

CITY OF MANHATTAN BEACH

****DRAFT****

**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
FEBRUARY 28, 2007**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, February 28, 2007, at 6:35p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Chairman Bohner called the meeting to order.

8
9 Members Present: Cohen, Lesser, Powell, Schlager, Chairman Bohner
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Daniel Moreno, Associate Planner
13 Sarah Boesch, Recording Secretary
14

15 **APPROVAL OF MINUTES**

16
17 Commissioner Lesser requested that page 9, line 7 of the February 14 minutes be revised to read:

18
19 “Commissioner Lesser indicated that he is reviewing the application solely as a minor exception
20 and is concerned with the scale of the existing structure, ~~with~~ the narrowness of the setbacks, and
21 the height of 3.88 feet above the permitted minimum. As to the issue of mansionization, he said
22 that restricting property rights ~~is taking~~ takes away from the marketability of properties. . .”
23

24 Commissioner Powell requested that the spelling be corrected from “Shuman” to “Schumann”
25 on page 7, line 39 and page 8, lines 17 and 22 of the minutes.
26

27 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the minutes of February
28 14 2007, as amended.
29

30 AYES: Cohen, Lesser, Powell, Chairman Bohner
31 NOES: None
32 ABSENT: None
33 ABSTAIN: Schlager
34

35 **AUDIENCE PARTICIPATION** None

36
37 **PUBLIC HEARINGS**

38
39 **06/0726.1** Consideration of a COASTALDEVELOPMENT PERMIT and VARIANCE
40 Requesting Approval to Exceed the Maximum Allowable Balcony Area in a

D R A F T

PLANNING COMMISSION [DRAFT] MINUTES

February 28, 2007

Page 2

Required Yard, in Conjunction With the Construction of a New Three-Story Single Family Residence at 124 12th Place

Commissioner Lesser commented that the architect for the subject project has done work for him and his wife. He commented that the project architect has also recently attended a Cultural Landmarks Committee meeting on which he serves. He stated, however, that he has no financial interest in the subject project and feels he can participate and consider the issue fairly.

Associate Planner Moreno summarized the staff report. He commented that a fax was received after the staff report was written from the property owner to the east of the subject property which has been provided to the Commissioners with concerns regarding notification and potential view blockage resulting to their property from the project. He indicated that the applicants have received a Building Permit and Coastal Development Permit to build a three story single family residence with a two car enclosed garage. He indicated that the with approval that was granted, the building will meet all current zoning requirements including building height, open space, garage area, setbacks, and projection requirements. He commented that since the Code was revised in 1990, no permits have been issued for balcony projections over the allowable maximum area. He said that two balconies on the second and third level off of the alley are designed to extend out 1 ½ feet and 12 feet wide, with a total area of 36 square feet for both balconies. He indicated that the request is to extend the balconies an additional 1.5 feet and maintain the 12 foot width of the projections for a total of 72 square feet of balcony area. He said that alternative designs would be to provide all of the balcony area on the top level or making the balconies much more narrow and provide some projection on the top and bottom.

Associate Planner Moreno indicated that there is a minimum amount of usable open space required, and most of the open space for the subject project is within the rear yard setback. He said that the proposed projections are not included as part of usable open space. He commented that the variances that have been considered previously by the Commission have been regarding habitable area and are an issue regarding setbacks, which is included in a different section of the Code than balcony projections. He indicated that the property is in a 20 foot wide alley. He commented that there are approximately 300 half lots of less than 1,400 square feet in District III and 180 half lots in the El Porto area. He stated that the hearing was noticed within a radius of 500 feet of the site, and staff received no comments in writing prior to the preparation of the staff report. He commented that the owner has provided a petition of signatures in support of the project from the neighbors.

In response to a question from Commissioner Lesser, Associate Planner Moreno indicated that the Council felt that balcony projections should be limited because they give the impression that buildings are closer into the setback than is actually the case.

Chairman Bohner opened the public hearing.

PLANNING COMMISSION [DRAFT] MINUTES

February 28, 2007

Page 3

1
2 **Carlyn Kennisan Djie**, the applicant, said that she intends to live on the property, and they want
3 to have a residence which has air flow and sunlight. She pointed out that they did not design to
4 the maximum allowable buildable floor area. She indicated that she does think they have a
5 hardship because there is no yard space between their property and the adjacent structures. She
6 commented that they feel the proposed design is compatible with the neighborhood. She
7 indicated that the adjacent neighbor to the east has a concern that their window not be blocked.
8 She commented, however, that the neighbor’s property extends to within 2 feet of the property
9 line, and the subject structure would not block their view. She commented that there are very
10 few half lots in the area around the subject property.

