

**MANHATTAN BEACH  
PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
OCTOBER 28, 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 28<sup>th</sup> day of October, 2020, at the hour of 3:00 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, Ungoco, Vice Chair Fournier, Chairperson Morton  
Absent: None  
Others Present: Carrie Tai, AICP, Director of Community Development  
Angelica Ochoa, Associate Planner  
Eric Haaland, Associate Planner  
Erik Zandvliet, City Traffic Engineer  
Brendan Kearns, Assistant City Attorney  
Diana Varat, Assistant City Attorney  
Drew Teora, Agenda Host  
Nhung Huynh, Participant Host  
Rosemary Lackow, Recording Secretary (monitored 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, Ungoco, Chairperson Morton.  
Noes: None  
Absent: None  
Abstain: None

**E. AUDIENCE PARTICIPATION - None**

**F. APPROVAL OF THE MINUTES**

10/14/20-1. Regular Meeting – September 9, 2020

It was moved and seconded (Thompson/Burkhalter) to approve with changes as follows:

Page 4 of 6, third paragraph from the bottom, strike entire paragraph and replace with:

**“Commissioner Thompson** acknowledged the residents’ concerns, thinks it’s appropriate to give more time to allow residents to get accurate information to better understand the project, overall supports the project with modifications, would like to see changes considered such as: widening and redesigning the garage ramp, conversion of compact to standard sized parking spaces, even if it reduces the number of parking spaces, addition of landscaping including mature trees and screening elements on the east elevation, and more information regarding the north elevation plantings. Commissioner Thompson indicated nonsupport for the office use.

On Page 5, 4th paragraph, strike entire paragraph and replace paragraph **“Commissioner Thompson:** reduce the number of compact parking spaces as suggested by the applicant; requested the traffic engineer to review the location of the ramp in relation to the Sepulveda Boulevard driveway, the line-of-sight safety

must be demonstrated, he expressed objection to the office building second story as being visually over-dense for the corner.

Roll Call:

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

## G. PUBLIC HEARING

10/28/20-2. Consideration of Proposed Municipal Code and Local Coastal Program amendments for Citywide Regulations for Accessory Dwelling Units (ADUs)

**Chair Morton** announced the item, opened the public hearing and invited a staff presentation.

**Community Development Director Tai** gave introductory remarks and introduced the project planner.

**Associate Planner Angelica Ochoa** presented the oral staff report with assistance of slides, covering what is being proposed and concluding that: the proposed code amendments (to both the Muni Code and Local Coastal Program) are consistent with the General Plan, Housing Element Goals, and Local Program and reflect Planning Commission discussion and recommendations. Staff recommends that the Commission discuss, conduct the continued public hearing and adopt the draft Resolutions which will be forwarded to the City Council for its consideration.

The Chair opened the floor to the Commission; the following questions were directed to staff, with responses from Staff:

- 1) Can an ADU be a condominium? (Commr. Thompson); Response (Assoc. Planner.Ochoa): an ADU cannot independently be developed as a condominium, but an ADU can be part of a condominium
- 2) How does the 25% ratio relative to density? (Commr. Thompson); Response (ACA Kearns and Attorney Varat): As proposed, for new development (currently applies only to existing) in all multi-family districts, one attached ADU equal to 25% ratio of existing units – also applies to non-conforming units (intent is to motivate maintenance and investment of nonconforming properties). As an example, an 8-unit existing building could convert a basement area (as one of various types of spaces that can be used for ADUs) to maximum of 2 ADUs. The intent is to expand the opportunity to build ADUs to existing development and to streamline the process.

## PUBLIC INPUT

Chair Morton invited the public to speak, limited to 3-minutes each.

The following persons spoke, requesting, due to the great financial impact of SB 330 (No Net Loss statute) more flexibility by allowing a minimum of 150 sq. ft. efficiency unit JADU as felt is needed for small lots (e.g. common in El Porto), and to allow up to 1,200 square feet for 2-bedroom ADUs as provided in state ADU regulations.

**Julie Tran**, South Bay Association of Realtors

**Michelle Miller**

**Rosanna Libertucci**

**Karynne Thim**

**Tiffany Rhodes** (representing a Strand 4-plex).

**Commissioner Thompson** requested, through the Chair, that Staff respond to points raised by speakers.

**Assistant City Attorney Kearns** and **Director Tai** responded to the questions raised about the size of an efficiency unit. ACA Kearns explained the staff recommendation for 220 vs. 150 square foot minimum efficiency unit is based on staff review of both state law and the City's Housing Element data; Staff found that the state Building Code says 220 sq. ft. is appropriate for 2 people, while the housing data for the

City shows that the average household size is 2.5 persons - basically the city demographics do not support 150 sq. feet for a housing unit. However, this would not preclude staff looking at the issue of efficiency unit size in the upcoming Housing Element Update program.

In response to the **Chair, Director Tai** stated that the Commission could recommend that the minimum be 220 square feet **or** whatever the lowest square footage is (e.g. 150 sq. ft.) as allowed through a subsequently enacted ordinance. In other words, the ordinance could be worded as such to provide such a contingency – which would match the minimum efficiency unit size specified in the State Health and Safety Code.

Commissioner Thompson stated that as he recognizes the Housing Element would take a good year to complete, he would support Chair Morton’s proposal to include a contingency provision in the revised ordinance.

Discussion focused on whether the City could have some sort of minor exception process whereby it could help owners who have very unusual situations. **Director Tai** noted that the City must abide by the No Net Loss law for at least the next four years - it cannot issue waivers or exceptions while SB 330 is in effect. Commissioner Fournier noted he feels more information from the community is needed. **Director Tai** explained that in hardship situations where a building has nonconformities the City can allow some additions, however, when the lot is totally scraped, theoretically the hardship argument weakens and that would require a much larger discussion.

There being no further questions of Staff, Chair Morton closed the public hearing and invited Commission discussion on the staff recommendation.

## COMMISSION DISCUSSION

**Commissioner Fournier** stated that he has not heard enough from the public as to whether the City can offer relief from the effects of the No Net Loss law and supports forming an Ad Hoc Committee before moving forward.

**Chair Morton** stated that he believes its important for the Commission to provide leadership and try to use the ADU ordinances, when revised, to mitigate the No Net Loss effects. He believes that the Minor Exception provisions cannot be used; they could, however, provide a contingency in the code to enable very small efficiency units (150 sq. ft.) He is not optimistic that some code standards like height, garage access turning radius, eliminating the open space requirement, etc. would be acceptable in the community. Lastly, he is doubtful that they could ever get to a point where a 4-plex would have the same market value as a single-family residence on a multi-family zoned lot.

**Commissioner Fournier** clarified that he is not advocating changing the height limit or parking requirement. He just feels they haven’t heard from the public enough as to why the current codes cannot work.

**Commissioner Burkhalter** pointed out that the real constraint is SB 330 (No Net Loss) which is intended to conserve existing housing units. Staff has heard support from the public for regulations that would incentivize production of ADU’s that would be truly functional – but the ADU ordinance cannot be a panacea for SB 330. He supports moving forward to have a revised ADU ordinance in effect as soon as possible

**Commissioner Ungoco** expressed appreciation for the situation and has been uncomfortable with the discussion heretofore on efficiency units (150 vs. 220 sq. feet). He is hesitant to adopt a less than 220 sq. ft. standard and has concern that if the delays adopting a revised ADU ordinance, the City will be forced to fall back to the default state standards; further, he feels there is no “one size fits all” for a “viable unit”.

**Commissioner Thompson** stated he is very impressed with the staff work and it is very frustrating that the state has imposed this situation on cities. He fully supports the staff recommendation, with some possible revision if deemed appropriate.

**Commissioner Fournier** stated he sees the logic of the other Commissioners’ points; he could also

support the recommended action if he could be assured that Commission would consider, as a separate action, having a continued public discussion on the issues discussed in this hearing (mitigating more the detrimental effects of the No Net Loss law.

**Chair Morton** turned to staff as to: 1) the feasibility of Commissioner Fournier’s suggestion for future study; 2) where in the draft Resolution staff could add language providing for a contingency for reducing the minimum efficiency unit size to 150 sq. ft. and 3) whether the standard for a 2-bedroom ADU should be 1,200 or 1,000 square feet;

**Director Tai** responded that 1) she would need to look at the city protocols as to whether the authority to initiate a planning “study” rests with the Council alone. The Commission can always conduct a “study session” on some issue to which the public can be invited; however, staff would need to know specifically what is to be studied; and ACA Kearns added that the City Council would have to direct that an “AD Hoc” committee be formed. Director Tai pointed out that one pathway could be the annual joint City Council/Planning Commission meeting which is conducted near the beginning of each year. 2) The language pertaining to the minimum unit sizes as suggested by the Chair could be added to Section 10.74.040 B.1. on page 16 of the staff report and Section 10.74.050 1. on page 19 in the JADU section (and the same changes should be made in the Coastal Program resolution). 3) Staff received no specific direction at the last meeting regarding the 1,000 vs. 1,200 sq. ft. 2-bedroom ADU unit size; the Commission could discuss that now.

**Commissioner Burkhalter** opined that he saw no “down side” to changing to maximum 1,200 square feet as this would just establish a higher maximum; **Chair Morton** noted doing so would provide more flexibility to owners.

#### COMMISSION ACTION

**Commissioner Thompson** moved to adopt the draft Resolution with amendments including a contingency provision for efficiency unit size and changing the maximum size of a 2-bedroom ADU to 1,200 square feet.

Discussion ensued to clarify the pending motion. **Commissioner Thompson** clarified his motion does not call for a future “initiative” as he feels that would be the purview of the City Council but would support a “study session” which it was clarified, is a public discussion, more of a listening session for the Commission. **Commissioner Thompson** indicated he would support a study session not an initiative as in his motion. Director Tai reiterated that setting up a study session would be a topic in the annual PC/CC joint meeting.

Briefly the issue of the ADU square footage standard was discussed. **Commissioner Burkhalter** suggested that the motion be only to substitute 1,200 sq. ft. for 1,000 square feet as applying to 2-bedroom ADUs. **Commissioner Thompson** clarified that the intent of his motion is as stated by Commissioner Burkhalter.

**Commissioner Ungoco** seconded **Commissioner Thompson’s** motion as clarified; Chair Morton called for a vote.

Roll Call:

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

**Director Tai** announced that the motion passed 5-0 and staff will work on calendaring this matter on a City Council’s agenda.

#### H. DIRECTOR’S ITEMS

**Director Tai** reported: 1) The Commission’s prior Master Use Permit Amendment approval (1131 Manhattan Avenue - Nando Milano) was heard at the City Council on October 20; the Council denied the appeal and upheld the Commission’s approval; 2) The joint CC/PC meeting will be calendared at the next

meeting or one in December; she encourages the Commission to bring ideas to the next meeting as to which topics can be discussed; and 3) Sad news is that Staff member Drew Teora will be leaving her employment with the City soon; The Commission expressed its appreciation for her hard work and support. Ms. Teora noted that her goal is to pursue a Master's in Public Administration and she is leaving the City as she will be relocating to Reno Nevada.

**I. PLANNING COMMISSION ITEMS**

**Director Tai** informed that, as is routine, the changes to the October 14, meeting minutes requested today will be incorporated into the permanent record and a copy will be given to the Commission.

**Vice Chair Fournier** had two comments: 1) he personally experienced serious technical problems in

**J. TENTATIVE AGENDA – November 18, 2020**

Director Tai affirmed that the November 18 meeting which is the rescheduled November 11 meeting will have on the agenda the continued public hearing for the hotel application for 600 So. Sepulveda Boulevard.

**K. ADJOURNMENT TO** – Chair Morton, with no objection, adjourned the meeting at 5:21 p.m. to Wednesday, November 18, 2020 at 3:00 P.M. via Zoom/virtual format.

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ROSEMARY LACKOW  
Recording Secretary

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GERRY MORTON  
Chairperson

ATTEST:

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Carrie Tai, AICP  
Community Development Director