

CITY OF MANHATTAN BEACH
[DRAFT]MINUTES OF THE REGULAR MEETING OF THE PLANNING
COMMISSION
APRIL 23, 2008

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, April 23, 2008, at 6:35p.m. in the City Council Chambers, City Hall, 1400 Highland
3 Avenue.

4
5 **ROLL CALL**

6
7 Chairman Lesser called the meeting to order.

8
9 Members Present: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser
10 Members Absent: None
11 Staff: Richard Thompson, Director of Community Development
12 Daniel Moreno, Associate Planner
13 Eric Haaland, Associate Planner
14 Robert Wadden, Jr., City Attorney
15 Dana Greenwood, City Engineer
16 Sarah Boesch, Recording Secretary
17

18 **APPROVAL OF MINUTES** **April 9, 2008**

19
20 Commissioner Seville-Jones requested that page 7, line 4 of the April 9 minutes be revised to
21 read: “She commented that the appearance of the glass with the gable as proposed is not
22 attractive although it is consistent with the sides of the building approval of approved by the City
23 Council.”

24
25 Commissioner Seville-Jones suggested that item 39 on page 5 of Resolution PC-08-05 be revised
26 to read “Any temporary or permanent sign advertising the sale of alcohol ~~are~~ is prohibited.”

27
28 Director Thompson indicated that the Resolution has already been finalized and published.

29
30 Commissioner Fasola requested that page 3 line 22 be revised to read: “He commented that the
31 design includes a Styrofoam cornice, imitation stone, false windows, ~~large~~ applied overhangs,
32 and concrete roof tiles. He said that the ~~structure and design do~~ does not seem appropriate for
33 the site.”

34
35 Commissioner Fasola requested that page 7, line 30 be revised to read: “. . . Commissioner
36 Fasola indicated that the left side of the north and west elevations that include stone around the
37 windows could be continued.”

38
39
40 Chairman Lesser requested that wording be added on page 4, line 40 to state “Chairman Lesser
41 opened the public hearing.”

1
2 Chairman Lesser requested that page 6, line 28 be revised to read: “He stated his concern,
3 however, is that the Commission does not have any criteria to base their opinion.”
4

5 Chairman Lesser requested that the wording of page 7, line 30 be revised to read: “. . .
6 Commissioner Fasola indicated that the left side of the north and west elevations that include
7 stone around the windows could be continued around the building.”
8

9 Chairman Lesser requested that page 7, line 33 be revised to read: “Chairman Lesser
10 commented that he would be in favor of providing direction to the applicant on reducing the
11 mass of the south wall which is the direction of the Council.”
12

13 Chairman Lesser requested that the wording of page 10, line 33, be revised to read: “. . . to
14 clarify that there shall be no alcohol served ‘or consumed’ at Manhattan Bread and Bagel
15 Company.”
16

17 A motion was MADE and SECONDED (Bohner/Powell) to **APPROVE** the minutes of April 9,
18 2008, as amended.
19

20 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser
21 NOES: None
22 ABSENT: None
23 ABSTAIN: None
24

25 **AUDIENCE PARTICIPATION**
26

27 **Paul Gross** commented that the changes to the 27th Street pumping stations are not being
28 implemented as previously approved. He said that his understanding is that there was to be an
29 additional structure between the bike path and The Strand, and no mention was made of any
30 structures to the west of the bike path. He indicated that a structure is currently being built to the
31 west of the bike path contrary to the conditions of approval. He commented that the
32 representatives of the County promised to reconstruct The Strand over the existing pumping
33 station, and he would request that the City make sure that it is reconstructed as was stated.
34

35 Director Thompson commented that there is a Public Works project that is being constructed by
36 the County Sanitation District, and the plans were approved by the Commission. He said that
37 staff will make sure that the County is complying with the plans that were approved.
38
39

40 **BUSINESS ITEMS**
41

42 **A. Determination of Consistency of the Proposed 2008-2009 Fiscal Year Capital**

1 **Improvement Program (CIP) With the City of Manhattan Beach General Plan**

2
3 In response to a question from Chairman Lesser, Director Thompson said that the discretion of
4 the Commission is only in making the findings of consistency of the Capital Improvement
5 Program with the General Plan. He indicated that approving or denying any of the projects is
6 the responsibility of the City Council.

7
8 In response to a question from Commissioner Powell, City Engineer Greenwood stated that the
9 dual turn lane projects on Sepulveda Boulevard and Manhattan Beach Boulevard would be paid
10 for by Proposition C funds and not the gas tax as indicated on the chart in the report.

11
12 In response to a question from Commissioner Powell, City Engineer Greenwood said that the
13 slurry seal to extend the life of the roadways lasts approximately seven years.

14
15 Commissioner Powell commented that he very much supports the energy retrofit project. He
16 stated that he feels anything that can be done to promote energy efficiency and water
17 conservation and to prevent storm water runoff should be encouraged. He also indicated that the
18 project for improving the stairs on The Strand is long overdue.

19
20 Commissioner Seville-Jones commented that it appears from the proposed CIP that a large
21 amount of money would be spent on studying potential projects rather than implementing them.

22
23 City Engineer Greenwood indicated that studying projects first allows them to focus on the
24 actual needs.

25
26 In response to a question from Commissioner Fasola, City Engineer Greenwood stated that the
27 only ramp at The Strand that would need to be reconstructed is along 7th Street where it does not
28 meet ADA requirements. He indicated that much of the remainder of the project would be
29 replacing hand rails on existing ramps in order to meet ADA requirements.

30
31 Chairman Lesser commented that he would hope that the City would study the possibility of an
32 additional left hand turn lane on westbound Manhattan Beach Boulevard turning southbound
33 onto Sepulveda Boulevard.

