

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JUNE 11, 2014**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 11th day of June , 2014, at the hour of 6:30 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Andreani, Bordokas, Conaway, Hersman, Chairperson Ortmann
Absent: None
Staff Present: Richard Thompson, Community Development Director
Laurie Jester, Planning Manager
Eric Haaland, Associate Planner
Rosemary Lackow, Recording Secretary

2. CEREMONIAL

06/11/14-1. Certificate of Appreciation to Outgoing Planning Commissioner Chairperson Paul Gross and Planning Commissioner Kathleen Paralusz

Chairperson Ortmann introduced and welcomed new Commissioners Penny Bordokas and Nancy Hersman. Both new commissioners individually expressed their excitement on their appointment to the Planning Commission and are looking forward to serving the City. The new Commissioners gave a brief summary of their background. Both Commissioners have resided in the City since the late 1990's, and have served on the school board, with Commissioner Hersman also serving on the Manhattan Beach Parks and Recreation Commission.

Chairperson Ortmann introduced former Commissioners Gross and Paralusz, acknowledging them both for being such great leaders and he especially appreciated their assistance to him when he was a new Commissioner.

Commissioner Andreani recited and presented a City Council service commendation for six years of service on the Planning Commission to outgoing Commissioner Kathleen Paralusz. Commissioner Andreani also expressed her personal thanks to Commissioner Paralusz noting she was always well prepared, listened carefully, was gracious to all and exhibited a keen personal sense of fairness. Former Commissioner Paralusz expressed her appreciation for the honor of serving on the Commission and thanked past and current City Councilmembers and Commissioners, staff for their hard work, and also much appreciation to her family for their great support.

Commissioner Conaway recited and presented a City Council commendation recognizing and thanking outgoing Commissioner Paul Gross for his three years of service as a Planning Commissioner. Commissioner Conaway added personal comments, that he has been humbled and honored to serve with him, and recognized his value to the Commission and community, including his wisdom through his long tenure, and perspective towards the business community. Commissioner Gross expressed his gratitude, echoing comments from outgoing Commissioner Paralusz and noted that the Planning Commission is special and the weight of matters being considered is great and takes time to learn. He expressed his admiration for all, noting their high caliber and welcomed also the new Commissioners on the Planning Commission.

3. AUDIENCE PARTICIPATION

Viet Ngo, anti-corruption advocate, requested that the Commission direct changes to the minutes relating to Mayor Howorth's husband operating a business without a business license.

Gerry O'Connor, resident, regretted that he feels he must object to the way the Planning Commission conducted the hearing of the Shade Hotel at the last meeting in that he felt that the Commission failed to represent the public's interest in that he did not feel that the red-lined draft of the Resolution that was discussed and eventually adopted was not sufficiently available to the general public in advance of the hearing. He asked that the Commission respect the public's need for advance notice of hearing items.

4. APPROVAL OF MINUTES – May 28, 2014

The following changes were requested by the Commission:

Commissioner Andreani:

Regarding the May 14 minutes approval, there is an error regarding her first requested revision: on page 9, second paragraph, in the first sentence, "asphalt" is to be replaced with "pavement" and not "permeable" as indicated in the draft minutes. .

Regarding the May 28 meeting minutes:

- 1) Page 8 at the top of the page, second paragraph: insert "Charlie Saikley" before "Six-Man".
- 2) Page 8, condition 13, add to the end of the sentence "with the exception of increasing occupancy or hours of operation."
- 3) Page 8, condition 18, third line: strike "first" as follows:
"....sales and service of food and all beverages would ~~first~~ stop, and then....."
- 4) Page 9, condition 24: in the first line after "The Security ~~staff~~ staff shall supervise...."

Commissioner Andreani also requested and then withdrew a request to revise wording at top of page 8 as follows: strike "charity" and replace with "Manhattan Beach" and insert "Foundation" after "Education" based on input provided by Commissioners Bordokas and Hersman.

Commissioner Conaway: On page 3 the first paragraph at the top of the page: revise the second line as follows:

"..... 9) The 2010 ~~permit~~ CUP amendment had valet service on Morningside but at ~~this~~ the time....."

A motion was MADE and SECONDED (Andreani /Conaway) to **APPROVE** the minutes of May 28, 2014, as amended.

