

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MAY 8, 2013**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 8th day of May, 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: Conaway, Gross, Ortmann, Paralusz, Chairperson Andreani
Absent: None
Staff Present: Richard Thompson, Community Development Director
Esteban Danna, Associate Planner
Eric Haaland, Associate Planner
Rosemary Lackow, Recording Secretary,

2. APPROVAL OF MINUTES – April 24, 2013

The following amendments were made by the Commission:

Commissioner Gross: Page 2, first paragraph for Manhattan Village public hearing, strike “announced” after “noted”. Page 5, third paragraph from the top, strike “live within 2 miles of the center” and replace with “come from Manhattan Beach, Hermosa Beach, and Redondo Beach”. Page 5, 6th paragraph beginning “Commissioner Gross asked...”, in line 1, strike “on pages 20-21 of the” and on line 4, after the sentence ending in “EIR” insert the following sentence: “Commissioner Gross and Ms. Eyestone-Jones referred to pages 20-21 of the Final EIR that reflected this conclusion in summary form. These show most categories have no impact and the remainder have no impact after the designated mitigation.” On Page 5, in the last paragraph, second line, insert “needed” at the end of the sentence after “parking spaces”. Page 6, in testimony of Brandon Taylor, second line, insert “that Commissioner Gross mentioned” after “Commission” and before “but”. On page 7, first paragraph in testimony of Jim O’Callaghan, insert “and needs the improved mall” at the end after “annually”. On Page 8, fourth paragraph, line 4, strike “s” at the end of “supports”.

Commissioner Andreani: Page 4: third paragraph, insert “in Los Angeles” after “Grove”. On page 7, paragraph 1, in line 2: after “suggested that” insert “parking and the parking structures be used as” and replace “should” with “to”.

Commissioner Ortmann: Page 8, 4th paragraph, revise the last sentence to read: “However, he is also interested in finding out what other communities do with respect to maximum parking ordinances.”

Chairperson Conaway: Page 6, in the testimony of Chris Prodromides, insert “Krigsman” after “Mark”

A motion was MADE and SECONDED (Paralusz / Ortmann) to **APPROVE** the minutes of April 24, 2013, as amended.

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

3. AUDIENCE PARTICIPATION - None

4. PUBLIC HEARING

05/08/13-2. Consideration of a Coastal Development Permit and Minor Exception to Allow an Addition to an Existing Duplex at 2808 The Strand. (Nathan)

Associate Planner Esteban Danna, made a power point presentation summarizing the Staff Report.

In response to a question from Commissioner Gross, Mr. Danna explained that this case, including the Minor Exception, requires a public hearing only because it is located within the coastal zone's "appealable area."

In response to an inquiry from Commissioner Andreani, Associate Planner Danna clarified the site's existing nonconformities, including the sideyard chimney, the front setback (by a few inches), and balconies that extend across the entire front at the second and third levels for Unit 2. Mr. Danna explained that in the zoning code, the "50% rule" exempts nonconforming chimneys and therefore the chimney is not part of the scope of the Minor Exception. The retention of the nonconforming balconies triggers the Minor Exception. Commissioner Andreani observed that, based on the submitted floor plans, it appears there is potential for the duplex to be converted to a single home to which Mr. Danna responded that Staff's main planning concern in such situations is whether there would be an increase in the number of units, and this would not be the case in this application.

There being no other questions of staff, Chairperson Conaway invited the applicant to address the Commission.

James Myer, project architect, stated that the project is an existing duplex with several nonconformities, especially the rear unit, and their objective was to update the duplex, while eliminating as much nonconformity as possible and practical. In doing so, it was necessary to demolish the entire rear building. There are several positive aspects including: parking and rear and side setbacks will become conforming; a wonderful outdoor courtyard will be retained; and overall the project is well below the maximum allowed square footage. He hoped the Commission will support the project.

Public Hearing

There being no questions of the applicant, Chairperson Conaway opened the public hearing.

There being no members of the public wishing to speak, Chairperson Conaway closed the public hearing.

