

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JANUARY 8, 2014**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 8th day of January, 2014, 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, Gross, Ortmann, Paralusz, Chairperson Conaway
Absent: None
Staff Present: Richard Thompson, Community Development Director
Laurie Jester, Planning Manager
Eric Haaland, Associate Planner
Angelica Ochoa, Assistant Planner
Rosemary Lackow, Recording Secretary,

2. APPROVAL OF MINUTES – December 11, 2013

The following changes were requested by the Commission:

- 1) Pg. 4, in the middle of the page, paragraph starting “Commissioner Gross...”: strike “under” and insert “over” as follows: “...that her property also is well ~~under~~ over 500 feet from the project.....” (Gross)
- 2) Pg 5, fifth paragraph, first line, after “support” insert “the project and” as follows: “Commissioner Andreani stated that she also supports the project and, in particular...” (Andreani)
- 3) Pg. 3, 1st paragraph, last phrase: strike “will” and insert “with” as follows: “.....will be allowed consistent ~~will~~ with all sign standards.” (Chair Conaway)

A motion was MADE and SECONDED (Gross/Andreani) to **APPROVE** the minutes of December 11, 2013, as amended.

AYES: Andreani, Gross, Ortmann, Chairperson Conaway
NOES: None
ABSENT: None
ABSTAIN: Paralusz

3. AUDIENCE PARTICIPATION

Viet Ngo, advocate for anti-corruption, requested that the Commission direct the Recording Secretary to revise the December 11 minutes out of concern for due process and conflict of interest, regarding the order of the agenda and to include each Commissioner’s home and business addresses to comply with conflict of interest law.

Community Development Director Thompson addressed the Commission concerning Mr. Ngo’s comments, noting that there were two separate issues: including the order of the Planning Commission agenda regarding audience participation and 2) whether the Planning Commissioners are legally required to announce their address at their meetings.

Commissioner Paralusz requested confirmation of her understanding that Commissioners are in compliance with conflict of interest disclosure requirements by their filing of Form 700’s with the City, as this document contains much information including address, and is a public record.

Development Director Thompson indicated that he would consult with the City Attorney regarding Mr. Ngo’s concerns about re-ordering the agenda to allow public comment before the minutes are approved, but regarding conflict of interest disclosure, the Commission is currently in compliance.

Bill Victor, property owner and attorney suggested that the Commission add a second Audience Participation section to their agenda near the end, because he felt it may help in making decisions.

In response to Commissioner Paralusz's request to clarify what he meant by "audience participation" and where that might occur in the agenda, Mr. Victor gave, as an example, the way the City Council agenda has two sections of Audience Participation.

Chairperson Conaway suggested and it was agreed, that the Commission discuss the matter of the Commission's agenda format later under "Planning Commission Items".

4. GENERAL BUSINESS

01/08/14-2. Planning Commission Recommendations to the City Council on Code Amendments to Title 10 Planning and Zoning of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program to Regulate Offices, Banks and Other Similar Uses in the Downtown and North End Commercial Districts

Development Director Thompson noted the background and the purpose of tonight's item is to give staff an opportunity to clarify the Commission's direction at the prior public hearing on November 13, and give the Commission the opportunity to provide additional input, before staff forwards the Planning Commission's recommendations and public comments to the City Council. Mr. Thompson emphasized that while this is not a formal "public hearing" but as is routine for such matters, the public will be able to give their input.

Assistant Planner Angelica Ochoa gave the Staff Report, providing an overview, including the history and background of this issue, relevant zoning regulations applicable to the Downtown and North End, public comments, prior code amendments proposed by staff and recommendations from the Planning Commission on the subject item. The recommendation tonight is for the Planning Commission to take public input, discuss and confirm the recommendations on the Downtown and North End Code Amendments to forward to the City Council for further action.

In response to a question from Commissioner Gross to clarify "form-based zoning", Director Thompson explained that this concept is where there is more focus on the physical form of development, compared to the use. Commissioner Ortmann further explained that this is relatively new idea with more or less success, and entails the community coming together to determine a vision, and then use imagery to translate the vision into a physical form that drives the zoning regulations.