34
35 A motion was MADE and SECONDED (Bohner/Seville-Jones) to **APPROVE** the Proposed
36 2008-2009 Fiscal Year Capital Improvement Program (CIP) determination of consistency with
37 the City of Manhattan Beach General Plan

38
39 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser
40 NOES: None
41 ABSENT: None
42 ABSTAIN: None

1
2 **PUBLIC HEARINGS**

3
4 **06/0726.1 Consideration of the Southerly Building Façade of an Approved Use Permit**
5 **for a Proposed Rite Aid Store Located at 1100 Manhattan Beach Boulevard**
6

7 Director Thompson commented that the Commission reviewed the south elevation at the last
8 hearing and felt that some changes should be made. He said that Commissioners have been
9 provided with the revised elevations and a list of the new changes as well as a revised
10 landscaping plan. He commented that staff actually supports the landscaping plan proposed at
11 the previous hearing because they feel it is more appropriate for a commercial development.
12

13 Associate Planner Moreno indicated that at the request of the Commission, the architect has
14 provided a color rendering of the elevation, a narrative of the proposed changes, a site plan, and
15 landscaping plan.
16

17 In response to a question from Chairman Lesser, Director Thompson indicated that the City
18 Council has approved the project but had concerns with the massing of the southern elevation.
19 He stated that the Council placed a condition in the approval that the south elevation was subject
20 to review by the Commission. He commented that the concern of the Council was mainly with
21 the massing of the elevation and not regarding the design.
22

23 Commissioner Fasola asked whether the applicant would have any flexibility in changing the
24 other elevations in order to bring the design of the entire structure together if the Commission
25 approves the revised south elevation.
26

27 Director Thompson said that the Resolution allows staff discretion for minor changes; however,
28 any substantial changes would need to come back before the Commission.
29

30 **Bob Superneau**, the project architect, stated that the Commissioners have been provided with
31 the modified design for the south elevation. He said that they have included the element on the
32 north side of the building on the south elevation. He indicated that they have added more stone
33 to the south elevation and reduced the trellis to increase articulation. He commented that after
34 considering staff's comment that the previous landscape plan was preferable, they have
35 prepared a new elevation drawing as suggested by staff.
36

37 In response to a question from Commissioner Seville-Jones, **Mr. Superneau** indicated that the
38 palm trees located along Sepulveda Boulevard adjacent to the site would remain.
39

40 Chairman Lesser opened the public hearing.
41

42 There being no one wishing to speak on the issue, Chairman Lesser closed the public hearing.

1
2 Commissioner Fasola said that the changes the applicant has made to the south elevation are an
3 improvement to the previous design. He said that at this point the architect should have the
4 flexibility to finalize any further details with staff.

5
6 Commissioner Powell said that he would concur with the comments of Commissioner Fasola.
7 He said that the applicant has made appropriate changes to reduce the massing of the building.
8

9 In response to a question from Commissioner Powell, Director Thompson commented that the
10 landscaping plan is part of the project that is approved, and staff will ensure that it is
11 implemented according to the plan. He commented that many trees and bushes are planted at a
12 smaller size and eventually grow to become more full.
13

14 Commissioner Seville-Jones commended the applicant for their work on the project. She said
15 that she feels the revised design fulfills the directive of the City Council. She indicated that the
16 height has been reduced, and the design does help to mitigate the massing. She commented that
17 she feels the project will add to the strong commercial base of the City. She indicated that she
18 would support the landscape plan as recommended by staff.
19

20 Commissioner Bohner said that the applicant has fulfilled the charge of the City Council in
21 breaking up the mass on the south elevation. He commented that the applicant has listened to
22 the concerns of the Commission and has done an excellent job with their redesign. He indicated
23 that he looks forward to utilizing the store when it is in operation.
24

25 Chairman Lesser commented that he originally had concerns with the scale of the structure for
26 such a prominent intersection of the City. He stated that the City Council did feel that the scale
27 was appropriate and charged the Commission only with the narrow task of considering the
28 reduction in the appearance of bulk on the south elevation. He stated that he feels the applicant
29 has met the charge of the City Council, and he would support the project.
30

31 A motion was MADE and SECONDED (Seville-Jones/Bohner) to **APPROVE** the Southerly
32 Building Façade of an Approved Use Permit for a Proposed Rite Aid Store Located at 1100
33 Manhattan Beach Boulevard as presented with the landscaping plan presented at the previous
34 meeting.
35

36 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser
37 NOES: None
38 ABSENT: None
39 ABSTAIN: None
40

41 Director Thompson stated that the item will not be reviewed further by the City Council.
42

1 **08/0423.2 Consideration of a Use Permit for a Retail Drug Store, With Drive-thru**
2 **Pharmacy, Located at 2400 Sepulveda Boulevard (Walgreens)**
3

4 Associate Planner Moreno summarized the staff report. He commented that the subject site
5 currently includes a vacant supermarket. He said that the proposal is for a new 14,820 square
6 foot retail pharmacy, with a drive-thru window, and 24-hour operation. He pointed out that the
7 applicant is not proposing to include alcohol sales. He indicated that the applicant has made a
8 substantial effort in working with staff to address the Sepulveda Corridor Guidelines. He said
9 that the largest change in elevation is from the northeast corner to the southwest corner with a
10 drop of 23 feet. He stated that the applicant has considered keeping the existing driveways
11 because they are located on the higher side of the property.
12

13 Associate Planner Moreno said that the applicant has provided three different site plan options
14 for the project. He commented that the first plan shows the location of the structure at the
15 southwest corner of the site adjacent to Sepulveda Boulevard with the drive-thru window located
16 to the rear and the storefront on the northwest corner; the second plan would place the structure
17 toward the center of the property but forward toward Sepulveda Boulevard with the drive-thru
18 located at the front and the store front to the rear; and the third plan would place the structure
19 toward the center of the property with the store front oriented toward the front. He indicated that
20 the issues with the first site plan are that the structure would appear imposing from Sepulveda
21 Boulevard due to the height of the grade at the southwest corner of the property; the location of
22 the store front would draw customers to park in the front spaces which would create a safety
23 concern with traffic and pedestrians in the area; and a high retaining wall would be required in
24 order to retain the structure. He commented that issues with the second proposed site plan are
25 that it would not meet the Sepulveda Corridor Guidelines with regard to the location of the store
26 front away from Sepulveda Boulevard; and there would possibly be a noise impact to the
27 residents to the east of the site. He indicated that the advantages of the third design are that it
28 would allow for the design that relates to the street which would create a more attractive and
29 interesting environment; the layout does not propose placing all of the parking in the front along
30 Sepulveda Boulevard; and the placement of the entrance toward the northwest corner of the
31 building would provide a greater noise buffer to the residential properties to the east. He
32 indicated that pedestrian access areas would be provided off of Sepulveda Boulevard and off of
33 22nd Street. He indicated that staff believes the placement of the building at the center of the
34 property would promote a safer pedestrian entrance; would provide proper site drainage and
35 proper scale with the surrounding buildings; and would be more effective in addressing the
36 Sepulveda Corridor Guidelines.
37

38 Commissioner Fasola commented that the advantage of the first site plan is that the building
39 would be adjacent to Sepulveda Boulevard. He asked about the possibility of moving the store
40 front to the northeast corner of the site.
41

42 Associate Planner Moreno said that placing the entrance at the northeast corner is not in

1 conformance with the Sepulveda Corridor Guidelines that the storefront be placed toward the
2 front of the property. He said that there also may be concerns in locating the store front on the
3 northeast corner with noise spilling to the neighboring residents located to the east of the site.
4

