

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MARCH 9, 2011**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 9th day of March, 2011, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Andreani, Fasola, Paralusz, Seville-Jones, Chairman Paralusz
Not Participating: Lesser
Staff Present: Richard Thompson, Director of Community Development
Laurie Jester, Planning Manager
Esteban Danna, Assistant Planner
Recording Secretary, Sarah Boeschen

2. APPROVAL OF MINUTES – February 23, 2011

A motion was MADE and SECONDED (Andreani/Fasola) to **APPROVE** the minutes of February 23, 2011.

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

3. AUDIENCE PARTICIPATION

David Lesser stated that he will be tendering his resignation to the Commission, as he has been elected to serve on the City Council. He thanked the Commissioners and staff and said that it has been an honor to serve on the Commission. The Commission thanked Mr. Lesser for his service.

4. PUBLIC HEARINGS

02/08/11-3 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 2009-1010 Work Plan

Assistant Planner Danna summarized the staff report.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that staff left language in Title 10 in the Code regarding storm water retention features to allow for installing gray water or storm mitigation features. He commented that storm water retention features would be permitted to be installed in the side yard under grade. He indicated that the language would not address the amount of water that is to be retained, but the intent is to allow for the installation of storm water retention devices.

Commissioner Seville-Jones asked about the possibility of providing water budgets rather than limiting the amount of area for high water use landscaping.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna indicated that staff wants to ensure that people are not required to hire a professional landscape designer in order to meet the guidelines. He indicated that staff wanted to allow people to have the option of limiting the amount of area for high water usage landscaping rather than hiring a landscape designer. He stated that staff would have the ability to approve a landscape design that includes over 20 percent of high water usage plants provided that it meets the WUCOLS (Water Use Classifications of Landscape Species) guidelines. He commented that more than 20 percent of high water usage landscaping is allowed if an alternative irrigation system is used.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna stated that requiring that the maximum height limit be maintained if solar panels are installed would prevent people who have existing homes that are built to the height limit from installing solar panels, which would violate the Solar Rights Act.

Commissioner Seville-Jones asked about the possibility of distinguishing between existing homes and new construction.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna indicated that staff wanted to ensure that wind turbines were addressed in the Code so that a policy is in place when inquiries are made about restrictions for such turbines. He said that it would be a discretionary application. He said that turbines would be allowed provided that they are within the building envelope. He commented that they would be subject to restrictions in the Noise Ordinance.

Commissioner Andreani commented that there is an issue as to whether a structure is undergoing a major or minor renovation, as was shown by the project at 3404 The Strand. She said that tearing out and remodeling the entire inside of a structure would seem to be a major renovation. She asked about the definition of the 50 percent valuation rule and the threshold for a project being considered a major rather than minor renovation. She inquired as to the point at which the new sustainable building standards would apply.

In response to a question from Commissioner Andreani, Assistant Planner Danna said that the 50 percent rule is used to determine whether the threshold is reached for a project to be required to conform to current Code standards. He indicated that it is a definition that is used by the Building Department. He stated that the definitions have been used for Title 10 and the Building Code.

Commissioner Andreani said that she feels that using the threshold of over 50 percent valuation to require the standards may not encourage green building.

Assistant Planner Danna said that the 50 percent rule is a consistent threshold that is also used for other regulations. He commented that it would not matter whether a project is above the 50 percent valuation if an applicant is interested in making a project more energy efficient. He said that a project would need to remain under the 50 percent valuation threshold if they do not want to implement the new standards.

Commissioner Fasola said that he was disappointed that the language regarding permeable surfaces has been removed from the proposed standards. He commented that he was surprised that the language regarding permeable surfaces is being moved to the Building Code. He asked whether it was considered to require that a certain percentage of the lot include permeable surfaces rather than requiring that 80 percent of the setback area include permeable surfaces.

