

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
SEPTEMBER 28, 2011**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 28th day of September, 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
Esteban Danna, Assistant Planner
Michael Rocque, Assistant Planner
Christi Hogin, Special Counsel
Recording Secretary, Sarah Boeschen

2. APPROVAL OF MINUTES

Planning Commission Regular Meeting- August 24, 2011 Minutes

A motion was MADE and SECONDED (Andreani/Seville-Jones) to **APPROVE** the minutes of the regular Planning Commission meeting of August 24, 2011.

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

Commissioners Workshop- August 25, 2011 Minutes

Commissioner Andreani requested that “imitative” be changed to “initiative” on page 2 paragraph 3 of the August 25 minutes.

Commissioner Andreani requested that wording be added to page 2, paragraph 8 of the minutes to state: “Commissioner Andreani suggested it may be more feasible to design bike lanes that allow bikes and pedestrians to both share the roadway and streets without sidewalks.”

Commissioner Andreani requested that language be added on page 6, paragraph 13 of the minutes to state: “She suggested the City focus on recreational biking such as designing a safe route for families to get across Sepulveda to the bike path and encouraging bike riding to school before considering commuter biking.”

A motion was MADE and SECONDED (Gross/Seville-Jones) to **APPROVE** the Commissioners Workshop minutes of August 25, 2011, as amended.

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

3. AUDIENCE PARTICIPATION

4. PUBLIC HEARING

09/28/11-3 Consideration of a Use Permit and Coastal Development Permit for Proposed Construction of a Mixed Use Building with One Medical Office Space and One Residential Dwelling Unit at 3912 Highland Avenue

Associate Planner Haaland summarized the staff report.

In response to a question from Commissioner Andreani, Associate Planner Haaland indicated that signage for the proposed dental office use is not included in the plans; however, a condition regarding signage is included in the draft Resolution.

In response to a question from Commissioner Andreani, Associate Planner Haaland commented that there is not an 8 percent landscaping requirement in the CNE and CD districts.

In response to a question from Commissioner Andreani, Associate Planner Haaland indicated that typical procedures for disposal of hazardous waste would be followed for the proposed dental use.

In response to a question from Commissioner Gross, Associate Planner Haaland said that the wording of the draft Resolution would require reciprocal access with a future development on neighboring property if it were determined to be appropriate by the Planning Commission at that time.

In response to a question from Commissioner Conaway, Associate Planner Haaland stated that a 5 foot front setback is required and a 10 foot front setback is proposed for the project, which is incorrectly indicated on page 2 of the staff report as 5 foot proposed and 10 foot required.

Commissioner Conaway asked if the front sidewalk would be required to be replaced as part of the project.

Associate Planner Haaland commented that the Public Works Department has indicated that the front sidewalk would be replaced, which is common for older sidewalks.

Chairperson Paralusz asked about including the language in Condition 13 on page 3 of the draft Resolution permitting food and beverage sales between the hours of 6:00 a.m. and 10:30 p.m. daily and prohibiting personal improvement uses for the subject site. She asked if staff thinks that a convenience store use would possibly locate on the site in the future.

Associate Planner Haaland said that it is not likely that a convenience store or retail use would locate on the site, but it would be permitted with the parking as proposed.

Chairperson Paralusz opened the public hearing.

Audience Participation

Elizabeth Srour, representing the applicant, commented that the subject property was originally included as part of Los Angeles County and was originally built to different development standards. She said that many of the lots in the area have been split. She commented that the area is challenging for designing buildings because of the small size and

slope of the lots. She indicated that there are concerns with requiring reciprocal access to the neighboring property because of the small size of the subject property and adjacent lot. She said that the proposed structure provides visibility from the south and west and encourages a relationship with pedestrian traffic. She indicated that the structure would provide openness and accessibility to the street, which invites pedestrian access. She commented that the proposed design is unique, in that the commercial portion is two levels which would include stairway and elevator access.

Ms. Srour indicated that it is the goal of the applicant is to move onto the site with his family. She stated that the proposed residential and commercial uses are separate and distinct. She commented that the wall that separates the residential and commercial uses is critical to the structure and would not be easily removed to combine the space. She indicated that the project provides an opportunity to replace old housing and generate economic activity. She indicated that the required findings can be met for the project. She said that the subject property is conducive to mixed use. She commented that the project does comply with the goals of the General Plan to rehabilitate old housing and does provide a relationship with pedestrian traffic. She said that there are no aspects of the commercial or residential uses that would impact the surrounding properties. She indicated that the conditions are acceptable to the applicant with the exception of the requirement for providing reciprocal access. She pointed out that the residents walk to the businesses in the area.

