

# **Attachment D**

Planning Commission Minutes

**VII. CONSENT ITEMS****ITEM NO. 2 MINUTES OF JULY 19, 2018****Recommended Action:**

1. Approve and file

**Motion** made by Vice Chair Weigand and seconded by Commissioner Koetting to approve the draft minutes of the July 19, 2018 meeting as presented.

AYES: Zak, Weigand, Kleiman, Dunlap, Koetting  
 NOES: None  
 ABSTAIN: Lowrey  
 ABSENT: Kramer

**VIII. CONTINUED BUSINESS:**

**ITEM NO. 3 HINTON AND MALONEY RESIDENCE (PA2017-208)**  
**Site Location: 3200 Ocean Boulevard**

**Summary:**

A request for a coastal development permit to allow the construction of a new 7,421-square-foot, single-family residence and a 694-square-foot three car garage. The application also includes a request for a variance to allow the residence to encroach 5 feet into the required 10-foot rear setback and exceed the maximum floor area limit.

**Recommended Action:**

1. Conduct a public hearing;
2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Article 19, of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act under Class 3, (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2018-023 approving Coastal Development Permit No. CD2017-091 and Variance No. VA2017-002.

Assistant Planner David Lee reported that the project proposes to demolish an existing single-family residence and construct a new single-family residence. The existing home was constructed in 1948. Required setbacks are 24 feet at the front, 4 feet at the sides, and 10 feet at the rear. The existing structure encroaches into the side and rear setbacks. The proposed residence will encroach 5 feet into the rear setback and exceed the maximum floor area limit. The square footage of the basement is not included in the proposed home's total floor area. The subject lot in Corona del Mar is unique in that it does not abut an alley. The rear setback acts as a side setback, for which 3 or 4 feet would otherwise be required, because the lot abuts an adjacent residential property. The distance between the proposed residence and the adjacent residence to the rear will be 10 feet, 10 inches. Prior to 1948, Lots 7 and 8 were oriented to face Ocean Boulevard; whereas, the current lots are oriented to face Larkspur Avenue. The current orientation of the lots creates disproportionate setbacks for the subject lot, and decreases the buildable area, the maximum floor area, and the floor area ratio (FAR) of the lot. If Lots 7 and 8 were still oriented to Ocean Boulevard, the buildable area would be 67 percent for Lot 8 and 65 percent for Lot 7. The maximum floor area would be 5,335 square feet with an FAR of 1.009 for Lot 8 and 4,247 square feet with an FAR of 0.96 for Lot 7. In the current orientation, the buildable area decreases to 52 percent for 3200 Ocean Boulevard and 47 percent for 210 Larkspur Avenue; the maximum floor area decreases to 4,234 square feet with an FAR of 0.777 for 3200 Ocean and 2,993 square feet with an FAR of 0.708 for 210 Larkspur. Most lots in the area have FAR values greater than 1.0. The proposed project has an FAR of 0.958. Thirteen of 376 lots are oriented similar to the subject lot, and 11 of the 13 lots deviate from required setbacks and floor area or have nonconforming structures. The current orientation of the lots deprives the subject property of privileges

enjoyed by other properties. Granting a variance would not be a special privilege because the proposed FAR and 5-foot setback will be consistent with surrounding lots and will not be detrimental to the surrounding area. The proposed structure will provide better private views for 210 Larkspur than a Code-compliant structure. To protect the private view for 210 Larkspur, staff has included a condition of approval for 204 square feet of open space at the northwesterly corner of the subject lot. Because the proposed structure exceeds the maximum floor area and the lot is located within the coastal zone, the project requires a coastal development permit. The project does not impact public views and neither provides nor inhibits coastal access. Staff requests two additional conditions of approval for removal of all trees located within the side setback abutting Larkspur Avenue and the front setback and for no trees to be planted in the planter area near the intersection of Larkspur Avenue and Ocean Boulevard. Staff recommends the Commission approve the application.

In response to Commissioners' questions, Senior Planner Jaime Murillo explained how the floor area is calculated, and the 4,528 square feet. Under authority granted to him, Community Development Director Jurjis utilized the variance procedure stated in the Zoning Code as the Local Coastal Plan (LCP) does not contain a variance procedure. Staff is awaiting a California Coastal Commission hearing on the City's amendment to include a variance procedure in the LCP. A Commission decision to approve the project may be appealed to the City Council or the Coastal Commission. An appeal of the Commission's decision regarding the Ginsberg project, based on the lack of a variance procedure in the LCP, is scheduled for August 10, 2018, before the Coastal Commission.

