

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
FEBRUARY 5, 2008**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of February 2008, at the hour of 6:38 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Robbie Zimmerman, a 4th Grade Student from Robinson Elementary School led the pledge of allegiance.

ROLL CALL

Present: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Absent: None.
Clerk: Aliabadi (Acting).

CEREMONIAL CALENDAR

08/2005.1 *Presentation of American Institute of Architects Academy of Architecture for Justice Certificate of Merit Award for the Public Safety Building*

Architect **Charles Smith, Hellmuth, Obata & Kassabaum** (architects for the Public Safety Building) presented a Certificate of Merit Award from the American Institute of Architects Academy of Architecture to City Manager Geoff Dolan.

08/0205.2 *Introduction of New Employees, Employee Promotions and Service Awards*

The Council introduced new employees, recognized a promoted employee and presented commemorative certificates and pins to employees with 15 or more years of service to the City.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 17), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Tell, seconded by Councilmember Mayor Pro Tem Montgomery, and passed by unanimous roll call vote with the exception of Item Nos. 3, 7 and 17, which were considered later in the meeting under “*Items Removed from the Consent Calendar.*”

Present: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Absent: None.
Clerk: Tamura.

GENERAL CONSENT

08/0205.3 *Approve Minutes of the Special City Council Meeting of December 17, 2007*

Item No. 3 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

08/0205.4 *Approve Minutes of the Joint City Council/Cultural Arts Commission Meeting of*
City Council Meeting Minutes of February 5, 2008

January 8, 2008

The Council approved the subject minutes.

08/0205.5 Approve Minutes of the City Council Regular Meeting of January 15, 2008

The Council approved the subject minutes.

08/0205.6 This Space Intentionally Left Blank

08/0205.7 Consideration of a Full-Time Environmental Programs Manager Position

Considered later in the meeting under "Items Removed from the Consent Calendar."

08/0205.8 Consideration of Financial Reports:

a) Ratification of Demands: January 24, 2008

b) Investment Portfolio for the Month Ending December 31, 2007

c) Financial Reports for the Month Ending December 31, 2007

The Council approved with no exception Warrant Register No. 16B in the amount of \$2,188,091.24 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register; received and filed the Investment Portfolio for the month ending December 31, 2007; and received and filed the Financial Reports for the month ending December 31, 2007.

08/0205.9 Consideration of Fiscal Year 2007-2008 Mid-Year Budget Review

The Council received and filed the subject report.

08/0205.10 Approve Appropriation (\$32,000) from the Gas Tax Reserve Fund as Payment to Southern California Edison (SCE) for the Undergrounding of Street Light Services on Manhattan Beach Boulevard

The Council approved a supplemental appropriation in the amount of \$32,000 from the Gas Tax Reserve Fund and approved payment to SCE in the net amount of \$31,712.72 for the design of the Undergrounding of street light services and installation of wiring in conjunction with the Manhattan Beach Boulevard Improvement Project.

08/0205.11 Disbursement of Progress Payments:

a) Progress Payment No. 2 in the Net Amount of \$218,160 to Utility Services Company for the Elevated Water Tank Maintenance Project

b) Progress Payment No. 1 in the Net Amount of \$222,240.15 to Griffith Company for the Pervious Pavement Parking Lots Project; Approve Change Order No. 1 (\$18,162.95)

c) Final Payment in the Net Amount of \$4,500 to Environmental Construction Inc.; Formally Accept the Manhattan Village Soccer Park Synthetic Turf Field Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

The Council approved the issuance of the subject progress payments, change order and final payment; formally accepted the Manhattan Village Soccer Park Synthetic Turf Field Project as Complete; and authorized the filing of the appropriate Notice of Completion.

08/0205.12 Authorize City Manager to Execute Professional Services Agreements with Willdan, Psomas, AAE, Inc., DGA Consultants, and RKA Consulting Group for As-Needed Professional Engineering Services

The Council approved authorizing the City Manager to enter into professional services agreements with Willdan, Psomas, AAE, Inc., DGA Consultants, and RKA Consulting Group to provide as-needed professional engineering services.

BOARDS AND COMMISSIONS

Cultural Arts Commission

08/0205.13 Consideration of Draft Minutes, Cultural Arts Commission Meeting of December 6, 2007

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

08/0205.14 Consideration of Action Minutes, Parking & Public Improvements Commission Meeting of January 24, 2008

The Council received and filed the subject action minutes.