Commission Discussion

Commissioner Ortmann stated he thinks the applicant and architect have done a nice job, they will be retaining existing architecture and have attempted to remedy problems to the maximum extent they can and therefore he supports the project.

Commissioner Andreani noted she also supports the project but questioned that the project is consistent with the primary intent of Minor Exceptions. She noted that the purpose of the Minor Exception code is to encourage retention of smaller structures, and she is not sure this proposal qualifies as such. Commissioner Andreani also noted her concern with the fact that the upper nonconforming balconies will be retained, however when looking at the project details, she supports because the overall size of the project doesn't come close to the maximum allowed square footage.

Commissioner Paralusz stated that she looks at this differently in that what is proposed would be only be 61% of the allowable and she believes that this meets the intent of the Minor Exception ordinance. She is comfortable that the project is consistent with the General Plan and believes this is the kind of project for which the Minor Exception provision was designed.

Commissioner Gross stated that after going through the numerous mansionization meetings he thinks this case is completely in line with those meetings and intent. This is actually a reduction in square footage from the existing structures, retains a lot of good features, will fit into the neighborhood, and mainly is a lot

less square footage than what could be built and therefore he supports the project.

Commissioner Conaway also believes he can make the findings for approval, and supports, noting this is an unusual case where the applicant is actually reducing building square footage.

Commission Action

A motion was MADE and SECONDED (Paralusz / Andreani) to **APPROVE** the subject application at 2808 The Strand per the draft Resolution,

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

Director Thompson announced a 15-day appeal period, and that this decision will be forwarded to the City Council on its consent calendar for its meeting on June 4th with a recommendation to “Receive and File”.

05/08/13-3. Consideration of a Master Use Permit for the Establishment of a Shared Parking Program that Would Allow a New Medical Office Use in an Existing Commercial Center Located at 1751 Artesia Boulevard. (David Hidalgo Architects Inc.)

Associate Planner Eric Haaland made a Power Point presentation summarizing the Staff Report.

In response to a question from Commissioner Andreani regarding the long term occupancy parking demand and how that will be checked and controlled in the future, especially being near a child care facility and alcohol consumption, Mr. Haaland pointed out that a Use Permit amendment would be required if Ameci’s or any other tenant space were to propose to add alcohol service.

In response to a question from Commissioner Gross, Mr. Haaland explained there is no existing Use Permit for this center, so this is the first Master Use Permit for the site and is only before the Planning Commission now because of the shared parking which triggered the Use Permit requirement. Such a parking provision cannot be approved administratively.

In response to a question from Commissioner Andreani, whether a condition should be included to address hazardous waste disposal which may be needed for a medical use, Mr. Haaland noted that such a condition is not needed because this is regulated and controlled by other codes and regulations.

In response to a question from Commissioner Conaway, Mr. Haaland confirmed that all six proposed conditions by the City’s Traffic Engineer, who reviewed the submitted parking demand study, have been incorporated in the draft resolution.

In response to a question from Commissioner Ortmann, Mr. Haaland explained that the trigger for a Use Permit application is that a new use is proposed in a space that has a higher parking requirement than the prior use and the total proposed number of total parking spaces is less than the total required for all the uses.

Chairperson Conaway invited the applicant to address the Planning Commission.

David Hidalgo, project architect, noted that this has been a difficult situation as they have a tenant space that has been vacant for two years. Mr. Hidalgo stated he has some questions that arose after receiving the staff report and has not had an opportunity to discuss with Staff. The Traffic Engineer who prepared the parking study will address a question regarding condition 2, and would like clarification on other conditions.

Chairperson Conaway suggested that Mr. Hidalgo incorporate his questions in his presentation, and then the Commission will proceed with the hearing.

David Hidalgo requested clarification as to whether a Traffic Management Plan and landscaping improvements apply to a single tenant improvement as is proposed (Conditions 3 and 5). He believes that security lighting will be provided (Condition 6), but is unsure if improvements are really needed for trash enclosures (Condition 7). He noted that the requirement for bike parking is new to him, but would comply (Condition 8). Mr. Hidalgo also asked for clarification as to whether his client would be responsible for a Sign Program for the entire center or just the new tenant space (Condition 10).

