

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
AUGUST 10, 2016**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 10th day of August, 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, Ortmann, Chairperson Hersman
Absent: Conaway
Staff Present: Marisa Lundstedt, Community Development Director
Ted Faturros, Assistant Planner
Nhung Madrid, Senior Management Analyst
Rosemary Lackow, Recording Secretary

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

William Victor, resident, stated that he felt that multiple special events occurring over the last weekend unduly impacted residents living downtown, and believes too many parking spaces have been allotted to valet use. He believes that a policy of “less is more” would result in better quality of life for residents.

3. APPROVAL OF THE MINUTES – July 27, 2016

A motion was MADE and SECONDED (Bordokas/Apostol) to **APPROVE** the minutes of July 27, 2016 as submitted.

Roll Call:

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

4. OLD BUSINESS

08/10/16-2. Draft Downtown Specific Plan Follow-Up

Community Development Director Lundstedt provided a brief background, noting tonight’s discussion is continued, and likely the last study session before the Planning Commission on the Draft Downtown Specific Plan. Assistant Planner Ted Faturros presented the staff report and summarized the status of nine key concept recommendations as of the July 27th study session, clarification on Second Story Outdoor Dining and four new proposals: Maximum Setback, Minimum Rear Yard Setback, Live/Work Land Use Classification, and Non-Pedestrian Oriented Ground Floor Uses on Alleys. For each topic, Mr. Faturros explained issues and staff proposals and where staff needs more direction.

Director Lundstedt drew attention to a new attachment, a chart of live/work regulations from Bay Area cities. She explained that the live/work proposed use classification is considered progressive and would encourage persons to be able to live and work on the same premises, typically with a use that activates the ground floor. Finally, the public hearing date on the draft plan will be confirmed once the environmental review for the project is released for public review and comment.

Chair Hersman invited the Commission to ask questions and suggested starting with the Live/ Work proposal.

Commissioner Bordokas expressed she is uncomfortable in devising new rules without knowing first if this is something that is likely to be implemented in downtown Manhattan Beach asked whether Live/Work uses can generally be encouraged versus specifically regulated in the Plan.

Director Lundstedt explained that the Live/Work use classification has been retained in the draft plan by City Council and staff is looking to the Commission for suggestions and overall whether this concept should be further explored. Director Lundstedt explained further that if the concept is ultimately in the Plan, it will need to be defined, as the Specific Plan would be a part of the City's Zoning Ordinance and suggested that perhaps this is a use that would be allowed on secondary, not primary streets.

Chair Hersman noted staff's comment that the residential use in sample Live/Work ordinances is often paired with office use and suggested this should be considered since the presence of offices and potential for decrease in retail has been a major issue in the draft plan.

Commission Ortmann stated he endorses the live/work use concept in that it adds vibrancy and more "eyes on the street" but also cautioned that care be taken to allow only appropriate commercial uses and at appropriate locations. He would also caution against creating new regulations that would be complicated and difficult to interpret and enforce.

The Chair asked how Live/Work is different from a "home office" that requires a Home Occupation Permit to which staff explained that a home office is a commercial use incidental to the primary residential use in a residential zone, whereas with live/work, the residential use is incidental to a primary commercial use in a commercial zone. In live/work uses, a commercial street front is encouraged, whereas in home offices, commercial uses are heavily restricted to maintain the integrity of the residential neighborhood and avoid impacts to neighbors.

Commissioner Apostol stated he is a strong proponent of live/work use, emphasizing that restrictions should be incorporated and suggested an art gallery with retail at the store front and living quarters elsewhere on the premises is an example of a desired live/work mix of uses. He believes there is a general consensus to go forward with this use classification, but more work is needed to further define uses and locations where live/work use should be allowed.

Director Lundstedt asked for clarification on second story outdoor dining and possible restrictions in permitted locations. Chair Hersman suggested a minimum of one block distance from residential and noted that with a use permit, neighbors would be allowed to provide input on any proposal. Commissioner Apostol stated he would support allowing with a use permit and suggested allowing in some portions of Highland Avenue.

Chair Hersman invited the public to address the Commission regarding the Live/Work topic.

PUBLIC INPUT

Carol Perrin, liaison for downtown residents, has experience with live/work uses and cautioned that: in many cities, such ordinances are enacted for commercial areas that are inactive on weekends and the rules need to make sense for downtown Manhattan Beach; the issue of adding more offices through such an ordinance should be carefully considered and requiring use permit generally places a heavy burden on downtown residents who then have to be always vigilant for proposals in their neighborhoods.

