

**CITY OF MANHATTAN BEACH  
[DRAFT] PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
APRIL 27, 2011**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 27th day of April, 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, Chairperson Paralusz  
Absent: Seville-Jones, present prior to beginning of meeting; left due to illness  
Staff Present: Richard Thompson, Director of Community Development  
Eric Haaland, Associate Planner  
Angelica Ochoa, Assistant Planner  
Recording Secretary, Sarah Boeschen

**2. APPROVAL OF MINUTES – April 13, 2011**

A motion was MADE and SECONDED (Fasola/Andreani) to **APPROVE** the minutes of April 13, 2011.

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

**3. AUDIENCE PARTICIPATION**

**4. GENERAL BUSINESS**

**04/27/11-2 Request for a One-Year Time Extension of a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map 69052 for Proposed Construction of a Mixed Use Building with One Commercial Condominium Unit and Two Residential Condominium Units on the Property Located at 3920 Highland Avenue**

Director Thompson stated that the subject project was approved and has since expired. He indicated that the Commission may approve a one year time extension.

Associate Planner Haaland summarized the staff report. He stated that the Code allows for a one-year time extension be granted for construction of the project after expiration of the Use Permit if the Commission determines that the findings made for the original approval are still valid.

Commissioner Andreani pointed out that the first paragraph of page 2 of the staff report indicates that the request is for an extension of the Use Permit to July 17, 2011. She indicated that her understanding is that the extension should be until March of 2012 rather than July of 2011 as indicated in the staff report.

Associate Planner Haaland indicated that the extension would be until March 12, 2012.

In response to a question from Commissioner Andreani, Associate Planner Haaland indicated that the owner is Lina Hu and not Dennis Cleland, the developer, as indicated in Section 1, Item C of Resolution No. PC 08-04. He pointed out that there is no new or revised Resolution related to the pending extension that would correct that language.

In response to a question from Chairperson Paralusz, Associate Planner Haaland indicated that there has been no activity or changes related to the project since it was originally approved.

### **Commission Discussion**

Commissioner Fasola commented that that the project includes 5,097 square feet of residential use and 694 square feet of commercial use. He stated that he does not feel that having such a small area of commercial space with such a large area of residential space is the proper direction for development in the commercial area. He indicated, however, that he would not vote against allowing the extension.

Commissioner Andreani said that she supports the comments of Commissioner Fasola.

Chairperson Paralusz stated that she also agrees with the comments of Commissioner Fasola. She pointed out that the issue of the ratio of residential and commercial space in mixed use developments in the commercial area could be raised at the next joint meeting with the Commission and City Council.

Commissioner Fasola commented that a commercial district must have a certain amount of commercial use in order to be viable. He indicated that such small commercial spaces are not large enough to become a restaurant or other types of commercial uses.

### **Action**

A motion was MADE and SECONDED (Andreani/Fasola) to **APPROVE** a one-year time extension of a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map 69052 for proposed construction of a mixed use building with one commercial condominium unit and two residential condominium units on the property located at 3920 Highland Avenue to March 12, 2012.

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

Director Thompson indicated that the item will be placed on the City Council's Consent Calendar for their meeting of May 17, 2011.

## **5. PUBLIC HEARINGS**

### **04/27/11-3 Consideration of a Use Permit for an Existing Restaurant to Allow On-Site Consumption of Beer and Wine, Outdoor Dining and 24-Hour Operation for HotDoggers, Inc. Located at 1605 North Sepulveda Boulevard**

Director Thompson stated that the Commissioners have been provided with additional information that was submitted by the applicant after the staff report was prepared.

Assistant Planner Ochoa summarized the staff report.

In response to a question from Commissioner Andreani, Assistant Planner Ochoa indicated that only one handicapped parking space is required for the proposal.

In response to a question from Commissioner Andreani, Director Thompson said that the proposal would need to go through plan check after it is approved which will ensure that it complies with all ADA requirements for access into the restaurant. He commented that there are very strict requirements as to accessibility from pathways into the restaurant. He indicated that any obstructions to the pathway that are currently proposed would be removed or relocated.

Commissioner Andreani commented that the plans indicate that the patio would be 336 square feet; however, Exhibit E, applicant's documentation, of the staff report indicates that the outdoor dining would not exceed 337 square feet of area. The correct number is 336 square feet and will be shown correctly.

In response to a question from Commissioner Fasola, Director Thompson stated that cars would be required to exit the site off of Sepulveda Boulevard after 10:00 p.m. He indicated that there are a number of driveways along Sepulveda Boulevard that have similar conditions for entering and exiting. He commented that staff will ensure compliance with the condition if there is a complaint.

