

**CITY OF MANHATTAN BEACH  
[DRAFT] PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
DECEMBER 12, 2018**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 12<sup>th</sup> day of December, 2018, at the hour of 6:00 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

Chairperson Seville-Jones called the meeting to order at 6:00 p.m.

**A. ROLL CALL**

Present: Burkhalter, Fournier, Thompson, Chairperson Seville-Jones  
Absent: Morton  
Others Present: Anne McIntosh, Community Development Director  
Michael Estrada, Assistant City Attorney  
Laurie Jester, Planning Manager  
Eric Haaland, Associate Planner  
Angelica Ochoa, Associate Planner  
Rosemary Lackow, Recording Secretary

**B. APPROVAL OF AGENDA**

It was moved and seconded (Fournier/Thompson) to approve the agenda with no changes.

**ROLL CALL:**

AYES: Burkhalter, Fournier, Thompson, Chair Seville-Jones  
NOES: None  
ABSENT: Morton  
ABSTAIN: None

**C. AUDIENCE PARTICIPATION (3-minute limit) – None**

**D. APPROVAL OF THE MINUTES**

12/12/18-1. Regular Meeting – November 14, 2018

It was moved and seconded (Thompson/Burkhalter) to approve the minutes as submitted.

**ROLL CALL:**

AYES: Burkhalter, Fournier, Thompson, Chair Seville-Jones  
NOES: None  
ABSENT: Morton  
ABSTAIN: None

**E. PUBLIC HEARING**

12/12/18-2. Consideration of a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map No. 82003 for Proposed Construction of a Mixed Use Building with One Commercial Condominium Unit and Two Residential Condominium Units at 3920 Highland Avenue (DIDI, LLC)

**Chair Seville-Jones** announced the item.

**Commissioner Burkhalter** recused himself for this first item based on a financial relationship with a spokesperson for the project, which will term out December 31, 2018. **Chair Seville-Jones** stated that she has

reviewed the administrative record including the video of the first hearing.

**Eric Haaland**, Associate Planner, presented the Staff Report, covering: Project Proposal, including revisions, which he proceeded to highlight, Issues (Residential Use, Commercial Use, Building Design, including front patio and facade), Project Analysis (Use Permit, Subdivision, Coastal Permit, Parking and zoning compliance, comparison to historically prior approval), and Staff Recommendation, to conduct the hearing, and direct staff to prepare a resolution to deny the project as submitted due to non-responsiveness of the revised plan to prior Commission concerns regarding the building design and new staff concerns such as viability and appropriateness of new proposed artist's studio use.

Staff responded to questions from the Commission as follows

- **What is difference between an artist studio and an artist gallery?** (Thompson) Planner Haaland explained a “studio” involves the manufacturing of art similar to industrial uses but is a permitted use as proposed in the commercial zones. A “gallery” involving the showing and selling of art is classified as a subset of retail; further, the code does not provide guidance on an incidental amount of retail space that can be included in a studio.
- **What is the Commission’s goal regarding the commercial ground floor space – activate the building use with the street? What does staff anticipate to be going on in the studio space that may be a concern of the Use Permit?** (Chair Seville-Jones) Staff affirmed that typically the goal of such space is to relate to the adjoining and nearby right-of-way, enhancing the public pedestrian experience and to blend with the “urban fabric” or other uses that make up the nearby area. As to activities, staff would be looking for potential impacts from a studio, things like outdoor emissions (noise, odors and affect to air quality) and for retail, whether parking will be adequate.
- **Can staff clarify its main objections?** (Fournier) Staff explained that it has various concerns, first that the proposed artist studio space which the applicant backed into via application of parking codes, will be an economically viable use as there is no similarly situated precedent, and further, that the design of the patio and ground floor use does not address General Plan and Coastal Program goals – by being subject to a use permit, the Commission can discuss “softer” issues in addressing planning goals related to the project. The square footage of the space is more than 3 times that of a retail space and the same parking requirement as storage. Staff met with the applicant and discussed issues, believes that the applicant simply backed into the artist studio as something meeting parking code, and staff believes that such use is highly speculative, without an identified tenant. There are concerns about what will the space potentially being a large vacant space.

