

**CITY OF MANHATTAN BEACH  
[DRAFT] PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
MARCH 23, 2011**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 23rd day of March, 2011, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**1. ROLL CALL**

Present: Andreani, Fasola, Seville-Jones, Chairperson Paralusz  
Absent: None  
Staff Present: Richard Thompson, Director of Community Development  
Laurie Jester, Planning Manager  
Angelica Ochoa, Assistant Planner  
Michael Rocque, Assistant Planner  
Recording Secretary, Sarah Boeschen

**2. CEREMONIAL CALENDAR**

**03/23/11-1 Presentation of a Certificate Commending David Lesser for his Years of Service on the Planning Commission**

Chairperson Paralusz presented David Lesser with a plaque commending him for his six years of service on the Planning Commission.

Commissioner Seville-Jones commented that Councilman Lesser has been a beacon on the Commission over the past six years. She commended him for his wisdom and grace in serving on the Commission.

Commissioner Fasola thanked Councilman Lesser for his guidance on the Commission.

Commissioner Andreani said that she looks forward to Councilman Lesser's work on the City Council. She commended him for his inquisitiveness, thoughtfulness and fairness in considering issues.

Chairperson Paralusz indicated that she echoes the comments of the other Commissioners. She commented that Councilman Lesser has served as her model as a public servant. She indicated that he has always displayed integrity and grace and dedication to the community.

Councilman Lesser thanked the Commissioners and staff for their service to the community. He indicated that he hopes the Commissioners will come to him as a member of the Council with their comments.

**3. APPROVAL OF MINUTES – March 9, 2011**

Commissioner Seville-Jones requested that the language of the first sentence of paragraph 8 on page 5 of the March 9 minutes be revised to read: "Commissioner Seville-Jones suggested ~~requiring~~ that one solution would be to require a height limit of 29 feet for new construction . . ."

Commissioner Fasola requested that language be added to the beginning of paragraph 8 on page 9 of the minutes to read: "Explaining why he does not support this Resolution, Commissioner Fasola commented that the proposed standards do not address the most significant issues regarding energy

conservation . . .”

Commissioner Andreani commented that Chairman Paralusz’ name is listed twice as present under the roll call.

A motion was MADE and SECONDED (Fasola/Andreani) to **APPROVE** the minutes of March 9, 2011, as amended.

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

#### **4. AUDIENCE PARTICIPATION**

**Elaine Turner**, a resident of the 1700 block of Oak Avenue, asked if there are any proposals to regulate the traffic on Oak Avenue. She commented that there is a permanent speed sign on El Segundo Boulevard which displays the speed of vehicles traveling on the street. She suggested that a permanent speed monitoring unit be placed on Oak Avenue. She commented that she knows that speed bumps were not pursued because of fire and police requirements for access. She also suggested the possibility of adding a speed limit sign. She commented that she supports the City providing the smaller half-sized trash cans.

Director Thompson said that he can have someone from the City contact **Ms. Turner** regarding her concerns.

Chairperson Paralusz pointed out that there is a smaller charge for trash collection with the use of the smaller trash cans.

#### **5. PUBLIC HEARINGS**

##### **03/23/11-3 Consideration of a Use Permit Amendment to Allow the Sale of Beer and Wine at Walgreens Located at 2400 North Sepulveda Boulevard**

Director Thompson pointed out that there is an error in the subject line on the first page of the staff report which indicates that the proposal is to allow the sale of beer at Walgreens. He indicated that the proposal is to allow the sale of beer and wine.

Assistant Planner Rocque summarized the staff report.

In response to a question from Commissioner Seville-Jones, Assistant Planner Rocque said that staff has not received any complaints regarding Walgreens.

In response to a question from Commissioner Seville-Jones, Assistant Planner Rocque stated that the drive-thru window is restricted to the pharmacy only, and alcohol would only be purchased inside of the store.

In response to a question from Commissioner Andreani, Assistant Planner Rocque stated that the Red Carpet Carwash does not sell alcohol.

In response to a question from Commissioner Andreani, Assistant Planner Rocque indicated that according to the Police Department records, there was one reported theft of alcohol at the

CVS drug store location on Rosecrans and two at the location on Sepulveda Boulevard since January of 2010.

Chairperson Paralusz opened the public hearing.

**Matt Zurich**, representing the applicant, stated that the application is modest with a request for beer and wine sales only. He pointed out that they are proposing to sell a limited amount of beer and wine with no distilled spirits or hard liquor. He indicated that they would not sell single beers or small bottles of wine. He stated that the space dedicated to alcohol sales would be very small in relation to the entire store. He commented that Walgreens is a trusted company. He said that they have security cameras at the store. He also stated that the employees are required to have corporate training before they can sell alcohol. He pointed out that the police do not have a concern with the proposal. He indicated that CVS sells a full line of liquor. He said that they agree with the conditions suggested by staff.

In response to a question from Commissioner Seville-Jones, **Mr. Zurich** indicated that Walgreens is beginning to sell beer and wine at their locations throughout the country. He commented that the proposal for the sale of beer and wine is in response to customer demand. He said that many people prefer to buy wine at a drug store or grocery store because it is more convenient when they are shopping for other items.

Chairman Paralusz closed the public hearing.

Commissioner Seville-Jones indicated that she supports the application, as it is consistent with a corporate directive of Walgreens in response to the request of customers. She pointed out that the site was previously occupied by Albertsons which had a license for the sale of full alcohol. She said that she does not feel that the residents located behind the subject site would be impacted by the sale of beer and wine. She commented that she feels Walgreens has been very responsible. She commented that a very limited amount of square footage would be dedicated to alcohol sales, and the hours are limited. She commented that she feels the findings can be met and that the proposal would be consistent with the General Plan.

Commissioner Fasola said that he can support the proposal. He indicated that it is consistent with other grocery stores in the City.

Commissioner Andreani stated that she concurs with the statements of the other Commissioners and does not have an objection to the proposal.

Chairperson Paralusz said that she also supports the proposal. She indicated that the applicant has been a good neighbor and a great addition to the Sepulveda corridor.

A motion was MADE and SECONDED (Seville-Jones/Fasola) to **APPROVE** a Use Permit Amendment to allow the sale of beer and wine at Walgreens located at 2400 North Sepulveda Boulevard

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

Director Thompson explained the 15-day appeal period and stated that the item will be placed on the City Council's consent calendar for their meeting of April 19, 2011.

**03/23/11-4 Consideration of a Use Permit for an Existing Restaurant to Allow On-Site Consumption of Beer and Wine and Outdoor Dining for Hotdoggers Located at 1605 North Sepulveda Boulevard**

Assistant Planner Ochoa summarized the staff report.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa indicated that there are 18 existing parking spaces for the site which are allowed to remain as nonconforming. She commented that four additional spaces are proposed to accommodate the outdoor patio area. She indicated that the requirement for the patio area as proposed would be five parking spaces.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa stated that staff's understanding is that the applicant would like to proceed with the alternative site plan that they have provided. She indicated that it was provided just prior to the distribution of the staff report and staff has not had an opportunity to review the revised plans and the applicant would address any questions.

In response to a question from Commissioner Andreani, Assistant Planner Ochoa commented that a site plan that was approved for a prior restaurant on the site in 2002 includes 18 parking spaces. She indicated that 17 parking spaces are on the site currently since the parking area has been restriped. She indicated that the last parking space on the Sepulveda Boulevard lot is a substandard space and was restriped incorrectly.

In response to a question from Commissioner Seville-Jones, Assistant Planner Ochoa stated that the existing building is non-conforming for parking and the parking can remain and that only new parking needs to be provided for the new patio. She indicated that the size of the proposed outdoor patio could be reduced to address the current proposal for 22 parking spaces. She indicated that staff is recommending that the plan for the patio area should be reduced to allow for 22 parking spaces rather than 23 as would be required with the current plans.

In response to a question from Commissioner Seville-Jones, Director Thompson said that there are conditions of approval that are required for the alcohol license. He indicated that the Commission can make the determination as to whether they can support the required findings for allowing alcohol service. He indicated that the determination of allowing beer and wine service is on a case by case basis.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa commented that the parking spaces for the site located off of Sepulveda Boulevard will need to meet the minimum standards of the Code for parking dimensions and backup as shown on the plans.

