

**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MAY 11, 2016**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 11th day of May, 2016, at the hour of 6:33 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Apostol, Bordokas, Conaway, Ortmann, Chairperson Hersman
Absent: None
Staff Present: Marisa Lundstedt, Director of Community Development
Michael Estrada, Assistant City Attorney
Laurie Jester, Planning Manager
Nhung Madrid, Senior Management Analyst
Erik Zandvliet, City Traffic Engineer
Ted Faturos, Assistant Planner

2. AUDIENCE PARTICIPATION (3-minute limit)

Bill Victor, long time downtown property owner and resident, believes that he is the sole resident present tonight because in talking to other residents, many have expressed to him that they have lost confidence in the system. He also noted he is not sure that the Downtown is currently so broken that it needs “fixing”.

3. APPROVAL OF THE MINUTES

05/11/16-1. Regular meeting – April 27, 2016

Commissioner Conaway noted that there were a couple of places where he felt substantive discussion was missing and should be included. The two areas are: discussion regarding the CIP Water Meter Upgrade Program (relating to the cost and funding over bifurcation in two allocations) and Commissioner Conaway’s comments in support of shielded roof equipment as discussed in the Downtown Specific Plan review. The Planning Commission postponed its approval of the minutes and directed staff to revise the minutes as requested and bring back for approval at the next meeting.

4. GENERAL BUSINESS

05/11/16-2. Downtown Specific Plan Update

Director Lundstedt thanked the Planning Commission for their participation and relayed very positive feedback from several Councilmembers as well as the Downtown Business and Professional Association - that very important issues are being raised and discussed.

Planning Manager Jester proceeded with the staff presentation, noting that staff is seeking guidance and further input on potential questions and follow-up items that are to be explored in advance of the public hearing on the Plan when it comes before the Planning Commission. For discussion, staff has grouped topics into three main categories: 1) Follow-up/update on topics of building height/stories and façade transparency; 2) Future follow-up on items for future discussion and 3) Open discussion on items in various chapters of the Plan.

The following are main highlights of the staff presentation, with brief recapping and any new information.

Follow-up Items/Updates:

- Building Height and Stories: Planning Manager Jester recapped that the Commission consensus was that there be no exception for mechanical or pitched roofs, but possibly some mechanical equipment exception including elevators, if there are limitations such as in size and location. Ms. Jester provided

new information regarding elevators, noting that there are new types available that can be more compact and given the short ceiling height that is required inside elevators (7-foot minimum), Staff believes that this may result in less of a need for a height exception. Ms. Jester cited one case of an existing building that required a variance of three-feet for its elevator. She displayed several photos of downtown one and two-story commercial buildings with rooftop mechanical equipment that was screened with varying materials used, and one case where an elevator was installed that met the height limit.

- **Façade Transparency:** Ms. Jester recapped that the Commission requested more information as to the proposed maximum of 70%. Staff has since received input from the City's consultant who advised that 50 – 60% is perhaps a better range and would be more in keeping with the existing downtown conditions. Ms. Jester displayed slides of various sites, including Manhattan Creamery, a good example of a sloped lot that has frontage on two primary streets, and which a portion of the retail space on the sloping street is an underground condition. Ms. Jester suggested that some flexibility could be provided for such situations, built into the design guidelines, as the rear of a building often has the offices, kitchen, dressing room, and storage areas where transparency is not desirable. Also on steeply sloped lots, the rear portion of the building may be significantly above or below the street level. Two retail examples were shown including Dacha which has 91% transparency for a 950 square foot space with 42 lineal feet of frontage, and Manhattan Grocery which has 40% transparency for a 3,500 square foot space with 67 lineal feet of frontage. Staff will be researching and bring back more information on this topic.

