

**MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
FEBRUARY 22, 2023**

A. CALL MEETING TO ORDER

A Regular meeting of the Planning Commission of the City of Manhattan Beach, California was held in a hybrid format (Zoom and in person at City Hall, 1400 Highland Avenue) on the 22nd day of February, 2023. Chair Ungoco announced protocols and called the meeting to order at the hour of 3:00 p.m.

B. PLEDGE TO FLAG

C. ROLL CALL

Present: Commissioners Morton, Sistos. Dillavou, Vice Chair Tokashiki, Chair Ungoco
Absent: None
Others Present: Talyn Mirzakhanian, Acting Director of Community Development
Jaehee Yoon AICP, Senior Planner
Angelica Ochoa, Associate Planner
Brandon Kearns, Assistant City Attorney
Tatiana Manokian, Agenda Host
Rosemary Lackow, Recording Secretary

D. APPROVAL OF AGENDA

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

Roll Call:

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

Noes: None

Absent:

Abstain: None

Agenda host Manokian announced the motion passed 5-0.

E. AUDIENCE PARTICIPATION – None

F. APPROVAL OF THE MINUTES

2/22/23-1 Regular Meeting – December 14, 2022

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

Roll Call:

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

Noes: None

Absent: None

Abstain: Sistos

Agenda host Manokian announced the motion passed 4-0-0-1

G. GENERAL BUSINESS

02/22/23-2. Consideration of a Use Permit Amendment to allow alcohol sales (the sale of beer and wine only for on-site consumption) at an existing “Eating and Drinking Establishments” use (Bluestone Lane restaurant) located at 321 Manhattan Beach Boulevard in the Downtown Commercial (CD) zoning district. Per LCP Section A.16.020(L), a use permit, or use permit amendment, shall be required for any new alcohol license within the Downtown Commercial (CD) zoning district. (Bluestone Lane restaurant)

Acting Director Mirzakhania welcomed **Associate Planner Angelica Ochoa** who presented the staff report, covering the project: background, scope of proposal, entitlements requested, analysis and lastly the recommendation that the Commission conduct the public hearing and adopt Resolution PC 23-01, approving the Use Permit amendment, and adopt a determination of exemption (Class 1) under CEQA. She noted public outreach and that one email was received from a member of the public expressing concerns regarding the proposed use.

Chair Ungoco invited questions of staff.

In response to a question regarding the two-step process by which the applicant has operated—i.e. quick occupancy with a tenant improvement (“T.I.”) and subsequent use permit amendment—staff explained that the T.I allows the business owner, with a building permit, to begin to operate relatively quickly under the existing use permit, and then the request for beer and wine may have followed as the Use Permit amendment process takes more time.

Staff confirmed that no changes are proposed for the front patio or door from the patio to the interior and noise is regulated in the draft resolution.

The Chair opened the floor to public comment.

Jim Burton (via zoom) expressed the following two concerns: 1) the project is in the CD zone which permits both commercial and residential uses and he feels that bringing more alcohol to downtown restaurants will change the character of downtown and impacts to nearby residences (his property about 300 feet away) have not been adequately analyzed and addressed; and 2) feels the way the ABC required noticing was done was done by the applicant is misleading and disingenuous.

Seeing no further public input, the Chair closed the public hearing and invited Commission consideration.

Upon discussing, the Commission consensus was, in this context, to support the application based on findings that the request is appropriate (service of alcohol will be incidental to the main or primary food service) and approval will give the owner a better chance of success given high downtown rents.

Chair Ungoco inquired as to the status of a prior request by the Commission to publicly review public noticing for certain types of use permit applications. **Acting Director Mirzakhania** reported that at a past Commission meeting staff has reviewed the public noticing requirements for cases under its jurisdiction, including where the City requirements exceed the legal minimum. In this case, the noticing that the caller objected to is not the City’s jurisdiction but is that of State Department of ABC.

A motion was made and seconded (Morton /Dillavou) to approve the subject application, subject to conditions in draft Resolution PC 23- including the environmental determination.

Roll Call:

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

Noes: None

Absent: None

Abstain: None

- 02/22/23-3.
- Consideration of recommending to City Council: (1) a zoning text amendment to Title 10, Part III of the Manhattan Beach Municipal Code, (2) a zoning map amendment, and (3) an amendment to the Land Use Element of the Manhattan Beach General Plan, creating a residential overlay zoning district for certain commercial properties.

Chair Ungoco announced the item and invited staff to address the Commission.

