

**CITY OF MANHATTAN BEACH  
PLANNING COMMISSION  
MINUTES OF REGULAR MEETING  
MAY 22, 2019**

**A. CALL MEETING TO ORDER**

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 22<sup>nd</sup> day of May, 2019, at the hour of 6:00 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

Chair Burkhalter called the meeting to order.

**B. PLEDGE TO FLAG**

**C. ROLL CALL**

Present: Morton, Ungoco, Chairperson Burkhalter  
Absent: Fournier, Thompson  
Others Present: Anne McIntosh, Community Development Director  
Stephanie Katsouleas, Public Works Director  
Prem Kumar, City Engineer  
Laurie Jester, Planning Manager  
Anna Luke-Jones, Senior Management Analyst  
Ted Fatuross, Assistant Planner  
Rafael Garcia, Assistant Planner  
Angela Soo Seilhamer, Recording Secretary (substitute)  
Rosemary Lackow, Recording Secretary (remotely)

**D. APPROVAL OF AGENDA**

It was moved and seconded (Burkhalter/Morton) to approve the agenda with no changes; hearing no objections, it was so ordered.

**E. AUDIENCE PARTICIPATION (3-minute limit) - None**

**F. APPROVAL OF THE MINUTES**

05/22/19-1. Regular Meeting – April 24, 2019

Chair Burkhalter called for approval of the minutes of April 24, 2019 as submitted, there being no objections, it was so ordered.

**G. PUBLIC HEARING**

05/22/19-2 Proposed Use Permit for a New Eating and Drinking Establishment with On-Site Beer Consumption and Beer Sales for Off-Site Consumption at 327 Manhattan Beach Boulevard (Culture Brewing Company/Ragan)

**Chair Burkhalter** opened the public hearing on this item and invited a staff report.

**Director McIntosh** introduced **Assistant Planner Ted Fatuross** who provided a report, assisted by slides, covering the following topics: Background (Downtown Commercial, former hair salon, on double lot shared with Coffee Bean); Vicinity Map, Use Permit request (major remodel, small beer manufacturer/Type 23 ABC license, no food service, no entertainment), and Required Findings. Mr. Fatuross also noted that in support of the Findings are the following facts: there are a number of operating conditions in the draft resolution that will mitigate adverse impacts as well as existing physical structures between the project site and nearby residences that would serve as a noise buffer. In addition, there will be very small output of trash/waste due to lack of a kitchen/food service, and the business will have a relatively early closing time.

**Dennis Williams**, applicant, explained his business, “Culture Brewing Company” started in Solana Beach as a small microbrewery with tasting room and they currently have two other tasting rooms in Ocean Beach and Encinitas. He proposes to open a small tasting room in Manhattan Beach; there will be no food service. It is to be regulated by a Type 23 license issued by the State ABC. This limits alcohol sales to onsite consumption/tasting and “off-sale” (purchase on-site but consumed somewhere else) and further, the sale is permitted only for their beer. Activities or events to be held on the site are community oriented. They may offer yoga with a pint in the morning, and at other times, they may have an art exhibit to showcase local artists and not-for-profit fund-raising events. He has reviewed and accepts all conditions in the draft Resolution.

In response to requests from **Chair Burkhalter** and **Commissioner Morton**, Mr. Williams noted special events to be held will include local fund-raising gatherings (e.g. high school sports teams, muscular dystrophy) and monthly art shows showcasing the work of local artists. In the six years that they have operated in San Diego, over \$20,000 has been donated to various not-for-profit organizations in their community. **Mr. Williams** reiterated that there is no food service provided by the business, but they will allow those hosting an event to bring a limited amount of food onto the site. The emphasis of the events is for people to gather and converse while tasting beer, not to dine.

**Chair Burkhalter** invited members of the public to provide input.

#### PUBLIC INPUT

**Jim Burton**, 328 11<sup>th</sup> Street, stated that he believes the proposed business will be a good fit for Manhattan Beach. His main concern would be noise due to his proximity to Manhattan Beach Boulevard (within earshot of Simmzy’s and Shark’s Cove), but he believes, providing the scope of the business remains as proposed, that this concept will not create problems normally associated with alcohol licenses. He likes that they will not have any TVs and is not concerned based on the proposal, with the number of activities.

There being no others wishing to speak, **Chair Burkhalter** closed the public hearing and invited the Commission to discuss the proposal.

#### COMMISSION DISCUSSION

**Commissioner Morton** stated that he likes both the physical design and proposed use and is encouraged that in their existing locations there have been no reported ABC violations.

**Commissioner Ungoco** stated he is comfortable with the proposal and his questions regarding hours of operation have been answered. He wondered how “dog-friendly” the proposed tasting room can be in that it is not a conventional bar nor restaurant. Director McIntosh responded that she is not aware of any City regulations that would directly relate to this issue and believes this would be under the purview of the County Health Department as a public health issue to be addressed when the applicant receives health department clearance.

**Chair Burkhalter** stated that his concerns relate to the special events and whether any significant amount of people would be drawn to such, and, more technically to the garage door at the front. As to events, he is comfortable that these will be monitored in staff review of the use permit, and that the garage door will be reviewed in plan-check for compliance with all codes.

#### COMMISSION ACTION

It was subsequently moved and seconded (Morton/Ungoco) to adopt the draft Resolution as submitted APPROVING the subject Use Permit for a New Eating and Drinking Establishment with On-site Beer Consumption and Beer Sales for Off-Site Consumption at 327 Manhattan Beach Boulevard. In discussion of the motion, Director McIntosh clarified that, if the business were to have an event that had attendance of 100 or more persons, a Class I Group Entertainment Permit may be required, and it would be processed administratively.

ROLL CALL:

Ayes: Morton, Ungoco, Chairperson Burkhalter

Noes: None

Absent: Fournier, Thompson

Abstain: None

**Planning Manager Laurie Jester** announced that this decision will be placed on the City Council agenda as a quasi-judicial action for Receive and File on June 4<sup>th</sup>, and the Commission's action is subject to a 15-day appeal period that begins on this date.

05/22/19-3      Use Permit to Allow a New 5,500 Square Foot Commercial Building for a Restaurant with a 2,000 Square Foot Outdoor Dining Area, and a Type 47 Alcohol License for the Sale and On-site Consumption of Alcohol at 3110 N. Sepulveda Boulevard as part of the Manhattan Village Shopping Center (RREEF)

**Chair Burkhalter** opened the public hearing for this item.

**Director McIntosh** introduced **Assistant Planner Rafael Garcia**, who proceeded with a report including slide presentation, providing an overview and analysis of the application. **Mr. Garcia** noted the project will be within the permitted restaurant square footages and will conform to parking as set forth in the Center's Master Use Permit as approved in 2014; the trigger for the Use Permit is the fact that the proposal is for a new building exceeding 5,000 square feet of floor area. **Mr. Garcia** showed renderings of the proposed building and pointed out that the outdoor patio will be located at the north-east corner of the building, away from the closest residences to the west.

**Assistant Planner Garcia** noted that ten-day notification was provided and no comments have been received; all comments from other city departments have been incorporated into the conditions of approval in the draft resolution. The Staff recommendation is to adopt the draft resolution approving the use permit subject to all proposed conditions.

**Chair Burkhalter** invited the applicant to address the Commission.

**Jason Giannantonio**, representing RREEF, requested that the Commission consider revising Condition 14 to allow the restaurant to have outdoor music and amplified sound on Fridays and Saturdays for one additional hour, until 12:00 am (midnight) as opposed to 11:00 pm as stated in the draft Resolution.

**Mr. Giannantonio** clarified other issues for the Commission, noting that REEF has identified a restaurant operator and has worked with that entity on the project design layout, finishes and overall style. The operator has existing restaurant brands in both Los Angeles and Orange County markets. Once the project is fully approved, RREEF will finalize the project design with the operator. In addition, he clarified that the restaurant proposes to serve lunch and dinner, not breakfast.

**Chair Burkhalter** invited any other interested parties to address the Commission, seeing none, he closed the public hearing and invited the Commission to discuss the application.