Clare Look-Jaeger, P.E. with Linscott, Law, & Greenspan, Engineers, 600 So Lake Avenue, Pasadena 91106, summarized the parking analysis and methodology. Ms. Look-Jaeger noted that each of the tenant spaces has a 5 space per /1000 (1 space/ 200 square feet) code requirement, but based on their study, the peak parking demand is actually 2.88 per thousand square feet. The Parking analysis also looked at a future condition with occupancy of the vacant space, using the ULI Shared Parking manual, and analyzing for possible medical, general office, retail, personal improvement and personal services uses. For all of these uses, the total demand would still be less than the existing total supply.

In response to a question from Commissioner Gross, Ms. Look-Jaeger stated that, being that the parking demand ratio was determined to be less than 3 spaces per thousand, a limit for all retail should be removed because the real concern for parking is the restaurant use, which is prohibit in Condition 2. The food and beverage retail should not be regulated, and lastly, Ms. Look-Jaeger explained that to make the analysis more conservative, a 20% contingency factor was applied to the parking survey data to account for daily and seasonal fluctuations in the existing parking demand.

In response to a request by Chairperson Conaway for clarification, Mr. Haaland stated that Staff has not proposed a limit on retail space or personal services, but there is a proposed maximum for office, food and beverage sales, and personal improvement uses space, and the project parking study is the main tool to address the parking for the site.

Commissioner Ortmann stated that he doesn't understand the issues of the applicant. In response to a question from Commissioner Ortmann, Director Thompson stated that Staff is comfortable that they are on the same page as the applicant and that the proposed Resolution conditions are standard for a Master Use Permit, and the applicant will need to comply with the sign code, submit a master sign plan, and comply with landscaping per the code.

Public Hearing

There being no further questions of staff, Chairperson Conaway opened the public hearing.

Russel Tyner, owner of Beach Babies Day Care, has no issue with the parking concern and with general with medical office, but concern is mainly if the permit would be open ended for medical clinics such as for pain management or behavioral/psychological treatment. He has less concern that there would be a parking problem, although he acknowledged in the past with a former karate school tenant there was a parking issue; however, that use is now gone.

There being no other speakers, Chairman Conaway closed the public hearing.

COMMISSION DISCUSSION

Commissioner Paralusz received clarification that Mr. Tyner's concerns were primarily for medical uses relating to for treatment of pain and behavior, and it was noted that the City code does not permit medical marijuana clinic.

Commission Gross stated he shared this concern about medical office use.

Commissioner Andreani noted that it didn't seem that parking is an issue with a regular medical office, and doesn't interpret the proposed condition to limit retail. Commissioner Andreani's main concern is

regarding alcohol sales, whether on or off-site; being that this center is so near a child care center. She believes this can be approved, if the issue of medical uses can be resolved.

In response to a question from Commissioner Andreani, Director Thompson explained that alcohol sales on or off-premise would require an amendment to the Use Permit and a public hearing.

In response to a request for clarification from Chairperson Conaway regarding proposed condition number 2, Associate Planner Haaland stated that on-site alcohol consumption as with a restaurant is explicitly prohibited, and that with food and beverage sales, it is required that beverages sold will be consumed off premise.

Commissioner Gross stated that he appreciates the applicant concerns, but emphasized that a Master Use Permit provides a benefit to the property owner because it authorizes a certain variety of uses, and the owner may be able to avoid coming back to the City again in the future for new uses if they conform to those approved uses.

Commissioner Paralusz stated that she supports the resolution as it stands.

Re-Opened Public Hearing

Chairperson Conaway re-opened public hearing and invited the applicant to address the Planning Commission.

David Hidalgo stated his concerns that: condition 2 of the draft resolution is limited along with general office to 3,000 square feet, which he objects to; regarding signs, he has concern that the requirement for a sign program goes beyond the scope of the signage for only the vacant tenant space.

