

**MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
FEBRUARY 09, 2022
DRAFT**

A. CALL MEETING TO ORDER

A Regular meeting of the Planning Commission of the City of Manhattan Beach, California was held virtually via Zoom on the 9th day of February, 2022. Chair Morton called the meeting to order at the hour of 3:00 p.m.

B. PLEDGE TO FLAG

C. ROLL CALL

Present: Chair Morton, Vice Chair Ungoco, Commissioners Sistos, Dillavou, Tokashiki,

Absent: None

Others Present: Carrie Tai, AICP, Director of Community Development

Brendan Kearns, Assistant City Attorney

Talyn Mirzakhonian, Planning Manager

Elaine Yang, Associate Planner

Fel Cortez, Agenda Host

Rosemary Lackow, Recording Secretary

D. APPROVAL OF AGENDA

A motion was made and seconded (Dillavou/Tokashiki) to approve the agenda with no changes.

Roll Call:

Ayes: Sistos, Dillavou, Tokashiki, Vice Chair Ungoco, Chair Morton

Noes: None

Absent: None

Abstain: None

E. AUDIENCE PARTICIPATION - None

F. APPROVAL OF THE MINUTES

02/09/22-1 Regular Meeting – January 12, 2022

It was moved and seconded (Ungoco/Sistos) to approve the minutes as submitted.

Roll Call:

Ayes: Sistos, Dillavou, Tokashiki, Vice Chair Ungoco, Chair Morton

Noes: None

Absent: None

Abstain: None

G. CONSENT

02/09/22-2 Planning Commission Reconsideration of the Circumstances of the Declared COVID-19 Emergency to Determine Whether the Planning Commission Should Continue to Hold Remote Meetings Pursuant to Assembly Bill (AB) 361's Special Teleconferencing Requirements

Director Tai provided a brief overview, advising that the Commission's action is needed to enable the Commission to continue to meet remotely vs. in-person and can be voted on by approving the consent calendar consisting of this one item.

Chair Morton called for a motion; it was moved and seconded (Ungoco/Dillavou) that the Planning Commission approve the consent calendar thereby adopting the required findings in accordance with AB 361.

Roll Call:

Ayes: Sistos, Dillavou, Tokashiki, Vice Chair Ungoco, Chair Morton
Noes: None
Absent: None
Abstain: None

Director Tai announced that the motion has passed.

H. PUBLIC HEARING

2/09/22-3 Consideration of a Use Permit to Upgrade an Existing Alcohol License from Allowing Off-Sale Beer and Wine to Allow Off-Sale Beer, Wine and Distilled Spirits in Conjunction with the Operation of an Existing Convenience Store at 1221 Artesia Boulevard, Suite 101, and Associated Environmental Determination in Accordance with the California Environmental Quality Act (7-Eleven)

Director Tai introduced new Associate Planner Elaine Yang who proceeded with a staff report providing a detailed background, analysis and recommendation that the Commission conduct the public hearing, accept public testimony and adopt the draft Resolution approving the subject use permit subject to conditions. Ms. Yang noted that one comment letter has been received from Mr. Richard McQuillin stating his concerns regarding potential impacts to the neighborhood and he suggested mitigation.

Staff responded to questions from the Commission, noting: 1) there has been no direct discussion between staff and commenter McQuillin upon receipt of his correspondence, however staff is aware that Mr. McQuillin is present at this hearing and will be able to testify to his concerns. His concerns and any suggestions can be considered by the Commission in making a decision. 2) While the City can dictate during which hours alcohol may be sold as conditions, California State Department of Alcoholic Beverage Control (ABC) also has this authority and the stricter of the two permits (use permit/ABC license) will supersede. 3) Based on City code enforcement and MBPD records 7-Eleven has operated at this site since 1984 without significant adverse events reported. 4) The Municipal Code includes a process whereby the use permit can be reviewed and, ultimately modified, to address significant impacts if they occur as a result of the approved entitlement.

Chair Morton invited the applicant to testify

Bruce Evans, representing applicant 7-Eleven, described the purpose of the permit request - to sell a relatively small amount (one shelf behind the counter) of distilled spirits; emphasized the company has a solid clean 30-year operational record; believes the City also benefits in that the business will be brought into conformity by having a use permit which gives the City a strong enforcement tool should problems arise. He believes that the cleanliness complaints may be originating from other nearby businesses and stipulated that the applicant is amenable to a condition requiring coolers to be locked at midnight.

Raman Chadha, business operator/franchisee, recalls that only “once in a blue moon” has there been a disturbance such as a “beer run” or such that stands out.

Richard McQuillin, 1281 Tennyson, approximately two blocks from the store, is opposed to granting the use permit and plans to protest the ABC alcohol license on the basis that he believes that if granted, currently occurring impacts (trash, urine, graffiti, vomiting, etc.) will worsen. He does not sense that the business cares about the residential neighborhood; urged the Commission to carefully consider protecting the residents’ quality of life.

Chair Morton, upon confirming no others present that wished to speak, closed the public hearing.

The Commission acknowledged commenter **R. McQuillin**’s concerns, conducted a discussion, and indicated

the following reasons to support the application: 1) the applicant/franchisee has a long-standing non-problematic operational record; 2) the alcohol use will also be regulated by the State ABC; 3) conditions of approval will help alleviate potential adverse impacts; 4) there is no clear evidence that granting the request will result in new adverse impacts; 5) the distilled spirits being requested represent a small percentage of items being sold in the store; and; 6) the granting of the use permit will help the business operator continue an economically viable business and this is a public benefit.

Chair Morton noted that it would be beneficial for the applicant and/or franchisee to communicate with commenter **McQuillin**.

It was subsequently moved and seconded (Ungoco/Tokashiki) that the Planning Commission adopt the submitted draft Resolution PC 22- , approving the subject use permit subject to conditions, and adopt a determination of exemption under CEQA.

ROLL CALL:

Ayes: Sistos, Dillavou, Tokashiki, Vice Chair Ungoco, Chair Morton
Noes: None
Absent: None
Abstain: None

Director Tai announced that the motion has passed 5-0; the Commission’s decision will be forwarded to the City Council and is appealable to the City Council within 15 days from today’s date.

H. DIRECTOR’S ITEMS

Director Tai provided updates as follows:

1. **Housing Element:** The City Council conducted hearings on February 1, 4, continued to February 9 (today). If the Council adopts the Element at today’s meeting, the Element will be submitted to the State.
2. **Proposed Highrose/El Porto development:** a 79-unit multifamily development on Rosecrans Avenue, just east of Highland, includes some affordable units, utilizing State density bonus law. The application is being processed. The approval process is not discretionary but could come before the Planning Commission if an appeal is filed in a timely fashion.
3. **SB 9– new state housing law:** The City Council passed an interim Ordinance (IO) establishing minimum development standards, with an initial life of 45 days; and recently passed an extension for another 10-months and 15 days.
4. **Historic Preservation Ordinance:** The City Council has adopted an interim Ordinance (IO) clarifying the criteria for applying a “Certificate of Appropriateness”, as the IO is set to expire March 4 but City Council will consider extending at its March 1 meeting.
5. **Covid-19:** 1) Outdoor dining/parklets: continuing in the public right-of-way downtown, north end Highland, and on some private properties; during the Omicron surge, there was a refocus on enforcement, as many restaurants were exceeding allowed occupancies, contrary to the Council’s intent. Enforcement is being undertaken to ensure restaurants stay under the allowed occupancy. 2) Public meeting format: Council has decided to stay with only Zoom for now; the Commission, as with other City boards, will discuss this only after Council returns to in-person meetings and establishes a “hybrid” format - both remote and in-person.

I. PLANNING COMMISSION ITEMS - None

J. TENTATIVE AGENDA – February 23, 2022 – a study session relating to 1 sea level rise and associated amendments to the City’s Local Coastal Program will be scheduled.

K. ADJOURNMENT

At 3:49 p.m. it was moved and seconded (Dillavou)/Sistos) that the meeting be adjourned to Wednesday, February 23, 2022 at 3:00 p.m. via Zoom/virtual format. The motion passed 5-0 with a roll call vote (Ayes: Sistos, Dillavou, Tokashiki, Vice Chair Ungoco, Chair Morton).

ROSEMARY LACKOW
Recording Secretary

GERRY MORTON
Chairperson

ATTEST:

Carrie Tai, AICP
Community Development Director