

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JUNE 25, 2008**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 25th day of June , 2008, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

A. ROLL CALL

Present: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
Absent: None
Staff Present: Richard Thompson, Community Development Director
Esteban Danna, Assistant Planner
Recording Secretary: Sarah Boeschen

B. APPROVAL OF MINUTES – May 28, 2008

Commissioner Seville-Jones requested that the spelling of “Louie Tamaro” be corrected to “Tomaro” throughout the May 28 minutes.

Commissioner Powell requested that page 14, line 24 be revised to read: “He indicated that there are Code required standards for maximum height, setbacks, open space, and building modulation.”

Chairman Lesser, requested that page 2, line 22 of the minutes be revised to read: “Chairman Lesser said that he is a neighbor and friend of the ~~applicant~~ applicant’s architect. He indicated, however, that they have not discussed the project. He said that he has no financial interest in the project and feels he can consider the ~~issue~~ application fairly.”

Chairman Lesser requested that the reference to closing public hearing be deleted on page 8, line 15 of the minutes and that the second reference to closing the hearing on line 33 remain.

A motion was MADE and SECONDED (Seville-Jones/Powell) to **APPROVE** the minutes of May 28, 2008, as amended.

AYES: Fasola, Powell, Seville-Jones, Chairman Lesser
NOES: None
ABSENT: None
ABSTAIN: Paralusz

C. AUDIENCE PARTICIPATION

None.

D. BUSINESS ITEMS

None.

E. PUBLIC HEARINGS

1. Consideration of a Use Permit Amendment to Allow the Extension of Hours of Operation for Berritree Frozen Yogurt Located at 350 N. Sepulveda Boulevard

Assistant Planner Danna summarized the staff report. He indicated that the subject establishment operates under an existing Use Permit. He commented that restaurant uses have historically been located on the subject site with varying hours of operation. He said that Condition 6 on page 2 of the current Use Permit allows hours of operation of 11:00 a.m. until 11:00 p.m. Sunday through Thursday and 11:00 a.m. until midnight on Friday and Saturday. He indicated that the proposal is to expand their current yogurt menu to include breakfast items such as bagels, muffins, waffles, and coffee. He said that the hours as proposed would be 7:00 a.m. to 11:00 p.m. Sunday through Thursday and 7:00 a.m. to midnight on Friday and Saturday. He indicated that staff does not have a concern with the proposed morning hours, as the site is oriented toward a major thoroughfare and is not directly adjacent to any residences. He commented that the Police Department and the City's Traffic Engineer have not expressed any concerns regarding the proposal. He indicated that all other conditions in the existing Use Permit would not change, and the Use Permit findings have been changed in the draft Resolution. He stated that notice was mailed to properties within 500 feet and published in the Beach Reporter. He said that staff has received no public comments regarding the proposal.

In response to a question from Chairman Lesser, Director Thompson said that the restrictions were clear when the original Resolution was first adopted. He said that varying any conditions from the original Resolution including the hours of operation requires approval by the Commission. He commented that language could possibly be included in Condition 6 to allow the Community Development Director the authority to adjust the hours of operation further; however, staff would want any expansion beyond the subject proposal to come back before the Commission.

Commissioner Powell requested that asterisks be included on items 5 through 8 on page 2 of the draft Resolution as are included in the original Use Permit to indicate that they are site specific conditions.

In response to a question from Commissioner Fasola, Director Thompson said that older restaurants which were in operation before Use Permit requirements or that have Use Permits that include no restrictions can operate 24 hours. He indicated that hours for restaurants are restricted in certain zones. He commented that the hours permitted within the CG (commercial general) zone in which the subject site is located along Sepulveda Boulevard are very liberal.

Audience Participation

Pete Song, representing the applicant, said that there has been a demand for establishments in the subject area that serve breakfast and coffee since the closing of the Manhattan Coffee Company. He said that approval would not have any adverse effects on the adjacent area.

Chairman Lesser opened the public hearing.

There being no one wishing to speak before the Commission, Chairman Lesser closed the public hearing.

Discussion

Commissioner Powell said that it would be a benefit to residents and businesses in the area to extend the hours of the subject use to open at 7:00 a.m. for breakfast. He pointed out that no alcohol would be allowed to be served. He indicated that the proposal meets the legal requirements to grant the Use Permit and is consistent with the General Plan. He said that the proposal meets the goals of encouraging a mix of local businesses; encouraging the generation of sales taxes; and encouraging a diversity of retail and service industries. He commented that it would not have any detriment to the community or to public health safety and welfare. He pointed out that no objections have been raised in response to the proposal by surrounding neighbors. He also pointed out that it is the type of business that is appropriate for the CG zone. He indicated that it meets the necessary requirements, and he would be in favor of the application.

Commissioner Fasola commented that he is in favor of the application and does not have a concern with the proposed earlier hours of operation. He commented that parking is not an issue during the morning; however the subject shopping center has one of the worst parking situations on Sepulveda Boulevard. He asked if there may be any opportunities to add parking to the rear of the site. He commented that he feels the proposal may be an opportunity to consider possibly adding parking.

Director Thompson said that the subject building is older and generally not in conformance with current Code requirements. He commented that the parking demands would be considered more closely for an intensification of use. He indicated that parking generally is not a problem during the morning hours, and staff does not have a concern with any parking impact resulting from the subject proposal.

Commissioner Seville-Jones said that she visited the site and enjoyed sampling yogurt at the establishment. She stated that the site is oriented toward Sepulveda Boulevard and does not impact the neighbors. She commented that she supports the proposal.

Commissioner Paralusz said that she is in favor of granting the subject Use Permit Amendment for the reasons stated by the other Commissioners.

Chairman Lesser said he also fully supports the application.

Action

A motion was MADE and SECONDED (Seville-Jones/Paralusz) to **APPROVE** a Use Permit Amendment to Allow the Extension of Hours of Operation for Berritree Frozen Yogurt Located at 350 North Sepulveda Blvd.

AYES: Fasola, Paralusz, Powell, Seville-Jones, Chairman Lesser
NOES: None
ABSENT: None
ABSTAIN: None

F. DIRECTORS ITEMS

None.

G. PLANNING COMMISSION ITEMS

Commissioner Seville-Jones indicated that she attended the Commissioner training that took place at City Hall and felt it was very informative. She said that it was well attended and is a good addition to the City's programs.

Chairman Lesser acknowledged staff, Mayor Montgomery and the City Council for putting together the training. He indicated that it was very informative.

Commissioner Powell indicated that he also attended the training and enjoyed the opportunity to meet with fellow Commissioners.

Commissioner Powell commented that the Leadership Manhattan Beach Alumni annual wine tasting event at the Hawthorne Suites from 6:00 to 8:00 p.m. on Friday, June 27.

H. TENTATIVE AGENDA

1. Consideration of a Use Permit to Allow an Office Building Located at 818 Manhattan Beach Blvd.

I. ADJOURNMENT

The meeting was adjourned at 6:50 p.m. to Wednesday, July 9, 2008 in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director

DAVID LESSER
Chair