

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JULY 10, 2013**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 10th day of July, 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: Andreani, Gross, Paralusz, Chairperson Conaway
Absent: Ortmann
Staff Present: Laurie Jester, Planning Manager
Esteban Danna, Associate Planner
Recording Secretary, Rosemary Lackow

2. APPROVAL OF MINUTES – June 26, 2013

Chairperson Conaway noted that there was an issue with the minutes in that a portion was missing and suggested that the approval of the June 26th minutes be tabled to the next meeting in July.

A motion was **MADE** and **SECONDED** (Paralusz/Gross) to **TABLE** the approval of the minutes of June 26, 2013 until the July 24 Planning Commission meeting.

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

3. AUDIENCE PARTICIPATION

Susan Saroian, 221 11th Street property owner, requested information to assist her in resolving a bill for public sidewalk repair she recently received from the City.

Chairperson Conaway deferred to Planning Manager Jester, who explained that public sidewalk repair is not regulated by the Zoning Ordinance and therefore this is not within the purview of the Planning Commission but she would give Ms. Saroian the contact information for an employee in the Public Works Department who would be able to assist.

4. PUBLIC HEARING

07/10/13-1. Consideration of a Coastal Development Permit and Minor Exception to Allow an Addition and Remodel to an Existing Duplex and Conversion to a Single Family Residence at 121-20th Street. (Plache)

Chairperson Conaway announced the hearing application and invited Staff to present a Staff Report.

Planning Manager Jester made introductory remarks noting that this project requires a public hearing due to its location within the Coastal Zone “appealable area” and introduced Associate

Planner Esteban Danna who gave a detailed Staff Report, noting that the Staff recommendation is to approve the project and adopt the proposed draft Resolution.

In response to a question from Commissioner Paralusz, Associate Planner Danna confirmed that if this project would not have been in the appealable area of the Coastal Zone, it would have been handled administratively, without a public hearing, and Staff would have approved it.

In response to a question from Commissioner Gross, Associate Planner Danna explained that the public hearing is triggered by the Minor Exception and the Minor Exception is required because a front building wall that projects into the front setback will be maintained as nonconforming and new square footage will be added at the second story that will match the first story front yard nonconformity. In response to another question from Commissioner Gross, Associate Planner Danna explained that the Minor Exception regulations do not absolutely prohibit similar additions in nonconforming side yards, however sometimes the application of building code standards prohibits such projects.

Associate Planner Danna responded to two more questions from Commissioner Gross relating to two sections of the proposed draft Resolution, Sections J.9 on page 3 and J.2.c on page 2. Mr. Danna confirmed that the applicant, who is proposing to build considerably less than otherwise allowed by the code, would, in the future be able to apply for one or more additional Minor Exceptions if they wanted to further add on over the garage or a third story, without eliminating the nonconforming front yard setback. However, future Minor Exception applications would need to comply with all the applicable criteria and grounds for approval, including the J.9 and J.2.c sections that were cited by Commissioner Gross. Mr. Danna further explained that one of these criteria is that the total building square footage shall not exceed 66 percent of the total allowed floor area.

Planning Manager Jester added that the intent of Section J.9, which is the actual wording of the Minor Exception Code, is to preclude property owners from making major additions to nonconforming structures over time, in a piecemeal way which would circumvent the intent of the Minor Exception Ordinance.

Associate Planner Danna responded to Commission Gross additionally that the Minor Exception is what triggered the Coastal Permit hearing. The Minor Exception is triggered as a result of the applicant's proposal to structurally alter the nonconforming front building wall. If the nonconformity was in the side yard and it was an area that did not require structural alteration, then a hearing may have been avoided.

Commissioner Paralusz stated that she found J.9 as written to be confusing and suggests that the wording be clarified.

PUBLIC HEARING

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

Jessica Farinacci, Tomaro Design Group, and project designer, stated they met with the immediate neighbors to learn of any concerns and the neighbors were satisfied with the project. In meeting with the City, the designers were advised to eliminate a proposed overhang at the second story and this change was made to make the project more aesthetically pleasing.

Stephen Plache, applicant and owner, has owned the property since 2006 and their project is prompted by their growing family and need for more space. He thanked the Commission for their consideration. He feels that the project will be a marked improvement and as asset to the community.

There being no further public speakers, Chairperson Conaway closed the public hearing.

COMMISSION DISCUSSION

Commissioner Andreani stated that she likes the project in that it will complement the neighborhood and she believes that the nonconformity that will remain is a minimal issue. She believes that the language of J.9 in the Resolution is well stated to prevent piecemealing and likes the project's lower profile in that it will be only two stories. In conclusion she supports the project because it meets all the criteria of the Minor Exception Code, the coastal regulations and all land use goals.

Commissioner Paralusz stated she will vote to approve the application in that it is a perfect example of the Minor Exception Ordinance working and appreciates that the site will not be scraped and built out to three stories and the maximum allowed floor area. She also noted that the project will be consistent with the surrounding neighborhood without detrimental impacts and satisfies all criteria of the Minor Exception code, the General Plan, and the Local Coastal Program. However she finds the wording of Section J.9 confusing and suggested replacement language. Planning Manager Jester advised that this particular provision in the Resolution, being language directly from the Code, could not be changed, but the Commission could add another finding to expand and clarify J.9. Commissioner Paralusz subsequently withdrew her suggestion, recognizing that the hearing record, including minutes would clarify the intent of this approval in the future.

Commissioner Gross stated his support for the project and believes it is very modest. For the record he noted that the applicants can apply for additional Minor Exceptions to further add on, provided a future project meets all code requirements.

Chairperson Conaway thanked the Staff for a clear and concise presentation, and joined his fellow Commissioners in supporting the project for the same reasons and gave best wishes to the applicants.

ACTION

A motion was MADE and SECONDED (Andreani/Paralusz) to **APPROVE** the Coastal Development Permit and Minor Exception to allow an addition and remodel to an existing duplex and conversion to a Single Family Residence at 121-20th Street.

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

Planning Manager Jester announced that the Resolution is adopted and will be on the Receive and File portion of the City Council agenda on August 6 unless appealed.

5. DIRECTOR'S ITEMS

Planning Manager Jester confirmed that the continued public hearing for the Manhattan Village Shopping Center will be on the July 24th agenda along with the Capital Improvement Program.

6. PLANNING COMMISSION ITEMS

Commissioner Gross disclosed and apologized that he inadvertently failed to disclose at the June 26th Planning Commission Manhattan Village hearing, that in the days preceding the hearing, he had taken a call from Mark English, of RREEF. Their conversation was limited to the upcoming hearing process and facilitating the hearing process, and they did not discuss the application and merits of the project.

Commissioner Andreani noted that she is familiar with Ms. Saroian's property on 11th Street and the sidewalk, which was the subject of comments received earlier. Commissioner Andreani asked whether the fact that this property is adjacent to a commercial property might be a factor in resolving this matter. Planning Manager Jester stated that the Public Works Department would need to address Ms. Saroian's questions but she will ensure that Ms. Saroian gets the name of an appropriate City contact.

Commissioner Paralusz stated that it appears that demolition of the Civic Center Library is imminent as protective fencing has been installed. Planning Manager Jester provided a brief update, stating that two public parking lots are now closed as they are needed for construction staging, and on Tuesdays, parking will be tight, as some public parking spaces on 13th Street will be reserved for vendor parking during the market.

Chairperson Conaway noted that the Bookmobile and Story Time programs are up and running and inquired if there will be a groundbreaking ceremony for the new Library. Planning Manager Jester responded that she was not aware of such, but that she will inquire with the Public Works Department and advise the Commission.

Commissioner Paralusz noted that the Library's Pajamarama program is continuing, relocated to Pages Bookstore. This event is held on Monday nights, from 7 to 8 p.m. and the next one will be held July 15th. If interested, the Librarian will take your email address and send updates about this program.

Commissioner Gross commented that he encourages Staff to come to agreement with the applicant with all conditions at the next public hearing as he feels it is not appropriate for the Commission to be in the middle of negotiations in the public hearing. Planning Manager Jester responded that Staff is making a great effort to work with the applicant to narrow down the disagreements but, given the size of the project, she believes it is unrealistic that there will be 100% agreement going into the next hearing.

Commissioner Paralusz stated her opinion that it is the Commission's job and goal to get to a vote on the project, and urged any persons interested in the mall project to attend the July 24th Planning Commission as there may be a final vote on the project on that date.

7. TENTATIVE AGENDA - July 24, 2013

- a. Capital Improvement Plan (CIP) – Consistency for Fiscal Year 2013-2014
- b. Manhattan Village Enhancement Project – Continued Public Hearing

8. ADJOURNMENT

The meeting was adjourned at 7:10 p.m. to Wednesday, July 24, 2013, in the City Council Chambers, City Hall, 1400 Highland Avenue

ROSEMARY LACKOW
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director