Chairperson Paralusz opened the public hearing.

**Sandy Seaman**, the applicant, introduced the architect for the project, **Louis Skelton**.

**Louis Skelton**, the project architect, said that the establishment would be a prototype for other locations of Hotdoggers. He indicated that Kentucky Fried Chicken opened on the subject site in 1972. He pointed out that the requirement for 23 parking spaces is under the guidelines for fast food establishments, which is a higher requirement than for sit-down restaurants that have a slower turnover in parking. He commented that they are closer to a sit-down establishment than fast food establishment. He said that Kentucky Fried Chicken and the subsequent uses on the site did not provide sufficient seating for customers. He indicated that after studying the site and design and because of noise on Sepulveda Boulevard they decided to eliminate the

front patio and enlarge the patio on the rear, which is the new alternative site plan. He pointed out that they intend to comply with the City's parking requirements without requesting a reduction. He said that the reason for the application is to include the outdoor dining area and the request for alcohol service. He indicated that the intent was for the proposed hours of operation to apply for the use of the patio and for alcohol service and not for the main restaurant. He commented that the intent is to allow operation of the restaurant as currently is operating (24 hours a day) and for the hours of operation to apply to the use of the patio and alcohol service only.

**Mr. Skelton** said that his interpretation of the Code language is that any use that existed prior to the Code would be permitted to have ingress and egress off of Oak Avenue between 10:00 p.m. and 6:00 a.m. as an existing use. He indicated that staff's interpretation is that the use (as parking) is allowed as proposed but the access off of Oak Avenue between 10:00 p.m. and 6:00 a.m. is prohibited. He said that there would not be an intrusion into the neighborhood from cars entering or exiting the proposed establishment. He commented that they are proposing to have a sign to state "Right Turn to 17<sup>th</sup> Street Only." He said that there also would not be an entrance to the site from Oak Avenue, only an exit. He stated that there would be a 6-foot high wall around the perimeter of the patio to mitigate noise, and the patio is 4 feet below the level of 17<sup>th</sup> Street. He commented that they would take any additional mitigation measures to minimize the impact of noise to the adjacent neighbors if it does create an issue.

In response to a question from Commissioner Fasola, **Mr. Skelton** commented that the intent of the establishment is to provide a family restaurant where birthday parties could be held. He said that they would allow for their customers to show their own pictures on the video screens. He stated that there would not be a video screen on the patio. He indicated that he would estimate that beer and wine sales would be in the range of 5 to 8 percent of the total sales. He indicated that the focus would be on the food and not alcohol.

Commissioner Fasola said that he would have a concern that the patio could become a late night drinking area and result in noise issues.

**Mr. Skelton** commented that the only access to the patio would be through the restaurant, and the patio would be an extension of the interior dining area.

In response to a question from Commissioner Seville-Jones, **Mr. Skelton** indicated that the intent of the patio is to provide an area to accommodate birthday parties.

Commissioner Seville-Jones commented that the patio area is proposed to be enclosed by a 6-foot wall with a covering on top, which would seem to be more of an enclosed area than a patio.

In response to a question from Commissioner Seville-Jones, **Mr. Skelton** stated that they are defining the establishment as a restaurant rather than a fast food operation. He stated that they intend to comply with the parking requirement.

In response to a question from Commissioner Seville-Jones, **Mr. Skelton** indicated that Code Section 10.68.070 allows an exception for parking on parking lots that existed prior to the time that the Code section was enacted.

Commissioner Seville-Jones commented that her understanding is that signs restricting right turns out of driveways are not very effective in directing traffic.

**Mr. Skelton** said that they are proposing the same signage that currently is in place for the driveways of other commercial businesses on the other side of Oak Avenue. He pointed out that Grunions, which is located on the other side of Oak Avenue, is open until 2:00 a.m.

Commissioner Seville-Jones commented that noise could have more of an impact during later hours when the noise from traffic on Sepulveda Boulevard decreases.

