

**CITY OF MANHATTAN BEACH  
[DRAFT] PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
JULY 9, 2014**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 9<sup>th</sup> day of July, 2014, at the hour of 6:30 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

**1. ROLL CALL**

Present: Conaway, Hersman, Chairperson Ortmann  
Absent: Andreani, Bordokas  
Staff Present: Laurie Jester, Planning Manager  
Jason Masters, Assistant Planner  
Rosemary Lackow, Recording Secretary

**2. AUDIENCE PARTICIPATION - None**

**3. APPROVAL OF MINUTES – June 11, 2014**

Commissioner Hersman requested that on Page 2 the fourth line from the top of the page be revised as follows:

“...discussed and eventually adopted was not sufficiently available to the general public....”

A motion was MADE and SECONDED (Conaway /Hersman) to **APPROVE** the minutes of June 11, 2014, as amended.

AYES: Conaway, Hersman, Chairperson Ortmann  
NOES: None  
ABSENT: Andreani, Bordokas  
ABSTAIN:

**4. PUBLIC HEARING**

07/09/14-2. Consideration of an Application for an Amendment to the Approved Coastal Development Permit and Minor Exception to Construct a Roof Deck on the Third Floor of an Existing Single Family Residence with a Non-Conforming Front Setback at 121 20<sup>th</sup> Street. (Plache)

Planning Manager Jester made introductory remarks regarding the project and introduced Assistant Planner Masters who gave an oral report using a powerpoint presentation, summarized the written staff report, including a detailed background, discussion items, the project plans, and proposed findings included in the draft resolution.

Chairperson Ortmann invited the Commissioners to direct questions to staff.

In response to a question from Commissioner Hersman, Assistant Planner Masters confirmed that only a portion of the third level roof deck that is within the front yard setback is subject to review by the Planning Commission in the hearing tonight and the remainder of the roof deck including the trellis is not part of the Minor Exception and not within the discretion of the Commission.

There being no other questions from the Commissioners, Chairperson Ortmann invited the applicant to address the Commission.

## AUDIENCE PARTICIPATION

**Jessica Farinacci**, project architect, addressed a letter received from a neighbor, stating that there has been no intent by the property owner to keep information regarding the garage and guest quarters from the neighbors, but those changes now being proposed were not in the budget last year when the project was first approved. She further emphasized that the project, in terms of height and density is limited and the open space requirement is greatly exceeded.

Chair Ortmann opened the public hearing and invited members of the audience to address the Commission.

**John Putnam**, 117 and 117 ½ 20<sup>th</sup> Street, adjoining owner on the west side, expressed concerns about potential detrimental impacts, citing possible obstruction to his sideyard access as a result of a proposed fence near the shared property line. He showed photos of the area of concern, which were displayed on an overhead projector. He is also concerned about a direct view into his patio but his main concern is regarding pedestrian access for first responders, for the postman in accessing the mailbox of his rear rental unit and to others who may need to access his electrical panel. He and his wife have enjoyed access to their property across the neighbors, subject, property since 1945 and the subject property does not currently have a fence along the side between the two properties and asked why a fence is now needed.

**Judy Forman, 125 20<sup>th</sup> Street**, owner adjoining on the east side, stated that she shares safety concerns with the first speaker and is also concerned that the plans have been changed and she had understood from the applicant that there would be no impacts such as visual, privacy and noise because most changes would be interior to the house. She is now concerned about view, privacy and noise impacts: to her view from the second floor, and to her privacy or enjoyment of her property from noise from the jacuzzi on the proposed roof deck. She asked if there were any alternatives to the deck design and placement of the hot tub. She is also concerned about the new garage and believes that this project is a significant increase in density, height and further restriction of views in the area and as so, should be held to the setbacks that are required.