Planning Commission

08/0205.15 Consideration of Action Minutes, Planning Commission Meeting of January 9, 2008

The Council received and filed the subject action minutes.

08/0205.16 Application for a Master Use Permit and Coastal Development Permit Amendment for a Commercial Building Located in the Non-Appeal Coastal Jurisdiction at 1100 Manhattan Avenue

The Council received and filed the Planning Commission's approval of the Master Use Permit and Coastal Development Permit Amendment for 1100 Manhattan Avenue.

08/0205.17 Consideration of Planning Commission Approval of a Tree Permit Application for Removal of a Protected American Sweetgum Tree (*Liquidambar styraciflua*) in the Front Yard at 605 26th Street (Colligan)

Item No. 17 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

COMMUNITY ANNOUNCEMENTS

08/0205.21 Don Gould Re Library Events

Los Angeles County Librarian Don Gould announced the following library events: Winter Story Time began two weeks ago with approximately 754 participants; the Melody of China, will take place at 4:00 p.m. on February 7, 2008, at the Joslyn Center; and a Valentine's Day event will be held on February 13, 2008, for children four and older (reservations required).

08/0205.22 Wayne Powell Re Fire Department CERT Classes

Wayne Powell, Manhattan Beach Fire Department Community Emergency Response Team Board Member, announced that for the next three consecutive Saturdays, beginning on February 23, 2008, from 8:30 a.m. to 4:00 p.m., the Manhattan Beach Fire Department will conduct Community Emergency Response Team's (CERT) classes and that further information may be obtained by visiting www.citymb.info or calling (310) 802-5500.

08/0205.23 Patrick McBride Re Senior Re Seniors' Japanese Brush Painting

Patrick McBride, 5th Street and Avenue, announced the Manhattan Beach Senior Resource Committee's Japanese Brush Painting on February 10, 17 and 24, 2008, from 1:00 to 2:30 p.m.

08/0205.24 Helen Duncan Re State of City Breakfast

Helen Duncan, on behalf of the Manhattan Beach Chamber of Commerce, highlighted the upcoming State of the City Breakfast on February 12, 2008.

08/0205.25 Fire Chief Scott Ferguson Re Fire Captain/Paramedic Scott Hafdell

Fire Chief Scott Ferguson expressed appreciation for Fire Captain/Paramedic Scott Hafdell's 25 years of dedicated service.

08/0205.26 Fire Chief Scott Ferguson Re Recent Incident

Fire Chief Scott Ferguson provided input on a recent incident involving a fire caused by arcing power lines at 1220 Morningside Drive.

PUBLIC HEARINGS

08/0115.22-18 Consideration of a City Council 2005-2007 Work Plan Item on Mansionization in Residential Areas as Recommended by the Planning Commission: Amendments to Various Sections of the Zoning Code (Title 10) and the Local Coastal Program Including but not Limited to: 1) Increase Setbacks and Open Space, 2) Limit Lot Mergers, 3) Encourage the Retention of Existing Smaller Homes, and 4) Allow Accessory Structures on Adjacent Common Ownership Lots (CONTINUED FROM THE JANUARY 15, 2008 CITY COUNCIL MEETING)

City Manager Geoff Dolan explained that, at the January 15, 2008 City Council meeting, the Council reviewed a variety of proposed changes; expressed general consensus on a majority of items; asked for more information on five specific issues which will be reviewed during the staff presentation; and continued the Public Hearing.

Senior Planner Laurie Jester provided background information on the Council's and community's extensive discussions about mansionization and gave an overview of five items addressed in response to direction from the Council at the last meeting: 1-Broaden Minor; 2-Minor Exception Noticing, 3-Multiple Unmerged Large Lots, 4-Side Setbacks, and 5- Street Side Setback Corner Lots over 50 Feet Wide – All Zones – Area Districts I and II. Should a Use Permit for the larger lots in the beach area be allowed, for equity purposes, Senior Planner Jester suggested that the 10% setback and 10 foot side setback cap also be allowed in the Residential Medium (RM) and Residential High Density (RH) Zones in Area Districts III and IV. In conclusion, and with the aid of a City map showing the various Area Districts, she explained that the proposed Minor Exception requirement would apply City wide, and showed other areas that would be affected by the Amendments.

