

**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MARCH 23, 2016**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 23rd day of March, 2016, at the hour of 6:30 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Apostol, Bordokas, Conaway, Chairperson Hersman
Absent: Ortmann
Staff Present: Marisa Lundstedt, Director of Community Development
Quinn Barrow, City Attorney
Laurie Jester, Planning Manager
Nhung Madrid, Senior Management Analyst
Ted Faturros, Assistant Planner
Erik Zandvliet, City Traffic Engineer
Rosemary Lackow, Recording Secretary

2. DIRECTOR'S ITEMS (Project Updates- taken out of order at the request of the Commission to allow the public to hear and address any updates) – Director Lundstedt gave a brief report on the following projects:

- a. Historic Preservation: The Ordinance has had second reading at City Council including the opt-out clause, so staff is now working through the budget process and planning for future related work items such as the processing of an RFP for a consultant to assist in implementation.
- b. Skechers: The developer has held a community meeting to present project changes, and the City of Manhattan Beach staff has reviewed the changes in Manhattan Beach, and concurrently Hermosa Beach is also working with Skechers to update technical reports. It was clarified that the hearing is still months out.
- c. Gelson's. Application is still in process: Staff just yesterday received a re-submittal of the application and staff will now evaluate to see if staff issues and discrepancies have been addressed in full.
- d. Joint Meetings with City Council: A joint Downtown Specific Plan meeting will be on April 12 and at that time, dialogue will be appropriate as well as public comments. Staff also will be polling the Commission to schedule other joint meeting with the City Council on the Mobility Plan and Mansionization.
- e. Parkview parking lot: all title issues have been reviewed and a Request for Qualifications is now public and available for review.

3. AUDIENCE PARTICIPATION (3-minute limit)

Tony Choueke, Secretary of the Manhattan Beach Commercial Property Owners Association stated that in the spirit of working with the City as a resource to the Planning Commission, he submitted a 5-page report that represents their organization's thoughts on the Downtown Specific Plan.

Eileen Neill, resident, is representing "Manhattan Beach Residents for Responsible Development" which has organized to participate in the public review of a proposed Gelson's Market in the 700 block of Sepulveda Boulevard. The group intends to act as a resource to the Planning Commission and has strong concerns about traffic congestion and safety and parking adequacy.

Thomas Hastings, resident, echoed his concerns regarding traffic safety and congestion, and parking related to the proposed Gelsons.

Mark Shoemaker, resident, expressed concern about there being multiple submittals and the difficulty and costs he has encountered in attempting to obtain the application records for the Gelson's project.

City Attorney Barrow explained that the proper process is for any interested party is to submit a request for public records and the standard fee for copying materials requested applies.

Mr. Shoemaker noted his objection to having to pay for copying. He requested availability of electronic documents.

Jim Dillavou, Paragon Development, representing Gelsons, believes that the recent resubmittal will result in the application being complete. He emphasized that they have hosted a number of community meetings and there is much information hosted on his company website. He thanked many residents who have reached out in support of the project and is personally available to meet with anyone.

There being no other speakers, Chair Hersman closed the audience participation.

4. APPROVAL OF THE MINUTES

03/23/16-1. Regular meeting – January 27, 2016

A motion was MADE and SECONDED (Bordokas/Conaway) to **APPROVE** the minutes of January 27, 2016 with no changes.

AYES: Bordokas, Conaway, Chairperson Hersman
NOES: None
ABSENT: Ortmann
ABSTAIN: None

5. PUBLIC HEARING

03/23/16-2. Variance for Construction of a New Single Family Residence with a Reduced Front Yard Setback and a Reduced Supplemental Second Story Setback at 3017 Elm Avenue (Cunha)

Assistant Planner Ted Fatuross gave an oral report covering: project description and setting, nature of variance (front yard setback and supplemental second story setback) and applicability of zoning standards, required findings for a Variance and recommendation to conduct the public hearing and adopt the draft resolution. Mr. Fatuross emphasized constraints on the lot including the large street frontage and applicable front setback, unusual triangular shape and constraint of an access easement which is for the neighboring property.

In response to questions from the Commission Mr. Fatuross clarified that the existing house front setback is 17.3 feet; and the maximum theoretical and effective BFA for the lot without the variance, referring to the bottom of page 3 is: 1,409 on the first floor and 1,120 on the second floor for a total of 2,529 square feet, except this caps out at 2,443 square feet based on maximum BFA allowed.

Chair Hersman opened the public hearing.

