

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JUNE 22, 2016**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 22nd day of June, 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, Ortmann, Chairperson Hersman
Absent: None
Staff Present: Laurie Jester, Planning Manager
Michael Estrada, Assistant City Attorney
Ted Faturos, Assistant Planner
Angelica Ochoa, Associate Planner
Rosemary Lackow, Recording Secretary

2. AUDIENCE PARTICIPATION (3-minute limit) - None

3. APPROVAL OF THE MINUTES – April 27, 2016 and May 11, 2016

April 27, 2016 Regular Planning Commission Meeting (revised draft):

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

Roll Call:

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

May 11, 2016 Regular Planning Commission Meeting:

A motion was MADE and SECONDED (Conaway/Hersman) to **APPROVE** the minutes of May 11, 2016, subject to the following change on page 5, in the 3rd paragraph:

For clarification, Commissioner Apostol summarized and the Commission was in agreement with the following recommendation: that the minimum required façade transparency be 70%, ~~but no less than~~ and if the City Council seeks guidance on reducing this number, that it 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.

Roll Call:

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

4. PUBLIC HEARING

06/22/16-3. Variance to Allow a Remodel/Addition to a Nonconforming Home on a Triangle-Shaped Property at 2615 N. Valley Drive (Sai/Tran)

Assistant Planner Ted Faturus summarized the staff report, explaining that the project proposes a 788 square foot first and second story addition to an existing 1,945 square foot nonconforming home (2,774 square feet total). The project would maintain existing nonconformities including a 15 foot front yard, rear yard and west side yard, while creating a new nonconforming north side yard. Mr. Faturus concluded that staff supports granting the variance per findings in the draft Resolution which he summarized.

Chair Hersman invited the Commission to direct any questions to staff.

Assistant Planner Faturus explained to Commissioner Conaway the specific calculations and formula that are part of the zoning code that when applied to the subject lot, being a triangle, result in unusual and increased dimensions for the required side and rear setbacks.

Chair Hersman opened the public hearing.

PUBLIC INPUT

Duyen Tran, owner and applicant explained that their family has recently grown, they have outgrown their home and they need more room which will allow their children to have their own rooms plus a larger kitchen and some work space. She believes that the lot shape is a significant constraint.

David Palombo, adjoining neighbor on Valley to the north, stated he was concerned as to any potential impacts to his property as he very recently learned about the project.

There being no others wishing to speak, Chair Hersman closed the public hearing and invited the Commission to discuss the application.

COMMISSION DISCUSSION

At the request of the Chair, Mr. Faturus responded to the concern expressed by neighbor David Palombo: there will be some short term effects from construction, but staff does not believe there would be significant long term impacts to his property because: the building height will be 4 feet under the maximum height limit; the majority of the project massing will be beyond Mr. Palombo's property; there will be a considerable amount of open front yard area adjoining Mr. Palombos's lot and the project lot's side yard on the north will be at least 5 feet setback, and up to 12 ½ feet.

Assistant Planner Faturus clarified for Commissioner Apostol that most lots in the Tree Section are 40 feet wide and have 4-foot sideyards. Commissioner Apostol noted that the proposed project side yards, at 5-foot minimum, are almost 20% more than most other lots in the area.

Commissioner Conaway noted he is having difficulty in making the finding of undue hardship for the project, in that the subject triangular lot is significantly larger than other variances they have looked at and the proposed house, being five bedrooms, is reasonably large, unlike other triangular lot variances that have been granted in the recent past. He is concerned that approval of a new nonconforming setback over one foot less than required (5 feet in lieu of 6.7 feet) on the north side could impact access to sunlight for the neighbor. Commissioner Conaway noted he believes that the plan can be revised to avoid creating this new northern side yard nonconformity and therefore he feels this would be a grant of a special privilege.

Commissioner Bordokas, inquired about building height and whether a condition could be imposed that would preclude the home, during construction or in the future, from being built higher than as approved in the Variance. Planning Manager Jester explained that a standard condition is included in the draft Resolution that requires that the project be built in substantial compliance with the Variance approved plans but this condition could be strengthened by the Commission to specifically address building height.