Mayor Aldinger opened the Public Hearing at 7:27 p.m.

Todd Schwartz, 700 Block of 12th Street (owner of Lot #5 on the map), related his support for excluding properties on The Strand from the proposed requirements for multiple unmerged large lots. He stated his intent to merge his lots and redevelop his property in the future.

Patrick McBride, 5th Street and Peck Avenue, agreed with the recommendation to eliminate the five foot side yard setback cap.

Allan Toole, 33rd Street and Vista Drive (owning a standard size, oddly shaped lot), supported broadening the proposed Minor Exception requirements to allow flexibility for oddly shaped or small lots. He stated his concern that his future request for an exemption could be denied.

Ted Davis, Pine Avenue, explained that, as a result of the proposed setbacks, the number of units he could build on his property would be reduced from seven to five. **Mr. Davis** contended that properties such as his should have a five-foot setback to encourage multi-family housing. He asked that property owners be allowed to use both the front and side yards on corner lots to provide articulation and open space.

Robert Shuman, 3600 Block of The Strand, related his understanding that his property (#2 on map) would be the only one excluded from the lot merger Use Permit process. He felt the neighborhood character would not change.

David Hennessey, The Strand, asked that the lot patterns with a maximum of 1½ lots combined, be continued in his neighborhood.

Bev Morse, 900 Block of 1st Street, asked if lots could be split rather than combined.

Karol Wahlberg, No Address Provided, stated she supports the revisions but favors ongoing review. **Ms. Wahlberg** contended that maintaining neighborhood character is critical. She suggested that the City work toward reducing hard cape, and increasing landscaping and pervious pavement.

John Clark, 3600 Block of The Strand, supported exemptions for multiple unit projects in the Downtown area, but not on The Strand

Mr. Saemann, 300 Block of 11th Street (#6 on the map), emphasized that the issues are centered on only a few lots; that it should be possible to replace multiple dwellings destroyed by natural disasters with the same number of units and that, except for those on The Strand, multiple dwellings should be exempted.

Arpad Pallah, 200 Block of 8th Street, stated he opposes multiple units anywhere in the City.

Mayor Aldinger closed the Public Hearing at 8:04 p.m.

The Council reviewed and discussed the two Minor Exception recommendations and agreed with Option B. The Council noted that buildings over 3,000 square feet would trigger the Minor Exception Notice, but not matching non-conforming setbacks. There was consensus in favor of Option B (of the staff report) and additional wording was requested to address properties with unique conditions.

Senior Planner Jester confirmed for Councilmember Cohen that the recommendation for multiple unmerged large lots would allow for maintaining the City's existing housing while complying with the Housing Element.

Mayor Aldinger objected to three-lot mergers on The Strand.

Councilmember Tell explained his understanding that the intent for multiple unmerged large lots was to limit the requirements for contiguous properties, but a few others near commercial areas would be picked up. A majority of the Council agreed with Option B, adding wording to limit the requirements to within 500 feet of the Downtown Commercial (CD) or Local Commercial (CL) Zones.

With regard to the side setback recommendation, the Council discussed the importance of ensuring that existing multiple units are maintained. A majority supported Option B with the addition of the language allowing existing lots in the RM and RH Zones currently developed as multi-family and greater than fifty feet wide to not provide setbacks greater than five feet when developed with three or more dwelling units.

Councilmember Tell explained that the intent of the street side setback requirements on corner lots is to create quality open space and articulation. A majority of the Council favored the Option B recommendation for street side setbacks as written.

RECESS AND RECONVENE

At 8:37 p.m. the Council recessed and reconvened at 8:57 p.m. with all Councilmembers present.

Referring to the staff report for Agenda Item No. 22 of the January 15, 2008 City Council meeting, Mayor Aldinger led discussion on various pertinent items. With regard to setbacks and open space he questioned if the intent was to increase rear yard setbacks and disagreed with regulating the size of rear yards.

With the exception of Mayor Aldinger, the Council agreed that rear yard setbacks should be increased to encourage the preservation of open space and provide enhanced outdoor living and play areas.

Concerning the recommendation to increase the rear setback from five feet to ten feet in the RS beach area of non-alley, rear abutting residential, 2,700 square feet or larger lots, Mayor Aldinger stated that this brings up the question of how much to regulate development in the Sand Section.

The Council discussed that the intent of this requirement was to ensure that rear yards in the already built-out Sand Section are preserved. The Council also discussed that the requirement of 15% open space for single-family zones in the beach area would provide consistency with the RM and RH lots.

Senior Planner Jester clarified that the recommendation to decrease the maximum side/rear/corner building wall height from 25 feet to 24 feet would assist in increasing setbacks and provide greater articulation on building walls, particularly those on corner lots with the 30-foot height limit. She noted the community's desire to maintain the one-foot setbacks on the street side in the Beach Area for view purposes.

With regard to the 8% street side setbacks on corner lots, Mayor Aldinger questioned if the amount of articulation as recommended would be enough.

The other Councilmember's supported the proposal as written.

Mayor Aldinger stated that he could not support the recommendation for decks above the second or third story.

The other Councilmembers pointed out that second and third story decks would create greater articulation and encourage quality outdoor living and supported the proposal.

Mayor Aldinger asserted that the City would be taking steps backwards with the proposed lot merger requirements and that no reduction in square footage would be required for double lots.

Councilmember Tell explained that increased setbacks and the development standards applying to large lots and lot mergers would decrease building footprints.

Regarding the amendments to encourage the retention of existing smaller homes, Mayor Aldinger questioned whether 4,000 square feet is the right number to trigger the proposed revisions.

Councilmember Tell advised that the important numbers to focus on are the 66% to 75% of BFA, and Council, with the exception of Mayor Aldinger, agreed that the proposed amendments would encourage property owners to remodel smaller homes rather than tear them down.

Councilmember Ward supported the recommendations, with the exemptions discussed this evening.

Mayor Pro Tem Montgomery echoed Councilmember Ward's comments.

Councilmember Cohen voiced her appreciation of input provided by the community and that their cumulative effect will have a very positive impact.

Councilmember Tell related his pride in the recommendations, which will assist in preserving open space. He commended the efforts of everyone who participated.

Mayor Aldinger stated his disagreement in reducing bulk volume from 8% to 6%; voiced concern over the requirements for lot mergers; objected to larger rear yard setbacks; and related his impression that one of the purposes of the Mansionization Committee was to address BFA and basements, which was not done.

MOTION: Councilmember Ward moved to waive further reading and introduce Ordinance Nos. 2111 and 2112 with all of the Option B's and the following modifications: MINOR EXCEPTION - add "or other unique conditions"; MINOR EXCEPTION NOTICE - only required for projects over 3,000 square feet; MULTIPLE UNMERGED LARGE LOTS - add "located within 500 feet of the CD or CL Zones"; SIDE SETBACK – RM AND RH ZONES – add "an exception for existing lots in the RM and RH Zones, currently developed as multi-family and greater than fifty feet (50') in width do not need to provide setbacks greater than five-feet (5') when developed with three (3) or more dwelling units", and STREET SIDE CORNER LOTS - as written. The motion was seconded by Councilmember Tell and passed by the following roll call vote:

City Attorney Robert Wadden read aloud the title of Ordinance Nos. 2111 and 2112.

Ayes: Montgomery, Ward, Cohen and Tell.
Noes: Mayor Aldinger.
Abstain: None.
Absent: None.

08/0205.27 Mayor Pro Tem Montgomery Re Little League 50th Anniversary

Explaining that he was remiss in not announcing this during *Community Announcements*, Mayor Pro Tem Montgomery announced that the Manhattan Beach Little League will celebrate its 50th Anniversary on March 8, 2008.

