

**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MARCH 11, 2020
(DRAFT)**

A. CALL MEETING TO ORDER

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 11th day of March, 2020, at the hour of 6:00p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

Chair Burkhalter called the meeting to order.

B. PLEDGE TO FLAG

C. ROLL CALL

Present: Commissioners Fournier, Morton, Thompson, Ungoco, Chairperson Burkhalter
Absent: None
Others Present: Carrie Tai, Director of Community Development
Brendan Kearns, Assistant City Attorney
Ted Fatuross, Assistant Planner

D. APPROVAL OF AGENDA

It was moved and seconded (Thompson/Burkhalter) to approve the agenda with no change. No objection, it was so ordered.

E. AUDIENCE PARTICIPATION (3-minute limit) - None

F. APPROVAL OF THE MINUTES

3/11/20-1. Regular Meeting – November 13, 2019

It was moved and seconded (Thompson/Ungoco), to approve as presented.

Roll Call:

Ayes: Morton, Thompson, Ungoco, Chairperson Burkhalter
Noes: None
Absent: None
Abstain: Fournier

G. PUBLIC HEARING

03/11/20-2. Proposed Use Permit Amendment to Expand an Existing Restaurant with Full Alcohol Service (Manhattan Beach Post) into an Adjacent Vacant Restaurant Space (formerly Subway) and to Expand Hours of Operation at 1142 Manhattan Avenue (Simms Restaurants/Simms)

Chair Burkhalter announced the item and opened the public hearing.

Assistant Planner Ted Fatuross gave the staff report, summarizing the application; he noted receipt of four late comments.

Michael Simms, Applicant, presented regarding his restaurant experience in Manhattan Beach, gave a detailed overview of the proposed changes physically/operationally for the site and responded to questions.

Assistant City Attorney Kearns noted and distributed all late materials, including renderings of the new restaurant, brought by the Applicant.

The Chair invited interested parties to address the Commission (3-minute limit).

The following persons spoke in opposition to the proposed extension of hours, expressing concern that if approved, it could, under the current or a different future owner, result in the business operating more as a late-night bar – and cause new or increased noise and other nuisance impacts related to intoxication, to nearby residents and their property.

Mr. Peter Hartshorn, 1300 – B Manhattan Avenue
Mr. Stewart Rembert, 1300 – C Manhattan Avenue
Suzanne Bailey, 13th Street and Manhattan Avenue
Neil Leventhal, 128 13th Street

The following person spoke in support of the application in that the Applicant is a strong supporter of the community, has a proven record as a responsible restaurant operator, and the proposed upgrade will be economically positive.

Jill Lamkin, Executive Director, (speaking for) Downtown Manhattan Beach Business and Professional Association.

Chair Burkhalter closed the public hearing and opened the floor to Commission discussion; the Chair subsequently re-opened the public hearing to enable the Commission to request further information from the Applicant.

Michael Simms, Applicant, stated that there would be fewer operable doors (than existing), all areas including the atrium are covered by a roof; and he would close all windows after 10:00 pm.

Chair Burkhalter closed the public hearing and re-opened the floor to Commission discussion.

The Commission discussed with Director Tai and Assistant City Attorney Kearns ways to condition the project with a special review. Assistant City Attorney Kearns indicated the Commission could consider a staged process - imposing midnight to start with, but allowing later closing times upon demonstration that the restaurant has addressed concerns.

Chair Burkhalter re-opened the public hearing to allow further public input; the following persons spoke:

Michael Simms, Applicant, stated that he is amenable to a condition that requiring a “last call” for alcohol service one hour prior to closing (12:00 midnight).

Mr. Peter Hartshorn, 1300 - B Manhattan Avenue, reiterated his concern that the operation seems to be moving more towards a bar operation and believes the applicant has not fully addressed this issue.

Neil Leventhal, 128 13th Street stated that the distance from the site to the nearest residence is only “a unit away”, or much closer than a block and a half away and urged the Commission to consider that the Use Permit allowances if granted will continue if the operator or owner changes.

Chair Burkhalter closed the public hearing and re-opened the floor to Commission discussion.