William Victor advised against relying on Use Permits to control uses. He asked that the Commission look carefully at setting boundaries as to whether uses should be permitted or not and believes that the definitions should be clearly stated. He believes outdoor dining at second stories should not be permitted near 11th Street.

Martha Andreani, downtown resident, also questions that Manhattan Beach needs a new live/work classification. Regarding second floor dining, she cautions against allowing on balconies that extend out over a first floor open space (e.g. Strand House) as this adds to density and detracts from open space. She cautions that by encouraging more restaurant uses sanitation and parking issues intensify. As to locations of uses, she believes that the regulations need to be more specific as to what is prohibited on the ground floor. For example, instead of saying "no offices" this should more specifically say "no real estate offices".

Karol Wahlberg, agreed with prior speakers, is very concerned about restaurants and the demands on infrastructure these uses have had, including parking. She loves the concept of live/work but doubts this is a good idea for Manhattan Beach, except perhaps to encourage art galleries/lofts and believes that requiring use permits for so many uses places too much of a burden on downtown residents to watch for public hearings.

Kelly Stroman, Executive Director, Downtown Business and Professional Association, agreed that staff should examine sample live/work regulations from cities similar in size to Manhattan Beach. Regarding the rear yard setback she supports efforts to address parking encroaching into alleys and strongly encourages that in setting such a standard, to also take into account trash storage needs especially for older buildings.

Tony Choueke, Commercial Property Owners Association asked whether condominiums would be allowed on the second floor of a live/work use, and agrees that outdoor dining could be added on Highland such as at the Bank of America site.

Scott Yanofsky, resident, is concerned whether there is enough enforcement when a Use Permit is required and also is concerned regarding parking availability for commercial uses throughout the City.

Susan Bloomfield, Strand resident, asked that the Commission be cautious about “commercial creep” into the nearby primarily residential areas and regarding live/work - make sure rules fit Manhattan Beach.

Tami Zamrazil, beach area resident, emphasized that the main goal is to preserve small town atmosphere of downtown and supports all prior speaker Carol Perrin’s comments regarding live/work use and questions using use permits frequently as a control, in lieu of specific restrictions. She has concern that upper level dining could create noise impacts. She urges the Commission to evaluate all proposals by asking two questions: does this contribute to the goals for Downtown, and does this create impacts to Downtown?

Phillip Cook, downtown commercial property owner, stated he is surprised that the downtown professionals are not more in support of live/work uses and also wondered why the 30-foot height increase is not being proposed for commercial buildings as raised at the last study session.

Chair Hersman explained that the Commission discussed and arrived at the consensus at the last study session to not recommend increasing the commercial height to 30 feet.

COMMISSION DISCUSSION

Chair Hersman invited the Commission to discuss and provide input to staff.

Regarding the **live/work use classification**: Commissioner Ortmann stated that he supports live/work, which typically involves small scale buildings or uses, in that it is another tool than can be used downtown and it seems that more understanding on this type of use may be needed. He believes that this concept is not nearly as onerous as other types of mixed use in terms of impacts and is worth exploring further and believes there are many examples of such ordinances in similarly sized cities as Manhattan Beach.

Commissioner Bordokas questioned whether certain buildings or projects in Hermosa Beach (Pier Avenue at either Hermosa Avenue or Monterey Boulevard and another under construction on Hermosa Avenue near 1st Street) are examples of live/work uses. Staff will look into these projects.

Commissioner Apostol summarized that he believes that the door should not be shut on live/work and more input is needed and this should be brought out in a public hearing and Commissioner Ortmann and Chair Hersman agreed.

On the topic of outdoor dining, Commissioner Ortmann acknowledged good points made by residents. Commissioner Bordokas suggested looking at Highland Avenue north of Manhattan Beach Boulevard as possibly permitted for second story outdoor dining. Commissioner Apostol maintains strong support for outdoor dining and would like to see staff pursue adding some pre-set restrictions, without leaving specifics for a use permit hearing and likes the idea of expanding on Highland Avenue. Chair Hersman noted that having more restrictive use permit findings for such uses may effectively screen out undesirable outdoor restaurant uses.

Director Lundstedt confirmed the direction of the Commission for a recommendation regarding **second story dining**: 1) regarding locations where may be permitted: restrict more in the south end of Manhattan Avenue near 10th and 11th Street; 2) expand to allow on Highland where a minimum of one block from a residence; and 3) devise more specific use permit findings for second story outdoor dining.

In response to the Chair, Assistant Planner Faturos advised that the balcony dining issue raised by Ms. Andreani is not an issue for the Downtown Specific Plan, because such a condition requires an Encroachment Permit that can only be approved by the City Council and which is outside of the authority of the Zoning Ordinance.

Chair Hersman directed that the Commission provide input on **minimum rear yard setbacks**.

Director Lundstedt reported to the Commission that relevant City Council feedback regarding a staff report on downtown trash and sanitation issues is still pending in that the focus at the August 2nd council meeting was focused on trash service. The City Council has requested more information and it is hoped that the two processes (trash issues reporting and Downtown Specific Plan) will dovetail at some point. Meanwhile, the Planning Commission can consider and address this issue in its Specific Plan recommendations.

Staff explained that the current code requirement is for a zero setback and as such owners can choose to have their building at the rear property line or provide any other amount of setback. The proposal now being recommended keeps the rear setback at a 0-foot or minimum, but requires paving, landscaping ,or a combination of both depending on the distance between the rear property line and structure with the goal of requiring paving for area that are large enough to accommodate a car.. The goal is to prevent parking areas at the rear of buildings that enable cars to park partially on private property and partially in the adjoining roadway because this obstructs alley access.

Discussion ensued regarding the proposal and whether trash storage issues should be addressed by the Commission in the draft plan. It was determined that the new rear setback requirement, if adopted, would only apply to sites where either a new building or where significant structural alterations are being done and routinely trash storage requirements are now addressed by the Public Works Department either in plan-check when construction is proposed, or through the use permit process. The Commission concluded that issues regarding trash storage are already being addressed through Public Works and that the proposed rule would in effect, direct how “left over” space behind a building can be used for parking after trash storage requirements are first met.

Commissioner Apostol summarized and proposed that the Commission support the staff proposal as presented, reiterating that this requirement would be applicable only in the rare circumstances when a new building or very significant structural alterations are being proposed. Commissioners Bordokas, Ortmann and Chair Hersman noted their agreement.

Chair Hersman directed that the Commission provide input on the proposal to allow **non-pedestrian oriented ground floor uses on alleys**.

Discussion followed in which Assistant Planner Faturos clarified that the term “non-pedestrian” is meant to apply to uses other than retail (such as offices) that do not typically engage with pedestrians walking along the sidewalk. Under the staff proposal, as shown on a map, numbered alleys between 8th Place and 14th Place and Bayview Drive, Crest Drive, and Center Place would potentially be affected. It was clarified that under this proposal a use permit would not be required for ground floor non-retail uses such as offices if fronting on these alleys and as long as the proposal did not otherwise trigger a use permit.

Commissioner Apostol summarized and proposed that the Commission support the staff proposal to allow a non-retail uses without use permits on downtown alleys without a use permit. Upon brief discussion, this was agreed to by the other Commissioners. Commissioner Ortmann suggested that staff consider a more artful way to describe such uses when drafting the new code.

Commissioner Bordokas requested that the Commission clarify there is consensus on the topic of nonconforming uses. She still has strong concern that buildings with uses that become nonconforming due to changes in the Specific Plan could be “grandfathered in” indefinitely while others would be made to comply and go through the use permit process.

Director Lundstedt explained that the proposal to allow nonconforming uses to be continued is consistent with city-wide policy. Assistant Planner Faturos called attention to the Zoning Ordinance Chapter 10.68 which has been provided to the Commission and which details nonconforming use regulations. Commissioner Apostol noted that he believes that the proposed policy is necessary to be consistent with state law which provides in effect, that a land use right, once legally acquired, cannot be taken away. It was also pointed out that state law also provides that entitlements such as use permits and variances, once conferred, “run with the land”. Mr. Faturos clarified how the 1600 gross square footage cap only applies to retail uses, while the lineal foot frontage limits, as well as use permits requirements apply to various uses and reiterated that nonconforming office uses can remain nonconforming to requirements for a use permit or other standards as long as no significant structural changes (e.g. tearing off roof or demolishing walls) are proposed.

In response to Commissioner Ortmann, Director Lundstedt informed the Commission that the environmental document being prepared under CEQA for the Specific Plan is a draft Mitigated Negative Declaration (MND).

5. DIRECTOR’S ITEMS - None

6. PLANNING COMMISSION ITEMS

In response to an inquiry from Commissioner Ortmann, regarding the upcoming public hearing for the proposed Gelson’s, Director Lundstedt explained that resident comments will be provided organized in a binder that will be presented to the Commission with their staff report packet before the hearing.

7. TENTATIVE AGENDA – August 24, 2016

There are no items currently and it is likely this meeting will be canceled.

8. ADJOURNMENT

The meeting was adjourned at 8:30 pm to Wednesday, August 24, 2016 in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

MARISA LUNDSTEDT
Community Development Director