5 Associate Planner Moreno commented that 64 parking spaces are required, and the applicant is
6 proposing 75 standard parking spaces and 4 disabled spaces. He pointed out that no compact
7 spaces are proposed. He indicated that the applicant is allowed 520 square feet of sign area
8 based on the largest frontage. He stated that the applicant is requesting to retain the existing pole
9 sign. He indicated that the applicant is also required to provide 8 percent or approximately 5,000
10 square feet of landscaping based on the size of the property, and the applicant is proposing to
11 provide 15 percent. He commented that the mechanical equipment would be housed on the roof
12 and not visible from the street and the residential properties to the east. He indicated that notice
13 was provided to properties within 500 feet and published in the Beach Reporter. He said that
14 one comment was received with concerns regarding 24 hour operation and the sale of alcohol.
15 He stated that a meeting was held by the applicant for the neighbors, and the two people who
16 attended were in support.
17

18 In response to a question from Chairman Lesser, Associate Planner Moreno said that there are
19 four existing pharmacies in the City and the proposal would be the only which would operate 24
20 hours and include a drive-thru window. He indicated that the site has historically been used as a
21 retail use which would generate revenue for the City.
22

23 Director Thompson stated that staff was concerned with possible noise impacts to the adjacent
24 neighbors, due to the 24-hour operation. He said that staff typically receives complaints from
25 neighbors regarding noise generated by microphones at drive-thru windows and smells
26 associated with the food at drive-thru restaurants. He said that staff was satisfied with the
27 subject project because the window would only service the pharmacy and not for other items in
28 the store. He commented that there are regulations regarding the volume from any microphone
29 at the window because of privacy concerns of patients picking up prescriptions. He said that
30 there would not be a very large demand for use of such a window and would be a customer
31 benefit.
32

33 Commissioner Fasola said that three large drug stores would be located in close proximity along
34 Sepulveda Boulevard if this project is approved, which may exceed the demand for such a use.
35 He asked whether there was a requirement that Walgreens remain open 24 hours.
36

37 Director Thompson indicated that there is no requirement that they would remain open 24 hours.
38

39 In response to a question from Commissioner Fasola Director Thompson indicated that only a
40 small portion of the store's use is for the pharmacy; it is much more of a general retail store.
41

42 Commissioner Bohner asked to what extent the Commission should consider whether or not a

1 store would be successful or whether the market is saturated.

2
3 Director Thompson indicated that such questions are good to have on the record. He said that
4 the purview of the Commission is to ensure the project is consistent with the Zoning Code, the
5 Sepulveda Design Guidelines, and the General Plan. He said that there is no language in the
6 Code or General Plan that requires that a business be profitable and remain open for 20 or 30
7 years.

8
9 Commissioner Powell commented that he has a concern that the noise generated from the two
10 proposed trash compactors could impact the adjacent neighbors.

11
12 Associate Planner Moreno said that staff would recommend that the applicant be prohibited from
13 receiving deliveries between 7:00 p.m. and 7:00 a.m. He commented that the applicant has
14 indicated that deliveries would occur during the day at off-peak hours. He said that a
15 landscaping berm would be provided to buffer any noise to the neighbors. He indicated that he
16 is not certain whether there would be an enclosure for the compactors.

17
18 In response to a question from Commissioner Powell, Associate Planner Moreno said that the
19 City's Traffic Engineer felt that a deceleration lane from Sepulveda Boulevard was not
20 appropriate because of the topography of the site and the length of the site.

21
22 Commissioner Seville-Jones suggested the possibility of restricting cars from exiting from the
23 drive-thru onto 22nd Street during early morning hours in order to minimize the impact to the
24 adjacent residents.

25
26 In response to a question from Commissioner Seville-Jones, Director Thompson said that the
27 Commission would have the discretion to not allow the use of the existing pole sign.

28
29 Commissioner Seville-Jones commented that she sees advantages to the first site plan which
30 would place the trash enclosures further from the adjacent residents.

31
32 Commissioner Seville-Jones asked about the possibility of placing a condition that any
33 construction not result in the disruption of traffic on Sepulveda Boulevard. She commented that
34 there was an issue regarding the disruption of traffic on Sepulveda Boulevard with the
35 construction of the Chevron station.

36
37 Commissioner Fasola commented that with three large drug stores located in such close
38 proximity along Sepulveda Boulevard would seem to make it likely that one would fail.

39
40 Director Thompson said that staff feels the use is more than only a pharmacy but rather is more
41 of a general retail store. He pointed out that it is a permitted use along Sepulveda Boulevard.

1 Chairman Lesser asked if staff has any concerns with the project placing additional strains
2 Sepulveda Boulevard traffic, which currently is impacted.

3
4 Director Thompson pointed out that the proposal would generate less of a traffic demand than
5 other uses that could locate at the site.

6
7 **John Peruzzi**, the project architect, stated that they began the project 18 months ago, and they
8 have explored many options on the site. He said that they have worked extensively with staff in
9 learning the issues with the City in order to arrive at a successful project. He commented that
10 the main issue with the site is regarding the topography. He said that the existing building on the
11 site is 42 feet above the level of Sepulveda Boulevard because of the 12 foot retaining wall at the
12 southern corner at 22nd Street and Sepulveda Boulevard. He indicated that they feel their
13 proposed design complies with the Sepulveda Corridor Guidelines by orienting the building and
14 entry toward Sepulveda Boulevard and by lowering the grade and eliminating the retaining wall
15 to provide landscaping and two pedestrian access paths. He commented that their interpretation
16 of the Zoning Code is that the height limit on the site would be 30 feet for any structure. He said
17 that they learned, however, that the 30 foot height limit only applied if the roof of the entire
18 structure was pitched and only a portion of the roof of their original design was pitched. He
19 commented that they then designed a building that was up to the 30 foot height limit with a
20 pitched roof for the entire structure, which was quite massive. He said that they then again
21 redesigned the project with the input of staff. He said that they feel the current design conforms
22 with all of the regulations including the Sepulveda Corridor Guidelines. He stated that they have
23 lowered the height of the ceiling as much as possible in order to bring the height of the structure
24 to 22 feet. He pointed out that they are also screening the roof equipment below the parapet.

25
26 **Mr. Peruzzi** said that the store front and windows would face the street which is in keeping with
27 the Sepulveda Corridor Guidelines. He stated that they have lowered the retaining wall along
28 Sepulveda Boulevard to allow for pedestrian access. He commented that they have used a lot of
29 different materials and colors in the design in order to break up the massing. He pointed out that
30 they would provide 15 parking spaces above the requirement, and their spaces are 5 percent
31 larger than the City requirement for standard spaces. He indicated that their design includes no
32 compact parking spaces. He indicated that they would provide 15 percent landscaping, which is
33 more than twice the amount of the requirement. He commented that they are not proposing a
34 loading dock, and they would receive deliveries from their warehouse once a week. He
35 indicated that the trucks instead pull up parallel to the store and use an expanding conveyor to
36 unload the boxes and transport them into the store. He said that the trucks would not be able to
37 back up to the door in order to unload. He indicated that the trash compactors would be
38 surrounded by an 8 foot high masonry enclosure. He commented that Walgreens receives much
39 of their delivered merchandise in reusable bins, and the empty containers would also be stored
40 behind an enclosure.

