



Legislation Details (With Text)

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**In control:** City Council Regular Meeting

**On agenda:** 11/21/2017      **Final action:**

**Title:** Appoint 5 Boardmembers to the Board of Building Appeals Seat Nos. 1-5 and Appoint 1 Commissioner to the Planning Commission Seat No. 1 (City Clerk Tamura and Community Development Director McIntosh).  
APPOINT

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution No. 5702, 2. Board of Building Appeals Vacancies Advertisement (Placed in the August 3, 2017 Edition of the Beach Reporter), 3. Planning Commission Vacancy Advertisement (Placed in the October 12, 2017 and October 26, 2017 Edition of the Beach Reporter), 4. Planning Commission Vacancy Advertisement (Placed in the October 12, 2017 and October 26, 2017 Edition of the Easy Reader)

Date	Ver.	Action By	Action	Result
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**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Mark Danaj, City Manager

**FROM:**  
Liza Tamura, City Clerk  
Anne McIntosh, Community Development Director  
Ryan Heise, Building Official  
George Gabriel, Management Analyst

**SUBJECT:**  
Appoint 5 Boardmembers to the Board of Building Appeals Seat Nos. 1-5 and Appoint 1 Commissioner to the Planning Commission Seat No. 1 (City Clerk Tamura and Community Development Director McIntosh).  
**APPOINT**

**RECOMMENDATION:**  
Staff recommends that the City Council appoint 5 Boardmembers to Board of Building Appeals Seat Nos. 1-5 and appoint 1 Commissioner to Planning Commission Seat No. 1. Included in the staff report is the list of interested applicants within the "Discussion" section.

**FISCAL IMPLICATIONS:**  
No fiscal implications associated with the recommended action.

## **BACKGROUND:**

City Council typically makes appointments to upcoming vacancies to the City's Boards and Commissions at the Annual Interview and Appointment Process. This year, the Annual Interview and Appointment Process occurred on May 2, 2017.

However, at the April 18, 2017 City Council meeting, City Council directed staff to postpone appointments specifically to the Board of Building Appeals (BBA). The postponement was due to two factors: 1) City Council consideration of revising the number of Boardmembers from five seats to three seats, and 2) Final approval of the Boards and Commissions Handbook.

At the June 20, 2017 City Council meeting, City Council resolved to maintain the number of Boardmembers at five seats. In addition, City Council directed the City Clerk to advertise, conduct public outreach, find qualified applicants and fill existing vacancies on the Board of Building Appeals.

In conducting public outreach, City Clerk's office placed advertisements in the Beach Reporter, posted notices on the City's website ([www.citymb.info](http://www.citymb.info)), the City's posting boards, posted on the City's Facebook and Twitter pages, and sent e-notifications to apply for existing vacancies on the Board of Building Appeals. Further, staff notified all unappointed applicants from the 2017 Boards and Commissions Annual Interview and Appointment Process.

For further clarification, a summary timeline is provided to outline the steps taken regarding the Board of Building Appeals vacancies and the Planning Commission vacancy.

### Board of Building Appeals Summary Timeline:

- At the April 18, 2017 City Council meeting, City Council directed staff to postpone appointments to the Board of Building Appeals to look into membership options.
- At the June 20, 2017 City Council meeting, City Council discussed membership options and resolved to maintain the number of Board of Building Appeals members at five seats.
- Staff began to conduct public outreach in July 2017 for the Board of Building Appeals vacancies.
- At the August 15, 2017 City Council meeting, City Council approved the modernized and updated Boards and Commissions Handbook.
- On August 28, 2017 at 5:30 PM, Staff closed the Board of Building Appeals application period.

As the staff report was being prepared to appoint to the Board of Building Appeals, staff was notified of a potential Planning Commission seat resignation. Therefore, a summary timeline is provided to outline the steps taken regarding the Planning Commission vacancy.

### Planning Commission Summary Timeline:

- On September 20, 2017, Commissioner Ortmann resigned from Seat No. 1 on the Planning Commission and public outreach began for his vacancy in October 2017.
- On November 3, 2017 at 5:00 PM, Staff closed the Planning Commission application period.

Due to the fact that the appointments to the BBA was not time sensitive, Staff consolidated the appointment process for the vacancies of both the Board of Building Appeals and the Planning Commission to be scheduled at the November 21, 2017 City Council meeting.

## **DISCUSSION:**

### Board of Building Appeals

The Board of Building Appeals hears requests for interpretation of California Code provisions, alternative materials and methods of construction. The Board's interpretations and recommendations to the City Council are advisory. The Board consists of five boardmembers and meets on as-needed basis. Boardmembers are appointed to three year terms but may serve indefinitely.