Michael Lee, the project architect, said that it would not be feasible to provide reciprocal access with the adjacent site because of the small size of the lots. He commented that the City has a thorough Code review process which would address the concerns expressed by the neighbor to the east of the subject site. He said that no shoring would be required during construction. He indicated that there would be a new retaining wall with the new structure.

Commissioner Conaway asked about the possibility of replacing the existing sidewalk and curb cut in front of the proposed structure to current Code standards.

Mr. Lee stated that there would be a walkway behind the parking area that is separated from the street. He commented that the existing sidewalk would be replaced and a ramp would be provided at the corner.

Bruce Ashmun, a property owner within the 300 block of El Porto Street, said that he has submitted a letter to staff with his concerns regarding the project. He said that the proposed structure would be very bulky in relation to the other buildings in the area. He commented that a medical office is not a pedestrian oriented type of business and would not serve visitors to the community. He commented that the surf shop previously located on the subject site did serve the local community and visitors. He said that medical offices do not serve visitors to the City. He indicated that he has a concern with language included in the draft Resolution allowing food sales beginning at 6:00 a.m. He said that he also has concerns with the open space and parking space that would be lost if a reciprocal easement were required. He commented that the proposed use would not serve the community, and the North End commercial area is retail oriented along Highland Avenue. He indicated that a retail use on the subject site would help to generate revenue from tourists. He indicated that the proposed structure would be built to the maximum allowable on the site.

Angela Roth, a resident of the 3900 block of Crest Drive, said that she wants the open space and character of the area to be maintained. She indicated that the proposed structure would add bulk and would not be in character with the community.

Mike Roth, a resident of the 3900 block of Crest Drive, said that there has always been an issue with parking in the area, and it is in great demand. He indicated that the maximum amount of parking should be provided with three parking spaces for the residential use in addition to separate parking for the commercial use.

Carla Lauer, a resident of the 300 block of El Porto Street, said that the area has a small town feel, and the proposed building is not in character with the community. She indicated that the project would be a benefit to the applicant rather than to the community. She indicated that it would be more beneficial to have a retail business on the site that would be used more by the community.

Ali Karimi, the applicant, stated that he wants to be a member of the community and wants to live in the City. He said that he currently commutes and wants to be able to live in the same area where he works. He pointed out that the subject site has been empty for years.

Ms. Srour commented that there has been a lot of change in the North End over the years, and the goal is to include a mix of commercial uses. She indicated that the proposed structure does have articulation and would not be a large box. She commented that there would be open space provided on the upper levels. She commented that the setbacks would be different if the project were all commercial. She indicated that there is a benefit in having a mix of residential and commercial uses in the neighborhood. She stated that the building would provide relief from the street on the south and the west sides. She commented that the General Plan and Coastal Plan encourage housing in the area and recognize that there are residential pockets in the North End. She stated that the proposal would not be built to the maximum allowed on the site and is in full compliance with the Code.

Chairperson Paralusz closed the public hearing.

Commission Discussion

In response to a question from Chairperson Paralusz, Director Thompson pointed out that two parking spaces would be dedicated for the residential use and three spaces would be dedicated for the commercial use.

In response to a question from Chairperson Paralusz, Associate Planner Haaland stated that the project would not eliminate any existing on-street parking.

In response to a question from Commissioner Conaway, Director Thompson indicated that the proposal does conform to the Code requirements for open space.

Commissioner Conaway commented that he is sympathetic to the concerns of the neighbors regarding the loss of existing smaller structures. He said, however, that a mixed use project with a medical office would serve the local community. He indicated that a three-story structure is not out of character with the area. He commented that the applicant is within their rights to build the structure as proposed, and the building would provide architectural detail. He indicated that he is concerned with the viability of providing reciprocal access, and he feels it would not be appropriate to impose such a condition on the project. He commented that he also is concerned with access to the public right of way. He suggested adding 1 or 2 feet to the front setback to allow for a wider sidewalk. He also suggested that consideration be given to adding more trees to provide a buffer to the roadway.