AYES: Andreani, Conaway, Chairperson Ortmann
NOES: None
ABSENT: None
ABSTAIN: Bordokas, Hersman

5. PUBLIC HEARING

- 06/11/14-3. Consideration of a Use Permit and Coastal Development Permit for Proposed Construction of a New Building with Small On-site Production and Retail Sales of Handmade Chocolate at 324-326 13th Street (Bar Au Chocolat)

Director Thompson introduced Associate Planner Haaland who gave an oral report using a slide presentation covering several topics detailed in the written staff report. He noted a Coastal Permit and Use Permit are required for a "custom industrial manufacturing" use. The proposal is to replace an existing 1,000 square foot 2-story residential duplex on a "half-lot" with a new 1,900 square foot 2-story chocolate manufacturing and retail building. Two new curbside street parking spaces will be created. Associate Planner Haaland stated the staff recommendation: to conduct the public hearing, discuss the project and subject to public input, adopt a resolution approving the project (draft provided). Mr. Haaland noted that staff does not recommend approval of the balcony encroaching into the public right-of-way. He explained that the balcony encroachment is an issue that is not in the Commission's purview, but rather could only be approved by the City Council.

Staff responded to questions from the Planning Commission.

To Commissioner Bordokas, Associate Planner Haaland responded that the City does not have a specific view ordinance but does have greater discretion in the public right-of-way.

To questions and issues raised by Commissioner Andreani, Associate Planner Haaland responded: 1) that the one parking space that is required for the project will most likely be in the Metlox structure in accordance with the downtown parking permit program; 2) that the hours for the bean roasting process would best be addressed by the applicant, but advised that standard food and beverage sales hours have been suggested by Staff, and the Commission can approve, if deemed appropriate, different hours for the retail and manufacturing operations; 3) regarding the applicant's submitted business plan and the "need for temperature control and oversight", the Commission may request clarification from the applicant as to potential noise impacts from proposed refrigeration; and 4) the commercial building to the east is taller and presumably was built based on a 30-foot height limit.

To questions or issues raised by Commissioner Hersman, Associate Planner Haaland clarified: 1) the staff recommendation for hours is as stated in condition 11 of the draft resolution and are the conventional hours applicable for food and beverage sales from 6 am to 10:30 pm; and 2) a Staff report reference to "restrictive construction methods" is meant to highlight that the proposed pitched roof design is mandatory.

For Chairperson Ortmann, Associate Planner Haaland confirmed his assumption that the balcony intrusion which cantilevers is usable but the side portions are shown to be occupied by planters. Director Thompson explained that the Planning Commission can comment on the balcony encroachment in this hearing even if not addressed in the Resolution and their comments will be forwarded to the City Council.

Chairperson Ortmann invited the applicant to address the Commission.

Louie Tomaro, project architect, stated that the applicant has operated a very successful internet retail chocolate business and this project is intended to be her flagship store. The objective is to create a European atmosphere and the classical style of the building and balcony are important in that endeavor. The design is also intended to give the building visual interest by giving a feeling of depth and dimension. To meet fire codes, the sloped roof will be constructed of fire rated materials within 3 feet of the property line. **Mr. Tomaro** confirmed: the projections flanking the central balcony are planters; that the balcony, being at the second story, where the manufacturing would occur will not be accessible to retail customers and the expected duration of a customer visit is relatively short term, with only one table with four "hi-top" chairs (relates to condition 10) to accommodate people who are tasting. **Mr. Tomaro** noted that they request hours of operation from 8:00 am to 8:00 pm.

Nicole Trutanich, applicant, stated she launched her internet business 3 years ago, having left a 17-year career to pursue her passion for chocolate. She has taken great care to learn the trade and develop her brand. **Ms. Trutanich** believes it is integral to the success of her business for people to be able to come into the store, view her operation and experience her chocolate through smell and taste.

In response to a question from Commissioner Bordokas, **Ms. Trutanich** stated that the roasting of the raw bean takes three hours, bi-weekly but the smell from roasting chocolate beans is a very faint and mild cocoa odor.

In response to questions from Commissioner Andreani **Ms. Trutanich** stated that the retail items will be the chocolate and gift and food items that showcase her product and will be such that appeal to children, surfers, for example but all to relate to the chocolate product. **Ms. Trutanich** described the processing of the beans including sorting and roasting in drums. After the roasted beans are ground, sugar is added till smooth then the chocolate is aged for about six weeks and then stored in a cool area. **Ms. Trutanich** noted that the roasting machines she will be using involve a gentle operation which is not expected to be loud and will occur inside the building.

Louie Tomaro responded to Commissioner Andreani's concerns about noise from the cooling units, noting that the units will be located within a recessed area in the center of the roof, with the cold air piped down into the building and this placement will not only hide the units but will buffer noise.

In response to Chairperson Ortmann **Ms. Trutanich** confirmed that the balcony projections will not have public access and are proposed to provide visual interest to the building.

Chairperson Ortmann opened the public hearing and invited the public to address the Commission and seeing none, he closed the public hearing.

COMMISSION DISCUSSION

Commissioner Andreani stated that she believes that the project is a unique operation and presents a wonderful opportunity for bringing new retail to this block of 13th Street. She has some concerns due to adjoining residential and is sad to see a residential use go away from the downtown mixed-use district but her goal is to make sure that the resolution clearly defines the approved on-site operations, in particular the manufacturing aspects, and that the hours of operations are applied appropriately.

Commissioner Bordokas noted her support for the balcony projection as it will articulate the building, making it more attractive, and draw people to the site from Highland, and she does not believe that there will be any view impact.

Commissioner Conaway stated he is in full support of the project and he sees no problems in making the required findings. He also supports keeping the balcony and would like to lend his support for approving the balcony encroachment permit when the City Council considers that request. Regarding condition 10, he believes that because such a small area is being proposed for food and beverage sales, he favors striking the last sentence which prohibits on-site consumption of food. Regarding condition 11, he likes the proposed hours in the draft resolution but also pointed out whatever the Commission approves in the use permit will establish a land use entitlement that will stay with the property. Commissioner Conaway suggested that the wording of the condition be tightened up to clarify that the manufacturing operations are limited to the hours that are stipulated in the condition.

Chairperson Ortmann stated his agreement with Commissioner Conaway's comments and added that he believes that the articulation from the balcony is especially desirable because of this project's proximity to the boxy commercial office building next door and would like staff to advise City Council of the Commission's support for the balcony.

Commissioner Andreani stated she would like to see more definition of operating hours, with the manufacturing hours separated from the retail hours and she would like the wording to delineate clearly to the degree that on-site consumption of food in the form of tasting is allowed.

Development Director Thompson offered two suggestions to address the Commissioners' concerns. First, in condition 11, that the factory portion of the business be allowed to operate only between 8 am and 6 pm and that the retail portion be allowed to operate between 6 am and 10:30 pm as currently in the resolution. Mr. Thompson added that staff is not sure that Sundays would be a problem in the downtown for manufacturing, pointing out that many restaurants are operated on Sundays and he believes that the roof design will buffer any sound coming from the condensers, and for this reason staff does not see a reason to limit the days of operation. Secondly, in condition 10, he suggested that, because the applicant has testified that the on-site consumption is primarily related to the sampling of the chocolate, at the end of the last sentence staff will add a comma followed by "except for the sampling of food products which is permitted".

Commissioner Andreani stated that she liked the Director's suggestions but had a further question for the applicant regarding the manufacturing as related to the hours of operation.

Chairperson Ortmann invited the applicant to respond to the question.

In response to Commissioner Andreani, **Ms. Trutanich** stated that daily use of the property for manufacturing would be appreciated, because about two days each week she needs to wrap the bars, which is done by hand which takes time, and there are times when she is doing the wrapping when no machinery is being used. **Ms. Trutanich** stated that she is in agreement with the hours as suggested by Director Thompson.

Commissioner Andreani stated that she concurs with the Commission's support and recommendation for the balcony projection and noted that all projects that come before the Commission are considered based on their unique circumstances and merit.

Director Thompson stated that when the Planning Commission's decision on the Use Permit is forwarded to the City Council, staff will advise the Council of the Commission's support for the balcony projection.

ACTION

A motion was **MADE** and **SECONDED** (Andreani/Bordokas) to **APPROVE** the Use Permit and Coastal Development Permit for Proposed Construction of a New Building with Small On-site Production and Retail Sales of Handmade Chocolate at 324-326 13th Street, subject to the stated revisions to conditions 10 and 11.

AYES: Andreani, Bordokas, Conaway, Hersman, Chairperson Ortmann
NOES: None
ABSENT: None
ABSTAIN: None

Director Thompson announced that the motion has passed and there will be a 15-day appeal period and this item will be scheduled on the City Council agenda on July 1, 2014 as a "receive and file" item unless appealed.

6. DIRECTOR'S ITEMS – nothing to report

7. PLANNING COMMISSION ITEMS

Chairperson Ortmann noted that he read the multi-modal mobility report and asked if there was a date set as to when this will be presented to the Planning Commission. Director Thompson noted that the City Council has directed that the presentation be made to them first at their June 17 meeting, so that they can give policy direction if appropriate and then the report will be presented to the Planning Commission, possibly in July.

Commissioner Andreani welcomed the two new commissioners and thanked them for their astute questions.

Chairperson Ortmann asked about coordinating summer vacations and Director Thompson requested the Commissioners email their vacation schedules to him as soon as they can.

8. TENTATIVE AGENDA – June 25, 2014 – No hearings have yet been scheduled and this meeting may be cancelled.

9. ADJOURNMENT

The meeting was adjourned at 8:05 pm to Wednesday, June 25, 2014, in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director