In response to Commissioner Paralusz, Director Thompson clarified that staff wants to confirm the direction from the Commission that was discussed in November before it forwards all information, including any new thoughts or additional recommendations to the City Council for their review and further action.

In response to comments and questions from Commissioner Andreani, Assistant Planner Ochoa indicated that statistics regarding the number of offices that have frontage on main commercial streets are up to date and was done recently. Director Thompson stated that this issue relates to the pedestrian experience rather than the fiscal aspect and the mix of uses that makes Downtown great. The central issue is how to maintain that mix and balance of uses. Commissioner Andreani stated that she believes fiscal information is important in that it also relates to the pedestrian environment issue and economic viability.

Commissioner Ortmann commented that he believes that the staff presentation has captured the wide array of issues. He believes there should be more emphasis on the formation of a Committee or whether a Strategic Plan is needed.

Commissioner Paralusz stated she would like to see more information from other cities, and encouraged Staff to look at small coastal cities even in other states, if needed. Chair Conaway and Commissioner Andreani joined this discussion, clarifying that additional information would be beyond the cities

mentioned in the November staff report and includes some suggested by the public (Laguna Beach, Corona Del Mar or Dana Point). Chairperson Conaway, recognizing this could be a significant effort, indicated that an appropriate question of City Council would be whether to authorize more staff resources.

Director Thompson summarized basic options, including should the City consider adopting new zoning regulations to create a mix of uses or allow the market to regulate that mix? Another important question is whether this is an urgent matter that can't wait for a year-long study, and if so, should the Commission consider a focused moratorium, whereby, conversion from retail would be prevented until a study could be completed.

Commissioner Gross indicated that he was not sure all the background has been presented in this report, and he believes that the Downtown retail community believes that this is an urgent matter that needs action now.

Chair Conaway stated his opinion that it is important for the City to do its due diligence as to whether loss of sales tax is a concern. Director Thompson responded that he would need to find out if sales tax information is available for just the Downtown area.

PUBLIC INPUT

There being no further questions, Chairperson Conaway opened the discussion to public input.

Steve Murrillo, realtor and Downtown businessperson believes that the discussion so far is prejudiced in that it lacks input from realtors. He does not believe that there is a high level of urgency, and a long term vision is what is needed and then go from there; he believes a more comprehensive understanding of fiscal revenues (more than retail sales tax) would greatly help, and thinks a moratorium would be detrimental to property owners.

Kelly Stroman, Executive Director, DBPA, urged that the City find and maintain a way to have a balance Downtown. Another retail space on Manhattan Avenue will soon become vacant and she suggested that a moratorium would afford the City an opportunity to study this. Other cities and areas to research include Pasadena "Old Town", Belmont Shore, Balboa Island, Abbot-Kinney in Venice and Laguna Beach. She believes a temporary moratorium would benefit all and the DBPA includes a good mix of types of businesses.

David Kissinger, South Bay Board of Realtors, believes more information is needed before adopting a moratorium. With a moratorium, an affected space may become and stay vacant. He recalls in prior years there was a concern there would be too many drug stores and this was resolved through the free market. Uses should be allowed to sustain overall viability, and while additional information would be helpful, a moratorium is not needed.

Bill Victor property owner and lawyer, suggested that capitalism should be supported and let the market forces operate. He believes the concept coming from the DBPA is ill-conceived, and will also involve study by the Coastal Commission. He doesn't believe Abbott-Kinney is a good example of a commercial area to study; he believes a moratorium would be damaging and real estate office revenues will be found to be significant.

Commissioner Paralusz asked Mr. Victor, assuming that Downtown uses became predominantly offices, would he still be as excited to come Downtown? Mr. Victor stated that he misses some of the uses that have gone away, but believes all retail will not go away, that capitalism should be allowed to prevail and that residents should be encouraged to be in the discussion.

Dr. Silverman, optometrist in Metlox, DBPA member and resident for 13 years supports a moratorium because he believes this situation is very urgent, and perhaps in adopting a moratorium, hardship cases can be addressed. He clarified that the executive members of the DBPA are residents. In Old Town Pasadena, there is a rule that offices be limited to upstairs and emphasized there is a need to maintain and enhance the character of the Downtown.

Chandra Shaw, of the DBPA (current President), emphasized that the Association represents every business Downtown and the goals are to promote a pedestrian environment, and to have a strategic economic development plan.

Viet Ngo, advocate for anticorruption, urged the Commission: to entrust the City Council to make the law and that they not adopt a moratorium, abide by the law of supply and demand and not base a recommendation on loss of revenue, but instead on what's good for all groups. He requested that Commissioners Paralusz and Andreani recuse themselves due to a possible conflict of interest based on the legal case Clark v. City of Hermosa Beach, because conflict of interest is determined not just by whether your address is within 500 feet.

Ezra (last name unknown) stated he works with realtors, and is a property owner in Manhattan Beach. He indicated that he is against putting more restrictions on businesses and believes that putting a limit on banks and offices would be missing the point. He believes that the City should be promoting the type of retail desired (not all retail, for example, a mini Walmart would not be desirable), not discouraging other types of businesses. People get incentives when property values are increased through improvement, and concern is that a moratorium would devalue property.

Robert Schumann, has been a retailer but has mainly been a real estate broker for 38 years, and he believes that the chances for having more financial institutions Downtown is relatively remote. He urged the Commission to not support a moratorium, instead to let market forces work. He is against "big brother" solutions, and supports property rights and a plan to work with retailers.

COMMISSION DISCUSSION

There being no further speakers, Chairperson Conaway closed the public testimony and iterated the goal of the Commission tonight is to clarify its direction to Staff and forward their recommendations and public comments to the City Council. He asked Development Director Thompson to address legal issues raised by speaker Ngo.

Director Thompson stated that there is no conflict of interest for the Commission and the Commission is well within its authority to study this matter and give comments and recommendations to the City Council.

Commissioner Ortmann understands that Staff believes there is urgency, but doesn't think he has enough information to be able to support a moratorium. He agrees with some public comments that the issue is an inherent retail, not a "retail vs. banks" issue, however he also realizes that there are a lot of issues and dynamics involved.

Director Thompson clarified that Staff is not recommending a moratorium tonight, but their goal is to provide a recap and confirm the Planning Commission direction to Staff at the November hearing, before a recommendation is forwarded to City Council for their consideration and action.

Commissioner Paralusz stated her agreement with Commissioner Ortmann; that her position has not changed since the November hearing. She responded to and disagreed with speaker comments that suggested that capitalism be given free rein: pointing out the property rights have already been circumscribed by the establishment of zoning regulations such as a 30-foot building height on The Strand. Regarding the mix of uses in Downtown and North End, she doesn't have enough information to say with certainty at what point there are too many of specific uses. In summation, Commissioner Paralusz stated that there needs to be input from businesses, residents and property owners, she believes that some kind of ratio system may be a way to regulate, and there is a place for regulations if used wisely.

Commissioner Andreani stated her agreement with the two prior Commissioners comments and some more information is needed. She believes that the issue of a moratorium should be decided by the City Council and that it is the Commission's responsibility to balance rights between public needs and private property owner interests. Commissioner Andreani voiced her opinions: it is important to

differentiate between banks and offices and that a lack of parking detracts from vibrancy and further, retail has suffered from relaxed parking requirements and the proposed use restrictions are not a ban. She encouraged Staff to look at other cities, noting El Segundo has some financial incentives for “destination uses”. Her concern about a moratorium was addressed and she recognizes that it is difficult to talk about saturation of specific types of businesses. She estimates that 98% of patrons Downtown and in the North End are residents and believes talking to retailers would be helpful.

Commissioner Gross reiterated the background of this issue and he sees his role and trying to help the City Council, his “boss”, to solve a perceived problem. He believes in achieving the balance between public needs and private interest, and so, there also should be a balance in the uses occupying Downtown and the North End. He believes that the impetus is an impression occurring because of failures of some retail, and a sort of “train roll” of conversion from retail to office/financial institutions has followed. Getting a better vision will take time, and he believes it is the City Council’s job to determine if there is a problem that needs an urgent solution, while it is the Commission’s job to provide options and tools to the Council.

Commissioner Gross offered a suggestion for a new regulation to apply maximum percentages to different uses: first, a percentage would be established by the City Council for overall retail (Commercial Downtown and/or the North End), and then for a smaller targeted area. The Council can give the Commission some target percentages, and then each time there is a proposed change of use then the Commission would determine if that conversion meets the set targets. For example, assuming the Downtown currently has 88% retail, and the North End has 92% retail, these would be set as the overall targets. If 90% is picked to be the target amount of retail businesses for both areas combined, the effect would be a moratorium for Downtown, since Downtown already is at that limit. If, on the other hand, the target were to be 85%, that would allow for more conversions Downtown. Another target could be set for smaller focused areas such as the 15 parcels on Highland between 15th Street and Manhattan Beach Boulevard where now there is a high percentage of banks. The smaller areas could be assigned a higher saturation percentage for maximum amount of non-retail uses, but his opinion is that “small area” should not be strictly defined in order for this tool which can be more quickly and nimbly implemented, or not, based on the City Council’s discretion.

Chairperson Conaway thanked everyone for their comments and noted his overall agreement with his fellow Commissioners that his position has not changed and a lot more evidence is needed before supporting a moratorium. He is not in favor of any changes due to the volatile and complex issues of regulating mixes of commercial uses, and he feels that most of the suggestions heard so far seem to be draconian, in that currently only 10% or less is the amount of commercial space that is not retail Downtown is an indication this may not warrant a moratorium or urgent change in the code. He feels that a missing and important piece of data is the attrition rate for uses over the last few years, why the attrition is occurring, and whether this is normal. Whether it’s an update of the existing Downtown Strategic Action Plan or some other incentive to promote businesses, this probably needs some form of committee or task force and finally this needs a more holistic discussion. His recommendation is to study further and consider some way of updating the Downtown Strategic Plan possibly to include “Blue Zones” concepts.

Chair Conaway suggested that the Commission review the bullet points prepared by Staff of the Planning Commission recommendations for Council and comment on whether they want any changes, and whether they support Commissioner Gross’ suggestion.

Commissioner Paralusz stated that while she is interested in a percentage approach, she needs more information, and is concerned that a percentage may be arbitrary at this time.

Commissioner Andreani stated her agreement that this would be premature.

Chair Conaway emphasized that the discussion should be whether the Commission can support Commissioner Gross’ suggestion in general and should it be added to the Commission’s recommendations.

Commissioner Ortmann stated that he cannot support adding the percentage concept as a

recommendation because he needs more information, but he noted he is not sure he would ever support that kind of approach.

Commissioner Andreani addressed the list of Commission recommendations provided by Staff in the powerpoint and noted that in order of priority she felt the first point should remain at the top of the list, but the third bullet point should be moved to the second bullet point. The recommendation regarding public outreach should be expanded to indicate outreach to more groups, but she is not sure how that would be done, but perhaps through the Chamber of Commerce or Downtown Business and Professional Association (DBPA) and a mailer. She believes that the Downtown Strategic Action Plan guidelines are still valid.

Chair Conaway directed the Commission to consider whether the recommendations should be revised to make it clear that the further study should be short-term. It was agreed that it is important that their recommendations include a statement that the Commission is not convinced that there is an urgency to react to the subject issue.

Chair Conaway suggested adding “and economic development” to recommendation #4 relating to enhancing the pedestrian- oriented environment and Commissioner Gross suggested there be a statement that this is both a City and resident issue.

Development Director Thompson noted that all the information and comments received from the Planning Commission will be forwarded to the City Council and Director Thompson stated that he believes that Staff has sufficient information to pass on.

Chairperson Conaway called for a 5-minute break at 8:50 pm.

Chairperson called the meeting back to order at 8:55 pm, announcing the next order of business.

5. PUBLIC HEARING

- 01/08/14-3. Consideration of a Use Permit and Variance for Proposed Construction of an Office Building at 865 Manhattan Beach Boulevard (865 MB BLVD LLC).
RECOMMENDATION: CONDUCT PUBLIC HEARING, DISCUSS AND PROVIDE DIRECTION

Director Thompson introduced Eric Haaland, the project planner who gave a power point presentation, with slides describing the Project Analysis, Findings, Issues, Location/Project Vicinity, Street/Sidewalk/Property Line/Poinsettia and 12th Court views of Site, Conceptual Plans and a Recommendation.

Associate Planner Haaland responded to Commissioner Ortmann’s inquiry by explaining that there are only two building features that are allowed to breach the height limit: chimneys/vent pipes and antennas, based on specific limitations.

In response to a question from Chairperson Conaway, Mr. Haaland noted that Staff is looking for feedback on the elevator height variance, whether the required findings can be met, and whether there are any special conditions that might be applied to the Use Permit and/or Variance.

In response to questions from Commissioner Andreani, Director Thompson indicated that he was not clear on the zoning history of the CL (Local Commercial) district and how a mix of commercial and residential developed, and he is not aware of a movement to encourage more commercial along Manhattan Beach Boulevard, but commercial is consistent with the General Plan.

Director Thompson clarified that Staff is generally supportive of the project and wants to identify issues. Because this is such a large project Staff wanted to withhold support until public feedback is provided because such input can result in positive changes.

In response to further questions from Chairperson Conaway, Associate Planner Haaland noted that: 1) regarding the issue in the written report that there is no enhanced public entry, Staff believes that this would be a desirable element for design aesthetics; 2) vent pipes and chimneys are allowed to exceed the maximum height limit by 5-feet; 3) the site topography slopes uphill to the west, and downhill to the east, and the greatest change in grade occurs at the rear, near the north-east corner; and the elevator additional height would then be experienced most along the center of the east side, near a parking lot for an apartment building.

No further questions, Chair Conaway invited the applicant to address the Commission.

Louie Tomaro, architect, addressed the Commission, thanking them for the opportunity to speak. Referring to slides, **Mr. Tomaro** explained that the concept is based on a desire to make the building pedestrian friendly and positive design elements include: pulling the building back and concealing parking, terracing with green roofs, and providing landscape buffers between the building and adjacent private property uses. In addition, there is a 2-story entry element, with reduced heights facing the Boulevard and minimum 28-foot setbacks from any adjacent residentially zoned lot. The owner intends to move his office from El Segundo to Manhattan Beach. **Mr. Tomaro** related that he designed his own office on Sepulveda Boulevard where he has adjoining residential lots to the rear, and the mitigations used to buffer residential from commercial impacts have worked well there, so he has incorporated some in this project.

In response to a question from Commissioner Paralusz, **Mr. Tomaro** indicated that glare impacts to nearby residential from the new windows would be avoided by employing tinted windows, extended overhangs, landscaping, and series of auto roller shades that also help in LEED certification, and the fact that the majority of windows will be on the north and east sides.

In response to Commissioner Gross, **Mr. Tomaro** agreed to add these mitigations as project conditions. In response to more questions from Commissioner Gross, Mr. Tomaro clarified: 1) on the east side, the top level on the east side is set back (Page 7 elevation) and 2) the majority of the earth removal as shown on page (8) Section C, of the plans, will be away from homes, and a retaining wall will be 3 feet off the property line, will be shored, and the maximum height of retaining walls will be 6 feet. Further, Mr. Tomaro stated that bike racks will be provided as required in the Green Building Code for Silver LEED qualification(as this is designed to be).

Mr. Tomaro continued to respond to questions from Commissioner Gross, showing the public entry and retail component indicating that there will be a subtle commercial statement, and developing a strong interior core was a strategy that resulted due to the “L” configuration of the site and difficult vehicle access. Associate Planner Haaland responded that a standard condition requiring compliance with the Sign Code and other restrictions will be included.

In response to an inquiry and concern from Commissioner Ortmann regarding such a large expanse in front devoted to the vehicle entrance, **Mr. Tomaro** explained that this was a big challenge because by code he needed 22 plus 5 feet for a 2-way driveway and pedestrian walkway.

In response to comments and a suggestion from Chairperson Conaway who echoed Commissioner Ortmann’s concerns, **Mr. Tomaro** indicated he would consider adding mature street trees and agrees to a condition requiring such.

PUBLIC HEARING

Chair Conaway opened the public hearing.

Taleene Rose, adjacent property owner for 9 years, addressed the Commission stating that their property is one of the single family homes on the north side and she believes her son’s nursery window will be exposed to the building windows. Her concern is that the bulk of the building is going to be near their home. During the notification period she noted her difficulty in being able to access and understand the building plan. Ms. Rose noted concerns about environmental impacts coming from the

project which include: 1) land use conflicts, being next to commercial; 2) shoring and vibration from excavating; 3) traffic impacts; 4) potential glare; 5) construction noise; 6) visual impacts from views of the elevator shaft; 7) proposed land use: is retail really a good use; 8) whether setbacks (from residential property lines) will be adequate; and 9) whether a Negative Declaration is sufficient under CEQA. Ms. Rose urged the Commission to not approve the project without careful consideration.

Teresa Eichner, resident to the north on 12th Court, has 3 children and shares concerns regarding impacts related to: excavation, noise, safety during demolition, loss of privacy due to proposed balconies and urged careful scrutiny.

Rochelle Snyder, property owner east of the project, got a notice and asked if there would there be a gate to the entry, the number of parking spaces that are required, and whether a traffic study was warranted? She is interested in how access works on Manhattan Beach Boulevard, and especially when cars exit, heading east and cross traffic on the Boulevard. Ms. Snyder asked whether additional measures to control traffic would be needed. She hopes the project can go forward in an amenable way.

There being no further speakers, Chair Conaway closed the Public Hearing and invited discussion.

COMMISSION DISCUSSION

In response to a question from Commissioner Ortmann regarding the public comment on CEQA, Director Thompson stated that the project traffic impacts were examined by the Traffic Engineer and Associate Planner Haaland added that Staff looked at impacts other than traffic, in accordance with State CEQA guidelines and determined them not to be significant and further, if a Variance wasn't involved, CEQA review would not apply to the project.

Commissioner Gross complimented the presentations made and raised the issue of shoring. Director Thompson explained that currently, as was not the case in the past, drilling is now required for shoring, (as opposed to pounding or vibration) and this reduces vibration.

Chairperson Conaway reopened the public hearing.

PUBLIC HEARING (REOPENED)

Louie Tomaro, architect responded to a question from Commissioner Paralusz that the total duration of the construction will be 9 months, of which one month will be for shoring and excavation and there will be no vibration from shoring because drilling will be used.

In response to a question from Commissioner Gross regarding potential privacy impacts, **Mr. Tomaro** stated that the terracing, windows and landscaping will address privacy and visual impacts and will be superior to an existing solid wall and parking lot. He will meet with the neighbors to discuss the options and their desires.

In response to a question from Commissioner Paralusz regarding privacy related specifically to windows on the new building, looking into the yards, **Mr. Tomaro** stated at the mid-level they should not be visible from yards. **Mr. Tomaro** further explained that there are no large decks, only a small deck to accommodate plants and the windows are more for allowing occupants in the new building to see out to the mountains beyond. At the upper level this is challenging. Currently there are windows towards the residents, but they are smaller than those proposed.

In response to a question from Commissioner Ortmann, **Mr. Tomaro** stated he has been working with the City planners for six months but that he has not met with the residents during this time, as he felt he was aware of the potential impacts and worked to apply appropriate mitigations to the building design and he also felt that the code requirement for a daylight plane with increased setback at the rear upper level, adjoining residents will address shading concerns. In response to Commissioner Ortmann, **Mr. Tomaro** stated that he didn't think a shade and shadow analysis was needed.

No being further speakers, Chairperson Conaway closed the public hearing.

COMMISSION DISCUSSION

Director Thompson responded to Chairperson Conaway that Staff has enough information and direction, and Chairperson Conaway proceeded to poll the Commission on any additional direction.

Commissioner Andreani noted the project is beautiful, but acknowledged that the land use conflicts are hard to address and avoid. She believes the use is not compatible with residential and wondered if this site would be appropriate for residential. Issues include the entry design, the increased size above the current amount of development, and concerns for privacy and glare, and she noted that the elevator variance would not be needed if the building were a shorter height. She suggests that a parking study be done.

Commissioner Paralusz indicated concern with residential abutting commercial and a busy arterial street and supports that the lot is zoned for the proposed use, and the owner wants to improve his property. The long duration of the construction deserves attention. She supports the use, mainly an office (same use as current use) and is not concerned about the incidental retail use, however perhaps a condition can be incorporated that prohibits any alcohol use, including a liquor store. Regarding the elevator variance, she recognizes that the Hawthorne Suites has an elevator variance and that abuts residential. She strongly recommends that the architect meet with residents including those on 12th Court and apartment residents to discuss issues ASAP. She generally supports the project.

Commissioner Gross generally supports and really likes the project as it gives residents in Manhattan Beach more opportunity to work in their own City in a relatively low scale new commercial building. Further Commissioner Gross stated an opinion that the architect should contact and work with the residents to address neighbor concerns, and that should include those on Poinsettia. Regarding the variance: there are quite a few existing roof AC units that appear to be at least 3 feet higher than the height limit and these do not seem to create problems so at this point he does not have a big concern.

Commissioner Paralusz pointed out that although the building will be larger than the existing, the project will be well under the maximum square footage allowed and appreciates the building tiering and setbacks.

Chairperson Conaway stated he can echo Commissioner Paralusz's comments, being appreciative that the building is not the maximum size and minimum setbacks allowed, and more feedback from the public will be forthcoming as this is early in the process. Regarding windows, he observed that the Commission doesn't regulate their placement, and believes the project findings can be made. He was concerned with the height variance but believes it is unlikely that shadows will be cast on the adjoining lots, given the setbacks. He thanked all for their input.

Commissioner Andreani added a comment that she acknowledges that the project is beautiful and not incompatible with the code, but wanted to raise all the land use issues. Perhaps hours of operation can be addressed for the convenience store aspect as a condition.

Director Thompson indicated that it would be appropriate now for the Commission to make a motion to direct Staff.

ACTION

A motion was **MADE** and **SECONDED** (Andreani/Gross) to **DIRECT STAFF** to prepare a draft resolution approving the subject project for the Commission's consideration.

AYES: Andreani, Gross, Ortmann, Paralusz, Chairperson Conaway
NOES: None
ABSENT: None
ABSTAIN: None

Director Thompson stated that the draft Resolution will be brought to the Commission at the next meeting on January 22.

5. DIRECTOR'S ITEMS – none

6. PLANNING COMMISSION ITEMS

1. At the request of Commissioner Gross, Director Thompson reported:
 - The revocation hearing for the 900 Club, located at 900 Manhattan Avenue will take place on February 26 and that this hearing has been recommended by the City Prosecutor, due to numerous serious complaints.
 - The Shade hearing is tentatively scheduled for February 12.
2. Commission Paralusz asked about scheduling a discussion about audience participation that was raised this evening and it was agreed that Staff would place this item on the next Commission agenda.
3. Commissioner Paralusz inquired about the status of 2 commercial sites:
 - Proposed Pre-school behind Jiffy Lube on Manhattan Beach Boulevard: Director Thompson indicated that the owner will be improving the site with new landscaping. \
 - Hotdoggers: Director Thompson believes the business has vacated.

7. TENTATIVE AGENDA – January 22, 2014

1. Capital Improvement Projects – General Plan Consistency Findings
2. Use Permit and Height Variance Resolution: 865 Manhattan Beach Boulevard

8. ADJOURNMENT

The meeting was adjourned at 10: 50 pm. to Wednesday, January 22, 2014, in the City Council Chambers, City Hall, 1400 Highland Avenue

ROSEMARY LACKOW
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director