Commissioner Apostol stated that he would be uncomfortable in imposing a condition that would limit the proposed home in the future to a height less than the code allows, as he doesn't feel the Commission has such authority in the current code. Commissioner Apostol added his observation that the lot is very unusual – not only is it a triangle but it also has a clipped corner at the rear to create an artificial rear lot line, and also he believes that more light and air is actually provided as a direct result of the lot's triangle shape. He believes

that the encroachment of 1.7 feet into the north setback which occurs only at two limited specific points is relatively minor.

Commissioner Ortmann inquired as to the purpose of a zigzag line in the proposed wall along the north setback and Planning Manager Jester explained that the zig zag is needed to create functional interior rooms. The two main constraints are the lot's unusual shape but also, as related, the difficulty of fitting a rectangular structure with functional and adequately sized interior rooms on a triangular lot. Assistant Planner Faturos explained that the actual setback on the north side ranges from 5 feet to 12.5 feet and Ms. Jester added that the project is as much as 6 feet under the height limit and provides only 84% of the maximum allowed buildable floor area. Ms. Jester emphasized that if the Variance plan as proposed is approved, the applicant would be required to amend the Variance if in the future they or a future owner wished to increase the height or push the building wall further out to the limits in the code.

Commissioner Bordokas pointed out that the north side setback varies from as much as 12.5 feet to 8.5 feet and at the narrowest point, 5 feet, with the majority of the north side yard being 12.5 feet wide. She believes this variation, rather than a straight wall line is a positive aspect of the project.

After additional discussion about the lot's geometry and confirmation of existing nonconformities, Commissioner Conaway reiterated his difficulty to make the finding of undue hardship in that he felt that the effect of the lot's shape on the number or shape of interior rooms or space is not relevant because he believes design issues can be remedied without creating a new nonconformity.

At Commissioner Ortmann's request Planning Manager Jester summarized the justification for finding number one, as in the draft resolution, that, given the lot's triangular shape and long frontage, the strict application of the setback requirements would result in an undue hardship in creating a fluid and functional floor plan. Ms. Jester pointed out areas of the floor plan including the first floor kitchen and second floor bedrooms and hallway which would be pinched or crooked without the variance. Assistant Planner Faturos explained that project floor plan and setbacks were also influenced by the need to provide second story supplemental setbacks and also confirmed that even if the north side yard were to be 6.7 feet wide, a Variance would still be necessary due to the amount of floor area being added while maintaining existing nonconforming setbacks.

Commissioner Conaway reiterated that he does not see the relevance of issues related to an achievable specific number of bedrooms or hallway design.

PLANNING COMMISSION ACTION

Commissioner Apostol noted that Commissioner Conaway's comments and points made for this case are very important as is consideration for precedent. Commissioner Apostol stated his support based on his belief that the project will be consistent and complimentary to the homes in the surrounding neighborhood, with a height and floor area well within the code limits, with no compromises to public safety, and the conditions of the lot including the lot shape and geometry are very unusual circumstances that create a unique hardship for the applicant.

A motion was MADE and SECONDED (Apostol/Bordokas) to **APPROVE** the subject Variance and **ADOPT** the draft Resolution as submitted.

Roll Call:

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

Planning Manager Jester noted that the project is approved and will be put on the City Council consent calendar on the July 5th with a recommendation to receive and file the Commission's decision.

06/22/16-4. Request for Public Hearing for Coastal Development Permit No. CA 15-41 for the Demolition of a Duplex and Construction of a New Three-Story Single Family Residence with Basement and Enclosed Three-Car Enclosed Garage in the Appealable

Area of the Coastal Zone (Cleland)

Planning Manager Laurie Jester introduced the subject Coastal Development Permit application and gave a brief background of the public review process under applicable coastal regulations. Ms. Jester noted the project, demolition of an existing duplex and construction of a new conforming single family home is a “minor development” that is located within the “appealable area” of the City’s coastal zone.