Clare Look-Jaeger expressed her concern with condition 2, that with the limitation of 3,000 square feet of office, the owner would be restricted in the amount of retail space that can be converted to office use and she objects to this because she feels that the parking supply would be adequate for 100% office uses in the center.

In response to a request from the Commission, Director Thompson indicated Staff's intent to support the application, but not to allow more expansion of medical offices in an uncontrolled manner and further emphasized that retail is the more desirable use for the City.

Chairperson Conaway closed the public hearing.

Director Thompson suggested that the public hearing be continued to allow the applicant to work with Staff.

Commission Action

Chairperson Conaway re-opened the public hearing and subsequently a motion was MADE and SECONDED (Ortmann / Paralusz) to **CONTINUE** the public hearing to June 12, 2013.

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

05/08/13-4. Consideration of Amendment to Title 10 Planning and Zoning of Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Site Areas, Required Alley Access, and Alternative Fuel Vehicle Charger Locations.

Community Development Director Thompson made introductory remarks, noting that this is a continued hearing and Staff has prepared a draft resolution in response to direction from the Planning Commission.

Associate Planner Haaland made a Power Point presentation, summarizing the Staff Report and showing several slides to illustrate proposed code amendments.

In response to an inquiry from Commissioner Gross, Director Thompson indicated that the Commission has the authority to recommend that guard rails on required open space areas be of an open design but suggested that the Commission proceed carefully in requiring such design mandates.

Commissioner Paralusz thanked staff for providing photos, and that they were very helpful.

Commissioner Ortmann raised the question: what is the problem they are trying to solve – is it more about open space or bulk/volume? In response, Director Thompson stated that Staff believes that a lot has already been accomplished in mitigating bulk and is working well, but it was not anticipated that so many open spaces would be converted to more private space with enclosures. In this hearing, the purpose is to address this conversion issue with open space as well as determine how well the bulk / volume measures are working. Mr. Thompson concluded that the amendments will change design of buildings and each time the code is amended, a new set of nonconformities will be created.

Commissioner Andreani expressed concern about adding approval criteria about neighborhood compatibility pertaining to alley access, in that sometimes she feels compatibility can have a bad result. In response to her request to Staff as to their opinion about this, Director Thompson stated planners like the term “neighborhood compatibility” because it measures a consistency of some condition that the neighborhood may want to promote.

Chairperson Conaway stated he has 4 questions: 1) regarding open space and illegal enclosing: have we made it illegal to not hang drapes or anything else that has the effect of closing off the open space, and if not, should we make it clear in the open space definition that such additions would be illegal? In response, Associate Planner Haaland stated that he felt it was not necessary to add such language in the code, that the code currently prohibits obstructions of all kinds within required open space areas; 2) regarding calculating 50% openness for trellises: how should we review this calculation? In response, Associate Planner Haaland stated that other cities have similar coverage rules without explicit details on how to calculate this, but Staff definitely would not allow coverage area to be piecemealed throughout the overall area to pass the open test; 3) in the same open space definition section why does Staff feel it’s important to provide an exception for a 1-foot roof eave? In response, Associate Planner Haaland stated this is because Staff does not want to discourage architectural elements, like cornices and eaves; 4) in the calculation of demolition that is allowed in order to be eligible for a Minor Exception, do most projects have detailed calculations? Mr. Haaland responded affirmatively, the calculation can get very detailed when the issue of demolition becomes a critical factor and this is commonly determined by the city plan check engineers.

Public Hearing

No further questions of staff, Chairperson Conaway opened the public hearing.

Steve DeBaets, spoke about corner lots and urged the Commission to consider allowing corner lots to return back to the 6% requirement like interior lots out of fairness and in the spirit of the mansionization mitigation measures that have been implemented and he believes that corner lots are penalized by having a reduced amount of area that they can build in.

Jim Fasola, thinks planning has done a real good job in distilling issues and solutions and thinks this proposal is a step in the right direction, there seems to be enough flexibility in the Resolution to give the Community Development Director the ability to apply the code.

Chairperson Conaway closed the public hearing.

