

**MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
WEDNESDAY, JULY 24, 2024**

Teleconferencing Chair Sistos, 3406 Gilbert Street, Austin, TX 78703
Teleconferencing Vice-Chair Dillavou, 8111 Douglas Avenue, Dallas, TX 75225

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, Police/Fire Community Room, 400/420 15th Street), on the 24th day of July, 2024. Chair Sistos called the meeting to order at the hour of 3:01 p.m. and announced protocols.

B. PLEDGE TO FLAG

C. ROLL CALL

Present: Commissioners Hackett, Tokashiki, Ungoco, Vice Chair Dillavou, Chair Sistos (remote),
Absent: None
Others Present: Talyn Mirzakhanian, Community Development Director
Diana Varat, Assistant City Attorney
Ted Faturos, Senior Planner
Angelica Ochoa, Associate Planner
Tari Kuvhenguhwa, Associate Planner
Tatiana Maury, Agenda Host
Rosemary Lackow, Recording Secretary

Director Mirzakhanian announced that Chair Sistos and Vice Chair Dillavou are participating remotely in compliance with applicable provisions of the Brown Act.

D. APPROVAL OF AGENDA

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

Roll Call:

Ayes: Commissioners Hackett, Tokashiki, Ungoco, Vice Chair Dillavou and Chair Sistos
Noes: None
Absent: None
Abstain: None

Agenda Host Maury announced the motion passed 5-0.

E. AUDIENCE PARTICIPATION – None

F. APPROVAL OF THE MINUTES

7/24/24-1 Regular Meeting – July 10, 2024

It was moved and seconded (Hackett/Ungoco) to approve with one change: Page 3 (top): strike (Hackett/Ungoco), replace with (Ungoco/Hackett) as applicable to the motion made.

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

Agenda host Maury announced the motion passed 5-0.

G. PUBLIC HEARINGS

07/24/24-2. Consideration of a Master Use Permit Amendment to modify an existing structure to reduce the indoor seating area and increase the outdoor seating area, expand hours of operation for outdoor dining, and allow for service of distilled spirits in addition to existing beer and wine sales and service, at an existing tenant space located at 401 Manhattan Beach Boulevard currently utilized as an Eating and Drinking Establishment.

Chair Sistos announced the item and called for a staff report.

Associate Planner Angelica Ochoa provided a staff report including a detailed overview of the application and staff recommendation that the Commission adopt the draft resolution, approving the subject Master Use Permit Amendment, and find the project to be exempt from the California Environmental Quality Act. Associate Planner Ochoa noted that a separately filed Encroachment Permit is scheduled for City Council action on August 20th.

Planning Commissioners made inquiries and **Associate Planner Ochoa** and **Director Mirzakhania** responded relating to the application filing, proposed entertainment (amplified music prohibited), the outdoor patio seating layout, comparison of hours to other downtown restaurants, Encroachment Permit and public notification.

Chair Sistos opened the public hearing and invited public comment.

The following persons spoke representing the Applicant, Great White.

Kelsey Champion, Director of Operations
Maddie Ledger
Matthew Mello, Senior Planner, FE Design

The applicant representatives (above) responded to Commission questions stating: the applicant's intent in its request is to offer the same amenities as at other Great White restaurants and the applicant does not agree to a condition that would limit the expanded evening hour only on weekends. Outreach was not done to merchants or other constituents due to lack of any known controversy, and the fact that such is not statutorily required.

Associate Planner Ochoa informed that no additional public comments have been received since the meeting packet has been published.

Director Mirzakhania advised that the Outdoor Dining Task Force is considering recommending that a requirement be adopted that any private property outdoor dining, 100 feet or closer to a residence would be limited to a 10:00 p.m. closing time unless approved through a Use Permit; in this case, the closest residence is 200 feet away.

Chair Sistos invited input from any others, including both in-person and in remote locations; seeing none, the **Chair closed the public hearing** and invited Commission discussion.

Commissioners discussed and expressed general support but with concerns mainly regarding potential noise impacts in the evening and the lack of engagement with and input from downtown merchants or residents.

Director Mirzakhania informed that the applicant is proposing features (wood trellises, and wood seating with upholstered cushions) for the patio area that are on a menu of possible noise attenuation measures being considered by the Outdoor Dining Task Force as methods that could absorb sound.

Chair Sistos reopened the public hearing to receive additional input from the applicant.

Applicant representative **Kelsey Champion** clarified 1) in the patio the flooring will be natural stone and furniture will be made of wood with fabric covered cushions; 2) the applicant is amenable to an added condition requiring noise certain attenuation features and 3) the local community is highly valued. **Representative Mello** clarified that community support is very important to the applicant for all their

restaurants; and it was not the intention of the applicant to bypass or avoid input from the downtown merchants or residents.

Chair Sistos re-closed the public hearing and invited Commission discussion.

The Commission discussed and came to a consensus of support for the project, noting that its proposed operating conditions are similar to other downtown restaurants that have outdoor dining patios and the subject location is in a location of downtown that bounded by other commercial development as opposed to very close residences.

Director Mirzakhanian that, if noise complaints arise after the Commission approves a use permit, the Municipal Code responded to a Commission inquiry provides that the Planning Commission can initiate a review, including public notification, that could result in revocation or modification of the use permit. In addition, the Commission has the authority, in reviewing a use permit, to impose a condition requiring an automatic review of the use permit once it is operating, with or without a public hearing.

It was moved and seconded (Ungoco/Hackett) to adopt the Planning Commission Resolution No. 24-XX, approving the subject Master Use Permit Amendment and finding the project exempt from the California Environmental Quality Act, subject to including two additional conditions:

1. Sound attenuation measures shall be incorporated into the final outdoor patio design and be approved by the Director of Community Development prior to issuance of a building permit.
2. The Master Use Permit Amendment shall be reviewed by the Planning Commission one year after the commencement of restaurant operations which shall include a public hearing and public notice.

Roll Call:

Ayes: Commissioners Tokashiki, Ungoco, Hackett, Vice Chair Dillavou and Chair Sistos

Noes: None

Absent: None

Abstain: None

Agenda host Maury announced that the motion passed 5-0.

H. GENERAL BUSINESS

- 07/24/24-3. Code Amendments Related to Precise Development Plans, Site Development Permits, and Mixed-Use Development Standards.

Director Mirzakhanian provided an overview and introduced **Associate Planner Tari Kuvhenguwa**, project planner, who proceeded with informational materials via a slide presentation in a study session regarding the subject Housing Element related code amendments.

Associate Planner Tari Kuvhenguwa emphasized that the adoption of programs in the City's Housing Element and related code amendments is not optional, but is mandated by State housing law. Public notice of the study session was published in The Beach Reporter, posted at four city facilities (City Hall, Joslyn Center and Manhattan Heights Park) and broadcast through the city's social media platforms.

Associate Planner Tari Kuvhenguwa provided information, staff responded to Commission questions and the Planning Commission provided input and direction regarding four proposals for implementing Housing Element: Program 3–Affordable Housing Streamlining, Program 11–Density Bonus; Program 16–Lot Consolidations; and Program 18–Mixed Use Regulations. Upon receiving input and direction from the Commission, as a next step, staff will develop and bring back for Commission consideration, specific text amendments for the programs.

Director Mirzakhanian announced that **Assistant City Attorney (ACA) Diana Varat** was available for any legal questions throughout the study session and clarified terminology in the context of this review of what is meant by an “administrative” and “non-discretionary” decision. Such decisions are those made

at the staff level “non-discretionary” means that the decision must be based solely on compliance with adopted objective standards. Non-discretionary projects do not require public hearings, and staff, in making its decisions cannot attach conditions. **ACA Varat** further clarified that it is at this moment, in carefully considering what those objective standards should be—that communities can best exercise discretion.

- **Program 3: Affordable Housing Streamlining:**

Associate Planner Kuvhenguwa explained the types of development permits that apply to projects with 6 or more housing units currently in the code, including Precise Development Plans (PDPs) and Site Development Plans (SDPs) for residential zones and use permits for commercial zones. To streamline, staff proposes in commercial zones, to replace an existing use permit requirement with the PDP process currently in the residential zone regulations and in residential zones, to eliminate the Site Development Plan (SDP) process, folding it into the PDP process.

Staff described the proposed administrative review process for PDP projects, emphasizing that there would not be review before the Planning Commission and that, under state law there is a limit of 5 total hearings or reviews that can be required of development projects and the City must complete implementation of all 31 Housing Element programs within the current Housing Element planning cycle.

Commission input/direction:

The Commission expressed concern that by streamlining and eliminating requirements for public notification, the community would no longer be aware of many projects. The Commission directed staff to explore possible ways the community can be kept aware of submittals of non-discretionary projects, such as PDPs. Staff will explore: 1) retaining the SDP (Site Development Permit) process as a non-discretionary review; 2) possible new appeal provisions; and 3) establishing an administrative process whereby staff could routinely report housing projects to the Commission (e.g. under “Director Items”) that have been submitted for staff decisions. Director Mirzakhian advised that any new appeal processes for non-discretionary applications could not be more stringent than existing regulations and in establishing an administrative reporting system as suggested, the Commission would not be able to discuss such projects during meetings.

- **Program 11: Density Bonus**

Associate Planner Kuvhenguwa noted that this proposal’s intent is limited to bringing the city’s density bonus ordinance (adopted in 2013) into compliance with current State law (to the minimum degree required) and establish a permit process for staff review and approvals; requires revising Chapter 94 of MBMC Title 10.

Commission input/direction: no substantive discussion; no specific direction.

At 4:41 the Commission recessed and reconvened at 4:46.

- **Program 16: Lot Consolidation Incentive**

Associate Planner Kuvhenguwa noted this proposal would be applicable only to specific identified properties. It is intended to eliminate a current consolidation incentive that provides a potential maximum bonus greater than the state requirement (up to 10%) and replace with an allowed density increase of 5% maximum for sites which, upon consolidation, have an area between .30 and .49 acres; requires amendment of Chapter 12 of MBMC Title 10 (residential land use regulations).

Commission Input/direction: Staff informed that there are approximately 50 properties in the city eligible for this incentive (see Exhibit A of Appendix E). No specific direction.

- **Program 18: Mixed Use Regulations**

Associate Planner Tari Kuvhenguwa noted this proposal would apply to three of five commercial zones (CL, CD, CNE) and calls for two main code amendment actions: 1) establish clear objective development standards for “mixed-use projects” in commercial zones and 2) establish clear objective standards for

multi-family developments in commercial zones. It requires revising Chapter 16 of MBMC Title 10 – land use and development regulations. The main purpose is to list out all applicable development standards clearly in the code, instead of cross-referencing to various code regulations. As to streamlining, staff proposes that an existing use permit requirement for multi-family projects in the referenced commercial zones be eliminated. Ultimately, upon approval of the subject amendments in the Municipal Code, the new provisions will need to be incorporated into the city’s Local Coastal Program for the CD and CNE districts for properties that lie within the city’s coastal zone.

Staff reviewed proposed development standards that would apply to vertical mixed-use (residential over ground floor commercial) projects in the referenced commercial zones, including side and rear setbacks, maximum floor area factor, maximum height of structures, and open space. Most of the proposed regulations replicate and are sourced from existing Commercial, High-Density Residential and Residential Overlay District (ROD) standards with some modifications such as inclusion of a daylight plane requirement (an upper level increased setback where adjoining residential), a 1.7 floor area factor to be applied to all three zones (CL, CD, CNE), new exceptions to building height for rooftop equipment and elevator shafts, and a new open space standard (50 square feet private open space (e.g. a balcony) per unit, plus 8% total lot area for common use).

Staff clarified regarding a proposed 1.7 floor area factor for all three zones: this does not constitute an increase of allowed building area when compared to the current applicable residential high-density standard which applies a 1.7 FAF for a solely residential project. Regarding open space, staff clarified that the proposed mixed-use open space standard (borrowed from the ROD standards) would ensure that the distribution of private open space be more balanced for all units of the project.

Commission input and direction:

The Commission discussion focused on exceptions to height limits and open space. Staff explained that the proposed height exceptions would allow additional height for rooftop features such as equipment, elevator shafts and possibly access stairways. The Commission asked staff some clarifying questions. Staff agreed to review and provide a response for the following at the next meeting: consider maintaining the current code as-is, which requires a variance and hearing before the Planning Commission to allow an exception, as well as consider the collective scope of overall changes proposed in order to not reduce a property’s overall development capacity.

Chair Sistos invited public input either in person or remotely; none was received.

Director Mirzakhanian stated that, if the Commission is comfortable, staff will proceed to develop a redlined draft of proposed code language to bring back to the Commission for a public hearing (for a recommendation to City Council) or, if staff finds it is needed, another study session will be scheduled.

The Commission discussed and came to a consensus with input provided, they are comfortable with the subject proposals. **Chair Sistos** directed that staff proceed to prepare redlined code text amendments for the Commission’s consideration, unless staff feels additional study sessions are needed.

Director Mirzakhanian thanked staff including Associate Planner Kuvhenguwa and Senior Planner Faturus for their hard work and the Commission for its excellent feedback. **Chair Sistos** thanked staff for its work on this difficult and complex project.

I. DIRECTOR’S ITEMS

Director Mirzakhanian updated:

1. Previous Commission projects – no new information
2. Building Official Ryan Heise was introduced who, effective August 19, will be serving as Acting Director of Community Development Director for a temporary period while Director Mirzakhanian serves as Acting City Manager

J. PLANNING COMMISSION ITEMS - None

K. TENTATIVE AGENDA – August 14, 2024

Director Mirzakhanian informed of upcoming items for Planning Commission:

- Use Permit for an alcohol license: Dash Dashi, downtown restaurant
- Use Permit for a medical use at 222 No. Sepulveda Boulevard
- Study session for reviewing and modifying the city's parking standards, city-wide
- Request to change operating conditions: Manhattan Village Shopping Center

L. ADJOURNMENT

At 5:56 p.m. it was moved and seconded (Tokashiki/Ungoco) to adjourn the meeting to 3:00 p.m., Wednesday, August 14, 2024 at the Public Services Facility meeting room. The motion passed 5-0.