11
12 In response to a question from Commissioner Lesser, **Ms. Djie** said that the subject design would
13 provide a greater balcony area and would provide additional light.

14
15 In response to a question from Commissioner Cohen, Associate Planner Moreno said that the
16 subject structure would be allowed to have 2,300 square feet of buildable floor area. He said,
17 however, that it would not be possible to build to that amount because of the restrictions for open
18 space.

19
20 Commissioner Powell commented that he assumes the projection outward on the top level would
21 presumably be desirable in order to provide an ocean view. He asked whether the applicant had
22 given any thought to moving the lower balcony into the building envelope which would allow
23 for the upper level balcony to project outward.

24
25 **Ms. Djie** said that they do not foresee being able to obtain an ocean view from the balcony
26 because the rear of the adjacent condominium units is within 2 feet of the property line. She
27 stated that the intent is to have an equal balcony on both levels to be used by their family.

28
29 Commissioner Powell asked if there was any consideration of providing a further setback on the
30 building that would provide additional open space and provide for a wider balcony.

31
32 **Ms. Djie** said that a hardship is created because they are closed in between the surrounding
33 buildings. She indicated that providing the balcony is the only means of providing additional
34 sunlight and air flow to the home.

35
36 **Peter De Maria**, the project architect, said that the hardship exists because the surrounding
37 through lots have created a cavern around the subject property. He pointed out that half lots are
38 required to have back yard space, which impacts that amount of permitted livable area; however,
39 full lots are not required to have the same rear yard space. He said that the rear yard setback
40 requirements for full lot is not consistent with the front yard setback for half lots. He
41 commented that nearly 90 percent of the lots in the El Porto and sand section area are half lots,

PLANNING COMMISSION [DRAFT] MINUTES

February 28, 2007

Page 4

1 but there are no half lots in the Tree Section. He indicated that on the subject block, all of the
2 lots are full lots with the exception of two. He said that there are no other half lots for maybe
3 seven or eight blocks, which constitutes a unique situation for the subject property. He said that
4 it is not fair that the full lots are able to be built out so close to the property line, but the subject
5 half lot must maintain the setback. He indicated that they do not feel they are making setback
6 and bulk conditions any worse than exist currently.

7
8 **Mr. De Maria** pointed out that he does not believe anyone has previously applied for a Variance
9 to have additional square footage for a balcony beyond the maximum allowable. He said that it
10 is difficult to understand why additional area for livable open space would be approved by a
11 Variance as has been done in the past but not an additional open air balcony area as is being
12 requested by the applicant. He commented that language in the Code needs to be addressed for
13 the specific situation of half lots. He stated that cutting in further into the building to
14 accommodate the balcony would amplify the cavernous effect, and the only relief is to extend
15 out toward the street. He indicated that because their setbacks are different than the surrounding
16 properties, the structures to the west are pushed out further and block off the subject property.
17 He commented that denying the Variance would encourage property owners of half lots to
18 maintain their nonconforming structures close to the property line. He indicated that allowing
19 the Variance would send a message that the City is receptive to modifications for these unique
20 situations that would bring properties more in compliance with the Code. He stated that they do
21 not feel the project would set a precedent because it is a unique situation.

22
23 Commissioner Cohen commented that she is not certain if the request is really for a Variance or
24 asking for a deviation from the Code because a building that is built through on a full lot has a
25 rear yard setback that is not in conformity with the front setback for a half lot. She said that she
26 is not certain if the Commission has the jurisdiction to go against the Code. She said that
27 recognizing the inconsistency of the applicant's property would apply to all half lots because the
28 rules are similar to all high density districts, and the request is calling the rule for half lots into
29 question.

30
31 Associate Planner Moreno commented that there are 392 half lots in District III, and 220 in the
32 El Porto area. He said that the same rule for half lot setbacks would apply if the property were
33 on a street rather than an alley.

34
35 **Mr. De Maria** commented that most of the El Porto lots are half lots; however, he is certain that
36 only about 10 percent of the half lots in the remainder of the City have a similar situation of
37 being bounded by through lots.

38
39 Director Thompson commented that staff cannot make a conclusion regarding the number of half
40 lots that are bound between through lots without further study. He said that staff would provide
41 additional information regarding the number of similar situations within the City if it is

PLANNING COMMISSION [DRAFT] MINUTES

February 28, 2007

Page 5

1 important to the Commissioners.

2
3 Commissioner Powell commented that he found two similar situations to the subject site when
4 he walked the surrounding blocks, and he does not believe it is as unique a situation as has been
5 represented. He indicated that the layout of the home is unique with a kitchen and dining area
6 and master bedroom and bathroom on the upper level and a living room with two bedrooms on
7 the lower level.

8
9 **Mr. De Maria** commented that the design is based upon the lifestyle of the applicants and how
10 they plan to live.

11
12 In response to a question from Commissioner Powell, **Mr. De Maria** commented that the
13 original intention was to request the larger balcony. He indicated that they decided to request
14 approval for the project and then apply for the Variance secondarily after the building permit
15 was received in order to speed up the construction process. He indicated that the building is
16 designed to support the larger balcony. He said that they felt the larger balconies was a very
17 important issue, but they did not want it to stop the entire construction process.

18
19 Chairman Bohner closed the public hearing.

20
21 Director Thompson commented that the issue of the lot pattern of half lots in certain areas could
22 help to support the applicant's position, and staff would be happy to bring back further
23 information regarding the pattern of half lots if it is important to the Commission.

24
25 In response to a question from Commissioner Schlager, Director Thompson said that it would be
26 a stronger case for being a special circumstance if it were true that the subject site is one of only
27 a handful of half lots located between full lots.

28
29 Commissioner Schlager commented that he lives in a home in the Sand Section on a full lot, and
30 it is difficult to imagine living in a lot enclosed by two adjacent larger structures. He said that
31 he feels further information regarding the issue of half lots being surrounded by full lots would
32 be helpful.

33
34 Commissioner Powell said that he likes the design and recognizes that the home could have been
35 made larger, and the appearance of bulk has been reduced by the windows and open railing. He
36 stated that he would be open to a more specific survey of the pattern of half lots within the City.
37 He indicated, however, that he does feel a precedent could be set by approving the subject
38 application. He commented that special circumstances are typically where there are issues of
39 terrain, topography or irregular lot size that would make it difficult for a balcony to meet the
40 Code requirements. He said that it is a unique circumstance with regard to the amount of air
41 flow being limited, but the same situation is also true in Area Districts I and II with the larger lot

PLANNING COMMISSION [DRAFT] MINUTES

February 28, 2007

Page 6

1 sizes. He said that he has difficulty arriving at special circumstances for granting of the subject
2 Variance. He stated that granting the Variance would set a precedent for other property owners
3 in the same zoning district and area district who want to build out their balconies. He said that
4 granting the particular Variance would be an open invitation for the next property owner who
5 wishes to build out their balcony. He pointed out that the intent of the Ordinance as to lot
6 projections was to limit the appearance of building out of structures further than the required
7 setbacks. He commented that particularly in locations next to an alley, extra square footage of a
8 balcony brings it closer to the balcony on the adjacent side, which is detrimental to the public
9 good. He commented that the Variance must meet the required standards, and not meeting the
10 standards does set a precedent. He said that he would have difficulty in approving the Variance
11 request.

12
13 Commissioner Lesser commended the applicant for trying to work with staff. He stated that the
14 applicant has filed its applications to move the project forward and has gone through the
15 legitimate steps in seeking a Variance. He said that the proposal would be formalizing a
16 nonconformity. He indicated that there have been no similar Variances granted in the past, and
17 there is difficulty making the required findings. He stated, however, that he does not see the
18 Code as being so rigid that the findings may not be made in this case, particularly if the
19 clustering of half lots exists as has been suggested by the applicant. He commented that the
20 project architect has noted that the project is a victim of circumstance, as the property is on a half
21 lot with the open space requirement that applies to it and not the surrounding full lots. He
22 indicated that the structure would be permitted to project further if it were a full lot. He said that
23 the former property was off of the street level, and the subject project is not. He indicated that
24 the subject proposal would result in less density. He said that the City wants to encourage
25 homeowners to remodel older homes to be consistent with the current Code requirements and
26 deemphasize the massing and the bulk close to the roadway. He indicated that the scale of the
27 deviation is not extremely great, and the requested protrusion is minor. He stated that there is
28 neighborhood support for the proposal. He commented that the objective is to provide more
29 open air and less density, which would be accomplished by the balcony. He said that while it
30 would be helpful for him to review the layout of other half lots within other area districts, he
31 feels the findings can be made that there are special circumstances of a peculiar difficulty to the
32 applicant.

33
34 Commissioner Schlager indicated that he agrees with the comments of Commissioner Lesser,
35 and he would be open to moving the proposal forward. He commended the architect and
36 applicant for the design of the project, and he thinks the open space provided does deemphasize
37 the appearance of bulk. He said that he does not feel the Code was intended to restrict buildings
38 such as the subject project. He said that he feels the finding can be made that there is a special
39 circumstance in this situation; that the relief granted would not be a detriment to the public good;
40 that granting the application is consistent with the intent of the Code title; and that it would not
41 constitute granting of a special privilege. He said that he would support moving forward with

PLANNING COMMISSION [DRAFT] MINUTES

February 28, 2007

Page 7

1 the proposal.

2

3 Commissioner Cohen also commended the applicant and architect on the design of the proposal,
4 and it does emphasize the open space, light, and air. She said that she would have denied the
5 project for the same reasons stated by Commissioner Powell that there is a hard and fast rule, and
6 she was also concerned about creating a special privilege that could not be denied to other half
7 lots. She indicated, however, that there is a special circumstance created for the subject property
8 if the other half lots in the area are not located between two full lots in the same manner as the
9 subject property. She said she is happy to grant the proposed Variance request if it is determined
10 that the lot pattern of the subject property is indeed unique.

11

12 Chairman Bohner indicated that he would agree with the majority of the Commissioners that the
13 unique location of the subject half lot does create a special circumstance. He said that the City
14 does want to encourage remodeling of homes, and the scale of the deviation being requested is
15 minor. He indicated that the design does emphasize open space and open air, which is important.
16 He stated that he would support the proposal.

17

18 Director Thompson commented that in looking at the map of lot patterns in the City, the subject
19 property is adjacent to a full lot but is also adjacent to three half lots. He stated that staff's
20 research may not arrive at a conclusion as favorable to the applicant's argument as was first
21 thought.

22

23 Commissioner Schlager commented that the purpose of the Code is to minimize the appearance
24 of bulk, and the intent of addressing the mansionization issue is to determine the look and feel of
25 the residential homes that is intended for the future. He said that, however, that there are many
26 half lots in the Sand Section built before the new Code requirements, which is probably the
27 reason why there have not been any requests for balcony projections. He stated that the Code
28 does not necessarily need to be changed. He commented that the pace of similar requests for
29 balcony projections coming before the Commission in the future will be very slow, and each
30 should be considered individually and uniquely. He said that the proposed design is in line with
31 the vision of the General Plan and would not create bulk and creates additional open space. He
32 said that the request is minor in nature. He said that the cave like effect of the structure being
33 enclosed by two larger structures is significant and does create a special circumstance.

34

35 A motion was made (Lesser/Powell) to direct staff to draft a Resolution to **APPROVE** a Coastal
36 Development Permit and Variance requesting approval to exceed the maximum allowable
37 balcony area in a required yard, in conjunction with the construction of a new three-story single
38 family residence at 124 12th Place and **CONTINUE** the public hearing to the meeting of March
39 14, 2007.

40

41 AYES: Cohen, Lesser, Powell, Schlager, Chairman Bohner

PLANNING COMMISSION [DRAFT] MINUTES

February 28, 2007

Page 8

- 1 NOES: None
- 2 ABSENT: None
- 3 ABSTAIN: None

4
5 Director Thompson said that staff will return with a draft Resolution approving the project at the
6 next meeting as directed by the Commission.

7
8 **DIRECTOR'S ITEMS** None

9
10 **PLANNING COMMISSION ITEMS**

11
12 **TENTATIVE AGENDA: March 14, 2007**

13
14 A Variance request for construction of two condominium units on a site without the
15 required vehicular access from a rear alley, at 308-318 Gull Street

16
17 B. Zoning Code Amendment and Local Coastal Program Amendment regarding
18 mansionization/lot mergers

19
20 **ADJOURNMENT**

21
22 The meeting of the Planning Commission was **ADJOURNED** at 8:00 p.m. in the City Council
23 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, March 14, 2007, at 6:30 p.m. in the
24 same chambers.

25
26 _____
27 RICHARD THOMPSON
28 Secretary to the Planning Commission

25
26 _____
27 SARAH BOESCHEN
28 Recording Secretary