There being no more persons wishing to speak, Chair Ortmann closed the public hearing

## COMMISSION DISCUSSION

Planning Manager Jester summarized and addressed the issues raised by the two neighbors as requested by Chair Ortmann. With regard to the neighbor on the west whose concern is regarding a proposed fence, she explained that currently it appears that there is a common access area between the properties that is on both properties but without a recorded easement, she believes that neighbor has no right to the space on the applicants property. The proposal, including the proposed fence is in compliance with the city setback codes, while it appears that the neighbors have a nonconforming setback, less than 3 feet as required. She suggested that the applicant and the neighbor discuss the concerns and work together to see if there is a way to ensure access.

With regard to the neighbor on the east, Ms. Jester stated she heard concerns were for privacy, views, and compliance with the noise ordinance. She explained that there is no explicit privacy code – that setbacks are intended to provide adequate separation, and the side setback is being provided, it is only a reduced front setback that is proposed. Ms. Jester also explained the “reasonable person” standard in the code in defining noise violations and encouraged the applicant, likewise to work with these neighbors to address their concerns as much as possible. Ms. Jester explained that construction jackhammering as allegedly occurred on a Saturday at 7:00 a.m. would be a construction hour violation, as 9:00 a.m. is the earliest such activity is allowed on Saturdays and the City rigorously enforces construction complaints.

Chair Ortmann also asked staff to comment on input that the plan has changed and on height and density concerns. Mr. Masters noted that the project is at 60% of the maximum allowed buildable floor area and the roof deck surface is at least 9 feet below the maximum height limit, while the trellis structure is almost at the height limit. In response to comments about changes to the plan, Planning Manager Jester explained

that the property could have a full third story living area and the proposed project is far less in terms of maximum allowed square footage. Ms. Jester explained that there have been changes to the roof (elimination of pitched roof that was a minor plan check revision) and the garage (now demolishing the existing garage and replacing with new two car garage and guest quarters) but all parties are aware of and have acknowledged these changes. Staff has been careful, for clarity to show the proposed garage/guest quarters change to the former construction plan even though this revision is not subject to the public hearing approval, it is a separate administrative Coastal Permit.

In response to a question from Commissioner Conaway, Planning Manager Jester stated that the proposed guest quarters could not be rented out without upgrading the guest quarters to a full dwelling unit, which would require additional parking.

In response to an inquiry from Chairperson Ortmann, Assistant Planner Masters stated that the original application also involved the nonconforming front setback and was approved for an addition at the front near the south east corner.

In response to questions from Commissioner Hersman, Planning Manager Jester stated that a Minor Exception is needed to match the existing front yard nonconforming setback, but it would be possible for the applicant to also add a third story, if within all required setbacks and if within the limitations allowed for Minor Exceptions (e.g. if floor area is limited to 66% of the amount allowed).

Chair Ortmann invited the applicant to respond to public comments and subsequently re-opened the public hearing.

**Bob Subet**, project contractor and part of the architecture team, stated that he worked with Mr. Putnam early on in the project and believes that this revised design will resolve his concerns. He noted that they worked hard to provide another parking space for a very small car, which will open up the area by Mr. Putnam's electric panel and he noted that the fence will not start until the back of the garage, beyond the electric panel and the mailbox. Using the site plan slide as a reference, Mr. Subet indicated the location of the neighbor's electric panel and proposed fence and explained that the fence is desired for safety and security as the owner has a small child. Mr. Subet stated also that weekend construction hours do not start until 9:00 am and his workers have not started earlier. As to privacy and noise they tried to keep the shade structure to the center (north to south) of the deck, and the roof deck railings have been designed to be very open. Regarding the jacuzzi placement, they looked at various locations and placed the jacuzzi as far away as possible from a courtyard on the property to the east and hopefully the neighbors can get along regarding this issue. He concluded that a lot of thought went into the proposed revised plan.

Chair Ortmann closed the public hearing and invited the Commission to discuss the application.

Commissioner Hersman stated that she was clear on the project itself but had some questions regarding the draft Resolution which she will raise at the appropriate time.

Commissioner Conaway pointed out that while there are many construction projects in the City there are only a few that go through the Minor Exception process wherein property owners trade off being able to build to the maximum (as would be the case with a demo and rebuild) for the ability to remodel and add a limited amount of square footage to their existing structure which has a minor nonconformity. He also emphasized that the Commission's purview in this application is actually quite narrow, limited to only the construction that is within the front yard setback area and pointed out that the degree of nonconformity in the front yard is relatively small.