Future Follow-up Items:

- **Maximum Tenant Frontage and Retail Square Footage:** Ms. Jester recapped that the Commission felt that if new caps were to be adopted there should be a sound rationale and requested that staff do a "ratio analysis" to determine if there's an optimum relationship between the depth and width of a store. Ms. Jester noted the challenge for staff is that there is a great variety in types of retail uses as well as the lots themselves. She displayed again an example of a 30 by 90 foot lot with 3 tenants, where two of the tenants have 20 foot frontages and the third has a 50 foot frontage.
- **Ground Floor Retail Uses / Setbacks and Stepbacks.** Ms. Jester recapped that the Commission supported optional second-story setbacks and liked the idea of outdoor dining being possible at upper levels. Under existing codes, any restaurant space, outdoor or indoor requires a Use Permit. Staff will write some new proposed findings for use permits to accommodate outdoor dining at upper levels. Ms. Jester also introduced a new topic related to parking. Staff has noted that the draft Plan calls for either a 0-ft. or 10-ft building setback at a rear alley to ensure that cars parking perpendicular to the alley (if in a short setback) will not project into the alley. However staff has observed on some very steep lots, there are cases where the building is below the parking area and there may be opportunity for more on-site parking without projecting into the alley. Staff will bring back a proposal on how this standard could be revised.

Open Discussion Items:

- **Vision** (Chapters 1-3) covering: Introduction, Existing Conditions, and Vision.
- **Land Use & Private Realm Development** (Chapters 4 & 6) covering Land Use and Private Realm Development, which are essentially the zoning regulations and design guidelines.
- **Circulation Plan and Public Realm Improvements** (Chapters 5 & 7), covering the Circulation Plan, and Public Realm Development which expands on the Circulation Plan with design guidelines and concepts, and public improvements.
- **Infrastructure and Public Facilities** (Chapter 8) covering areas such as utilities, parks and recreation, library and cultural, and public safety facilities.
- **Implementation** (Chapter 10) covering an action plan to achieve goals, possible development incentives, and plan administration. This section is not yet completed and will be brought back for review at a future meeting.

Ms. Jester noted that Chapter 9 (Economic Development) at direction of the City Council has been eliminated but some strategies and discussion have been retained and incorporated throughout the Plan.

COMMISSION DISCUSSION

Chair Hersman invited Commission comments and discussion.

Follow-up Items

1. Building Height and Stories: Commissioner **Conaway** reiterated he believes there should be no bonus or exceptions for roof mechanical equipment, because he has observed a trend that generally equipment is getting smaller. He found the information provided by staff that elevators are getting shorter to be different from what he has been advised by elevator consultants in his practice and would like more information. Commissioner **Conaway** still supports a two-foot exception for elevators with limitations including a maximum size (10-ft by 10-ft max either direction) and location (either a percentage of lot depth or specific setback distance) such that the elevator is back from the street.

Commissioner **Apostol** concurred with Commissioner **Conaway's** statements, based on his experience, and added that he believes the exception is needed especially when retrofitting existing structures with elevators to comply with ADA requirements.

In response to an inquiry from Chair **Hersman**, Director Lundstedt clarified that an elevator exception as being discussed would not require a distinct planning approval such as a use permit. As an example, if a restaurant were to be proposed with an elevator utilizing this exception, the restaurant use, but not the elevator, would require a use permit and the elevator would be evaluated along with the overall proposal.

All of the other Commissioners concurred with Commissioner Conaway to not provide an exception for roof mechanical equipment, and to provide an exception of two-feet for elevators as discussed provided the elevator was not located near the front of the building.

2. Facade transparency. The Commission raised several questions: Is 70% a desirable standard, or something less (50-60%); is a minimum or maximum or both a minimum and maximum needed at all, and should the Commission make a distinction between primary and non-primary frontages, or for corner lots with two primary street frontages? Commissioner **Conaway** emphasized that transparency in general is intended to enliven the street ambience but believes that 70% is arbitrary. In looking at the slides shown, he noted it seems that the grocery store, an older building with 40%, should have more transparency. Commissioner **Ortmann** stated he does not know of a specific transparency standard, however generally thinks more transparency for retail is better. In the absence of a strong public interest and a compelling argument that there's a problem, he is inclined to not recommend changing the code and perhaps leave this to the retailer to determine what they need for a successful storefront. Commissioner **Conaway** speculated that in establishing a standard that requires first floor retail uses, perhaps more transparency will naturally result, therefore solving this problem.