#### COMMISSION DISCUSSION

**Commissioner Morton** commented that he is in support in that the proposal is consistent with the overall shopping center redevelopment plan and scope of intended uses and feels it will be a desirable improvement for the area.

**Commissioner Ungoco** stated he is in support, noting that the site is at a main entry from the Boulevard and will set a tone for the center. He had concern about patio noise but feels the applicant has done its best to mitigate noise impacts from that area.

**Commissioner Morton** noted that the patio area appears to be closed off; discussion ensued about the physical layout of the patio and potential impact to residents, given that the applicant is asking for one hour later for permitted outdoor music or amplified sound on Fridays and Saturdays.

**Chair Burkhalter** stated that he felt that, given the shopping center location and its inherent buffer conditions, the proposed outdoor patio would not create a noise impact and therefore he doesn't see a problem.

**Commissioner Morton** stated he would like to ask the applicant about the patio.

**Chair Burkhalter** re-opened the public hearing.

#### PUBLIC INPUT

**Commissioner Morton** asked the applicant to respond to what potential type of noise would potentially be generated through the patio that could affect residents to the west, and then what mitigations would there be.

**Jason Giannantonio** of RREEF, responded that the patio is covered, open on sides and he believes that the restaurant operation would ideally maintain closed doors.

**Commissioner Morton** explained his concern is that residents may be trying to sleep at 12:00 am and therefore he would like more information as to how noise might emanate from the patio area and what will mitigate that if it occurs. He asked if staff had any significant concern about the extension of the permitted hours of outdoor music.

**Assistant Planner Garcia**, pointing to building renderings, indicated that the patio has a solid roof and the wall to the west is solid, but the east and north sides will be largely open, with only guardrails, no walls. Mr. Garcia indicated that the restaurant operation would be subject to enforcement of the Noise Ordinance. Director McIntosh indicated that another possible outcome could be that the applicant may decide to install additional buffers, such as glass walls to mitigate car noise impacting the patio experience and, if so, this would be a buffer for sound emanating from the site as well.

**Chairperson Burkhalter** closed the public hearing and the Commission resumed discussion on the application.

#### COMMISSION DISCUSSION

**Commissioner Ungoco** stated his support, including the applicant request for an extended hour for outdoor music, in that he feels that the shopping center location is appropriate for the proposed use and potential noise impacts would be mitigated by Sepulveda Boulevard and commercial buildings on the west side which provide additional separation between the project and the residential neighborhood to the west. He also noted that the openings in the patio area are oriented towards the north and east, away from residents.

**Chairperson Burkhalter** stated his support, including the midnight extension, noting that he believes that Sepulveda Boulevard, being a "white-noise generator" will mask noise emanating from the patio, that there will be additional mitigating factors including the presence of commercial buildings on the west side of Sepulveda, and the fact that the patio will have a solid roof. Further, additional measures, if deemed to be desirable for the purpose of attenuating noise, such as glass screen walls, are relatively easy solutions to implement.

#### COMMISSION ACTION

It was subsequently moved and seconded, (Burkhalter/Morton) that the Commission **APPROVE** the subject Use Permit to Allow a New Commercial Building for a Restaurant and a Type 47 Alcohol License located at 3110 N. Sepulveda Boulevard, with modification of condition number 14, to allow an additional hour on Friday and Saturday night for outdoor music, or between 11:00 am and 12:00 am on said days of the week.

#### ROLL CALL:

Ayes: Morton, Ungoco, Chairperson Burkhalter

Noes: None

Absent: Fournier, Thompson

Abstain: None

Director McIntosh announced that this decision will be placed on the City Council agenda as a quasi-judicial action for Receive and File on June 4<sup>th</sup> and the Commission's action is subject to a 15-day appeal period that begins on this date.

## H. GENERAL BUSINESS

05/22/19-4 Determination of Consistency of the Proposed Projects in FY 2019-2020 through 2023-24 of the five-year Capital Improvement Plan with the Manhattan Beach General Plan.

