

**CITY OF MANHATTAN BEACH  
[DRAFT] PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
JANUARY 23, 2013**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 23<sup>rd</sup> day of January, 2013, 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: Gross, Ortmann, Paralusz, Vice-Chairperson Conaway (chairing)  
Absent: Chairperson Andreani  
Staff Present: Richard Thompson, Community Development Director  
Laurie Jester, Planning Manager  
Associate Planner Esteban Danna  
Associate Planner Eric Haaland  
Recording Secretary, Rosemary Lackow

**2. APPROVAL OF MINUTES – December 12, 2012**

Vice-Chairperson Conaway requested that the word “CEQUA” at the bottom of page 8 be revised to read “CEQA”.

A motion was MADE and SECONDED (Paralusz/Gross) to **APPROVE** the minutes of December 12, 2012, as amended.

AYES: Gross, Ortmann, Paralusz, Vice-Chairperson Conaway  
NOES: None  
ABSENT: Chairperson Andreani  
ABSTAIN: None

**3. AUDIENCE PARTICIPATION - None**

**4. GENERAL BUSINESS**

**01/23/13-2. Consideration of the Effectiveness of the Mansionization related zoning Regulations.**

Director Thompson noted that staff is presenting its recommendations on the effectiveness of “mansionization” ordinances, introduced Planning Manager Laurie Jester and noted that Associate Planner Eric Haaland will follow Ms. Jester with a slide presentation to illustrate the staff recommendations and discussion topics.

Planning Manager Jester summarized the staff report, detailing background and technical issues and topics. Planning Manager Jester clarified that this meeting, while not a public hearing, is an opportunity for the Commission to accept public input, discuss any related issues and questions and discuss staff’s recommendations for each mansionization related issue. Staff has notified and invited input from several interested community members, including architects and designers familiar with the zoning codes. Planning Manager Jester concluded by describing the process going forward with the Planning Commission and City Council and explained staff’s recommendation: that the Planning Commission direct staff to initiate a public hearing for Zoning Code Amendments for the following three main topics: 1) Supplemental setbacks (to simplify corner-side requirements); 2) Rear yards (to clarify flexibility for shallow lots); and 3) Open space (to address small units, third stories, and quality open space issues).

Associate Planner Eric Haaland presented several slides with photos of structures. The Commission requested clarification on some issues. In response to a comment from Commissioner Paralusz,

Associate Planner Haaland stated that the presentation would be revised to eliminate a campaign lawn sign visible in one slide. In response to a question from Commissioner Gross, regarding a slide of a home on a corner lot, illustrating supplemental setbacks, Associate Planner Haaland was unsure whether the structure shown exceeded the minimum setback requirement. In response to a question from Commissioner Gross, Associate Planner Haaland indicated that staff has at times seen open space violations, when owners modify their buildings by installing things like shutters or curtains that enclose decks or similar spaces that provide required “open space”.

At this time Vice-Chairperson Conaway invited public comment.

**Jim Fasola** said that he is a local architect and resident and past member of the City’s Mansionization Committee. He expressed the opinion that although a lot has been accomplished, some changes actually increased bulk for homes and the City could go a lot farther. He felt that the open space regulations need the most improvement and correction in order to address bulk/volume impacts and suggested that photos “before and after” be viewed to understand how area qualifies as required “open space”.

In response to a question from Commissioner Paralusz, **Mr. Fasola** indicated he is a former Manhattan Beach Planning Commissioner, and explained an open space code proposal he had made in the past. **Mr. Fasola** stated his proposal was to prohibit solid roofs or surfaces directly over qualifying required open spaces (as is currently allowed). **Mr. Fasola** suggested allowing decks to be covered by open trellises, adding that he felt features that create solid enclosure (such as shutters and curtains), while benefiting occupants of a home, negatively impact neighbors, as the building appears more bulky on the exterior. He felt allowing trellises could also benefit the occupants because by letting in more sunlight areas may be more inviting and therefore, used more.

**Ray Joseph**, resident and local realtor, urged that the Commission consider the ramifications of changing the rules to the effect on the life styles of those living in the structures. He cited examples of how he feels zoning changes have negatively impacted lifestyle including the affect of “ZORP” on beach area half-lots where increased open space reduced the number of bedrooms, and more recent changes that increased second story front yard setbacks, he feels have negatively affected the quality of rear yards. **Mr. Joseph** stated he understood there are trade-offs, but would like to see backyard space encouraged to be quality space, not just front yards. He lives in the beach area and, he believes things like curtains around decks have value as windbreaks, and make decks more enjoyable and useable, and he believes decks should be encouraged to be located at the building ends, not mid-lot where they are so close to another home. **Mr. Joseph** requested that the City consider also: 1) how changes in lot grade may occur over time and the effect on building height, and 2) the City’s tree policies in areas with view corridors.

Seeing no others wishing to speak, Vice-Chairperson Conaway invited Commission discussion.

Commissioner Paralusz asked staff to respond to Mr. Joseph’s comments regarding the City’s policy goals. Director Thompson responded that the policy issue that the City might be pushing buildings towards the rear was expressed at the onset of bulk reduction amendments years ago. Staff tried to demonstrate that in regulating building mass, there is a balance, and there are different perspectives as to the goal to be achieved. Staff has tried to achieve that balance, not to be overly restrictive but still achieving the desired purpose: to reduce front appearing building bulk.

In response to a question from Commissioner Gross, Associate Planner Haaland explained the bulk-volume code amendments. While regulating building design, such as ceiling heights was an early consideration, ultimately the focus was on the front yard setback, and reducing front yard setback to increase the rear yard was not considered.

In response to a question from Commissioner Paralusz, Director Thompson explained that the City does not have a view ordinance. Regarding roof decks, Mr. Thompson explained that the code has been amended to address roof decks for lots with unusually steep slope. Associate Planner Haaland explained that the policy on roof decks was considered during the “ZORP” hearings, but restrictions were kept due to concerns for privacy, possible noise impacts and bulk. The concern was that objects

like umbrellas and other furniture can be placed on roof decks, pushing the envelope of building height and this should be encouraged only at the same level as living area and not on an upper level roof.

Regarding the issue of “the 10% rule” applicable to Minor Exceptions that requires 10% of the building valuation to be retained, and where extensive demolition can occur down to the foundation, Commissioner Gross asked if staff ever considered not counting the foundation in the calculation? Director Thompson responded no, but staff has some ideas and could bring back suggestions and would like to further policy discussion on how to better control demolition. Commissioner Gross commented that his concern is fairness- the house appears new but still retains nonconformity. Director Thompson acknowledged and noted there is a public benefit in that although the nonconformities are not eliminated, the building is kept relatively small. In response to an inquiry from Commissioner Gross about a commercial building, Director Thompson responded that this is a different issue.

In response to a question from Commissioner Gross, who referred to a chart comparing the numbers of Minor Exceptions to new homes, Director Thompson responded that he thinks the policy goal with Minor Exceptions has been met: smaller homes are being retained while being remodeled and enlarged, and further incentives are not needed. Director Thompson indicated also that only a minority of Minor Exceptions are required to be noticed, and in some cases where staff sees there is a possible issue for neighbors, a courtesy notice is provided.

Commissioner Ortmann commented that he thinks staff is doing a great job with Minor Exceptions and remodel/additions, as he is going through the process now and believes the process works. He thinks the issue of open space, however, warrants further discussion as these areas often seem to lack utility.

Commissioner Paralusz commented that she agreed that the Minor Exception ordinance has been effective. She noted that when she compared the numbers of new homes to those of remodel/additions with Minor Exceptions, in particular the numbers for the five year period prior to 2008 with the five years after, she concluded that economy did not have a significant effect. Commissioner Paralusz requested that staff look at and show how some other cities define “open space”.