Angelica Ochoa, Associate Planner presented detailed information regarding the project proposal of a new single family residence with attached three-car garage, noting that a request for a public hearing has been timely filed by a nearby property owner, Judy Forman who lives at 125 20th Street. Ms. Ochoa displayed a powerpoint presentation showing the relative location of the subject site, surrounding streets and properties. And concluded that the Staff recommendation is to approve the coastal permit application, subject to conditions in the draft resolution.

Chairperson Hersman invited the Commission to ask questions of staff.

In response to an inquiry by Commissioner Bordokas, Planning Manager Jester affirmed that the core purpose of the Coastal regulations is to protect public access to coastal resources and that the Commission can add additional conditions that are deemed appropriate.

Associate Planner Ochoa explained the purpose and process of obtaining a Construction Management and Parking Plan (CMPP), a relatively new type of requirement for construction projects, intended to regulate traffic and parking related to construction sites. It is reviewed and approved by the City’s Traffic Engineer who sets conditions for construction parking and loading to minimize impacts to the surrounding neighborhood. The Commission can require that special requirements be included in the CMPP for the project by including such in the Coastal Development Permit.

Chairperson Hersman opened the public hearing and invited input, asking that speakers limit themselves to 3 minutes.

PUBLIC HEARING

Elizabeth Srour, representing applicant Michael Cleland addressed the Commission upon receiving permission from the Chair to exceed 3 minutes. Ms. Srour gave an overview of the project emphasizing it is in complete conformance with all applicable coastal requirements including access. She described a neighborhood meeting called by the applicant at the site in April and seven neighbors attended although the requester of this hearing was not able to attend. Ms. Srour requested that the owner’s request be regarded in the same manner as similar projects on similar lots in the same area.

Chair Hersman requested clarification and was advised by the Assistant City Attorney that all speakers are subject to a 3-minute speaking limit, unless the Commission grants additional time.

Michael Cleland, applicant, stated he works very hard to address neighbor concerns near his projects, has met with the neighbors once and will extend this opportunity again prior to demolition. As this is a “spec” project, his goal is to complete the project as quickly as possible which he believes will minimize impacts.

Judith Forman; 125 20th Street and requester of the public hearing, has three areas of concern: that a proposed subterranean garage level for two additional on-site “supplemental parking” spaces may cause structural damage to her or others properties; that the approval of the project will add inadvertently, more traffic and parking demands especially on 20th Place often used by vehicles cutting through to avoid Marine Avenue (including a corner vision hazard at Ocean Drive) and lastly that there will be many short term construction impacts. She requested that the Commission consider imposing a condition prohibiting the basement supplemental parking.

Daryl Abrams, 21st Street neighbor lives directly next door to the project, and wants to reserve his rights to future claims discussed and not discussed tonight. His concern is that the City makes sure the building is constructed properly especially regarding the basement construction. He has commissioned an engineering report for his own property as a safeguard. Regarding parking on 21st Street there are no “No Parking” signs

and he feels that this situation has been overlooked by the city and requested that construction parking be looked at very carefully.

Nathan Schmidt, lives directly behind the project and shares concerns regarding parking and traffic expressed by other speakers, but also has concerns regarding asbestos removal that will be done during the demolition and is concerned that there will be adequate oversight of the demolition.

Christina Schmidt, wife of last speaker, shares concerns about the basement construction and possible future damage to her property from exaction and is also concerned about the demolition and possible release of asbestos as she is 5 months pregnant. She requests prior notification when the demolition is to be done and would like information as to the way the asbestos removal will be contained and disposed of. She also would like to know what plans there are, if submitted to the City yet, for contractor parking during construction. She reserves her rights for future claims for anything said or not said.

Chairperson Hersman closed the public hearing.