**Community Development Director McIntosh** introduced **City Engineer Prem Kumar** who proceeded with a staff report. **Engineer Kumar** noted that pursuant to California Government Code Section 65105 (c) the Planning Commission, as the "City Planning Agency" has the responsibility to conduct an annual review of the City's Capital Improvement Plan (CIP) for consistency with the City's General Plan. **Engineer Kumar** gave an overview of the entire CIP noting that, while there is a total of 128 projects in the Plan, his focus tonight is on 17 new projects listed on "Attachment 2" of the written report that are new to the Planning Commission and that require review for General Plan consistency this year.

**Engineer Kumar** proceeded to review each of the 17 new projects with the Commission including their description, funding, and basis for General Plan consistency. He concluded with the recommendation that the Planning Commission adopt draft Resolution 19-07 determining that the 17 new proposed projects are consistent with the City of Manhattan Beach General Plan.

Seeing no questions from the Commission, **Chair Burkhalter** invited public testimony; seeing none, he closed public testimony and invited discussion by the Commission.

## COMMISSION DISCUSSION

**Commissioner Morton** stated that he reviewed all the new projects and believes all are consistent with the goals of the General Plan and he fully supports making a finding of consistency.

**Commissioner Ungoco** stated his agreement, and added that he found that the staff analyses citing applicable General Plan goals and how each project supports the goals, to be very clear.

**Chair Burkhalter** noted that he believes the "Senior and Scout House" project deserves more attention as he has concerns that it is not consistent with some General Plan policies or goals - given that the City has recently started a city-wide assessment that will create an inventory of historic buildings. He believes that circumstances related to the Scout House, such as its age and importance in the community (e.g. it is the birthplace of the Pinewood Derby) warrants an examination of its value as an historic resource by a qualified professional. He also has concerns that two or three large trees will be removed as part of the project. While he recognizes the need for a new facility, he would like to see the location analyzed more.

**Commissioner Ungoco** asked whether as the project goes forward with developed plans, such review, by applying CEQA, will include such analysis.

**Commissioner Morton** stated his support for including a finding in the CIP Resolution as suggested by the Chair.

**Director McIntosh** suggested adding a finding in the draft Resolution such as: "Whereas the Planning Commission determined that the Scout House project warrants additional historical analysis and evaluation of the site and its setting by a qualified preservation consultant."

## COMMISSION ACTION

It was moved and seconded (Burkhalter/Morton) that the Planning Commission adopt Resolution No. PC 19-07, determining that the proposed fiscal years 2019-2020 through 2023-24 New Capital Improvement Projects are Consistent with the Manhattan Beach General Plan, with added finding "Whereas the Planning Commission determined that the Scout House project warrants additional historical analysis and evaluation of the site and its setting by a qualified preservation consultant."

**ROLL CALL:**

Ayes: Morton, Ungoco, Chairperson Burkhalter

Noes: None

Absent: Fournier, Thompson

Abstain: None

**I. DIRECTOR’S ITEMS**

**Director McIntosh** reviewed upcoming meetings and it was clarified that there will be three June meetings: on the 12<sup>th</sup>, a regular meeting, there are three agenda items (Peck Reservoir MND and Use Permit; a Use Permit for 924 Sepulveda; and a Use Permit for a restaurant at 1127 Manhattan Avenue). On June 19<sup>th</sup> the Commission will have the joint meeting with the City Council and Parking and Public Improvements Commission to discuss future Work Plan projects, and then on June 26<sup>th</sup> there will be a regular meeting which currently has two tentative items (Use Permit for Fire Station #2; and Variance for SCE equipment at 1214 Tennyson).

**J. PLANNING COMMISSION ITEMS – None**

**K. TENTATIVE AGENDA – June 12, 2019 - See I. above (Director’s Items).**

**L. ADJOURNMENT TO – The meeting was adjourned at 7:05 p.m. to Wednesday, June 12, 2019 at 6:00 P.M. in the City Council Chambers, City Hall, 1400 Highland Avenue.**

/s/Rosemary Lackow

ROSEMARY LACKOW

Recording Secretary

/s/Benjamin Burkhalter

BENJAMIN BURKHALTER

Chairperson

ATTEST:

/s/Anne McIntosh

ANNE MCINTOSH

Community Development Director