Assistant Planner Danna said that it was determined that there could be problems with requiring a certain percentage of the lot to have permeable surfaces. He indicated that staff would rather not include language regarding permeable surfaces in the new standards and have more time to look at issues that could arise with projects that are built using such surfaces. He commented that there is a concern that draining water into small side yards could create settling of the ground and undermining of the foundation of structures.

Commissioner Fasola commented that providing a requirement for permeable surfaces would help to prevent homes from being built to the maximum permitted. He indicated that he would like to see the requirement for permeable surfaces to be included in the Code.

Director Thompson said that there are upcoming new storm water requirements that have been identified by the State which staff wants to integrate with local requirements. He indicated that if the requirements regarding permeable surfaces are included with the proposed standards, there would be an additional set of regulations very soon that would require more changes to the Code.

Commissioner Fasola asked whether there was the possibility of allowing houses that are older to exceed the height limit with solar panels being added but requiring that new homes meet the height limit with solar panels.

Assistant Planner Danna stated that establishing different standards for new and existing homes could result in a property owner building a home and then coming back and asking for the standards for existing homes once the structure is completed.

Director Thompson stated that property owners should not be discouraged from having solar panels if they wish to build to the height limit. He indicated that builders are motivated to build to the maximum height limit, and a property owner who purchases such a home should not be discouraged from adding solar panels.

Commissioner Fasola said that building homes to the maximum permitted prevents changes from being made the property without impacting the neighbors. He said that ensuring that properties are able to be built to the maximum that is allowed does not seem to meet the intent of the proposed standards. He asked whether actual energy usage was addressed as part of the proposed standards. He pointed out that a great deal of water is used for the generation of electric power. He said that addressing water usage for residential properties is only addressing a small portion of total water usage. He indicated that reducing energy usage would be more effective in also reducing water usage.

Assistant Planner Danna said that the intent of the measures is to make incremental changes to help reduce water usage.

Director Thompson commented that there are Building Code amendments that have been adopted by the City Council and incorporated into the Code that address energy use.

Sona Kalapura, the City Environmental Programs Manager, commented that there were recommendations regarding energy use by the Green Building Committee and the Climate Action Committee. She commented that the City has a separate partnership with West Basin and the Metropolitan Water District in attempting to reduce the amount of water that is imported to the City. She said that a great deal of energy is used in bringing water to the City. She indicated that reducing the amount of water that is used to irrigate yards helps to lower the amount that needs to be imported.

Commissioner Fasola indicated that cutting electrical use would greatly help to reduce water usage. He suggested that guidelines be included to help encourage saving electricity.

Ms. Kalapura commented that the new environmental task force is working to design programs to encourage the community to participate in energy conservation.

Commissioner Andreani asked whether the Environmental Task Force considered requiring drip irrigation.

Ms. Kalapura indicated that drip irrigation would not be a requirement but it is an option that residents can use for landscaping. She said that including a drip irrigation system would allow a homeowner to have a larger lawn area.

Commissioner Andreani suggested the possibility of requiring drip irrigation systems for new construction or for reconstruction projects that are over 50 percent valuation. She pointed out that drip irrigation does prevent water from being lost through evaporation.

Director Thompson pointed out that people are including drip irrigation systems on their own without requirements because they save a great deal of money. He commented that the proposal is for minimal standards to be included in the Code; however, the market will have a larger impact in the community in implementing conservation measures. He pointed out that the technology is also constantly changing, which can be difficult to codify in the Code. He commented that the task force currently is working on promoting energy conservation.

Commissioner Andreani said that drip irrigation is a better alternative economically, and it does not seem that making it a requirement would be penalizing residents.

Assistant Planner Danna pointed out that applicants would have the option of limiting high water use plants to 20 percent of the landscaped area or having a larger landscaped area with following the WUCOLS guidelines. He said that the WUCOLS worksheet includes an option for the use of drip irrigation.

In response to a question from Commissioner Fasola, Assistant Planner Danna indicated that the requirement that high water use plants be allowed on a maximum of 20 percent of the total landscaped area would not include the hardscape areas.

Commissioner Fasola commented that less area would be allowed for high water use planting if permeable paving is used for a larger portion of a lot. He said that the intent of saving water does not seem to be met with the proposed standards, as lots that include more planted area would be able to have more area for high water use plants.

Chairperson Paralusz opened the public hearing.

Ms. Kalapura commented that there are prototypes for small wind turbines that are 3 to 4 feet high that would generate sufficient electricity to power a small home office or entertainment center.

Chairperson Paralusz closed the public hearing.

Commissioner Fasola said that he supports green roofs being required to remain within the height limit and likes the language that has been included in the proposed standards.

The Commissioners agreed that they support the suggested language in the draft Code language regarding green roofs.

Commissioner Fasola said that the proposed language penalizes people who use permeable paving or large patio and deck areas by limiting them to less lawn area. He commented that he would suggest including that the amount of high water use plants that are permitted be based on a percentage of the lot size rather than be based on the amount of landscaped area.

Planning Manager Jester stated that landscaping plans do include patios and walkways. She suggested including hardscape areas but excluding driveways in determining the amount of area that would be permitted to have high water use landscaping. She pointed out that driveways are required for access from the street to the garage. She indicated that people should not be penalized for having driveways, which are required. She suggested including language in Item A of Section 10.60.070 to indicate that all site landscaping and planting areas including hardscape areas such as patios, decks and walkways, but excluding driveways, shall be installed in accordance with the standards.

Commissioner Fasola commented that the proposed standards encourage homes that are larger and that use more energy, which is not being addressed. He stated that people should figure out measures to save water on their own rather than having to comply with complicated requirements. He commented that he does not feel the standards should be so cumbersome that people need to hire landscape architects.

Commissioner Seville-Jones commented that the rules are intended to provide minimum standards that are understandable to residents. She said that staff has attempted to incorporate the proposed standards into the existing regulations.

Commissioner Fasola indicated that addressing irrigation is only addressing 20 percent of total water usage, and the standards only address approximately 10 percent.

Commissioner Seville-Jones suggested requiring a height limit of 29 feet for new construction and to allow for a limit of 30 feet if solar panels are used. She commented that solar panels will be used in more projects in the future.

Director Thompson said that implementing a 29 foot height limit for new construction would be a big change to the community. He indicated that a height limit of 30 feet has been used for many years, and an inequity is created when a new height standard is established. He stated that he is not certain if solar panels should drive implementing a change to the height limit.

Commissioner Andreani said that maintaining a 30-foot height limit is consistent with the goal of the General Plan for maintaining low profile development.

Director Thompson pointed out that there are a number of features that are permitted to extend beyond the 30 foot height limit currently, including chimneys. He commented that staff has been experimenting with these requirements for the past two or three years. He indicated that people cannot be prevented from installing solar panels. He said that developers are not interested in including solar panels, but the people who buy the homes once they are built may want to have them installed.

Commissioner Fasola indicated that allowing developers to build to the height limit without planning for solar panels is allowing them to dictate policy. He suggested that a certain percentage of the roof area be required to be below the height limit to allow for solar panels.

Chairperson Paralusz commented that she would have a concern as to whether requiring a percentage of the roof to be below the height limit to accommodate solar panels would comply with the Solar Rights Act.

Commissioner Seville-Jones indicated that she does not believe the Solar Rights Act allows different restrictions on homeowners who wish to install solar panels.

Director Thompson commented that not all homeowners want to place solar panels on the roof, and there have not been many requests for solar panels above the height limit. He stated that staff has not received complaints regarding solar panels being placed on roofs, and furthermore, the beach area is not the best location for solar panels, and there are only a few homes that are utilizing solar panels.

Commissioner Andreani indicated that allowing solar panels to exceed the height limit could result in the height limit basically changing to 31 feet.

