

**MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JULY 22, 2020
(DRAFT)**

A. CALL MEETING TO ORDER

A Regular meeting of the Planning Commission of the City of Manhattan Beach, California was held virtually via Zoom on the 22nd day of July 2020, at the hour of 3:02 p.m. Chair Morton called the meeting to order and announced the protocol for participating in the meeting.

B. PLEDGE TO FLAG

C. ROLL CALL

Present: Burkhalter, Thompson, Vice Chair Fournier, Chairperson Morton
Absent: Ungoco
Others Present: Carrie Tai, AICP, Director of Community Development
Brendan Kearns, Assistant City Attorney
Angelica Ochoa, Associate Planner
Eric Haaland, Associate Planner
Drew Teora, Agenda Host
Rosemary Lackow, Recording Secretary (monitored meeting via livestream)

D. APPROVAL OF AGENDA

It was moved and seconded (Thompson/Burkhalter) that the agenda be unchanged.

Roll Call:

Ayes: Burkhalter, Thompson, Vice Chair Fournier, Chairperson Morton.
Noes: None
Absent: Ungoco
Abstain: None

E. AUDIENCE PARTICIPATION - None

F. APPROVAL OF THE MINUTES

7/22/20-1. Regular Meeting - June 24, 2020

It was moved and seconded (Thompson/Burkhalter) to approve as presented.

Roll Call:

Ayes: Thompson, Burkhalter, Vice Chair Fournier, Chairperson Morton,
Noes: None
Absent: Ungoco
Abstain: None

G. GENERAL BUSINESS

7/22/20-2. Follow-up Accessory Dwelling Unit Ordinance Study Session

Chair Morton announced the item and invited staff to make a presentation.

After a brief introduction by **Director Tai**, **Associate Planner Angela Ochoa** and **Associate Planner Eric Haaland**, in tandem, gave presentations with the aid of slides to address, respectively: 1) accessory dwelling units (ADU's); and 2) dwelling unit replacement policy, in advance of conducting public hearings to consider adopting ordinances that would replace urgency ordinances in compliance with state law.

Associate Planner Ochoa, after reviewing the state laws on ADU's, suggested topics as a framework for discussion, including: designation of locations – where to be allowed; unit sizes (minimum and maximum square feet); building separation requirements; parking and driveway requirements; and standards for “kitchen” facilities. Ms. Ochoa also referred to findings from a survey of ADU regulations for the cities of Torrance, Redondo Beach, Hermosa Beach and El Segundo, noting that, in general these cities seem to have similar approaches in customizing their ADU ordinances which includes allowing driveways and parking to remain after garages are converted to ADUs, thereby allowing for on-site parking, requiring covenants, reducing building separation between structures and clarifying standards for kitchens for ADU's and JADU's. Ms. Ochoa also reviewed that currently ADUs are not permitted in the coastal districts III/IV based on prior findings of public and fire safety.

Ms. Ochoa concluded by reviewing a variety of staff suggestions for ADU standards: 1) Size; 220 sq. ft. minimum as an “efficiency unit” and maximum 850 sq. ft. for studio/1-bedroom, or 1,000 sq. ft. for more than 1 bedroom; 2) Building Separation: consistent with surveyed cities, change from 10-foot to 5-6 feet; 3) Parking: allow driveways to remain for garage conversions to encourage on-site parking; 4) Kitchens: clarify that ADU's require full/permanent facilities, except a JADU, as an efficiency unit could have limited and non-permanent facilities.

Associate Planner Haaland clarified for Vice Chair Fournier: 1) there is no historic “R3H” zoning designation – that in the 1990's the designation of RH replaced R3, but this was a change in name only; and 2) the building separation standard applies between buildings on the same, not adjoining lots.

Commissioner Burkhalter suggested generally, that the Commission: 1) approach holistically, not piecemeal; 2) consider different standards (e.g. minimum/maximum unit sizes, building separation) for inland vs. coastal Area Districts and; 3) consider requiring ADUs/JADUs to not share a bathroom. He noted he would be comfortable in reducing the 10-foot building separation given advancements in building technology to address fire safety.

Associate Planner Haaland presented the staff report on the Unit Replacement (“no net loss”) ordinance, highlighting applicable state law (SB 330) and deadlines for adoption, noting: 1) the city may need to adopt new regulations that would allow remodeling and full replacement of nonconforming buildings; 2) clarification is needed that a duplex (or triplex) may be replaced by a single-family home with either an ADU/JADU (or both), in all areas rather than just inland areas; 3) the Commission can consider creating other new standards/requirements such as a minimum replacement unit size or corresponding old unit to new unit bedroom quantities/unit square footage/size; 4) provisions by the State are already in place such that, qualifying “protected” (affordable) unit, must be required to be replaced with affordable units; and. 5) the State encourages additional affordable housing preservation. **Mr. Haaland** noted that Staff is not aware of any qualifying “protected” affordable units that exist in the city, but should there be any, they would be subject to replacement and he also noted a JADU would qualify as a replacement unit only if it were “affordable”.

Mr. Haaland concluded with the staff recommendation that the Commission: accept public input on both the accessory units and housing replacement topics, discuss and direct staff, to eventually schedule a public hearing for permanent ordinances with the expectation that the process will be completed by December 15, 2020.

Chair Morton opened the floor to questions on housing replacement.

Assistant City Attorney Kearns clarified that with respect to unit replacement equivalency - in the text of SB 330, there is a definition for “equivalency”, however, that definition is not used elsewhere in the statute. One approach might be to clarify what constitutes equivalency within the City's local ordinance under its authority to promote low income housing; Mr. Kearns noted if the Commission wants to pursue such, the City Attorney can look at how this can be achieved.

Director Tai pointed out that in considering replacement units, and equivalencies, it is important, from a housing policy standpoint, to also think about how the housing stock might be affected; this is something that would be relevant when the City's Housing Element is updated as it will look at the types of units that are needed for the City now and into the future. Director Tai indicated that if interested, staff can provide data to the Commission such as a breakdown in the city's household size.

There being no further questions, Chair Morton invited public input.

PUBLIC INPUT

Gifford Cast, owner of an older 3-unit property on a 30 by 90 lot on 35th Street at Bayview; is concerned because he does not believe he can replace three units today. He is concerned also that in his area, the streets are very narrow, many are walk streets and here is a general shortage of parking in the area which also affects the nearby commercial uses; perhaps there should be a correlation in what can be developed, limited street access and lack of parking.

Michelle Miller, real estate broker, is concerned about nonconforming 3-unit lots in the beach area which are greatly affected by this issue in terms of redevelopment potential; proposed that an exemption be created that would allow two larger units plus a third unit that is JADU, or "Junior Accessory Dwelling Unit" where the JADU would be allowed to be within the confines of one of the larger units which could be a stand-alone condominium "townhome" unit. This would help existing owners preserve their property values.

Rosanna Libertucci, owns a nonconforming triplex in the sand area which is impacted by this issue and asked whether a zoom round table discussion can be held with architects, builders and property owners to discuss possible solutions. She believes that triplexes had been able to be built in the 1980's and 90's on 30 by 90 beach area lots, citing properties at 217 2nd Street and 410/412/16 Ocean Drive, and suggested that the City consider rolling back its code requirements to those in effect at that time. She requested that consideration be made for exceptions to ADU standards to allow greater than 16-foot height and a 10-foot building separation, and that renovations to older nonconforming buildings be permitted.

Tory Blazek, real estate agent, supports comments of speaker Michelle Miller.

Grant Kirkpatrick, resident, architect and former City Planning Commissioner, appreciates the difficult task at hand as the trend in the beach area, which is very dense, especially where there is vehicle access only at the rear, has been to develop single family homes, or perhaps a single-family home and rear apartment. He questioned whether a less than 10-foot separation is allowed in the Uniform Building Code. In response to Commissioner Thompson, Mr. Kirkpatrick does not think under today's codes, three units can be built on a 30 x 90 beach area lot.