#### PUBLIC INPUT

Chair Seville-Jones opened the public hearing and invited the applicant to proceed with a ten-minute maximum presentation.

**Elizabeth Srour**, Srour and Associates, applicant’s representative, made several points: 1) The condominium uses which will include a commercial unit, and will be regulated by a set of rules under an Association; 2) The project will be a blend of residential and commercial use and understands although the relationship of the patio to the street was discussed does not recall there was specific Commission guidance that would compel them to now deny the project; 3) The issue of staff is new for development in this north end of Highland/El Porto, and it’s important to note distinctions between this area and Downtown, which has a much slower traffic pace. This portion of Highland, for example has at times very fast traffic; 4) She believes that the project offers excellent flexibility over time, which is important for the investor; 5) The patio courtyard as proposed is an enhancement in that it can provide a meeting place and visually breaks up building mass; 6) The proposal is consistent with the overall pattern of development on El Porto/North End Highland where there is residential mainly on the east side and commercial on the west side; 7) Parking and topography are important factors that the applicant has considered and regarding 4 leased spaces on Crest Drive, Chevron offers leases for the first year only although this could change in the future and the commercial space is only 470 feet from the public parking structure at Rosecrans Avenue; and lastly 8) Believes that the neighborhood is ready for new development as proposed and the project is worthy of the neighborhood.

**Michael Lee**, project architect, made the following points: 1) Recalls substantial support from the Commission

in the first hearing and that the main directive was to work on the patio – which is now reduced in depth by 3 feet; 2) believes that an artist’s studio is very proactive and marketable; 3) while the code and Chevron limitations preclude applying the off-premise Crest Drive spaces as being part of the code required parking, this could change via either Chevron’s policy or a change in the code; 4) Believes there are many examples where a large patio/public space successfully operates at a front of a building (Yellow Vase, City Hall and Library, Simmzy’s, La Mar building and several others mainly food but some other uses); 5) believes that a primary goal should be to build an attractive building and does not believe that bringing a wall/windows closer to the street necessarily achieves this although he has reduced the patio setback from Highland by 3 feet and he also does not believe that eliminating or reducing the patio is pedestrian friendly or safer. Mr. Lee showed some renderings of the patio.

In response to a question from the Chair, **Mr. Lee** responded that as stated in the staff report, the applicant may be open to an alternative commercial use such as some combination of studio and gallery/retail uses.

**Chair Seville-Jones** called for other audience input other than the applicant, with a speaking limit of 3 minutes.

**Mary Ellen Voyteck** {sic}, 41st/Highland Avenue, is happy that this development is coming but she has questions: 1) What is the purpose of the basement?

**The Chair** suggested that the Commission can ask these questions of the applicant and or staff.

**Colleen Young**, lives on Gull /Crest and owns the property at Crest/42<sup>nd</sup> Street, is concerned regarding parking, noise and height (30 feet tall for the entire length?) and noted she has an annual lease for Crest Drive parking from Chevron and the lease must be through the owner. Often the public improperly parks in the leased spaces.

**The Chair** suggested that staff can respond to the building height question and invited the applicant to present maximum 2-minute rebuttal.

**Michael Lee** responded that 1) he has designed about 100 buildings in Manhattan Beach including 2 mixed-use buildings on Highland; 2) the basement is the commercial space; 3) in applying the height code, which factors in topography, the front of the building will appear at 30+-feet from Highland, while the rear will appear 20 feet tall from Crest; 4) reading the code definition of “Artist Studio” clarifying that it is broad in that it encompasses all the performing arts such as a recording or dance studio; 5) the north end of Highland, he believes, will be experiencing a rejuvenation in coming years.

**Elizabeth Srour** responded that any nuisance issues like odors or noise are appropriately controlled by conditions in both the Use Permit and through the CC&R’s for the project to achieve compatibility between the residential and commercial uses.

There being no further public wishing to speak, **Chair Seville-Jones** CLOSED the Public Hearing.

In response to the **Chair**, **Associate Planner Haaland** stated: 1) there is a city-wide Noise Ordinance but specific conditions can be imposed on the Use Permit to control nuisances, such as requiring that all manufacturing activities be conducted within a fully enclosed area; such conditions for a studio have not been drafted; 2) it is not relevant that one Highland owner has an annual vs. month-to-month parking lease with Chevron since the zoning code requires a 10-year lease for the parking to be considered Code required parking.

