energy recommendations would allow administrative approval of solar energy systems on top of buildings that do not exceed a maximum of 12 inches above the maximum allowable height for the structure. He stated that several solar panel companies have met with staff and participated with the Environmental Task Force meetings. He indicated that plan check guidelines have been refined to meet the concerns expressed by the representatives of solar energy companies while balancing the safety and access issues for the Fire Department and Building Department regulations. He indicated that the City continues to waive the plan check fees for all solar system permits. He commented that the recommendation would also address wind energy systems. He stated that much of the technology for wind energy systems is not yet available, and flexibility needs to be provided in the Code language to allow for future changes in technology. He said that because of concerns regarding height, view obstruction, noise, and the viability of current technology, the Subcommittee recommends that approval of wind turbines be done through a public noticing process if they are proposed to be located out of the allowed buildable envelope. He commented that the purpose and benefit of the recommendations regarding renewable energy is to encourage or facilitate the installation of renewable energy systems.

Chairman Fasola opened the public hearing.

**Toni Reina**, representing Continental Development Corporation, said that they would suggest that a mechanism be provided in the Code Amendments to allow for flexibility to approve Minor Exceptions or exemptions. She said that consideration should be given to practicality and feasibility of implementing the proposed new regulations. She commented that they would also be interested in receiving further information on how the City intends to exceed the State agency requirements for storm water retention and the California Efficient Landscape Ordinance.

**Laura Gillin**, representing Solar City, said that their solar panel system would require a height of 23 inches above the level of the roof on which it is installed for optimal efficiency. She said that their panels require an angle of tilt of 5 degrees on a flat roof to provide for maximum performance. She commented that they have submitted a report to the Environmental Task

Force in January of 2010. She stated that the lowest height she found for solar panel systems provided by other companies was 18 inches. She requested that the Commission consider allowing 18 inches above the maximum height limit for installation of solar panels on the roof of buildings.

In response to a question from Commissioner Lesser, **Dustin Huskins**, representing Solar City, said that a 5 degree tilt for the panels is necessary in order for them to receive the optimal amount of ultra violet rays from the sun and to prevent water or debris from collecting on them rather than running off. He indicated that having the panels raised also allows for air flow under the panels which aids in their efficiency.

**Ben Burkhalter**, a member of the Green Building Task Force, said that the recommendations of the Subcommittee arrived after a year and a half of studying the requirements of numerous other cities and counties in California regarding energy efficient standards. He indicated that they also received input from applicants of projects and Code enforcement officials. He said that they also took into consideration requirements that they knew were in the process of being enacted as well as the direction of the City Council. He commented that they utilized a tremendous amount of information, and they included references where possible in their recommendations. He said that they are still in the process of writing the language of the Amendments. He commented that they arrived at the recommendation of allowing 12 inches over the maximum building height for solar panels based on a report they received from Solar City. He indicated that their intent was for the requirements to be attainable with the technology that is available.

In response to a question from Commissioner Lesser, **Mr. Burkhalter** said that the soil permeability rating for the City is about 87 percent sand and 13 percent clay. He pointed out that the requirements they are recommending regarding water retention would apply to the maximum extent practicable. He said that providing a blanket requirement that could be met on the vast majority of properties would push the City's storm water permit compliance well into the future. He commented that for the vast majority of sites simply not paving would allow the storm water to permeate into the soil rather than running off into the storm drains.

Commissioner Lesser said that having the standard apply to the extent practicable is different than having it apply strictly to all properties.

Acting Director Jester commented that her understanding is that the Commission wants to provide flexibility in applying the requirement for having a maximum of 20 percent of non-permeable surfaces for required yard setbacks, parkways, and encroachment areas.

Chairman Fasola suggested requiring that a maximum of 5 percent of the site be permitted to have non-permeable surfaces rather than requiring that 20 percent of the setback area have permeable surfaces. He said that allowing for 5 percent of the site would arrive at the same goal for water retaining while allowing more flexibility.

Chairman Fasola commented that his understanding is that the City does a good job in filtering storm runoff water and that not much unfiltered water flows from the storm drains into the ocean. He asked regarding the amount of storm water runoff that is being filtered currently. He asked about the necessity of such a requirement for retaining storm water runoff on individual sites if the vast majority of the water is already being filtered back into the soil.

Acting Director Jester indicated that the Environmental Task Force and the Subcommittee considered implementing a series of citywide filtration systems rather than requiring individual property owners to retain storm water. She indicated that there is the ability because of the

sandy soil for water to be retained on individual properties, and it is much easier and less expensive. She said that there are very few sites in the City that have clay soil. She indicated that there are a number of filtration devices at different locations in public parking lots throughout the City.

In response to a question from Chairman Fasola, Acting Director Jester said that staff could provide further information regarding the amount of untreated water runoff that reaches the ocean from Public Works.

