

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JULY 26, 2017**

(DRAFT)

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 26th day of July, 2017, at the hour of 6:00 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Burkhalter, Morton, Ortmann, Seville-Jones, Chairperson Apostol
Absent: None
Staff Present: Laurie Jester, Planning Manager
Angelica Ochoa, Associate Planner
Michael Estrada, Assistant City Attorney
Rosemary Lackow, Recording Secretary

2. AUDIENCE PARTICIPATION (3-minute limit) – None

3. APPROVAL OF THE MINUTES

07/26/17-1. Regular meeting – July 12, 2017

It was moved and seconded (Morton Burkhalter) to approve the minutes of July 12, 2017 with no changes.

Roll Call:

AYES: Burkhalter, Morton, Seville-Jones, Chairperson Apostol
NOES: None
ABSENT: None
ABSTAIN: Ortmann

4. PUBLIC HEARING

07/26/17-2. Use Permit to Allow a Veterinary Hospital in an Existing Multi-Tenant Commercial Building Located at 2705 N. Sepulveda Boulevard (Manhattan Beach Animal Hospital)

Associate Planner Ochoa gave a presentation of the application, covering issues including: scope of project including proposed veterinary use and physical development, the setting within the neighborhood and site and surrounding zoning, site plan including access, parking and trash enclosure, and proposed conditions of approval. She noted that staff recommends adding a notation to Section 1 F. of the Resolution that the massage business is a medical use and the postal center is a personal service use. Ms. Ochoa summarized the proposed findings in the draft resolution.

Staff responded to questions from the Commission: 1) Staff is not aware of any noise complaints regarding the location of the subject business on Rosecrans Avenue and with regard to the proposed new location, staff does not believe that noise will be an issue due to the required soundproofing that will be installed, and the fact that there will be no windows or doors that would be maintained in an open position through which sound would travel; 2) The massage tenant on the same property is defined as a medical use and the postal center as a personal service use and the suggested change in the Resolution is only to clarify this fact; 3) Boarding in general, up to 48 hours, is allowed by right in the General Commercial zone as an “animal service” but boarding beyond 48 hours as related to the animal hospital activity is allowed through the Use Permit. The trigger for the use permit is the animal hospital and boarding cannot become the primary use; 4) The mezzanine space as shown on the plan is used by the massage tenant along with first floor space; 5) If the compact spaces along the north side of the site are converted to full-size spaces, resulting in a loss of one space, as recommended by the City Traffic Engineer, for a total of 22 spaces, the site would still comply with the total

amount of site required parking (21 total required). The percentage of existing compact spaces to the total amount of spaces is slightly more (by one space) than the amount allowed by code.

PUBLIC HEARING

Chairperson Apostol opened the public hearing.

Howard Crabtree, project architect provided background, noting that the applicant has operated a successful animal clinic/hospital in the City for more than 20 years within the Manhattan Marketplace center and recently lost his lease. He believes that the proposed location in the CG zone is suitable but emphasized that time is of the essence because very little notice was given by the property owner to his client. The applicant has issues with conditions 7 and 10 in the draft resolution which relate, respectively, to upgrading of the site trash enclosure and compact parking spaces. The applicant objects to being required to upgrade the trash area because this would include not only a covering (to prevent rain coming into the enclosure) but also fire sprinkling and drainage to a sewer line, and because the building is not fire sprinklered, a whole new water service is needed. He believes that the cost of these would be an excessive financial burden for his client especially because his business will be occupying only a small percentage of the building.

His client asks that condition 10 requiring that he re-stripe the compact spaces to full size be waived because, being the tenant he does not have full control of the parking lot and the property owner ultimately has the ability to deny the re-striping of these spaces. Elimination of a compact space creates a possible future constraint on the property if the owner wanted to convert some of the space to a medical or retail use in the future.

Discussion ensued regarding the issues raised by the applicant's representative regarding proposed conditions 7 and 10. Planning Manager Jester responded to Commissioner inquiries as follows: 1) the requirement to re-stripe the parking spaces is a common condition for tenant improvements such as proposed with a use permit application and the requirements for the trash enclosure could be imposed by Public Works through plan check only, without a use permit application; 2) tenant improvements that do not require a use permit and which do not involve substantial physical changes may not be required by Public Works to fully upgrade the trash area (this is evaluated by the Public Works Department case by case) but as a zoning matter, the parking re-striping would not be required in such cases; 3) Staff has recommended that the parking lot compact space nonconformity be eliminated, and not the pole sign, because restriping, as opposed to replacing the entire signage for the center would be a relatively inexpensive change; and; 4) the Planning Commission has the authority to allow the parking nonconformity to remain.

Dr. Kurt Steinam, applicant, clarified that most of the waste produced by the hospital is paper products and that the amount of animal waste is relatively small because generally his animal patients are at the site for short periods of time.

Howard Crabtree clarified that his client's main objection regarding condition 7 is that in order to comply a new water line connection would have to be brought to the enclosure which he anticipates to be a very difficult and costly condition; however his client is not opposed to constructing a covering. Mr. Crabtree reiterated that, although his client has not had this specific discussion yet with the owner, opposition to the re-striping remains out of concern that ultimately the owner may not approve of his client due to this impact.

Chair Apostol closed the public hearing and the Commission discussed the application.

ACTION

Commissioner Morton stated that he agrees that the re-piping for the trash enclosures seems to be over burdensome and favors requiring the covering only for the enclosure but favors requiring the parking lot restriping because this would allow greater maneuverability to the existing parking which he feels is very tight, and would bring the site into conformity with the allowed number of compact spaces.

Commissioner Seville-Jones stated that she is very concerned that the property owner might not allow the restriping and this could be a significant impediment for this tenant.

Planning Manager Jester clarified that the site could not be converted to 100% medical use because that use

would require one additional parking space.

Commissioner Burkhalter inquired as to what the tenant's recourse would be if the Commission requires the restriping now, but ultimately if the property owner does not allow this parking lot change. Planning Manager Jester explained that the applicant would need to reapply for a use permit amendment which would take several months and the fee would be thousands of dollars.

Commissioner Ortmann stated his support for not requiring the striping for the parking lot, and requiring only the new covering for the trash enclosure. He feels that the onus should be on the property owner to address the whole site parking.

Chair Apostol stated his support for allowing this long term business to continue successfully in the City. He believes that the waste being produced by the hospital will not be a significant new environmental issue and, considering the other existing uses in the building, he is supportive of requiring only the overhead covering of the trash enclosure. Regarding the parking restriping, he is uncomfortable about taking the property owner's rights for a future use and also feels uncomfortable in getting between the tenant and landlord in addressing the site parking.

Commissioner Seville-Jones stated that while she believes that the Commission has the authority to require the restriping, she is uncomfortable with the uncertainty that this causes the tenant over a single compact parking space.

Chair Apostol reopened the public hearing and invited the architect to respond to questions of the Commission.

Howard Crabtree responding to Commissioner Morton, stating he believes that the level of concern for his client is pretty strong that the parking lot restriping could be a deal breaker based on past conversations with the owner.

Chair Apostol reclosed the public hearing.

Commissioner Seville-Jones noted that she is leaning towards granting relief on the parking lot restriping and Commissioner Morton stated that he agrees but would also require the trash enclosure roof.

Planning Manager Jester suggested possibly rewording condition 10 that requires the applicant to work with the City Traffic Engineer on a restriping plan that would bring the parking closer to code in terms of parking space dimensions, without eliminating any parking spaces.

After further brief discussion, it was subsequently moved and seconded (Seville-Jones/Morton) to adopt the draft resolution **APPROVING** a Use Permit to allow a Veterinary Hospital in the Commercial Center at 2705 N. Sepulveda subject to the following changes to the draft Resolution: 1) Section 1, Finding F: clarify the existing postal and massage uses are classified, respectively, as personal service and medical uses; 2) Section 2: Modify Condition 7 to require only upgrade of the trash enclosure with a covered roof; and eliminate entirely Condition 10 regarding compact parking space restriping.

Planning Manager Jester clarified condition 11 - that some additional signs will be allowed on the site that would not affect the existing nonconforming pole sign.

Roll Call:

AYES: Burkhalter, Morton, Ortmann, Seville-Jones, Chairperson Apostol

NOES: None

ABSENT: None

ABSTAIN: None

Planning Manager Jester explained that this item is approved and will be placed on the City Council agenda of August 1, 2017 as an informational item and the decision is subject to a 20-day appeal period.

5. DIRECTOR'S ITEMS

Planning Manager Jester updated the Commission as follows:

- A zoning code amendment restoring the appeal period for decisions of the Planning Commission from 20 to 15 days will become effective next month.
- On its August 1st agenda the City will have a first reading of an Ordinance amending the Historic Preservation Ordinance. This will assign the duties of a Historic Preservation Commission to the Planning Commission, and delay the Survey and Inventory of Historic Resources to a later time as directed by the City Council.
- Also on August 1st the Council will consider adopting an urgency interim ordinance, effective for an initial 45 days, establishing a moratorium on new medical uses.
- Staff is working with the City Attorney on regulations regarding accessory dwelling unit regulations in response to a recent state law.
- At the second meeting in August, the Commission will consider an amendment of the Use Permit for Metlox.
- So far there are no hearing items for August 9 meeting but Staff will confirm the cancellation of that meeting as appropriate.

6. PLANNING COMMISSION ITEMS - None

7. TENTATIVE AGENDA – August 9, 2017 (See Director’s items)

8. ADJOURNMENT

The meeting was adjourned at 6:58 P.M. to Wednesday, August 9, 2017 at 6:00 P.M. in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

ANNE MCINTOSH
Community Development Director