Chair **Hersman** raised the issue of whether to address the issue of regulating transparency by type of street frontage (primary and secondary streets, including corner lots on two primary streets). Commissioner **Conaway** expressed that he did not think the few corner sites such as the Creamery (fronting on two primary streets) should have an exception because some day they will be redeveloped and will be required to meet the code. Commissioner **Bordokas** stated she is concerned that 70% may be excessive and suggested a lower number, perhaps 50 or 60% as a means to encourage transparency, while reserving some flexibility for the retailer. Commissioner **Apostol**, acknowledged that this issue is very important to the Council and raised the issue that a transparency standard should encourage quality storefronts not just that there be more glass (as often retail storefront windows can be covered over with posters and advertisements which is not desirable. He suggested first, dropping the minimum to less than 70% (either 50 or 60%) but then secondly to incorporate a regulation to control the degree that the required display windows could be covered with signs.

Chair Hersman suggested that the issue of windows being covered by advertising might be addressed in the design guidelines since she was not clear that this is a bad problem Downtown. Director Lundstedt stated that Commissioner **Apostol's** concerns are valid and pointed out that the City already limits advertising on windows through the City's Sign Ordinance, but perhaps additional policy language can be placed in the Plan that references the existing sign regulations.

After further discussion regarding the way percentages of transparency would be calculated, Commissioner

Apostol suggested to give the following input to the Council: that there should be a minimum percentage of required façade transparency; the proposed amount of 70% is agreeable but in any case should not be less than 50%, and further that there should be some consideration about the whether the practice by some retailers to cover windows with posters or advertisements should be regulated in the Plan as well.

The Commission next focused on **how** the minimum percentage of transparency should be applied to various classifications of streets (primary, secondary, tertiary, walk-streets, and alleys). Chair **Hersman** asked, as an example, whether the full 70% should apply to all types of streets, or only to the primary street frontages (e.g. Manhattan Beach Boulevard, Highland, and Manhattan Avenue) while a lower percentage (e.g. 60%) could apply to secondary streets? The Commission considered various suggestions, including that the percentage apply only to primary streets (Commissioner **Conaway**), that it should apply to all types of streets (**Bordokas**), and that consideration should be given to which frontage the main entry to the business was on (**Apostol**). After discussion and checking the definitions of street designations in Chapter 5 of the Plan, there was consensus first that the percentage should apply to both primary and secondary streets. Chair **Hersman** requested input from staff on the issue of applying transparency to portions of commercially developed Downtown walk streets and alleys.

Planning Manager Jester suggested in situations where walk streets intersect with the secondary streets, the corners of the buildings are key to consider since they draw attention visually to the site. Perhaps the question to ask is how far down from the corner is façade transparency important to create desired visual interest?

Commissioner **Apostol** suggested that the new standard apply to: wherever the retail frontage occurs, whether primary, secondary or walk-street adjacent, but not including alleys, and that an exception be included to address cases where there are structural limitations, creating a significant financial burden, especially for older buildings. Commissioner **Bordokas** expressed concern with exempting alleys because this would include Ocean Drive as in the example of Shellback Tavern. After a brief discussion, Director Lundstedt noted that the City Council also requested that consideration be given to the type of use, and suggested that the application of façade transparency on alleys be treated in the design guidelines which will give some flexibility to consider issues such as the use of the space. The Commission indicated agreement with this suggestion.

For clarification, Commissioner **Apostol** summarized and the Commission was in agreement with the following recommendation: that the minimum required façade transparency be 70%, and if the City Council seeks guidance on reducing this number, that is be lowered to no more than 50% minimum, to be applied to all types of streets except alleys, which would be addressed in the guidelines, and add some consideration for structural limitations and interior floor plan.

Future Follow-up Items:

1. Maximum Tenant Frontage and Retail Square Footage. Chair **Hersman** noted that this is a follow-up topic where more information has been already requested from staff. Commissioner **Bordokas** expressed concern regarding impacts to small buildings (example: Dacha) when tenants change, and Director Lundstedt clarified that the new standard would only apply to tenant changes involving a new class of use (eg. retail to restaurant), not when the new tenant is the same type of use. Commissioner **Conaway** suggested that Staff contact retail experts in the city for guidance on what formulas make for successful retail businesses.

