

**CITY OF MANHATTAN BEACH  
[DRAFT] PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
JANUARY 13, 2010**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 13th day of January, 2010, 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: Andreani, Fasola, Lesser, Paralusz, Chairperson Seville-Jones  
Absent: None  
Staff Present: Laurie Jester, Acting Director of Community Development  
Eric Haaland, Associate Planner  
Recording Secretary: Sarah Boeschen

**B. APPROVAL OF MINUTES – November 12, 2009**

A motion was MADE and SECONDED (Lesser/Fasola) to **APPROVE** the minutes of November 12, 2009.

AYES: Andreani, Lesser, Paralusz, and Chairperson Seville-Jones  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

**C. AUDIENCE PARTICIPATION**

None.

**D. PUBLIC HEARINGS**

**01/13/10-2 Use Permit for the Demolition of an Existing Service Station and Food Mart and construction of a New Service Station with a Convenience Store with Beer and Wine Sales and 24-Hour Operation and a Sign Exception at 1002 Manhattan Beach Boulevard**

Acting Director Jester indicated that several letters were received by staff after the staff report was written which have been provided to the Commissioners.

Associate Planner Haaland summarized the staff report. He indicated that the proposal is for the reconstruction of an existing service station to include a new 2,400 square foot convenience store building with beer and wine sales. He stated that the proposal also includes 24 hour operation of the station and a sign exception for changeable copy signs. He said that the floor area of the existing convenience store is 1,785 square feet plus storage area, and the proposal is for a new 2,400 square foot building. He indicated that the proposal includes six new gas pumping stations, which is not a change from the current operation. He commented that the current operating hours of the station are between 7:00 a.m. to 10:00 p.m. daily, and the proposal is to allow for 24 hour operation. He pointed out that alcohol service would at least be restricted between 6:00 a.m. and 2:00 a.m. as required by the State. He commented that the amount of signage on the site currently is 567 square feet, exceeding the permitted 320 square feet primarily because of the existing pole sign. He stated that the proposal is for a total of 254

square feet of signage with a monument sign. He indicated that the project conforms to the Code requirements for parking with 15 parking spaces being provided. He commented that the new building as proposed would have no setbacks on two sides, which is permitted for commercial sites. He said that the project also would include the required 8 percent landscaping.

Associate Planner Haaland stated that the City's Traffic Engineer has reviewed the project and felt the proposal would not result in a significant increase in traffic. He indicated that the recommendation is to close one of the existing four driveways on the site. He commented that the circulation on the site would be improved with relocating the building towards the rear of the site from the center. He stated that the project is located in the CL zone, which has somewhat of a residential orientation and relatively high sensitivity to later operating hours of commercial businesses. He pointed out that 24-hour operation was previously denied for the station. He commented that removing the existing pole sign would be a substantial improvement for the site, as the pole sign is quite prominent in the low intensity area. He indicated that an objection was received to the proposal for the sign exception changeable sign. He pointed out that staff has not objected to the changeable signs, as allowing it may prevent the applicant from displaying temporary signage along the building that are not permitted. He said that concerns have been expressed from the adjacent neighbors regarding trash, traffic, glare, loitering and noise which could be exacerbated by the 24 hour operation. He commented that concern has also been expressed by the neighbors that removing one of the driveways off of Manhattan Beach Boulevard would exacerbate traffic congestion on Dianthus Street; however, the opinion of the Traffic Engineer is that the project would not result in additional traffic entering into the residential area. He indicated that the Traffic Engineer also expressed that it would be safer for vehicles to access Manhattan Beach Boulevard from Dianthus Street rather than from the removed driveway apron. He commented that staff is recommending that the hours of operation remain to be permitted between 7:00 a.m. and 10:00 p.m. daily.

Chairperson Seville-Jones commented that she has visited the site and has talked with some of the adjacent neighbors.

In response to a question from Commissioner Fasola, Associate Planner Haaland said that it is becoming common for gas stations to have televisions and music at the pumping stations. He said that the applicant has not made such a request, and such amplified sound shall be prohibited.

Commissioner Fasola asked if there would be any trade-off made to compensate for the loss of the existing trees on the south side of the property as a result of the moving of the building to the property line.

Associate Planner Haaland commented that staff felt that the building would be a better buffer to the neighboring residents than the existing trees. He said that trees would be provided further to the west.

Commissioner Fasola pointed out that two 24-hour gas stations have been lost at the intersection of Sepulveda Boulevard and Manhattan Beach Boulevard. He asked if consideration was given to allowing the subject station to open at 6:00 a.m.

Associate Planner Haaland said that staff felt that it would not be appropriate to change the hours from those previously established by the City; however, 6:00 a.m. is not uncommon as an opening time for service stations and food and beverage sales.

In response to a question from Commissioner Paralusz, Associate Planner Haaland indicated that a condition is proposed that would require employees to park on site.

In response to a question from Chairperson Seville-Jones, Associate Planner Haaland said that a police officer who is familiar with the area indicated that there are not problems specifically with the site.

Chairperson Seville-Jones also asked about the frequency of traffic accidents at the subject location, as there is a great deal of traffic at the intersection.

Associate Planner Haaland commented that the Police and Traffic Engineer did not express any concerns regarding traffic accidents at the site.

In response to a question from Chairperson Seville-Jones, Associate Planner Haaland indicated that moving the building to the property line would eliminate the area behind the existing building which is susceptible to loitering. He commented that there has been approval of changeable copy signs previously for some businesses such as for the American Martyrs, Ponchos, and movie theaters.

In response to a question from Chairperson Seville-Jones, Associate Planner Haaland indicated that the proposed building would be below the permitted height limit. He indicated that the air and refrigeration units would be placed on the roof of the building which would be approximately 10 feet from the property line.

**Fred Cohen**, the project architect, commented that the building is over 30 years old and does not meet current Code requirements. He indicated that building a new market would improve the site. He stated that they are proposing to add a new canopy which would help to prevent rain water from washing any spilled gas into the street. He commented that they are also proposing to add 1,500 square feet of landscaping to the site. He commented that the site accommodates 9 parking spaces currently. He said that there would be a total of 15 parking spaces and an additional six spaces at the fueling pumps with the proposal. He indicated that closing the driveway on Manhattan Beach Boulevard would not add to the traffic congestion and would make the intersection safer. He commented that the proposal would not generate any additional noise. He commented that the proposal to move the building to the property line on the southeast corner would eliminate traffic and cars parking behind the existing building. He stated that the changeable signs would be poster signs and would be fixed for two weeks to a month. He pointed out that almost all of the service stations in the City have 24 hour gas sales and have convenience stores that are either open 24 hours or operate between 6:00 a.m. and 2:00 a.m. He said that if 24 hour operation is not approved, they would request that the hours be extended to 6:00 a.m. to midnight. He indicated that they accept the conditions in the draft Resolution with the exception of Condition 18. He commented that the current language of Condition 18 prohibits the sales of any single beer cans, and they are requesting to change the wording to state that that no single can of beer less than 24 ounces may be sold. He indicated that there are single cans of beer that are larger than 24 ounces which are considered similar to a six-pack.

In response to a question from Commissioner Lesser, **Mr. Cohen** said that the air and water unit could be placed next to the trash enclosure on the east property line or next to the monument sign closer to Manhattan Beach Boulevard.

Commissioner Fasola suggested the possibility of placing the air and water unit at the gas pumping stations. He pointed out that the air and water station as proposed would result in cars blocking a parking space.

**Mr. Cohen** commented that the air and water units are typically put in a separate location from the fueling stations because people who are using the air and water hoses typically take a much longer time and block the gasoline pumps for other customers.

In response to a question from Commissioner Lesser, **Mr. Cohen** indicated that they were asked to reduce the number of signs on the site. He pointed out that they have made large changes to the company's standards in order to accommodate the City by reducing the signage.

Acting Director Jester pointed out that Item H in the draft Resolution does provide information regarding findings for allowing the Sign Exception.

In response to a question from Commissioner Lesser, **Mr. Cohen** said that if there is not support for 24 hour operation, they would request to extend the permitted operating hours to begin at 6:00 a.m.

In response to a question from Chairperson Seville-Jones, **Mr. Cohen** said that they would be maintaining the existing trees up to the location of the new building. He commented that his understanding was that it was preferable to move the new structure to the property line and remove the existing trees in order to prevent people from having access to the area behind the building.

Commissioner Fasola commented that it would be preferential to have the building at the property line rather than have an open space behind the building.

Commissioner Andreani suggested the possibility of leaving the trees behind the structure but not providing sufficient space to allow access for vehicles.

**Mr. Cohen** pointed out that there is also a safety issue with having an area behind the building that people are able to access.

In response to a question from Chairperson Seville-Jones, **Mr. Cohen** indicated that the refrigeration and air units for the building would be located on the roof about 20 feet from the property line. He indicated that placing the units on the ground would not be as preferable because they would take a large amount of space.

In response to a question from Commissioner Paralusz, **Mr. Cohen** said that the air conditioning unit would require an air compressor.

In response to a question from Commissioner Paralusz, **Salso Martinez**, representing the applicant, said that he would need to consult further with representatives of the company as to whether they would be willing to move forward with the project in the event that extended hours or 24 hour operation is not approved. He commented that the franchisee will be making a sizable investment, and there is a tremendous amount of money that is being spent to improve the site and improve the circulation. He commented that the changeable copy signs would be changed periodically in order to advertise current promotions. He indicated that the signs would also eliminate clutter, as they would eliminate the need for window signs.

In response to a question from Commissioner Lesser, **Mr. Martinez** commented that the existing underground fuel tanks would remain. He indicated that a canopy would be added to the single island on Dianthus Street.

Chairperson Seville-Jones opened the public hearing.

## Public Input

**Rob Brykalski**, a resident of the 900 block of 11<sup>th</sup> Street, said that they are requesting that the hours of operation be limited to end at 9:00 p.m. rather than 10:00 p.m. He commented that the site is not large enough to accommodate the proposed expansion. He also stated that the negative impact to the residents from the existing service station would be exacerbated by the proposal. He stated that there are more appropriate locations if the station wishes to expand. He said that the existing configuration does not provide enough space for cars and trucks, and many trucks currently park behind the building. He indicated that more trucks would park on the adjacent street if the new structure is moved to the property line. He stated that there would not be an increase in the number of parking spaces with the proposal although there would be a larger food service building. He commented that the Chevron station site at the corner of Rosecarans Avenue and Sepulveda Boulevard is much larger and a much more appropriate for a gas station than the subject property. He indicated that they are requesting that the Commission deny the proposal.

**Char Brykalski**, a resident of the 900 block of 11<sup>th</sup> Street, pointed out that 35 of the 37 residents on 11<sup>th</sup> Street and Dianthus Street are in opposition to the proposal. She said that there currently are issues with the station which will be expanded with a larger food service operation. She indicated that they currently have problems with noise and with people who are visiting the station parking their trucks on Dianthus Street. She commented that they submitted a letter to staff dated January 13, 2009. She pointed out that the process of designing the project began in 2008, and they were only provided notice only two weeks before the hearing.

**Jane Franklin**, a resident of the 1000 block of 11<sup>th</sup> Street, stated that the intent of the City plan is for nonconforming properties to eventually come into compliance with current Codes, and granting exceptions to the Sign Code prevents the City from reaching that goal. She commented that Arco has not been a good neighbor to the adjacent residents. She said that the applicant does not maintain the fence and trees along the property line. She asked that the conditions placed on the applicant be made very clear.

In response to a question from Commissioner Fasola, **Ms. Franklin** indicated that she wants the applicant to be successful; however, she would want for the facility to meet the needs of the adjacent community and to not become a draw for people at late hours.

**Rich Franklin**, a resident of the 1000 block of 11<sup>th</sup> Street, said that he would like for the trees behind the station to be preserved if possible. He asked about whether the air compressor can be enclosed to minimize noise. He commented that the lighting of the station is bright enough that he can tell when they are shut off. He requested that the Commission place restrictions to minimize the noise and the light impacts from the station.

**Todd Wolf**, a resident of the 1000 block of 11<sup>th</sup> Street, said that he would personally prefer that a space remain between the building and the adjacent properties rather than it being built up to the property line. He stated that removing the existing trees and having a new structure that is built to the property line would result in the neighbors looking at a 20 foot wall. He indicated that the project would impact the value of the adjacent homes. He said that currently no one monitors or penalizes the operators of the station. He said that the applicant does not maintain the property or the trash. He indicated that the traffic at Dianthus Street and Manhattan Beach Boulevard is unbearable. He indicated that the proposed expansion would result in more customers stopping at the gas station, which would exacerbate the existing problem with traffic. He also pointed out that there is no one that would monitor the hours of the station.

**Robert Lye**, 1000 11<sup>th</sup> Street, pointed out that the extension of hours was previously denied. He said that he would request that the station close at 9:00 p.m. He stated that the proposal would increase traffic, which is already a problem in the area.

Chairperson Seville-Jones closed the public hearing.

At 8:10 p.m., a five minute recess was taken.

**Mr. Cohen** pointed out that most of the new square footage would be for storage and equipment, and the size of the sales area would only be increased by about 100 square feet. He said that they need to expand the storage area in order to meet current health code requirements. He indicated that they do not feel the amount of activity at the station would be increased by the proposal. He pointed out that they have been working with staff since 2008 to arrive at the best possible design for the project. He indicated that the delivery trucks can be accommodated on site.

Commissioner Fasola asked how a large delivery truck can maneuver through the site.

In response to a question from Commissioner Lesser, **Mr. Cohen** said that a truck entering on Dianthus Street to the south side of the property would need to back out about 20 feet and turn left to exit from Manhattan Beach Boulevard.

Chairperson Seville-Jones said that there is not sufficient information regarding the flow of traffic and how delivery trucks would be able to park and maneuver on the site.

Commissioner Fasola asked how trucks currently make their deliveries and whether it would remain the same with the subject proposal. He pointed out that the residents have expressed that there is an issue currently with delivery trucks parking on Dianthus Street.

In response to a question from Commissioner Fasola, Acting Director Jester said that she is not aware of any situation where large delivery trucks are prohibited from delivering to businesses. She said that it seems reasonable that large delivery trucks should be able to access the site since there is sufficient space to accommodate fuel trucks.

Commissioner Fasola pointed out that fuel trucks arrive during hours that the station is closed and there are not other vehicles parked on the site.

**Mr. Martinez** commented that the issue of delivery trucks accessing the site needs to be considered further.

### **Commissioner Discussion**

Chairperson Seville-Jones requested that the Traffic Engineer provide more input to the Commission at the next hearing regarding the traffic concerns and the testimony that has been received at this hearing. She suggested that the applicant provide further information regarding the traffic circulation; the number of delivery trucks that are expected; the types of trucks that are expected to make deliveries; the hours during which deliveries would occur; how the trucks would be unloaded; and the size of the deliveries.

Commissioner Fasola suggested that the existing mature trees on the southwest side be saved if possible.

Commissioner Lesser asked regarding further input from staff regarding the applicant's request to be permitted to sell single beer cans over 24 ounces.

Acting Director Jester said that staff would want to talk with the Police Department regarding the applicant's request to be able to sell single beer cans over 24 ounces.

Commissioner Lesser asked for further information regarding providing sound buffering equipment for the air conditioning unit on the roof of the proposed structure. He also requested further information on an appropriate location for the air and water unit. He requested more information regarding the traffic flow on the site for delivery trucks; the size of trucks that would be making deliveries; the hours during which deliveries would occur; how any loading area for delivery trucks would impact parking; and whether the size of the proposed structure would need to be reduced to accommodate access for delivery trucks. He commented that he passes by the site every day and has noticed that there are large trucks that park on the street. He stated that he would like further information from the applicant regarding their request to sell single beer cans over 24 ounces. He said that he would also like further information regarding buffering of the air conditioning unit on the roof and regarding the distance of the air conditioning unit from the adjacent neighbors. He commented that he would also like additional information regarding the trees that would be able to be preserved. He said that he does not support changeable copy signs in general, and he does not feel that justification has been demonstrated in this case for granting an exception of the Code requirements.

Commissioner Andreani said that she originally felt it would be beneficial to move the building to the property line due to the concern regarding safety, but she did not consider how it would impact the traffic circulation. She commented that it appears some of the residents would prefer to have the space between the structure and the property line. She commented that she feels the area could be made more secure by providing appropriate lighting that would not spill over to the adjacent residences; by prohibiting parking; and by installing a security camera. She said that she is not clear regarding the benefit of removing a driveway on Manhattan Beach Boulevard and retaining two driveways on Dianthus Street. She indicated that she previously lived near the area, and she did notice an issue with trucks parking in the area. She commented that she feels it may be preferable for two driveways to be provided off of Manhattan Beach Boulevard and one off of Dianthus Street. She commented that she would like to have more information from the Police Department about traffic accidents near the intersection of Manhattan Beach Boulevard and Dianthus Street.

Commissioner Andreani said that she would not support allowing the station to operate 24 hours and would like input from the applicant as to whether Arco would go forward with the project if the expansion of hours is not granted. She indicated that she feels any expansion of hours would exacerbate the concerns that have been expressed by the residents. She said, however, that she would consider allowing the station to open at 6:00 a.m. She commented that she is pleased that the existing pole sign would be removed, as it is not in compliance with the current Code. She said that she would not support electronic changeable copy signs that change frequently. She commented, however, that she would not object to five changeable signs as proposed which would help to eliminate the cluttered appearance of posters in the window. She indicated, however, that she would have a concern with setting a precedent for other businesses who request changeable copy signs. She indicated that she would like for the existing trees to be preserved if possible. She commented that she feels the most appropriate location for the air and water unit may be on the east side of the property instead of where it is placed currently, although it does obstruct a parking space. She stated that she would like for employees of the station to monitor the parking. She said that she also feels that no parking should be permitted in the space near the proposed monument sign.

Commissioner Fasola commented that he is not in favor of changeable copy signs. He pointed out that grocery stores do not have changeable copy signs, and he does not feel they are needed for a mini-mart. He stated that he is not convinced that elimination of a driveway on Manhattan Beach Boulevard is a good solution, and he would like further information from the City's Traffic Engineer. He commented that he would like a condition to be included that the noise from the air conditioning unit and the air and water station could not be audible from a certain distance. He suggested that as many trees be preserved as possible along the south property line. He stated that locating the building at the property line would help to eliminate problems of the neighboring residences regarding trash, pests, and noise. He suggested that the applicant consider improving the appearance of the wall of the structure to make it more attractive. He pointed out that the service station does provide a service to the entire community, and two gas stations have been lost in the area.

Commissioner Paralusz said that she does not object to the size of the project and would be pleased for improvements to be made to the station. She indicated, however, that she does not feel the findings are met in order to approve the changeable copy signs. She suggested that the applicant work with staff to present an argument as to why an exception should be allowed to permit the signs. She commented that she also would like further information regarding the location of the air and water pump and regarding measures to mitigate noise from the air conditioning unit. She indicated that she would like for the deliveries to be required to be done on site. She commented that it is not acceptable for delivery trucks to block traffic on Dianthus Street. She commented that she does not support 24 hour operation and does not feel the argument has been made regarding the necessity for extending the hours. She indicated that it also has not been demonstrated that the concerns expressed by the neighboring residents would be addressed with extended hours. She pointed out that the Union 76 station on Marine and Highland Avenue which is also located close to residences closes at 10:00 p.m. She said that it may be appropriate for the station to open at 6:00 a.m.

Chairperson Seville-Jones commented that continuing the discussion of the item would allow the residents additional time to review the proposal. She indicated that the proposal provides an opportunity to improve the site which is outdated. She commented that it is unfortunate that outreach was not made sooner to the residents and that the relationship between the neighbors and the station is not better. She suggested that the applicant work further with the neighbors to help resolve the issues that have been raised. She pointed out that the applicant is entitled to develop the property in a manner that is within their property rights. She said that she is not in favor of the station expanding its operation to 24 hours, and she does not feel it would be a good use of the applicant's time to present an argument as to why 24 hour operation would be justified. She said that a clear justification for opening at 6:00 a.m. would need to be made before she would support such an extension. She said that she is also dubious as to whether the Sign Exception for changeable copy signs would improve the neighborhood. She stated that it is the responsibility of the applicant to provide justification as to whether they are able to operate the business in a reasonable fashion without the signs. She pointed out that eliminating the pole sign would be a benefit to the community. She said that she has a concern whether deliveries can be accommodated on site. She also said that she would need further input from the Traffic Engineer as to whether the incremental increase in the retail space, the increase in parking spaces, and the more attractive appearance of the property would generate more trips to the station. She said that she also would like further information regarding noise mitigation of the air and water station and the air conditioning units. She commented that she also would like additional information from the Police Department regarding any crime reports for the area.



Commissioner Andreani suggested consideration be given to changing the Code to limit the operating hours of commercial properties located adjacent to residents in order to eliminate the need for residents to object to a business applying for 24 hour operation.

Chairperson Seville-Jones suggested that limiting hours for commercial properties located next to residences could be discussed at the joint meeting of the Commission and City Council.

Acting Manager Jester suggested that the item be renoticed when the applicant has had sufficient time to review the proposal further to address the issues that have been raised.

**E. DIRECTORS ITEMS**

Acting Manager Jester said that the joint meeting of the Commission and City Council is scheduled for February 23, 2010, at the Police and Fire Facility at 6:30 p.m. She said that the main focus of the meeting will be to discuss work plan items.

**F. PLANNING COMMISSION ITEMS**

Commissioner Lesser expressed his sympathy to the victims of the recent earthquake in Haiti.

**G. TENTATIVE AGENDA January 27, 2010**

**H. ADJOURNMENT**

The meeting was adjourned at 9:15 p.m. to Wednesday, January 27, 2010, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN  
Recording Secretary

ATTEST:

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LAURIE JESTER  
Acting Community Development Director