

**MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MARCH 23, 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 23rd day of March, 2022. Chair Morton called the meeting to order at the hour of 3:23 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, Community Development Director
Brendan Kearns, Assistant City Attorney
Talyn Mirzakhanian, Planning Manager
Austin Chavira, Assistant Planner
Dana Murray, Sustainability Manager
Fel Cortez, Agenda Host
Rosemary Lackow, Recording Secretary

D. APPROVAL OF AGENDA

A motion was made and seconded (Dillavou/Ungoco) 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

03/23/22-1 Regular Meeting – March 9, 2022

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

Roll Call:

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

H. PUBLIC HEARING

03/23/22-2 (CONTINUED) Consideration of a Use Permit to allow an “Animal Boarding” use within an existing building at 2301 N. Sepulveda Boulevard in the General Commercial (CG) zoning district. Per Manhattan Beach Municipal Code (MBMC) Section 10.16.020, a Use Permit is required for the establishment of an “Animal Boarding” use within the General Commercial (CG) zoning district. Per MBMC 10.08.050, “Animal Boarding” is defined as the shelter and care for small animals on a commercial basis. (Dogtropolis of Manhattan Beach)

Chair Morton announced the item, opened the continued public hearing and invited a staff report.

Director Tai introduced Assistant Planner Austin Chavira who gave an oral report summarizing the written staff report with PowerPoint slides. He highlighted several topics and concluded with a staff recommendation – to conduct the public hearing and, subject to input, adopt a proposed Resolution, approving the application and adopting a determination of exemption under CEQA (California Environmental Quality Act). Staff also clarified that the Applicant is “Dogtopolis of Manhattan Beach” and the franchise name is “Dogtopia”.

The Chair invited the Commission to address any questions to staff and seeing none, **Chair Morton** invited public input, starting with the applicant.

Matt Moore, applicant, described the proposal emphasizing the business being dog daycare with incidental boarding. Responding to questions from the Commission, he indicated that he is not the general manager but is one of the business owners, Manhattan Beach is considered a desirable location in that it is urban and potential customers are all pet parents who love their dogs and he is willing to accept as a condition with a requirement for certain certifications to be held by the staff.

Chair Morton invited other persons to address the Commission.

The following members of the public spoke in **OPPOSITION** on the basis that they felt the proposed business due to nature of the business and operating hours, will be incompatible with very nearby residences. Concerns were expressed that the use may result in impacts such as (but not limited to) noise, odors, sanitation and safety, traffic congestion, employee parking off-site such as on Oak Avenue and nearby other commercial parking lots, and reduction of property values.

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|------------------------------------------------------------------------|----------------------------------------|
| 1. John Delgatto, 2300 Oak Avenue | 11. Scott Tucker, resident |
| 2. Colleen Leung, owner of 2409 Sepulveda, nearby commercial property. | 12. Stephen Alexander, 2101 Oak Avenue |
| 3. Judy Regotti, resident, 2101 Oak Avenue | 13. Steve Yi, 2104 Oak Avenue |
| 4. Todd Cogan, Oak Avenue resident | 14. Manny Alcantara, 2304 Oak Avenue |
| 5. Paula Cogan, Oak Avenue resident | 15. Michelle McEwen, 2200 Oak Avenue |
| 6. Kevin Downing, 2305 Oak Avenue | 16. Pat DuLong, 2205 Oak Avenue |
| 7. Marsha Malozemova, Oak Avenue resident | 17. Elizabeth Tucker, resident |
| 8. Marty Dehler, 2009 Oak Avenue | 18. Stewart Thompson, 2105 Oak Avenue |
| 9. Nancy Harada, resident | 19. Cindy Baeuchler, 2008 Oak Avenue |
| 10. Ryan Tucker, 2204 Oak Avenue | 20. Jeremy Shelton, resident |
| | 21. Sharon Debruyn, resident |

Matt Moore, applicant addressed the Commission in rebuttal, stating that he feels many issues are endemic to the location, emphasizing: 1) Dogs will be kept indoors, and not walked outside and will be cared for by qualified staff which includes a certified dog trainer. 2) Dogs already exist in the neighborhood as pets, and they already are walked, pee and poop. 3) The goal is to offer an environment to support dogs' physical and emotional health which will make pet ownership more enjoyable. As to car access, he believes it is a good thing that the Oak Avenue site frontage is closed to cars and does not believe that congestion will occur because their program operates through enrollment and as such ingress and egress can be managed.

Chair Morton closed the public hearing and invited discussion.

Chair Morton stated although many tough issues have been raised, he feels that, using the code as a guideline, the application meets the required findings and he supports the project. His conclusion is supported by his observation of two nearby animal hospitals which he feels are similar use and he did not observe any behavior between customers and pets that he felt would be a significant detriment.

Commissioner Dillavou stated that while the project meets the code standards, he believes there is a reason that this business requires a special use permit and it is the Commission's duty to explore all concerns. He has many questions of the project on several topics which have not been answered in the

staff report or by the applicant and cannot support the application.

In further discussing, **Commissioners Sistos, Tokashiki and Vice Chair Ungoco** also commented that more information is needed and being uncomfortable in comparing the project to an animal hospital and supporting the project with unanswered issues especially related to impacts occurring on the outside of the building (noise, odor, traffic and parking overflow). **Commission Ungoco** added that he does not think it is appropriate to necessarily conflate the proposed use with a lowering of property value.

Planning Manager Mirzakhania clarified three basic action options for the Commission: 1) approve the project by adopting the draft resolution; 2) disapprove, and continue the matter, directing staff to draft a revised resolution with specific findings; and 3) continue the matter with direction to staff to obtain additional information from the applicant.

The Commission discussed options. **Commissioners Dillavou and Sistos** indicated they did not feel the project can meet findings 2 and/or 4 and **Commissioner Dillavou** emphasized that this may be the wrong location for such a use in that larger buffers from residences are needed. **Chair Morton** acknowledged the residents' concerns, but does not feel that the impacts that are feared are occurring at such a degree at animal hospitals located along Sepulveda and believes that traffic may be managed.

Assistant City Attorney Kearns suggested that the Commission could possibly raise their comfort by looking to see if a broader set of Municipal Code regulations that would apply in addition to the use permit and zoning standards, might assist in mitigating impacts.

Matt Moore, applicant, noted that he is willing to withdraw the application if helpful.

Planning Manager Mirzakhania explained the process for withdrawal, indicating that the Commission would continue the matter to a date uncertain, which would give the applicant the opportunity to submit a notification of withdrawal, and as such the application would not require any further action on the part of the Commission.

It was moved and seconded (Morton/Dillavou) to continue the matter to a date uncertain.

Roll Call:

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

03/23/22-3 Local Coastal Program Amendment – Coastal Hazards Chapter

Chair Morton announced and opened the public hearing and invited a staff report.

Planning Manager Mirzakhania introduced **Sustainability Manager Dana Murray** who provided a recap and overview of the proposed coastal program amendment, noting that a study session was held in February with the Commission.

There being no questions from the Commission and no persons wanting to speak, Chair Morton closed the public hearing and called for a motion.

It was moved and seconded (Ungoco/Tokashiki) that the Commission **ADOPT** the proposed **Resolution** recommending to the City Council adoption of the proposed Local Coastal Program (LCP) Amendment to include a new chapter of the LCP titled Section VI (Coastal Hazards) and associated policies related to sea level rise adaptation and coastal hazards.

Roll Call:

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

H. GENERAL BUSINESS

03/23/22-4 2021 Housing Element Annual Progress Report

Planning Manager Mirzakhania presented the staff report noting this is the last year of the 5th cycle element (17 total new units built) and that next year this report will address progress made for the new 6th cycle housing element (in the first year).

I. DIRECTOR'S ITEMS

Director Tai provided updates:

1. **Housing Element:** Last night the City Council adopted the Sixth Cycle Housing Element. Staff will now send the document to the State Department of Community Development to finalize the process. Director Tai thanked Planning Manager Mirzakhania for her hard work – she was indispensable, putting in hundreds of hours to get the job done.
2. **Use Permit approved by PC (7-Eleven):** The City Council appeal hearing has been scheduled for April 19.
3. **Covid-19/Zoom meetings:** The City Council will transition to a hybrid format starting in April and the Commission will likely follow similarly in May. The goal is to establish as much flexibility as possible and allow each person (Commissioners, staff, and the public) to decide whether to participate in-person or remotely.

J. PLANNING COMMISSION ITEMS –

Commissioner Tokashiki complimented Director Tai on her presentation at the recent “State of the City” event.

Commissioner Sistos thanked Planning Manager Mirzakhania for her success with the Housing Element program.

K. TENTATIVE AGENDA – April 13, 2022 – may be cancelled as no items at this time.

L. ADJOURNMENT

At 6:11 p.m. it was moved and seconded (Tokashiki/Sistos) that the meeting be adjourned to Wednesday, April 13, 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