In response to a question from Commissioner Fasola, Director Thompson indicated that the applicant would need to request additional hours through a Use Permit Amendment with a public hearing if they wish to have longer hours of operation than are approved with the Use Permit. He indicated that the process of a Use Permit Amendment is the same whether the hours are requested to be increased by the applicant or if it is determined through complaints that they should be reduced.

In response to a question from Chairperson Paralusz, Director Thompson commented that it is very difficult to reduce operating hours once they have been approved through a use permit.

In response to questions from Chairperson Paralusz, Assistant Planner Ochoa stated that the proposal is before the Commission because of the requests for the outdoor patio and alcohol service. She said that the site currently does not have a Use Permit and there currently are no set hours of operation established for the site. She indicated that the approval of the Use Permit for the subject applicant would carry to future operators of the site. She commented that The Kettle is a 24 hour operation.

Chairperson Paralusz opened the public hearing.

### **Audience Participation**

**Sandy Seaman**, the applicant, indicated that he was informed by the City that they would have the ability to operate 24 hours which was a large factor in his signing the lease for the site. He commented that he wanted to provide an establishment where people could eat late after attending the theater or coming back from the airport. He stated that the lot is adjacent to Sepulveda Boulevard. He commented that noise from the restaurant would not be audible to the adjacent neighbors. He indicated that the notice for this hearing indicates that they are requesting 24 hour operation and alcohol service with an outdoor patio, which implies that they are planning to become a bar. He said that the notice for the prior hearing stated that the request was for a patio and alcohol service. He pointed out that they are proposing to have one

24" wide cooler that would hold five or six beers. He pointed out that there was only one person who attended the prior hearing to raise concerns.

**Mr. Seaman** said that they would put a 6 foot brick wall around the patio. He indicated that the residents who have provided objections to the proposal live hundreds of yards away from the site. He commented that the nearest residents are 100 yards from the site. He indicated that the establishment would not create any additional impact to the neighbors. He also pointed out that there are methods to enforce the City's noise standards. He indicated that Oak Avenue is a street and not a private driveway. He stated that the establishment would be a restaurant and not a bar. He indicated that they are permitted to have 24 hour operation as a restaurant. He pointed out that people go to The Kettle for a meal and not to drink. He commented that there also is the ability to repeal the alcohol license if the establishment is in violation. He said that they are proposing to have a rear patio that is well secured and well protected and hours for liquor service that would end at a reasonable hour. He commented that there is no basis for the contentions of the neighbors that there would be noise and traffic impacts. He said that they have agreed to all of the conditions except 12 items. He pointed out that the conditions would ensure that the establishment would be a restaurant and not become a bar.

**Jason Hogan**, the chef for the restaurant, said that the standard for the food at the establishment would be very high and the menu would be diverse. He commented that the establishment would be more similar to a restaurant than a take-out establishment.

**Louis Skelton**, the project architect, stated that the storage for beers would be limited to a 24" cooler. He suggested that language be added to Condition 11 restricting them from selling alcohol to customers from a fixed bar and restricting bar stools from being placed in front of the food service line. He indicated that they are requesting low level background music on the patio. He stated that they are also requesting that the wording of Condition 19 be modified to allow lighting for security which would be shielded from the neighbors. He said that they would like Condition 22 to be modified to allow natural gas heaters on the patio. He pointed out that Condition 26 indicates that all of the conditions are subject to review six months after occupancy and annually thereafter.

In response to a question from Commissioner Fasola, **Mr. Skelton** said that they would like the wording of Condition 11 to be modified to allow background music on the patio.

**Mr. Skelton** pointed out that they would exceed the parking requirement during hours that the patio is closed.

**Dawn Vodier**, a resident of the 1600 block of Oak Avenue, stated that none of the other businesses in the area have an outdoor patio. She pointed out that the Kettle is in the downtown area, and the comparison to the subject establishment is not accurate. She commented that the bedroom of her home would be visible from the patio, and she does feel the subject establishment would impact their property. She indicated that people drive through the neighborhood very fast, and the subject property is adjacent to a residential area. She commented that she does not support serving alcohol until midnight in a residential area. She indicated that they want Oak Avenue to be protected as a residential street. She indicated that she does not feel a 24 hour restaurant that serves alcohol is appropriate adjacent to residences.

**Leilani Kowal**, a resident of Oak Avenue, said that cars drive up Oak Avenue and 17<sup>th</sup> Street very fast, and there are no sidewalks along 17<sup>th</sup> Street. She commented that there is also not a four-way stop at the intersection of 17<sup>th</sup> Street and Oak Avenue. She indicated that combining the requests for 24 hour operation and alcohol service is a concern. She said that providing 22 parking spaces would not be sufficient to accommodate seating for 40 in the restaurant and 30

on the patio. She commented that she is not certain that restricting cars from exiting the parking lot onto Oak Avenue between 10:00 p.m. and 6:00 a.m. is enforceable. She said that they would like for the property to have a viable business but feel that it is also important for the business operators to be respectful to the neighbors. She indicated that she feels the plans as proposed need improvement and would like for further consideration of revising the plans based on public comments. She pointed out that the parking in the area is used by residents. She suggested if the patio is approved that the adjacent residents be issued permits to park their cars on the street. She pointed out that residents near Pennecamp School are issued permits for street parking between 8:00 a.m. and 10:00 a.m. on weekdays. She suggested that the permits be for parking daily from after 5:00 p.m. and on weekends. She commented that they feel there is an opportunity to improve the project and there is not a rush for it to be approved as currently proposed.

**Ms. Kowal** read a letter from **Mabel Jacitich**, who is a resident of Oak Avenue. **Ms. Jacitich** indicates in the letter that the space is too small for the proposed plan and that the open patio is a concern to the residents. She indicated that the 6' wall surrounding the patio would only be a height of 3'8" on the 17<sup>th</sup> Street side, and noise from the patio would carry into the neighborhood. She asked that the Commission consider the location of the proposed patio directly adjacent to residences. She indicated that the parking lot is an odd shape and would result in problems with ingress and egress. She indicated that people parking for the establishment on the adjacent streets is a concern. She indicated that the hours of operation are a concern to the adjacent neighbors who wish to sleep at night. She indicated that the City does not need two establishments that serve alcohol within a half block of each other. She indicated that Grunions serves food until 11:00 p.m. and does not have an outdoor patio.

**Joseph Mueller**, a Manhattan Beach resident, read a letter that he sent to the Alcoholic Beverage Control board in January regarding the project. He stated in the letter that alcohol was not served at the previous businesses on the site. He indicated that the location of the subject site to the adjacent UPS store create a concern with safety given the large amount of pedestrian traffic. He indicated that the mailboxes at the UPS store to the south of the subject site are accessible 24 hours. He said that the UPS store generates a large amount of pedestrian traffic, with over 250 people accessing the store daily. He commented that his concerns are regarding someone walking along the street being hit from a car leaving the subject establishment, which is a particular concern with alcohol service. He indicated that customers leaving the subject establishment are concentrating on oncoming southbound traffic on Sepulveda Boulevard rather than pedestrians that may be crossing the driveway. He said that he feels the request for alcohol service should be withdrawn due to safety concerns.

**Mr. Seaman** indicated that he should not be responsible for all of the traffic and parking problems on Oak Avenue. He commented that he should not be held responsible for parking issues with the UPS store on the adjacent property. He pointed out that allowing people to leave their restaurant drunk would be in violation of their alcohol license, and he cannot be held responsible for safety concerns that have not occurred. He pointed out that there would be a 6 foot wall brick surrounding the patio. He indicated that they have supplied detailed plans for the project which would supply adequate parking. He stated that the business is located on Sepulveda Boulevard. He pointed out that they would exceed the parking requirement by four parking spaces when the patio is closed. He said that they are providing the requirements that are necessary for operating a business. He indicated that they do not plan to operate the restaurant 24 hours if there is no demand, but they want to have the option of allowing it to remain open. He suggested that the Conditional Use Permit include conditions that a bar area and barstools not be permitted and that the kitchen must remain open while the restaurant is in operation. He said that they are hoping to incorporate full table service if they are able to support the staff.

In response to a question from Chairperson Paralusz, **Mr. Seaman** said that they are requesting hours for alcohol service of 11:00 a.m. to midnight seven days a week inside the restaurant.

In response to a question from Commissioner Fasola, **Mr. Seaman** said that they are requesting background music on the patio. He also indicated that they would like the ability to provide full table service rather than only provide for ordering at the counter. He pointed out that there is not a difference with the alcohol license as to whether alcohol is ordered at a counter or served at a table provided that it is served with food.

Chairperson Paralusz closed the public hearing.

### **Commission Discussion**

In response to a question from Commissioner Fasola, Director Thompson stated that providing full table service as opposed to having customers order at a counter changes the parking requirement. He commented that the establishment was initially proposed as a take-out restaurant in order to meet the parking requirements.