Commission Discussion

Conaway summarized the main unresolved issues that staff has presented, and noted that some commissioners want to speak on the alley access issue and the Director's exceptions, and summarized previously resolved issues.

The Commission consensus was to go through each unresolved issue, one-by one.

1. Minor Exceptions (degree of demolition for eligibility for a Minor Exception): Commissioner Paralusz feels that the staff proposal to count the 10% above the ground level will go a long way in addressing concerns of citizens and does not feel any changes to the proposal are needed. In response to an inquiry from Commissioner Gross, Mr. Thompson indicated that he was not aware of any projects that would be significantly affected by this proposal. Commissioner Andreani stated she thinks 10% still sounds low, but is interested in knowing if this can be further clarified to be 10% of the existing gross floor area structure (and does not count only the foundation)? Mr. Thompson indicated that regarding the percentage, people need to know that there is a big trade-off in applying for a Minor Exception, and it was further clarified that counting the 10% would begin by counting the walls above the floor. Commissioner Ortmann stated he is comfortable if staff believes this meets the intent and is workable. He shares Commissioner Andreani's concern that maybe 10% is low, but can support if this works as a tradeoff.

Chairperson Conaway stated he is comfortable with how this is worded, but points out inconsistencies in the wording on pages 4 and 5. Staff confirmed that the language on page 5 is correct and will be retained while the inconsistent language on page 4 will be deleted (but the separate adjacent table will remain).

Commissioner Gross stated he is persuaded that this will help the problem of over-demolition and won't stop any projects and therefore will support this amendment.

2. Minor Exception 8% corner lot issue:

Commissioner Ortmann stated he thinks that there is some intrinsic value to corner lots that interior lots don't have and he is comfortable with the proposal to not change the requirement. Commissioner Andreani stated she agrees that there are other advantages for corner lots and is also fine with leaving this alone as now proposed by Staff. Commissioner Gross agreed with Commissioner Andreani. Commissioner Paralusz concurred in supporting the Staff proposal. Chairperson Conaway also joined in his support for the Staff proposal of no change at this time leaving the requirement at 8% for corner lots.

3. Usable open space: Commissioner Paralusz stated this is one of the issues of the most importance and effect and doesn't believe you can separate out bulk/volume from the open space issue and doesn't think any changes should be made from what is being proposed by staff. Perhaps, though it would be appropriate to modify by stating "no obstructions permanent or temporary". Commissioner Gross raised the question as to whether we want to not be so restrictive with respect to overhead coverage on lower cantilevered decks which he feels intrinsically look more open. He feels that this may be appropriate if the objective is to address bulk/volume concerns. He also raised the question whether open space guard rails should be required to be open.

Commissioner Paralusz stated she is not in favor of changing the 50% covering requirement and also is not comfortable in dictating design of private use guard rails as she feels requiring openness would be as such. Commissioner Andreani feels that the staff proposal is workable and has concerns of being more restrictive with design, and likes the way the amendment is currently written. Commissioner Ortmann stated that anything we can do to encourage visually open outdoor space is good as this addresses massing and adds open space as long as it doesn't result in an unintended consequence of encouraging people to close space off more, because the rules have become too onerous. Commissioner Andreani clarified that the Commission has discussed the idea of the Director having discretion in zoning issues, and thinks this ordinance is worded well in that respect. One concern Chairperson Conaway does have is the removable obstruction issue and he likes Commissioner Paralusz's suggestion to add "permanent or temporary" to the definition.

In response to the Chair's request to discuss the suggestion for addressing open or transparent guard rails, Commissioners Ortmann and Paralusz stated that they are not in support. Commissioner Gross noted that he is suggesting an exception for cantilevered lower decks, because he thinks buildable floor area is going to be affected and there will be push back on this, and this would address that. After further brief

discussion, in which it was noted that very little public input has been received on this, there was consensus to not include such an exception for cantilevered decks, but it was agreed to include Commissioner Paralusz's suggestion to add a phrase that there shall be no obstructions "temporary or permanent" in the definition of Usable Open Space.