Commissioner Seville-Jones said that she also is sorry for the loss of a smaller building which has been in the community for a long time. She commented, however, that the applicant is

investing in the community. She said that there is a transition in the community with a new owner who wants to renovate the property for their use. She stated that she believes that the business would serve the local community, and residents would walk to the use. She pointed out that the mixed use project would also be a benefit to the applicant who would not have to commute and would be able to spend more free time with his family. She commented that she feels mixed use is consistent with the zoning and would not have a detrimental impact on the neighbors. She stated that while she understands the concerns expressed by the neighbors, the building as proposed meets the standards of the Code. She said that she feels the subject property is too small for the reciprocal access agreement to be viable.

Commissioner Seville-Jones commented that she would not necessarily be concerned with a personal improvement business possibly locating on the site. She said that she would like to have further discussion regarding a food and beverage use locating on the site. She indicated that the sidewalk in front of the subject site is consistent with the rest of the street, and she would have a concern with requiring the sidewalk to be widened for certain properties and not others. She commented that she would support more trees being provided for the site. She indicated that she hopes that there will not be animosity between the neighbors as a result of the project. She indicated that she appreciates that the neighbors coming to the hearing to express their concerns.

Commissioner Andreani commented that she does not think the neighborhood would be negatively impacted by a dental office, but she does not feel that it is necessarily a good business for a mixed use project. She indicated that she would have some concern with the viability of a dental office at the subject site. She commented that she would not support requiring additional space to widen the sidewalk because she feels it would be too difficult to manage the size of sidewalks throughout the area or the City. She stated that she would like for trees to be planted to provide a buffer between the street and the subject building. She said that she agrees that the property is too small for reciprocal access to be viable. She commented that she is also pleased that no street parking would be lost as a result of the proposal.

Commissioner Gross commented that he strongly supports the project. He said that the community continues to improve, and the project would benefit the City. He stated that the existing structure on the site is run down, and it is courageous of the property owner to renovate the property. He indicated that he likes the idea of requiring reciprocal access; however, in this case it would be taking away property rights from the applicant because of the small size of the subject property. He said that the proposed structure is very attractive considering what would be permitted on the site.

Chairperson Paralusz commented that she also appreciates the passion of the neighbors in maintaining the quality of life in their community. She stated that she is in support of the project, although she is sympathetic to the residents who would be impacted. She pointed out that the applicant wishes to enjoy the same lifestyle as the other residents in the City. She commented that she hopes the adjacent residents will welcome the applicant and his family into the community. She stated that a dental office does serve a need in the community, and the project would allow the applicant to stop commuting. She indicated that the applicant and his family will also be generating additional revenue to the area by utilizing the local businesses. She commented that the project does meet the requirements of the Code and the General Plan. She also indicated that the proposal would not remove any existing street parking. She said that she would be concerned with allowing food and beverage sales on the site. She commented that she would be concerned with the possibility of delivery trucks coming to the site for a food and beverage use. She said that she would not have as much of a concern with allowing a personal improvement use on the site, as the residents who would utilize such a business would most likely walk.

Director Thompson pointed out that a food and beverage use is permitted in the zone in which the subject property is located. He indicated that the condition is included in the draft Resolution to clarify that there would be limited hours of operation for any food and beverage use that would locate on the site. He commented that staff would be concerned with the impact of traffic from larger classes that could occur with a personal improvement business on the site. He indicated that personal improvement businesses include instructional services or facilities including photography studios, fine arts studios, crafts studios, dance studios, music studios, driving schools, business schools, trade schools, diet centers, fitness studios, and massage.

In response to a question from Chairperson Paralusz, Associate Planner Haaland indicated that only off site sales of food and beverages would be permitted for the site and not a restaurant use that would include seating.

Chairperson Paralusz stated that she is concerned with the potential impact of a food and beverage use. She commented that it is easier to place restrictions on a use when a project is approved rather than taking entitlements from the applicant later.

Commissioner Seville-Jones pointed out that food and beverage sales were permitted for a property located near the subject site. She said that she would imagine that the laundromat and other businesses near the subject property open early. She indicated that she would not support changing the hours permitted for food and beverage sales that are allowed by the Code.

Commissioner Andreani pointed out that the adjacent area is primarily residential.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland indicated that the subject property did have a food & beverage use at some point in the past.

Chairperson Paralusz reopened the public hearing.

Mr. Ashmun said that his understanding is that El Tarasco was located on the subject property but was closed because the fumes from the restaurant impacted the neighboring residents.

Chairperson Paralusz closed the public hearing.

Commissioner Seville-Jones commented that the technology for mitigating fumes from cooking has improved. She pointed out that the proposed building is not designed to accommodate a kitchen for a food service use.