Chairman Fasola said that retaining storm water runoff on site is a goal that the City should attempt to reach, but he would like to know more regarding if there is a large concern with untreated water reaching the ocean currently.

**Mr. Burkhalter** commented that the City has taken measures to filter storm water runoff during certain conditions; however the requirements for filtering are becoming more stringent in both wet and dry conditions. He indicated that it was indicated to the Subcommittee that water containment must be done on site in conjunction with larger filtration systems. He said that the main concern is with large storms during which the storm drains become overwhelmed. He stated that the system is designed to discharge the water into the sand and use the sand as filtration, but the filtration system becomes overrun during large storms.

Commissioner Lesser requested further information regarding the specific areas in the City that have clay soil and the additional challenges that would be posed for projects on such properties. He indicated that he would also like further input regarding any exceptions that should be considered for such properties. He indicated that he would also like further information regarding how the Ordinances of other cities are written to address retaining storm runoff water on properties with clay rather than sandy soil.

In response to a question from Commissioner Lesser, Assistant Planner Danna said that staff would like for the Commission to suggest possible solutions for addressing water runoff retention on site for commercial properties that are built out to near the property line and have very little setbacks. He indicated that a possible alternative would be to require permeable pavement for parking lots along the Sepulveda Boulevard corridor. He said that another possibility would be to allow more square footage for structures in the downtown area provided that a water retaining system is provided on site.

Acting Director Jester stated that staff also has suggested the possibility of allowing a parking reduction for buildings that are built to the Leadership in Energy and Environmental Design (LEED) standards for buildings in the North End.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that currently there is not much development in the El Porto area because the lot sizes are not large enough to accommodate the parking that is required. He said that staff is suggesting the commission consider the possibility of allowing a parking reduction in order to encourage building more sustainable developments.

Chairman Fasola said that there is a question as to whether it is economically feasible to build in the North End. He said that the issue in the North End is that there are not opportunities for providing parking and there is no in lieu fee for providing parking. He commented that it would seem that the best approach to providing sustainable building practices is to retain existing structures which saves a large amount of materials from being used to build new structures.

Assistant Planner Danna said that property owners in the North End are limited in remodeling their properties because of the parking. He indicated that allowing a parking reduction could be an incentive for providing energy efficiency if a property owner wants to remodel an existing building.

Commissioner Andreani commented that she does not feel parking requirements should be relaxed in exchange for building energy efficient structures, as it could result in exacerbating existing parking problems which already is a large issue.

Commissioner Seville-Jones said that she likes the idea of requiring a portion of uncovered parking lots in commercial developments to be built with permeable pavement or other permeable materials.

Chairman Fasola suggested the possibility of only applying the standards to residential properties, as a very small percentage of the properties in the City are commercial.

Commissioner Andreani commented that it is possible to place requirements on commercial properties such as permeable surfaces for parking lots that would help address storm water runoff.

Chairman Fasola commented that it would be difficult to address commercial properties that are built to the property line.

In response to a question from Commissioner Lesser, Acting Director Jester indicated that the green roofs she is familiar with generally use drought tolerant plants.

Commissioner Lesser asked whether restrictions would be placed on the type of plants that could be placed on such a roof.

Acting Director Jester said that it would not be practical to place landscaping that requires a large amount of water on a green roof, as the intent is that such roofs are not usable surfaces that are easily accessed.

Assistant Planner Danna pointed out that property owners would also be limited by the requirement that only 20 percent of the landscaped area on the property require high water usage.

In response to a question from Commissioner Lesser, Assistant Planner Danna said that staff can determine from plans that are submitted whether a roof would be able to be easily accessed and used as a deck.

Commissioner Seville-Jones asked about regulating the height of plants on roofs, as they do continually grow.

Acting Director Jester said that the plants used for the green roofs that she has seen typically are succulents and other drought tolerant plants that do not grow very tall. She pointed out that the type of plants that are used is limited because they would require a shallow soil surface. She said that a height limit could be placed for plants on green roofs.

Commissioner Seville-Jones commented that she does feel a height limit should be considered for plants on green roofs, although she would not want to restrict the type of plant that could be grown on a green roof. She said her understanding is that the intent is that green roofs function

to lower energy consumption by helping to cool structures. She indicated that the intent is not for such roofs to become gardening areas. She said that she is not certain about the balance of being overly restrictive and at the same time not providing for roofs that become usable areas.

Acting Director Jester indicated that staff would not want for third story roofs to become usable spaces in areas zoned for three stories. She indicated that having usable areas on roof levels results in concerns with providing for railing and other safety measures. She said that decks are permitted on the second level of homes in areas that are zoned for three stories. She commented that green roofs that are on the third level would be required to be sloped and to not have access from a permanent staircase and would only have limited access.

Chairman Fasola indicated that his experience is that green roofs are generally done on large commercial structures. He asked about circumstances where the plants die because the roof is not maintained.

Commissioner Seville-Jones requested that she would like more information regarding the State requirements and how the proposed Amendments would meet or exceed those requirements.