Commissioner Fasola said that he understands Director Thompson's point that solar panels are less desirable in the area next to the beach where the views are most critical. He commented that it is not cost efficient to install solar panels on the smaller roofs in the beach area. He commented, however, that there would be a very big impact to the neighbor of the person in the beach area who does decide to install panels.

Commissioner Andreani suggested requiring that new buildings be required to remain within the 30 foot height limit.

Commissioner Seville-Jones indicated that requiring new construction to remain within the 30 foot limit would discourage people from installing solar panels. She pointed out that larger buildings being constructed in place of smaller homes impacts the views of the adjacent residents.

Commissioner Fasola commented that it is critical for homes to have a view over the roofline of the adjacent property.

Director Thompson said that solar panels do not cover the entire roof. He suggested that solar energy systems may not exceed the height by more than 12 inches as specified in the Solar Rights Act.

Assistant Planner Danna suggested requiring the applicant to demonstrate the amount of height up to 12 inches that is needed in order to maintain the state Solar Rights Act requirements for minimum efficiency of the panels.

Director Thompson stated that staff currently is regulating solar panels so that they only exceed the height limit to the minimum amount possible up to 12 inches in order to meet the state required efficiency standard.

Commissioner Andreani suggested requiring that roofs for new construction have a pitch and not be flat.

Director Thompson pointed out that the roofs of structures are never completely at the height limit, as they must have some slope in order to provide for drainage.

Director Thompson suggested adding language to Item D under “Sustainable Development” on page 9 of the draft Code Amendments to read: “Solar energy systems may exceed the maximum permitted height by no more than 12 inches as needed to meet the Solar Rights Act.”

Commissioner Fasola suggested that older homes be allowed to exceed the height limit in order to accommodate solar panels but that new construction not be permitted to exceed the height limit.

Commissioner Seville-Jones said that she is concerned that property owners would not be able to install solar panels on homes that are built to the height limit, which could be in violation of the Solar Rights Act.

Commissioner Seville-Jones commented that she is concerned with wind turbines being installed on roofs that would be visually obtrusive. She suggested that wind turbines be permitted within the building envelope provided that they not exceed the height of the existing structure.

In response to a comment from Commissioner Fasola, Ms. Kalapura indicated that there was an article in the Los Angeles Times about a California State University project regarding energy efficiency which showed that the energy from a wind turbine was not enough to power a light bulb. She said that the article did not indicate the size of the turbine or the number of turbines that were being used.

Commissioner Fasola commented that his understanding is that a large number of turbines are needed in order to generate much power.

Chairperson Paralusz stated that the trend in the Antelope Valley is toward solar farms rather than wind farms because they are more efficient and less expensive to build.

Commissioner Seville-Jones suggested that wind turbines be permitted within the building envelope but not be allowed to extend beyond the height of the existing structure.

Director Thompson commented that the intent of including the language in the standards is to prevent wind turbines from being placed anywhere on the lot.

Commissioner Andreani said that she would support the suggestion of Commissioner Seville-Jones that wind turbines not be allowed to exceed the height of the existing structure.

Commissioner Seville-Jones indicated that she is concerned that the constant movement of the turbines would have a visual impact on the adjacent neighbors.

Chairperson Paralusz commented that wind turbines by definition need to have motion in order to operate. She indicated that placing a screen over the turbine would decrease its efficiency, as the screen would block the wind from reaching the turbine.

Commissioner Seville-Jones stated that it appears wind turbines can only generate a very small amount of energy. She said that the small amount of energy that can be produced by the turbine does not seem enough to warrant allowing the visual pollution in the community.

Chairperson Paralusz said that she would not be willing to prohibit wind turbines entirely.

Commissioner Andreani commented that she is concerned with the language of Item 13 on page 10 of the proposed standards which states: “No lighting shall be placed upon, attached to,

or in any way illuminate a small wind energy system unless required by law. Any required lighting shall be designed and located to reduce impacts to properties in the vicinity to the maximum extent allowed by law as determined by the Community Development Director.” She asked how any impacts from lighting could be mitigated if it were required by law.

Director Thompson indicated that the only lighting that would be required for a wind turbine would be by the Federal Aviation Administration.

Chairperson Paralusz commented that such lighting would not seem necessary if the turbines were required to be in the buildable envelope and not permitted on roofs.

Director Thompson stated that the language of Item 13 basically would specify that turbines may not be illuminated.

Commissioner Fasola suggested that any turbines that would be required to have lighting not be permitted.

In response to a question from Commissioner Seville-Jones, Director Thompson indicated that wind turbines currently would be permitted within the building envelope as an accessory structure. He commented that there currently is no language in the Code prohibiting a turbine within the building envelope from exceeding the height of an existing structure.

Commissioner Seville-Jones said that she feels there would be more justification for allowing turbines if they generated a large enough amount of energy to power an entire home.

Chairperson Paralusz commented that she has a concern with people not being allowed the right to install a wind turbine. She commented that she is concerned with the subjective nature of prohibiting wind turbines.

Commissioner Seville-Jones indicated that she does not feel there is sufficient evidence to justify including language in the Code to permit wind turbines since they would not produce a significant contribution toward energy conservation.

Commissioner Andreani said that she is not certain as to whether wind turbines should be allowed since the evidence shows they do not significantly add to energy efficiency.

Ms. Kalapura pointed out that the smaller wind turbines produce a very small amount of power; however, the larger wind turbines produce more than enough energy to power a home.

Commissioner Seville-Jones pointed out that a large wind turbine would not fit within a building envelope.

Director Thompson indicated that a large wind turbine could be built within the buildable area of a lot if the language as proposed were not included in the standards.

Assistant Planner Danna pointed out that the proposed language would require that any application for a wind turbine be noticed to the adjacent neighbors. He indicated that the Community Development Director has the option to approve the applications or forward the proposal to the Commission for a hearing after any comments from neighbors are received.

Commissioner Seville-Jones commented that she understands the reason for including the language in the proposed standards in order to prevent large turbines from being approved.

Assistant Planner Danna stated that the language of item A of Section 10.60.070 under “General Requirement” would be changed to read: “For new projects, projects over 50 percent in building valuation, or as required by the current California Model Water Efficient Landscape Ordinance, all site landscaping and planting areas including hardscape areas such as patios, decks and walkways but excluding driveways and the footprint of the home, shall be installed in accord with the standards and requirements of this section . . .” He also said that the word “landscaped” would be removed from item 3(a) under “General Requirement” of 10.60.070.

Assistant Planner Danna indicated that the first sentence of Item D under Section 10.60.140 would be changed to read: “Solar energy systems may exceed the maximum permitted height by no more than 12 inches as needed to meet the Solar Rights Act.”

Assistant Planner Danna commented that language would be added that wind energy systems may not exceed the height of a proposed or existing structure.

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **APPROVE** 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, with the amendments as indicated by Assistant Planner Danna.

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

Director Thompson indicated that the item will be presented to the City Council at a future meeting.

Commissioner Fasola commented that the proposed standards do not address the most significant issues regarding energy conservation. He stated that there currently are no green roofs or wind turbines in the City. He said that he also is not in favor of solar panels exceeding the existing height limit.

5. AUDIENCE PARTICIPATION

6. DIRECTORS ITEMS

7. PLANNING COMMISSION ITEMS

Commissioner Seville-Jones stated that she will be on a panel at the meeting of the American Planning Association in Pasadena on Friday, March 11.

8. TENTATIVE AGENDA March 23, 2011

- A. Walgreen- Beer and Wine- 2400 North Sepulveda Boulevard
- B. Hot Doggers- Use Permit for Beer and Wine License and outdoor patios at 1605 North Sepulveda Boulevard

9. ADJOURNMENT

The meeting was adjourned at 8:15 p.m. to Wednesday, March 23, 2011, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director