Commissioner Andreani indicated that she does not see a food and beverage sales use locating in the proposed structure, and she is not sure as to why such a use needs to be permitted.

Director Thompson pointed out that non-restaurant food and beverage sales are permitted by the Code for the subject property.

Commissioner Conaway commented that food and beverage sales or a personal improvement business locating on the site would be self limiting because of the small amount of space. He said that he feels a personal improvement use would be appropriate for the site. He indicated that parking for such a use would be available in the City parking lot near the site.

Commissioner Seville-Jones and Chairperson Paralusz indicated that they agree with the comments of Commissioner Conaway.

Commissioner Gross commented that the existing building is old and unsafe and needs to be replaced. He pointed out that the area is zoned commercial. He indicated that he feels a variety of commercial uses should be accommodated.

Commissioner Andreani said that she supports the project. She indicated that she feels a small dental office located adjacent to a residence does promote a small town atmosphere. She indicated that she would have a concern regarding the proper disposal of hazardous waste from the dental office use. She suggested adding language to item 16 under “Commercial Operational Restrictions” on page 3 of the draft Resolution to state that the applicant must comply with current regulations concerning medical waste.

Action

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **APPROVE** a Use Permit and Coastal Development Permit for proposed construction of a mixed use building with one medical office space and one residential dwelling unit at 3912 Highland Avenue with changes to the draft Resolution that the reciprocal easement agreement be eliminated; that a personal improvement use would be permitted on the site; that additional landscaping be provided along the sidewalk; and that language be added to item 16 under “Commercial Operational Restrictions” to state that the applicant must comply with current regulations concerning medical waste.

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 October 18, 2011.

09/28/11-4 Consideration of Zoning Text Amendment to Allow Tattoo Studios to Operate Within the City

Assistant Planner Danna summarized the staff report.

Commissioner Seville-Jones commended staff on preparing the staff report and incorporating the comments of the Commissioners at the previous hearing.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna indicated that staff did consider the distances that are required by other cities as well as the proximity of residences to commercial areas in Manhattan Beach in reaching their recommendation. He commented that schools are typically located adjacent to residential areas. He indicated that the City’s commercial areas are typically oriented toward the major arterial streets and are not part of walking routes to schools. He said that requiring larger distances also would eliminate properties that would be permitted to become tattoo studios.

Commissioner Gross pointed out that there is not a commercial district that is located within 1,000 feet from a school.

Commissioner Andreani also commended staff on the staff report. She indicated that she also is concerned that the minimum distance recommended by staff between tattoo studios is too small. She commented that requiring 500 feet between tattoo studios seems to be too small of a

distance, and she would prefer a minimum requirement of 1,000 feet between studios. She asked regarding the determination by staff for reaching a recommendation of 500 feet.

Assistant Planner Danna said that staff determined that a minimum distance of 500 feet between tattoo studios would be appropriate. He commented that staff does not feel that there will be a large number of applications for tattoo studios within the City. He indicated that the intent of providing a minimum distance is to prevent several tattoo studios from locating adjacent to each other. He commented that the market will ultimately determine the distance between tattoo studios.

In response to a question from Commissioner Andreani, Special Counsel Hogin said that the square footage of tattoo parlors could be limited if it is determined that such a limit can address any secondary impacts.

Commissioner Gross asked regarding a clearer definition of what would be considered excessive elimination of properties that would be permitted for tattoo studios. He commented that he feels there needs to be a distance between tattoo studios and residences.

Director Thompson indicated that requiring a distance between tattoo studios and residences could basically eliminate tattoo studios from locating in any commercial zones. He said that the CG (Commercial General) zone is adjacent to residential areas.

Commissioner Gross indicated that his concern with allowing tattoo studios in the CG zone would be addressed if tattoo studios were required to be located a certain distance from residences. He asked if there is a way to require a distance from studios to residences without being overly restrictive.

Director Thompson indicated that the direction staff received from the Commission is that allowing tattoo studios in the CG zone would be appropriate.

Assistant Planner Danna stated that requiring a distance of 100 feet between tattoo studios and residences would eliminate the possibility of tattoo studios locating on the majority of properties within the CG zone.

Special Counsel Hogin said that the question is whether there are impacts from a tattoo studio that would be different than from a use such as a nail salon. She indicated that there must be substantial evidence of the specific impacts from a tattoo studio that are not present with other uses. She indicated that the impression of residents regarding possible impacts of a tattoo parlor within a neighborhood is not considered substantial evidence. She indicated that evidence would be impacts within neighborhoods that have been demonstrated from existing tattoo parlors. She said that staff has done a thorough job of looking at the experience of neighboring cities with existing tattoo parlors.

Chairperson Paralusz opened the public hearing.

There being no one wishing to speak regarding the issue, Chairperson Paralusz closed the public hearing.

Commission Discussion

Commissioner Gross stated that he would want the required distance of tattoo studios from schools to be 500 feet.

Director Thompson pointed out that establishing a minimum distance of tattoo parlors from schools would also include preschools and private schools. He said that he believes the draft Resolution as written reaches an appropriate compromise. He commented that a potential site must be appropriate for use as a tattoo studio. He indicated that potential applicants for tattoo studios have looked on Artesia Boulevard and Aviation Boulevard rather than along Sepulveda Boulevard. He said that the space which was considered along Artesia Boulevard would not be permitted under the proposed standards.

Commissioner Gross indicated that he would prefer to establish a minimum distance of 400 feet between tattoo studios and schools. He commented that he would want to be certain that there are sufficient viable locations for tattoo parlors to avoid legal issues. He said that he would want to ensure that tattoo studios within the City are upscale. He commented that he feels that tattoo studios would do well in the downtown area, the Manhattan Village mall, or along Rosecrans Avenue. He stated that he would also support requiring a minimum distance between tattoo parlors of 1,000 feet. He also said that he would like for a minimum distance to be required between tattoo studios and residents.

Commissioner Conaway said that he is opposed to allowing tattoo studios in the CG zone. He commented that there would be a sufficient number of viable sites for such studios without including them in the CG zone. He indicated that he would be concerned with allowing studios to be located next to residential areas. He said that he is concerned that staff has determined that the residents along Oak Avenue adjacent to Sepulveda Boulevard would be impacted by tattoo studios but not the other residences that are located near Sepulveda Boulevard.

Director Thompson indicated that the commercial businesses in the CG zone are mainly oriented toward Sepulveda Boulevard, and there is a separation from the residential areas. He indicated that there is an exception for the residential area along Oak Avenue, and an overlay was created to protect those residents from impacts resulting from the adjacent commercial uses, therefore staff is proposing a distance requirement from that area.

Commissioner Conaway commented that all of the residences along the Sepulveda Corridor back into the commercial zone. He indicated that the businesses along Sepulveda Boulevard define the character of the City, as it is one of the gateways to Manhattan Beach. He said that there would be approximately 150 viable locations for tattoo parlors within the CC (Community Commercial), PD (Planned Development) and IP (Industrial Park) districts. He indicated that most of the viable locations along Sepulveda Boulevard for tattoo studios would not be permitted because of their proximity to schools. He said that there would be plenty of potential locations for tattoo studios without including them in the CG zone. He stated that there is a negative connotation regarding tattoo studios, and having them located near residences would impact property values. He indicated that there was a great deal of opposition when a tattoo studio proposed to locate near a residential area in Hermosa Beach.

Commissioner Seville-Jones indicated that allowing tattoo studios within the CG zone was an attempt to reach a compromise. She pointed out that the CL (Local Commercial) zone is located very close to residences, whereas the CG zone is oriented toward Sepulveda Boulevard. She indicated that the goal is for the City to avoid being challenged regarding the number of potential locations that are permitted for tattoo parlors.

Commissioner Gross indicated that he would prefer that tattoo studios be permitted in the CD zone rather than in the CG zone.

Director Thompson pointed out that the CD zone is located adjacent to residential.

Commissioner Seville-Jones indicated that there must be a government interest that is met by limiting tattoo parlors in a certain area.

Special Counsel Hogin said that there must be facts to demonstrate why tattoo parlors should not be permitted within a certain area of the City. She said that the staff in Hermosa Beach has conducted a survey to compare home prices before and after tattoo studios were opened. She stated that the survey indicated that the tattoo parlors did not impact the price of homes. She said that the court held that health concerns are not a justification for banning tattoo parlors, and such issues are to be addressed while allowing studios. She indicated that there is not the same stigma now regarding tattoos as was the case in the past. She said that the market will ultimately control the number of tattoo studios that locate within the City.

Assistant Planner Danna indicated that there would be a small number of properties within the CG zone that would be allowed for tattoo studios considering the 500 foot minimum requirement between studios. He pointed out that just because many properties in the CG zone may be eligible does not mean that they can all become tattoo studios.

Commissioner Conaway commented that he would support requiring a distance of 1,000 feet between tattoo studios.

Commissioner Andreani said that the Resolution has been well drafted. She commented that tattoo studios are now more mainstream and would pay rent as do other businesses. She said that any applicant who applies for a tattoo studio would know that Manhattan Beach is an upscale residential community with high quality schools. She said that she would like for the required minimum distance between tattoo studios to be 1,000 feet and the required minimum distance of tattoo studios from schools to be 600 feet. She indicated that she would want mobile body art to be restricted.

Assistant Planner Danna pointed out that the language in the draft Resolution states that the regulations do not apply to mobile tattoo businesses, which means that they would be restricted. He said that a mobile tattoo business could not rely on the proposed regulations.

Commissioner Seville-Jones commented that the reason for the proposed amendments is for the City to address the decision of the 9th Circuit Court. She indicated that the decision of the Court was that tattoo parlors are permitted as a right under the First Amendment and that there must be a government interest in regulating tattoo studios. She indicated that she would like for language to be included in the draft Resolution to state that the reason for the regulations is because of the decision in the 9th Circuit Court case. She indicated that she feels it is important to follow the law so that the Ordinance can be defended. She commented that including the CG zone is important in order to have a viable law for allowing tattoo parlors to locate in the community. She indicated that she feels that staff has reached a balance with the draft Resolution in regulating tattoo studios.

Chairperson Paralusz indicated that she also would support including language in the draft Resolution that the reason for the proposed regulations is because of the 9th Circuit decision. She said that the City Council is being proactive by directing the Commission to consider the Ordinance. She stated that she is not in support of changing staff's recommendation for the required minimum distance between tattoo studios. She said that she feels staff has explained the reasoning behind their recommendation for the minimum required distance between studios. She commented that the market will determine the number of tattoo studios that locate within the City, and there would not be a large number of such applications along Sepulveda Boulevard. She pointed out that there are a number of preschools along Sepulveda Boulevard which would limit the number of potential locations for tattoo studios. She indicated that she

feels the draft Resolution as proposed is a good balance for regulating tattoo studios and would provide an Ordinance that could be defended against legal challenge.

Commissioner Gross said that he does not feel there will be a legal issue once a few tattoo studios locate within the City, and he feels the draft Resolution is being too cautious in protecting against a lawsuit. He indicated that the City would allow for a sufficient number of studios even without allowing them in the CG zone.

Commissioner Seville-Jones pointed out that the Court has determined that tattoo parlors are to be permitted as a Constitutional right. She indicated that the City's Ordinance must protect people's Constitutional rights. She said that she does not feel there is justification for limiting tattoo studios further than is being recommended by staff.

Commissioner Conaway indicated that he does not feel the City would be over restrictive in not allowing tattoo studios within the CG zone, as there would be a large number of potential locations in the CC, PD and IP zones. He said that he would be opposed to allowing tattoo studios in the CG zone because of the close proximity to residential properties, because of the potential for lowering property values, and because it would change the identity of the City as part of its gateway.

Commissioner Andreani commented that she does not feel it is appropriate to restrict tattoo parlors in the CG zone.

Commissioner Andreani, Commissioner Seville-Jones and Chairperson Paralusz indicated that they would support a minimum required distance between tattoo studios of 600 feet and a minimum distance between tattoo studios and schools of 600 feet.

Action

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **APPROVE** Resolution No. 11-12 recommending to the City Council approval of Zoning Text and Local Coastal Program Amendments to allow tattoo studios to operate within the City with the addition of language to state that the reason for the Amendment is because of the decision of the 9th Circuit Court; changing the minimum distance requirements between tattoo parlors to 600 feet; and changing the minimum distance of parlors to schools to 600 feet.

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

Director Thompson said that the item will be scheduled for a hearing before the City Council.

5. BUSINESS ITEMS

09/28/11-5 Consideration of a Sign Exception for the Installation of One Electronic Changeable Copy LED Sign for a Church Located at 1243 Artesia Boulevard

Assistant Planner Rocque summarized the staff report. He stated that one comment was received in opposition to the proposal which has been provided to the Commissioners.

In response to a question from Commissioner Gross, Director Thompson said that staff determined that it was not necessary to place a restriction on the hours of operation for the proposed sign because it would not have a negative impact along Artesia Boulevard. He said that a restriction could be placed on the hours permitted for operation of the sign if it were determined to be appropriate by the Commission.

