

**CITY OF MANHATTAN BEACH  
[DRAFT] PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
AUGUST 10, 2011**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 10th day of August, 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, Conaway, Gross, Seville-Jones, Chairperson Paralusz  
Absent: None  
Staff Present: Richard Thompson, Director of Community Development  
Eric Haaland, Associate Planner  
Recording Secretary, Sarah Boeschen

**2. APPROVAL OF MINUTES – July 27, 2011**

Commissioner Gross requested that page 4, paragraph 3 of the July 27 minutes be revised to read: “Commissioner Gross said that he also shares the concerns of Commissioner Seville-Jones as to determining whether too many alcohol licenses ~~are being~~ may be granted by the city in the future.”

Commissioner Gross requested that language be added to paragraph 3 under “Planning Commission Items” on page 9 of the minutes to state: “. . . how to determine whether too many licenses are being issued in the future.”

Commissioner Conaway requested that language be added to the second paragraph on page 2, of the minutes to state: “. . . Director Thompson indicated that the applicant is aware that they must comply with the new California Building Code standards and Manhattan Beach Green Building Ordinances.”

A motion was MADE and SECONDED (Andreani/Seville-Jones) to **APPROVE** the minutes of July 27, 2011, as amended.

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

**3. AUDIENCE PARTICIPATION**

**Ed Caprielian**, a Manhattan Beach resident, said that a report was published by the Los Angeles County of Public Health which ranked Manhattan Beach 110 out of 117 cities in terms of on site premises density of alcohol outlets. He indicated that there is a correlation between the density of alcohol outlets and physical and mental diseases related to alcoholism. He pointed out that the Commission makes decisions regarding increasing alcohol outlets. He asked that the Commission consider the number of alcohol licenses that are granted as a public policy issue that requires the City’s attention. He provided the Commissioners with a copy of the press report and a letter to the editor that he wrote which was published in the Daily Breeze. He commented that the City Council attempted to disparage the report by indicating that the

statistics and information were inaccurate. He said that he is waiting for information from the City as to the basis for the Council's comments.

#### **4. PUBLIC HEARING**

##### **05/25/11-2 Consideration of a Use Permit for a Conversion of an Existing Retail Site to Child Day Care Use at 1765 Artesia Boulevard**

Associate Planner Haaland summarized the staff report.

In response to a question from Commissioner Andreani, Associate Planner Haaland stated that the driveway as proposed would provide sufficient space for a car to enter and exit at the same time.

Commissioner Andreani pointed out that the Item 18 under "Operational Restrictions" on page 4 of the draft Resolution lists the permitted operating hours of the daycare center from 7:00 a.m. to 6:00 p.m. daily rather than from 7:00 a.m. to 6:00 p.m. Monday through Friday.

Associate Planner Haaland said that the permitted operating hours should be listed as 7:00 a.m. to 6:00 p.m. Monday through Friday.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland indicated that a closing time of 6:00 p.m. is typical for a daycare facility.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland stated that the tree next to the existing planter on the site would be relocated if feasible. He indicated that the trees must be moved in order to widen the driveway.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland said that the Traffic Engineer is confident that sufficient space would be provided to allow for the safe loading and unloading of children to the classrooms. He commented that the seven parking spaces proposed to be provided for the project is conforming. He indicated that the specific restrictions for the on-street loading zone would be reviewed by the Traffic Engineer during plan check, and any time necessary in the future.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland said that a condition requiring reciprocal access is common for commercial projects. He commented that the intent of such a condition is for businesses to share street access and have fewer driveways, particularly along Sepulveda Boulevard. He pointed out that the condition for reciprocal access would not come into effect until another project occurs on adjacent property.

In response to a question from Commissioner Conaway, Associate Planner Haaland commented that there would be hours specified for the loading zone. He stated that the Traffic Engineer would have the ability to specify and change the hours for the loading zone in the right-of-way.

In response to a question from Commissioner Conaway, Associate Planner Haaland indicated that the subject proposal was reviewed as an independent site from the existing Beach Babies facility.

Commissioner Gross asked whether the project approval would be different if the subject site and the adjacent site with the existing facility were proposed to be combined.

Associate Planner Haaland pointed out that a condition would be included that the Community Development Director review any sharing of operations between the facilities. He commented that any substantial change to the project would require an amendment to the Use Permit which would come back before the Planning Commission.

Commissioner Gross commented that the project as depicted in the staff report is separate from the adjacent site with the existing facility. He stated that he would imagine that an amendment would be required if the two sites were to be irreversibly combined.

Director Thompson commented that staff's expectation is that the two properties would operate as a combined facility. He said that staff wanted to ensure that the facility on the subject site would be able to operate independently if the existing facility on the adjacent site were to close. He indicated that the most obvious difference to occur if the properties were combined, would be the loading and unloading of children.