Vice-Chairperson Conaway agreed examples of open space from other cities would be helpful as well as diagrams especially, 3-D or axonometric, in helping the Commission understand potential impacts of the open space rules. He encouraged staff to notice a wide audience. He noted that it’s possible the mansionization regulations may not be fully tested by the economy, and perhaps not enough progress has been made in mitigating bulk.

Vice-Chairperson Conaway asked for consensus from the Commission as to the topics to be further explored. Commissioner Gross noted he would like the “10% valuation rule”/over-demolition issue further explored and Commissioner Ortmann stated that the open space issues need more analysis and discussion. Commissioner Gross suggested the counting of basements towards the requirement of open space, and the effect of covered open space in mitigating bulk, as topics to be further analyzed.

Director Thompson indicated that he believes he has clear direction and staff would schedule a public hearing to consider possible revisions of the mansionization regulations as suggested in the Staff Report, and including the issue of the “10% rule” and over-demolition. Commissioner Gross further inquired whether the minimum number of required garage parking spaces has ever been considered to be increased beyond three spaces, to which Director Thompson responded yes, but the conclusion was that the owners building large homes have a tendency to add additional garage spaces voluntarily if needed.

01/23/13-3. **Consideration of Code Amendments Regarding Residential Lots with Alley-Access and Alternative-Fuel Vehicle Recharging Systems.**

Community Development Director Thompson introduced Esteban Danna who has been recently promoted to the position of Associate Planner. Director Thompson noted, that like the prior item, this is not a formal public hearing, but a hearing would be scheduled if this is the direction from the Planning Commission.

Associate Planner Danna summarized the staff report stating the proposal for alley-access be expanded to the RS Area District III zones. He noted the recommendation is for the Commission to schedule a public hearing to address both topics.

In response to a question from Commissioner Gross regarding community input, Director Thompson indicated that pressure to locate driveways at the street (lot front) as opposed to rear off the alley, is mostly from developers, but staff suggests that the code, if changed, would build in some discretion for the Community Development Director to determine whether street or alley access could be used, based on criteria written into the code. Director Thompson indicated staff is not recommending any leeway be added for the inland area districts and suggested an example of a determinant criteria might be a utility location.

Associate Planner Danna presented slides showing the maps and photos of the affected lots, informing that an LCP (Local Coastal Program) amendment is not needed because the affected beach area lots are not in the Coastal Zone. Slides of homes in the study area showed impacts to parking and how the lot use patterns at the street front can be interrupted by driveways.

Associate Planner Danna presented the Staff Report.

In response to a question from Commissioner Ortmann, Associate Planner Danna explained that the dimension of 4.5 feet clearance from the floor is required because most car hoods can fit under a projection with this minimum vertical clearance, and post-mounted charging units are not being recommended due to safety issues, and the units can be safely attached to the garage wall.

In response to a question from Commissioner Gross, Associate Planner Danna responded that, based on currently available types of charging units, while it may not seem necessary to restrict the distance a unit can project from a wall, staff believes its necessary to make sure that charging units will not encroach into the minimum 16-foot access opening for a garage door.

In response to a question from Commissioner Gross regarding the driveway access topic, Associate Planner Danna explained that the suggestion is to have the default driveway location be from an alley, but to allow some flexibility by giving staff some discretion in approving some exceptions based on certain criteria, including alternative access for corner lots which may have an alley at the lot's side.

Commissioner Gross noted that while he applauds this concept, his concern is the variety of grounds upon which an exception can be requested and he wondered if the proposed code could be tightened up, perhaps building some weight into the criteria, as opposed to all being equal grounds for appeal. Associate Planner Danna explained that the neighborhood compatibility issue is very important, but a loss of existing parking would also be critical criteria to consider.