In response to a question from Commissioner Fasola, Assistant Planner Ochoa said that the parking ratio for full service restaurants is one parking space per 50 square feet of seating area. She indicated that the parking requirement for fast food establishments with counter service is 1 parking space per 75 square feet of gross floor area. She stated that the existing parking is allowed to remain to provide for the main restaurant area, and the applicant would provide an additional four parking spaces to accommodate the proposed patio area of 336 square feet.

In response to a question from Chairperson Paralusz, Director Thompson said that the plans were revised initially before the project came to the Commission at the last hearing regarding the issue. He said that the initial plans had smaller patios in the front and in the rear which was then combined with a larger patio in the rear. He stated that the initial project also indicated certain operating hours which the applicant changed at the previous meeting. He said that the Commission then directed that the project be renoticed to include the new project description of 24 hour operation for the restaurant. He indicated that the Police Department may have provided comments for the revised plans because of concerns with the change in the request to a larger patio in the rear. He commented that the Police Department also did not initially consider that the establishment would be operating 24 hours.

In response to a question from Chairperson Paralusz, Director Thompson said that the staff report is finalized and put on the City's website on the Friday afternoon before the meeting. He said that the staff report is provided to the public once it is delivered to the Commissioners. He commented that the applicant does not receive the staff report before it is available to the Commission and the public.

In response to a question from Commissioner Fasola, Director Thompson indicated that his understanding is that the applicant's main disagreement with the draft Resolution as proposed is regarding 24 hour operation of the establishment. He said that staff is confident with the conditions as presented in the draft Resolution for the proposed project. Staff has not changed its recommendation to prohibit 24 hour operation at the subject site without changes. He indicated that the applicant would currently be allowed to operate on the site but would not be able to have alcohol service or an outdoor patio. He pointed out that the applicant also has the right to appeal the decision of the Commission to the City Council.

Commissioner Fasola indicated that residents who live on Oak Avenue must accept that there is an impact from businesses located on Sepulveda Boulevard. He stated that exiting onto Oak Avenue would be less dangerous than exiting onto Sepulveda Boulevard, and he is not convinced that closing the driveway to Oak Avenue after 10:00 p.m. would be the best option for safety. He indicated that he does have a concern with opening a patio in a residential area, as it can be very difficult to eliminate issues with noise. He commented that he would suggest allowing operating hours Sunday through Thursday for the interior of the restaurant until midnight and limiting the hours on the patio from 8:00 a.m. to 9:00 p.m. daily.

Commissioner Andreani indicated that the restaurant would bring a unique style to the Sepulveda Corridor. She said that the residents knew that they are near a commercial area, and the applicant knew that they were buying near a residential area with mixed use. She said that she would not support allowing 24 hour operation, and it was not included as part of the original proposal. She stated that she would support operating hours for the restaurant between 7:00 a.m. and midnight and for the patio between 10:00 a.m. and 9:00 p.m. She commented that she does not feel there is a need for the patio open at 8:00 a.m. for breakfast. She indicated that she would support restricting ingress and egress from Oak Avenue between 10:00 p.m. to 6:00 a.m. She commented that she feels the hours for alcohol service should be limited to the hours of operation within the restaurant as well as on the patio. She commented that she feels parking requirements should be based on occupancy of a restaurant rather than based on the square footage.

**Commissioner Andreani** indicated that she feels the decision of the Commission should be based on the proposal for counter service with 22 parking spaces being required rather than for a full service restaurant. She commented that the proposal was originally for no video or music on the outdoor patio; however, she would not object to allowing low level background music on the patio. She indicated that she is concerned that noise would escape from the patio and impact the neighboring residents, which is a reason to limit the hours for use of the patio.

In response to a question from Commissioner Andreani, Director Thompson said that the proposal does meet the City's requirements regarding signage.

Commissioner Fasola said that he would support maintaining the Code requirement for restricting ingress and egress from the driveway onto Oak Avenue between 10:00 p.m. and 6:00 a.m. He indicated that he also would support allowing alcohol service within the hours of operation for the restaurant and for the patio. He commented that he would not support allowing background music on the patio. He indicated that he is concerned with any noise from music on the patio impacting the neighbors.

Commissioner Andreani indicated that she would also agree to prohibiting music on the patio, as she is also concerned with any noise impacts to the neighbors.

Chairperson Paralusz stated that the business will be a great addition to the neighborhood. She commented that while neighboring residents should expect some noise being located next to a commercial district, the applicant also has a responsibility to be a good neighbor to the adjacent residents. She commented that she feels staff has done a good job of balancing the input of the Commission and the neighbors with the concerns of the applicant in running a successful business. She pointed out that the applicant could currently open a 24 hour establishment on the site with no alcohol service or patio, and that entitlement ends when changes are approved with a new application. She indicated that she is not in favor of allowing 24 hour operation for the subject establishment, particularly because of the close proximity of the adjacent residents on Oak Avenue. She said that The Kettle is not located adjacent to residents. She commented that she would not support allowing the subject restaurant to be open 24 hours given that it

would include alcohol service and have a patio located 50 feet from adjacent homes. She indicated that it is easier to add operating hours than to remove operating hours after a Use Permit is approved. She also pointed out that the entitlements remain with the property for future operators. She suggested adding language into Condition 19 to allow for security lighting. She also suggested adding language in Condition 22 to allow for heaters on the patio.

Director Thompson said that staff will add language to allow for minimal security lighting. He pointed out that Condition 22 would allow for heating on the patio if it is done appropriately and approved.

Chairperson Paralusz commented that she would support allowing hours of operation for the patio between 8:00 a.m. to 9:00 p.m. daily and hours of operation for the main restaurant between 7:00 a.m. to midnight daily. She commented that she would support enforcing the ingress and egress from the parking lot onto Oak Avenue between 10:00 p.m. and 6:00 a.m. She stated that she also would support limiting alcohol service to the hours of operation for the restaurant and patio. She indicated that she also would not support allowing music on the patio, as she does not feel that any music could be approved without being micromanaged. She said that she can support the signage as proposed.

The Commissioners agreed to support allowing hours of operation from 7:00 a.m. to midnight for the main restaurant and 8:00 a.m. to 9:00 p.m. for the patio seven days a week.

**Mr. Skelton** pointed out that they have added a roof on the patio and increased the height of the wall from 6' to 6'6" on the west and south sides. He commented that there was consideration of making the wall 8' on the side adjacent to 17<sup>th</sup> Street. He indicated that arriving at the design has been an ongoing process with staff. He commented that the background music on the patio would be at a level of approximately 5 decibels, and the level of street noise would be higher than the level of the music. He said that they are not proposing to have a video screen on the patio. He stated that the video screen inside the restaurant would have surfing videos and videos that are provided by customers.

Chairperson Paralusz commented that she would want to ensure that any videos brought in by customers are screened before they are placed on the video screens.

**Mr. Seaman** commented that there would be review and editing before any videos from customers are put on the screens.

**Mr. Skelton** indicated that the operation would not remain open 24 hours if there is not enough business during late hours to support the staff. He said, however, that they would like to have the opportunity to remain open 24 hours, particularly during the summer. He pointed out that the level of parking demand would be reduced if they had full table service. He said that the parking requirement for full table service is based on the square footage of dining area, which would result in a requirement of approximately 20 parking spaces rather than 22 as required with counter service.

### **Action**

A motion was MADE and SECONDED (Fasola/Andreani) to **APPROVE** a Use Permit for an existing restaurant to allow on-site consumption of beer and wine, outdoor dining and operating hours for HotDoggers, Inc. located at 1605 North Sepulveda Boulevard with the revision of Condition 10 to reflect permitted operating hours between 7:00 a.m. to midnight seven days a week for the main restaurant and between 8:00 a.m. and 9:00 p.m. seven days a week on the



patio; with the change to Condition 19 to state: “Outdoor lighting on the rear parking lot, building and entire site shall be minimized and shielded ~~and turned off~~ after hours to lessen impacts to nearby residential”; with the revision to the first sentence of Condition 11 to read: “The business shall ~~have a limited menu and~~ provide complete meals so as not to become a sports bar . . .”; and with the addition of language to Condition 10 to state that alcohol service shall be permitted during same hours as permitted for operation of the restaurant and patio.

AYES: Andreani, Fasola, Chairperson Paralusz  
NOES: None  
ABSENT: Seville-Jones  
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 May 17, 2011.

**6. AUDIENCE PARTICIPATION**

**7. DIRECTORS ITEMS**

**8. PLANNING COMMISSION ITEMS**

Commissioner Fasola commented that he will be moving to Hermosa Beach, and his last meeting will be May 25, 2011.

**9. TENTATIVE AGENDA May 11, 2011**

**10. ADJOURNMENT**

The meeting was adjourned at 8:50 p.m. to Wednesday, May 11, 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