In response to a question from Commissioner Andreani, **Mr. Skelton** stated that alcohol would be served on the patio.

In response to a question from Commissioner Andreani, **Mr. Skelton** indicated that the videos from customers would probably not have sound. He said, however, that they would not restrict sound with the videos.

Commissioner Andreani said that she would have a concern that having sound with videos would encourage people to sit longer at the restaurant and drink.

In response to a question from Commissioner Andreani, **Mr. Skelton** stated that the environmental information form that was provided to the City should not indicate 96 seats for the interior of the restaurant, and 46 seats would be the maximum number they would be able to provide. He commented that most likely the interior will include 42 or 43 seats.

In response to a question from Chairperson Paralusz, **Mr. Skelton** said that alcohol service would begin at 11:00 a.m. until closing. He commented that the intent is not to create an atmosphere for drinking.

**Mr. Seaman** indicated that the establishment is about the food and not about alcohol. He said that many people want to have a beer along with their hot dog. He commented that it would not be a bar, and people would not be served drinks at tables; they have to order and pick-up from the counter. He indicated that the video screens would show pictures of sporting activities that are submitted by customers. He said that there would not be sound with the video. He said that he has a long history of running businesses in the City and South Bay. He indicated that he wants the first Hotdoggers to be located in Manhattan Beach. He commented that the establishment needs to become a sit down establishment rather than fast food in order for it to be successful at the subject site.

**Mr. Seaman** pointed out that he has no violations over 30 years of holding Alcoholic Beverage Control licenses. He indicated that the alcohol is a compliment to the food. He stated that Hotdoggers would be a restaurant where people sit and eat their food rather than a fast food establishment. He indicated that their menu would have a variety of items. He pointed out that they would be five spaces above the parking requirement if they are classified as a restaurant rather than a fast food establishment. He indicated that as an operator he does not allow people to get drunk or spend hours drinking beer at his establishments. He stated that he would like the ability to serve alcohol until midnight. He commented that the landscaping as proposed would be very attractive. He said that there are no direct neighbors to the subject site that are opposed to the proposal. He commented that their changes of being successful depend on allowing alcohol to be served with their food.

In response to a question from Commissioner Fasola, **Mr. Seaman** indicated that he has shown the plans to the adjacent residents. He indicated that the adjacent neighbors are in support of a well run restaurant. He commented that they would not object to the patio closing at midnight. He indicated that he would like for the establishment to remain open past midnight to allow

people who are out late or work late hours to have a place to have food. He pointed out that currently there are no restrictions on the hours for the site.

In response to a question from Commissioner Andreani, **Mr. Seaman** stated that they are requesting that the restaurant itself not be restricted in hours (24-hour operation) but would agree to restrict alcohol service and service on the patio at midnight. He commented that the site has not previously had restrictions on operating hours.

Assistant Planner Ochoa pointed out that there is not an existing Use Permit for the site, and that is why there are currently no restrictions on the hours.

In response to a question from Commissioner Andreani, **Mr. Seaman** said that they would not serve alcohol alone without food also being ordered.

In response to a question from Commissioner Seville-Jones, **Mr. Seaman** indicated that the economy and popularity of the restaurant would dictate their operating hours. He commented that he believes there is a need for a restaurant that is open late hours on Sepulveda Boulevard. He said that the noise of traffic on Sepulveda Boulevard would be greater than any noise from the restaurant.

Chairperson Paralusz commented that she is concerned with noise from the establishment impacting the adjacent neighbors during late hours. She indicated that she would have a concern with having alcohol service and people on the patio after 10:00 p.m. particularly during the week.

In response to a question from Chairperson Paralusz, **Mr. Seaman** stated that the hours of alcohol service and for the patio is at the discretion of the Commission, but he feels he has shown over the years that he is able to control noise and issues with alcohol service. He commented that outdoor dining is common. He said that he would request that the patio remain open until midnight on Fridays and Saturdays. He indicated that the atmosphere that is established for the restaurant would control it from becoming a drinking establishment.