Director Lundstedt clarified that the current proposal is that the maximum 35-foot frontage would be applied to Manhattan Beach Boulevard, but some larger number would apply to other north/south streets due to the narrow depth on those lots.

2. Ground Floor Retail/ Setbacks and Stepbacks. Chair **Hersman** summarized that staff will come back with more information on setbacks, but that no regulations are being recommended by the Commission on stepbacks above the ground level floor. It was also noted that any dining use would require a use permit regardless of the location.

Open Discussion Items

1. Vision - Chapters 1-3. Chair **Hersman** questioned whether discussion on page 113 in Chapter 1 (Introduction), relating to a vision for Live Oak Park in the Communities Facilities Strategic Plan of 2008 is in conflict with discussion on page 8.9 in Chapter 8.4, Section C of the Downtown Strategic Plan which makes

brief mention of cultural facilities in Live Oak Park. Director Lundstedt responded that she didn't think that there is a conflict because the information in Chapter 1 is being provided for context – as one of a number of past planning efforts in or near Downtown, and the information in both chapters do not directly relate to each other. Chair **Hersman** expressed disappointment that Chapter 9 covering Economic Development was being eliminated without much discussion in that she thought it contained a lot of good content (goals etc.).

Commissioner **Ortmann** expressed concern about the City Hall building located in the Civic Center site, and noted that it is located on the single largest site in the study area (reference land use map, 6.1) which is entirely owned by the City, and functions as a gateway to Downtown. When he walks by City Hall he is bothered by its design incoherence (new library next to older civic building, varying architectural styles e.g.) and he is troubled even more that there is no discussion in the Plan about the City Hall and the challenges it presents.

Commissioner **Conaway** stated he is struck with the fact that there is no discussion on the opportunity for the City to convert approximately 12 surface parking spaces flanking the proposed conceptual Beach Head at the base of Manhattan Beach Boulevard to a use with more public benefit such as a plaza. He believes, consistent with the spirit of a “Blue Zones Community” that there should be discussion regarding this opportunity in the Plan. Commissioner **Ortmann** agreed.

In response to Chair **Hersman's** request for background on this issue of parking near the beach, Director Lundstedt noted that this was brought up in the ULI report as an “opportunity site” however in the early public workshops this concept was not well received and during the subsequent review process, the issue did not go forward.

There was a brief discussion about the concerns that important policy issues are not addressed. Commissioner **Ortmann** stated that he hoped that these comments would be forwarded to the City Council so that the issues can be acknowledged in the record and it is his feeling that these issues of “the greater good” are important and worth fighting for.

2. Land Use and Private Realm Development - Chapters 4 & 6. In response to Commissioner **Bordokas**, Director Lundstedt informed that the Plan supports work/live units and this is being developed by staff.

Chair **Hersman** questioned whether special findings for smaller “formula stores” are needed, if formula stores are proposed that would fall within the maximum size limit codified (1,600 sq. feet as presently proposed), to which Director Lundstedt responded that she doesn't think so, since she believes the goal is to control the size of formula stores so they fit in with the Downtown boutique store pattern, rather than all formula stores categorically.

In response to comment from Chair **Hersman** about whether bicycle parking is being addressed, Director Lundstedt assured that there is direction to further explore where bike parking can be appropriately located, and the turnaround is still being evaluated with respect to circulation.

Chair **Hersman** raised the issue of the Historic Preservation Section in the Land Use Chapter (6.2B.8), expressing concern that it may be contradictory or more limiting compared to the city-wide Ordinance recently adopted. Director Lundstedt explained that it is valuable to have this Section in the Downtown Plan because it provides more context and explanation that cannot be provided in a code and it is intended to have more emphasis due to the special characteristics of Downtown that contribute to its charm. Director Lundstedt suggested if it is the Commission's consensus, staff can tighten this section up or make this entirely consistent with the Historic Ordinance provisions. The Commission discussed this briefly; Commissioner **Apostol** expressed concern that this proposal may be substantively different from the work already done on the Historic Ordinance; Commissioner **Ortmann** stated support for the proposed special guidelines with some language tightening up as he believes that the Downtown does warrant having special historic guidelines and also noting that there has not been any public objection to this section; Chair **Hersman** and Commissioner **Apostol** expressed concern that the proposed guidelines may be overly restricting property rights or decreasing value and are too vague or may contradict the Historic Preservation Ordinance. Director Lundstedt clarified: the proposed guidelines are not mandatory, apply to both commercial and residential properties Downtown; she believes that they do not differ from the Historic Preservation Ordinance to the point of being in conflict and believes they were included because they are relevant to the Downtown Plan and help to define the private realm.