Chairperson Paralusz asked about the possibility of changing the word "shall" allow reciprocal vehicle access to "may" allow reciprocal vehicle access in Condition 23 on page 5 of the draft Resolution so that providing reciprocal access to the neighboring property would be optional rather than mandatory.

Associate Planner Haaland said that the appropriateness of actually imposing reciprocal access would be determined when a project on the adjacent site were proposed.

In response to a question from Chairperson Paralusz, Associate Planner Haaland indicated that the applicant could continue to operate with two Use Permits if they were to acquire ownership of both properties provided that they continued to operate according to the existing permits without any substantial changes.

Chairperson Paralusz opened the public hearing.

### **Public Input**

**Russel Tyner**, representing the applicant, stated that the intent is to operate the subject site and the adjacent site as a single facility. He said that they have designed the subject site to operate as a single facility in the event that they are no longer able to continue to lease the adjacent site in the future. He commented that the property owners of the adjacent site do not want to sell but do want to continue to lease the property to Beach Babies. He indicated that they currently have seven more years on the lease for that property, and they expect that it will be extended further. He said that they do not intend to combine the two sites, and they would come to the City for an amendment in the event the sites were formally combined in the future. He said they intend to provide controlled access to the facility for the children, and they do not want a safety hazard along Artesia Boulevard. He commented that they have never requested a reduced parking requirement in order to avoid creating traffic congestion.

**Mr. Tyner** indicated that ingress for parents would be on Aviation Way. He said that the current expectation is for the employees to park in the lot on the subject site. He stated that they would not be opposed to placing a street tree in front of the site if it is a requirement. He indicated that they are providing landscaping in front of the site and continuing a glass block and masonry wall from the adjacent site.

In response to a question from Commissioner Seville-Jones, **Mr. Tyner** stated that loading and unloading of the children would take place in the parking lot for the subject site in the event

that they were unable to continue to use the adjacent site. He commented that children are dropped off between the hours of 7:00 a.m. and 9:00 a.m. at a rate of approximately one child every eight minutes. He indicated that the children arrive at different times according to the schedule of the parents and do not all arrive at a single time.

Commissioner Andreani stated that it would seem important to her that the fence in front of the site be functional rather than decorative, considering the importance of safety at a daycare center. She commented that she would want to ensure that the fence is appropriate for a daycare facility.

**Mr. Tyner** commented that the fence would be 6 feet high. He pointed out that the fence along the front adjacent to Artesia Boulevard would be concrete block with glass block inserts. He commented that there would be round concrete bollards in front of the fence. He indicated that they are proposing a screened chain link fence along the inside of the parking area.

Commissioner Conaway commented that he would have a concern that ingress and egress from the subject site would be tight if it were to operate independently from the adjacent site. He asked if it is felt that the condition requiring employees to park on site could be met if the subject site were to operate independently.

**Denise Tyner**, representing the applicant, said that their staff changes shift mid day, and there is not interference of employees parking while parents are dropping off children.

**Mr. Tyner** commented that they would prefer for the condition requiring reciprocal access to be eliminated, as they are not sure of the type of operation that may eventually locate on the neighboring site. He commented that providing reciprocal access would help the ingress and egress from Artesia Boulevard; however, they would have a concern with sharing access to their facility without knowing the type of use that may locate on the adjacent site.

**Ms. Tyner** said that they provide superior quality service, and there is always a waiting list for their facility. She commented that many of the staff members have been with the facility since the operation began 20 years ago. She indicated that they currently operate three facilities and would like to have the opportunity to expand with the current proposal. She commented that the current lease for the adjacent site is a sublease with 7 ½ years remaining, and the owner of the site would like for them to continue leasing.

Chairperson Paralusz closed the public hearing.

### **Commission Discussion**

Commissioner Gross stated that staff did an excellent job with the report, and his questions have been addressed by the applicant. He commented that he is concerned that the entrance to the subject site would be wide enough to allow for easy ingress and egress. He stated that he also has a concern that the outside stairway to the second level is proposed to be removed.

Commissioner Gross said that he would want to be sure that any stairway that is provided not lead into the driveway, as there is not sufficient space.

**Mr. Tyner** commented that they have proposed to eliminate the second stairway for the front building. He pointed out that they are only required to provide one staircase, as the upper level would only be used by **Ms. Tyner** as an office. He commented that there is an area adjacent to the playground where a second staircase could be provided if it is required.

Commissioner Gross commented that he supports the project.