Commissioners Kleiman, Dunlap, Lowrey, and Weigand reported meetings with the applicant and the consultant. Commissioners Kramer, Koetting, and Zak reported no ex parte communications.

Chair Zak opened the public hearing.

John Ramirez, consultant for Nicholson Construction, advised that the applicant requests a coastal development permit and a variance for a 4,500-square-foot home with a three-car garage and a subterranean basement. No trees or large shrubs are proposed in the setback areas. The basement includes a storage area for vehicles. The first floor is comprised of a great room, kitchen, office, and powder room. Bedrooms are located on the second floor. The proposed roof deck will be confined within the architecture of the existing structure. No parts of the structure will exceed the height limit. The facades facing Larkspur and Ocean will be a combination of smooth stucco and stone with many windows. Over the last several months, project representatives have met with the community and staff to modify and improve the design of the home. The size of the home has been reduced since the first submission. In response to comments, the architect incorporated retractable glass to open up the interior and exterior of the building as well as the view corridor along Larkspur. By not building the house to the setback and not planting trees or large shrubs in the setback along Larkspur, 210 Larkspur will have a nice view corridor. The proposed home design is compatible with the neighborhood and responsive to community feedback.

In reply to Commission inquiries, Mr. Ramirez indicated lifts will move vehicles into the basement. Once a vehicle has been moved into the basement, a lid will cover the space between the basement and garage so that another vehicle can park in the garage.

Jim Mosher believed the City did not have the authority to grant variances in the coastal zone. Beyond that, the findings for granting a variance could not be made. A property owner had no right to the same FAR as neighboring properties and no right to exceed the 1.5 floor area limit.

Ken Alber, the adjacent property owner of 210 Larkspur, remarked that he worked with staff and the applicant to address his concerns and now supports the project.

Brant Dahlfors, 211 Larkspur, wished to ensure the large shrubs and trees at 3128 Ocean Blvd. do not recur in the future on the subject property.

Chair Zak closed the public hearing.

In answer to Commissioners' queries, Community Development Director Jurjis clarified that the Coastal Commission will determine whether a substantial issue exists in the Ginsberg project. Staff informs applicants of the risks of seeking a variance that is subject to a coastal development permit. The issues before the Coastal Commission on August 10 are public access, view protection, and variance procedures in the Ginsberg project. Coastal Commission staff is recommending a substantial issue for the Ginsberg project. The Code does not contain a requirement for ventilation of a subterranean garage, and staff does not anticipate any noise issues because the subterranean garage will be built of concrete. An applicant's representative explained that a hydraulic system will operate the garage lift and cover, and the system should not be a noise issue.

Chair Zak felt a continuance of the project would be prudent in light of the Coastal Commission's review of the Ginsberg project the following day. Secretary Kleiman concurred. The Commission did not have clear legal authority to grant a coastal development permit with a variance.

In response to Commissioner Dunlap's question, Assistant City Attorney Michael Torres recommended the Commission continue the project rather than make its approval contingent upon a Coastal Commission determination.

Commissioner Koetting remarked that each applicant faces a risk of the Commission's decision being appealed. The Commission has sufficient information to approve or deny the project. In response to Commissioner Koetting's inquiry, Senior Planner Murillo clarified that a building permit would not be issued during the 14-day appeal period.

Chair Zak reiterated the need to continue the project as the Ginsberg appeal is based on the variance procedure.

The applicant's representative anticipated the appeal before the Coastal Commission would require some time to reach a conclusion. The applicant is aware of the risks of proceeding with the project and requests the Planning Commission approve or deny the project at the current time.

Secretary Kleiman commented that the City did not have the authority under the existing LCP to grant a variance. While the Coastal Commission could provide some information the following day, she suspected that would not happen.

Commissioner Dunlap understood Commissioners' concern regarding the Ginsberg appeal; however, the applicant submitted its application almost a year prior. In addition, the applicant accepts the risks of an appeal.

Vice Chair Weigand suggested a second appeal of the same issue to the Coastal Commission could inspire the Coastal Commission to move more quickly.

**Motion** made by Vice Chair Weigand and seconded by Commissioner Lowrey to find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures); and adopt Resolution No. PC2018-023 approving Coastal Development Permit No. CD2017-091 and Variance No. VA2017-002 with the additional conditions of approval recommended by staff.

AYES: Weigand, Dunlap, Kramer, Lowrey, Koetting  
 NOES: Zak, Kleiman  
 ABSTAIN: None  
 ABSENT: None

## **IX. PUBLIC HEARING ITEMS**

### **ITEM NO. 4 DEAN RESIDENCE (PA2017-167) Site Location: 16 Bay Island**

#### **Summary:**