Commissioner Paralusz, regarding the driveway access issues, asked if staff could address traffic safety, citing a busier street such as Highland, where high traffic volumes might be considered in granting an exception. Commissioner Paralusz agrees on other issues with her colleagues.

Regarding the car recharging topic, in response to a question from Vice-Chairperson Conaway, who was concerned that regulations may be excessive and therefore discourage consumers, Director Thompson stated that the proposal is to change the code to reflect existing practice and allow more flexibility in the current regulations. Associate Planner Danna added that car charging units are the only electric appliance type of fixture that is currently allowed in this 4.5 clearance area. In response to a follow-up question from Commissioner Gross, Director Thompson indicated restrictions are placed on the location of the charge units out of safety concerns as the chargers involve relatively high voltage. Associate Planner Danna added that the zoning code has standards for projections from garage walls to ensure that car doors can be opened, and this encourages the use of the garage for storing cars.

Vice-Chairperson Conaway stated he had difficulty understanding the purpose of the charging unit regulations, and could use some clarification. Regarding the street-to-alley topic Vice-Chairperson Conaway noted his support, and in response to his question as to why the multi-family beach districts

are not in the proposal, Associate Planner Danna explained that to do so on the small (most 30 feet by 90 feet) lots would result in fully tandem stacked parking layouts and staff did not feel it was appropriate to dictate this design. Vice-Chairperson Conaway requested that staff look at those other zoning districts (RM and RH) as well, that he greatly supports this on the primary basis of addressing neighborhood compatibility, and he is concerned that street fronts of such lots will degrade further. Director Thompson responded that exceptions are proposed because there are some lots where alley access just may not be physically possible due to unusual topography and there are also some streets where the pattern of driveways in front does work, concluding that decisions should be made on a case by case basis.

Vice-Chairperson Conaway invited public comment.

**Mark Lipps**, a resident, spoke regarding the street-to-alley issue and asked if requiring driveways at the rear alley might raise personal safety concerns.

**Ray Joseph**, resident and local realtor, noted concern regarding the street-to-alley issue in that in many cases in the beach area, by locating garages in the rear, the use of the rear yard would be lost and an odd floor plan would result. Also in the tree section, the effect of the driveway in the back is that rear yard area is lost. For upward sloping lots, it is natural to tuck a garage into the bottom of the slope which would be at the street front. Regarding the other topic regarding car charging units, Mr. Joseph indicated he would like to place a charging unit in the ceiling area, and pull down the charging cord, if this is possible.

**5. DIRECTOR'S ITEMS - None**

**6. PLANNING COMMISSION ITEMS**

Commissioner Gross asked if staff could include copies of power point presentations in their packets in advance, to which Director Thompson indicated that this wasn't possible because the presentations are not finalized until after the packets are distributed. Commissioner Paralusz indicated that even if the copies could be provided at or after the meeting, this would be desirable.

**7. TENTATIVE AGENDA**

Director Thompson reported the following in response to inquiries from the Planning Commissioners:

- On February 13<sup>th</sup>, the agenda will include an appeal for 301 25<sup>th</sup> Street regarding the lot corner elevations used to calculate building height.
- Manhattan Village Shopping Center project: the EIR is almost finished, and the hearing may be scheduled for February 27<sup>th</sup>, or at a meeting in March. There has been some movement by the applicant on the corner design at Sepulveda/Rosecrans, however there is nothing specific to mention at this time.
- Civic Center Library: the City is waiting on the Board of Supervisors, and this item may be brought to the Commission in March.
- "Rite Aid lot" at the south east corner of Sepulveda/Manhattan Beach Boulevard: Rite Aid is the owner and as such the City can't do anything until the owner decides to develop it.
- Status of joint City Council and Planning Commission meeting: The City Council will schedule soon after a new council is elected in March.

**8. ADJOURNMENT**

The meeting was adjourned at 9:00 p.m. to Wednesday, February 13 2013, in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW  
Recording Secretary

ATTEST:

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RICHARD THOMPSON  
Community Development Director