

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, May 2, 2017

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

*Mayor David J. Lesser
Mayor Pro Tem Amy Howorth
Councilmember Steve Napolitano
Councilmember Nancy Hersman
Councilmember Richard Montgomery*

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A. PLEDGE TO THE FLAG

Augusta Halle, Grand View Elementary School, led the Pledge of Allegiance.

B. ROLL CALL

Present: 5 - Mayor Lesser, Mayor Pro Tem Howorth, City Councilmember Napolitano, City Councilmember Hersman and City Councilmember Montgomery

C. CEREMONIAL CALENDAR

1. Presentation of Recognition for the Second Anniversary of the Manhattan Beach Library and Recognition of Melinda Reiter for her Work with Friends of the Manhattan Beach Library.

[17-0156](#)

PRESENT

Mayor Lesser on behalf of the City Council presented a certificate of recognition to the Manhattan Beach Public Library staff on their second anniversary.

Mayor Lesser on behalf of the City Council presented a certificate of recognition to Melinda Reiter for her ten years of volunteer work with Friends of the Manhattan Beach Library.

D. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

A motion was made by City Councilmember Montgomery, seconded by City Councilmember Hersman, to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

**E. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS
OF UPCOMING EVENTS (1 MINUTE PER PERSON)**

Melissa McCullom, Manhattan Beach Public Library Manager, announced that the Los Angeles County Library is having "Fine Free May" where overdue fines are forgiven during the month of May.

David Abel, Manhattan Beach Sister Cities and the Mira Costa Baja Club, announced that they are expecting 10 to 15 students (from the City's Sister City Program, Santa Rosalia, Mexico) in Manhattan Beach September 18, 2017, to September 26, 2017.

Mark Lipps, President of the Chamber of Commerce, announced that the Chamber of Commerce will be holding the South Bay Business Leaders Summit on May 9, 2017, anyone who signs up and mentions that they were present at the May 2, 2017, City Council Regular Meeting will be paying the student non-profit price for the event.

George Butts, Vice President and Program Manager of the Manhattan Beach Community Emergency Preparedness Response Team (M.B.C.E.R.T.), announced that there is training for emergency preparedness from May 18, 2017 through May 21, 2017 it is free to Manhattan Beach residents and City employees and invited Councilmember Napolitano to attend.

Mayor Pro Tem Howorth announced that she recently Celebrated Earth Day and different ways everyone can take care of the earth and spoke about the food waste recycling program, stating that Waste Management provides free food waste containers.

F. CITY MANAGER REPORT

None.

G. CITY ATTORNEY REPORT

None.

H. PUBLIC COMMENTS (3 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 6 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)

Dennis May spoke about the appeal process and the time allotted during Public Hearing.

Tom Hastings spoke in favor of the accessible proceedings for the public and publishing documents and information on the City's website for all to read and have access, spoke about the resolution of the recorded meetings, requested for PowerPoint presentations to be available online soon after meeting, and spoke about the Planning Commission PDF files not being searchable.

Mark Lipps spoke about decals for businesses who would like to provide military discount and for the City to support this initiative, spoke about Sepulveda Blvd. changing to Pacific Coast Highway and how the Chamber of Commerce is reaching out to the Sepulveda businesses to discuss how they would be impacted by this change.

Robert Bush spoke about Mira Costa High School, elections, school board election, presidential election and is opposed to Gelson's.

Bill Victor is opposed to the Gelson's item and spoke about the time allowed to provide public comments.

Jerry Pancake spoke on Gelson's and is in support of the proposed project as long as the proposed traffic and vehicles are reconsidered.

Sharon Bush is opposed to the Gelson's project due to traffic and noise level.

David Hennessy is in support of Gelson's opening in this City stating that the City is in need of a bigger grocery store.

Mayor Lesser clarified that City Council will be reviewing soon a resolution regarding the video streaming of meetings.

I. PLANNING COMMISSION QUASI-JUDICIAL DECISIONS (RECEIVE AND FILE)

None.

J. CONSENT CALENDAR (APPROVE)

A motion was made by City Councilmember Hersman, seconded by City Councilmember Napolitano, to approve the Consent Calendar, Item Nos. 2-5. The motion carried by the following vote:

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

2. City Council Minutes: [17-0158](#)

a) City Council Adjourned Regular Meeting Minutes of April 10, 2017

CONTINUE TO THE MAY 16, 2017 CITY COUNCIL MEETING

b) City Council Regular Meeting Minutes of April 18, 2017

CONTINUE TO THE MAY 16, 2017 CITY COUNCIL MEETING

(City Clerk Tamura).

The recommendation for this item was approved.

3. Second Reading of an Ordinance to Require Electronic Filing of Campaign Finance Disclosure Statements (City Clerk Tamura and City Attorney Barrow). [ORD 17-0005](#)

ADOPT ORDINANCE NO. 17-0005

The recommendation for this item was approved.

