

**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
OCTOBER 11, 2017**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 11th day of October, 2017, at the hour of 6:00 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Burkhalter, Morton, Seville-Jones, Chairperson Apostol
Absent: None
Others Present: Anne McIntosh, Director of Community Development
Ted Faturos, Assistant Planner
Michael Estrada, Assistant City Attorney
Rosemary Lackow, Recording Secretary

2. AUDIENCE PARTICIPATION (3-minute limit) – None

3. APPROVAL OF THE MINUTES

10 /11 /17-1. Regular meeting – September 13, 2017

It was moved and seconded (Seville-Jones/Burkhalter) to approve the minutes of 9/27/17 subject to two changes on Page 1: 1) Change “Jones” to “Seville-Jones” as the maker of the motion for approval of the minutes of July 26, 2017 and; 2) Change “Apostle” to “Apostol” in line one of public hearing item 09/13/17 -1.

4. PUBLIC HEARING

10/11/17-2. Consideration of Amendments to the Municipal Code and Local Coastal Program (LCP) Related to Urgent Care Medical Uses

Chair Apostol announced the continued public hearing and invited staff to present the staff report.

Assistant Planner Ted Faturos presented a summary report, focusing on follow-up by staff from the initial hearing in July including: info regarding Pasadena regulations (no use permit requirement), emergency room and parking standards (I.T.E. standards and peak demand for medical offices and clinics vs. city requirements), urgent care operating characteristics (non-life-threatening situations only); and policy direction as to possible code refinements. Mr. Faturos went over the proposed code amendment language for the Municipal Code (10.08.050 and 10.64.030) and Coastal Program implementing code (A.08.050 and A.64.030). Mr. Faturos noted that staff does not believe that urgent care facilities constitute a threat to the public health, safety and welfare and therefore a higher level of scrutiny beyond code compliance is not warranted. He concluded with the staff recommendation – that the Commission conduct the public hearing, and, subject to public input, adopt the draft resolution, recommending that the City Council amend the applicable codes, refining existing use and parking regulations for urgent care facilities. He reviewed the specific language changes being proposed in “redline/strikeout” code excerpts.

Staff responded to questions from the Commission. Mr. Faturos affirmed that this proposal is not a real change in policy or code, but rather clarifies existing code. The code currently is not specific as to the parking requirement for “urgent care” facilities and staff believes it is a good time to be specific; that with the code clarification, the Manhattan Beach code will be in line or stricter than as provided in the I.T.E. standards for medical offices/clinics. Regarding use of the word “routine” staff responded that staff would be comfortable in using “non-life-threatening” in place of “routine”.

Mr. Faturos responded that he wasn’t clear as to why the term “clinic” is not in the code.

PUBLIC HEARING

Chairperson Apostol opened the public hearing and invited interested parties to address the Commission.

Rob Mahan, City resident and Chief Executive Officer of Exer, with the aid of a PowerPoint slides, provided information about Exer's urgent care facilities. His main points covered include: defining Urgent Care (UC) vs. emergency room (ER), or physician practice care; responses to concerns about impacts of UC facilities to the community; the value that UC facilities bring to a community; how Exer addresses ER problem without being an ER (now by default, ERs are unnecessarily providing a very high cost solution to urgent care patients); services Exer is going to bring to the Manhattan Beach community; and finally, he went over the traffic circulation of visitors that will be coming to the Manhattan Beach site, indicating that it will not be encouraged to use the residential streets. He summarized that Exer's urgent care is a specialty emergency practice that has as its goal to provide a positive experience and high "net promoter score". He offered to provide a tour of their Redondo Beach facility.

Chair Apostol invited others present to speak.

Nicole Barkopoulos, adjoining owner of the Exer site in Manhattan Beach, appreciates hearing from Exer but remains concerned regarding traffic circulation and feels that without a use permit process, that development does not seem fully vetted; it seems because each UC facility can be somewhat different as described by Exer, it doesn't seem that reliance only on application of the code standards will be sufficient to protect residents from potential impacts and she believes a Use Permit should still be required.

Dr. Paul Barkopoulos, also appreciates diligence of the Commission and Council in looking at urgent care and believes that UC facilities are very different from traditional doctor offices; for example, at an UC facility, a patient doesn't have an established relationship with the physician providing the care and the doctor does not have medical history of the drop in patients. He urged that a use permit be required so that, while this is a necessary and beneficial community service, each facility can be reviewed individually and each may need special standards or conditions. Other remaining concerns are that controlled substances will be on-site, and believes that the trend with cities is to provide more, not less regulation of UC.

There being no other speakers, Chair Apostol closed the hearing and invited discussion by the Commission.

DISCUSSION

Commissioner Seville-Jones noted her appreciation of the participants in this hearing. She believes: adding the term "non-life-threatening" in the use description of "urgent care" will be very helpful and is appropriate; she has not seen evidence that supports resident concerns/fears of impacts such as noise from ambulances or traffic congestion since ambulances are not allowed and the total number of patients expected per day is 60, which is fewer than expected for other permitted commercial uses. She also doesn't see what, in this business model, needs closer regulation, noting that; if a UC facility can dispense medication, it is expected that the business would have adequate security, and lastly, while other jurisdictions may require use permits as indicated through an internet search, this doesn't in and of itself explain why Manhattan Beach should also have a use permit requirement - there may be other factors present for other cities that would trigger such a requirement that does not apply to Manhattan Beach.

Commissioner Morton appreciates getting more information tonight and the residents' feedback. While he agrees with Dr. Barkopoulos' points, he couldn't find on the internet any other cities that require use permits. He falls on the side of the points made by Commissioner Seville-Jones – that there doesn't seem to be sufficient evidence that closer regulation is needed and, rather, to arrive at such a conclusion would be uncomfortable for him. He does, however, feel that the code should be clearer.

Commissioner Burkhalter stated that he had concerns coming into this hearing about parking in particular, and researched standards for other cities. He found that of the cities that address urgent care, very few have a blanket use permit requirement and those that do mostly have extenuating circumstances. He believes that the "bottom line" is that Manhattan Beach's requirements already are more stringent than other cities, citing that no other city had a parking standard as high as 1:200. Lastly he finds it compelling that the Little Company of Mary facility has been operating for a long time (20 years?) and he hasn't seen evidence that there have been any security issues. He noted that the site location for Exer and its constraints may make an UC use here more challenging.

Chair Apostol stated that he also focused on parking and looked at Pasadena and regulations for such uses on commercial versus non-commercial corridors. But, this discussion is about commercial zoning on a commercial corridor. He similarly couldn't find a trigger that would warrant requiring use permits.

Director McIntosh directed the Commission's attention to the draft resolution, stating it has been reviewed by the City Attorney who suggested certain changes to the resolution based on the Commission discussion.

A motion was subsequently made and seconded (Seville-Jones/Morton) to ADOPT the draft Resolution with the following modification: In Section 3, in the paragraph "Offices, Business and Professional" in line 7, strike "routine" (after "...provide patients") and replace with "for non-life-threatening conditions".

Roll Call:
AYES: Burkhalter, Morton, Seville-Jones, Chairperson Apostol
NOES: None
ABSENT: None
ABSTAIN: None

5. DIRECTOR'S ITEMS

Director McIntosh reported:

- a. At the regular meeting on October 25th a public hearing will be scheduled for an 11-unit 3-story apartment building at 1214 Tennyson Street.
- b. The Commission's recommendation for a cannabis ordinance will be heard by the City Council on October 17 which will include first reading.
- c. The City Council has accepted Commissioner Ortmann's resignation from the Planning Commission and the vacancy of this seat has been posted.

6. PLANNING COMMISSION ITEMS - None

7. TENTATIVE AGENDA - October 25, 2017 (see Director's item 5.a. above).

8. ADJOURNMENT

The meeting was adjourned at 6:58 P.M. to Wednesday, October 25, 2017 at 6:00 P.M. in the City Council Chambers, City Hall, 1400 Highland Avenue.

/s/Rosemary Lacklow
ROSEMARY LACKOW
Recording Secretary

/s/George Apostol
GEORGE APOSTOL
Chairperson

ATTEST:

/s/Anne McIntosh
ANNE MCINTOSH
Community Development Director