Assistant City Attorney Kearns advised the Commission to focus on the more general issue, which is whether the proposed use and operation can satisfy the findings that the Commission must make to approve the Use Permit Amendment.

In discussing: **Commissioners Morton** and **Fournier** expressed support of the application as submitted; **Commissioners Burkhalter** and **Thompson** support with a condition that permits the expansion with midnight closing, but upon finding no significant problems, this could extend. The Chair confirmed that the intent is to provide for a gradual adjustment between the business and neighbors to maintain compatibility. **Commissioner Fournier** clarified his concern that with a gradual approach, it could be

difficult to establish the source of noise complaints and the uncertainty of such a process could be a financial burden to the Applicant. He supports a condition that provides for a 1-year staff level review.

Vice-Chair Morton moved to adopt the draft Resolution approving the application.

The Commission conducted discussion. **Chair Burkhalter** requested clarification; discussion followed as to whether the motion includes requiring a one-year staff review? **Director Tai** suggested that staff would monitor the business and at the 1-year mark after becoming operational could provide a report to the Commission who can review the use permit. Notice such would be through agenda posting; however, the Applicant could provide a courtesy notice.

Chair Burkhalter re-opened the public hearing and the following persons addressed the Commission:

Michael Simms, Applicant, confirmed that he would be amenable to working with staff in providing notice of a one-year administrative review to be conducted by the Commission.

Stewart Rembert, 1300-C Manhattan Avenue, suggested that noticing for a 1-year review should be to all who are within 500 feet from the site or as done for this public hearing.

Chair Burkhalter closed the public hearing.

Upon further discussion, **Director Tai** summarized additional conditions to be included: 1) the business shall be subject to an administrative review, scheduled one year after the expansion is operational; 2) the Applicant shall be responsible for providing notice of the review to all within a 500-foot radius from the business; 3) all windows shall be closed at 10:00 pm; and 4) there shall be a “last call” or no service of alcohol after midnight, Thursday through Saturday.

Commissioner Thompson seconded the motion as amended.

Roll Call:

Ayes:	Fournier, Morton, Thompson, Ungoco, Chairperson Burkhalter
Noes:	None
Absent:	None
Abstain:	None

Director Tai noted the motion passed 5-0; the appeal period is 15 days from this date; appeal being to City Council.

H. DIRECTOR'S ITEMS

Director Tai reported the following Council actions since the last meeting in November:

- City Council has adopted two interim ordinances due to new state laws relating to ADU's (Accessory dwelling units) and a new “no net loss” regulation. Staff hopes to bring permanent ordinances to the Commission by early Fall.
- City Council conducted a refreshed hearing, adopted a new Use Permit Resolution (20-0020) for the 900 Club, 900 Manhattan Avenue, as a follow-up to a private lawsuit. The City Council considered floor plans and it was shown that all fire life safety codes were satisfied.
- Shared mobility ban: In February the City Council adopted Res. 20-0008, permanently banning scooters and shared e-bikes throughout the City.
- RHNA (Regional Housing Needs Assessment): Staff continues to monitor; as proposed the City's allocation is 791 units for the next eight years; this will be key to the next Housing Element.
- Director Tai expressed her appreciation of the warm welcome she has received; looks forward to a great relationship with the Planning Commission.
- Director Tai polled the Commission on whether they wish to continue receiving a hard-copy agenda packet (in line with City sustainability practices); the current practice will be continued for now.

I. PLANNING COMMISSION ITEMS

Commissioner Fournier gave a brief report on the League of California Cities Planning Commissioner’s Academy which he attended in early March, providing highlights on sessions on ethics/conflict of interest and changes in housing laws. On the latter, he recommends that an educational session be scheduled on a future agenda, with the public invited.

J. TENTATIVE AGENDA – March 25, 2020

The Chair noted that two items are tentatively scheduled: Use Permit for 4-unit condominium project, 617 Aviation Way, and Sign Exception for Manhattan Village Shopping Center.

K. ADJOURNMENT TO – The meeting was adjourned 7:25 p.m. to Wednesday, March 25, 2020 at 6:00 P.M. in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

BENJAMIN BURKHALTER
Chairperson

ATTEST:

CARRIE TAI, AICP
Community Development Director