

CITY OF MANHATTAN BEACH

DRAFT

MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION

MARCH 14, 2007

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, March 14, 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: Lesser, Powell, Schlager, Chairman Bohner
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Laurie Jester, Senior Planner
13 Daniel Moreno, Associate Planner
14 Eric Haaland, Associate Planner
15 Sarah Boesch, Recording Secretary
16

17 **APPROVAL OF MINUTES** February 28, 2007

18
19 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the minutes of February
20 23, 2007,.

21
22 AYES: Lesser, Powell, Schlager, Chairman Bohner
23 NOES: None
24 ABSENT: None
25 ABSTAIN: None
26

27 **AUDIENCE PARTICIPATION**

28
29 **Portia Cohen** said that she is resigning from her position on the Planning Commission to focus
30 on her new responsibilities as a City Council member. She commented that she has had the
31 honor and pleasure of working with each of the Commissioners since June of 2006. She
32 commented that each of the Commissioners has contributed to her knowledge and understanding
33 of the City, and she has had the benefit of learning from their discussions. She said that she
34 looks forward to working with the Commission in her capacity on the Council. She thanked
35 Director Thompson and staff for their dedication and hard work for the City.

36
37 Commissioner Lesser congratulated **Council Member Cohen**. He stated that she has provided a
38 wonderful balance to the Commission in her questions, analysis and conscientiousness with
39 regard to environmentally friendly architecture and other issues.
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1 Commissioner Schlager and Chairman Bohner indicated that they echo the comments of
2 Commissioner Lesser.

3
4 Commissioner Powell presented **Council Member Cohen** with a plaque on behalf of the
5 Commission in recognition of her service.

6
7 **PUBLIC HEARINGS, CONTINUED**

8
9 **02/28/07.1-1 Consideration of a COASTALDEVELOPMENT PERMIT and VARIANCE**
10 **to Allow a Balcony Projection, Into a Required Front Yard, to Exceed the**
11 **Maximum Allowable Area in Conjunction With the Construction of a New**
12 **Three-Story Single Family Residence at 124 12th Place**
13

14 Director Thompson indicated that staff has prepared a draft Resolution according to the direction
15 of the Commission at the previous meeting. He commented that the public hearing was
16 continued to this meeting, and the Commissioners may make changes to the draft Resolution as
17 they feel appropriate. He said that staff does not have a formal presentation.

18
19 Commissioner Lesser said that the project architect has done work for him and his wife. He said
20 that he has no financial interest in the project and feels he can consider the item fairly.

21
22 Director Thompson commented that staff’s understanding is that the applicant is satisfied with
23 the language of the draft Resolution.

24
25 Commissioner Powell said that the reason that the Commission had determined the lot was
26 atypical and presents a hardship is the shadowing and blocking in effect of the adjacent
27 structures which distinguishes it from other half lots that front an alley way, and such language
28 was not included in the draft Resolution. He suggested that the end of Item L(1) on page 2 of the
29 Resolution include language stating: “. . . since the lot is substandard in size (30’ by 45’) and the
30 front yard is adjacent to an alley, not a street and location of other properties surrounding it and
31 further because of the resulting shadowing and blocking in effect or bulk effect of the
32 surrounding structures.”
33

34 In response to a question from Commissioner Schlager, Director Thompson stated that it is
35 always good practice to put as much information in the findings included in the Resolution as
36 possible. He indicated that the language of the subject Resolution summarizes the reasoning for
37 approving the Variance, and it may help in evaluating similar requests in the future. He said that
38 it would be appropriate to include language as suggested by Commissioner Powell if the
39 Commission feels it is consistent with the previous discussion.

40
41 Commissioner Bohner suggested wording the language: “. . . since the lot is substandard in size

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1 (30' by 45') and the front yard is adjacent to an alley, not a street and location of other properties
2 surrounding it and because of the resulting shadowing and bulk effect of the surrounding
3 property.”

4
5 Chairman Bohner closed the public hearing.

6
7 A motion was MADE and SECONDED (Powell, Lesser) to **ADOPT** the draft Resolution to
8 **APPROVE** a Coastal Development Permit and Variance to allow a balcony projection, into a
9 required front yard, to exceed the maximum allowable area in conjunction with the construction
10 of a new three-story single family residence at 124 12th Place as amended.

11
12 AYES: Lesser, Powell, Schlager, Chairman Bohner
13 NOES: None
14 ABSENT: None
15 ABSTAIN: None

16
17 Director Thompson explained the 15 day appeal period and stated that the item will be placed on
18 the City Council’s Consent Calendar for their meeting of April 3, 2007.