#### COMMISSION DISCUSSION

**Commissioner Thompson** stated his opinion that the building is beautiful architecturally and he supports both gallery and studio uses in concept but he still has concerns regarding the commercial space. He recommends 1) that the commercial space be shrunk to meet the parking requirement for a future and more restrictive use parking-wise, because it is risky to design to only a use that can comply with such an unusually low parking requirement; and 2) that the building setback at the ground floor be no more than 5-feet from the sidewalk area so as to relate more to the sidewalk. So, parking adequacy and building interaction with the sidewalk are his main issues.

**Commissioner Fournier** deferred to the Chair.

**Chair Seville-Jones** noted that the large patio does not connect the street with the commercial space by virtue

of use. She believes that the General Plan goals can be interpreted that **both** sides in northerly Highland should be encouraged to have more active commercial uses that relate to the neighborhood and, towards that end, she'd like to see the project have some mix of retail and studio. However, she is not sure 5' as suggested by Commissioner Thompson will work for all purposes; is open to discussion on this. Finally, while it is not helpful that Chevron does not agree to minimum 10-year lease terms, she acknowledges someday this could change; however today it's not relevant.

**Commissioner Fournier** thanked staff and the applicant, and, in recalling a building (228 MBB – original Skechers offices) where having a large set back front patio did not work, he acknowledged the validity of the issues raised by Commissioner Thompson. He thinks that staff and the applicant's architect could work further on the design, however, he supports the project as submitted as he did at the first hearing, because he believes it responds adequately to prior and clear direction from the Commission and meets all codes. He is open to discussing other options.

**Chair Seville-Jones** noted that the revised plan has decreased the courtyard dimension (from 18 to 15 feet), but questions if this adequately responds to the issues prior raised by the Commission.

**Commissioner Fournier** stated that, not being a professional building designer, is uncomfortable with vagueness because he would not understand the implications to the owner in approving changes.

**Chair Seville-Jones** stated she is not in agreement with the proposal having artist studio only and large patio at front that does not activate the sidewalk. She also understands how in the future this design could pose a problem, but is not clear that such would be a legitimate basis for denial.

**Commissioner Thompson** added that he recalled the direction from the Commission was to bring the patio closer to the sidewalk, but what the applicant has come back with instead, is a proposal for an artist's studio, and a small decrease in patio size, and the justification for this is that the parking requirement will be met. His concern remains that doing so greatly limits the types of uses (those with such a low parking requirement) that can go into the ground floor space and still meet the code, and is therefore likely to be an enforcement challenge.

After further discussion in line with opinions already expressed, **Chair Seville-Jones** asked staff for thoughts.

**Director McIntosh** informed that the Commission could, as recommended by staff, move towards denial, or the Commission can direct that the item be continued to enable the applicant to further address concerns. In response to the Commissioner Thompson, **Director McIntosh** informed that the applicant can appeal the denial, and that the denial "without prejudice" means the applicant can re-apply without waiting a year.

#### REOPENED PUBLIC HEARING

**Chair Seville-Jones** REOPENED the PUBLIC HEARING.

**Michael Lee** stated he and his client have worked hard on the design and he and his client would be agreeable to reducing studio space, including retail gallery equivalent to one parking space of retail parking demand (200 square feet) and move the building wall another 5 feet to the west (leaving a 10-foot setback from the sidewalk). This would make the artist space smaller but believes that this would be a good compromise and does not sacrifice the building aesthetic. He cannot name a specific potential tenant at this time but he thinks a studio in the rear with a 200 square foot retail gallery at the front with a somewhat smaller patio setback.

**Chair Seville-Jones** noted this seems to be going in the right direction, and then, there being no further public comments, CLOSED THE PUBLIC HEARING.

**Commissioner Thompson** asked whether the retail space might be a tenant other than that for the studio space, and Mr. Lee stated he didn't see a problem with such. He ended by stating he would still like to see a revised plan and consider a staff analysis, and the Chair agreed.

**Chair Seville-Jones** REOPENED the PUBLIC HEARING

**Michael Lee** emphasized that his client is very anxious to proceed and asked whether this could be approved tonight.

**Chair Seville-Jones** CLOSED the PUBLIC HEARING.

**Director McIntosh** advised that a Resolution needs to come back to the Commission, and recommends not approving tonight with the caveat that the quickness in bringing back to the Commission depends on how quickly the applicant acts.

**Commissioner Thompson** stated that he thought it should be clear at the end of tonight's meeting what the setback should be for the patio (10 feet vs. 5 feet, e.g.) and how the square footage and parking requirement will work for the commercial uses.

**The Chair** agreed and asked staff what the rationale has been for the size of the patio. **Director McIntosh** stated she recalled that the applicant wanted to preserve the size of the patio in case in the future a more intensive use (café e.g.) would be possible because the spaces on Crest Drive may become eligible for long term lease.

**Chair Seville** REOPENED the PUBLIC HEARING to allow input from the applicant.

**Michael Lee** stated that the intent for the patio was to activate the building with the street and to have an opportunity for a possible dining area in the future if parking can conform. They want to preserve flexibility to use the patio at some future time, and ten feet would provide for a serviceable patio area that in being well exposed will be easy to enforce. Until such could be converted, the space could support landscaping.

**The Chair asked and Mr. Lee** confirmed his understanding that, if the Commission were to approve as requested now, a future conversion for a dining patio with renovation, would require a Use Permit Amendment and public hearing at that time. If the four Crest Drive spaces were available, options could include a small deli seating area, or a small café.

**Chair Seville-Jones** CLOSED the PUBLIC HEARING.

The Commission discussed; **Commissioner Thompson** iterated his opinion that a five-foot space would be adequate for a small café dining area and if, in the future more space is needed and parking is provided, then the building can be modified when the request for CUP amendment is submitted. He believes having 5-foot setback, provides adequate flexibility.

**Planning Manager Laurie Jester** advised the Commission that, as a part of the Downtown Specific Plan (DTSP) staff looked at what should be the standard for a minimum and maximum setback for a ground floor patio in order to activate the building with the street. She recalled the conclusion was, based on an inventory study of existing outdoor patios in the Downtown, that there was a maximum of 8 feet and average of 5-6 feet, and the standard should be 5 feet.

**Chair Seville-Jones** stated that as such she is in agreement with **Commissioner Thompson**, that 5-feet was sufficient and needed to activate with the street. Next steps were discussed and the direction given was for the applicant to revise for a 5-foot setback and submit new plans only to show the reworking of the commercial space and patio setback area.

**Commissioner Fournier** stated he was in disagreement with his fellow Commissioners with respect to the five feet issue.

A motion was made and seconded (Thompson/Seville-Jones) to REOPEN and CONTINUE the hearing to January 9<sup>th</sup>, 2019. It was noted that the currently absent Commissioner would be able to vote if he reviewed the record in advance but if there is a tie vote this will result in a no decision action which is, in effect, a denial.

ROLL CALL:

AYES: Thompson, Chair Seville-Jones  
NOES: Fournier  
ABSENT: Morton  
ABSTAIN: Burkhalter (recused)

- 12/12/18-3. Consideration of a Coastal Development Permit CA 18-17 and Vesting Tentative Parcel Map No. 82214 for the demolition of an existing single-family residence and triplex and construction of Two Attached Residential Condominium Units at 4016 The Strand and 4017-4019 Ocean Drive (two existing half lots) in the appealable area of the Coastal Zone

**Commissioner Burkhalter** was re-seated and **Chair Seville-Jones** announced the next public hearing item.

**Associate Planner Angelica Ochoa** proceeded with the oral staff report, covering: Project Application (2-unit Condominium and Coastal Permit in Appealable coastal zone area – public hearing required due to the condo subdivision application); Project Setting and Details, Analysis, and concluding with a Recommendation to adopt Coastal Development Permit 18-17 and Vesting Tentative Parcel Map, approving subject to conditions in Coastal Permit.