Commissioner Gross suggested adding the word "well" after "enlarged" in the purpose statement in paragraph H. on page 2 of the resolution relating to the Minor Exceptions for retaining small nonconforming structures.

Chairperson Conaway summarized the items that needed direction from the Commission and invited discussion.

1. Regarding the suggestion to amend the purpose statement of the Minor Exception by adding the word "well": Commissioner Ortmann and Paralusz stated that they felt this would be too subjective and Commissioner Andreani agreed, and it was the consensus to support the definition as proposed by Staff with no change. Commissioner Gross withdrew his suggestion.

2. Alley access (Page 3, Q. and F.) Commissioner Gross stated that he realizes there is a trade-off and with this ordinance they would be adding areas of required alley access that were not formerly covered, and this is a big gain. In response to a question about how the other alley areas are required, Director Thompson indicated that in other areas it is currently a requirement to provide access from the alley, and there is no compatibility clause or discretion provided for the Director. Commissioner Gross stated his agreement that alleys should be used for garage access with an exception for unusual physical characteristics and this position is out of concern especially for those situations where only 2 of 8 lots in a block currently have street access and further, that giving some wiggle room to allow more street access, could lead to an incremental increase in the number of street access homes, creating a pattern or trend in an undesirable direction.

Commissioner Andreani noted her concern that requiring alley access in AD III could create difficulties for some lots, but this concern was alleviated when reminded that this would only apply to RS and not RM/RH multi-family zones. Commissioners Paralusz and Ortmann stated no objections to the way that the staff proposal reads. Chairperson Conaway explained he feels very passionately about this issue and would go so far as to strike the compatibility clause. Chairperson Conaway explained his own street is a mix of alley and street garage access and yet he can see clearly that those streets that use the alley for access gain much benefit. He feels strongly that alley access should be required in all cases because the potential benefit is so great. Commissioner Gross asked for clarification, and Director Thompson affirmed that the way it is currently worded, one must use the alley, unless the Director allows an exception, under certain circumstances. Chairperson Conaway noted that over time the pattern for street access could reverse but in his opinion, the number of street access situations should not be increased. Commissioner Andreani restated her opinion that this may be the case where in the spirit of neighborhood compatibility, an exception is allowed, but if it has the potential to turn out badly, the City should guard against such. Commissioner Paralusz, in acknowledging the long term potential for a neighborhood, would favor striking the compatibility paragraph and a consensus was reached to strike this clause.

Chairperson Conaway stated that the vehicle charging proposal is a prior resolved issue, and summarized the decisions made tonight regarding the draft resolution as follows: 1) The words "temporary or permanent" are to be incorporated into the definition of usable open space on page 2 (prohibition of obstruction); 2) the purpose statement for Minor Exceptions on page 2 is to be left unchanged; 3) the compatibility clause for alley access in RS zones in Area District III is to be struck (Paragraphs Q. and F. on page 3), and; 4) the incorrect version of paragraph 3 on page 4 is to be struck.

Commission Action

A motion was subsequently MADE and SECONDED (Gross / Paralusz) to **ADOPT** the proposed Resolution as amended, recommending approval of the subject zoning code amendments.

AYES: Andreani, Gross, Ortmann, Paralusz, Chairperson Conaway

NOES: None

ABSENT: None
ABSTAIN: None

Director Thompson announced that the Planning Commission's recommendation item will be scheduled for public hearing before the City Council at a future date.

5. PLANNING COMMISSION ITEMS

Commissioner Paralusz announced that this Saturday starting at 11:00 a.m., is the Annual Police and Fire Open House and everyone is encouraged to come and meet the Police and Fire Department employees.

Commissioner Andreani asked for clarification as to the outcome regarding the Commission's concerns about mansionization, at the joint meeting with the City. Director Thompson stated that the City Council consensus was to discuss this in their strategic planning meetings.

6. TENTATIVE AGENDA - May 22

- a. Manhattan Village Shopping Center Enhancement Project

7. ADJOURNMENT

The meeting was adjourned at 9:40 p.m. to Wednesday, May 22, 2013, in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director