At the request of the Chair and members of the Commission, Planning Manager Jester responded to issues raised by the public. Ms. Jester explained that building applicants must prepare detailed plans prepared by licensed professionals including an engineer for structural issues. Plans are extensively reviewed by professional engineers and then during construction, inspections are conducted periodically at each major stage of the work. Double basements are very common in the city and such designs require shoring and very detailed review and many technical reports are filed and available for public review. As to asbestos, this is an aspect that is rigorously regulated by the state, and specialized licensed contractors perform the removal. Reports must be filed and she believes that these are available to the public. Ms. Jester clarified that a “double basement” is two stories underground and while this is not uncommon in the City, the subject project has only one level underground, which is very common. Ms. Jester noted she is not aware of any common problems with residential basement construction and in general, is aware of only one project that has had difficulty with a basement construction in sand, in which case a “hardpan” soil condition was discovered when structural caissons were being installed, but this was a very unusual situation.

Chair Hersman reopened the public hearing to allow additional input.

Nathan Schmidt advised the Commission that the applicant has just informed him that the asbestos has already been removed on the site. He asked whether there is any further monitoring for presence of asbestos.

Chair Hersman closed the public hearing.

COMMISSION DISCUSSION

Commissioner Bordokas pointed out that many issues raised are great concerns but she thinks caution should be exercised because she does not believe the construction related issues are within the purview of the Planning Commission.

Commissioner Conaway noted that most of the issues expressed are not within the Commission’s purview and are probably more suited for the City Council, however he believes the issues are very important, citing the questions about basement excavation in sand and air quality impacts from asbestos removal activity.

Commissioner Ortmann noted he believes that the issues raised in this hearing are within the purview of the Commission because this hearing represents the first contact for neighbors in airing their concerns and the concerns will be passed on to the City Council. Commissioner Ortmann also noted he felt advance notice of asbestos removal perhaps should be required.

Planning Manager Jester noted that all asbestos removal activities cannot occur until a permit is received from the City and upon completion of the work a report is filed and emphasized that the removals are strictly regulated and monitored and any such filed reports are a public record.

Chair Hersman noted that with the asbestos removal being highly regulated activity, trusts the methods being used in the City are being done properly.

Planning Manager Jester noted that the Commissions concerns regarding asbestos removal protocols will be passed on to the City Council and this is timely as construction rules and protocols are currently being reviewed. Ms. Jester clarified that Construction Management Parking Plans are issued prior to issuance of any demolition permit.

Commissioner Bordokas noted that she was surprised that there was objection to the basement parking as this design will allow owners to store more vehicles on their own property.

Commissioner Apostol expressed that he is sensitive to all the neighbors' issues, and believes that the City is trying very hard to work on construction protocols and restrictions but the challenge ongoing is to balance rights, for owners who wish to develop and for neighbors who want to enjoy their own properties without undue impacts. Neighbors should be able to rely on projects being built safely and to codes. Regarding asbestos, he believes from his experience that this is performed in such a way that all contamination if any, is kept on the demolition site and removed, but perhaps neighbors should be notified in advance. Although most of the issues raised do not fall within the purview of the Planning Commission, and are issues instead of Citywide importance, he recognizes that the project is in compliance with the coastal and zoning regulations and he is inclined to support the project.

PLANNING COMMISSION ACTION

A motion was **MADE** and **SECONDED** (Apostol/Conaway) to **APPROVE** the subject Coastal Development Permit at 128 21st Street and **ADOPT** the draft Resolution as submitted.

Roll Call:

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

5. DIRECTOR'S ITEMS - None

6. PLANNING COMMISSION ITEMS

Commissioner Bordokas requested the status of the Manhattan Village Mall major enhancement project. Planning Manager Jester stated that building permits have not been issued, in fact construction plans have not yet been submitted for plancheck. However, remodeling plans have been submitted for CVS, Ralphs, Coco's and the interior of the enclosed mall. The Assistant City Attorney was not aware of any updates on litigation related to the mall.

7. TENTATIVE AGENDA – July 13, 2016

Planning Manager Jester advised that the Downtown Specific Plan update will not be occurring on this date, and it is likely that the July 13th meeting will be canceled, so the next Planning Commission meeting will be July 27th. Planning Manager Jester also clarified that there will **not** be a special meeting on June 29th.

8. ADJOURNMENT

The meeting was adjourned at 8:50 pm to Wednesday, July 13, 2016 the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

MARISA LUNDSTEDT
Community Development Director