4. Financial Report: [17-0165](#)

a) Schedule of Demands: March 30, 2017

b) Investment Portfolio for the Month Ending March 31, 2017

c) Month End Report for March 31, 2017

(Finance Director Moe).

ACCEPT REPORT AND DEMANDS

The recommendation for this item was approved.

5. Update on Emergency Action Taken by the City Manager regarding the Repair, Replacement and Installation of Equipment at the 23rd Street and Peck Avenue Stormwater Pump Station, and Approval for Continuation of the Emergency Work (Public Works Director Katsouleas). [17-0172](#)

APPROVE

The recommendation for this item was approved.

K. PUBLIC HEARINGS

6. Master Use Permit for a Market with Off-Site Alcohol Sales and On-Site Alcohol Consumption and Tastings and a Bank at 707 North Sepulveda Boulevard; the Provision of Off-Site Parking at 801 North Sepulveda Boulevard; Reduced Parking; Sign Program; and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Paragon Commercial Group- Gelson's Market) (Community Development Director McIntosh).

[17-0183](#)**AFTER CONDUCTING PUBLIC HEARING, DIRECT STAFF TO PREPARE RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING APPLICATION**

Mayor Lesser introduced Community Development Director Anne McIntosh.

Mayor Lesser disclosed that he lives 6 blocks from the proposed area, checked with the FPPC and there is no economic or conflict of interest. Disclosed that he spoke with someone briefly regarding the item over two years ago and is a fellow law school classmate of the applicant's Counsel but has not spoken to the classmate in many years.

Councilmember Montgomery disclosed that he met one of Paragon's partners on March 28, 2017 for breakfast but paid for his own meal.

Mayor Pro Tem Howorth disclosed that she also had breakfast with one of the developer's who is proposing the idea but paid for her own meal.

Councilmember Napolitano spoke to various individuals who wanted to speak about the item.

Mayor Lesser inquired about the proposed meeting format.

City Attorney Quinn Barrow provided a proposed meeting format.

Mayor Lesser opened the public hearing at 6:55 PM.

Community Development Director Anne McIntosh introduced Associate Planner Eric Haaland, Traffic Engineer Erik Zandvliet, and Planning Manager Laurie Jester.

Associate Planner Haaland and Traffic Engineer Zandvliet presented a PowerPoint presentation.

Traffic Engineer Zandvliet responded to City Council questions.

Environmental Review Analyst Project Manager Katrina Hark presented a PowerPoint presentation.

MIG Project Analyst Cameron Kyle presented information regarding the analysis done by MIG.

Planning Manager Jester concluded the PowerPoint presentation.

Traffic Engineer Zandvliet responded to City Council questions.

At 8:19 PM City Council recessed and reconvened at 8:32 PM with all Councilmembers present.

Paragon Commercial Group, LLC Project Principal Jim Dillavou presented the Applicant's PowerPoint presentation.

Attorney for the Applicant, Paragon Commercial Group, LLC Ellen Berkowitz spoke on CEQA clarified some issues, responded to City Council questions, submitted a letter from Gelson's CEO, and responded to City Council questions.

Attorney for Appellant Manhattan Beach Residents for Responsible Development, Shawn Coles spoke about his client's request that an EIR be prepared and submitted a letter to City Council.

Appellant Don McPherson presented a PowerPoint presentation of his appeal to City Council.

The following members of the public spoke in support of the project:

*Xan Saks
Donna Tyndall
Marilyn Gillette Bennett
Sue Vogl
Herbert Harger
Mike Simpsen*

The following members of the public spoke in opposition to the project:

*Cathy Fisher spoke on behalf of Barry Fisher
George Butts
John Neill
Patti Brown
Gary Troop
Blake Troop
Kathryn Cheng
Stefan Buli
Julie Brawn
Douglas Brawn
Kay Gilbert
Diana Driscoll
Jack Driscoll
Jan Mills
Ramin Javahery
Tami Brothers
Jim Lee
Tom Troy*

The following members of the public stated they are neutral on the project:

*Marco Rocchio
Jamie Bauer
Eric Bauer*

City Clerk Tamura called Adam O'Neill; after hearing no response, the City Clerk indicated that his speaker card stated that he was in support of the First Republic Bank.

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, to extend the City Council Meeting past 11:00 PM to allow all members of the public to speak on the item. The motion carried by the following vote:

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, to extend the City Council Meeting past 11:00 PM to allow all members of the public to speak on the item. The motion carried by the following vote:

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

At 10:35 PM City Council recessed and reconvened at 10:50 PM with all Councilmembers present.

The following members of the public spoke in support of the project:

*Greg Ames
Lucia La Rosa Ames
Maryl Binney
Bryan Ley
Mark Harrigan
Richard Rizika
Robert Levine*

The following members of the public spoke in opposition to the project:

*Tom Hastings
Gen Tucker
John Chaykowski
Eileen Neill
David Abel
Tara Klein
John Dileva
Efrat Jaffee
Dennis May
Gerry O'Connor
Dennis May spoke on behalf of Darby Silverberg*

City Clerk Tamura stated that the following people submitted a comment card but could not stay to speak, but indicated their respective opinions, as follows:

In support:

*Carole Casten
Olga Reisler*

Opposed:

*Marilyn Scott
Esther Besbris
Darby Silverberg
Leanne Meyers
Ron Vartanian*

Attorney for the Applicant, Paragon Commercial Group, LLC Ellen Berkowitz rebutted the comments and information provided by the Appellants.

City Attorney Quinn Barrow requested that all the evidence be entered into the record: including the staff report, attachments, letters, emails, correspondence, Planning Commission material, staff reports, attachments, environmental documentation, the letters from the attorneys on both sides and all of the documents the public presented during the public hearing.

Mayor Lesser closed the public hearing at 11:35 PM.

Community Development Director Anne McIntosh, Planning Manager Laurie Jester, City Attorney Barrow, City Manager Mark Danaj, Traffic Engineer Erik Zandvliet responded to City Council questions.

A motion was made by City Councilmember Hersman, seconded by Mayor Pro Tem Howorth, to approve the project as proposed, with additional conditions: 1) to alleviate noise level, the applicant shall enclose the trash compactor motor within the enclosed section of the loading area, 2) applicant will screen all rooftop mechanical equipment including compressors to further limit noise consistent with City requirements, 3) applicant shall remove the existing oleander at the rear of the property and work with staff to appropriately screen the back of the building and loading area from Larsson Street (submitting landscape plan), 4) applicant shall prohibit truck idling in the loading area, 5) the loading dock shall be closed and accept no deliveries after 6:00 PM, 6) the applicant shall prohibit delivery trucks to the site on residential streets, with the exception of the portion of 8th Street just west of Sepulveda Blvd. necessary to access the project site entrance, 7) all semi-truck trailers shall access the site exclusively by a northbound left turn movement from Sepulveda Blvd. to 8th Street and into the north side driveway, 8) semi-trucks will exit the site by using the right out driveway only on Sepulveda Blvd., 9) semi-truck trailer deliveries shall be staggered not less than 15 minutes apart from each other, 10) prior to the issuance of building permits to the project the applicant shall contribute a minimum of \$20,000 to the City of Manhattan Beach to consider whether potential calming measures could enhance the safety and livability on neighborhood streets for local residents in the area immediately adjacent to the project site, and 11) applicant shall employ a valet attendant during the peak operating hours as identified in the project and parking traffic study for a period of one year, 12) as part of the study the traffic either going Northbound or Southbound on Sepulveda to then petition to Caltrans to put a left turn prohibition Northbound/Southbound Sepulveda Blvd. on 6th Street during peak hours (3:00 PM - 7:00 PM), 13) the applicant funds the extension of left turn pocket Northbound on Sepulveda Blvd. going West (semi-trucks), 14) pedestrian safety assessment, 15) no Sunday deliveries and include the following items as part of the study: 1) widen Sepulveda sidewalk and a furniture zone, 2) on-site bike parking located closer to 8th Street with clear access, 3) crosswalk enhancements at the intersection of Sepulveda Blvd. and 8th Street, Larsson Street at 6th and 8th Streets, and 4) class two bikeway on 8th Street. The motion carried by the following vote:

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

City Attorney Quinn Barrow clarified that the motion was to direct staff to prepare a resolution to conditionally approve the project. The maker of the motion concurred. City Attorney Barrow stated the draft resolution would be ready for City Council consideration on June 6, 2017.

L. OLD BUSINESS

None.

M. NEW BUSINESS

None.

N. CITY COUNCIL REPORTS, OTHER COUNCIL BUSINESS, AND COMMITTEE AND TRAVEL REPORTS

None.

O. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

7. Agenda Forecast (City Clerk Tamura). [17-0191](#)
DISCUSS AND PROVIDE DIRECTION

There as no discussion by City Council of this item.

P. INFORMATIONAL ITEMS

8. Commission Minutes: [17-0190](#)
This Item Contains Minutes of the following City Commission Meetings:
a) Cultural Arts Commission Meeting Minutes of March 14, 2017
(Parks and Recreation Director Mark Leyman)
b) Planning Commission Action Meeting Minutes of April 19, 2017
(Community Development Director McIntosh).
INFORMATION ITEM ONLY

By order of the Chair, this item was received and filed.

Q. CLOSED SESSION**R. ADJOURNMENT**

On May 3, 2017 at 1:02 AM, Mayor Lesser adjourned the meeting.

Martha Alvarez
Recording Secretary

David Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk