

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
AUGUST 25, 2010**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 25th day of August, 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, Lesser, Paralusz, Seville-Jones, Chairman Fasola
Absent: None
Staff Present: Laurie Jester, Acting Director of Community Development
Angelica Ochoa, Assistant Planner
Recording Secretary: Sarah Boeschen

B. APPROVAL OF MINUTES – July 28, 2010

Commissioner Andreani requested that the language of the first sentence of the fourth paragraph on page 6, of the July 28 minutes be corrected to read: “Acting Director Jester stated that her understanding is that the Commission did not specify that functions could only be held in only certain areas. . .”

Commissioner Andreani requested that page 9, paragraph 9 of the minutes be revised to read: “Commissioner Andreani commented that the language of the draft Resolution currently ~~is~~ reads. . .”

Commissioner Andreani requested that the eighth sentence of the second paragraph on page 10 of the minutes be revised to read: “She commented that she feels the applicant has given up ~~entitlements~~ only things that he wanted and not that were granted to him in the original Use Permit.”

Commissioner Seville-Jones requested that the third sentence of paragraph 10 on page 9 of the minutes be revised to read: “She ~~commented~~ commended **Mr. Hubbard** and **Mr. McPherson** for their work and participation in the discussions. She also ~~commented~~ commended **Mr. Zislis** on arriving at ideas . . .”

Commissioner Lesser requested that paragraph 2 on page 3 of the minutes be revised to read: “In response to a question from Commissioner Lesser, Acting Director Jester commented that Code enforcement to determine if an unauthorized level has been added is done once a complaint is received . . .”

Commissioner Paralusz requested that the last sentence of paragraph 3 on page 3 of the minutes be revised to read: “~~She~~ Acting Director Jester also commented that the large window above the garage door would be very difficult to open from the ground level.”

A motion was MADE and SECONDED (Seville-Jones/Lesser) to **APPROVE** the minutes of June 23, 2010, as amended.

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

ABSTAIN: None

C. AUDIENCE PARTICIPATION

None.

D. BUSINESS ITEMS

08/25/10-2 Consideration of a Request for a One-Year Time Extension of a Master Use Permit and Associated Applications for 1000-1008 Sepulveda Boulevard (1008 Investment Group, LLC)

Commissioner Lesser stated that he is a friend of the project architect. He indicated, however, that he has no financial interest and has not discussed the issue with the applicant. He said that feels he can consider the proposal fairly.

Acting Director Jester commented that staff has determined that there have been no significant changes to the current policies and Code requirements of the City that relate to the original conditions of approval for the proposal, and staff feels the request for the extension is valid. She indicated that staff is recommending that the Commission approve the extension of hours with the same conditions as the original approval.

Commissioner Andreani commented that the first page of the staff report and in the discussion on page 2 of the staff report there has been a parking reduction from 127 to 119 parking spaces; however page 3 of the May 23 minutes indicate that the parking requirement is for 124 parking spaces rather than 127.

Acting Director Jester said that her understanding is that the City Council approved 119 parking spaces.

Commissioner Lesser commented that his recollection is that the project came before the Commission on three occasions, and the number of required parking spaces was changed as a result of comments by the Commission and changes to the design. He said that the final project that was approved differed from the original proposal.

Commissioner Lesser indicated that he would not have a problem in supporting the extension of time. He said that staff has indicated that the current Code requirements have not been changed since the approval.

Commissioner Paralusz said that she would also not object to allowing the time extension.

Commissioner Seville-Jones stated that she would support allowing the extension of time, particularly considering the current economic conditions. She said that the applicant should have the opportunity to find additional financing in order to complete the project. She said that she also does not feel that there have been any changes since the original approval.

Commissioner Andreani indicated that she also would support approving the extension.

Chairman Fasola commented that he has a concern that parking reductions for larger projects are being granted too easily. He indicated that he would hope that the Code is changed in the future so that applicants are not required to submit a parking study to show that a parking reduction is acceptable.

A motion was MADE and SECONDED (Seville-Jones/Paralusz) to **APPROVE** a request for a one-Year Time Extension of a Master Use Permit and Associated Applications for 1000-1008 Sepulveda Boulevard

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

Acting Director Jester explained the appeal process and stated that the item will be placed on the City Council's Consent Calendar for their meeting of September 21, 2010.

E. PUBLIC HEARINGS

08/25/10-3 Consideration of a Use Permit Amendment to Allow the Extension of Hours of Operation and to Allow a New Alcohol License for On-Site Sale of Beer and Wine at 3421 Highland Avenue (North End Café)

Acting Director Jester indicated that the Commissioners have been provided with copies of several letters in support of the application that were received after the staff report was distributed in addition to the letters that were included with the staff report. She stated that the Commissioners have also been provided with a petition in support of the proposal. She commented that staff also received an e-mail in opposition to the project. She indicated that the property owner has owned the site for a number of years and lives in the adjacent neighborhood. She indicated that there was a lot of concern when the restaurant was originally proposed regarding the impacts to the adjacent neighbors, commercial use of the walk-street, noise and trash. She commented that the restaurant was originally approved by the City Council with limited operating hours. She indicated that the parking demand study that was done at the time the restaurant was approved projected a need for four parking spaces, and a parking reduction was approved. She said that the revised parking study that was conducted by the applicant after operating for nine years shows an actual parking demand of two spaces, as 80 percent of the patrons of the restaurant walk or bike rather than drive. She commented that the City's Traffic Engineer looked at the parking study and agreed that the proposed increase of hours and the addition of alcohol service would not result in an increase in the parking demand.

Assistant Planer Ochoa summarized the staff report. She indicated that the request is to extend the daily operating hours and a new beer and wine license for the North End Café. She commented that the applicant is also proposing to continue the existing parking reduction and maintain the existing sidewalk dining permit. She pointed out that the allowed sidewalk dining area outside is included in the total amount of seating inside the restaurant. She stated that the amount of Code required parking for the restaurant is seven spaces and a parking reduction was granted in 2001 for four spaces. She indicated that the applicant is now requesting a further reduction of two parking spaces. She said that the current operating hours are 9:00 a.m. to 8:00 p.m. Monday through Thursday and 7:00 a.m. to 8:00 p.m. Friday through Sunday. She indicated that the applicant is proposing hours from 7:00 a.m. to 10:00 pm. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. She said that the applicant is also proposing to have wine and beer service for the inside dining area. She pointed out that no alcohol service is proposed for the outside dining tables.

Assistant Planner Ochoa said that the applicant submitted a parking survey and customer profile which showed that the majority of customers either walk or ride bicycles rather than drive. She stated that the establishment serves the local community and businesses and is not a destination type of restaurant. She commented that there is a condition included in the draft

Resolution to require that the applicant improve the landscaping along the adjacent walk-street as well as to include a bike rack. She indicated that the project was noticed to property owners within a 500 foot radius of the subject site. She commented that staff has received several letters of support from neighboring residents and business owners. She pointed out that no change in the building floor area or seating is proposed. She stated that the Traffic Engineer did review the applicant's parking study and felt that the proposal would not impact the parking demand. She commented that no concerns were raised by the Police Department. She pointed out that there is a condition that alcohol service, dancing or entertainment not be permitted in the outside seating area. She said that staff felt the proposal is consistent with the existing surrounding businesses in the area and that staff could support the proposed Use Permit Amendment.

In response to a question from Commissioner Lesser, Acting Director Jester said that the Traffic Engineer makes the determination as to whether a professional parking demand survey is required for a project. She commented that the Traffic Engineer felt that it was appropriate to have the applicant conduct their own parking demand survey for the subject application, as it is a small business that serves local customers and neighboring residents. She indicated that a professional survey is commonly done for larger projects.

In response to a question from Commissioner Paralusz, Acting Director Jester commented that the two parking spaces that are required to meet the parking demand are not specifically allocated for use by the restaurant. Acting Director Jester indicated that the Traffic Engineer felt that there is adequate public parking in the area to accommodate the use and therefore it meets the parking demand.

Commissioner Andreani stated that it appears the applicant is in violation of Code Section A.44.040 (j), which specifies that parking waivers can be granted for restaurants that serve breakfast and lunch only. She indicated that if the Code section still stands, the applicant has been in violation by serving dinner until 8:00 p.m. She commented that she is not certain of proceeding with granting additional hours of operation if the applicant is prohibited by the Code from serving dinner because of the parking reduction.

Acting Director Jester indicated that City Council Resolution No. 5706 indicates that the City Council made the findings to approve the parking reduction for the restaurant. She said that the City Council determined that the correct Code section that applies was 10.64.050 (B).

Commissioner Seville-Jones pointed out that the City Council made the finding in Section Q (1) of Resolution No. 5706 to allow the parking reduction for the restaurant because it was only open for dinner until 8:00 p.m. and was not a destination type of restaurant. She asked about approving a later closing hour given that the City Council based their original determination on the existing operating hours.

Acting Director Jester indicated that a parking demand study was done based on the anticipated use of the restaurant at the time it was originally proposed. She indicated that the business has now been in operation for nine years, and it has been determined that the actual parking demand is for two spaces. She indicated that the City Traffic Engineer has determined that there is an 80 percent reduction in parking based on the survey and customer profile submitted by the applicant. She commented that Section 10.64.050 (B) allows a parking reduction beyond the determination of the City Council's original findings, which was determined to be appropriate by the City Traffic Engineer.

Commissioner Paralusz commented that her interpretation is that there is no language in Code Section A.44.040 (j) that limits parking reductions only to establishments that serve breakfast

and lunch. She also pointed out that the City Council in their findings did recognize that the restaurant was open for dinner.

Commissioner Andreani said that although over 80 percent of the patrons may not drive to the restaurant, she is concerned with exacerbating an existing problem in the North End by reducing the parking.

In response to a question from Commissioner Seville-Jones, Assistant Planner Ochoa indicated that staff felt that allowing beer and wine service and extending the daily operating hours for the subject establishment would be consistent with the other businesses in the area.

Acting Director Jester pointed out that the Police Department did not express any concern with the establishment or with allowing beer and wine service.

Chairman Fasola asked if granting the extension for the subject restaurant would entitle Sloopy's and The Local Yolk to be granted a similar request for extended hours.

Acting Director Jester pointed out that The Local Yolk is currently entitled to operate until midnight. She indicated that Sloopy's does not have a designated opening hour but has a closing hour of 9:00 p.m. She said that the permitted operating hours are enforced on a compliant basis.

Chairman Fasola pointed out that other restaurants in the area also do not provide parking. He indicated that the operators of other restaurants in the North End could also argue that most of their patrons walk rather than drive to their establishments and could make a similar request for a parking reduction.

Elizabeth Srour, representing the applicant, commented that she is not only speaking as the applicant's representative but also as a resident of the area. She pointed out that the business has been operating in compliance with the conditions of approval since 2001. She indicated that the restaurant has been operating as a successful small business for 7 ½ years with no problems. She stated that staff has determined that the restaurant has been in compliance with the conditions of approval. She stated that staff has determined that the application for the extension of hours and the addition of beer and wine service is not a material change to the business and is worthy of approval. She pointed out that no expansion of the business is proposed, and no amplified music or entertainment is proposed. She said that they currently have a permit for sidewalk dining, and a condition would be imposed that no alcohol may be served on the sidewalk.

Ms. Srour stated that the operation is a very small and informal beach oriented café, and the addition of beer and wine service would not change the nature of the business or the relationship of the business to the community. She indicated that the goal of the applicant is to remain competitive and to continue to run a successful business in the North End. She also pointed out that most businesses in the North End have the ability to remain open until later hours; a number of the business in the area have full alcohol licenses rather than only for beer and wine service; and very few businesses in the area provide parking. She stated that the City has crafted an Ordinance to allow for reduced parking given that there are a variety of uses in the area with different peak parking demands. She commented that the peak usage for bars and clubs in the area during nighttime hours does not occur until after 10:00 p.m. She said that the Code language states that parking reductions may be granted for restaurants such as those that are open for breakfast and lunch but does not preclude allowing such reductions for restaurants that are open for dinner. She indicated that the language of the Code is a guideline and is specifying a certain type of use. She commented that the business caters to the neighboring

residents. She said that the restaurant is limited to its present size and is not proposed to change. She pointed out that the conditions limits the size of the establishment to 22 seats and no more than 300 square feet of operating area, and any additional change that would increase the parking demand would be required to come before the Commission.

Commissioner Lesser commented that the Commissioners must consider future owners and operators of the property as well as the current operators in reviewing entitlements that are granted. He also asked about other restaurants possibly making similar requests given that parking is a large issue in the area.

Ms. Srour pointed out that most of the restaurants in the area currently have the ability to remain open until later hours. She said that the subject site has a mix of uses, and many of the personal service uses close early.

In response to a question from Commissioner Lesser, **Ms. Srour** stated that the applicant has submitted information that shows that there is parking available in the area between 5:00 p.m. and 11:00 p.m.

Commissioner Paralusz commented that there is no on-site parking, and she asked if there is actually a distinction between requiring two or four parking spaces.

Acting Director Jester indicated that the Traffic Engineer determined that the amount of street parking is sufficient to accommodate the restaurant use.

Ms. Srour commented that the owners of the property live in the area. She indicated that there are three private spaces that are available for parking that are used by the owners.

Chairman Fasola opened the public hearing.

Bill Foster, an east Manhattan Beach resident, said that he is able to find parking when he drives to the North End. He pointed out that smaller restaurants such as the subject establishment are suffering as a result of the large number of chain restaurants. He said that the application would allow the restaurant to be compatible with other businesses in the area. He indicated that the proposal meets the goal of maintaining smaller businesses in the City. He said that the establishment maintains a small scale atmosphere and is consistent with the mission statement of the North End Commercial District of supporting smaller locally run businesses. He also pointed out that the police have not raised objections regarding parking. He said that the concern of parking with extending the operating hours from 8:00 p.m. to 10:00 p.m. is mitigated by other businesses in the area closing at different times.

Elise Goodrich, a Manhattan Beach resident, said that they walk to the North End. She commented that she supports the application. She said that the restaurant is not a bar, and the proposal would not negatively impact the community. She indicated that the proposal would benefit the business, and the applicant should have the ability to remain competitive with other restaurants.

Gifford Cast, a resident of the 200 block of 35th Street, said that there are 12 to 15 eating and drinking establishments within three blocks of the subject site. He commented that the police did have a problem with the area many years ago. He said that one rule for granting a new license to serve alcohol is that the site must not be located within 100 feet of a residential neighborhood. He stated that the establishment was previously occupied by a dry cleaning business and historically was not a restaurant that included alcohol service. He indicated that residents in the area signed a petition in 2001 when the business was originally approved to

prohibit new or expanded encroachments for the commercial use of the walk-street at 35th Street and Highland Avenue. He indicated that he feels the residents should have a fair warning of pending action if the ABC (Alcoholic Beverage Control) grants a license for the establishment. He said that the North End would not meet the parking demand to support the expansion of hours for the restaurant in conjunction with the other drinking and eating establishments in the area. He commented that the adjacent residents would be impacted by the change as proposed by the applicant. He said that he does not feel the City should consider the expansion of use of the subject site, and the proposal is not consistent with the original approval by the City Council.

Keri Bixby said that the restaurant is a great benefit to the local community. She indicated that the area was built around small local shops and businesses such as the subject restaurant. She commented that the proposal would provide a great opportunity to allow the restaurant to serve dinner.

Valerie Buck, a resident of the 3000 block of The Strand, said that she walks to the North End Cafe. She indicated that the restaurant is a local establishment. She requested that the Commission approve the proposal to allow it to be consistent with the other restaurants in the area that are able to remain open until later hours. She indicated that the restaurant currently is not able to have the opportunity to serve dinner to those who want to eat after 8:00 p.m. She indicated that the restaurant serves high quality food, and the applicant should have the opportunity to also serve wine.

Laurie Lewis, a resident of the 100 block of 30th Place, said that the restaurant is a local neighborhood establishment that is enjoyed by the residents. She commented that allowing beer and wine service would not change the nature of the restaurant, and it would be great to have a glass of wine with dinner. She stated that the community wants establishments like the subject restaurant. She commented that the applicant has lived in the community for over 40 years, and the neighboring residents want the restaurant to be successful.

Harry Ashakin indicated that the proposal would benefit the other businesses in the area as well as the applicant. He commented that bicycle racks are being installed in the North End, and more will be installed in the next couple of weeks. He said that he believes the restaurants are used by the local residents. He stated that the subject restaurant has not impacted the traffic.

Richard Knapp, a resident of the 400 block of 33rd street, said that the local residents walk to the restaurants in the area. He commented that allowing the expansion of hours for the applicant would allow them to remain competitive with the other restaurants in the area. He indicated that he would like to be able to have a glass of wine with dinner at the restaurant.

Andrew Matthews, a resident of the 400 block of 32nd Street, said that he supports the application. He stated that the establishment has enhanced the neighborhood. He indicated that he and his neighbors walk to the establishment. He commented that the applicants are responsible business owners and should be supported. He indicated that the applicants would not be receiving equal treatment to the other businesses in the area if the subject application is denied. He commented that he does not feel that parking is an issue, and he strongly supports the applicant's petition.

Jack Gillespie, a resident of the 700 block of 33rd Street, indicated that he has been a customer of the restaurant since they opened. He pointed out that there may have been opposition when the restaurant was originally approved, but now there is much support by the neighboring residents. He stated that the business has been operated responsibly. He stated that he would

urge the Commissioners to grant the applicant's request and allow them the same opportunity as the other businesses in the area.

Dirk Dirose, a resident of the 600 block of 25th Street, said that he walks to the North End Café every weekend. He indicated that parking for the restaurant is not an issue. He said that the food that is served at the restaurant is excellent and deserves to be accompanied by a glass of wine. He indicated that the application would not result in the restaurant turning into a bar.

Don McPherson, a resident of the 1000 block of 1st Street, said that approving the request would be ignoring the City's Parking Ordinance. He indicated that granting the request for the subject establishment would set a precedent for other businesses in the area to make similar requests. He indicated that the subject site is not exempt from the requirements of Code Section A.44.040(J). He stated that the Code section indicates that granting a parking waiver is restricted to small restaurants that serve breakfast and lunch, and granting extended hours until 10:00 p.m. or 11:00 p.m. is a blatant violation of the Code. He indicated that the language of the Code should be changed if the Code sections are going to be ignored. He pointed out that Sloopy's was denied an expansion in 1995 because of parking. He said that parking is a constant problem in the North End.

Micky Robins, a resident of 34th Street, said that the restaurant provides a quality of life to the adjacent residents. She commented that the applicant deserves to have the opportunity for their business to be successful, and the restaurant provides a great service to the community. She commented that the restaurant serves excellent food. She stated that she would urge the Commission to consider the benefit that the restaurant brings to the North End and approve the proposal.

Wayne Partridge, a resident of the 3000 block of The Strand, said that granting the proposal would be contravening the City's Parking Ordinance. He commented that the City Council created the Parking Ordinance to address the problem of parking in the North End. He indicated that the existing uses were permitted to retain their nonconforming parking when the Parking Ordinance was enacted, but any new uses were required to meet the conditions of the Ordinance. He stated that the subject restaurant replaced a dry cleaning use in 2002, which has a much lower parking requirement than a restaurant. He commented that the Traffic Engineer's analysis was based on data that was supplied by the applicant, and it would be more appropriate to have a professional parking study done to determine whether the parking reduction can be supported based on the actual utilization of the site.

Brendan Monahan, a resident of the 300 block of 35th Street, indicated that the establishment is a very diminutive and demure establishment. He indicated that the restaurant is very neighborhood oriented, and the local residents want for the applicant to have the opportunity to be successful.

Ms. Srour indicated that the proposed changes to the existing establishment meet the goals for the City and the North End to encourage low profile development; to be pedestrian oriented; and provide desired services to the community, neighborhood, visitors and businesses. She said that the business also complies with the guidelines of the Use Permit. She commented that the Code language states that parking reductions may be granted for restaurants "such as" those that are open for breakfast and lunch but does not preclude allowing such reductions for restaurants that are open for dinner. She said that the language of the Code is a guideline and not a condition. She pointed out that any future change to the business that would require an increase in parking would need to come back before the Commission. She indicated that the proposal does not pose a future negative impact on the surrounding area. She said that there is parking available to accommodate the restaurant. She pointed out that the information

collected from the surveys was provided by the customers of the restaurant. She indicated that the applicant does agree with the proposed conditions in the draft Resolution including the landscaping along the public right-of-way.

Commissioner Seville-Jones asked regarding whether the survey of the customers that was done by the applicant included only certain patrons or all customers.

Ms. Srour commented that the survey forms were available for patrons to complete.

John Atkinson, the applicant, said that the survey forms were filled out by approximately 80 to 100 percent of the patrons of the restaurant during the times that the forms were made available. He indicated that the surveys would be made available to patrons during different times in order to receive responses from a larger cross section of their customers.

Chairman Fasola closed the public hearing.

Commissioner Seville-Jones said that it is a tribute to the applicant that they have established a restaurant that is beloved and supported by the neighborhood. She pointed out that there are not neighbors who are complaining about noise from the restaurant. She commented that the establishment is not a large restaurant and would not become a destination type of use. She said that the applicant has established a record after operating the establishment over the last nine years. She indicated that the findings of the City Council in 2001 provide sufficient guidance that the proposal can be approved if the Commission can conclude that the parking demand would not be increased. She stated that she can make the determination that the parking demand would not be increased based on the input of the Traffic Engineer and the information that has been provided by the applicant. She said that the City Council's findings in approving the project include that the subject use is not a destination type restaurant but rather a small neighborhood serving use. She said that a small neighborhood use can be one that operates during nighttime as well as daytime hours.

Commissioner Seville-Jones indicated that she feels the findings can be made that the project is consistent with the intent of Code section A.44.040(j). She stated that she feels the finding can be made that the parking demand would be less than the parking requirement and that the long term occupancy would not generate additional parking demand. She indicated that she also relies on the input of the City's Traffic Engineer and that there is a mix of uses in the area that generate peak parking demands during different hours. She commented that she does have a concern with the intensification of alcohol use in the North End. She stated, however, that she can overlook her concern for the subject restaurant because it is a very small use. She indicated that she also has a concern regarding the precedent that could be set for other businesses by approving the subject request for an increase in hours. She stated, however, that she hopes that the request would not set a precedent for other larger establishments.

Commissioner Paralusz said that she supports the application. She indicated that any business can request to extend their hours; however, the Commission can consider each request on an individual basis. She commented that she feels **Ms. Srour** has provided very convincing arguments for approval of the request. She stated that there is no on-site parking that is being requested to be reduced. She also said that it has been indicated that 83 percent of the patrons walk or bike to the restaurant rather than drive. She indicated that she does not feel that adding two extra hours during the week and three hours on weekends would result in an increase in traffic. She commented that it is not a large request to ask for the ability to serve dinner with a glass of wine to customers at 8:15 in the evening. She said that the restaurant is a well run establishment with great food that is serving the local community. She also pointed out that the applicant is not proposing to have live music or entertainment. She commented that allowing

the parking reduction is consistent with the intent of Code Section A.44.040(j). She stated that the Code language allowing parking reductions for businesses that serve breakfast and lunch does not preclude allowing such reductions for establishments that serve dinner. She indicated that she also wants to encourage a business that is doing well to continue to be successful, and she believes that granting the subject application would help the applicant within the bounds of the Code. She indicated that she supports the proposal.

Commissioner Andreani said that she also supports neighborhood oriented establishments, and she enjoys walking to restaurants and other uses in the area. She commented that she feels it is also important to consider that the applicant lives in the downtown area and has successfully operated the business for the past eight years. She stated, however, that she is concerned about the parking. She said that the relaxing of parking requirements does a disservice to the current business owners and potential future business owners. She commented that she has driven by the North End over the past several evenings between 7:00 p.m. and 8:00 p.m. and saw no available parking. She said that the establishment serves good food and does not generate a lot of noise. She suggested allowing the alcohol license for beer and wine service to be approved and limiting the operating hours between 7:00 a.m. and 8:00 p.m. Monday through Thursday and between 7:00 a.m. and 10:00 p.m. Friday through Sunday. She commented that she likes the inclusion of the sidewalk dining at the restaurant; however, there is an indication in the staff report that there has been an enforcement issue with the tables and chairs being moved onto the public sidewalk. She suggested adding a condition that all tables and chairs must be removed from City property by 10:30 p.m. under Item 7 on page 5 of the draft Resolution. She said that she would also like for a timeline to be included in Section 2, Item 2 on page 5 of the draft Resolution for improving the landscaping along the walk-street. She indicated that she would support the proposed changes for the restaurant but does have a concern regarding parking.

Commissioner Lesser commented that he can support the proposal, although he does have a concern regarding parking. He commented that he would have liked for the Traffic Engineer to be present at the hearing to address some of the concerns that have been raised. He indicated that he also would have liked for a professional parking study to have been conducted. He stated, however, that he does trust the expert opinion of the Traffic Engineer that the proposal would not impact the parking demand and that there is sufficient parking to accommodate the use. He indicated that he does have concerns regarding parking after 8:00 p.m., as he previously lived in the area and would need to drive around the neighborhood looking for parking spaces at that hour. He said that he also interprets the language of Code Section A.44.040(j) as not precluding restaurants that are open for dinner from being granted a parking reduction. He commented that the restaurant is an upper scale neighborhood use. He pointed out that the draft Resolution also includes that the Community Development Director would have the ability to approve any future change in the use.

Chairman Fasola indicated that he is happy that the restaurant is successful. He said that he supports the proposal, as the restaurant is small and has not caused problems for the adjacent residents. He commented that he does have a concern with allowing alcohol service and extended hours. He indicated that he also has a concern with the entitlements running with the property, although it may not be an issue because of the small size of the use. He commented that he remembers that the quality of life of the adjacent residents was improved when Sloopy's received approval to remain open for dinner. He said that he would wish that the encroachment area could be used for dining. He asked whether the other Commissioners feel that allowing the request for alcohol service and extended hours in the morning and in the evening would be too great of a change of the business.

Commissioner Paralusz commented that she does not feel the request for additional hours and the request for alcohol service are inconsistent with each other. She indicated that she can support the applicant's request.

Commissioner Andreani stated that she feels the restaurant is definitely unique and worthy of supporting; however, the requirement for parking has become more exacerbated in the North End. She pointed out that the parking problem in the North End resulted in the approval of the valet service. She indicated that the previous approval for the parking reduction was based on the current hours of operation and no alcohol service. She commented that extending the operating hours and adding alcohol service would exacerbate the parking problem. She indicated that she is not in favor of reducing the required parking from four parking spaces to two spaces, as there is no on-site parking.

Commissioner Seville-Jones indicated that the majority of the patrons walk rather than drive to the restaurant, and it is a neighborhood oriented use. She commented that several neighbors have indicated that they would like to be able to have dinner with a glass of wine at the North End Café. She commented that she does not feel that extending the hours would change the nature of the restaurant given its small footprint.

Chairman Fasola commented that there is an incremental effect in allowing longer and alcohol service for restaurants. He commented that there are currently two restaurants across from the subject establishment that serve breakfast, and adding hours for the subject use would result in an increase in the parking demand.

Commissioner Paralusz commented that adding hours may not result in a greater parking demand, as people who would choose to visit the North End Café would most likely be in the area regardless of whether the restaurant has extended hours.

Chairman Fasola commented that increasing the hours of a business creates an expectation of an increase in the number of customers.

Commissioner Lesser said that he feels that allowing the alcohol service is less of an issue for the subject restaurant because it is very small and because it would be in conjunction with food service.

A motion was MADE and SECONDED (Paralusz/Seville-Jones) to **APPROVE** a Use Permit Amendment to allow the extension of hours of operation and to allow a new alcohol license for on-site sale of beer and wine at 3421 Highland Avenue

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

Acting Director Jester explained the appeal process and indicated that the item will be placed on the City Council's Consent Calendar for their meeting of September 21, 2010.

At 9:10 a 10 minute break was taken.

08/25/10-4 Consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan

Chairman Fasola asked about continuing the hearing regarding comprehensive sustainable building measures to the next meeting, as a full amount of time and attention should be given to discussion of the item.

Chairman Fasola opened the public hearing.

A motion was MADE and SECONDED (Paralusz/Lesser) to **CONTINUE** consideration of Environmental Task Force Recommendations to Amend Title 10 Planning and Zoning of the Manhattan Beach Municipal Code and the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as part of the City Council 2009-2010 Work Plan to the meeting of September 8, 2010.

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

F. DIRECTORS ITEMS

Acting Director Jester pointed out that continuation of the hearing regarding the Recreational Vehicle Ordinance is on the agenda of the Parking and Public Improvements Commission for their meeting of August 26, 2010, at 6:30 p.m.

Acting Director Jester commented that the California American Planning Association Conference is scheduled for November 1-14 in Carlsbad.

G. PLANNING COMMISSION ITEMS

Commissioner Lesser indicated that the Manhattan Beach Neighborhood Watch is offering a program entitled "Map Your Neighborhood" to help with earthquake preparedness. He said that the program demonstrates how neighbors can help each other in a major quake when rescue workers are overwhelmed. He said that a neighborhood watch training meeting is scheduled for September 9, 2010, at 7:00 p.m. in the Manhattan Beach Police Department Community Room. He said that information is available by calling Neighborhood Watch at (310) 802-5183.

H. TENTATIVE AGENDA September 8, 2010

Continuation of Sustainable Building Measures Code Amendments.

I. ADJOURNMENT

The meeting was adjourned at 9:35 p.m. to Wednesday, September 8, 2010, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

LAURIE JESTER
Acting Community Development Director