

05/08/13-4. Consideration of Amendment to Title 10 Planning and Zoning of Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program to Revise Residential Regulations Regarding Minor Exceptions, Setbacks, Open Space, Maximum Site Areas, Required Alley Access, and Alternative Fuel Vehicle Charger Locations.

Community Development Director Thompson made introductory remarks, noting that this is a continued hearing and Staff has prepared a draft resolution in response to direction from the Planning Commission.

Associate Planner Haaland made a Power Point presentation, summarizing the Staff Report and showing several slides to illustrate proposed code amendments.

In response to an inquiry from Commissioner Gross, Director Thompson indicated that the Commission has the authority to recommend that guard rails on required open space areas be of an open design but suggested that the Commission proceed carefully in requiring such design mandates.

Commissioner Paralusz thanked staff for providing photos, and that they were very helpful.

Commissioner Ortmann raised the question: what is the problem they are trying to solve – is it more about open space or bulk/volume? In response, Director Thompson stated that Staff believes that a lot has already been accomplished in mitigating bulk and is working well, but it was not anticipated that so many open spaces would be converted to more private space with enclosures. In this hearing, the purpose is to address this conversion issue with open space as well as determine how well the bulk / volume measures are working. Mr. Thompson concluded that the amendments will change design of buildings and each time the code is amended, a new set of nonconformities will be created.

Commissioner Andreani expressed concern about adding approval criteria about neighborhood compatibility pertaining to alley access, in that sometimes she feels compatibility can have a bad result. In response to her request to Staff as to their opinion about this, Director Thompson stated planners like the term “neighborhood compatibility” because it measures a consistency of some condition that the neighborhood may want to promote.

Chairperson Conaway stated he has 4 questions: 1) regarding open space and illegal enclosing: have we made it illegal to not hang drapes or anything else that has the effect of closing off the open space, and if not, should we make it clear in the open space definition that such additions would be illegal? In response, Associate Planner Haaland stated that he felt it was not necessary to add such language in the code, that the code currently prohibits obstructions of all kinds within required open space areas; 2) regarding calculating 50% openness for trellises: how should we review this calculation? In response, Associate Planner Haaland stated that other cities have similar coverage rules without explicit details on how to calculate this, but Staff definitely would not allow coverage area to be piecemealed throughout the overall area to pass the open test; 3) in the same open space definition section why does Staff feel it's important to provide an exception for a 1-foot roof eave? In response, Associate Planner Haaland stated this is because Staff does not want to discourage architectural elements, like cornices and eaves; 4) in the calculation of demolition that is allowed in order to be eligible for a Minor Exception, do most projects have detailed calculations? Mr. Haaland responded affirmatively, the calculation can get very detailed when the issue of demolition becomes a critical factor and this is commonly determined by the city plan check engineers.

Public Hearing

No further questions of staff, Chairperson Conaway opened the public hearing.

Steve DeBaets, spoke about corner lots and urged the Commission to consider allowing corner lots to return back to the 6% requirement like interior lots out of fairness and in the spirit of the mansionsization mitigation measures that have been implemented and he believes that corner lots are penalized by having a reduced amount of area that they can build in.

Jim Fasola, thinks planning has done a real good job in distilling issues and solutions and thinks this proposal is a step in the right direction, there seems to be enough flexibility in the Resolution to give the

Community Development Director the ability to apply the code.

Chairperson Conaway closed the public hearing.

Commission Discussion

Conaway summarized the main unresolved issues that staff has presented, and noted that some commissioners want to speak on the alley access issue and the Director's exceptions, and summarized previously resolved issues.

The Commission consensus was to go through each unresolved issue, one-by one.

1. Minor Exceptions (degree of demolition for eligibility for a Minor Exception): Commissioner Paralusz feels that the staff proposal to count the 10% above the ground level will go a long way in addressing concerns of citizens and does not feel any changes to the proposal are needed. In response to an inquiry from Commissioner Gross, Mr. Thompson indicated that he was not aware of any projects that would be significantly affected by this proposal. Commissioner Andreani stated she thinks 10% still sounds low, but is interested in knowing if this can be further clarified to be 10% of the existing gross floor area structure (and does not count only the foundation)? Mr. Thompson indicated that regarding the percentage, people need to know that there is a big trade-off in applying for a Minor Exception, and it was further clarified that counting the 10% would begin by counting the walls above the floor. Commissioner Ortmann stated he is comfortable if staff believes this meets the intent and is workable. He shares Commissioner Andreani's concern that maybe 10% is low, but can support if this works as a tradeoff.

Chairperson Conaway stated he is comfortable with how this is worded, but points out inconsistencies in the wording on pages 4 and 5. Staff confirmed that the language on page 5 is correct and will be retained while the inconsistent language on page 4 will be deleted (but the separate adjacent table will remain).

Commissioner Gross stated he is persuaded that this will help the problem of over-demolition and won't stop any projects and therefore will support this amendment.

2. Minor Exception 8% corner lot issue:

Commissioner Ortmann stated he thinks that there is some intrinsic value to corner lots that interior lots don't have and he is comfortable with the proposal to not change the requirement. Commissioner Andreani stated she agrees that there are other advantages for corner lots and is also fine with leaving this alone as now proposed by Staff. Commissioner Gross agreed with Commissioner Andreani. Commissioner Paralusz concurred in supporting the Staff proposal. Chairperson Conaway also joined in his support for the Staff proposal of no change at this time leaving the requirement at 8% for corner lots.

3. Usable open space: Commissioner Paralusz stated this is one of the issues of the most importance and doesn't believe you can separate out bulk/volume from the open space issue and doesn't think any changes should be made from what is being proposed by staff. Perhaps, though it would be appropriate to modify by stating "no obstructions permanent or temporary". Commissioner Gross raised the question as to whether we want to not be so restrictive with respect to overhead coverage on lower cantilevered decks which he feels intrinsically look more open. He feels that this may be appropriate if the objective is to address bulk/volume concerns. He also raised the question whether open space guard rails should be required to be open.

Commissioner Paralusz stated she is not in favor of changing the 50% covering requirement and also is not comfortable in dictating design of private use guard rails as she feels requiring openness would be as such. Commissioner Andreani feels that the staff proposal is workable and has concerns of being more restrictive with design, and likes the way the amendment is currently written. Commissioner Ortmann stated that anything we can do to encourage visually open outdoor space is good as this addresses massing and adds open space as long as it doesn't result in an unintended consequence of encouraging people to close space off more, because the rules have become too onerous. Commissioner Andreani clarified that the Commission has discussed the idea of the Director having discretion in zoning issues, and thinks this ordinance is worded well in that respect. One concern Chairperson Conaway does have is the removable obstruction issue and he likes Commissioner Paralusz's suggestion to add "permanent or temporary" to the

definition.

In response to the Chair's request to discuss the suggestion for addressing open or transparent guard rails, Commissioners Ortmann and Paralusz stated that they are not in support. Commissioner Gross noted that he is suggesting an exception for cantilevered lower decks, because he thinks buildable floor area is going to be affected and there will be push back on this, and this would address that. After further brief discussion, in which it was noted that very little public input has been received on this, there was consensus to not include such an exception for cantilevered decks, but it was agreed to include Commissioner Paralusz's suggestion to add a phrase that there shall be no obstructions "temporary or permanent" in the definition of Usable Open Space.

4. Alley access (Page 3, Q. and F.): Commissioner Gross stated that he realizes there is a trade-off and with this ordinance they would be adding areas of required alley access that were not formerly covered, and this is a big gain. In response to a question about how the other alley areas are required, Director Thompson indicated that in other areas it is currently a requirement to provide access from the alley, and there is no compatibility clause or discretion provided for the Director. Commissioner Gross stated his agreement that alleys should be used for garage access with an exception for unusual physical characteristics and this position is out of concern especially for those situations where only 2 of 8 lots in a block currently have street access and further, that giving some wiggle room to allow more street access, could lead to an incremental increase in the number of street access homes, creating a pattern or trend in an undesirable direction.

Commissioner Andreani noted her concern that requiring alley access in AD III could create difficulties for some lots, but this concern was alleviated when reminded that this would only apply to RS and not RM/RH multi-family zones. Commissioners Paralusz and Ortmann stated no objections to the way that the staff proposal reads. Chairperson Conaway explained he feels very passionately about this issue and would go so far as to strike the compatibility clause. Chairperson Conaway explained his own street is a mix of alley and street garage access and yet he can see clearly that those streets that use the alley for access gain much benefit. He feels strongly that alley access should be required in all cases because the potential benefit is so great. Commissioner Gross asked for clarification, and Director Thompson affirmed that the way it is currently worded, one must use the alley, unless the Director allows an exception, under certain circumstances. Chairperson Conaway noted that over time the pattern for street access could reverse but in his opinion, the number of street access situations should not be increased. Commissioner Andreani restated her opinion that this may be the case where in the spirit of neighborhood compatibility, an exception is allowed, but if it has the potential to turn out badly, the City should guard against such. Commissioner Paralusz, in acknowledging the long term potential for a neighborhood, would favor striking the compatibility paragraph and a consensus was reached to strike this clause.

Commissioner Gross suggested adding the word "well" after "enlarged" in the purpose statement in paragraph H. on page 2 of the resolution relating to the Minor Exceptions for retaining small nonconforming structures.

Chairperson Conaway summarized the items that needed direction from the Commission and invited discussion.

Regarding the suggestion to amend the purpose statement of the Minor Exception by adding the word "well": Commissioner Ortmann and Paralusz stated that they felt this would be too subjective and Commissioner Andreani agreed, and it was the consensus to support the definition as proposed by Staff with no change. Commissioner Gross withdrew his suggestion.

Chairperson Conaway stated that the vehicle charging proposal is a prior resolved issue, and summarized the decisions made tonight regarding the draft resolution as follows: 1) The words "temporary or permanent" are to be incorporated into the definition of usable open space on page 2 (prohibition of obstruction); 2) the purpose statement for Minor Exceptions on page 2 is to be left unchanged; 3) the compatibility clause for alley access in RS zones in Area District III is to be struck (Paragraphs Q. and F. on page 3), and; 4) the incorrect version of paragraph 3 on page 4 is to be struck.

Commission Action

A motion was subsequently MADE and SECONDED (Gross / Paralusz) to **ADOPT** the proposed Resolution as amended, recommending approval of the subject zoning code amendments.

AYES: Andreani, Gross, Ortmann, Paralusz, Chairperson Conaway
NOES: None
ABSENT: None
ABSTAIN: None

Director Thompson announced that the Planning Commission’s recommendation item will be scheduled for public hearing before the City Council at a future date.

5. PLANNING COMMISSION ITEMS

Commissioner Paralusz announced that this Saturday starting at 11:00 a.m., is the Annual Police and Fire Open House and everyone is encouraged to come and meet the Police and Fire Department employees.

Commissioner Andreani asked for clarification as to the outcome regarding the Commission’s concerns about mansionization, at the joint meeting with the City. Director Thompson stated that the City Council consensus was to discuss this in their strategic planning meetings.

6. TENTATIVE AGENDA - May 22

- a. Manhattan Village Shopping Center Enhancement Project

7. ADJOURNMENT

The meeting was adjourned at 9:40 p.m. to Wednesday, May 22, 2013, in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director