Commissioner Lesser said that he would also like more information regarding cities that have adopted similar measures to the proposed Amendments.

In response to a question from Commissioner Lesser, Ms. Jacobson commented that there are many toilets now on the market that use 1.2 gallons of water per flush as opposed to 1.6 gallons per flush which is currently the standard.

Chairman Fasola indicated that with the small size of many of the lots in the City, he would like to know where Manhattan Beach compares in terms of water usage with other cities in the Los Angeles area where the properties have much larger lawns. He asked whether it would be appropriate to allow smaller lots to be exempt from being restricted to 20 percent of the landscaped area requiring high water usage.

Chairman Fasola stated that he would like further information regarding which of the proposed requirements are measures mandated by the State and which are additional measures that are being taken by the City.

Acting Director Jester pointed out that information regarding which of the suggested regulations are State requirements has been included in the staff report. She indicated that references can also be added to the charts that are in the staff report regarding which suggested regulations are State requirements.

Commissioner Paralusz said that she is concerned that not allowing solar panels to extend up to the height required for their maximum performance may discourage some people from installing solar panel systems because of the cost involved.

Acting Director Jester said staff's understanding is that allowing solar panels to extend up to 12 inches about the maximum height limit would meet the State requirement that solar panels not be restricted from reaching up to at least 80 percent of their maximum performance.

Commissioner Andreani stated that she is concerned regarding allowing the height of solar panels to extend beyond the maximum permitted building height considering all of the work that has been done to reduce visual bulk and density in the City. She suggested that the maximum height limit be reduced to allow for the added height of the panels.

Acting Director Jester said that she would want to consult with the City Attorney as to the implications of not adhering to the State requirement that solar panels be able to reach at least 80 percent of their maximum efficiency.

Commissioner Andreani pointed out that the regulation would pertain to new construction which the City does have a right to control.

Commissioner Lesser said that the renewable energy proposals would also apply to projects on existing construction which is why the City must adhere to the State law as to existing structures. He said that he would like more information regarding how other cities have addressed the issue regarding solar panels being installed on structures built to the height limit.

Acting Director Jester commented that there are a number of cities that allow solar panels on roofs to exceed the maximum height limit.

Commissioner Seville-Jones said that she would most like to see information as to the requirements of other coastal cities.

Commissioner Andreani indicated that she feels it is appropriate that any projects for wind turbines require noticing. She indicated that the issue of approving wind turbines is similar to the issue regarding the approval of cellular communication towers.

Commissioner Seville-Jones pointed out that wind turbines that are proposed within the building footprint on residential properties would not require noticing. She indicated that she has a concern that wind turbines that are built in residential areas within the building footprint could create additional impacts to neighbors. She said that she would like further information regarding any additional impacts that could result in the turbines being allowed on residential properties.

Chairman Fasola pointed out that there are noise standards that would restrict the noise generated by turbines from exceeding a certain level.

Acting Director Jester indicated that staff felt allowing turbines within the building footprint would be basically the same as allowing mechanical equipment. She said that the turbines would be tied in with noise regulations.

Commissioner Paralusz commented that she would like further information regarding wind turbines that have been installed in other coastal areas or other cities.

Commissioner Seville-Jones asked whether there could be an impact to neighbors from seeing the continual motion of the turbines. She said that she would also like any additional information regarding possible visual impacts of turbines. She commented that she would like to see examples of turbines in other areas.

Commissioner Paralusz commented that determining what is considered visual pollution can be very subjective.

Chairman Fasola asked about limiting the size of fountains to 25 square feet when swimming pools are allowed to be much larger.

Acting Director Jester commented that the distinction that was made during the discussions is that swimming pools provide a recreational use whereas fountains are decorative.

Chairman Fasola commented that he does not believe that very much water is being evaporated from fountains and he questions whether there is much of an issue regarding their water usage.

**Mr. Burkhalter** pointed out that the new restrictions that are being proposed for swimming pools are very onerous and will be a systemic change to pools in the City. He said that the Subcommittee looked at the requirements of other cities in considering fountains.

Chairman Fasola closed the public hearing.

The Commissioners decided to close the public hearing and have the item be renoticed for a future date.

**E. DIRECTORS ITEMS**

Acting Director Jester stated that the Parking and Public Improvements Commission will be continuing their hearing regarding regulations for RVs and oversized vehicles at their meeting on July 22, 2010, at 6:30 p.m.

**F. PLANNING COMMISSION ITEMS**

**G. TENTATIVE AGENDA July 28, 2010**

1. Shade Hotel Resolution
2. 626 Rosecrans Avenue- Appeal of Director Decision

**H. ADJOURNMENT**

The meeting was adjourned at 9:55 p.m. to Wednesday, July 28, 2010, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN  
Recording Secretary

ATTEST:

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LAURIE JESTER  
Acting Community Development Director