Commissioner **Hersman** asked if the word “optional” in a reference to the City’s Historic Ordinance regulations in the opening paragraph of Section 6.2.B.8 should be struck, because the Ordinance is not “optional” – it’s a code.

3. Circulation and Public Realm Development – Chapters 5 & 7. Commissioner **Ortmann** reiterated his opinion that the intersection of 15th Street and Highland Avenue is deserving of designation as a primary, not secondary Downtown gateway. Commissioner **Conaway** noted that the examples for wayfinding signage shown on page 7.17 seem to not be helpful in that they appear relatively large possibly 16-feet tall, and he suggested that examples in the Plan should be consistent with the size and scale of private signs as regulated by the Sign Ordinance.

4. Infrastructure/ Public Facilities - Chapter 8. Commissioner **Apostol** stated his concern that discussion about waste and trash is missing from the Infrastructure Chapter. Director Lundstedt informed that the City Council very recently acted to move this topic out of the Specific Plan and address separately as a special project and formed a new task force for this effort.

At the request of Commissioner **Bordokas**, Director Lundstedt addressed input emailed to the Commission from a Downtown optometrist who was concerned that under the proposed Plan, his first floor business would become nonconforming. Director Lundstedt advised the Commission that staff will be bringing back more information including a proposal as to how existing such uses would be “grandfathered”. Planning Manager Jester suggested that perhaps a solution that staff can look into is to create a new use classification for businesses as described by the optometrist where there is a mix of retail and related medical, where the retail is located at the front of the store, as the primary use.

There being no more Commission discussion, Chair **Hersman** thanked staff for the opportunity to conduct the additional study sessions on the Downtown Plan. Director Lundstedt expressed her appreciation for the Commission’s hard work and input which has been very thoughtful and included many good comments and stated another meeting will be scheduled for additional follow-up information to be provided.

Chair **Hersman** noted at this time that there were audience members present who wished to speak and she invited their input on the Downtown Plan.

PUBLIC INPUT

Bill Victor, resident, stated that the minutes are a very important record especially as this will be submitted to the Coastal Commission. Other comments: he thinks that the Commission should include in their report to the City Council a suggestion that they bifurcate the plan, separating out the original moratorium issue to be resolved first, and then take more time to final the Plan including the Implementation Chapter which he believes is very critical; he believes building height, with no exceptions for elevators remain at 26-feet unless a higher height is approved by voters, and that exception should be made in the transparency standard for Doctor’s offices.

Suzanne Lerner, 124 10th Street, a retailer and resident who will be closing her store Downtown soon, commented that although retail purchasing has changed so dramatically, service commercial is very important and in demand for the residents. She believes landlords will not be able to keep getting higher rents for retail due to the tremendous changes in consumer purchasing, and supports: bifurcation of the Plan, solving a serious trash problem downtown, creating a plaza near the pier, and a resident parking permit program.

Jim Burton, resident and property owner, 328 11th Street, stated that he would support losing 12 parking spaces on Manhattan Beach Boulevard to create public space, and believes that Downtown residents are not against visitors; he acknowledged negative reactions by the community but he feels it is due to ULI objectives that were in Chapter 9, Economic Development, initially that called for much added commercial growth Downtown that were not supported by the residents or in some ways not evidenced by fact and without a lot of discussion. He understands that there were some good ideas in Chapter 9 however that will be retained and followed up by the City’s Economic Vitality Manager working with an Economic Advisory Group and he supports this effort.

4. **DIRECTOR’S ITEMS - None**

5. **PLANNING COMMISSION ITEMS - None**

6. TENTATIVE AGENDA – May 25, 2016 - Specific Plan Update.

5. ADJOURNMENT

The meeting was adjourned at 8:46 pm to Wednesday, May 25, 2016 the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

MARISA LUNDSTEDT
Community Development Director