

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
FEBRUARY 8, 2012**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 8th day of February, 2012, 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: Laurie Jester, Planning Manager
Angelica Ochoa, Assistant Planner
Recording Secretary, Sarah Boeschen

2. APPROVAL OF MINUTES – January 25, 2012

Commissioner Andreani requested that paragraph 1 on page 3 of the January 25 minutes be revised to read: “She said that the average numbers of assignees for corporate memberships is ~~2-5~~ 5 persons.”

Commissioner Andreani requested that wording be added to the last sentence of the fifth paragraph on page 4 of the minutes to read: “She said that the staff report is made available to the public at a relatively late date before hearings; however, it is available to the public at the same time it is available to Commissioners, and ~~include~~ includes a great deal of information.”

A motion was MADE and SECONDED (Seville-Jones/Gross) to **APPROVE** the minutes of January 25, 2012, as amended.

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

3. AUDIENCE PARTICIPATION

4. PUBLIC HEARINGS

02/08/12-2 Consideration of a Master Use Permit Amendment to Allow the Expansion of the Existing Restaurant to Add a Private Dining Room/Event Space Area with On-Site Consumption of Beer and Wine at 3500 North Sepulveda Boulevard

Assistant Planner Ochoa summarized the staff report.

In response to a question from Commissioner Gross, Assistant Planner Ochoa commented that the revised proposal for operating hours beginning at 8:00 a.m. for the proposed use is consistent with the Master Use Permit for the Manhattan Village mall.

In response to a question from Commissioner Conaway, Planning Manager Jester indicated that the 200 spaces leased from the City are not included in the count of 2,393 parking spaces

provided on the mall site. She commented that the mall parking lot has been restriped since the 2001 Resolution was adopted for the mall, which resulted in a change in the amount of parking.

In response to a question from Commissioner Conaway, Assistant Planner Ochoa indicated that the conditions in Maser Use Permits PC 01-27, PC 08 15 and PC 10 03 will transfer to the new Use Permit. She stated that the additional conditions that specifically apply to the private event space in the proposed draft Resolution are Conditions 26-30 on pages 7 and 8.

Planning Manager Jester pointed out that Section K, Items 1-4 in the draft Resolution reference the findings for the event space use.

In response to a question from Commissioner Conaway, Assistant Planner Ochoa said that staff feels the existing trash facilities are sufficient to accommodate the proposed special event space.

In response to a question from Commissioner Seville-Jones, Assistant Planner Ochoa stated that there is a cap included in the Master Use Permit for the mall on the amount of restaurant space and on the allowance for full alcohol service.

In response to a question from Commissioner Seville-Jones, Assistant Planner Ochoa commented that the subject area currently is built out as private event space.

In response to a question from Commissioner Seville-Jones, Planning Manager Jester indicated that the proposal is for the subject area to be used only for private events. She said, however, the space could be converted to restaurant use in the future provided that the mall has not reached the limit on the amount of restaurant space that is permitted under the Master Use Permit. She pointed out that there is not a separate designation in the Zoning Code for event space. She commented that a future proposal for restaurant use on the subject space would not necessarily come back before the Commission if it were consistent with the Master Use Permit and limited to beer and wine service only.

Commissioner Andreani pointed out that page 3 of the staff report indicates that the proposal is to convert 1,252 square feet of office space into a private event space; however, the letter from Mark Neumann to REEF included as Exhibit "B" in the staff report indicates that the proposal is to convert 1,240 square feet of office space. She commented that she would like further clarification on the exact amount of square footage that would be included for the event space.

In response to a question from Commissioner Andreani, Planning Manager Jester indicated that the A2 occupancy rating for the Tin Roof Bistro and the B occupancy rating for the existing office space are Building Code specifications which the Building and Safety Division uses to determine the number of restrooms that are required, access, and type of construction.

In response to a question from Chairperson Paralusz, Assistant Planner Ochoa said that outdoor seating is not proposed for the private event space.

Chairperson Paralusz suggested possibly clarifying the wording of the second sentence of Condition 30 which states that any outside sound or amplification system or equipment is prohibited. She said that the wording is ambiguous as to the definition of an outside sound.

Planning Manager Jester pointed out that the word "sound" is modifying the word "system" in Condition 30. She said that the wording is stating that any outdoor sound system is prohibited.

Chairperson Paralusz suggested that the wording of Condition 30 be changed to state that that any sound or amplification system or equipment is prohibited outside rather than that any outside sound or amplification system or equipment is prohibited.

In response to a question from Chairperson Paralusz, Assistant Planner Ochoa stated that a change to full alcohol service for the subject space in the future would require an amendment to the Use Permit.

In response to a question from Chairperson Paralusz, Assistant Planner Ochoa said that it would be possible to include a condition that any future request for a change of the private event space to restaurant space would come before the Commission.

In response to a question from Commissioner Gross, Assistant Planner Ochoa indicated that the reason the proposal is before the Commission is because of the expansion of the liquor license rather than because of the expansion of dining area.

Chairperson Paralusz opened the public hearing.

Public Input

Michael Simms, Jr., representing the applicant, said that the space as proposed would be used strictly for private events upon contract with individuals or companies. He pointed out that the special event space would be restricted to special functions and would be restricted to service of beer and wine only.

In response to a question from Commissioner Andreani, **Mr. Simms** said that the discrepancy in the measurements of the proposed event space is because the architect measures the space of the interior area and the landlord and lender measure the space from the exterior walls.

In response to a question from Chairperson Paralusz, **Mr. Simms** commented that the request for operating hours to begin at 8:00 a.m. is to accommodate breakfast meetings. He indicated that he would not have an objection to a condition requiring that any proposed change of the event space to restaurant use come before the Commission. He commented, however, that his understanding is that the Master Use Permit for the mall would allow for restaurant space that includes only beer and wine service to be permitted. He pointed out that the reason the proposal is before the Commission is because the ABC (Department of Alcoholic Beverage Control) would not allow a beer and wine license adjacent to a restaurant with a license for full alcohol service. He said that their solution to satisfy the requirements of the ABC was to request an extension of the type 47 license with a condition allowing only beer and wine only for the event space. He said that he cannot speak for the management of the mall regarding a requirement to come before the Commission with any future proposal to change the event space to restaurant use.

In response to a question from Commissioner Seville-Jones, **Mr. Simms** commented that they do not intend to schedule breakfast meetings before 8:00 a.m., and they would be comfortable with operating hours beginning at 8:00 a.m.

In response to a question from Commissioner Gross, **Mr. Simms** said that the arrangement of tables for the event space would be flexible to accommodate the needs of different groups.

In response to a question from Commissioner Gross, **Mr. Simms** said that the restrooms outside of the subject site that would be used for the event space require a code entry. He

indicated that any staff member would be able to provide guests with the code for the restrooms.

There being no member of the audience wishing to speak, Chairperson Paralusz closed the public hearing.

Commission Discussion

In response to a question from Commissioner Seville-Jones, Planning Manager Jester stated that the parking ratio that is approved as part of the Master Use Permit for the mall would be sufficient to accommodate a restaurant use for the subject space. She said that the mall has more than 15,000 square feet of space that could be converted to restaurant use from retail or office use while not exceeding the cap for parking. She commented that the parking ratio is based on a mix of restaurant, retail, and office uses.

Chairperson Paralusz pointed out that the Commission will be evaluating the draft Environmental Impact Report for renovations to the mall in the near future. She commented that she expects that parking will be a large component of the draft EIR report, which would include parking for the subject property.

Commissioner Gross indicated that he is in favor of the project. He said that he likes the idea of the Master Use Permit which allows private property owners to work out details provided that they meet overall requirements. He commented that providing some flexibility allows businesses to more easily make changes to conduct business in the rapidly changing market. He commented that he supports allowing operating hours for the event space to begin at 8:00 a.m.

Commissioner Andreani stated that she supports the project and feels the draft Resolution is well written. She commented that she appreciates having the background information that was included with the staff report. She suggested that the date of the public hearing referenced in Section 1, Item A on page 1 and in Item 26 under "Special Conditions" on page 7 of the draft Resolution be changed from February 8, 2011 to February 8, 2012. She said that she would not object to changing the wording of Condition 30 on page 8 of the draft Resolution to state that that any sound or amplification system or equipment is prohibited outside. She commented that the applicant has been a good community neighbor. She said that it is preferable to have vacant commercial space become occupied.

Commissioner Conaway indicated that he echoes the comments of Commissioner Gross. He pointed out that the only reason the proposal is before the Commission is because of the proposed expansion of the alcohol permit. He indicated that parking is addressed by the Master Use Permit, which was one of his major concerns with the proposed conversion of office space to private event space. He commented that any possible additional noise does not appear to be a great concern, as the proposed private event space would be within an interior courtyard. He pointed out that staff is satisfied that any additional trash resulting from the proposed use can be contained within the existing trash area. He commented that he would support the draft Resolution as written. He said that he would echo the comments of Commissioner Andreani that the applicant has been a good community neighbor, and he is pleased to see additional investment in the community. He said that the proposed use would be a good addition to the commercial base of the City.

Commissioner Seville-Jones stated that the Tin Roof Bistro has been a great addition and has been well embraced by the community. She said that the subject property is complicated because of the separate ownership and the shared parking with the mall. She stated that it is

important that the Commission comply with the agreements that were made under the existing Master Use Permit. She indicated that she is comfortable that the proposal will not exceed the parking caps that are included under the Master Use Permit. She said that it is not the purpose of the Commission to request that all of the parking ratios for the mall be reexamined for such a small proposal, as people have relied on the existing parking ratios in making investments in that property. She commented that she feels the findings can be met to support the proposal. She indicated that she supports operating hours for the event space beginning at 8:00 a.m. She said that she would support the request of Chairperson Paralusz to change the wording of Condition 30 on page 8 of the draft Resolution to state that that any sound or amplification system or equipment is prohibited outside. She indicated that she supports the proposal.

Chairperson Paralusz indicated that she also supports the project. She commented that approval of Tin Roof Bistro was one of the first projects that she considered as a Planning Commissioner, and it has far exceeded her expectations in becoming a vibrant addition to the community. She indicated that the restaurant has blended seamlessly and has enhanced the mall property. She commented that the applicant has been a great neighbor and corporate citizen. She pointed out that there has been no opposition expressed for the subject proposal, and the restaurant has not been cited for any alcohol related violations. She stated that she agrees that the proposal meets the required findings. She said that she would support operating hours for the proposed event space beginning at 8:00 a.m. She indicated that she would like for the wording of Condition 30 on page 8 of the draft Resolution to be changed to state that that any sound or amplification system or equipment is prohibited outside in order to provide clarification.

Action

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **APPROVE** a Master Use Permit Amendment to allow the expansion of the existing restaurant to add a private dining room/event space area with on-site consumption of beer and wine at 3500 North Sepulveda Boulevard, with a change to allow opening at 8:00 a.m., a change to the wording of the second sentence of Condition 30 on page 8 of the draft Resolution to state: “Any ~~outside~~ sound or amplification system or equipment is prohibited outside.”; and with a change to the date of the public hearing referenced in Section 1, Item A on page 1 and in Item 26 under “Special Conditions” on page 7 of the draft Resolution from February 8, 2011 to February 8, 2012.

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

Planning Manager Jester 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 March 6, 2012.

5. DIRECTORS ITEMS

6. PLANNING COMMISSION ITEMS

In response to a question from Commissioner Gross, Planning Manager Jester indicated that staff is in the process of working with the consultant and the applicant on preparing the EIR for the renovations to the mall. She stated that public hearings will be held before the Commission and the City Council, but dates have not been set. She commented that the property owners plan to keep the existing parking ratios and still provide adequate parking for the mall. She commented that the Fry’s property is included as part of the Master Use Permit for the mall.

She said that the Fry's property was originally under separate ownership and was eventually purchased by the property owners of the mall.

7. TENTATIVE AGENDA February 22, 2012

A. Rotation of Planning Commissioners

8. ADJOURNMENT

The meeting was adjourned at 7:25 p.m. to Wednesday, February 22, 2012, in the City Council Chambers, City Hall, 1400 Highland Avenue.

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director