08/0205.19 Consideration of an Appeal of the Planning Commission Decision Denying a Use Permit, Alcohol Beverage License and Variance from Maximum Allowable

Building Height for a Proposed Rite Aid Retail Pharmacy at 1100 Manhattan Beach Boulevard

Associate Planner Daniel Moreno presented the staff report relating staff's appreciation of the Planning Commission's input on this project, which would combine two parcels to house a new 13,370 square-foot, single-story retail pharmacy without a drive thru. He explained that the proposed use is permitted in the Commercial General (CG) zone, but a Use Permit is required because the project exceeds more than 5,000 square feet of buildable floor area (BFA), more than 10,000 square feet of land area, and includes an alcohol beverage license; and that a Variance is required because a height greater than the maximum allowed is requested. He relayed that the Planning Commission previously denied the project due to concerns over the scale and relationship of the building to other structures, flat walls with no windows and poor massing, the aesthetic and visual appearance of the westerly elevation, and the detriment of the building height to the public good. He provided information about the unusual topography of the property, the setbacks for some of the buildings adjacent to it and reviewed the Sepulveda Boulevard Corridor Guidelines. Associate Planner Moreno shared information about the proposed location of the building, dock, loading and trash areas; the main entrance on Sepulveda Boulevard, with pedestrian access only on 11th Street; the requirement of a lighting plan; the proposed monument signage on the northwest and southwest corners (no pole signs); and the required screening of rooftop equipment.

City Manager Dolan provided clarification regarding traffic restrictions in the area.

At the Council's request, Associate Planner Moreno explained staff's support of a Variance due to the topography, the building height methodology and the constraint on the building design as a result of the Sepulveda Boulevard Corridor Guidelines. He shared information about the difficulties that would be created if the building was to be placed on the lower portion of the property; the problems with lowering the height of the building; the height of the building compared to the height of surrounding buildings; and the type of store being proposed, which is encouraged as part of the City's General Plan and Zoning Code.

Community Development Director Richard Thompson provided input on the recommended requirement of sustainable building components, should the project be approved; the various projects previously proposed for this site; the revisions made by the applicant to improve the aesthetics of the project; and the Planning Commission's main concern over the building height variance, as well as the scale of the project. He noted that landscaping would assist in reducing the impact.

Associate Planner Moreno explained staff's recommendation for approval of the project with the following Conditions of Approval: an eight-foot dedication along the entire length of Sepulveda Boulevard for future street widening; the hours of operation from 7:00 a.m. to 10:00 p.m. seven days a week; and the incorporation of sustainable building components into the building and site design. He noted the Planning Commission's additional recommendations to limit the liquor sales area and limit the closure of Sepulveda Boulevard during construction. He clarified that a building much larger than the proposed, with underground parking, could be constructed on the subject property and that, during the last fifteen years, one height Variance of much less magnitude than the requested was approved along Sepulveda Boulevard, but that property did not have the topographical issues facing the subject property.

John Kanig, Project Developer for Rite Aid, discussed the efforts to abide by the Sepulveda Boulevard Corridor Guidelines; the difficulty of constructing a retail building on the subject property at a height of only 22 feet; the proposed sale of liquor in small quantities with limited

hours of operation; and the idea of a pitched roof, which would accentuate the massing of the building. He stated the applicant's agreement with the recommended Conditions of Approval

Bob Superneau, Project Architect, RHL Design Group, reviewed the proposed design. He presented information on the proposed height; the difficulties associated with a pitched roof; and the lack of windows proposed on the south elevation.

Holly Jensen, Rite Aid, explained efforts to design an aesthetically pleasing building exterior that will accommodate Rite Aid's needs on the interior.

Prior to Mayor Aldinger opening the Public Hearing, Council discussed and agreed to continue Item No. 17 (*Consideration of Planning Commission Approval of a Tree Permit Application for Removal of a Protected American Sweetgum Tree (*Liquidambar Styraciflua*) in the Front Yard at 605 26th Street (Colligan) to the February 19, 2008 City Council meeting.*

Hearing no objection it was so ordered.

Mayor Aldinger opened the Public Hearing at 11:40 p.m.

Bev Morse, 900 Block of 1st Street, related her concern that the building would appear very large when approaching from the south and suggested that the height be reduced four feet.

Glen Tucker, 900 Block of Dianthus, stated that the building would be quite pleasing compared to the existing uses on the property; that foot traffic from the surrounding neighborhood would frequent the use; that landscaping would lessen the impact; and that the liquor impact from this use would be less than that from the existing liquor store.

Kam Hauluciyen, 100 Block of 14th Street, said that the addition of a left-turn lane on Sepulveda Boulevard would be most beneficial and that the project would be an improvement over the existing gas station.

Rich Weber, 3900 Block of The Strand, expressed his opinion that the project would be more aesthetically pleasing than the existing uses.