Associate Planner Haaland noted that he does not recall that lots in the beach area were "downzoned" under the ZORP code update which came into effect in 1990 and speculates that the standards that have the greatest constraint on developing the maximum allowed number of units (i.e. 3 units on an RH zoned 30 x 90 lot) are parking and open space.

A brief discussion followed on whether staff could provide a bullet list of development standards that hinder development on a 30 by 90 beach lot. **Commissioner Thompson** clarified he is trying to understand, if and when the zoning code changed that precluded developing 3 units on a 30 x 90 lot. **Director Tai** explained it's a difficult task to break down how development standards such as parking, height, setbacks, etc. individually affect replacement requirement. She has noted that the concerns expressed seem to be mainly in the beach area multi-family zones and suggested focusing discussion back to replacement equivalencies and developing a city-wide policy.

Kim Komick, resident and contractor has built many multi-unit projects in the city; suggested a good design solution for beach area lots could be two condominium townhomes (which are required to have three parking spaces each) with an ADU in one. She feels separate building townhome projects also tend to appear less bulky on steeply sloped lots, because the height of the buildings is tiered. By contrast, she feels the development of a single large home that contained one or more ADU's within it would be less desirable in that it likely would have a boxy, bulkier appearance. She urges that the City deal with this issue cooperatively with the state, so as to avoid any potential challenges to the City's LCP.

Tony Picciolo, noted that in the El Porto area north of Rosecrans, along Crest Drive, there are spaces on private property owned by Chevron that are leased to nearby residents; he inquired if this situation is being taken into consideration. He believes that many of the units on Crest Drive in that area have been converted from triplexes to duplexes but in some cases laundry rooms have been converted to living area to create triplexes or ADUs.

Director Tai commented that all legally permitted units are subject to the state replacement regulation; believes that there are state provisions that allow for areas to be designated as an ADU, if on a multi-family zoned property and meeting certain criteria, although she is not sure such would apply to the situations Mr. Picciolo is describing.

Brando Straus, Srour and Associates, acknowledged this is a very difficult task, suggested that the Commission target specific problems instead of a wholesale examination of the zoning code – i.e. take the problem lots, where there are triplexes that cannot be rebuilt under today’s standards, and apply the state ADU law to fill in the number of units that couldn’t otherwise be built. Targeted solutions could include two attached accessory units to a single-family building, an attached JADU within a condominium, etc.; the code changes would be aimed at achieving such solutions. It is important to give the nonconforming triplexes viable solutions so that they do not deteriorate as rents would not be sufficient to cover deferred maintenance. He emphasized that in replacing the number of units, density would not be increased and the new replacement development would be compliant with all current codes.

Pablo Escutia, is with a local building design/development company, agrees with the approach to mold a solution that can be applied to condominiums on hillside lots and emphasized this state law should not be viewed as a “one-size fits all” and believes the City’s unique conditions should be communicated to the state.

COMMISSION DISCUSSION

There being no more speakers, Chair Morton opened the floor to Commission discussion which followed first on ADU’s, followed by replacement units.

ADU’s

Staff provided clarifications in response to questions and comments from the Commission.

Assistant City Attorney Kearns reminded that JADUs cannot be used as replacement units unless attached to a single-family dwelling; however, this would not preclude allowing an attached accessory unit that is larger than a JADU to be attached to a condo, duplex or triplex. **Director Tai** clarified that, while the 10-foot separation requirement has existed for many years, she believes that currently there are some design scenarios where the separation may be able to be reduced to less than 10-feet and staff will check into this with the Building Official.

Associate Planner Ochoa reminded that there are four scenarios of ADUs where state law pre-empts local zoning whereby the city would be required to issue a permit for an ADU/JADU: 1) when proposed on a single family lot (one new or within an existing space); 2) a detached ADU on a single family lot (4-ft rear and side setbacks, 16 feet in height, 800 sf maximum); 3) an ADU in converted space in existing multi-family dwellings; and 4) detached ADUs on existing multi-family lots (2 maximum, 16 ft maximum in height, 4-ft side/rear setbacks).

Director Tai suggested that Commission discussion be structured by addressing the topics outlined in the staff report - for ADUs first and then replacement units, recognizing that there is interplay between the two topics.

Discussion followed for the following topics: **designation/locations, unit sizes, separation requirements, parking and driveway requirements, and kitchen standards.**

Regarding **locational** criteria **Director Tai** clarified that staff is in the process of clarifying whether infrastructure conditions (e.g. water, sewers, fire safety) in the beach area still exist as when first reported a few years ago that would continue to support findings for a policy to NOT permit ADUs in the beach

area districts. If staff finds conditions have changed, there will be a discussion as to how to regulate ADU development in the beach area.

Regarding **unit sizes**, **Director Tai** explained that staff is recommending a minimum 220 square foot accessory unit because this is the minimum the law requires for an “efficiency unit” and further clarified that the city is preempted from requiring parking for an ADU because of the presence of public transit in the City.

The Commission concurred with Staff (as per the staff report) with respect to clarifying **kitchen requirements** and **driveways**. The Commission directed that staff further study and provide additional information: 1) how many ADU’s should be allowed on a lot? 2) should the ADU regulations be different in different geographic areas of the City? (e.g. inland Area Districts I/II vs. coastal Area Districts III/IV) 3) what should be the minimum square footage for ADUs and the maximum size for detached ADUs? 4) whether to require separate bathrooms for JADUs; and 5) what are options for building separation (on same lot) for ADUs?

Replacement Units

Chair Morton expressed his preference for encouraging rather than limiting flexibility for property owners in ways to replace or improve units, so as to avoid or mitigate a loss of property value; Commissioners Fournier and Thompson noted their agreement.

Assistant City Attorney Kearns reiterated that there is no clear concept of “equivalency” in the general replacement language of the state law, except in a paragraph addressing “protected units” and if the Commission is interested, he could look at ways to incorporate the concept of equivalency in the replacement unit provisions that relate to protecting affordable or low-income units based on some identified tradeoffs.

The Commission, upon discussing further, concurred with staff’s approach that zoning provisions should be clarified that address permitted remodeling of legal nonconforming residential uses. This pertains to those properties, typically built several years ago which have a legally permitted number of dwelling units but, due to changes in standards over time, exceed the number of units currently permitted.

The Commission requested further study of the following development scenarios: 1) On a multi-family zoned lot (e.g. RH), if existing multi-family building/buildings are demolished and replaced with a “single family building” with two attached ADUs, and 2) On a multi-family zoned lot, if existing multi-family building/buildings are demolished and replaced with two townhomes and an ADU. In both cases it was requested that staff identify the zoning provisions that currently preclude this and would need to be amended.

I. DIRECTOR’S ITEMS

Director Tai reported that, at the direction of City Council, due to impacts from public health orders regarding Covid-19, the planning staff has developed a process for issuing Outdoor Facilities permits for restaurants, enabling them to extend dining into outdoor areas within the public right of way, including sidewalks and some parking spaces. The City Council has also created a sub-committee that will be looking at the potential of allowing such uses on a permanent basis. Areas being used as such can be seen downtown along Manhattan Avenue and Manhattan Beach Boulevard. The Council is also looking at how to similarly help other types of businesses, such as retailers and personal services including gyms and salons.

The Commission discussed briefly and applauded this program.

J. PLANNING COMMISSION ITEMS - None

K. TENTATIVE AGENDA – August 12, 2020

L. ADJOURNMENT TO – The meeting was adjourned 6:00 p.m. to Wednesday, August 12, 2020 at 3:00 P.M. via Zoom/virtual format.

ROSEMARY LACKOW
Recording Secretary

GERRY MORTON
Chairperson

ATTEST:

Carrie Tai, AICP
Community Development Director