Per Resolution No. 5702, boardmembers to Seats Nos. 1-5 must all be qualified by experience and training.

Resolution No. 5702 states, "Members shall be qualified by experience and training to review matters regarding Manhattan Beach construction codes, such as sub-standard buildings, housing conditions, dangerous structures, disabled access, and matters related thereto."

On May 31, 2017 all five seats on the Board of Building Appeals expired. Therefore five vacancies currently exist and below is a list of interested applicants. Staff has reached out to all incumbents and three have maintained interest in serving on the Board of Building Appeals. A list of interested applicants is available below:

### Interested Applicants

- Dr. Cyrus Adami (Incumbent - Seat No. 2)
- Edward Casey
- Brian Dunne
- Stewart Fournier
- Michael Kling (Incumbent Seat No. 1)
- Naomi Neville
- Thomas Nordberg
- Margaret Napier (Incumbent - Seat No. 3)

Former Board of Building Appeals Boardmembers Jeffrey Feldman (Seat No. 4) and Chad Woodward (Seat No. 5) were notified of their expiring terms but indicated they were not seeking reappointment.

### Planning Commission

The Planning Commission consists of five members and meets on the 2nd and 4th Wednesdays of each month. The Commission is responsible for long-range planning activities, including use permits, commercial planned development permits, zone changes, code amendments, and modification to long-range planning documents, including the City's General Plan and Local Coastal Plan.

On September 20, 2017, Commissioner Ortmann tendered his letter of resignation to the City; effectively leaving Planning Commission, Seat No. 1, Member-at-Large seat, vacant.

At the October 3, 2017 City Council meeting, City Council accepted Commissioner Ortmann's resignation, declared the vacancy, and directed staff to conduct public outreach. Staff advertised the vacant seat in the October 12, 2017 and October 26, 2017 editions of the Beach Reporter, the October 12, 2017 and October 26, 2017 edition of the Easy Reader, posted notices at City Hall, Manhattan Heights & Joslyn Community Center bulletin boards, the City's website as a "News" item, the City's social media channels and sent an e-notification to website subscribers. In addition, staff notified interested and eligible candidates (from the Annual Interview and Appointment Process on

May 2, 2017) of the current vacancy as well as current boardmembers and commissioners. Staff concluded public outreach with the scheduled application deadline of November 3, 2017 at 5:00 PM. Applicants included:

#### Interested Applicants

- Brian Dunne
- Jennifer Fenton
- Stewart Fournier
- Tom Freitag
- Bruce Kuch
- Alex Mortensen
- Margaret Napier
- Eileen Neil
- Thomas Nordberg
- Gary Osterhaut
- Joseph Ungoco

#### **CONCLUSION:**

Staff recommends that the City Council appoint 5 applicants to the Board of Building Appeals and one applicant to the Planning Commission to fill existing vacancies.

#### **PUBLIC OUTREACH/INTEREST:**

The City Clerk's office conducted extensive outreach regarding the vacant Boards of Building Appeals seats by placing advertisements in the August 3, 2017 edition of the Beach Reporter. Additionally, the City Clerk's office placed advertisements on the display boards at City Hall, notices on the City's website, sent an e-notification to the City's email subscribers, and posted on the City's Facebook and Twitter pages multiples times.

Staff advertised the vacant Planning Commission seat in the October 12, 2017 and October 26, 2017 editions of the Beach Reporter, the October 12, 2017 and October 26, 2017 editions of the Easy Reader, posted notices at City Hall, Manhattan Heights & Joslyn Community Center bulletin boards, the City's website as a "News" item, the City's social media channels and sent an e-notification to website subscribers. In addition, staff notified interested and eligible candidates (from the Annual Interview and Appointment Process on May 2, 2017) of the current vacancy as well as current boardmembers and commissioners. Staff concluded public outreach with the scheduled application deadline of November 3, 2017 at 5:00 PM.

#### **ENVIRONMENTAL REVIEW**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

#### **LEGAL REVIEW**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

#### **Attachments:**

1. Board of Building Appeals Vacancies Advertisement (placed in the August 3, 2017 Edition of the

Beach Reporter)

2. Resolution No. 5702

3. Planning Commission Vacancy Advertisement (placed in the October 12, 2017 and October 26, 2017 Edition of the Beach Reporter)

4. Planning Commission Vacancy Advertisement (placed in the October 12, 2017 and October 26, 2017 Edition of the Easy Reader)