Karol Wahlberg, No Address Provided, voiced her concern over allowing this chain-type pharmacy in Manhattan Beach and questioned the longevity of a Rite Aid with Target and another pharmacy so close by. She also commented on the possibility of traffic from Rite Aid cutting through the nearby residential neighborhood.

Jacque May, No Address Provided, related her concern over the precedent of allowing large buildings such as the proposed on Sepulveda Boulevard; the potential negative impact on traffic in the area; and the proliferation of pharmacies in the City.

In support of the project, **Chris Gerald, 1100 Block of 9th Street**, suggested the City acquire the 8-foot right-turn lane. He felt that the landscaping and setbacks would be more than adequate; that the proposed use would be convenient; and that the taxes generated by the proposed use would be beneficial.

Jon Chaykowski, No Address Provided, favored a denial of the project. He suggested that the building could be moved toward the rear of the property and that the entrance could be moved to the southeast corner of the building. It was his opinion that the project would increase existing traffic problems.

Esther Besbris, No Address Provided, expressed her impression that a retail pharmacy is part of the project at 10th Street and Sepulveda Boulevard. She also expressed her concern over the potential for tall signs along Sepulveda Boulevard.

Gerry O'Conner, No Address Provided, opposed the project calling attention to other existing similar use stores near the subject property and the flawed traffic report for the project. He suggested that the Sepulveda Boulevard Corridor Guidelines be reviewed.

Amir Nagebdadash, No Address Provided, offered input on his family's ownership of the subject property; the difficulties they have encountered in trying to develop it due to the topography; and the building height methodology. He commented on the positive aspects of this project and noted the City's recent approval of a Variance for another project due to topography much less severe than the subject property.

Mayor Aldinger closed the Public Hearing at 12:20 a.m.

Associate Planner Moreno advised that a deceleration lane going northbound on Sepulveda Boulevard was examined but not recommended because the length is inadequate. He explained the methodology of the traffic study for this project, noting the Traffic Manager's opinion that the information provided was adequate.

City Manager Dolan confirmed that, with the construction of this project, westbound 11th Street would eventually be blocked off for left turns; that the City apprises applicant's of businesses that would compete with proposed uses; and that the goals of the General Plan should be taken into account.

Council discussion began with Councilmember Ward relating his opposition to this appeal and his difficulty in making the findings for the Variance at this time. He voiced his hope that the applicant would be willing to further work with the Planning Commission for a project that is more compatible and stated his concern over chain-type businesses such as Rite Aid trying to dictate to the City what the Code should be.

Councilmember Cohen stated her agreement with the points made by Councilmember Ward; however, acknowledged that the project would meet the Sepulveda Boulevard Corridor Guidelines and that the applicant worked in good faith to address the City's concerns. She was in favor of the Variance due to the hardship created by the topography and it was her opinion that the height of the project would not appear much greater than others in the area. Councilmember Cohen suggested that the walls be broken up with landscaping.

Stating his general agreement with both Councilmembers Ward and Cohen, Councilmember Tell observed that there appears to be a problem with the 22 foot height requirement along Sepulveda Boulevard and, because of this, would support giving the applicant some leeway; however, he indicated that, before he could completely support the project, the impact of the south wall must be reduced.

Mayor Pro Tem Montgomery voiced his impression that the south wall appears to be the main problem. He indicated that he could support the project with landscaping to reduce impact and pointed out that an approval would result in the removal of the existing pole signs, the dedication of eight-feet at no cost to the City and an improvement in traffic.

Mayor Aldinger entertained the ideas of moving the entrance to the southwest corner, which would result in a lower height; underground parking; landscaping; and reducing the bulk of both the south and west walls.

Community Development Director Thompson advised that the project could be approved as

recommended with the condition that the west and south elevations be significantly reduced through landscaping and architectural modifications, subject to the satisfaction of the Planning Commission.

The Council clarified that the 28 foot south wall, and not the building height, is their main issue of concern and agreed to return the project to the Planning Commission to reduce and resolve the bulk of the south wall.

MOTION: Mayor Aldinger moved to approve the project with the exception of the south wall and return the project to the Planning Commission to resolve the issue of the south wall. The motion was seconded by Mayor Pro Tem Montgomery.

Discussion continued with City Manager Dolan citing that Resolution No. 6122 must be adopted with the condition that the south wall issue be referred to the Planning Commission for resolution.

MOTION: Councilmember Tell moved to approve the project and adopt Resolution No. 6122, subject to the condition that the south wall issue be referred to the Planning Commission for resolution. The motion was seconded by Mayor Pro Tem Montgomery.

Additional discussion took place regarding how to alleviate the bulkiness of the south wall.

MOTION: Councilmember Tell moved to approve the project and adopt Resolution No. 6122, subject to the Planning Commission's satisfaction that the bulk of the south facing wall has been significantly reduced from where it is today (which could be achieved through various means). The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

Ayes: Montgomery, Cohen, Tell and Mayor Aldinger.
Noes: Ward
Abstain: None.
Absent: None.

RESOLUTION NO. 6122

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT,
ALCOHOL BEVERAGE LICENSE, VARIANCE FROM
MAXIMUM ALLOWABLE BUILDING HEIGHT AND AN
INITIAL STUDY AND NEGATIVE DECLARATION OF
ENVIRONMENTAL IMPACTS FOR A PROPOSED RITE
AID RETAIL PHARMACY AT 1100 MANHATTAN BEACH
BOULEVARD**

GENERAL BUSINESS

None.

ITEMS REMOVED FROM THE CONSENT CALENDAR

08/0115.19-20 Approval of a Contract Agreement in the Amount of \$202,300 for Assessment Engineering Services for Five (5) Proposed Utility Underground Assessment Districts (Districts 8, 12, 13, 14 and 15) and Authorize an Appropriation in the

Net Amount of \$202,300 (CONTINUED FROM THE JANUARY 15, 2008 CITY COUNCIL MEETING)

A member of the audience pulled this item from the Consent Calendar for Council discussion during the City Council meeting of January 15, 2008. Due to the length of that meeting, this item was continued to this agenda.

The following individuals spoke on this item:

- **Esther Besbris, No Address Provided**
- **Robert Bush, No Address Provided**
- **Patrick McBride, No Address Provided**
- **Bev Morse, No Address Provided**
- **Jacque May, No Address Provided**
- **Jon Chaykowski, No Address Provided**

Speakers addressing the Council on this item questioned the legitimacy of the Council's previous determinations pertaining to Utility Underground Assessment Districts 8, 12, 13, 14 and 15; commented on the financial hardships associated with Utility Undergrounding and asked why the electrical lines were not placed under ground during other street projects. Other topics discussed included tabling Undergrounding until the economy improves; safety concerns associated with the installation of electrical vaults; and that, the longer the Undergrounding is delayed, the more it will cost.

City Manager Geoff Dolan advised that the Council ultimately makes determinations on the Utility Underground Assessment Districts; that the Council adopted various parameters for Utility Undergrounding which are being followed; that it is within the Council's purview to determine that additional Districts will not be approved; that, because Utility Undergrounding requires dedicated electrical lines, they could not be installed during other street projects; that the electrical vaults will not be above ground; that the vote for the subject Districts is at least six months away; and that, should the economy be poor, future Utility Underground Assessment Districts might not be passed.

MOTION: Mayor Aldinger moved to approve an award of contract to Harris and Associates in the amount of \$202,300 for assessment engineering services for five (5) proposed Utility Underground Assessment Districts (8, 12, 13, 14 and 15); and approve an appropriation of \$202,300 from unreserved General Funds. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following roll call vote.

Prior to roll call vote, City Manager Dolan provided clarification regarding the Council's previous determinations on Districts 8 and 12.

The Council discussed the parameters for Utility Underground Assessment Districts to move forward.

Mayor Aldinger called for the vote.

MOTION: Mayor Aldinger moved to award a contract to Harris and Associates in the amount of \$202,300 for assessment engineering services for five (5) proposed Utility Underground Assessment Districts (8, 12, 13, 14 and 15) and approve an appropriation of \$202,300 from the Unreserved General Funds. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following roll call vote.

Ayes: Cohen, Tell, Montgomery and Mayor Aldinger.
Noes: Ward.
Abstain: None.
Absent: None.

08/0205.3 Approve Minutes of the Special City Council Meeting of December 17, 2007

A member of the audience pulled this item from the Consent Calendar for Council discussion.