In response to a question from Commissioner Seville-Jones, Assistant Planner Rocque said that the sign would be restricted to changing at a minimum of every 60 seconds, which is indicated in the staff report and draft Resolution.

In response to a question from Commissioner Conaway, Assistant Planner Rocque indicated that the Sign Code does not allow electronic signs. He indicated that such signs can only be permitted through a Sign Exception.

In response to a question from Commissioner Conaway, Assistant Planner Rocque said that staff does not have information regarding local cities that have banned changeable LED signs.

In response to a question from Chairperson Paralusz, Assistant Planner Rocque indicated that the sign as proposed would be 170 square feet.

In response to a question from Commissioner Gross, Assistant Planner Rocque commented that the Sign Code does not permit pole signs for churches or schools. He said that the existing pole sign for the church has been on the site for many years. He indicated that changeable copy is permitted on monument signs.

In response to a comment from Commissioner Gross, Director Thompson pointed out that the proposal is for a Sign Exception, and each project for such an exception is considered on an individual basis.

Chairperson Paralusz opened the public hearing.

Audience Participation

Chris Polster, AKC Services, Inc., stated that a sample sign was placed on the site to demonstrate the appearance of the sign when completed. He indicated that the intent is to replace the existing manual changeable sign and to use the board in a more efficient manner. He stated that the existing sign is old and in need of replacing, and the proposal would change the sign to a more current technology.

In response to a question from Commissioner Gross, **David Water**, representing the applicant, indicated that the proposed sign would be less bright than the existing sign. He commented that they would also allow the City to display public service announcements on the sign. He commented that limiting the colors on the sign may affect the functionality.

Mr. Polster said that it is possible to limit the colors; however, their intent in improving the sign is to use more color. He pointed out that the sign would not include motion such as on a television screen.

Commissioner Gross said that the Commission may want to discuss limiting the amount of color. He asked if the applicant would be concerned with limiting the color that could be used for the background. He suggested that possibly staff and the applicant decide on the number of colors and the background color.

Roberto Diaz said that it would be possible to limit the sign to three colors. He commented that they use combinations of red, green, and blue to generate all of the colors for the sign.

Mr. Water indicated that they would like to utilize the colors on the sign.

Chairperson Paralusz closed the public hearing.

Commission Discussion

Commissioner Gross indicated that he is in favor of the project with conditions. He said that the applicant is allowed to maintain their existing sign. He indicated that he would be in favor of allowing a modern design provided that the number of colors displayed at once and the background colors are limited. He said that he would defer to staff and the applicant to determine the appropriate colors. He commented that it is important to include that the intent is to replace the existing sign. He said that he would support limiting the hours of operation of the sign.

Commissioner Seville-Jones indicated that she is not in favor of the proposed sign. She commented that pole signs are not attractive, and approving the proposal would extend the life of the existing pole sign by many years. She stated that there is a useful life for changeable copy signs. She indicated, however, that she does not feel that the existing sign must be replaced with another pole sign but rather a monument sign which meets the requirements of the Sign Code. She commented that she does not want to see electronic signs that change every 60 seconds throughout the community. She stated that she is concerned about setting a precedent. She pointed out that the sign at American Martyrs was basically enclosed within that property and is not visible outside of the church campus. She indicated that the subject sign would be very visible along Artesia Boulevard and could be a distraction to drivers. She commented that she would also support limiting the hours permitted for operation of the sign. She commented that the sign could be visible to residents across Artesia Boulevard in Redondo Beach who should not have to see the changing sign after 10:00 p.m. She also said that she feels the church does not need the sign after 10:00 p.m.

Commissioner Conaway commented that his family does participate in activities at Journey of Faith, but he feels he can consider that issue fairly. He commented that he does share the concerns expressed by Commissioner Seville-Jones. He said, however, that the proposed sign would be less bright than the existing sign. He also indicated that having text change every 60 seconds is preferable to having text that is constantly changing. He pointed out that many cities have banned electronic signs, including the City of Los Angeles. He indicated that the City of Los Angeles determined that electronic signs can create a safety hazard, can be difficult on the vision of older people, and can create visual blight. He indicated that Los Angeles decided to ban them in all but two specific areas. He pointed out that the sign as proposed would not be conforming for a new building under the current Code. He stated that if the proposed sign would set a precedent for similar signs if it is approved. He suggested that the City review the policy to address new and emerging technologies to determine the full impacts of changeable LED signs and to look at the regulations of other neighboring cities.

Commissioner Andreani stated that she is not in favor of the changeable copy sign; however, she would like for a compromise to be reached. She said that she does not feel the sign is necessary for advertising the church or the school, and she is concerned with setting a precedent. She indicated that she has concerns with potential safety impacts and with creating a nuisance. She commented that she feels the sample sign that was placed on the site is easier on the eyes than the existing sign. She indicated that she would like for the sign to be brought

into compliance with the Code by using a monument rather than a pole sign. She stated that she is not in favor of a changeable copy sign for the site.

Chairperson Paralusz indicated that she is opposed to the proposed sign. She indicated that she understands that the church wishes to update their existing signage; however, the City does have an Ordinance that restricts such signs as is being proposed. She commented that she cannot make finding that it would not create a detrimental impact. She said that she has concerns regarding the impact of the sign on traffic and visual blight. She indicated that she feels allowing the sign would create a precedent. She said that the sign for American Martyrs is isolated within that property. She pointed out that a larger monument sign for Raleigh Studios was denied because of concern regarding visual blight and impacts on traffic. She commented that she does not feel denying the request would prevent the church from promoting their business.

In response to a question from Director Thompson, Chairperson Paralusz said that she would still have concerns if the LED sign were redesigned as a monument sign. She said that LED signs do attract more attention than signs that are not electronic. She indicated that LED signs can be distracting to drivers.

Director Thompson said that after viewing the sample signage that was placed on the site, he felt that the sign as proposed would have less of an impact than the existing sign. He pointed out that the brightness of the sign can be controlled as well as the time span for changing the text. He pointed out that there is a condition included in the draft Resolution that staff can work with the applicant to mitigate any impacts if complaints are received.

Chairperson Paralusz indicated that she would have difficulty denying a request from another applicant for a similar sign along Artesia Boulevard if the proposed sign is approved. She indicated that she does not feel there would be a benefit to the community in having a large number of electronic signs.

Commissioner Seville-Jones said that she would also agree with the suggestion of Commissioner Conaway that the City look at addressing the developing technologies for signs. She indicated that she would prefer for the City to plan according to the new technology rather than for such signs to be considered through exceptions.

Commissioner Conaway commented that he would not wish to see the existing sign remain in the event the proposed sign is not approved.

Commissioner Gross said that he is concerned with setting a precedent with the proposed sign. He said that he is swayed by the comments of the other Commissioners to deny the proposal.

Commissioner Conaway commented that an LED sign that does not have changeable copy would be an improvement to the existing sign if the brightness were controlled.

Commissioner Andreani said that she has more of a concern regarding the changeable copy than she does with having an LED sign. She indicated that she also has a concern with setting a precedent with a changeable copy sign, and she does not want to promote them within the City.

Chairperson Paralusz reopened the public hearing.

Mr. Polster pointed out that electronic billboards have been banned in Los Angeles; however, signs similar to the subject proposal are permitted. He stated that LED signs are allowed for

schools but not other businesses. He said that the sign could be used by the City for public service announcements. He indicated that the sign would not include motion such as on a television screen.

Chairperson Paralusz pointed out that signs for schools are approved by the school district and are not reviewed by the City.

Chairperson Paralusz closed the public hearing.

Action

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **DENY** a Sign Exception for the installation of one electronic changeable copy LED sign for a church located at 1243 Artesia Boulevard

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 October 18, 2011.

Director Thompson said that staff will include the suggestion of addressing new sign technology at the City Council's next work plan session.

5. DIRECTORS ITEMS.

Director Thompson said that there will be a presentation on the library project by the architect of the project at the next Planning Commission meeting on October 12, 2011.

Director Thompson indicated that the City Council will discuss the Commission's recommendation regarding addressing the approval of liquor licenses in the City at their next meeting on October 4, 2011.

6. PLANNING COMMISSION ITEMS

Commissioner Seville-Jones said that the Home Town Fair will take place the weekend of October 1, 2011

Commissioner Conaway commended staff on their staff reports which are well written, thorough, and clear.

7. TENTATIVE AGENDA September 14, 2011

- a. Chalk Day Care 1030 Manhattan Beach Boulevard**
- b. Library Status Report**

8. ADJOURNMENT

The meeting was adjourned at 10:25 p.m. to Wednesday, October 12, 2011, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director