Acting Director Mirzakhania welcomed **Senior Planner Jaehee Yoon** who presented the staff report, covering a background and relationship to the Housing Element of the General Plan, including the 6th Cycle Element Update. She explained a proposed Zoning Text and Map Amendment which would, by creating a

new Residential Overlay District (ROD - MBMC Chapter 10.50), implement the recent housing update by providing new opportunities for housing development where no residential use was previously allowed.

The proposal would be adopted by the Commission on this date as a recommendation to City Council which is expected to be considered and acted upon by Council on March 7th. In turn, once the council acts, this could lead to certification of the City's 6th Cycle Housing Element by the State Department of Housing and Community Development (HCD). Continued noncompliance with Housing Element requirements could result in enforcement actions by the state and litigations. **Senior Planner Yoon** noted the staff recommendation: to conduct a public hearing and adopt Resolution No. PC 23-02, recommending that the council adopt the proposed amendments.

Chair Ungoco opened the floor to Commission for questions of staff.

Commissioner Dillavou asked questions regarding Commission discretion in acting on this matter and if it is passed what the pathway is for approval for a developer.

Assistant **City Attorney Kearns** explained that it is within the Commission's jurisdiction to ask questions and discuss and understand this proposal. **Acting Director Mirzakhania** clarified that the site selection for the overlay district is the same as already approved by the Council last September, the pathway for developing a project under the proposed provisions (either as solely residential or mixed residential/commercial) would be administrative or "by right" provided the project meets minimum requirements for affordable units and, while there was some flexibility in writing the code that the staff used, there are some provisions that as required by HCD, come straight from the State provision (minimum density, minimum number of and percentage of affordable units). Also, the hatched parcels represent those that would need to be merged or consolidated to meet the minimum required site size.

Responding to **Commissioners Dillavou and Sistos**, the **Acting Director** explained the similarity and difference between the HighRose/Verandas project and projects that would come under the new overlay while different both could ask for approval not under the new overlay standards, but also inherently under density bonus provisions.

Assistant City Attorney Kearns pointed out that staff worked hard to address residential impact concerns, and while in the future, property owners will not be notified of specific projects, the current owners near the proposed overlay will receive notification of the new code at this time.

Chair Ungoco commented that he feels the City will be as respectful as it can be to any or all residents who live within proximity to these housing sites.

Commissioner Morton emphasized that the new provisions are coming to all cities from Sacramento legislators and vitriol from HighRose project directed to the Commission and Council was misguided. If voters do not like the new laws they can vote for new legislators.

Chair Ungoco called for any additional public input; seeing none, closed the public hearing and called for additional Commission comment.

Commissioner Morton stated he will support the staff recommendation although he disagrees with the state's "one size fits all" approach; Commissioners Dillavou and Sistos agreed adding that they believe staff did a great job in searching for sites and trying to minimize overall impacts.

It was moved and seconded (Morton/Sistos) that the Commission adopt Resolution No. PC 23-02, recommending that the council adopt the proposed amendments.

Roll Call:

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

Noes: None

Absent:

Abstain: None

Agenda host Manokian announced the motion passed 5-0.

H. DIRECTOR’S ITEMS – Update on previous Commission project

Acting Director Mirzakhanian reported:

- Housing Element Update certification: of the 197 jurisdictions within the SCAG area that are subject to the same housing element update deadlines, only 89 have been certified so far.
- Outdoor Dining Task Force: many applications for citizen seats have been submitted; the selection process will be finalized and staff hopes that the meetings will commence in April.
- Manhattan Village Shopping Center bridge: due to safety and supply chain issues, it has had to remain closed but will be opened as expeditiously as possible.
- Prior considered projects: 1) HighRose: In January the City Council reconsidered and approved; 2) Arthur J: in plan check; 3) Sunrise assisted living: in plan check.

I. PLANNING COMMISSION ITEMS

Commissioner Tokashiki reported on a housing workshop on SB 9 that was held for south bay cities. Acting Director Mirzakhanian advised that the city has adopted an interim urgency implementing ordinance and a permanent ordinance will be coming before the Commission this year including a study session. Assistant City Attorney Kearns provided clarification.

J. TENTATIVE AGENDA – March 8, 2023 - no items, meeting may be cancelled. We expect hearings for a few new projects in either April or May.

K. ADJOURNMENT

At 4:00 p.m. with no objections, Chair Ungoco adjourned the meeting to Wednesday, March 8th at 3:00 p.m. format to be determined.