19
20 **PUBLIC HEARINGS, NEW**

21
22 **03/14/07.2 Consideration of a VARIANCE to Allow Demolition of Existing Structures**
23 **and Construction of Two Condominium Units on a Site Without the**
24 **Required Vehicular Access From a Rear Alley at 308-318 Gull Street**
25 **(Savikas)**

26
27 Associate Planner Haaland summarized the staff report. He stated that the proposal is for a
28 condominium development on a property without rear alley access in Area District IV, where
29 such access is required for such a development. He stated that front and rear vehicle access is
30 generally required for beach area condominiums in order to provide for adequate parking. He
31 stated that exceptions for The Strand and some corner lots in Area District III are provided, but
32 none are provided for Area District IV corner lots. He commented that the Code specifically
33 states that Area District IV is not eligible for any corner lot condominium development
34 exceptions for front and rear vehicle access. He stated that the subject site is a relatively large
35 corner lot, and the plans conform with the Zoning and Coastal Development standards. He
36 indicated that the project would have adequate access to achieve parking for two condominium
37 units due to the corner side alley. He commented that the arguments provided by the applicant
38 for approving the request are that the lot is unusually long at 120 feet in length and is fairly
39 steeply sloped; the subject block has an unusual lot pattern due to Highland Avenue curving
40 toward the west as it exits the city; a relatively low density is proposed compared to what would
41 be permitted on the site; and individual ownership of the units is more desirable than developing

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1 apartments or rental housing.

2

3 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that
4 the reason that the El Porto area was omitted from exceptions to the requirement for front and
5 rear vehicle access may be because it is more densely populated as compared to the rest of the
6 beach area. He indicated that there are no written policy objectives or direct statements as to the
7 reasoning behind specifically excluding the El Porto area from the exception.

8

9 In response to a question from Commissioner Schlager, Associate Planner Haaland commented
10 that staff is not aware of a stated desire by the City to encourage property ownership as opposed
11 to rental properties, probably because property ownership levels within the City are fairly high.
12 He commented that concern has been expressed in some cities with lower percentages of
13 ownership as opposed to rental properties, and there are policies in some cities to increase home
14 ownership.

15

16 Chairman Bohner opened the public hearing.

17

18 **Victor Savikas**, the applicant, requested that the Commission approve the proposed Variance.
19 He stated that the exception that they are requesting is available in every district except District
20 IV. He commented that there has not been an adequate explanation as to why the exception
21 applies to all other area districts, except that it is somehow related to preventing an increase in
22 density. He pointed out that the exception they are seeking would reduce the density on the site.
23 He indicated that there are only four sites that are affected by the exemption they are seeking,
24 and approval of the Variance would not be opening the way for a large number of future
25 applications. He indicated that they could build a three unit apartment complex under the
26 existing zoning regulations that would include a driveway on Crest Drive and two or three
27 driveways on Gull Street, and the exemption they are seeking would not be any different. He
28 stated that there are driveways on Gull Street currently, and there are two condominiums across
29 the street from the subject property. He commented that they are requesting to be permitted to
30 have a driveway on Crest Drive and a driveway on Gull Street.

31

32 Chairman Bohner closed the public hearing.

33

34 Commissioner Powell commended the applicant on the design of the project. He stated that with
35 the exception of the vehicle access, the project meets the other requirements as to density, parcel
36 size, height, parking, setbacks, and buildable floor area (BFA). He said that it is proposed to be
37 two units, and it could have been developed as a four unit apartment building. He indicated that
38 he is in favor of granting the request, in that the site has a sloping terrain; it is an unusual lot
39 size; and it has an irregular shape resulting from the unusual curving of Highland Avenue. He
40 said that there would only be a few properties that would possibly be eligible for such an
41 exception, and it would not set a dangerous precedent for future requests. He commented that

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1 the project would be an improvement as to what could otherwise be developed on the site, and it
2 would meet access requirements. He commented that he feels the exception could be made for a
3 hardship based upon the topography, the irregular shape of the lot, the location of the lot, and the
4 unusual manner in which Highland Avenue curves which creates the unique situation. He said
5 that he feels the other findings for approving the Variance can also be made, and he would
6 support the request.

7
8 Commissioner Lesser said that he agrees with the comments of Commissioner Powell. He
9 indicated that he feels the proposal does fall within the requisite findings for granting the
10 Variance of special circumstances including the narrowness and shape of the lot. He stated that
11 he feels the request may be granted without substantial detriment to the public good. He
12 commented that he feels the project would encourage maintaining the low profile development
13 and small town atmosphere of the City. He commented that he does not feel the applicant should
14 be penalized simply because the El Porto area is carved out from the exception for the vehicle
15 access requirement. He said that the granting of the application would not grant a special
16 privilege. He commented that he is in support of the project. He also commented that the project
17 would be less built out than otherwise would be permitted.

18
19 Commissioner Schlager said that he agrees with the comments of the other commissioners and
20 that the project meets the requirements for granting the Variance.

21
22 Chairman Bohner said that he would also agree there are exceptions that exist for granting the
23 Variance for the subject site, as it is unusually long and the area has an unusual lot pattern. He
24 said that he does not feel the project would be a detriment to the public good and that it would be
25 a benefit by providing lower density. He commented that an apartment would be permitted on
26 the site under current regulations that would be larger and still have access to the front and the
27 side lot, and a smaller development such as proposed should be encouraged. He said that he
28 feels the proposal is consistent with the title to approve the Variance and would not constitute
29 granting a special privilege.

30
31 A motion was MADE and SECONDED (Schlager/Lesser) to **REOPEN** and **CONTINUE** the
32 public hearing to the meeting of March 28, 2007, and to **DIRECT** staff to prepare a draft
33 Resolution approving a VARIANCE to allow construction of two condominium units on a site
34 without the required vehicular access from a rear alley at 308-318 Gull Street

- 35
36 AYES: Lesser, Powell, Schlager, Chairman Bohner
37 NOES: None
38 ABSENT: None
39 ABSTAIN: None
40

41 **03/14/07.3 Consideration of a ZONING CODE AMENDMENT (Title 10) and LOCAL**

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**COASTAL PROGRAM AMENDMENT for the City Council 20005-2007
Work Plan Item on Mansionization for Proposed New Restrictions for
Combining (Merging) New Lots in Residential Zones**

Commissioner Lesser commented that he is a member of the Mansionization Committee and participated in the drafting of certain portions of the proposals, and he has participated in his capacity as a Planning Commissioner.

Senior Planner Jester summarized the staff report. She commented that it was hoped the Mansionization Committee could complete its consideration of all items and bring them to the Planning Commission at one time; however, the Council directed staff to bring the issue of lot mergers before the Commission separately since the remaining discussions have not been completed. She stated that the concerns raised regarding lot mergers is that they can result in a change in neighborhood character regarding lot size, orientation, lot patterns, loss of privacy, loss of open space, shadowing of adjoining property structures, and visual bulk with larger structures. She stated that the proposed amendment would apply only to new lot mergers, and the regulations would not apply to existing lots over two to three times the typical lot size. She commented that exemptions for the regulations would apply in RM, RH, and the CL zones in Area Districts I and II for properties with three or more units. She indicated that the specified zones have been exempted in order to encourage the development of multi-family units in those areas.

Senior Planner Jester commented that staff wanted to take into account in the Resolution that there are a number of lots that are typical in an Area District and zone that are larger than the standard lot size for that Area District. She said that staff is suggesting deleting the multiplication factors within the parenthesis throughout the paragraphs of Section 4A on page 6 of the draft Resolution. She commented that the multiplication factors were rounded off in the Resolution, and staff wants to avoid any confusion that might result from including the rounded numbers. She said that the proposed Ordinance would apply to new lots two to three times the typical lot size, and new lots of three times the typical lot size or greater would not be permitted. She commented that lots between 2 to 3 times the typical lot size would have new standards with requirements including supplemental open space next to the setback; a reduction in building height for a portion of the building in order to provide articulation and break up mass; a reduction of BFA limiting square footage to 66 percent of the maximum permitted for the combined lot; and a variation in perimeter fencing.

Commissioner Lesser said that there is a great deal of disagreement as to the meaning of the term “mansionization” and as to the goals behind what is attempting to be achieved. He stated that the Mansionization Committee has attempted to reach a compromise as to what constitutes reasonable limitations on property rights. He pointed out that there are currently no limits on the number of lot that can be merged. He said that some would argue that it is appropriate not to

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1 restrict lot mergers because private property rights are at issue, and others believe that there
2 should be some reasonable limitations on the number of lots that may be merged. He said that in
3 meeting once a month for the past year, the Committee has sought to reach a compromise where
4 staff has considered the specific impacts on lots throughout the City of various proposals
5 including the subject proposal. He asked the reasoning behind limiting lot mergers rather than
6 the more straightforward method of expressly limiting the amount of BFA on lots.

7
8 Senior Planner Jester indicated that the Committee in general felt that they wanted to address the
9 goals and purpose of the issues of neighborhood compatibility, loss of privacy, block patterns,
10 ventilation, and shadowing of adjacent buildings. She indicated that they felt the best way to
11 address the concerns was with an Ordinance that would provide flexibility that would include
12 increasing setbacks, reducing height, limiting BFA and addressing the issue of perimeter
13 fencing. She indicated that it was felt that the approach of the subject Ordinance was an
14 approach that was more comprehensive and allowed more flexibility, instead of simply limiting
15 BFA.

16
17 In response to a question from Commissioner Lesser, Senior Planner Jester indicated that the
18 possibility of expressly limiting BFA by Area District was not pursued.

19
20 Commissioner Lesser said that the proposal is a starting point for a discussion as a community
21 on the issue and it is changeable.

22
23 In response to a question from Commissioner Schlager, Senior Planner Jester indicated that the
24 intent of being general in item B(d) on page 7 of the Resolution regarding site perimeter fencing
25 was to allow architects flexibility while attempting to prevent the design of a fence creating the
26 appearance of a large compound. She indicated that the design would be reviewed at a staff
27 level on an individual basis.

28
29 Chairman Bohner opened the public hearing.

30
31 **Charles Mau**, a Manhattan Beach resident, commented that he knew the rights that applied to
32 his property when he originally purchased it in the 1970s, and he has relied on those laws. He
33 said that changing the law is not the correct decision in terms of preserving property rights. He
34 said that property rights have continued to be taken away over the past years. He commented
35 that combining lots was previously encouraged in order to reduce density, and now lot mergers
36 are being discouraged in order to limit bulk. He indicated that property rights end at the property
37 line. He said that there is a competing agenda between those who believe in property rights and
38 those who want others to determine what neighboring property owners may build. He said that
39 he wants to keep the rights he had when he purchased his property.

40
41 **Dave Wachtfogel**, a Manhattan Beach resident, said that he does not see how allowing lots to be

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1 combined with larger buildings is consistent with the goal of preserving the small town
2 atmosphere of the City. He said that allowing two or three lots to combine would change the
3 City over time. He stated that property rights are limited by the consensus of the opinion of the
4 residents as to the best pattern of development for the City as expressed in ordinances and codes,
5 and the citizens have a right to place such limits. He commented that ZORP reduced the amount
6 of BFA that is permitted to be built, which was determined to be necessary by the City and did
7 not constitute the removal of property rights. He said that zoning codes per se can be considered
8 the limitation of property rights, and it is appropriate for the City to enact such regulations. He
9 indicated that he is against the combining of any lots. He commented that small changes result
10 in the City losing the character it once had, and it cannot be reversed once it is lost. He said that
11 having fewer lots results in fewer families living in the community. He said that allowing
12 combined lots will result in a different city and would be regretted in the future.

13
14 In response to a question from Commissioner Lesser, **Mr. Wachtfogel** suggested placing the
15 item on the ballot as to whether three lots should be permitted to be combined. He said that lots
16 have not been combined for a long time because there is a sense of the character of the City. He
17 said that people with large amounts of money have brought the possibility of combining lots
18 together. He said that he believes the vast majority of homeowners in the City would not want
19 the three lots next to them to be developed into one property with a large fence surrounding it.

20
21 **Evelyn Gingrich**, a resident of the 1000 block of 11th Street, said that she does not like lots that
22 have large structures with no yards. She said that she would support more restrictions to provide
23 for larger yards and homes that are not so huge and tall. She indicated that it is not good
24 planning to allow for some unusual houses that do not fit in with the others in the area.

25
26 **Wayne Partridge**, asked whether the language of item 2, on page 3 of the staff report is
27 reflected in the proposed Ordinance which states: “The proposed Ordinance would not apply to
28 existing building sites (regardless of the location of existing buildings) that contain multiple
29 adjoining lots under common ownership prior to the effective date of the Ordinance.” He
30 indicated that there are many lots that have been combined under common ownership that
31 existed historically when there was not any regulations regarding building across multiple lots.

32
33 Director Thompson commented that the intent is that the Ordinance would not apply to any
34 existing three lot combinations or greater that are already legally merged. He said that a new lot
35 merger would be the trigger for the restrictions in the Ordinance. He commented that property
36 owners of multiple adjacent lots would not automatically be exempt from the regulations, and
37 future development would be limited on any contiguous lots unless they were merged prior to the
38 Ordinance being in effect.

39
40 **M. Partridge** said that the property owners in the City do have property rights, but they are
41 subject to reasonable restriction by the City within Constitutional limits. He indicated that many

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1 of the large problems of the City with parking demand, traffic, and the demand on public
2 services derive from the fact that the City was historically created as a vacation home community
3 with very small lots and now has mainly permanent residents. He indicated that the City has one
4 of the highest density communities in Southern California. He said that lot mergers result in a
5 reduction of density which also reduces traffic and parking demand. He commented that large
6 homes are not necessarily unattractive. He indicated that one large home built across three lots
7 would cast substantially the same amount of shadow and would not obstruct views any more
8 than three homes built on the same lots. He commented that larger houses do not necessarily
9 make the City less attractive. He commented that the only effect of allowing someone to build
10 across several lots is that the other property owners are not able to build to the same extent, and
11 restricting lot mergers would not address any of the substantive problems in the City. He said
12 that fewer children would place less demand on public services and the schools. He indicated
13 that property owners who have built structures across multiple lots before there were any
14 requirements for merging should be exempt from the requirements.

15
16 In response to a question from Commissioner Lesser, **Mr. Partidge** stated that he does not see
17 the utility and value to the City and the residents of restricting lot mergers. He said that he does
18 not share the opinion of **Mr. Wachtfogel** and does not have an objections to very large homes
19 being built provided that they are built properly. He stated that merging of lots should not be
20 permitted to result in an increase in units, and the number of units within the City should be
21 decreased.

22
23 Commissioner Powell pointed out that the proposed Ordinance does not require that existing
24 legal nonconforming structures built across two or more lot lines must be torn down but rather
25 that any new structures built if the existing structures are destroyed or demolished would have to
26 conform to the new requirements.

27
28 **Lester Samen**, a resident of the 300 block of 11th Street, said that he owns three lots covered by
29 a single existing building, and his property should be exempt from any new regulations. He said
30 that problems related to mansionization currently exist within the majority of the City and is not
31 specifically related to larger lots. He commented that most people who have the money to
32 combine three lots do a good job with providing yards and open space. He indicated that no
33 drawings have been shown to compare the difference of three homes built out to the maximum
34 permitted on three consecutive lots as compared to a single structure built across three lots. He
35 commented that the majority of homes in the City are basically massive squares built to the edge
36 of the property lines. He asked whether there is a large number of people purchasing three
37 adjacent lots in the City and whether the homes that do exist across three lots look worse than
38 three homes built across the same lots. He said that merged lots result in less density, less
39 parking demand, and less traffic. He commented that the proposed amendment would restrict
40 the ability of a property owner with three consecutive lots to build a single structure to only 66
41 percent of the allowable BFA, but structures would be permitted to be built to the maximum on

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1 each of the three lots if they were not merged. He stated that the square footage permitted on
2 smaller lots should be limited rather than limiting the square footage that is permitted on larger
3 lots. He said that the requirement for reducing the height for a single structure on merged lots is
4 unfair when three structures built over the same area would be permitted to be taller. He stated
5 that property owners of individual lots have been allowed to build to the maximum on their lot,
6 and now property owners of merged lots would be penalized on the amount they can build when
7 they have paid for their property and property taxes.

8
9 **Paul Gross**, a resident of Manhattan Beach and a member of the Mansionization Committee,
10 said that he supports the proposal, although his choice is that no lot mergers be permitted. He
11 stated that compromises are made on personal freedom as well as for property rights at every
12 level of government for the good of the larger society. He pointed out that there currently is no
13 ordinance limiting lot mergers, and the Committee has proposed the amendment in order to
14 prevent a problem with the merger of any number of lots where money is no object. He said that
15 the Committee felt the best policy was to prevent a problem from becoming overwhelming. He
16 indicated that the purpose of the amendment is to preserve the character of neighborhoods in the
17 City. He said that it is recognized that there is constant change within the City, and he feels the
18 proposal is a good compromise. He said that denying the Ordinance would allow for an
19 unlimited number of lots to be joined.

20
21 **Tom Coke**, a property owner on the 500 block of Manhattan Beach Boulevard, said that he does
22 not feel it is fair for him to have invested in his property and now have the potential for a loss of
23 a third of its value if he is not exempt from the new requirements. He requested that an
24 exemption be included so that property owners such as himself are not hurt under certain
25 situations.

26
27 **Don Miller**, a resident of the 900 block of Highland Avenue, said that he is not aware whether
28 the number of situations in the City of a single owner of two or more consecutive properties has
29 been quantified. He stated that it does not seem feasible for someone to buy a block and build a
30 single great structure. He commented that someone who buys multiple lots would not put up an
31 unattractive structure and would provide a yard area. He stated that the building of homes on
32 individual lots to the maximum allowable results in a loss of yard space. He said that he is
33 uncertain of the threat if properties that currently have a single structure built over more than one
34 lot are grandfathered in and exempt from the requirements.

35
36 **Gerry O'Connor** indicated that he also agrees that two lots should probably not be merged, and
37 three lots definitely should not be permitted to merge. He said that the purpose of the Planning
38 Commission is to anticipate problems that may come before them and address them in a manner
39 that is acceptable to the community as a whole. He commented that the City Council
40 inadvertently and inappropriately tabled the item originally hoping that all of the proposals
41 regarding mansionization would be brought to the Planning Commission as a complete package;

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1 however, now the issue of lot mergers is again before the Commission. He said that there is a
2 sentiment among some people that the issue of mergers is not a problem; however, more
3 applications for merging lots will come before the Commission. He said that he does not feel the
4 Commission should assume that anyone who has the resources to purchase contiguous lots
5 would propose a structure on a huge lot with an appealing design. He said that the
6 Commissioners need to address any concerns they have with the recommendations and move
7 forward as expeditiously as possible. He commented that there is a Housing Element in the
8 General Plan that includes State mandated requirements to provide a plan to decrease the number
9 of residential units by combining lots and having single large residences. He indicated that the
10 City was previously divided into smaller lots that allowed a greater number of residences, which
11 is in direct conflict with the State mandated Housing Element.
12

13 **Robert Schumann**, a Manhattan Beach resident and member of the Mansionization Committee,
14 said that he is unable to support the consensus of the Committee with respect to lot mergers. He
15 indicated that he originally did not feel that any limits should be placed with respect to lot
16 mergers but was willing to agree with the consensus for a limit of three lots in the spirit of
17 compromise. He stated that there is really not an example of the type of mansionization that has
18 been most feared having occurred in the City, and the steps being taken would reduce property
19 rights in order to prevent a situation that has not yet happened. He stated that reducing the
20 height and the square footage of structures on three merged lots by 1/3 is extreme, and the person
21 who owns two lots would be able to build a better structure than someone who has three lots.
22

23 **Mr. Schumann** commented that the issue of lot mergers is very important, and he was surprised
24 that the meeting was not attended by more members of the public. He said that he feels the City
25 needs to do a more thorough job of providing notice for such hearings well beyond the legal
26 requirements. He suggested that the City compile an address list of all real property owners in
27 the City in order to provide them with a mailed notice regarding public hearings before the
28 Commission or City Council that may impact their property rights in exchange for receiving
29 some public good. He also suggested that seminars be conducted by the City to allow people the
30 opportunity to have all of their questions answered. He commented that informing the public
31 would allow the Commission the benefit of input from fully informed property owners. He
32 commented that the only reason that property owners of two or more contiguous lots have
33 attended this hearing is because he compiled a list and informed them of the meeting. He
34 commented that in addition to himself, he is also speaking on behalf of the Bittan Family Trust
35 who own three lots; Ed Wilkinson who owns four lots with 26 units; and Robert and Elizabeth
36 Beverly with three lots. He said that most of the subject properties provide relatively modest
37 income related housing. He indicated that the City never requested that the properties be
38 merged. He said that the owners he represents are asking to be granted an exception. He
39 commented that there are probably nine such properties west of Sepulveda Boulevard, and he did
40 not have sufficient time to determine the number that are located east of Sepulveda Boulevard.
41

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1 Commissioner Powell said that he does not feel the reason that there was not greater attendance
2 at the meeting is not due to a lack in noticing, as there was a posting regarding the hearing on the
3 web site and notices placed in City Hall in addition to a large ad in the Beach Reporter.
4

5 In response to a question from Commissioner Powell, Director Thompson stated that an
6 extraordinary job in noticing was done for this particular issue. He indicated that an important
7 purpose of the Mansionization Committee was to be representatives to inform their friends and
8 acquaintances regarding the issue. He commented that the discussion has been occurring
9 regarding the proposed Ordinance for over two years, and discussions regarding mansionization
10 have been occurring for over ten years. He indicated that anyone who is interested in the topic
11 has had the opportunity to become involved. He commented that staff is always challenged in
12 getting people interested and involved in a particular topic. He indicated that this hearing is an
13 example where there is a variety and cross section of differing opinions.
14

15 **Bob Harbor**, a resident of Manhattan Beach, said that they would have formally combined their
16 three lots if they had been requested by the City. He commented that he would not want to have
17 to build several box homes to replace the structures on his property if a fire or earthquake
18 damaged the existing building. He commented that many families have started out living in
19 apartments in his development and then purchased property in the beach area. He said that to
20 force out the very few apartment buildings that remain in the City would be unfounded. He said
21 that the concern is not combining lots but rather the size of the structures that are built on the
22 lots.
23

24 **Pat Miller**, a property owner on the 900 block of Highland Avenue, said that the development
25 on their site is an apartment complex that spreads across four lots. She said that lots such as
26 theirs that have not been combined formally with existing developments should be grandfathered
27 in as an exception along with the lots that have been formally merged. She commented that they
28 do not read the Beach Reporter regularly to read the noticing. She stated that the proposed
29 amendment would have an impact on the value of their property. She said that the proposal
30 effectively is changing the zoning, and noticing for such issues should be mailed to all property
31 owners.
32

33 **Carol Wahlberg**, a Manhattan Beach resident and member of the Mansionization Committee,
34 said that she is opposed to lot mergers because of the criteria of the General Plan to maintain the
35 small town atmosphere. She said that the City did not start restricting building many years ago,
36 and at some point it must be done. She said that the properties with existing development over
37 several lots that are not formally merged need to be addressed. She stated that she hopes that the
38 issue can move forward. She commented that she moved to the City because of the unique small
39 town atmosphere, and she feels it has been lost. She indicated that there is a concern regarding
40 traffic, congestion, and the number of children in the City's schools. She commented that she
41 hopes those issues will be addressed with other planning decisions that are made by the City.

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1 She pointed out that there is also discussion occurring regarding limiting building out on smaller
2 lot sizes.

3
4 Chairman Bohner closed the public hearing.

5
6 Commissioner Powell stated that he has attended a number of the Mansionization Committee
7 meetings as a member of the public, and the Committee has met over the course of more than a
8 year. He indicated that there are approximately 20 members including representatives from the
9 Council, architects, the real estate community, and the building community. He said that the
10 members also include a school teacher and engineer along with other residents. He indicated
11 that the Committee represented a true cross section of the community. He said that the
12 compromise was reached with a delicate balance between preserving private property rights and
13 the need to preserve the small town character of the City, reduce bulk, and maintain quality open
14 space. He commented that action must be taken to preserve the small town atmosphere of the
15 neighborhoods which is being lost. He stated that this issue came before the Commission two
16 months ago, and the Commissioners have had an opportunity to consider the ramifications of the
17 proposed Ordinance. He indicated that the General Plan refers to limiting the size of lot mergers,
18 preserving the patterns of existing lots, and preserving the small town atmosphere and private
19 open space. He indicated that the Local Coastal Program addresses maintaining building scale in
20 the Coastal Zone residential neighborhoods and maintaining residential building bulk control.

21
22 Commissioner Powell said that many residents indicated that they originally moved into the City
23 because of the small town atmosphere, but now there are people that are buying lots where there
24 is a potential to demolish and build even bigger structures. He stated that existing developments
25 across lots that are not formally merged were built to conform under different standards are
26 permitted to remain; however, they should be rebuilt to conform to the current standards as the
27 original structures reach the end of their economic useful life or are destroyed. He commented
28 that allowing the building bulk to remain unchecked will result in Manhattan Beach becoming
29 like other areas that are built out, which is not the reason why the residents chose to live in the
30 City. He said that the neighborhood and buildings that are out of scale with the neighborhood is
31 a detriment to the City and to allow it to continue is a further detriment. He said that the purpose
32 of the proposed Ordinance is to address the issue before it does become a detriment. He
33 indicated that a true compromise was reached, and it is hard to find fault with the proposal. He
34 said that he concurs with the draft Resolution and supports it moving forward to the Council.

35
36 Commissioner Lesser commented that there is a difference of opinion regarding whether there is
37 a problem with lot mergers in the City that needs to be addressed. He said that his concern is
38 that there currently are no limits to the number of lots that may be merged. He indicated that the
39 City has received proposals for the merging of three lots. He said that there are a sufficient
40 number of properties where merging could occur that it is a prospective problem where it is
41 appropriate for the Council and Commission to act. He indicated that he does not want his own

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1 property rights to be restricted; however, there is a growing consensus in the community that
2 certain restrictions are appropriate as reflected in the proposed Ordinance. He said that he would
3 like for the Council to consider having a community meeting to allow for further input from
4 members of the public rather than for the issue to be considered only at a single Council meeting.

5
6 Commissioner Schlager stated that he echoes many of the comments of the other
7 Commissioners. He commended the Mansionization Committee for their hard work up to this
8 point, and he complimented the members of the audience who have spoken to voice their
9 concerns. He commented that the Commission always tries to reach a compromise in
10 considering what they believe is the voice of the community and the vision of the General Plan.
11 He stated that the recommendation of the Committee is specific. He commented that he agrees
12 with Commissioner Powell that existing structures which spread across multiple lots that have
13 not been formally merged should be rebuilt to the new Code requirements when they have
14 reached the end of their economic useful life. He pointed out that all property owners must
15 comply with new standards when properties are destroyed or torn down and rebuilt, and he does
16 not believe that there should be further language to grandfather in existing properties to be
17 exempt from the proposed requirements. He indicated that has no problems with the Resolution
18 and he is prepared to move it forward to the Council.

19
20 Chairman Bohner said that the Mansionization Committee brought together varying viewpoints
21 and representatives with very different backgrounds, and compromises were made that it appears
22 were agreed to by most of the members. He commented that he does not feel in a position to
23 question the compromise that was made by the Committee. He said that he feels the restrictions
24 as proposed are reasonable. He said that properties in any community are subject to policing
25 power of the governing agency, and hopefully the decisions made reflect the wishes of the
26 majority of the community. He commented that the City Council took an extra step by forming a
27 Committee that reflected varying viewpoints within the community, which he respects. He
28 stated that his understanding is that the hearing was properly noticed, and the City went beyond
29 the normal noticing requirements. He said that he is also certain that the Committee members
30 spread information to other members of the community regarding the issue. He commented that
31 there appear to be more members of the community skeptical of the Resolution than are in
32 support, and the members of the public were eloquent in expressing their opinions. He said that
33 any structures that are rebuilt on lots that are not formally merged should be required to conform
34 to the current requirements, and the new regulations would not apply to existing structures. He
35 said that he feels the Resolution as written is sufficiently specific, and he trusts staff to be fair
36 with regard to making decisions on issues such as the perimeter fencing. He said that he would
37 support the draft Resolution as written.

38
39 Commissioner Lesser requested that “February 2006” should be corrected to “February 2007” on
40 page 2, paragraph H of the draft Resolution. He suggested that Policy LU-1 from the General
41 Plan be added to paragraph P on page 3 of the draft Resolution, which includes the language “to

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1 maintain the low profile development and small town atmosphere of Manhattan Beach.” He
2 commented that the goal was a preliminary starting point for the consideration of the issue of
3 mansionization. He pointed out that Policy LU-2.2 of the General Plan not only seeks to
4 preserve and encourage private open space in residential lots City wide, but it also includes the
5 verbiage that it hopes to discourage large homes with minimum open space. He indicated,
6 however, that he does not feel it is necessary to add language of the section regarding LU-2.2 on
7 page 3 of the Resolution as written.

8
9 Senor Planner Jester commented that staff is suggesting that the references to the multiplication
10 factors be deleted from the paragraphs in item 4(A) on page 6 of the draft Resolution.

11
12 Commissioner Powell requested that “Mansionization Committees” be corrected to
13 “Mansionization Committee’s” in item I on page 2 of the draft Resolution. He requested that
14 “possibly” be corrected to “possibility” in item M on page 2 of the draft Resolution. He
15 requested that the underscore be deleted between the words “open space” in the second sentence
16 of item B 2(a) on page 6.

17
18 Commissioner Lesser pointed out that members of the community will have an opportunity to
19 continue their discussion regarding the proposal at the City Council level.

20
21 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the draft Resolution a
22 Zoning Code Amendment (Title 10) and Local Coastal Program Amendment for the City
23 Council 20005-2007 Work Plan Item on mansionization for proposed new restrictions for
24 combining (merging) new lots in residential zones as amended.

- 25
26 AYES: Lesser, Powell, Schlager, Chairman Bohner
27 NOES: None
28 ABSENT: None
29 ABSTAIN: None

30
31 Director Thompson explained the 15 day appeal period and stated that the item will be placed on
32 the City Council’s Consent Calendar for their meeting of April 17, 2007.

33
34 **DIRECTOR’S ITEMS**

35
36 **PLANNING COMMISSION ITEMS**

37
38 Commissioner Lesser complimented the members of the community who spoke and the number
39 of people who have participated for more than a year in the Committee and those who have been
40 involved for over 10 years or more regarding the issue of mansionization. He encouraged all
41 interested members of the public to continue to participate with the City Council. He said that

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1 the issue has a direct impact on the community and its future.

2

3 Chairman Bohner said that it is an important issue and he would also encourage people to
4 participate and provide their input.

5

6 Commissioner Schlager would encourage all members of the community to become involved
7 with issues and public participation as soon as possible in the process. He said that it helps the
8 City Council and the Commissioners in making well informed and good decisions.

9

10 Director Thompson commented that the next Mansionization Committee meeting will occur on
11 Thursday March 15, 2007, at 6:00 p.m. in the conference room at the Police Fire facility.

12

13 **DIRECTOR'S ITEMS**

14

15 Director Thompson commented that the Commissioners have been provided with two memos
16 prepared by the City Attorney regarding conflict of interest and the Brown Act Code, which
17 provide very good information on the conduct of elected and appointed officials.

18

19 **TENTATIVE AGENDA: March 28, 2007**

20

21 **ADJOURNMENT**

22

23 The meeting of the Planning Commission was **ADJOURNED** at 9:45 p.m. in the City Council
24 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, March 28, 2007, at 6:30 p.m. in the
25 same chambers.

26

27

28 _____
29 RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary