

**MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
NOVEMBER 8, 2023
DRAFT**

A. CALL MEETING TO ORDER

A Regular meeting of the Planning Commission of the City of Manhattan Beach, California was held in a hybrid format (Zoom and in person at City Hall, 1400 Highland Avenue) on the 8th day of November, 2023. Chair Tokashiki called the meeting to order at the hour of 3:00 p.m. and announced protocols.

B. PLEDGE TO FLAG

C. ROLL CALL

Present: Commissioners Dillavou (remote), Hackett, Ungoco, Vice Chair Sistos, Chair Tokashiki
Absent: None
Others Present: Talyn Mirzakhonian, Community Development Director
Adam Finestone, AICP, Planning Manager
Tari Kuvhenguhwa, Associate Planner
Fel Cortez, Agenda Host
Rosemary Lackow, Recording Secretary

Director Mirzakhonian announced that Commissioner Dillavou is participating remotely and the agenda was prepared and posted in accordance with Brown Act requirements for remote attendance.

D. APPROVAL OF AGENDA

A motion was made and seconded (Ungoco/Hackett) to approve the agenda with no changes.

Roll Call:

Ayes: Dillavou, Hackett, Ungoco, Vice Chair Sistos, Chair Tokashiki

Noes: None

Absent: None

Abstain: None

Agenda host Cortez announced the motion passed 5-0.

E. AUDIENCE PARTICIPATION – None

F. APPROVAL OF THE MINUTES

11/8/23-1 Regular Meeting – October 25, 2023

Chair Tokashiki called for any changes to the minutes. Seeing none, it was moved and seconded (Sistos/Ungoco) to approve the minutes, as submitted.

Roll Call:

Ayes: Chair Tokashiki, Vice Chair Sistos, Commissioners Dillavou, Hackett, Ungoco

Noes: None

Absent: None

Abstain: None

Agenda host Cortez announced the motion passed 5-0.

G. PUBLIC HEARING

11/08/23-2. Consideration of amendments to Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code for a proposed ordinance related to Senate Bill 9 (SB9).

Chair Tokashiki announced the item and called for a staff report.

Director Mirzakhanian introduced Associate Planner Tari Kuvhenguhwa who presented the staff report, summarizing the background and providing an overview of proposed changes to the Municipal Code to implement SB 9 as required by State law. The new provisions propose to amend Title 10 (Zoning Ordinance) relating to “SB 9 Unit Development” and Title 11 (Subdivisions) relating to “Urban Lot Splits”. Associate Planner Kuvhenguhwa clarified that the proposed Title 11 provisions are not within the purview of the Commission but are being provided for context and to indicate the full scope of implementing SB 9. Associate Planner Kuvhenguhwa noted certain provisions that are unique to Manhattan Beach and acknowledge the City’s character.

Associate Planner Kuvhenguhwa concluded by stating the staff recommendation, that the Planning Commission conduct a public hearing and adopt a proposed resolution recommending that the City Council adopt proposed Citywide Zoning Code amendments to Title 10 (The Zoning Ordinance) related to Senate Bill 9 (SB 9).

At 3:19 p.m. Director Mirzakhanian requested, and Chair Tokashiki called for a 10-minute recess.
At 3:29 p.m. Chair Tokashiki reconvened the meeting. All five Commissioners were present.

Director Mirzakhanian asked that Associate Planner Kuvhenguhwa walk the Commission through the specific wording changes to the existing zoning ordinance in Chapter 10.12.020 as well as the new Chapter 10.78; the draft ordinance language was printed out and distributed to the Commission in person and by email to Commissioner Dillavou, and posted online.

Associate Planner Kuvhenguhwa proceeded with this presentation and upon conclusion, staff responded to inquiries from the Commission by clarifying:

- Maximum number of units: Whether split or not, a maximum of four units can be developed on the original existing lot. If split, there can be a maximum of two units per lot - either two primary units or a primary plus one accessory unit (e.g. ADU). On a non-split lot, up to four units can be developed (e.g. two primary units plus up to two ADUs).
- Under the state SB 9 provisions, and as incorporated in the proposed codes, the developer must sign an affidavit of intent to occupy the property as a primary residence for three years after the lot split. If, however, the property changes ownership within the first three years, a subsequent owner is not obligated to occupy the property as a primary residence;
- Regarding parking requirements: the existing parking for a residence that will be retained must also be retained to support that residence, while a new SB 9 unit must only provide one additional parking space on the property. Consistent with current Manhattan Beach Municipal Code provisions, no additional parking would be required for ADUs;
- The SB 9 ordinance, if adopted by City Council, does not require review and certification by the State. The State will, however assume enforcement authority for SB 9 on January 1st, 2024, and in April 2024, the City will inform the State Department of Housing and Community Development through its annual housing progress report, of its adoption of an SB 9 implementing ordinance.
- In the case of an urban lot split, under state subdivision law, the City has the authority to require that a separate water service connection be provided for the new parcel as a condition of the subdivision. Staff will confirm this is a City subdivision requirement going forward.

Chair Tokashiki invited public comment.

Seeing no one wishing to speak either in person or remotely, the Chair closed the public hearing and called for Commission discussion.

Commissioner Hackett stated she understands the SB 9 ordinance is mandated by State law; appreciates that some provisions are tailored to the City to address its unique character; and the application Citywide will likely be limited. She thanked staff for their work especially in clarifying complex issues. The remainder of the Commission concurred.

It was moved and seconded (Ungoco/Sistos) that the Commission adopt the draft Resolution, recommending that the City Council adopt proposed citywide amendments to Title 10 of the Manhattan Beach Municipal Code (the Zoning Ordinance) related to SB 9.

ROLL CALL:

AYES: Dillavou, Hackett, Ungoco, Vice Chair Sistos, Chair Tokashiki
NOES: None
ABSTAIN: None
ABSENT: None

Agenda Host Cortez announced that the motion passed 5-0.

H. DIRECTOR'S ITEMS – Update on previous Commission projects

Director Mirzakhian provided the following updates:

- Historic Preservation Ordinance amendment: City Council held 2nd reading and adopted Ordinance on November 7, 2023
- SB 9 Implementing Ordinance: scheduled for City Council hearing, introduction and first reading on December 5, 2023.
- Sollis Health MUP Amendment: City Council received and filed quasi-judicial action report of PC approval on November 7, 2023. No appeals received to date.
- Senate Bill 423 was signed by Governor Newsom on October 11, 2023.

I. PLANNING COMMISSION ITEMS

Chair Tokashiki reminded and Director Mirzakhian informed of the upcoming Planning Commissioners' Academy hosted by the League of California Cities in March, 2024; more information will be forthcoming.

J. TENTATIVE AGENDA – November 22, 2023

Director Mirzakhian informed that no items have been scheduled.

K. ADJOURNMENT

At 3:53 p.m. it was moved and seconded (Hackett/Ungoco) to adjourn the meeting to Wednesday, November 22, 2023, at 3:00 p.m. The motion passed 5-0.

ROSEMARY LACKOW
Recording Secretary

Robert Tokashiki
Chairperson

ATTEST:

Talyn Mirzakhian
Community Development Director