Chairperson Ortmann stated that he heard a number of comments about neighbors not communicating. There are tight quarters in the city which will get tighter as more homes re-develop. He emphasized that the project is sensitively designed and could have pushed the limits of allowed building far more if the minor nonconformity was eliminated or the building torn down. He related how he worked closely with his neighbors regarding his own home project and that really helped. Chair Ortmann reminded the audience that the purview of the Planning Commission regarding the subject project is very limited, and

suggested that the applicant to further reach out to their neighbors to discuss all of the issues that are outside of the purview of the City and Planning Commission.

Chair Ortmann suggested that it was an appropriate time to discuss the draft Resolution.

Commissioner Hersman raised some questions and concerns regarding the wording in the resolution in various places, including in the title regarding the approval of the roof deck (where only a small portion is within their purview) and in the Section 1 findings where she believes it is somewhat confusing as to the different proposals (prior versus current amendment) including K. 5 which discusses parking but the Commission has not really addressed parking. Ms. Jester explained that the findings need to be comprehensive and are standard findings and language in the code that need to be included in all approvals.

Commissioner Conaway noted that in reviewing these types of proposals he has come to understand that the findings need to be detailed and can be lengthy. Assistant Planner Masters added that the findings are also very helpful in the long run, in showing the history of approvals of a site.

### **ACTION**

It was subsequently moved by Commissioner Conaway to APPROVE the subject application for an Amendment to an Approved Coastal Development Permit and Minor Exception for an existing single family residence at 121 20<sup>th</sup> Street with no amendment to the resolution.

Commissioner Hersman requested consideration to amend the Resolution findings to address her concerns regarding wording. After a brief discussion, it was suggested by Planning Manager Jester that staff would review the findings and add “amendment” to findings A., C., and E. or other paragraphs if necessary in Section 1 for clarification. Commissioner Conaway accepted this change to his motion and the motion, as amended, was subsequently seconded by Commissioner Hersman to APPROVE the subject Amendment to the Approved Coastal Development Permit and Minor Exception, to Construct a Roof Deck on the Third Floor of an Existing Single Family Residence with a Non-Conforming Front Setback at 121 20<sup>th</sup> Street subject to conditions in the proposed amended draft resolution.

AYES: Conaway, Hersman, Chairperson Ortmann  
NOES: None  
ABSENT: Andreani, Bordokas  
ABSTAIN: None

Planning Manager Jester announced that the motion has passed and there will be a 15-day appeal period and this item will be scheduled on the City Council agenda on August 12, 2014 as a “receive and file” item unless appealed.

### **5. DIRECTOR’S ITEMS**

Planning Manager Jester announced that an emergency ordinance has been adopted by the City Council prohibiting fishing on the pier on a temporary basis. Staff is working with several agencies to study the relationship of fishing on the pier and public safety. After the study is completed, a public hearing will be scheduled to discuss the findings and any further actions.

### **6. PLANNING COMMISSION ITEMS**

Commissioner Ortmann inquired as to the status of the multimodal presentation, and Ms. Jester informed the Commission that this matter had to be continued to the Council meeting on August 12<sup>th</sup>, and after the City Council hears that presentation it will be scheduled to be presented to the Planning Commission. Commissioner Ortmann also reminded the Commission to submit vacation schedules to staff as soon as possible to assist staff in scheduling summer meetings.

Commissioner Conaway announced that the “skin” of the building façade is now starting to be installed on the new civic center library under construction.

**7. TENTATIVE AGENDA** – July 25, 2014 – No hearings have yet been scheduled and this meeting may be cancelled.

**8. ADJOURNMENT**

The meeting was adjourned at 7:40 pm to Wednesday, July 25, 2014, in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW  
Recording Secretary

ATTEST:

\_\_\_\_\_  
LAURIE JESTER  
Acting Community Development Director

DRAFT