

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
OCTOBER 27, 2010**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 27th day of October 27, 2010, at the hour of 6:30 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
Eric Haaland, Associate Planner
Recording Secretary: Sarah Boeschen

B. APPROVAL OF MINUTES – September 8, 2010

Commissioner Fasola requested that the fourth sentence of paragraph 7 on page 9 of the September 8 minutes be corrected to read: “. . . which is a traditional passive ~~cooling~~ cooling dating back to the Romans ~~and Greeks.~~”

Commissioner Andreani requested that the second sentence of paragraph 8 on page 4 of the minutes be revised to read: “She said that a permeable surface requirement for the ~~area of the lot would~~ side yard ~~would~~ may disregard that there are requirements for front side and rear yard setbacks.”

Commissioner Andreani requested that the second sentence of paragraph 6 on page 8 of the minutes be revised to read: “She pointed out that the lawn at neighboring ~~Pollywog~~ Polliwog Park is watered three times a week, and she has heard that the plants at the botanical garden are watered only three times a year.”

Commissioner Andreani requested that paragraph 10 on page 10 of the minutes be revised to read: “Commissioner Andreani suggested the possibility of not allowing the addition of solar panels above the height limit for five years after ~~a house is constructed~~ home construction is completed if they are not included during the original construction phase.”

Commissioner Paralusz requested that the spelling of “Pollywog Park” be corrected to “Polliwog Park” on the second sentence of paragraph 6 on page 8 of the minutes.

A motion was MADE and SECONDED (Seville-Jones/Lesser) to **APPROVE** the minutes of September 8, 2010, as amended.

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

C. AUDIENCE PARTICIPATION

D. BUSINESS ITEMS

E. PUBLIC HEARINGS

08/25/10-4 Consideration of a Coastal Development Permit and Minor Exception to Allow an Addition to an Existing Single Family Residence at 120 29th Place (Lobner)

Commissioner Lesser disclosed that he is acquainted with the project architect. He said that he has no financial interest in the subject project and feels he can consider the item fairly.

Chairman Fasola also indicated that he also knows the architect; however, he does not believe there is any conflict in his considering the proposal and feels he can consider the item fairly.

Associate Planner Eric Haaland summarized the staff report. He stated that the proposal is to add 250 square feet to the first floor of an existing two story residence. He commented that the proposal would include retaining and altering an existing nonconforming rear area; retaining existing nonconforming parking; and providing 30 square feet less open space than the requirement. He said that the proposed new construction is in compliance with the Code standards except for the revisions covered by the proposed Minor Exception. He pointed out that the main intent of allowing for Minor Exceptions is to encourage the retention of existing smaller structures rather than tearing down existing buildings and building new structures to the maximum that is permitted. He indicated that the project is consistent with the General Plan and the intent of the Zoning Code and Local Coastal Program. He stated that staff is recommending that the Commission discuss the proposal and continue the hearing and any action regarding the proposal to the meeting of November 10 due to late mailing of the notice regarding the hearing to the neighboring residents.

Commissioner Andreani asked whether any discussion of the Commissioners regarding the issue is premature at this hearing, as the required amount of time for noticing was not met.

Associate Planner Haaland indicated that staff feels the Commissioners can discuss the project at this hearing but that it would not be appropriate to conclude discussions or make a decision.

In response to a question from Commissioner Lesser, Associate Planner Haaland said that staff has received no public comments regarding the proposal.

Commissioner Lesser said that he would be prepared to have a discussion among the Commissioners at this hearing, as staff and the architect are present.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland stated that the notice indicated that comments received by residents prior to October 20 would be included with the staff report and that comments received after that date and before the hearing would be provided to the Commissioners separately. He indicated that there is no deadline that prevents members of the public from submitting comments at any time before the hearing. He indicated that notice of the hearing was done on time in the Beach Reporter, and the applicant is anxious to move forward with the project.

Commissioner Seville-Jones pointed out that the applicant will not be able to yet move forward after this hearing, as the Commission cannot make a decision on the project without proper notice of the hearing to the neighbors.

Associate Planner Haaland said that the applicant would like to know any issues that the Commissioners have with the project in order to have an opportunity to address them before the next hearing.

Commissioner Seville-Jones said that she is not particularly supportive of the item being discussed at this hearing without proper notice having been given to the neighbors. She commented that she would prefer that discussion occur after the proper noticing period.

Acting Director Jester said that staff is suggesting that the Commission ask staff and the applicant any questions that they may have and to raise any issues that they may have with the project. She said that any additional public comments can be taken at the next meeting.

Commissioner Paralusz said that the only reason that she feels the item should be discussed at this hearing is because the agenda is full for the next meeting; however, that should not be a reason for making the decision. She indicated that she is concerned about the issue of the insufficient time for noticing.

In response to a question from Commissioner Lesser, Acting Director Jester stated that there have been issues in the past that have had improper noticing where the items were discussed and no action was taken until the hearings were conducted with proper notice.

Commissioner Andreani said that the notice in the newspaper did indicate that the issue would be heard at this hearing. She indicated, however, that her recollection in receiving notices is that residents are asked to submit any comments by a specific date before the hearing.

Associate Planner Haaland indicated that the only suggestion in the notice is that residents must submit comments by a certain date in order to be included with the staff report and any comments received after that time and before the hearing would be forwarded separately to the Commissioners.

In response to a question from Commissioner Fasola, Acting Director Jester indicated that a second notice would not need to be done for the next meeting since the item was noticed for this hearing as well as for the November 10 meeting. She said that staff could send out an additional notice if it were a concern of the Commission.

Commissioner Seville-Jones said that she would rather not have the Commissioners give their views regarding the project because the noticing period has not been met. She said, however, that the applicant is present at this hearing and would like to know if the Commissioners have questions regarding the proposal. She said that there is an issue of policy as to whether an issue should be discussed without proper noticing time. She suggested that the Commissioners ask any questions of the applicant but wait to express their opinions on the proposal until the next hearing.

Chairman Fasola suggested that the Commissioners hear from the applicant. He indicated that he feels it is fair for the item to be discussed among the Commission and then continued to the next hearing. He said that he would like to have a further discussion regarding discussion of items where there has not been the proper amount of time for noticing.

Commissioner Paralusz commented that any members of the public that received late notice and attend the next meeting would not have the benefit of being able to be present to view this hearing as it is occurring. She said that she also would want to avoid basically having the same discussion at two hearings.

Commissioner Lesser said that he would support moving forward at this hearing with the discussion. He stated that there have been several other issues over the years that did not have the proper time for noticing that were discussed and then continued to a further hearing. He

indicated that continuing the hearing would allow anyone who wishes to speak an opportunity at the next hearing.

Commissioners Paralusz and Seville-Jones and Andreani said that they would prefer for discussion of the item to be continued.

Acting Director Jester pointed out that the proposal is for very minor changes that would be approved administratively if it did not require a Coastal Development Permit. She said that the applicant is present at this hearing, and the same discussion can be done at the next hearing if necessary. She indicated that staff would suggest that the applicant make a brief presentation since the applicant is present and that the Commissioners ask any questions at this hearing.

Chairman Fasola suggested that the applicant make a presentation and that the item be continued. He said that he feels the subject proposal is very minor.

Commissioner Andreani asked whether there is not a time limit for an applicant to use an approved Variance and whether the Variance from 1977 is still in place.

Associate Planner Haaland said that a Variance request can become invalid if the structure is demolished or if the Variance request is no longer used, but a change in ownership of the property would not result in a Variance becoming invalid.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland indicated that finishing work is proposed to be done to the front area of the property, but no structural work would be done. He indicated that staff's position is that the area that is included in the Variance not be substantially changed with structural alterations.

Acting Planner Jester indicated that staff's position is that the original Variance approved the specific one story addition with a specific configuration and location, and any substantial alterations would need an amendment to the Variance. She commented that there is a standard condition in today's discretionary permits that the plans and project description must be in substantial compliance with the plans that are approved. She indicated that there was not such language included in the original Variance for the project. She commented that it has always been staff's position that the Use Permit and Variance must continue to be in substantial compliance with what was approved and any significant changes would require an amendment.

Chairman Fasola opened the public hearing.

Jay Stephenson, the project architect, said that the applicants have always had an issue with parking, and the intent of the proposal was to add parking. He commented that the existing garage is very short and can only accommodate parking for one car. He indicated that they had to convert living area to accommodate for a conforming parking space. He said that they hoped to be able to retain the existing nonconforming parking space along with the proposed conforming parking space. He stated that they decided to eliminate an existing stairway which would add 3 ½ feet of length for parking. He indicated that the original Variance was passed without a specific design for the project. He said that the Variance permitted building to the front property line with certain restrictions, such as any building within the area could not exceed 17 feet in width; the height was limited to 14 feet; and the home would be used as a single family residence. He indicated that they would like to do some structural modifications to the front which is permitted within the property line. He inquired as to why they would be unable to do modifications to the front of the structure, as it would be permitted under the original Variance that is still in effect. He stated that they could improve the project if they were able to do structural modifications to the front. He said that they would like to add a

mission style parapet that would tie in the front end of the house with the original portion of the home. He said that with the parapet they would need to add a roof and rafter tails.

Commissioner Lesser said that he would have liked to have seen more complete plans as to the architect's preferred changes to the front of the structure and for staff to have had an opportunity to respond based on those plans. He said that continuing the item will allow an opportunity for staff to provide their opinion. He commented that he would be interested in staff's opinion regarding instances where there is a request for a Minor Exception which relates to improving a structure that has been built subject to a Variance.

Acting Director Jester pointed out that the applicant would also like to replace an existing window on the west side with French doors, which staff also considers a significant change.

In response to a question from Chairman Fasola, Acting Director Jester indicated that staff's opinion is that changing the parapet, extending the roof, and converting the window to French doors as suggested by the applicant would be significant changes that would require an amendment to the Variance.

In response to a question from Commissioner Lesser, Acting Director Jester commented that an amendment to the Variance is not the application that is before the Commission. She commented that the position of the applicant is that their preferred proposal would not require an amendment to the Variance.

Commissioner Andreani commented that the applicant's proposal would be an improvement to the home and the neighborhood. She pointed out that on the plans submitted by the applicant show two French doors in the living room; however, the elevation shows a single French door and a window.

Mr. Stephenson pointed out that the picture on page 4 of the handout that they have provided to the Commissioners shows their preferred design. He commented that on the west side they would like to install two French doors where there currently is a 6 foot wide window.

Acting Director Jester said that page 6 of the plans should show a window rather than two French doors.

Commissioner Andreani indicated that the parapet as proposed by the applicant looks more attractive than the existing roof. She said that the applicant's suggested modifications to the front are structural changes.

Chairman Fasola commented that the conditions of the original Variance are very clear. He indicated that it could be argued that replacing the window with doors or extending the roof on the downward slope are not necessarily structural changes. He said, however, that extending the parapet would have an impact on the uphill neighbor, and it may be difficult for the Commissioners to grant that part of request.

Mr. Stephenson pointed out that the only new house on the street is located to the east of the subject property and is three levels. He indicated that the property owner of that home is benefiting by the Variance on the subject property, as the front 20 feet can only be single story or 14 feet high.

In response to a question from Commissioner Seville-Jones, Acting Director Jester commented that the plans that have been available for review by the neighbors did not include the applicant's suggested improvements to the parapet and the installation of French doors.

In response to a question from Commissioner Lesser, **Mr. Stephenson** said that he is not certain what is involved in requesting an amendment to the Variance. He indicated that they had decided to take the opportunity at this hearing to ask the Commission whether they would consider supporting allowing their suggested changes as part of the existing Variance. He said that they would agree to the compromises that have been worked out with staff; however, the applicant would prefer to do improvements that are more accurate to the style of the home.

In response to a question from Commissioner Lesser, Acting Director Jester indicated that the necessary findings would need to be met for granting an amendment to the Variance that there are extraordinary circumstances; that it would result in no significant detrimental impact; that the proposed changes are consistent with the General Plan; and that approving the amendment would not be granting a special privilege. She said that a request for an amendment to the Variance would require noticing and a public hearing.

In response to a question from Commissioner Paralusz, Associate Planner Haaland said that the property owner has indicated that he thought the existing Variance allowed more flexibility than has been interpreted by staff.

In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that a request to amend the Variance would cost roughly \$5,000.00, and a Minor Exception application is between \$1,000.00 and \$2,000.00.

In response to a question from Commissioner Andreani, Commissioner Lesser indicated that his understanding is that the current Minor Exception application as presented by staff would be coming before the Commission at the continued hearing on November 10 and not a request to amend the Variance. He suggested that the applicant consider if they would prefer for the Minor Exception to be considered further or if they would rather make a request for an amendment to the Variance that would include their preferred changes.

Commissioner Paralusz pointed out that the applicant is investing a lot of resources into renovating their home, and she would suggest that they consider whether they would like to change their request from a Minor Exception to an amendment to the Variance.

Commissioner Andreani said that it appears that the applicant has achieved the goal with the subject application of improving parking. She said that while there is not a full improvement to have two full sized parking spaces, it is an improvement to the existing condition and does not exacerbate a neighborhood parking problem.

Chairman Fasola said that he feels the parking as proposed is a great improvement to the existing condition.

Commissioner Lesser stated that the Commission appears to have provided direction that they would not consider the preferred changes suggested by the applicant without a request for an amendment to the Variance because of the structural modifications that are being proposed. He indicated that he would also urge the applicant to consider if they want consideration to go forward for the Minor Exception or if they would prefer to apply for an amendment to the Variance.

A motion was MADE and SECONDED (Lesser/Paralusz) to **CONTINUE** the hearing regarding Consideration of a Coastal Development Permit and Minor Exception to Allow an Addition to an Existing Single Family Residence at 120 29th Place to the meeting of November 10, 2010, and that the item be renoticed.

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

F. DIRECTORS ITEMS

Acting Director Jester indicated that the Sustainable Communities Strategy Workshop will be held on October 28 at 4:30 p.m. in Rolling Hills Estates. She indicated that Chairman Fasola has indicated that he would be available to attend.

Chairman Fasola said that he will be attending the workshop.

Acting Director Jester reported that the Special City Council meeting regarding the library expansion has been cancelled for November 10 and will be rescheduled for a future date. She said that staff is encouraging all members of the City's boards and commissions to attend as residents rather than as commissioners.

In response to a question from Commissioner Paralusz, Acting Director Jester said that the public can attend the Sustainable Communities Strategy Workshop. She indicated that the workshop is taking place in Rolling Hills Estates at the Peninsula Library from 4:30 p.m. to 6:30 p.m.

Acting Director Jester said that work is underway on the South Bay Bicycle Master Plan. She indicated that a grant has been given to the South Bay Bicycle Coalition for the development of a master plan for seven cities in the South Bay. She indicated that volunteers are needed to help conduct bicycle counts at specific intersections. She stated that there is a one hour training session on October 30, 2010, at 11:00 p.m. in Redondo Beach. She indicated that the counts will be taken on November 4, 2010, from 3:00 p.m. to 6:00 p.m. and on November 6 from 10:30 a.m. to 1:30 p.m. She commented that information is also available on the City's website.

G. PLANNING COMMISSION ITEMS

In response to a question from Commissioner Paralusz, Acting Director Jester indicated that the Environmental Impact Report for the Manhattan Village Mall expansion is not yet completed. She commented that she is anticipating receipt of draft technical reports in the next two weeks and further reports in the next two months. She said that the reports will be distributed to City staff once they are received and will then be incorporated into the Screen Check Draft Environmental Impact Report. She said that after staff review it will become a draft document that is available for public review and comment. She said that she does not have a schedule of when the reports will be received and reviewed.

Chairman Fasola said that a Sustainability Summit took place in the Council chambers on October 10, which included presentations from landscapers and various experts on environmental issues. He said that there were a couple of presentations regarding dry landscaping and the amount of water that is necessary to maintain lawns. He indicated that one of the presenters provided information that neither lawns nor lower maintenance landscaping are sustainable. He commented that the type of community that has developed in the South Bay with everyone individually driving cars is not easily changed. He commented that the issue of transportation in the South Bay will be discussed at the workshop in Rolling Hills scheduled for October 27.

Chairman Fasola said that although the Mansionization Ordinance has been passed, homes are currently being approved and built that have an even greater amount of square footage than homes that were built before the Ordinance was adopted. He commented that required “open space” patio areas are being completely covered with a roof and are enclosed except for on one or two sides. He requested that staff clarify the definition of open space and whether the open spaces are required to be open to the sky or whether they can be covered.

Acting Director Jester commented that staff is concerned regarding the issue of open space, and the item is on the City Council’s current work plan. She commented that staff has not been able to yet address the item because of staff shortages. She indicated that staff will be meeting with the City Council in November to provide a status report and prioritize the current work plan items. She commented that staff is reviewing open space very carefully in considering applications.

Chairman Fasola asked about why when notice was sent out late for the hearing regarding 120 29th Place that the hearing was not simply just scheduled for the next meeting.

Acting Director Jester said that in this case notice was published in the paper but then was mailed late to the property owners adjacent to the subject property. She said that staff decided to go ahead with scheduling the hearing because the notice for the hearing had been published in the paper and because the agenda for the November 10 meeting is full. She said that staff’s intent for discussing the item at this hearing was to raise any questions regarding the project knowing that the item would be continued. She stated that the notice that was mailed to the neighbors did indicate that the item would be discussed at this hearing and that any public comments received after the deadline for including them with the staff report but before the hearing would be provided to the Commission separately.

Commissioner Seville-Jones commented that she feels the decision was correct to keep the item on the schedule for this hearing, as the applicant needed direction from the Commission on their application. She said that it was helpful in this instance to have discussion even though the time requirement for noticing had not been met.

Chairman Fasola said that it would be legally preferable for items to be noticed for the following hearing when it is realized that the time requirement cannot be met to provide proper notice for a certain date.

Commissioner Seville-Jones said that she would prefer for such cases to be at the discretion of the Community Development Director. She said that imposing a strict rule would limit the judgment of the Director in instances where it is the best option to have discussion without the noticing time period being met.

Chairman Fasola said that it can make the situation worse when an item is noticed for two different hearings as in this instance and residents are unclear of the process by which the application is being considered.

Commissioner Andreani said that an accomplishment was made by having discussion at this hearing, and the subject case is a very unusual circumstance. She said that she feels the item should not have been discussed and should have been renoticed if the notice that was sent out had only been for this hearing.

Commissioner Paralusz commented that hopefully any future Commission would not take any actions on an item without adequate notice. She said that although the discussion was fruitful

and the subject case was an unusual situation, she feels the same outcome would have been accomplished if the discussion had been postponed to the next meeting.

H. TENTATIVE AGENDA November 10, 2010

1. 3404 The Strand/3405 Ocean
2. County Bike Path
3. 120 29th Place- Minor Exception/Coastal Development Permit

I. ADJOURNMENT

The meeting was adjourned at 8:15 p.m. to Wednesday, November 10, 2010, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

LAURIE JESTER
Acting Community Development Director