**Elaine Turner**, a resident of the 1700 block of Oak Avenue, said that the restaurant belongs on The Strand rather than off of Oak Avenue. She commented that she is concerned about the ingress and egress onto Oak Avenue from the parking lot of the subject establishment. She indicated that she is concerned about the noise from the patio area impacting the adjacent residents. She stated that the hours of operation and alcohol service are a concern. She commented that many of her neighbors have small children.

**Mr. Seaman** said that a condition can be placed in the Use Permit for periodic review of the operation, and greater restrictions can be imposed if there are complaints. He indicated that it is preconceived to assume that there will be noise issues. He commented that more neighbors would be at the hearing speaking in opposition to the proposal if there were a concern regarding noise. He said that he is very concerned with the control of alcohol. He pointed out that the subject site is located on the highway next to other commercial businesses. He said that there is no control currently of people turning right onto Oak Avenue for other businesses, and his business should not be singled out for regulating traffic on Oak Avenue. He commented that the only reason for cars to turn into the neighborhood is if they are going to their homes in the area rather than onto Sepulveda Boulevard.

**Mr. Skelton** commented that Chicago for Ribs was required to use the 25 parking spaces exiting onto Oak Avenue which was permitted because the parking lot existed prior to the Ordinance being enacted.

Chairperson Paralusz closed the public hearing.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa indicated that the adjacent neighbors were noticed, and the only comments received prior to the hearing were from **Ms. Turner**.

In response to a question from Commissioner Fasola, Director Thompson indicated that staff does have a concern with noise from the establishment impacting the adjacent residents after 10:00 p.m. He indicated that the previous uses on the site did not have limited hours of operation but also did not have outdoor patios. He indicated that the use of the patio could be restricted to 10:00 p.m. and the applicant could ask for additional hours if there are no concerns.

In response to a question from Commissioner Seville-Jones, Director Thompson commented that the applicant has agreed to comply with the parking requirements. He indicated that establishments where food is ordered at the counter are considered to be fast food and establishments that have table service are considered to be restaurants under the Code. He stated that the Code language is very clear that access must not be allowed from driveways of businesses onto Oak Avenue between the hours of 10:00 p.m. and 6:00 a.m. daily. He indicated that it is a Code requirement regardless of when the parking or use was originally established. He commented that staff is not concerned with allowing a beer and wine license for the subject establishment as proposed. He indicated that staff evaluated the proposal for operating hours until 10:00 p.m. on weeknights and midnight on weekends, and those are the hours that were specified on the notice to the residents. He said that any additional operating hours would need to be requested by the applicant and evaluated by staff. He commented that staff does feel that the applicant's changes to the plans to enclose the patio with a wall and roof and move it to the rear of the site are good suggestions, as it is larger, closer to the residents and would have more use at late hours if covered.

Commissioner Fasola said that he is pleased that there will be a new establishment at the site. He stated that he would want the parking to comply with the Code requirements. He indicated that he would also want the ingress and egress from the parking lot to comply with the Code requirements. He commented that he would like for the City to have the ability to restrict the patio hours further if there is determined to be a problem with noise. He said that he does not have a concern with allowing beer and wine service. He commented that he does not have an objection to the hours of 7:00 a.m. to 10:00 p.m. on weeknights and 7:00 a.m. to midnight on Fridays and Saturdays as included with the current proposal. He commented that he would not be concerned with restricting alcohol on the patio to 10:00 p.m. on weekends.

Commissioner Andreani stated that she is pleased with the proposal but does have concerns. She commented that she would like for the applicant to meet the parking requirement to mitigate any impact to residential parking in the area. She said that her understanding is that there would be a requirement of 23 spaces, as the establishment would be considered a fast food operation under the definition in the Code. She stated that she would like for the hours to remain for some period of time as proposed 7:00 a.m. to 10:00 Sunday through Thursday and 7:00 a.m. to midnight on Friday and Saturday. She indicated that she does not have a concern with granting the alcohol license but would like for alcohol service to stop on the patio at 10:00 p.m. every night. She indicated that she agrees with the decision of the applicant to move the patio to the rear of the site. She commented that there is potential for noise to reach the neighborhood from the patio with the open space between the wall surrounding the patio and the roof. She commented that she appreciates the landscaping that is proposed.



Commissioner Seville-Jones indicated that she appreciates the information that the applicant has provided regarding the concept for the establishment. She indicated that staff has explained the distinction in determining a fast food operation as opposed to a sit-down restaurant in establishing the parking requirement. She stated that the ingress and egress issue onto Oak Avenue is important to the neighborhood, particularly in allowing for later hours for the establishment. She said that it is important to the residents that cars not drive through the neighborhood after 10:00 p.m. on weekends. She indicated that she would support having the patio close at 10:00 p.m. every night because she is concerned about the noise impact to the neighbors. She commented that she would support the hours otherwise as proposed.

Chairperson Paralusz stated that she is supportive of the concept of the proposal and feels it would be a great addition to the Sepulveda Corridor and the City. She commented that it was extremely helpful to have the plans and to have the concept of the restaurant explained by the applicant. She commented that she is certain that the applicant's excellent record of responsibly holding alcohol licenses would continue with the subject establishment. She said that her main concern is regarding noise impacts to the adjacent neighbors. She said that she would support the hours as proposed of 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to midnight on Fridays and Saturdays. She indicated that she agrees with Commissioners Andreani and Seville-Jones that alcohol service on the patio should be limited to 10:00 p.m. every night. She commented that she does have a concern with noise escaping from the patio and impacting the adjacent residences particularly after 10:00 p.m. She stated that the applicant could come to the Commission for an extension of hours once it is demonstrated that the noise is contained. She pointed out that it is more difficult to restrict hours after they are granted. She indicated that she would also want the applicant to comply with the parking requirement and for the egress from the parking lot to be restricted from Oak Avenue between 10:00 p.m. and 6:00 a.m. She said that she would not support closing the patio every night at 10:00 p.m. but would support restricting alcohol service on the patio.

Director Thompson indicated that staff can come back to the Commission with a draft Resolution approving the project with various conditions.

Commissioner Seville-Jones commented that it would be difficult to enforce that people on the patio are not drinking alcohol when it is still allowed to be served in the main dining area, and the patio is open for two more hours.

Chairperson Paralusz indicated that she would trust that the operator could enforce a condition restricting alcohol service on the patio after 10:00 p.m.

Commissioner Seville-Jones said that she would not want restrictions to be places on the operation that would be difficult to meet. She indicated that the conditions would be a vested right once they are granted as part of the Use Permit and would be difficult to revoke.

Commissioner Andreani stated that she also would support limiting the ingress and egress from the subject parking lot to Oak Avenue between 10:00 p.m. and 6:00 a.m.

Chairman Paralusz reopened the public hearing.

**Mr. Seaman** commented that he appreciates the comments of the Commissioners. He stated that he would like for consideration to allowing later hours for the main restaurant with the hours for the patio and alcohol service ending earlier. He commented that he would not be able to sustain the business if it is required to close at 10:00 p.m.

Commissioner Seville-Jones indicated that it would be important for the applicant to have any additional requests to staff for the project well before the next meeting regarding the issue. She said that staff will also need to renote the neighbors regarding any additional requests for hours.

Chairperson Paralusz reopened the public hearing and continued the hearing to the meeting of April 27, 2011.

**6. AUDIENCE PARTICIPATION**

**7. DIRECTORS ITEMS**

**8. PLANNING COMMISSION ITEMS**

Commissioner Seville Jones commented that she enjoyed serving on the panel in Pasadena at the American Planning Association Conference on March 11, 2011. She stated that the panel included discussion regarding how to run a meeting.

In response to a question from Chairperson Paralusz, Director Thompson indicated that any resident who is interested should apply for the open position on the Planning Commission right away. He said that the City Council will make a selection for the position as part of the regular process after City elections of making appointments to the City's various Commissions.

**9. TENTATIVE AGENDA April 13, 2011**

A. Cultural Landmark Designation of Historic Homes- Code Amendment

**10. ADJOURNMENT**

The meeting was adjourned at 8:45 p.m. to Wednesday, April 13, 2011, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN  
Recording Secretary

ATTEST:

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RICHARD THOMPSON  
Community Development Director