The following individual spoke on this item:

- **Gerry O'Connor, No Address Provided**
- **Patrick McBride, No Address Provided**
- **Jacque May, No Address Provided**

The above speakers stressed the importance of the City providing adequate notification for special Council meetings and voiced their preference for detailed, rather than action, minutes.

The Council discussed the notification and minute process and how future Special Meetings will be conducted.

MOTION: Mayor Pro Tem Montgomery moved to approve the minutes of the Special City Council Meeting of December 17, 2007 as written. The motion was seconded by Councilmember Ward and passed by the following unanimous roll call vote:

Ayes: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Noes: None.
Abstain: None.
Absent: None.

08/0205.7 Consideration of a Full-Time Environmental Programs Manager Position

A member of the audience pulled this item from the Consent Calendar for Council discussion.

The following individual spoke on this item:

- **Gerry O'Connor, No Address Provided**
- **Patrick McBride, No Address Provided**

The above speakers related concerns over placing all of the responsibility for the City's environmental programs with only one individual, as well as the City of Santa Monica's efforts in this regard.

City Manager Dolan clarified the duties of the proposed Environmental Programs Manager position. He related his understanding that the City of Santa Monica employs approximately eight individuals to administer their environmental programs.

MOTION: Mayor Pro Tem Montgomery moved to approve a new full-time Environmental

Programs Manager position for immediate advertising and recruitment. The motion was seconded by Mayor Aldinger and passed by the following unanimous roll call vote:

Ayes: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Noes: None.
Abstain: None.
Absent: None.

08/0205.17 Consideration of Planning Commission Approval of a Tree Permit Application for Removal of a Protected American Sweetgum Tree (*Liquidambar Styraciflua*) in the Front Yard at 605 26th Street (Colligan)

This item was continued to the February 19, 2008 City Council meeting. Please see page 9.

AUDIENCE PARTICIPATION

08/0205.28 David Wachtfogel Re Transportation for Seniors

David Wachtfogel, No Address Provided, suggested that the Council consider providing transportation for senior residents to Kaiser Permanente.

City Manager Geoff Dolan advised that this, as well as other senior transportation issues, will be discussed at the March 18, 2008 City Council meeting.

08/0205.29 Patrick McBride Re Computer at Senior Center

Patrick McBride, 5th Street and Peck Avenue, spoke of the one computer at the Oasis Senior Center and problems encountered with WiFi at the library.

City Manager Dolan stated that he will look into it this matter and will report back to **Mr. McBride**.

08/0205.30 Bev Morse Re Southern California Edison (SCE) Safety Violations

Bev Morse, 900 Block of 1st Street, commented on the heavy fines levied against SCE for recent safety violations.

08/0205.31 Bev Morse Re Councilmember Tell/Utility Underground Assessment District 4

Bev Morse, 900 Block of 1st Street, contended that Councilmember Tell should have recused himself from the Council's previous consideration of Utility Underground Assessment District No. 4.

Councilmember Tell explained his understanding regarding why he was not required to abstain from consideration of Utility Underground Assessment District No. 4.

08/0205.32 Jon Chaykowski Re Councilmember Tell/Utility Underground Assessment District 15

Jon Chaykowski, No Address Provided, recommended that Councilmember Tell recuse himself from the Council's future consideration of Utility Underground Assessment District No. 15.

08/0205.33 Jacque May Re Thank You

Jacque May, No Address Provided, thanked the Council for their efforts.

08/0205.34 Robert Bush Re Councilmember Cohen's Comment at Previous Meeting

Robert Bush, No Address Provided, voiced his concern that Councilmember Cohen referred to him as a "cynic" at a previous Council meeting and pointed out that she failed to disclose her finances during the last election.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

08/0205.35 Mayor Aldinger Re U.S. Conference of Mayors

Mayor Aldinger disclosed his attendance at a recent U.S. Conference of Mayors in Washington, D.C.

ADJOURNMENT

At 2:11 a.m., the meeting was duly adjourned to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, February 19, 2008, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Wendy Weeks
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
FEBRUARY 5, 2008**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of February, 2008, at the hour of 5:37 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Absent: None.
Clerk: Wadden (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 5:37 p.m. and moved to open session at 6:33 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:33 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk