

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JANUARY 22, 2014**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 22nd 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: Gross, Ortmann, Paralusz, Chairperson Conaway
Absent: Andreani
Staff Present: Laurie Jester, Planning Manager
Eric Haaland, Associate Planner
Tony Olmos, Public Works Director
Michael Guerrero, Principal Civil Engineer
Anna Luke, Senior Management Analyst
Recording Secretary, Rosemary Lackow

Chairperson Conaway announced that the Approval of the minutes would be taken after the Audience Participation section of the meeting.

2. AUDIENCE PARTICIPATION

Nate Hubbard, resident on Ardmore, discussed his past frustrating efforts to address nuisance issues at The Shade Hotel.

Stephanie Hubbard, resident of Ardmore, echoed Mr. Hubbard's comments, emphasizing frustration that it feels like their work regarding resolving complaint issues at The Shade Hotel is never done, and that the conditions of approval are not clear and not enforceable, in particular noise and hours of operation.

Steve Wible, former City inspector, 1212 Ardmore, echoed the two prior speaker comments.

Wayne Partridge, 3520 the Strand, questioned why The Shade Hotel is now back for review, why the 2010 Conditional Use Permit (CUP) was never implemented, and therefore the 2005 CUP governs and must be amended to change the conditions. He believes that if the Planning Commission determines that the CUP conditions may have been violated, then the Commission has authority to initiate a revocation hearing. He suggested this should run parallel with the CUP Amendment hearing. He suggested that the Commission change the agenda at the next meeting to include an item to consider initiating a revocation hearing for The Shade Hotel.

Donald McPherson, 1014 1st Street, submitting a written copy of his testimony, echoed the prior speaker comments and urged the Planning Commission to schedule and discuss revoking the Shade Use Permit on February 12, and he intends to provide testimony at that 12 hearing.

Viet Ngo, advocate for anti-corruption of City Council and City Treasurer, requested that the Planning Commission revise the minutes of the last meeting.

Seeing no other speakers, Chair Conaway closed the audience participation.

Chairperson Conaway suggested that the Commission address issues raised, noting: 1) The Shade Hotel Use Permit Amendment application will be coming before them on February 12 and the City Attorney has advised that the Planning Commission not to discuss The Shade Hotel this evening but to discuss at that time; and 2) Regarding Mr. Ngo's comments on the minutes, the order of the Audience Participation has been changed this meeting to come prior to the minutes. All Planning Commission meetings are videotaped and archived and constitute a full record of their meetings.

Commissioner Paralusz stated her intent to address Mr. Ngo's comments about conflict of interest in the meeting later under "Planning Commission Items".

Planning Manager Jester noted that Staff is continuing to talk to the City Attorney regarding The Shade Hotel, regarding the issue of Use Permit implementation, conditions including milestones and deadlines and enforcement.

In response to questions from the Commission, Ms. Jester stated that throughout and at any time in the Use Permit Amendment hearing that will begin February 12, the Planning Commission has the ability to direct Staff to place an item on the agenda to consider initiating a revocation hearing on The Shade Hotel.

3. APPROVAL OF MINUTES – January 8, 2014

The following revisions were made by the Commission:

1. Page 3: second line, Kelly Strohman testimony: Chairperson Conaway requested that "balance" read as "balanced".
2. Page 5: third full paragraph, 4th line up from the end: Commissioner Gross requested "...Manhattan Beach Boulevard where now there is a ~~high percentage~~ 50% concentration of banks and realtors."
3. Page 9: the line just above "COMMISSION DISCUSSION" : Chairperson Conaway requested "There ~~No~~ being no further speakers,....."
4. Page 9: 5th full paragraph, starting "Commissioner Paralusz" , 6th line, Commissioner Paralusz requested that "Hawthorne" read "Hawthorn".

A motion was MADE and SECONDED (Conaway/Paralusz) to **APPROVE** the minutes of January 8, 2014, as amended.

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

4. GENERAL BUSINESS

01/22/14-2. Consideration of a Resolution Approving a Use Permit and Variance for Proposed Construction of an Office Building at 865 Manhattan Beach Boulevard (865 MB BLVD LLC)

Planning Manager Laurie Jester introduced Associate Planner Eric Haaland who gave a brief staff report, including background and revisions made to the project since the last meeting. The Staff recommendation is to approve the submitted draft Resolution of Approval, subject to conditions. The Commission directed questions to Staff.

In response to a questions from Commissioner Gross, Associate Planner Haaland stated that: 1) a question regarding the effect on building square footage due to a floor plan change should be directed to the applicant's representative and 2) condition 15 would permit alcohol-related office uses, such as wine brokers, and alcohol service and consumption at private office parties, but physical alcohol sales and service to the public, is strictly prohibited.

In response to a question from Chairperson Conaway, Associate Planner Haaland stated that condition 20 regarding parking/driveway access is a boilerplate condition for commercial projects, and he does not believe that the City's Traffic Engineer has reviewed the project for that condition.

Chair Conaway invited the applicant's representative to address the Commission.

Louie Tomaro, architect and the owner's representative, responded to issues as follows: 1) He did not meet with residents on Poinsettia Avenue because, based on a shade and shadow analysis he has done, he believes no new shadow impact would be created. 2) Changes have been made which improve the project and address residents' concerns, for example: relocating the stairwell and retail space to the west, resulting in better street exposure for the retail; reduction in the size of upper windows which improves privacy in the rear, and 3) new trees in the parkway, and 4) There is no net gain or loss of building square footage as a result of the changes. **Mr. Tomaro** showed through photo 3-D simulations how the building is an improvement compared to the current structure and how an existing rear property line wall that neighbors want to keep in place will be a buffer.

In response to a question from Commissioner Paralusz regarding the property line wall, **Mr. Tomaro** stated that he spent time in the neighbor's yard on 12th Court and determined that keeping the wall overall is the best approach.

In response to questioning from Commissioner Gross, **Mr. Tomaro** confirmed that the applicant is in agreement with conditions 20 and 21, including prohibition from creating assigned tenant parking.

Chairperson Conaway invited the public to speak.

Taleene Rose, 864 12th Court, stated that the neighbors want the rear property line wall to remain and further requested that condition wording be added that allows the wall to be rebuilt at the current height, if its removal becomes needed due to structural or other issues. Ms. Rose still noted some concern such as glare from the windows and she feels this is a CEQA concern and she is not entirely in support of the project because she still believes the project is a bit too dense towards the rear of the site, near homes as opposed to the Boulevard. She said the architect and their team has worked very cooperatively with her.

Viet Ngo, anti-corruption advocate for the City Council and the City Treasurer iterated his concern that the Planning Commissioners abstain from voting if there is a conflict of interest due to any of their addresses.

Chair Conaway closed public input and invited the Commission to discuss the draft Resolution.

COMMISSION DISCUSSION AND ACTION

Commissioner Paralusz stated that the fact that she lives on the same street as a project does not establish a conflict of interest. She lives a half mile from the project site and therefore does not have a conflict and intends to vote on the application. She applauded the fact that there is a good amount of buy-in from the neighbors, and is agreeable to revising the conditions so that the existing height of the buffer wall will be maintained if the wall needs to be replaced.

Planning Manager Jester clarified that the project is not exempt from CEQA; however the issues of glare and noise are addressed by standards currently in the Municipal Code and those standards will be applied in plancheck.

Commissioner Gross recalled that the proper environmental analysis has been done by Staff and other than the one change in the condition to address the wall, will vote in favor.

Commissioner Paralusz noted her support for keeping conditions 21 and 22 as written in the draft Resolution.

Commissioner Ortmann concurred with leaving conditions 21 and 22 as in the draft and he is pleased to see the interaction between the architect and neighbors, and believes what is proposed tonight is an improvement from the last plan, and is better than the existing building. However, he agrees with the neighbor that the project still is "back-loaded" towards the rear of the site.

Chairperson Conaway agreed with the comments of Commissioner Ortmann, and emphasized he strongly supports the project. He further explained that in general the Commission looks for conformity

with the city codes, and consistency with policy findings and the fact that the building is not “maxed out” speaks well for the project.

Planning Manager Jester clarified that the application has been properly signed and filed, and the property owner has the ability to authorize the project architect to act in his behalf.

Commissioner Gross stated his opinion that Finding H.2 should remain without revision regarding the public health, safety and welfare, because a project, especially when there is commercial proposed abutting residential, typically is not entirely without detriment, and the Planning Commission has considered and properly balanced the rights and needs of both the applicant and neighbors.

Associate Planner Haaland explained that under the current code a new property line buffer can have a total height of 12 feet, broken down into two separated walls, with no single wall exceeding 8 feet. Planning Manager Jester noted that Staff will revise Condition 1 to state “...rear property line wall shall be retained”.... instead of “...rear property line wall may be retained....”. And add provisions that the wall can be replaced in the same location at the same height if it is structurally necessary.

A motion was MADE and SECONDED (Paralusz/Ortmann) to **APPROVE THE DRAFT RESOLUTION** as amended.

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

Chairperson Conaway announced that the motion has passed. Planning Manager Jester announced that the project will be scheduled on the February 18th City Council Meeting agenda on the “consent calendar” with a recommendation to “receive and file”, unless appealed within the prescribed time period.

01/22/14-3. Determination of Consistency of the Proposed Fiscal Year 2013-2014 Capital Improvement Plan (CIP) with the Manhattan Beach General Plan

Public Works Director Tony Olmos addressed the Commission. He first addressed the process of the CIP, noting that City Council had bifurcated the CIP from the regular budget approval process to encourage more public input. Given staffing transition, the FY 13-14 CIP had not been processed.

Director Olmos gave a PowerPoint Staff report, addressing Objectives, What is a 5-Year CIP? What qualifies as CIP Project?, General Plan Consistency, and several summaries including draft projects by type and ending with the Staff Recommendation that the Planning Commission Adopt Resolution 14-02, determining that the proposed CIP is consistent with the City’s General Plan. He emphasized that the projects being reviewed tonight are only those for Fiscal Year 2013/2014.

Some questions raised by the Commission were answered by Director Olmos as follows:

- From Chair Conaway, regarding the Pathway to the Sea Project: disabled access from the parking lot will be enhanced with new ramps as part of another project.
- From Chairperson Conaway and Commissioner Gross: regarding Flashing Beacons on the Bikepath at The Pier: beacons will be on all the time, except if turned off at night to avoid a nuisance to the neighbors and there will be “Walk your Bike” signs.
- From Commissioner Gross, regarding the Skate Park, funding for the entire project is at \$500,000. If it is more, there will need to be another funding source.
- From Commissioner Gross: the City Yard trash bin covers has grown in cost, as requirements are more structural and costly such as connecting to a sewer line

- From Commissioner Gross, regarding bollards at The Pier: these are designed to absorb the force of a moving vehicle and will be damaged when hit but will be able to stop a vehicle.

Director Olmos concluded with next steps including PPIC review January 23, and City Council review and approval on February 25.

COMMISSION DISCUSSION AND ACTION

Chairperson Conaway thanked Director Olmos and a brief discussion regarding the CIP ensued. Mr. Olmos confirmed to Commissioner Ortmann that in 6 months, starting July 1st, the annual program will start and be in sync with the annual budget. All Commissioners were agreeable with the proposed findings.

A motion was MADE and SECONDED (Gross/Paralusz) to **ADOPT DRAFT RESOLUTION PC 14-02**.

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

Chairperson Conaway announced the Resolution is passed and will be on the City Council agenda on February 25.

5. DIRECTOR'S ITEMS

Planning Manager Jester asked if the Commission received information regarding an upcoming training session in March and Commissioner Gross and Chair Conaway indicated they would like to attend. Commissioner Gross reminded all that at the March 26 the Chair of the Commission is scheduled to be changed. Commissioner Paralusz indicated that 3 Commissioners would be present.

6. PLANNING COMMISSION ITEMS

- a. Audience Participation Discussion. Commissioner Paralusz suggested and after a brief discussion, it was so ordered that this item be tabled to February 12 to give Commissioner Andreani and therefore the entire Commission, the opportunity to participate.
- b. Commissioner Paralusz inquired as to the Planning Commission's authority relative to the upcoming Shade Hotel hearing and comments received tonight in Audience Participation. Planning Manager Jester responded 1) that the Commission can initiate a revocation hearing at any time even during the conduct of the public hearing for the Use Permit and 2) Staff is working with the City Attorney as to the authority the Commission has in requiring that conditions be implemented in a Use Permit and Staff understands the residents frustrations and concerns. Commissioner Paralusz requested that in the Staff include information in the Staff Report as to the appropriate steps that the Commission needs to take so that the Use Permit, once amended is implemented and enforceable.

Commissioner Gross asked, and Chairperson Conaway concurred that they need the background information, preferably a paper package in advance of the regular packet. It was agreed that Planning Manager Jester would work out with Commissioner Gross a list of items to be printed out and that this material be also available to the public at the same time. In addition, Commissioner Gross requested that Staff provide information as to the difference between an Entertainment Permit and a Use Permit.

7. TENTATIVE AGENDA - February 12, 2014

Shade Hotel Use Permit Amendment

8. ADJOURNMENT

The meeting was adjourned at 8:20 p.m. to Wednesday, February 12, 2014, in the City Council Chambers, City Hall, 1400 Highland Avenue

ROSEMARY LACKOW
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director