Michael Lee, architect, spoke on behalf of the applicant. He believes that this property is a good candidate for a variance due to the shape of the lot, the amount of square feet proposed (2,420) is less than the total (2,443) allowed without a variance, and that 28% of the lot is taken up by the front yard setback while a typical tree

section lot has 17% of its lot area taken up by the front yard setback. Most of the house is well set back; only a corner of the garage is up closer and he believes this will be a quality home with much natural sunlight.

Elizabeth Srour, Srour and Associates, spoke in favor of the project, stating that this case is a good example of the purpose of a variance – strict application of the code would be a serious hardship and an unfair burden.

Gerry O'Connor, resident, encourages the Commission if inclined, to approve but in making findings he cautioned that they be very specific in its approval, to frame what is being granted is tailored to specific conditions unique to this lot and providing ground for approving so as to avoid setting a specific precedent or encourage more variances that might have less desirable outcomes.

PLANNING COMMISSION DISCUSSION

Chair Hersman closed the public hearing and invited Commission comments.

Commissioner Apostol stated he supports the project on the basis that this is an unusual lot with a number of constraints, including the easement and he is impressed with the effort in designing a quality home. He agrees the Commission needs to be careful with findings and does believe this case is exceptional and very unusual.

Commissioner Bordokas stating that she also supports and finds it a very compelling that the percentage of the lot that is devoted to the front yard is so much more than the percentage that is typical in a normal tree section lot.

Chairperson Hersman posed questions regarding the reduced supplemental second story setback and as this will meet only 50% of the required amount which concerns her. Assistant Planner Faturus explained the second story supplemental setback rule is intended to provide articulation on the second story but only a certain amount of the lot can count as setback, which in this case is due to the shallow depth of the lot (depth as defined for a triangular lot). Mr. Faturus explained further because the 6% supplemental setback is provided on the second floor this only affects the amount of living area that can be on the second floor. In this case, the architect has made an opening in the roof overhang at the second floor to mitigate bulk. Mr. Faturus explained that the proposed rear yard will be compliant with the code.

Commissioner Conaway emphasized that the three specific findings must be met. While we often talk about preserving the small town character of neighborhoods, projects still often max out the allowed floor area. What bothered him was in the staff report is the use of the term “reasonable” for floor plan etc. and since the trend in Manhattan Beach is to build such big living spaces, he wonders about whether this approval would not grant a special privilege. However he believes that he can support the project in that there have been no neighbor objections and there is a high percentage of open space and overall it’s a very good project.

Chairperson Hersman shared that she had similar concerns about making the findings. Sometimes it’s difficult to reach the conclusion of undue hardship, but came back to the notion of the large square footage and positive aspects of the project, including that it will fit into the community.

PLANNING COMMISSION ACTION

A motion was **MADE** and **SECONDED** (Bordokas/Apostol) to **ADOPT THE ATTACHED DRAFT RESOLUTION, APPROVING** the subject Variance at 3017 Elm Avenue.

The Chair asked if there were any final questions or changes to the draft Resolution; seeing none, she called for the question and the motion passed per the following roll call vote.

AYES: Bordokas, Conaway, Chairperson Hersman
NOES: None

ABSENT: Ortmann
ABSTAIN: None

6. GENERAL BUSINESS

03/23/16-3. Informational Overview of the Draft Downtown Specific Plan

Community Development Director Lundstedt introduced this item and explained that the powerpoint presentation will be organized into sections, by Chapters of the Draft Specific Plan. She provided a background explaining past actions and explained that the Specific Plan will be a regulatory document. Tonight the purpose of the presentation is an educational overview for the Planning Commission and the public. There are solutions and strategies in the draft plan, however no decisions are to be made tonight. She described the format: presentations by staff, with breaks for the Commission to ask questions. It was noted that the implementation of the Plan has not yet been completed. A copy of the Plan is posted on the City's website.

Assistant Planner Ted Fatusos covered the portions of the presentation which reflect the sections of the Plan including: Chapters 1, 2, 3: Introduction, Existing Conditions and Vision. He covered background actions and prior plan documents, what a Specific Plan does, the plan's geographic boundaries, existing zoning, past outreach to the public and stakeholders, existing circulation, existing community character and urban form and existing economic conditions, and vision goals.

Planning Manager Laurie Jester presented on Chapter 4: Land Use, covering topics such as height and story limits in the two areas, and she went over a chart that showed proposed land use changes are recommended by the ULI compared to existing and as now proposed within the Draft Plan. She pointed out the new term and regulations for "formula uses" and thresholds for use permits for banks and offices as well as other uses. She noted some uses will not be allowed any more (service stations, animal boarding/hospital and vehicle/equipment repair,) and some new proposed uses: live-work units, "formula uses", senior housing, and farmers market.

City Traffic Engineer Erik Zandvliet covered Chapter 5: Circulation Plan, summarizing that the proposal reflects guidance from the City Council and he emphasized that several concepts are being proposed including several "Complete Streets" design concepts, and this can be narrowed as we go through the public review process. The overall goals are: to have a balanced transportation system for all users, prioritize safety, enhance walking and biking facilities, improve transit stops and explore creative parking solutions. No circulation changes are being proposed.

A break was called to allow the Commission to ask questions.

Ms. Jester clarified for Commissioner Bordokas the chart in the presentation on Chapter 4 Land Use Plan regarding office and bank spaces. The current Code, proposed Plan and the ULI recommendation is that any office use anywhere downstairs or upstairs, if > 2,500 sf would require a use permit. The Plan also proposes a new regulation that an office or bank of any size, if on the ground floor, would require a use permit, currently these are permitted uses without a Use Permit.

For Chairperson Hersman, regarding circulation: Mr. Zandvliet clarified that the Specific Plan will be completed first for Downtown, and then the Mobility Plan, which applies to the whole City, will be completed later. As of now there is nothing in the Mobility Plan that is in conflict with the Downtown Plan, but items from the Downtown Plan can be added into the Mobility Plan as needed.

Staff resumed its presentation, with Laurie Jester discussing Chapters 6 and 7 relating to Private and Public Realm Development. It was explained that this session is not a public hearing, but that at the April 12th meeting, public comments will be invited. Ms. Jester covered proposed changes in commercial development standards for setbacks, height limits, optional upper floor stepbacks, façade transparency, and individual building

frontage. She pointed out a typo in the draft plan - that the height in Area A is currently allowed to be 3 stories, and that is not proposed to change. Public realm guidelines for street furnishings, landscaping, paving, and wayfinding elements were provided. Examples of design concepts for three possible node developments; Beachhead, mid-block crosswalk and drop-off –eastern block, were provided.

Ms. Jester clarified for Commissioner Conaway that 5-foot (residential) and 6-foot (commercial) second story setbacks are optional. She also explained the proposed design guidelines are not required but reflect a broad range of existing and desirable architectural elements. The proposed guidelines would prohibit can and pole signs which come into effect only for new buildings or major renovations of existing buildings.

There was another break to allow the Commission to ask questions.

In response to Commission inquiries Ms. Jester explained that residential uses are permitted in the CD Downtown Commercial zone, subject to a use permit and this is proposed to be continued. She also explained what a “can” sign is. They are proposed to be prohibited because they are not considered very attractive.

Senior Management Analyst Nhung Madrid gave an overview of Chapters 8, 9 and 10, covering Infrastructure and Public Facilities, Economic Development & Strategies and Plan Implementation. Ms. Madrid explained that the final Chapter 10 is a work in progress.

Director Lundstedt concluded by reminding everyone of the Community Workshop on March 24th and joint City Council/Planning Commission public meeting on April 12th at which time public comments will be accepted.

In response to a question from the Chair, Ms. Lundstedt stated that the Plan is being reviewed by City Department heads, including the Finance Director. It is not expected that the Implementation Plan will lay out detailed costs, but will identify the way a project may be funded.

With no objections, the Chair invited those in the audience to address the Commission. It was explained that the PowerPoint presentation is on the City website.

Gerry O’Connor, resident, is appreciative to hear the detailed presentation but is troubled by: hesitation at taking public comment; staff comments that there is inadequate parking downtown (what is the basis?); dependence on use permits as regulatory tools (wants more information about that); why providing utilities and services is described as a “goal” when this is a basic requirement; lack of a completed Implementation Plan; potential costs of implementing; and that the entire process will be open and transparent. He is glad to hear “creative parking solutions” will be looked into (not just adding more parking).

Bill Victor, has property in the middle of the Plan area. He objects to way it is being handled, rushed through, with not enough public input. He questioned whether and how the Coastal Commission would be involved with the process and believes that it’s a problem that there is not a completed Implementation Plan. Concerned about mid-block crossings being implemented as he believes this will take away some parking.

John Chakowski, resident, is very concerned about the mid-block crossings. He is frustrated because after many citizen surveys he believes that some things that residents didn’t want have been still included in the Plan such as tall (3-4 story) buildings, and mid-block crossings.

There being no further comments the Chair closed the public input and reminded all to send in emails to the Planning Commissioners and that on April 12th the Commission and Council will be taking comments and questions.

7. **PLANNING COMMISSION ITEMS** - No items

8. **TENTATIVE AGENDA – April 13, 2016 – at this time no items.**

9. **ADJOURNMENT** at 8:50 pm.

The meeting was adjourned at 8:50 pm to Wednesday, April 13, in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

MARISA LUNDSTEDT
Community Development Director