Commissioner Andreani indicated that the applicant has provided an excellent service to the community and has provided an excellent plan for their proposed expansion. She commented that she does have a concern as to whether the width of the driveway on the subject property would be sufficient if the site were to operate independently; however, it does appear that there is the opportunity for continuing the lease on the adjacent site. She said that she supports the project. She indicated that she would support the suggestion of Chairperson Paralusz to change the wording of Condition 23 from “shall” allow reciprocal vehicle access to “may” allow reciprocal vehicle access.

Commissioner Gross stated that he would also support the proposed change by Chairperson Paralusz to the wording of Condition 23.

Commissioner Seville-Jones commented that the applicant has a great deal of support from the community. She commended the applicant on their operation of the existing facility and commended staff for their presentation of the proposal. She indicated that her main concern is regarding traffic flow, particularly if the subject site were to be used independently from the adjacent property. She stated that she is comfortable with the layout as proposed, and the Traffic Engineer has explained how the traffic flow is expected to work. She said that it is in the best interest of the applicant that access be provided from the parking lot rather than off of Artesia Boulevard. She commented that she would like for a tree to be placed along the street if there is sufficient space.

Commissioner Seville-Jones indicated that she believes that property owners should have the right to not allow reciprocal access to a neighboring use unless there is a need. She commented that she would not agree that the word “shall” should be substituted for “may” in Condition 23. She indicated that including the condition would not be necessary if it is not made mandatory, as property owners can always voluntarily agree to allow reciprocal access without an optional condition being included. She indicated that she supports the proposal.

Chairperson Paralusz indicated that she would recommend eliminating Condition 23.

Director Thompson said that the condition places the applicant on notice that the City can require a reciprocal access agreement if appropriate at the time the adjacent property is developed. He pointed out that such an agreement would only occur if determined appropriate by the Planning Commission at a later time. He suggested keeping the language of Condition 23 and adding wording at the end to state “if required by the Planning Commission.”

Commissioner Conaway said that there is a need for increasing the capacity for child care in the community. He indicated that he is satisfied that the parking and the width of the driveway would not impact any of the neighboring properties. He commented that several of the conditions in the draft Resolution are addressed by the Municipal Code and would not seem necessary to repeat as separate conditions. He indicated that the sustainable building code components are addressed in the Code. He suggested Condition 8 be shortened to simply state that the plans shall incorporate sustainable building components into the building site design per the Municipal Code. He also suggested eliminating the last sentence of Condition 21.

Director Thompson pointed out that Condition 21 was provided to staff by the Public Works Department. He commented that he does not believe that Public Works would have recommended the language if the requirements of the Municipal Code were more stringent than the wording of the condition.

Chairperson Paralusz said that she would not be in favor of striking the last sentence of Condition 21. She indicated that the applicant and any future operators of the property should be placed on notice of the requirements.

Commissioner Conaway commented that his understanding is that the requirements of the Municipal Code are more stringent than the wording included in Condition 21 requiring a trash and recycling plan that demonstrates diversion of at least 50 percent of solid waste. He indicated that his understanding is that the Code requirement is for diversion of at least 65 percent of solid waste.

Director Thompson said that he believes that a requirement for diverting 65 percent of solid waste applies to residential properties rather than commercial properties, but he will verify the requirement with the Public Works Department.

In response to a question from Commissioner Seville-Jones, Director Thompson indicated that the current requirements of the City Code would take precedence over the conditions as specified in the Use Permit.

Commissioner Conaway said that he would like for the fencing to be reviewed by the Community Development Director. He suggested striking the word “decorative” in Condition 11 and adding wording to indicate that any fencing shall be reviewed by the Community Development Director.

In response to a question from Commissioner Gross, Director Thompson indicated that the fencing must be in accordance with the plans that have been submitted.

Commissioner Conaway suggested eliminating Condition 23 requiring reciprocal access.

Chairperson Paralusz said that the applicant provides a valuable service to the community, and she supports the project for the reasons that have already been expressed by the other Commissioners. She indicated that she would support eliminating Condition 23. She said that she is not comfortable with imposing a condition for reciprocal access on the applicant. She commented that the applicant can always agree to allow reciprocal access with the adjacent property owner without an optional condition being included.

Director Thompson stated that the intent of the language in Condition 23 is to reduce the number of driveway curb cuts on busy streets and to encourage cooperation among adjacent property owners.

Commissioner Seville-Jones said that it is unlikely that providing reciprocal access to the neighboring site would be preferable in this case given the use of the subject property as a daycare center. She commented that she feels the condition should be included for other projects such as those located on Sepulveda Boulevard but feels it is not appropriate for the subject project.

Commissioner Gross pointed out that the conditions would remain with the property if the use changes from a daycare center. He indicated that requiring reciprocal access would make sense if the subject property were sold in the future. He pointed out that the project on the neighboring site would require public review before reciprocal access would be required.

Director Thompson indicated that the condition requiring reciprocal access could be removed for the subject Use Permit if the Commissioners did not feel it was appropriate for a daycare use, as it could be added to a Use Permit for a future use on the site.

Chairperson Paralusz indicated that she would support removing Condition 23.

Director Thompson said that the permitted operating hours listed in Condition 18 would be changed from 7:00 a.m. to 6:00 p.m. daily to 7:00 a.m. to 6:00 p.m. Monday through Friday.

Chairperson Paralusz reopened the public hearing.

**Mr. Tyner** commented that he would want to be certain that any street tree that is required be compatible with the other trees in the area.

Chairperson Paralusz closed the public hearing.

### **Action**

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **APPROVE** a Use Permit for a Conversion of an Existing Retail Site to Child Day Care Use at 1765 Artesia Boulevard, with the elimination of the wording of Condition 8 after the first sentence and with the addition of the words “per the Municipal Code” at the end; with the elimination of the second sentence of Condition 11; with the change of the word “daily” to “Monday through Friday” in Condition 18; with the elimination of Condition 23; and with the addition that a street tree be required if determined appropriate by the Public Works Department.

AYES: Andreani, Conaway, Gross, 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 September 6, 2011.

### **5. DIRECTORS ITEMS**

### **6. PLANNING COMMISSION ITEMS**

Director Thompson indicated that the Commission has discussed asking the City Council for direction regarding liquor licenses. He indicated that Commissioner Seville-Jones and Commissioner Andreani have provided suggested language to forward to the City Council which has been distributed to the other Commissioners. He indicated that staff is seeking direction from the Commission on articulating the purpose of the Commission in requesting the information.

Commissioner Gross said that he cannot think of a policy that the City could enact in limiting liquor licenses that would be appropriate. He said that he is reluctant to forward the request to the City Council without having an idea of a policy that would be appropriate for the City.

Chairperson Paralusz pointed out that the role of the Commission is not to recommend a policy unless they are asked by the Council to look at establishing a policy. She commented that the purpose of the letter is to indicate that the Commission would like further guidance from the Council, as there currently are no clear guidelines for considering liquor licenses. She indicated that there is a question regarding the appropriate number of liquor licenses, as was raised by **Dr. Caprielian**. She said that she feels the Commission needs further guidance from the City Council.

Commissioner Gross indicated that he does not want to suggest that the issue be considered by the City Council if there is not a policy that could be established that would benefit the City. He indicated that if the Commission decides to forward language to the Council he would suggest wording to state: "The Planning Commission has discussed if there is a need for any kind of liquor license policy from the City Council such policy from the City Council could guide the Planning Commission as it considers liquor license applications on a case by case basis. As it is, the staff and the Commission considers the possible impacts of a liquor license on the immediate vicinity, typically a few hundred feet with the help of all relevant City Departments. Any policy could provide guidelines for staff and the Planning Commission to make a broader evaluation of each liquor license."

Commissioner Seville-Jones commented that her understanding is that suggestion by the Commission to the Council is for a study to be conducted of the number of liquor licenses in other communities relative to Manhattan Beach.

Commissioner Andreani commented that she would like for Council to consider placing the issue on an agenda for a meeting in order for the public to have an opportunity to provide input. She indicated that she would like for consideration to be given by the Council regarding the number and type of liquor licenses that are approved in other communities and how the Council wants that information to impact the approval of liquor licenses in Manhattan Beach.

Chairperson Paralusz commented that she would also like consideration to be given to the location of sites that are approved for alcohol licenses along with the number and type of licenses that are approved.

Commissioner Conaway indicated that he likes the last sentence of the letter submitted by Commissioner Seville-Jones which states "The Planning Commission wanted to raise this policy issue with the City Council as a potential topic for City Council or Planning Commission review."

Chairperson Paralusz commented that she would support forwarding the language suggested by Commissioner Seville-Jones to the City Council.

Commissioner Andreani indicated that she also feels that the last sentence of the paragraph suggested by Commissioner Seville-Jones is explicit and clear as to the intent of the Commissioners in making the suggestion to the City Council. She commented that she would like for the issue to come before the public, as it is a potential issue of concern to the community.

Commissioner Conaway pointed out that the issue of approval of liquor licenses is a land use issue.

Commissioner Gross suggested moving the last sentence of the language suggested by Commissioner Seville-Jones closer to the beginning of the paragraph in order for it to be given more emphasis.

The Commissioners agreed to forward the language suggested by Commissioner Seville-Jones to the City Council.

## **7. TENTATIVE AGENDA August 24, 2011**

### **A. Tattoo Ordinance**



**8. ADJOURNMENT**

The meeting was adjourned at 8:15 p.m. to Wednesday, August 24, 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