Staff responded to questions from the Commission as follows: (update)

- **Parking, levels, and encroachments (Thompson):** The architect will address questions those issues regarding the number of levels and how guest parking is configured. Within the 10-foot right-of-way at the front on the Strand, a number of low-scale improvements (landscaping, patio etc.) are proposed and all such improvements will require an Encroachment Permit. The encroachments shown are consistent with others approved in the El Porto Strand area.
- **General Plan Consistency: loss of housing units (Burkhalter):** While the main objective of the General Plan housing element policy is to strive for “no net loss” of units/lots, the City currently does not have an implementing zoning code that requires this. In the next cycle of the Housing Element, staff is anticipating that there may be a directive that the City enact such a code, or impact fee. Currently, the City is not required to do a lot-by-lot accounting of unit inventory, however this could be imposed in the future. The RHNA (Regional Housing Needs Assessment) which has started for the next cycle will determine a need for a number of housing units, but this will be stratified and various levels of affordability.
- **Is 100-foot radius the normal public notification standard? (Fournier)** Yes, for a Coastal Development Permit as submitted.

#### PUBLIC INPUT

**Chair Seville-Jones** opened the public hearing and invited interested persons to address the Commission.

**Craig Hammond**, 2004 Pine, project proponent, noted this is his third City project and there are many other local residents involved with this project.

**Brett Buchmann**, project architect, reviewed the project plans using 3-D slides, and addressed questions. He made the following points: 1) public hearing: if not for the merging of the half-lots a hearing would not be required; 2) Design: the main intent is to have both units fronting on The Strand; 3) Parking: the goal is to minimize tandem parking although allowed on The Strand, towards this end, one unit has an unusual access in that its garage and guest parking is provided along a south driveway with use of a horizontally sliding garage door. Various options including one that may need a variance, were considered but this proposal provides optimum workability while meeting the code. Tandem guest parking is permitted by code on this site; 4) Number of Levels: using a 3-D rendering, Mr. Buchmann walked the Commission through the levels, including a basement media room including window wells, bedroom and laundry area, trash areas in the private garages, and overall how the project meets the code; 5) the slope for the driveway to the south will be a maximum 15% - if this becomes an issue there is room to mitigate that.

**Chair Seville Jones** invited any other audience members to provide input.

**Samuel Braitman**, 4100 The Strand, expressed concern regarding where construction workers will park.

At the request of the **Chair, Director McIntosh** explained how construction parking is handled, noting it is a challenge when working on walk streets with limited public street access. Permits to use the right of way in a sensible way, including the El Porto Parking Lot are issued with strict enforcement of conditions. A Residential

Code Enforcement Officer works with neighbors before and during construction.

There being no one else wishing to speak, **Chair Seville-Jones** closed the public hearing and invited the Commission to conduct discussion.

#### COMMISSION DISCUSSION

**Commissioner Thompson** stated while his main concern is the parking and slope of the driveway, he is in support and leaves the final parking configuration to staff. **Commissioner Burkhalter** stated he also supports, and while his main issue is the parking, he understands while not being ideal, it is permitted and he believes staff will work out the best option. His earlier comment about housing is directed to a policy, not the project, but would like this addressed.

#### COMMISSION ACTION

There being no further discussion, a motion was made and seconded (Thompson/Fournier) to adopt the Coastal Development Permit CA 18-17 and Vesting Tentative Parcel Map approving the project subject to conditions.

#### ROLL CALL:

AYES: Burkhalter, Fournier, Thompson, Chair Seville-Jones  
NOES: None  
ABSENT: Morton  
ABSTAIN: None

Motion passed 4-0-1

#### F. DIRECTOR'S ITEMS

Director McIntosh reported that the ADU ordinance was approved by the City Council at its last meeting with one change that the provision allowing the owner to not occupy the site for up to a two year period was deleted.

#### G. PLANNING COMMISSION ITEMS – none

#### H. TENTATIVE AGENDA – December 26

Director McIntosh reported that there are no agenda items currently and this meeting will likely be cancelled with notification.

#### I. ADJOURNMENT - The meeting was adjourned at 8:01 p.m. to Wednesday, December 26, 2018 at 6:00 P.M. in the City Council Chambers, City Hall, 1400 Highland Avenue (unless cancelled).

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ROSEMARY LACKOW  
Recording Secretary

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SANDRA SEVILLE-JONES  
Chairperson

ATTEST:

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ANNE MCINTOSH  
Community Development Director