41
42 In response to questions from Chairman Lesser, **Mr. Peruzzi** indicated that the 65-foot truck

1 would only fit if it is brought in parallel to the store. He said that deliveries would occur once a
2 week. He commented that the rear parking would generally be used by employees, and there
3 would not be a concern with them being blocked during deliveries. He stated that the windows
4 would be real glass along the façade of the building.
5

6 In response to a question from Commissioner Bohner, **Mr. Peruzzi** said that deliveries from
7 separate vendors would occur through the front of the store.
8

9 Commissioner Powell commended the applicants for keeping the structure within the maximum
10 height limit.
11

12 In response to a question from Commissioner Powell, **Mr. Peruzzi** indicated that the roofing
13 equipment would be placed below the parapet.
14

15 In response to a question from Commissioner Powell, **Mr. Peruzzi** said that in order to save
16 energy they would use dual glazing for their windows; they would use energy efficient HVAC
17 units with economizers; they would use LED lighting for their signage; and they would place
18 doors on all of their coolers. He commented that they also incorporate an energy management
19 system for the HVAC unit. He indicated that they also have photocell controls for the exterior
20 lighting; they would install bicycle racks, and they use bins for the delivery of much of their
21 merchandise that can be reused.
22

23 In response to a question from Commissioner Powell, **Mr. Peruzzi** indicated that the glass in the
24 windows would show some reflection; however, it is a clear glass and not mirrored.
25

26 **Mr. Peruzzi** commented that the drive-thru window would be used for picking up or dropping
27 off prescriptions, and there would be no speaker.
28

29 Commissioner Seville-Jones commented that the first site plan would comply with the Sepulveda
30 Corridor Guidelines by placing the building on Sepulveda Boulevard. She asked why the
31 drainage would be more of a challenge with the first site plan as opposed to the third.
32

33 **Mr. Peruzzi** indicated that he is not certain that drainage was the main consideration in favoring
34 the third site plan option. He commented that the goal of the Sepulveda Corridor Guidelines is
35 for the building to be located on the street, which is not feasible on the subject site because of the
36 difference in grade. He indicated that placing the building on Sepulveda Boulevard would also
37 compound the issues regarding traffic flow and pedestrian access.
38

39 Commissioner Seville-Jones commented that the benefit of placing the store on Sepulveda
40 Boulevard is that it would mitigate any issues of noise to the residents of Cedar Avenue. She
41 said that she understands the concern with that site plan is that more of the traffic would be
42 placed behind the store toward Cedar Avenue with more of the parking to the rear.

1
2 **Mr. Peruzzi** commented that any retailer greatly prefers parking at the front of the store rather
3 than the rear because it reduces the opportunities for theft and because it is more convenient for
4 accessing the entrance. He indicated that placing the entrance at the northeast corner would
5 orient the front of the store away from 22nd Street and Sepulveda Boulevard and more toward the
6 adjacent residents.

7
8 In response to a question from Commissioner Seville-Jones, **Mr. Peruzzi** said that the use of the
9 drive-thru would be very low during late hours, and they do not feel there would be a noise
10 concern to the adjacent residents with vehicles exiting the site onto 22nd Street early in the
11 morning. He commented that the drive-thru window is as a convenience to the customers, and it
12 would not be highly utilized in the middle of the night.

13
14 Commissioner Seville-Jones commented that she understands the position expressed by **Mr.**
15 **Peruzzi** but also feels a 24 hour drive-thru window would be very convenient and would be
16 utilized by customers who have difficulty going into the store because of health reasons.

17
18 Commissioner Fasola commented that it appears the Sepulveda Corridor Guidelines are
19 addressed better in the first site plan option rather than the third as proposed. He indicated that
20 the building height would be the same regardless of its location on the property. He said that
21 using the first plan and changing the entry of the store on the north side would allow the building
22 front to face the parking and would move the trash enclosures, the loading area, and the drive-
23 thru window further from the residents on Cedar Avenue.

24
25 **Mr. Peruzzi** pointed out that the building would be slightly higher if it were moved onto
26 Sepulveda Boulevard. He commented that they also would be forced to keep the retaining wall
27 if it were placed onto Sepulveda Boulevard. He said that accommodating the drive-thru window
28 is not the main reason that they are favoring the third site plan.

29
30 **Bob Roscoe**, representing the applicant, commented that customers typically utilized the drive-
31 thru window to pick up prescriptions on their drive home from work or from the doctor's office.
32 He commented that the peak hours are from 5:00 p.m. to 7:00 p.m. with approximately 25 cars
33 per hour using the window at a typical store. He indicated that there are very few customers who
34 utilize the drive-thru window during late hours. He pointed out that the intent of the window is
35 not for profit but only as a convenience to the customers. He indicated that there are fewer
36 existing pharmacies in Manhattan Beach than in other cities in the Los Angeles area, and the
37 supermarkets in the area do not include pharmacies. He pointed out that Ralph's in the
38 Manhattan Village is open 24 hours a day and does not include a pharmacy. He commented that
39 they have not had to close any of their approximately 300 stores in the Los Angeles area. He
40 indicated that they are very confident that the store would be successful.

41
42 In response to a question from Commissioner Bohner, **Mr. Roscoe** indicated that they would be

1 willing to change from a pole sign to a monument sign if it were a condition of approval.
2

3 In response to a comment from Commissioner Seville-Jones, **Mr. Roscoe** said that a sign
4 prohibiting right turns after a certain hour could be placed at 22nd Street; however, it would make
5 it more of an inconvenience for someone who happened to live in the area that was visiting the
6 store to get back to their house.

7
8 Commissioner Seville-Jones asked whether Walgreens has a program for recycling expired
9 pharmaceuticals, as there is a concern with them going into the ocean if they are flushed into the
10 City's sewage system.

11
12 **Mr. Roscoe** said that they do have a recycle program, and there are Federal and State guidelines
13 for discarding drugs. He said that he is not certain if there is a program for customers to bring in
14 expired drugs for recycling.

15
16 In response to a question from Commissioner Bohner, **Mr. Roscoe** indicated that they receive
17 one delivery a week from their distribution center which stocks 80 percent of the store. He said
18 that the conveyor is extended out of the truck and into the receiving door for unloading. He
19 indicated that other smaller deliveries would occur through the front door.

20
21 Chairman Lesser opened the public hearing.
22

23 **Beth Morse**, a resident of the 900 block of 1st Street, asked whether Walgreens would sell
24 alcohol.
25

26 Chairman Lesser commented that alcohol sales are not included as part of the proposal.
27

28 **Jacki May** said that having three major drug stores located on Sepulveda Boulevard would be a
29 bad idea.
30

31 **Bill Victor** said that he does not feel there is a demand in the City to accommodate three large
32 drug stores on Sepulveda Boulevard. He commented that the residents suffer along with a
33 failing business because the community is deprived of other more needed uses that could locate
34 at the site. He said that he would encourage the Commission to think of the future if the store
35 ends up not being successful.
36

37 Chairman Lesser closed the public hearing.
38

39 Commissioner Seville-Jones indicated that staff has prepared an excellent report and the
40 applicant has done an excellent job in anticipating questions which have been asked previously
41 for other projects. She indicated that it is apparent that the applicant has spent a great deal of
42 time and money to arrive at a good project. She stated that it is important for the City to have a

1 strong commercial base. She said that the store would be a store that sells a variety of
2 merchandise rather than only pharmaceuticals. She commented that she does feel that the City is
3 arriving at the saturation point of small pharmacies located within medical buildings because
4 they are unable to compete with the larger chain stores. She commented that retail uses have
5 historically been located on the site, and she is glad that a new retail store is being proposed
6 along Sepulveda Boulevard rather than an office building. She said that she feels a 24 hour
7 drive-thru window for the pharmacy would be a service to the community in allowing people to
8 pick up a prescription without leaving the car. She indicated that she feels the applicant has
9 considered the neighbors, landscaping, access, building height, the size of the building, and
10 parking. She commented that she has a concern with the entrance and exit of cars off of 22nd
11 Street during late hours because there could be a potential noise impact to the adjacent
12 neighbors. She indicated that he would request that the City's Traffic Engineer consider whether
13 it is a valid concern. She commented that she has a concern regarding the pole sign and would
14 like for the staff to work with the applicant. She stated that she would also like for a condition to
15 be included regarding any closure or disruption to Sepulveda Boulevard during construction.
16 She said that she feels after considering the other options that she can support the third site plan
17 which places the building at the center of the property. She indicated that while not complying
18 completely with the Sepulveda Corridor Guidelines, she is convinced it is the best option after
19 hearing the testimony of staff and the applicant.

20
21 Commissioner Bohner indicated that he is satisfied that the third site plan as presented is the best
22 option. He commented that he does not envision that traffic exiting onto 22nd Street during late
23 night hours would be a major concern because he does not imagine that the store would have a
24 large number of customers during that time. He said, however, that he would not object to the
25 Traffic Engineer providing his opinion regarding Commissioner Seville-Jones' concern. He said
26 that he supports the project.

27
28 Commissioner Fasola said that there are features of the first site plan that he prefers and that do
29 address the Sepulveda Corridor Guidelines to a larger extent than the third site plan. He
30 commented that the building could be set back slightly from the street with the first option. He
31 indicated, however, that he would defer to staff's opinion if they feel the third site plan is much
32 preferable. He commented that he would hope that staff and the applicant are not supporting the
33 third site plan simply because it accommodates the drive-thru window. He commented that he
34 would not want to see a large number of additional buildings on Sepulveda Boulevard located
35 away from the street. He stated that he does have a concern with approving another store which
36 is very similar in use to the previous application for Rite Aid.

37
38 Commissioner Powell commended the applicant and architect on the design which appears to
39 have been revised many times and carefully considered. He commented that the applicant has
40 listened to the discussion of the previous project and took the comments of the Commissioners
41 into consideration with this proposal. He stated that the project includes more than twice the
42 amount of landscaping than is required; the building is within the maximum height limit; and the

1 design aids in the circulation of traffic through the site. He commented that he would also like
2 for the City's Traffic Engineer to consider the issue of traffic from the store exiting onto 22nd
3 Street during late night hours. He commented that the store would sell general merchandise, and
4 he feels it would be a vibrant business. He also said that people with small children who would
5 be able to utilize the drive-thru window rather than have to take their children into the store. He
6 indicated that he would support the project.

7
8 Chairman Lesser commented that he welcomes a new use for the site which has been an eyesore
9 in the community for some time. He said that he would echo the comments of the other
10 Commissioners. He stated that he also was concerned with having another national chain
11 pharmacy locating into the community and had questions as to the responsibility of the
12 Commission in considering the type of use. He indicated that he is persuaded that the pharmacy
13 is a broader retail store, and an additional retail on Sepulveda Boulevard would be a welcome
14 addition to the community particularly with the 24 hour drive-thru window. He said that he had
15 concerns with noise from the drive-thru window impacting the residents on Cedar Avenue. He
16 stated, however, that he feels it would be a service in the community for people who may need
17 their prescriptions filled late at night. He commented that locating the building in the center of
18 the property as proposed is the best solution to reducing the scale of the building given the
19 challenges of the site. He said that he would be in favor of the project.

20
21 A motion was MADE and SECONDED (Fasola/Powell) to **REOPEN** and **CONTINUE** the
22 public hearing regarding a Use Permit for a Retail Drug Store, With Drive-Thru Pharmacy,
23 Located at 2400 Sepulveda Boulevard to May 14, 2008.

24
25 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser
26 NOES: None
27 ABSENT: None
28 ABSTAIN: None

29
30 Director Thompson commented that staff will draft a resolution of approval for the May 14th
31 meeting based on the comments that have been received.

32
33 Commissioner Fasola requested that elevations be provided that are shown in context with the
34 street.

35
36 At 8:55 p.m., a 10-minute recess was taken.

37
38 **08/0423.3 Consideration of a Zoning Code (Title 10) Amendment and Local Coastal**
39 **Program Amendment Regarding the Prohibition of Medical Marijuana**
40 **Dispensaries in All Zones**

41
42 Associate Planner Haaland summarized the staff report. He indicated that the City Council

1 previously adopted a temporary moratorium with the intention of studying permanently
2 prohibiting the establishment of medical marijuana dispensaries. He commented that State law
3 allows such dispensaries, which is in conflict with Federal law that prohibits the use of marijuana
4 in general. He commented that there are dispensaries in some cities throughout California. He
5 stated that the City Council did direct that the Code be amended, and the role of the Commission
6 is to review the Municipal Code and Local Coastal Program Amendments and make a
7 recommendation to the City Council regarding adoption of an Ordinance. He said that the City
8 Attorney has drafted an Ordinance prohibiting marijuana dispensaries within the City, and staff
9 has adapted that Ordinance into a Resolution for the Commission to forward to the City Council.
10 He stated that the Council is scheduled to take final action, to conduct a public hearing and adopt
11 the Ordinance prior to the expiration of the temporary moratorium.

12
13 Chairman Lesser questioned the function of the Commission regarding the issue and the findings
14 that the Commission must make to be able to adopt the draft Resolution.

15
16 Associate Planner Haaland said that the role of the Commission is to conduct the hearing and
17 forward a recommendation to the City Council.

18
19 Commissioner Bohner asked if the Commission has any discretion regarding whether they feel
20 there should be an Ordinance or if the direction of the City Council was simply for the
21 Commission to arrive at an Ordinance prohibiting such dispensaries.

22
23 Director Thompson said that the direction of the Council was for an Ordinance to be prepared
24 prohibiting marijuana dispensaries.

25
26 Commissioner Seville-Jones stated that the Commission does not have much discretion if the
27 direction of the Council was simply to draft an Ordinance prohibiting dispensaries. She
28 commented that the minutes of the City Council meeting indicate that the Council wanted to
29 allow staff time to study how dispensaries could be further regulated or banned and suggested
30 that staff contact West Hollywood for further information. She asked whether the Commission
31 is debating the merits of whether or not there should be a ban or if the issue has already been
32 decided by the Council.

33
34 Director Thompson indicated that his understanding is that the City Council wants to know the
35 best and most legally defensible means of restricting the location of dispensaries within the City
36 including the possibility of their being prohibited. He indicated that the City Council would
37 welcome input of the Commissioners if they do not agree with the ban and instead feel that
38 dispensaries should be permitted. He indicated that it is the responsibility of the City Council to
39 adopt the Ordinance to change the Zoning Code. He indicated that the Commission's
40 responsibility is to hold a public hearing and receive public testimony to provide the Council
41 with a recommendation.

1 City Attorney Wadden said that he has been involved in the issue and advising the City Council
2 for the last two years. He commented that it was clear at the Work Plan meeting that the
3 direction of the Council was to arrive at an Ordinance that would prohibit dispensaries. He
4 indicated that the City of Anaheim has adopted an ordinance banning the medical marijuana
5 dispensaries which was successfully defended in Court. He commented that several cities have
6 adopted such bans since that decision.

7
8 In response to a question from Commissioner Bohner, City Attorney Wadden said that the Court
9 ruled that a City had a clear right to ban a substance which is illegal under Federal law. He
10 indicated that there is a written opinion of the case by the Orange County Superior Court judge.

11
12 Commissioner Seville-Jones indicated that her understanding is that Federal law does not allow
13 people to possess marijuana and does not allow pharmacies to deliver it. She indicated that a
14 proposition was passed in California that indicates that it can be used for medical purposes, but
15 the law does not specify how it may be obtained.

16
17 City Attorney Wadden said that the State law does not specifically authorize dispensaries.

18
19 Commissioner Seville-Jones said that her understanding also is that banning dispensaries does
20 not necessarily stop people from being allowed to possess marijuana if they have a medical
21 reason.

22
23 City Attorney Wadden said that cultivating marijuana would be included within the definition of
24 dispensary. He said that West Hollywood does have a marijuana dispensary, and there are a
25 number in the City of Los Angeles at various locations.

26
27 In response to a question from Commissioner Seville-Jones, City Attorney Wadden indicated
28 that according to Americans for Safe Access, 63 cities in California have enacted bans on
29 dispensaries; 29 have Ordinances which permit dispensaries but restrict their use; and 79 have
30 moratoriums.

31
32 City Attorney Wadden pointed out that the judge indicated in the Anaheim case that the opinion
33 is based on the fact that marijuana is an illegal substance under Federal law. He indicated that
34 the Drug Enforcement Administration (DEA) has been active in raiding marijuana dispensaries
35 within California, and allowing dispensaries in Manhattan Beach would be inviting such a raid.

36
37 In response to a question from Commissioner Fasola, City Attorney Wadden said that a person
38 would not be convicted in a California court for the possession of marijuana that is medically
39 authorized.

40
41 Commissioner Powell commented that he works in West Hollywood where there are a number of
42 medical marijuana dispensaries, and he has seen a number of raids by the DEA. He indicated

1 that another one soon opens in its place after a dispensary is raided.

2
3 In response to a question from Commissioner Powell, City Attorney Wadden stated that there are
4 two Supreme Court cases cited in the draft Resolution which state that the Federal law banning
5 marijuana overrides the State law allowing its use.

6
7 Lieutenant Derrick Abell said that there is a conflict with the medical use of marijuana, as it is
8 illegal under Federal law. He said that allowing dispensaries would create problems with the
9 Federal agencies in performing their job. He commented that there are a number of problems
10 that cities with dispensaries have had with their operation, which gives great concern to him and
11 the Police Department in allowing them within Manhattan Beach. He stated that one concern is
12 that dispensaries would invite criminals to the site to either attempt to sell their illegal marijuana
13 or rob people who have purchased marijuana. He said that problems would arise for the police
14 and any surrounding businesses with the addition of a criminal element that could result from the
15 establishment of a dispensary.

16
17 In response to a question from Commissioner Seville-Jones, Lieutenant Abell indicated that
18 drugs sold through pharmacies are controlled substances, and there is no control over the selling
19 of marijuana through the dispensaries. He commented that a prescription lists the license of the
20 doctor as well as a tracking system for the drugs. He said that there is no control over the
21 marijuana at the dispensaries.

22
23 Lieutenant Abell indicated that complaints have also been received in cities where dispensaries
24 are allowed of patrons purchasing the marijuana and smoking it in the immediate area. He
25 commented that allowing such dispensaries would be a great disservice to the community when
26 such a great deal of energy is given to teaching children about making the right decisions in
27 staying away from drug use. He indicated that cities with dispensaries have reported a number
28 of robberies and burglaries at the locations which is also a concern for any bystanders who may
29 be in the area. He said that businesses in the community would have a great concern with being
30 located next to a dispensary because of the possibility of criminal and police activity. He
31 commented that he believes the crime rate and quality of life would be negatively impacted if
32 dispensaries were to be located in the City. He commented that there is no method of verifying
33 that the identification cards for obtaining medical marijuana are legitimate. He said that there is
34 also the possibility of people obtaining prescriptions from doctors for marijuana and then selling
35 them illegally to other people.

36
37 In response to a question from Commissioner Powell, Director Thompson indicated that the City
38 of Redondo Beach has recently ruled to ban dispensaries, and Hermosa Beach is also likely to
39 enact a ban.

40
41 Chairman Lesser opened the public hearing.

1 **Esther Besbris**, a resident of 2nd Street, asked the purpose of the hearing if the direction to the
2 Commission is only to pass an amendment prohibiting the dispensaries.

3
4 Commissioner Bohner commented that the intent is for the Commissioners to gather any
5 testimony from the public as to their thoughts regarding the Ordinance. He pointed out that the
6 City Council will make the final determination, and the Commission is not empowered to pass
7 the Ordinance. He indicated that the Commissioners are open to hearing testimony on both sides
8 regarding whether or not dispensaries should be prohibited.

9
10 **Ms. Besbris** said that there are over 100 establishments within Manhattan Beach that sell
11 alcohol, and they are generally welcomed by the City. She pointed out that there are many
12 people who drive under the influence of alcohol which results in numerous accidents and deaths.
13 She indicated that people who smoke also have a greater risk of health problems and death. She
14 indicated that alcohol and cigarettes are legal; however, they both result in much more harm than
15 the medical use of marijuana. She indicated that the medical use of marijuana has a great deal of
16 ambiguity. She commented that she understands that such dispensaries have the potential to
17 attract criminal activity; however, many residents currently have issues with people leaving bars
18 who have been drinking. She indicated that she is speaking for someone who needed marijuana
19 to ease his pain who had to drive to a remote area of Santa Monica in order to fill his
20 prescription. She stated that there are people in the City who require marijuana for medical
21 reasons, and the alternative is going to heavier narcotics. She said that the City must service all
22 members of the community even by methods that are not always liked.

23
24 **Bev Morse**, a resident of the 900 block of 1st Street, said that she was the former Associate
25 Director of the Wellness Community in the South Bay and has had the experience of watching
26 people in the South Bay who were severely impacted by the effects of cancer and chemotherapy.
27 She said that some people are being kept alive by chemotherapy, and marijuana helps them to eat
28 and fight through the treatment. She indicated that the caretakers of patients who use marijuana
29 must now drive once a week to fill prescriptions because they can only receive a limited amount
30 at a time. She said that there are people with cancer who can have a quality of life with
31 marijuana that they could not if they were drugged with morphine instead. She commented that
32 her aunt used marijuana for her glaucoma most of her life and lived until 90. She said that her
33 brother-in-law who has debilitating arthritis has to drive to Santa Barbara in order to receive
34 marijuana. She pointed out that the medical use of marijuana is legal in California. She
35 commented that it is difficult but not impossible to control the dispensaries. She suggested the
36 possibility that a thumb print could be used as an identification for people who have
37 prescriptions. She said that a security guard could be hired to watch over the dispensary rather
38 than using the Police Department. She indicated that there is a great need in the community for
39 such dispensaries, as one out of four people are likely to get cancer. She pointed out that other
40 cities have such dispensaries. She suggested that the moratorium be extended until there is a
41 determination of an appropriate means of regulating the use of marijuana. She commented that
42 Parkinson's patients also have benefited from relaxation techniques that include the use of

1 marijuana. She suggested the possibility of involving the Beach Cities Health District to
2 regulate the dispensing of marijuana for medical use for residents of Redondo Beach, Hermosa
3 Beach and Manhattan Beach.
4

5 **Bill Victor** indicated that his mother had cancer and lived to 99; his sister has survived cancer;
6 and his father had cancer. He commented that he has also had friends and clients who have
7 cancer and used prescribed marijuana. He said that he feels more harm is done to the community
8 by the AVP than would result from having a regulated dispensary. He indicated that conditions
9 can be placed on its operation. He said that that the initiative allowing the medical use of
10 marijuana was passed by the people of California because they felt it is a benefit for those who
11 need it and not because they are a group of drug addicts. He commented that the use of a
12 dispensary could possibly be restricted to only residents and property owners in the City. He
13 said that banning dispensaries is not a service to the community, and the Commissioners should
14 express their opinions if they feel differently than the Council. He indicated that the
15 Commission has an opportunity to help the community. He pointed out that doctors are careful
16 and do not freely and irresponsibly hand out such prescriptions. He also suggested the
17 possibility that thumb prints could be required for such prescriptions. He said that he has not
18 heard any review of the communities who allow dispensaries with restrictions without an
19 outright ban.
20

21 **Steve Morse**, a resident of the 900 block of 1st Street, said that the medical use of marijuana
22 works for many people. He said that there are controls that can be placed on dispensaries
23 without being completely restrictive. He pointed out that pharmacies are able to issue morphine
24 and other drugs that are much stronger than marijuana. He indicated that marijuana does not
25 have to be smoked and can be taken in a capsule form. He said that he would hope that
26 Manhattan Beach can arrive at a solution.
27

28 **Martha Andreani** stated that she also asks for the consideration of developing options for
29 allowing dispensaries. She commented that she understands the concerns of the Police
30 Department; however, the medical use of marijuana benefits many people. She said that it is
31 also a benefit in the treatment of AIDS and glaucoma. She also suggested the possibility that the
32 Beach Cities Health District become involved in regulating the medical use of marijuana rather
33 than allowing separate dispensaries.
34

35 **Jacki May** commented that she has severe pain and is unable to work. She said that she has
36 used marijuana, and no one has ever attempted to rob her. She indicated that people she knows
37 are aware of the drugs she takes and no one has asked her for them. She commented that the
38 suffering of people who have cancer or severe pain can be helped with the use of marijuana. She
39 said that she hopes the Commission sends a message to the City Council that there are ways to
40 regulate the use of marijuana with the Beach Cities Health District and with the use of capsules.
41

42 Chairman Lesser closed the public hearing

1
2 Commissioner Bohner said that the Supreme Court case *U.S. v. Oakland Cannabis Buyers’*
3 *Cooperative* (532 U.S. 483) which is cited in the draft Resolution held that there is no medical
4 necessity defense or exemption for the possession of medical marijuana under the Controlled
5 Substances Act. He stated that if Congress decides to preempt legislation and has the authority
6 to do so under the Supremacy Clause of the Constitution, it cannot be trumped by State law. He
7 indicated that although the California voters have approved the medical use of marijuana, the
8 Federal law banning it overrides the State law. He indicated that some communities in
9 California have established the dispensaries at the risk of being raided. He stated that a
10 dispensary located in Manhattan Beach would be a great target to be raided. He said that as long
11 as marijuana is an illegal substance, such dispensaries would invite a criminal element and
12 would cause a greater likelihood of robberies. He indicated that there are areas in Southern
13 California where marijuana can be purchased. He said that he feels the City cannot act against
14 Federal law which holds that the medical use of marijuana is illegal. He commented that he is
15 sympathetic to cancer patients and has had many family members with cancer. He commented
16 that his brother developed leukemia at 32 and has struggled to survive. He indicated, however,
17 that he does not feel that the City can act against Federal law. He commented that members of
18 the community will also have the opportunity to speak before the City Council regarding the
19 issue, and they will make the ultimate decision. He said that he feels the Commission needs to
20 move forward with a Resolution restricting dispensaries.

21
22 Commissioner Fasola commented that part of the basis for supporting an Ordinance to ban
23 dispensaries is a report from the California Police Chiefs, which the Commissioners did not
24 receive until immediately before the meeting. He said that any problems associated with a
25 dispensary including loitering and crime could also pertain to any drinking establishment. He
26 indicated that there are a large number of establishments in the City which sell alcohol, and the
27 City has never considered making it illegal. He said that he feels marijuana should be legal. He
28 indicated that the issues associated with marijuana would be eliminated if it were legal. He stated
29 that the City would be in worse shape by making the use of marijuana illegal than by allowing it.
30 He said that he feels it is the duty of the City to oppose the Federal law, which is misguided in
31 his opinion. He indicated that he feels there is conflict when the Commission has just given
32 approval to two pharmacies and is now considering a ban on dispensaries for medical marijuana.
33 He commented that he is surprised by the amount of support expressed by the community for
34 allowing some type of dispensaries. He said that he would not support a ban.

35
36 Commissioner Powell said that he has a great deal of compassion for people who suffer with
37 cancer, glaucoma and arthritis. He indicated that both of his parents died of cancer, and he
38 watched them suffer. He commented that his parents chose not to use marijuana to ease their
39 pain because its use is illegal. He said that he works in West Hollywood and knows of several
40 dispensaries. He stated that he has observed people who are young and appear in good health
41 getting a prescription from a dispensary. He indicated that he has also seen a local investigative
42 report where people have faked illnesses in order to receive prescriptions for marijuana. He

1 indicated that Manhattan Beach is a small residential community that includes many children.
2 He said that he does not know the answer to the issue. He commented, however, that he does not
3 feel dispensaries should be allowed as it is against Federal law and there are no means of
4 ensuring proper regulation. He stated that until it can be properly controlled and permitted by
5 Federal law, the City does not allow illegal substances. He said that he would support a ban.

6
7 Commissioner Seville-Jones said that she would support a ban on dispensaries. She said that she
8 appreciates the public testimony that has been received and hopes the report to the City Council
9 reflects that the medical use of marijuana does benefit many people. She said that the medical
10 use of marijuana is prohibited by Federal law and is enforced by the DEA. She said that she
11 respects the opinion of Commissioner Fasola but she does not agree that it is analogous to
12 alcohol use and that it should be legalized. She said that there are many studies which
13 demonstrate that the use of marijuana use can lead to more serious drug use. She indicated that
14 she would not support making marijuana available for anything but medical use. She
15 commented that people who do not need it medically see the dispensaries as an opportunity for
16 obtaining marijuana. She stated that there is evidence from communities with dispensaries that
17 people who utilize them are being targeted by criminals. She said that she would be more
18 supportive if the use of marijuana could be regulated by pharmacies. She indicated that the State
19 has not arrived at an appropriate means to allow the dispensing of marijuana, and its use is
20 banned by Federal law. She commented that she is interested in the suggestion of it being
21 dispensed through the Beach Cities Health District.

22
23 Chairman Lesser said that he personally does not have an issue with the medical use of
24 marijuana. He said that he has experience with oncology, and there are other alternatives to
25 marijuana for alleviating the effects of chemotherapy. He commented that the Federal
26 government has restricted its use. He said that the City Council has decided that dispensaries
27 should be prohibited, and the limited role of the Commission is to arrive at a rational basis for
28 whether the decision is appropriate in accordance with the General Plan. He indicated that he
29 appreciates the testimony of **Lieutenant Abell** as to the reasons why the Council would have
30 grounds for enacting the Ordinance. He stated that notwithstanding his personal opinion, he feels
31 there is no other conclusion than to support the ban. He suggested that the members of the
32 public also speak before the City Council who are the legislative representatives.

33
34 In response to a question from Commissioner Seville-Jones, Director Thompson said that the
35 issue of marijuana being dispensed through the Beach Cities Health District has been suggested
36 and is currently being discussed.

37
38 Commissioner Fasola said that he would support allowing a Conditional Use Permit process for
39 permitting a dispensary.

40
41 Commissioner Seville-Jones commented that she does not feel the reasons she supports the ban
42 can be addressed under a Use Permit on an individual basis by a particular applicant.

1
2 In response to a question from Commissioner Fasola, Director Thompson said that if a ban is
3 enacted, the City Council can decide to amend the Ordinance if it is later decided to work with
4 adjacent cities in allowing the dispensing of marijuana for medical use.

5
6 Commissioner Powell pointed out that one of the findings for granting a Use Permit is that it
7 does not contradict any laws. He indicated that currently a CUP for any dispensary could not be
8 approved on the basis that the selling of marijuana is prohibited under Federal law.

9
10 Commissioner Seville-Jones stated she feels the ban should be enacted, and it can be amended
11 later if there is the means in the future to work with adjacent cities to regulate dispensaries.

12
13 A motion was MADE and SECONDED (Bohner/Seville-Jones) to **APPROVE** a Zoning Code
14 (Title 10) Amendment and Local Coastal Program Amendment Regarding the Prohibition of
15 Medical Marijuana Dispensaries in All Zones

16
17 AYES: Bohner, Powell, Seville-Jones, Chairman Lesser
18 NOES: Fasola
19 ABSENT: None
20 ABSTAIN: None

21
22 Director Thompson indicated that a City Council public hearing regarding the issue has been
23 scheduled for May 6, 2008.

24
25 **DIRECTOR'S ITEMS** None

26
27 **PLANNING COMMISSION ITEMS**

28
29 Commissioner Powell said that the Manhattan Beach Fire Department Community Emergency
30 Response Team will be having a booth at the Police and Fire Open House on May 10 from
31 10:00 a.m. to 3:00 p.m. to address emergency preparedness.

32
33 Commissioner Seville-Jones said that she is participating in Beach Cities Health District 10,000
34 steps a day competition in which participants are given pedometers that count their steps during
35 the day that they submit at the end of the week.

36
37 **TENTATIVE AGENDA: May 14, 2008**

38
39 A. Use Permit Amendment/ Sales and Service of Alcoholic Beverages at 451 Manhattan
40 Beach Blvd. (Le Pain Quotidien Bakery)

41
42 **ADJOURNMENT**

1
2 The meeting of the Planning Commission was **ADJOURNED** at 10:50 p.m. in the City Council
3 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, May 14, 2008, at 6:30 p.m. in the
4 same chambers.

5
6 _____
7 RICHARD THOMPSON
8 Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary