



Agenda Item #: 07/0904.20

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Aldinger and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Esteban M. Danna, Assistant Planner

DATE: September 4, 2007

SUBJECT: Consideration of Planning Commission Approval of a Master Use Permit and Coastal Development Permit for a mixed-use commercial building with two restaurants (with continued use of alcoholic beverage licenses), two retail suites, and one office suite, with underground parking at 1001 Manhattan Avenue.

RECOMMENDATION:

Staff recommends that the City Council **RECEIVE** and **FILE** the Planning Commission's approval of the Master Use Permit and Coastal Development Permit for 1001 Manhattan Avenue.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

In May 2007 staff received a Master Use Permit and Coastal Development Permit application for construction of mixed-use commercial building at 1001 Manhattan Avenue to replace the structure destroyed by the December 2006 fire. At its regular meeting on July 25, 2007 the Planning Commission adopted Resolution No. PC 07-09 (5-0 vote), approving the Master Use Permit and Coastal Development Permit applications with conditions.

The proposed project is a three-level, mixed-use building containing two restaurants, two retail spaces, and one office use. The basement level, with vehicular access off the 10th Place alley, will provide 6 compact and 6 standard size non-required tenant parking spaces and storage. The street level of the building, with pedestrian access off the Manhattan Avenue sidewalk, will contain both restaurants and retail spaces. Continuation of sidewalk dining is also proposed along Manhattan Avenue. The third level will contain one office with a deck.

Public testimony was taken and all present were in support of the project. The public commented on the design, tenants, location for the office and deck, hours of operation for the restaurants and potential noise, tenant parking, and the street handicap parking space. The Planning Commission was supportive of the mixed-use project. Their discussion concluded that the project had an attractive design, fit with the neighborhood, and stayed well below the maximum size and height

allowed. The Planning Commission also discussed the addition of a handicap parking space on Manhattan Avenue and how it will improve accessibility in the downtown area. The Parking and Public Improvements Commission (PPIC) considered the request for a right-of-way disabled access space adjacent to 1001 Manhattan Avenue on August 23rd. The PPIC acted to recommend that the City Council approve the space as proposed. The PPIC recommendation will be forwarded to the City Council on the consent calendar on September 18th.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission, and direct that a public hearing be scheduled.

- Attachments:
- A. Resolution No. PC 07-09
 - B. Planning Commission minutes excerpt 7/25/07
 - C. Planning Commission Staff Report & Attachments 7/25/07
 - D. Plans (Attachment not available in electronic form)

cc: Tomaro Architecture, Inc.
Helen Ristani

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR A 5,386 SQUARE FOOT MIXED-USE COMMERCIAL BUILDING WHICH INCLUDES TWO RESTAURANT USES (WITH CONTINUATION OF ALCOHOL BEVERAGE LICENSE), TWO RETAIL USES, AND ONE OFFICE USE PROPOSED TO REPLACE A STRUCTURE DESTROYED BY FIRE IN THE APPEAL JURISDICTION OF THE COASTAL ZONE AT 1001 MANHATTAN AVENUE

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on July 25, 2007, to consider an application for a Master Use Permit and Coastal Development Permit for the property legally described as Lot 10 and 11, Block 11 Manhattan Beach Tract, located in the appeal jurisdiction of the Coastal Zone at 1001 Manhattan Avenue in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant/representative for the Master Use Permit and Coastal Development Permit is Tomaro Architecture, Inc. The property owner is Helen Ristani.
- D. The previous 5400 square foot building, built in 1937, was destroyed by fire in December 2006.
- E. This Resolution upon its effectiveness constitutes the Master Use Permit and Coastal Development Permit for the subject site and rescinds the previously approved Resolutions 3376, 78-3, and BZA 84-10 for the previous mixed-use commercial building.
- F. The proposed use is permitted in the CD (Downtown Commercial) Zone subject to a Master Use Permit and a Coastal Development Permit approval as the project provides an office component that was not previously on-site and the project exceeds more than 5,000 square feet of buildable floor area.
- G. This project is Categorically Exempt from providing an environmental impact study through, Class 2, Section 15302(b), California Environmental Quality Act (CEQA) Guidelines.
- H. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- I. The Planning Commission made the following findings with respect to this application:
 1. The applicant requests approval to build a 5,386 square foot mixed-use commercial building which includes two restaurant uses (with continuation of alcoholic beverage license for on-site consumption of beer and wine), two retail uses, and one office use.
 2. The project is located in Area District III and is zoned (CD) Downtown Commercial. The property to the north (across 10th Place) is zoned (CD) Downtown Commercial; the properties to the east (across Manhattan Ave) are zoned (CD) Downtown Commercial; the property to the south (across 10th Street) is zoned (CD) Downtown Commercial, and the property to the west is zoned (RH) Residential High Density.

**EXHIBIT
A**

3. The General Plan designation for the property is Downtown Commercial.

Master Use Permit

1. The proposed project is located within the (CD) Downtown Commercial district. It would continue the previous uses which are in accord with the objectives of this title and the purpose of the commercial district in which they are located. The project is consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses. Furthermore, the project is consistent with the goals of the City's Downtown Design Guidelines. These goals include:

- Preserve the small-town village character of downtown Manhattan Beach.
- Preserve and enhance the pedestrian orientation of downtown Manhattan Beach.
- Protect and encourage streetscape amenities

2. The proposed three-level mixed-use building poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as commercial mixed-use similar in size, scale, use, and operations to the previous uses on the site. Additionally, 12 parking spaces will be provided on site even though none is required by code.

The proposed location of the use and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan, since the project site is classified as Downtown Commercial which allows for a full range of service and retail businesses.

The General Plan of the City of Manhattan Beach poses certain goals and policies, which reflect the expectations and wishes of the City with respect to land uses. Specifically, the project is consistent with the following Goals and Policies of the General Plan:

Goal LU-6.1: Support and encourage small businesses throughout the City.

Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Policy LU-7.2: Encourage the use of the Downtown Design Guidelines to improve the Downtown's visual identification as a unique commercial area.

Policy LU-7.3: Support pedestrian-oriented improvements to increase accessibility in and around Downtown.

Policy LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on downtown streets, and consider providing zoning regulations that support these uses.

3. The proposed service and retail uses on the existing commercial site will be in compliance with applicable provisions of the (CD) Downtown Commercial zone, and the required notice, hearing, and findings for the Master Use Permit.

4. The proposed continuation of restaurant and retail use as well as the proposed addition of office use will not adversely impact nearby properties. The proposed uses will not affect parking demand in the Downtown Commercial zone, however, excess parking will be provided on the first level of the structure. It is not anticipated that the proposed mixed-use project will exceed the capacity of public services and facilities, as the uses and square footage are similar to the previous uses on the site.

Coastal Findings

The project is consistent with the commercial development policies of the Manhattan Beach Local Coastal Program, specifically Policy A.16.010. The specific purposes of the commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan and Local Coastal Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone.
- B. Strengthen the city's economic base, but also protect small businesses that serve city residents.
- C. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located. Commercial projects involving the combination of three or more lots or on sites exceeding 5,400 square feet shall be approved only if the scale and articulation of the facade of the proposed structure is consistent with this purpose statement.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.
- H. Encourage commercial buildings that are oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at or near sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach.
- I. Carry out the policies and programs of the certified Land Use Plan.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Master Use Permit and Coastal Development Permit subject to the following conditions:

1. The project shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on July 25, 2007. Any other substantial deviation from the approved plans and project description must be reviewed by the Director of Community Development to determine if review and approval by the Planning Commission is required.
2. The property owner shall maintain all lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic.
3. All interior amplified music shall be limited to background music only and restaurant management shall control the volume of the music. Any outside sound or amplification system or equipment is prohibited.
4. Entertainment other than background music or television is prohibited.

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5. Plans shall be revised to show a 60° daylight plane inclined inward from a height of 20 feet along the side property line abutting the residential district in accordance with MBMC 10.16.030 E. Project shall not exceed 1:1 floor area factor ratio in accordance with MBMC 10.64.050 unless customer parking is provided as required by zoning and building codes.
6. The restaurants shall operate as an eating and drinking establishment. The service of food and beverages shall be primarily by employee service to customers seated at tables and the establishment shall have no take-out window.
7. Alcohol service to customers shall occur only in conjunction with full menu food service during all hours of operation. Sale of alcoholic beverages for consumption off-premise is prohibited
8. Restaurant hours of operation shall be limited to:
 - 7:00 am to 11:00 pm Sunday-Thursday
 - 7:00 am to 12:00 am Friday-Saturday

Building and Safety

9. The project shall conform to all disabled access requirements subject to the approval of the Building Official. The handicapped parking space proposed in the public right of way shall require review by the Parking and Public Improvements Commission (PPIC) and approval by the City Council, or the parking structure shall be modified to provide all required handicapped parking and disabled access subject to approval of the Building Official.
10. One retail space lease shall include a provision where the property owner, or tenant if the third-level office bathroom is modified to provide disabled access, is allowed to use said space's office for meetings when handicap access is needed. The lease provision shall be submitted to the Building and Safety Division for review and Approval.
11. The third-level office is to be used by the property owner only and shall not be leased or used by others in accordance with Section 1105B of the 2001 California Building Code, unless office bathroom is handicap accessible.

Public Works

12. All landscape irrigation backflow devices must meet current City requirements for proper installation.
13. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
14. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the plumbing plan.
15. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
16. If any existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
17. A mop sink must be installed in each suite.

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18. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trash can cleaning, and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
19. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
20. Enclosed parking area drains must be connected to oil water separators and drain into the sanitary sewer system.
21. A grease interceptor must be installed and placed into a maintenance program with regular inspections and removal of grease buildup. Grease interceptors do not include under counter grease traps.
22. All trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure.
23. Commercial establishments are required, by municipal code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.
24. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. The plans must have a profile of the driveway, percentage of slope on driveway, and driveway elevations. In the case where the garage level is below the street drainage flow lines, the combined slope of public and private approach shall not exceed 15%.
25. Tile sidewalk on Manhattan Ave. must not be removed or damaged. Any damaged tiles will be replaced in kind.
26. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
27. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
28. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway.
29. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
30. Any new storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe.
31. King palms must be planted in the parkway on Manhattan Avenue. Palm must have a minimum brown trunk of 8 feet, and planted in root barrier boxes.
32. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Traffic and Circulation

33. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
34. Slopes and transitions for all vehicle ramps shall not exceed 15 percent grade and shall conform to City standards. All ramps over 8 percent grade must include transition slopes at the beginning and end of the ramp and must meet the required slope setbacks behind the property line.
35. Parking stall cross-slope shall not exceed 5%.
36. The parking ramp shall be at least 12'+2'=14 feet wide, to serve parking areas with 14 or fewer parking spaces adjacent to two walls (MBMC 10.64.140).
37. Staircases shall not exit directly onto a vehicle aisle or street without a landing.
38. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind the ultimate property line when exiting the parking areas without walls, columns or landscaping over 36 inches high. (MBMC 10.64.150)
39. The proposed vehicle gate shall allow at least one vehicle to queue outside the proposed access gate without blocking the sidewalk (at least 20' inside property line).
40. Key or code controlled ingress must be provided at any gate, including an intercom system connected to individual units if visitor/customer parking is allowed behind gate. Automatic exiting using vehicle detection must be provided when vehicles leave the gated area.
41. No portion of a column may encroach into the minimum parking stall dimensions. Column placement must be at least 2' inside the end of stall and not obstruct vehicle door opening. Alternately, the parking stall may be at least one foot wider than a standard space (MBMC 10.64.100).
42. All parking spaces adjacent to an obstruction, except columns, must be at least one foot wider than a standard space (MBMC 10.64.100B).
43. Provide height clearance signs and clearance warning bar for subterranean parking area at entrance to level.
44. Doors and gates along property frontages shall not open across the public right-of-way.
45. All compact spaces shall be labeled at the back of each space. All compact spaces shall be labeled with "Maximum Length" markings at the back of each space. Signs shall conform to California Vehicle Code No. 22658.
46. Bicycle parking shall be provided at a rate of five percent (5%) of all parking spaces (MBMC 10.64.80).
47. The applicant shall provide "no parking" signage and/or striping in the 10th Place alley if determined to be necessary by the Traffic Committee. Any required signage shall be shown on the plans and be installed prior to building final.

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Procedural

48. This Resolution shall become effective when all time limits for appeal as set forth in MB LCP Section A.96.160 have expired.
49. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the requiring filing fees are paid.
50. *Assignment.* The permit may be assigned to any qualified person(s) subject to submittal of the following information to the Director of Community Development:
 - a) A complete application and application fee as established by the City's Fee Resolution;
 - b) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c) Evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d) The original permittee's request to assign all rights to undertake the development to the assignee; and
 - e) A copy of the original permit showing that it has not expired.
51. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
52. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MB LCP Section A.96.160 have expired.
53. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
54. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

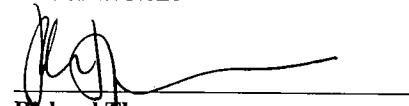
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **July 25, 2007** and that said Resolution was adopted by the following vote:

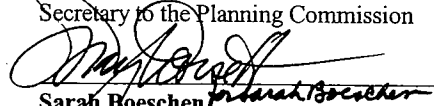
**AYES: Lesser, Powell, Schlager,
Seville-Jones, Bohner**

NOES: None

ABSTAIN: None

ABSENT: None


Richard Thompson
Secretary to the Planning Commission


Sarah Boeschen
Recording Secretary

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Chairman Bohner requested that the spelling of “APPROVE” be corrected on page 13, lines 20 and 33.

A motion was MADE and SECONDED (Seville-Jones/Lesser) to **APPROVE** the minutes of June 27, 2007, as amended.

- AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner
- NOES: None
- ABSENT: None
- ABSTAIN: None

AUDIENCE PARTICIPATION

Viet Ngo stated that in the interest of justice, he would refer the Commission to the Superior Court case regarding jurisdiction authority of public land. He indicated that the Commission must advise the City Council and especially staff to follow the law. He indicated that U.S. Supreme Court of California v. United States spells out that federal law applies to the entire beach area. He stated that City officials have no authority to dispose of government property and cannot by their conduct cause the government to lose their right. He said that the City officials have acted beyond their capacity to allow the AVP use the public land for profit and enclose the beach area with bleachers and prevent entry to the public. He stated that he would ask the Commission to advise the City Council and officials to uphold the law and not act out of their scope of authority.

PUBLIC HEARINGS

07/0725.1 Consideration of Proposed New Mixed-Use Commercial Building at 1001 Manhattan Avenue (Ristani)

Commissioner Lesser disclosed that he is an acquaintance of the applicant and a friend of the applicant’s child and was the coach of the applicant’s grandchild in little league. He indicated that he is also friends with the project architect. He indicated that he has no financial interest in the project and feels he can consider the issue fairly.

Assistant Planner Danna summarized the staff report. He said that the former site was a two level, 5,400 square foot building which included Old Venice and El Sombrero restaurants as well as three retail spaces. He indicated that the new three level structure would consist of 5,386 square feet. He stated that the building would include spaces for El Sombrero and Old Venice totaling 3,024 square feet; two retail spaces totaling 1,789 square feet; a 397 square foot office; and 12 parking spaces for



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1 tenant use only. He indicated that the building area would be approximately 2/3 of the maximum
2 permitted, and the building height would be approximately 1 ½ feet below the maximum permitted.
3 He said that the project does not have a parking requirement, but the proposal would provide 12
4 tenant parking spaces. He commented that the proposed uses would operate similar to previous
5 uses including hours of deliveries and trash pickup. He indicated that the trash enclosure would be
6 significantly upgraded to meet current Code requirements. He said the two restaurants would
7 continue use of their ABC license to serve beer and wine for on-site consumption only. He
8 indicated that the applicants are requesting to provide a handicapped parking space along
9 Manhattan Avenue.

10
11 Assistant Planner Danna commented that because the applicants are providing parking, a
12 handicapped space is required by the Building Division. He said that since providing the
13 handicapped space on-site would be difficult because of height and space restrictions, the applicant
14 is requesting to replace one standard parking space along Manhattan Avenue with a dedicated
15 handicapped space. He said that the space would improve street level accessibility; would be
16 available to the public; and would be subject to review and approval by the PPIC. He indicated that
17 the project is consistent with the Downtown Commercial District and Design Guidelines; would
18 pose no detrimental effects to the public health and safety; is consistent with the General Plan;
19 would be in compliance with the findings of the Master Use Permit, and the Coastal Development
20 permit. He commented that public notice for the project was published in the Beach Reporter and
21 mailed to property owners within a 500 foot radius of the site. He said that staff received minor
22 comments from other departments and received comments from residents. He said that staff
23 received two letters in support of the project, two letters supporting the handicapped parking space
24 addition, and one verbal concern regarding the circulation of traffic on 10th Place. He indicated that
25 staff is recommending approval of the application subject to the findings in the draft Resolution.
26 He pointed out that the draft Resolution has been amended based on new information received from
27 the applicant on page 4, Conditions 9 through 11.

28
29 In response to a question from Commissioner Schlager, Director Thompson stated that one of the
30 parking spaces being provided is required to be handicapped because of the inclusion of parking
31 spaces within the project. He said that staff feels it would be beneficial to the community to have a
32 handicapped space along Manhattan Avenue which would be available to all members of the
33 public, and the City's ADA consultant recommends providing the space as a way to satisfy the
34 requirement.

35
36 In response to a question from Commissioner Lesser, Director Thompson said that typically
37 applications for handicapped spaces are for spaces located adjacent to residences. He said that staff
38 notifies the adjacent residents when such applications are received, and requests are approved based
39 upon any comments. He said that he does not believe there has been a request for a handicapped
40 space in the downtown area.

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In response to a question from Commissioner Lesser, Director Thompson said that a lot merger would be required if the lots are not currently formally merged.

In response to a question from Commissioner Lesser, Director Thompson said that a loading area is not required within the downtown area.

In response to a question from Commissioner Lesser, Director Thompson said that the third story is actually considered the second level of the structure because of the parking proposed under the building.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna said that the hours of operation are proposed until midnight.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna stated that the proposed parking garage would be private parking for tenants and would always remain gated.

Louie Tomaro, the project architect, said that the original building was destroyed in a fire and is proposed to be replaced with a new structure that would be virtually the same size. He pointed out that the building is two stories with a basement. He said that it would be a two-story building, and the main level includes retail and restaurant use. He said that the parking garage would be considered a basement. He stated that the parking would be located underground and would not be visible from the street. He commented that Old Venice would take the left side of the building, and El Sombrero would locate in the center portion. He described the design of the proposed structure. He indicated that it would be difficult to locate a handicapped parking space in the proposed parking garage because of the height requirement to allow for a van to use the ramp. He indicated that the proposed handicapped parking space would be in a convenient location on the street and would not result in any parking being lost. He commented that there is currently no handicapped space on the south end of the downtown area. He said that the 12 parking spaces would be provided for employee and tenant use. He said that the parking would be screened off with a gate that could not be accessed without a key. He stated that they would request that the office space on the top level be open for use by anyone and not be limited to use only by the owners.

Mr. Tomaro indicated that they would like the flexibility for use of the office by anyone. He said that they are aware of the ADA requirements for a restroom that allows disabled access.

In response to a question from Commissioner Powell, **Mr. Tomaro** said that an outdoor dining area is not proposed. He indicated that the design would include an enclosed area with glass shutters that could be opened with a 3 foot barrier to separate the restaurant space from the sidewalk.

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1 In response to a question from Commissioner Lesser, **Mr. Tomaro** said that there is no request to
2 provide outdoor dining in the adjacent public right-of-way.

3
4 In response to a question from Commissioner Seville-Jones, **Mr. Tomaro** said that the masonry
5 block wall that would be built on the property which would provide a sound buffer, and the upper
6 story with the office has been set in 10 feet in order to set it back from the residences as much as
7 possible.

8
9 In response to a question from Commissioner Seville-Jones, **Mr. Tomaro** said that the glass
10 shutters that look out onto the walk street would most likely remain closed during the evening hours
11 when it is cooler, which would help to reduce any noise impacts. He indicated that the restaurant
12 operators are well established in the community and would work with neighbors regarding any
13 concerns.

14
15 In response to a question from Commissioner Seville-Jones, **Mr. Tomaro** said that there are no cell
16 phone towers for the building itself, and any request for cell towers would come before the
17 Commission.

18
19 Director Thompson pointed out that there is an Ordinance that regulates cell phone sites.

20
21 In response to a question from Chairman Bohner, **Mr. Tomaro** said that they have not addressed
22 retail uses that would locate in the building. He said that two of the previous retail uses may return,
23 and the uses would be similar to the previous businesses.

24
25 Chairman Bohner opened the public hearing.

26
27 **Martha Andreani**, said that the design of the project is gorgeous. She indicated that the proposal
28 is similar to the previous building and improves upon the original design. She commented that the
29 design allows the building to appear as a single structure rather than separate buildings. She said
30 that she is delighted to hear that the same tenants plan to return to the building. She commented
31 that the business owners are excellent neighbors. She stated that the primary difference of the
32 proposal is the new office use. She said that the office space would be located very close to the
33 adjacent three unit apartment building and could be somewhat intrusive. She asked whether the
34 office use is necessary. She stated that providing parking for the tenants would be a benefit in
35 keeping the employees from parking on the adjacent streets and residential areas. She indicated that
36 providing the handicapped parking space is a great tradeoff. She said that because it is in a
37 commercial area, there should be a two hour parking limit on the handicapped space to allow for
38 turn over. She indicated that the project supports the desire of the members of the Manhattan
39 Beach Residents Association to keep the patio dining within the footprint of the property. She
40 commented that she would prefer for chairs and tables not to be placed on the sidewalk. She

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1 indicated that the windows from the restaurant adjacent to 10th Street remaining open could result in
2 a noise impact and suggested a requirement that the doors be closed at 8:00 or 9:00 p.m. She
3 commented, however, that children play in the grass area on 10th Street often, and leaving the area
4 open is a good idea. She said that she is pleased that the tenants will return soon.

5
6 **Kathy Smith**, a Manhattan Beach resident, said that the applicant has done a great job with the
7 design. She said that she supports providing parking for the tenants. She said that it is too bad they
8 are required to allocate one spot for handicapped parking, as any parking space can be used for free
9 with a handicapped sign. She stated that the office and deck are going to have a view right into the
10 adjacent residents and her deck and patio. She said that it must be clarified if anyone is permitted to
11 use the proposed office space that it is to be for an office use only and not for use by the restaurants.
12 She commented that 10th Place off of which the garage would be access currently is used as a
13 loading zone. She also pointed out that the valet parking service is located in front of Fonz's, and
14 there is some overburdening of the street where the adjacent residents access their garages. She
15 said that consideration should be given for residents to park in the three spaces off of 10th Place.

16
17 **Carol Rowe**, director of the Downtown Business Association, also commended the owner of the
18 property for working with the residents and the community. She stated that the greatest shortages in
19 the City are for parking and office space. She said that they are in favor of gaining 12 parking
20 spaces and changing one space on the street to handicapped. She commented that anything that can
21 be done to help the businesses return would be a benefit.

22
23 In response to a question from Commissioner Lesser, **Ms. Rowe** indicated that the handicapped
24 parking space as proposed would be in a very central and convenient location, and it is surprising
25 that there are no handicapped parking spaces in the downtown area. She said that the space would
26 be utilized.

27
28 **George Kaufman**, a resident of 10th Street, asked whether the hours of operation for the restaurants
29 would be until 11:00 p.m. Sunday through Thursday. He asked whether the office space could
30 potentially be used as part of the restaurant.

31
32 Director Thompson commented that the draft Resolution specifies the hours for the restaurants of
33 7:00 a.m. through 11:00 p.m Sunday through Thursday, and midnight on Friday and Saturday. He
34 indicated that the proposed office area would only be permitted for use as an office.

35
36 **Julie Hantzarides**, requested that the proposal be approved to allow them to resume operation of
37 their restaurant as soon as possible.

38
39 **Edward Morrow** said that he and his family enjoy eating at Old Venice and visited the restaurant
40 quite often from Costa Mesa. He indicated that they look forward to coming back to the restaurant.

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1

2 **Viet Ngo** indicated that he is glad that the process has been sped up to allow the businesses of the
3 building to return. He requested that the Commission accommodate the property owner and
4 tenants. He requested that the Commission ask the property owner to honor the promise to allow
5 the old tenants of the building to return back to their businesses. He said that he believes the
6 competitor of the business was involved in hurting their operation. He said that the lives of the
7 tenants and employees have been interrupted, and it is a good cause to help the victims of the
8 activity ongoing in the City. He said that the City must comply with the American with Disabilities
9 Act to provide the handicapped parking space as proposed on Manhattan Avenue. He requested the
10 Commissioners consider placing handicapped spaces along Manhattan Beach Boulevard,
11 Manhattan Avenue and Highland Avenue as required by law. He commented that the previous
12 tenants of the building have the first right to return to their business, and he wants to be certain that
13 they are not victimized.

14

15 **Nicos Pangolau**, said that he travels from Laguna Niguel to visit Old Venice. He requested that the
16 property owner and restaurant operators be helped out as much as possible to return to business.

17

18 Chairman Bohner closed the public hearing.

19

20 Commissioner Seville-Jones said that it is a magnificent project, and the drawings allow one to
21 visualize people sitting again at the restaurants. She said that the building design would be replaced
22 appropriately, and the building would not be built to the maximum permitted. She said that the
23 outdoor elements are attractive; the design is low key and fits into the neighborhood; and the project
24 would provide parking. She said that given the nature of the tenants, she is comfortable that any
25 potential noise issues resulting from allowing the patio to be open would be resolved. She stated
26 that good questions have been raised regarding the placement of the handicapped parking space and
27 whether it should have a limitation on hours. She suggested that the PPIC would be the appropriate
28 forum for consideration of the handicapped parking space. She indicated that the office is a nice
29 feature provided that it is clear that it is for office use only and is not to become an expansion of the
30 restaurants.

31

32 Commissioner Schlager said that he agrees with the comments of Commissioner Seville-Jones. He
33 said that he would support the project.

34

35 Commissioner Lesser said that he and his family were devastated by the loss of the businesses due
36 to the fire which burned the original building, and he sees the role of the Commission to help
37 expedite the reconstruction. He indicated that the proposal would be a tremendous improvement to
38 the downtown which presently has a hole. He said that the structure is below the threshold for
39 maximum size and it would include parking for tenants and employees. He said that he is
40 concerned with some of the policy issues for providing handicapped parking spaces in the

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1 downtown area.

2

3 In response to a question from Commissioner Lesser, Director Thompson said that it would be
4 possible to place a time limit for parking in the handicapped space. He pointed out that the
5 handicapped parking space requirements would be reviewed by the PPIC.

6

7 Commissioner Powell said that the project is outstanding, and the question is how soon rather than
8 if it is built. He commented that the tenants are local businesses which serve the local community,
9 and the project is pedestrian oriented. He said that there were numerous letters received in support,
10 which does not occur often. He said that the building area would be substantially smaller than
11 could have been provided, and the building height is less than required. He pointed out that 12
12 additional parking spaces would be provided as part of the project, and he can support the
13 handicapped parking space as proposed. He commented that the hours of operation would be the
14 same as the previous businesses. He indicated that the whole community is behind the project. He
15 commented that he was very saddened when he learned of the fire that burned the original structure,
16 and anything possible should be done to expedite the building process.

17

18 Chairman Bohner said that the proposal would bring back two restaurants that have had a long
19 history in the City, and he is happy to see them returning. He indicated that he agrees with the
20 comments of the other Commissioners that the project was designed to fit perfectly within the
21 space, and it could have been built larger. He stated that the proposed 12 spaces for tenants would
22 help reduce the parking demand on the street. He commented that he is amazed that there are not
23 other handicapped spaces on the streets in the commercial area, and this space as proposed may
24 help to encourage more. He said that setbacks are provided from the structure; the height is less
25 than required; the trash enclosure would be upgraded; and the structure would have the same uses
26 as before. He commented that it is clear in the Resolution that the office would be used for that
27 purpose, and the project would fit in well with the community. He commented that the project
28 would be a splendid improvement to the previous building.

29

30 A motion was MADE and SECONDED (Schlager/Powell) to **APPROVE** a Proposed New Mixed-
31 Use Commercial Building at 1001 Manhattan Avenue, as amended with the revisions to the draft
32 Resolution.

33

34 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner

35 NOES: None

36 ABSENT: None


37 ABSTAIN: None


38

39 Director Thompson explained the 15 day appeal period and stated that the item will be placed on
40 the City Council's Consent Calendar for their meeting of August 21, 2007.

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Esteban Danna, Assistant Planner 

DATE: July 25, 2007

SUBJECT: Application for a Master Use Permit and Coastal Development Permit for construction of a mixed-use commercial building consisting of two restaurant suites (with continued use of beer and wine alcoholic beverage license), two retail suites, and one office suite with underground parking at 1001 Manhattan Avenue.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the public hearing and **APPROVE** the subject request.

APPLICANT AND PROPERTY OWNER

Helen Ristani
3508 The Strand
Manhattan Beach, CA 90266

BACKGROUND

The subject site was formerly occupied by two restaurants and three retail stores: Old Venice, El Sombrero, Riley Arts, Manhattan Beach One-Hour Photo, and Manhattan Leather. The structure was destroyed by fire in December of 2006. The project consists of the demolition of the remaining structure on the site and construction of a 5,386 square foot, three-level, mixed-use building. The new structure will include 3,024 square feet of restaurant space, which continues the use of an alcohol sales license for beer and wine (on-site consumption only), 1,789 square feet of retail space, 397 square feet of office space, and 12 employee parking spaces (6 compact and 6 standard). The proposed project requires a public hearing for a Master Use Permit and a Coastal Development Permit since the project exceeds 5,000 square feet in area and it provides an office component that did not exist in the structure destroyed by fire.

EXHIBIT
C

PROJECT OVERVIEW

LOCATION

Location: 1001 Manhattan Ave is located at the northwest corner of Manhattan Ave and 10th Street (a walk street) with 10th Place (an alley) to the north (see Vicinity Map, Exhibit A)

Legal Description: Lots 10 and 11, Block 11, Manhattan Beach Tract

Area District: III

LAND USE

General Plan: Downtown Commercial

Zoning: CD, Downtown Commercial

<u>Land Use:</u>	<i>Existing</i>	<i>Proposed</i>
	Former retail/restaurant destroyed by fire, no parking area	1,789 sq. ft. retail area 3,024 sq. ft. restaurant area 397 sq. ft. office area 12 parking spaces

Neighboring Zoning/Land Uses:

North, across 10 th Place	CD, Downtown Commercial (Mixed-use commercial)
East, across Manhattan Ave.	CD, Downtown Commercial (Retail)
South, across 10 th Street.	CD, Downtown Commercial (Mixed-use commercial)
West	RH, Residential High Density (3 residential units)

PROJECT DETAILS

	<u>Existing</u>	<u>Proposed</u>	<u>Allowed/Required</u>
<u>Parcel Size:</u>	5,386 sq. ft.		
<u>Building Area:</u>	5,400 sq. ft.	5,386 sq. ft.	8079 sq. ft.
<u>Building Height:</u>	Unknown	24.36 ft.*	26 ft.*
<u>Parking:</u>	0 Spaces	6 compact and 6 standard spaces	0 Spaces (when ratio of building size to lot size is 1:1 or less)
<u>Loading:</u>	None	None	None required
<u>Building Setbacks:</u>			
North,	0 ft.	0.5 ft. to 2.5 ft.	0 ft.
East,	0 ft.	0 ft. to 1.25 ft.	0 ft.
South,	0 ft.	0 ft. to 1.25 ft.	0 ft.
West	0 ft.	0 ft.	daylight plane (60° at 20')
<u>Vehicle Access:</u>	None	1 access point on 10 th Place	Not Required
<u>Signage:</u>	Per Code	To be provided in plan check per Code	90 sq. ft.
<u>Hours of Operation:</u>			
Restaurants	7am to 12 am	7am to 12 am	Per
Retail	N/A	N/A	Use Permit
Offices	N/A	N/A	conditions
<u>Entertainment:</u>	None	None	None

* The maximum allowable building height elevation was calculated using the four corner elevations of the property of 113.85', 114.2', 122.19', and 122.29'. These elevations will be verified during the plan check process.

ENVIRONMENTAL DETERMINATION

This project is Categorically Exempt, Class 2, Section 15302(b), California Environmental Quality Act (CEQA) Guidelines.

DISCUSSION

Project Summary

The preliminary site plan (Exhibit B) shows the proposed building will be located along Manhattan Avenue between 10th Street (walk street) and 10th Place (alley). The property owner is seeking approval to build a new three-level, mixed-use building containing two restaurants, two retail spaces, and one office use. The basement level, with vehicular access off the 10th Place alley, will provide 6 compact and 6 standard size parking spaces and storage space for tenants only. The street level of the building will contain both restaurants and retail spaces. This main level will be oriented towards Manhattan Avenue with pedestrian access off the sidewalk. Continuation of sidewalk dining is also proposed along Manhattan Avenue and will comply with all City requirements. Staff has the authority to approve sidewalk dining administratively. The third level will contain one office and a deck, which is to be used solely by the property owner.

The two restaurant uses will have a total of 3,024 square feet and will be operated by the previous occupants: Old Venice and El Sombrero restaurants. The two retail uses will have a total of 1,789 square feet. The occupants for these spaces have not been identified by the property owner at this time. The total square footage for the office use will be 397. To comply with accessibility guidelines as defined in the 2001 California State Code, the property owner plans to use one of the retail spaces' office area as a meeting room when handicap accessibility is needed. The Building Safety Division has indicated that with the special situation of the office being solely for the use of the building owner, that the Codes allow this type of provision. Conditions of approval will ensure compliance with these Building Safety requirements.

Land Use Compatibility

The existing parcel, which is under a single ownership, consists of two lots (each 30' by 90') located along Manhattan Ave between 10th Street and 10th Place. This property is zoned (CD) Downtown Commercial and is consistent with area's General Plan designation of "Downtown Commercial," which allows commercial mixed-use on the property.

The property to the north (across 10th Place) is zoned Downtown Commercial (CD); the properties to the east (across Manhattan Ave) are zoned Downtown Commercial (CD); the property to the south (across 10th Street) is zoned Downtown Commercial (CD); and the property to the west is zoned Residential High Density (RH). The properties to the north and to the south are developed with mixed-use commercial buildings; the properties to the east are developed with retail shops; and the property to the west is developed with multi-family residential use.

Signage

Pursuant to the Sign Code, the amount of signage allowed for the subject property is based on one square foot per one linear foot of property frontage. On a corner lot “property frontage” is the width of a property measured from one (1) property line to the other along the longest street frontage. In this case, the property frontage is 90 feet in length along Manhattan Ave; therefore 90 square feet of signage would be permitted. The sign area proposed for all signs will comply with standards as defined in MBMC 10.72, and signs will be reviewed during plan check to verify compliance.

Store Operation/Store Deliveries/Alcohol Beverage Sales

The restaurant and retail spaces will operate in a similar manner to the businesses that previously occupied the site. Store hours of operation and deliveries will be similar, as well as the building square footage and uses. Trash pick up will be during hours similar to the previous use and the same as throughout the downtown, as provided by the private refuse vendor and as regulated by City requirements. The trash enclosure will be significantly upgraded to meet all of Public Works and the Fire Department requirements. The enclosure opens onto the access driveway into the structure which helps provide additional screening and is easier to access as the slope on the driveway is less than the alley slope. The sale of beer and wine for on-site consumption is proposed at the restaurants, the same as the previous uses. No off-site sales or consumption is allowed. Conditions of approval will ensure all of these provisions are complied with.

Parking/Traffic Circulation:

Based on the project description, the proposed development would include restaurant, retail, and office uses replacing the previous restaurant and retail uses. The City Traffic Engineer, based on the project description and the City’s Traffic Impact Guidelines, has determined that a Traffic Impact Analysis (TIA) is not required because the project would not generate more than 50 new trips in a peak hour. The Traffic Engineer has recommended specific conditions of approval in his attached memo (Exhibit C) for the project which have been incorporated into the attached draft resolution (Exhibit A). Additionally, no loading area is existing, required, or provided.

Building and Safety Division requires handicap parking. Since incorporating on-site handicap parking would require a design that would significantly reduce the number of on-site parking spaces and be difficult to access, it is requested and recommended that the one required handicap parking space be provided on the street. This would provide easy and direct access to the public sidewalk and businesses on the subject site, as well as other businesses along Manhattan Avenue. The new handicap space would replace one standard parking space and available to the public at all times (Exhibit G).

Master Use Permit Findings

MBMC Section 10.84.060 of the Manhattan Beach Zoning Code provides the findings that are necessary to approve a Use Permit. Staff believes all findings can be met as follows:

1. *The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.*

The proposed project is located within the (CD) Downtown Commercial district. The proposed project would continue the previous uses which are in accord with the objectives of this title and the purpose of the commercial district in which they are located. The project is consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses. Furthermore, the project is consistent with the goals and design guidelines of the City's Downtown Design Guidelines. These goals include:

- Preserve the small-town village character of downtown Manhattan Beach.
- Preserve and enhance the pedestrian orientation of downtown Manhattan Beach.
- Protect and encourage streetscape amenities

2. *The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.*

The proposed three-level, mixed-use building poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as commercial mixed-use, which is similar in size, scale, use, and operations to the previous uses on the site. Additionally 12 parking will be provided on-site even though none is required by code.

The proposed location of the uses and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan, since the project site is classified as Downtown Commercial which allows for a full range of service and retail businesses.

The General Plan of the City of Manhattan Beach poses certain goals and policies which reflect the expectations and wishes of the City with respect to land uses. Specifically, the project is consistent with the following Goals and Policies of the General Plan:

Goal LU-6.1: Support and encourage small businesses throughout the City.

Goal LU-6/2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Policy LU-7.2: Encourage the use of the Downtown Design Guidelines to improve the Downtown's visual identification as a unique commercial area.

Policy LU-7.3: Support pedestrian-oriented improvements to increase accessibility in and around Downtown.

Policy LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on downtown streets, and consider providing zoning regulations that support these uses.

3. *The proposed use will comply with all provisions of this title, including any specific condition required for the proposed use in the district in which it would be located.*

The proposed service and retail uses on the existing commercial site will be in compliance with applicable provisions of the (CD) Downtown Commercial zone, and the required notice, hearing, and findings for the Master Use Permit have been complied with.

4. *The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.*

The proposed continuation of restaurant and retail use as well as the proposed addition of office use will not adversely impact nearby properties. The proposed uses will not affect parking demand in the Downtown Commercial zone however excess parking will be provided on the first level of the structure. It is not anticipated that the

proposed mixed-use will exceed the capacity of public services and facilities, as it is similar to the previous uses on the site.

Coastal Findings

The project is consistent with the commercial development policies of the Manhattan Beach Local Coastal Program, specifically Policy A.16.010. The specific purposes of the commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan and Local Coastal Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone.
- B. Strengthen the city's economic base, but also protect small businesses that serve city residents.
- C. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located. Commercial projects involving the combination of three or more lots or on sites exceeding 5,400 square feet shall be approved only if the scale and articulation of the facade of the proposed structure is consistent with this purpose statement.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.
- H. Encourage commercial buildings that area oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at or near sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach.
- I. Carry out the policies and programs of the certified Land Use Plan.

Public Input

A public notice for the project was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. At the writing of this report, staff has received minor comments from other departments (Exhibit D) in addition to comments previously discussed. Those items will be handled as regular plan check items. Staff has received three comments by letter/email: two supporting the addition of the handicap parking space and one comment supporting of the project (Exhibit E). One comment was received verbally concerning traffic impact on 10th Place. The applicant has informally met with neighbors to discuss the project.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and approve the subject Master Use Permit and Coastal Development Permit application subject to the findings and conditions in the attached Resolution.

Attachments:

- Exhibit A – Draft Resolution
- Exhibit B – Site Map
- Exhibit C – Traffic Engineer’s Conditions of Approval
- Exhibit D – Department Comments
- Exhibit E – Residents’ Comments
- Exhibit F – Resolutions in Effect
- Exhibit G – Handicap Parking Plan
- Exhibit H – Project Application
- Exhibit I – Plans n/a

n/a – not available electronically

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR A XXXX SQUARE FOOT MIXED-USE COMMERCIAL BUILDING WHICH INCLUDES TWO RESTAURANT USES (WITH CONTINUATION OF ALCOHOL BEVERAGE LICENSE), TWO RETAIL USES, AND ONE OFFICE USE PROPOSED TO REPLACE A STRUCTURE DESTROYED BY FIRE IN THE APPEAL JURISDICTION OF THE COASTAL ZONE AT 1001 MANHATTAN AVENUE

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on July 25, 2007, to consider an application for a Master Use Permit and Coastal Development Permit for the property legally described as Lot 10 and 11, Block 11 Manhattan Beach Tract, located in the appeal jurisdiction of the Coastal Zone at 1001 Manhattan Avenue in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant/representative for the Master Use Permit and Coastal Development Permit is Tomaro Architecture, Inc. The property owner is Helen Ristani.
- D. The previous 5400 square foot building, built in 1937, was destroyed by fire in December 2006.
- E. This Resolution upon its effectiveness constitutes the Master Use Permit and Coastal Development Permit for the subject site and rescinds the previously approved Resolutions 3376, 78-3, and BZA 84-10 for the previous mixed-use commercial building.
- F. The proposed use is permitted in the CD (Downtown Commercial) Zone subject to a Master Use Permit and a Coastal Development Permit approval as the project provides an office component that was not previously on-site and the project exceeds more than 5,000 square feet of buildable floor area.
- G. This project is Categorically Exempt from providing an environmental impact study through, Class 2, Section 15302(b), California Environmental Quality Act (CEQA) Guidelines.
- H. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- I. The Planning Commission made the following findings with respect to this application:
 1. The applicant requests approval to build a 5,386 square foot mixed-use commercial building which includes two restaurant uses (with continuation of alcoholic beverage license for on-site consumption of beer and wine), two retail uses, and one office use.
 2. The project is located in Area District III and is zoned (CD) Downtown Commercial. The property to the north (across 10th Place) is zoned (CD) Downtown Commercial; the properties to the east (across Manhattan Ave) are zoned (CD) Downtown Commercial; the property to the south (across 10th Street) is zoned (CD) Downtown Commercial, and the property to the west is zoned (RH) Residential High Density.



3. The General Plan designation for the property is Downtown Commercial.

Master Use Permit

1. The proposed project is located within the (CD) Downtown Commercial district. It would continue the previous uses which are in accord with the objectives of this title and the purpose of the commercial district in which they are located. The project is consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses. Furthermore, the project is consistent with the goals of the City's Downtown Design Guidelines. These goals include:

- Preserve the small-town village character of downtown Manhattan Beach.
- Preserve and enhance the pedestrian orientation of downtown Manhattan Beach.
- Protect and encourage streetscape amenities

2. The proposed three-level mixed-use building poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as commercial mixed-use similar in size, scale, use, and operations to the previous uses on the site. Additionally, 12 parking spaces will be provided on site even though none is required by code.

The proposed location of the use and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan, since the project site is classified as Downtown Commercial which allows for a full range of service and retail businesses.

The General Plan of the City of Manhattan Beach poses certain goals and policies, which reflect the expectations and wishes of the City with respect to land uses. Specifically, the project is consistent with the following Goals and Policies of the General Plan:

Goal LU-6.1: Support and encourage small businesses throughout the City.

Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Policy LU-7.2: Encourage the use of the Downtown Design Guidelines to improve the Downtown's visual identification as a unique commercial area.

Policy LU-7.3: Support pedestrian-oriented improvements to increase accessibility in and around Downtown.

Policy LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on downtown streets, and consider providing zoning regulations that support these uses.

3. The proposed service and retail uses on the existing commercial site will be in compliance with applicable provisions of the (CD) Downtown Commercial zone, and the required notice, hearing, and findings for the Master Use Permit.

4. The proposed continuation of restaurant and retail use as well as the proposed addition of office use will not adversely impact nearby properties. The proposed uses will not affect parking demand in the Downtown Commercial zone, however, excess parking will be provided on the first level of the structure. It is not anticipated that the proposed mixed-use project will exceed the capacity of public services and facilities, as the uses and square footage are similar to the previous uses on the site.

Coastal Findings

The project is consistent with the commercial development policies of the Manhattan Beach Local Coastal Program, specifically Policy A.16.010. The specific purposes of the commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan and Local Coastal Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone.
- B. Strengthen the city's economic base, but also protect small businesses that serve city residents.
- C. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located. Commercial projects involving the combination of three or more lots or on sites exceeding 5,400 square feet shall be approved only if the scale and articulation of the facade of the proposed structure is consistent with this purpose statement.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.
- H. Encourage commercial buildings that are oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at or near sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach.
- I. Carry out the policies and programs of the certified Land Use Plan.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Master Use Permit and Coastal Development Permit subject to the following conditions:

1. The project shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on July 25, 2007. Any other substantial deviation from the approved plans and project description must be reviewed by the Director of Community Development to determine if review and approval by the Planning Commission is required.
2. The property owner shall maintain all lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic.
3. All interior amplified music shall be limited to background music only and restaurant management shall control the volume of the music. Any outside sound or amplification system or equipment is prohibited.
4. Entertainment other than background music or television is prohibited.

Resolution No. PC 07-XX

5. Plans shall be revised to show a 60° daylight plane inclined inward from a height of 20 feet along the side property line abutting the residential district in accordance with MBMC 10.16.030 E. Project shall not exceed 1:1 floor area factor ratio in accordance with MBMC 10.64.050 unless customer parking is provided as required by zoning and building codes.
6. The restaurants shall operate as an eating and drinking establishment. The service of food and beverages shall be primarily by employee service to customers seated at tables and the establishment shall have no take-out window.
7. Alcohol service to customers shall occur only in conjunction with full menu food service during all hours of operation. Sale of alcoholic beverages for consumption off-premise is prohibited
8. Restaurant hours of operation shall be limited to:
7:00 am to 11:00 pm Sunday-Thursday
7:00 am to 12:00 am Friday-Saturday

Building and Safety

9. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
10. One retail space lease shall include a provision where the property owner is allowed to use said space's office for meetings when handicap access is needed. The lease provision shall be submitted to the Building and Safety Division for review and Approval.
11. The third-level office is to be used by the property owner only and shall not be leased or used by others in accordance with Section 1105B of the 2001 California Building Code.

Public Works

12. All landscape irrigation backflow devices must meet current City requirements for proper installation.
13. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
14. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the plumbing plan.
15. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
16. If any existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
17. A mop sink must be installed in each suite.
18. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trash can cleaning, and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.

Resolution No. PC 07-XX

19. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
20. Enclosed parking area drains must be connected to oil water separators and drain into the sanitary sewer system.
21. A grease interceptor must be installed and placed into a maintenance program with regular inspections and removal of grease buildup. Grease interceptors do not include under counter grease traps.
22. All trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure.
23. Commercial establishments are required, by municipal code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.
24. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. The plans must have a profile of the driveway, percentage of slope on driveway, and driveway elevations. In the case where the garage level is below the street drainage flow lines, the combined slope of public and private approach shall not exceed 15%.
25. Tile sidewalk on Manhattan Ave. must not be removed or damaged. Any damaged tiles will be replaced in kind.
26. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
27. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
28. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway.
29. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
30. Any new storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe.
31. King palms must be planted in the parkway on Manhattan Avenue. Palm must have a minimum brown trunk of 8 feet, and planted in root barrier boxes.
32. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Traffic and Circulation

33. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.

Resolution No. PC 07-XX

34. Slopes and transitions for all vehicle ramps shall not exceed 15 percent grade and shall conform to City standards. All ramps over 8 percent grade must include transition slopes at the beginning and end of the ramp and must meet the required slope setbacks behind the property line.
35. Parking stall cross-slope shall not exceed 5%.
36. The parking ramp shall be at least 12'+2'=14 feet wide, to serve parking areas with 14 or fewer parking spaces adjacent to two walls (MBMC 10.64.140).
37. Staircases shall not exit directly onto a vehicle aisle or street without a landing.
38. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind the ultimate property line when exiting the parking areas without walls, columns or landscaping over 36 inches high. (MBMC 10.64.150)
39. The proposed vehicle gate shall allow at least one vehicle to queue outside the proposed access gate without blocking the sidewalk (at least 20' inside property line).
40. Key or code controlled ingress must be provided at any gate, including an intercom system connected to individual units if visitor/customer parking is allowed behind gate. Automatic exiting using vehicle detection must be provided when vehicles leave the gated area.
41. No portion of a column may encroach into the minimum parking stall dimensions. Column placement must be at least 2' inside the end of stall and not obstruct vehicle door opening. Alternately, the parking stall may be at least one foot wider than a standard space (MBMC 10.64.100).
42. All parking spaces adjacent to an obstruction, except columns, must be at least one foot wider than a standard space (MBMC 10.64.100B).
43. Provide height clearance signs and clearance warning bar for subterranean parking area at entrance to level.
44. Doors and gates along property frontages shall not open across the public right-of-way.
45. All compact spaces shall be labeled at the back of each space. All compact spaces shall be labeled with "Maximum Length" markings at the back of each space. Signs shall conform to California Vehicle Code No. 22658.
46. Bicycle parking shall be provided at a rate of five percent (5%) of all parking spaces (MBMC 10.64.80).
47. The applicant shall provide "no parking" signage and/or striping in the 10th Place alley if determined to be necessary by the Traffic Committee. Any required signage shall be shown on the plans and be installed prior to building final.

Procedural

48. This Resolution shall become effective when all time limits for appeal as set forth in MB LCP Section A.96.160 have expired.
49. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the required filing fees are paid.

Resolution No. PC 07-XX

50. *Assignment.* The permit may be assigned to any qualified person(s) subject to submittal of the following information to the Director of Community Development:

- a) A complete application and application fee as established by the City's Fee Resolution;
- b) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
- c) Evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
- d) The original permittee's request to assign all rights to undertake the development to the assignee; and
- e) A copy of the original permit showing that it has not expired.

51. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

52. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MB LCP Section A.96.160 have expired.

53. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.

54. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

Resolution No. PC 07-XX

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **July 25, 2007** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

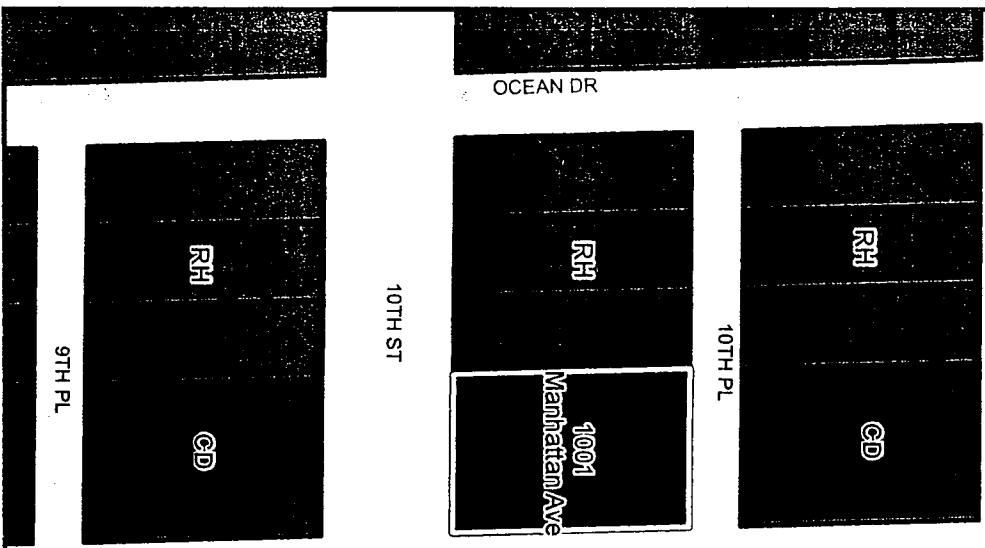
ABSENT:

Richard Thompson
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

Vicinity Map

1001 Manhattan Ave



- Legend**
- 1001 Manhattan Ave
 - Parcels
- Zoning**
- CD - Downtown Commercial
 - RH - High Density Residential

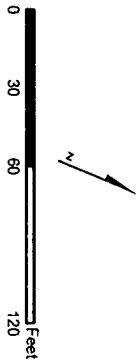


Exhibit B



City of Manhattan Beach
Community Development

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Esteban Danna, Assistant Planner
FROM: Erik Zandvliet, Traffic Engineer
DATE: July 11, 2007
**SUBJECT: Development Review-1001 Manhattan Avenue
Traffic Comments**

The following comments have been prepared to address traffic engineering concerns for the proposed mixed use development at 1001 Manhattan Avenue based on plans prepared by Tomoro Architecture Inc. dated May 14, 2007.

1. Based on the project description, the proposed development would include both office and retail land uses replacing existing retail uses. Based on the City's Traffic Impact Guidelines, a Traffic Impact Analysis (TIA) is NOT required because the project would not generate more than 50 new trips in a peak hour.
2. If restricted parking is utilized, all customer and/or employee spaces must be signed or gated appropriately. Indicate location and number of customer/employee spaces or shared parking areas. Revise plan to show designated parking areas. (COA)
3. Slopes and transitions for all vehicle ramps shall not exceed 15 percent grade and shall conform to City standards. All ramps over 8 percent grade must include transition slopes at the beginning and end of the ramp and must meet the required slope setbacks behind the property line. **(COA) Ramp does not comply. Revise plans to provide transition slopes. Provide a cross-section of each vehicle ramp. See attached sample diagram.**
4. Parking stall cross-slope shall not exceed 5%. (COA)
5. The parking ramp shall be at least $12' + 2' = 14$ feet wide, to serve parking areas with 14 or fewer parking spaces adjacent to two walls. MBMC 10.64.140 (COA. **Ramp does not comply. Revise plans to widen ramp.**)
6. Staircases shall not exit directly onto a vehicle aisle or street without a landing. (COA)
7. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind the ultimate property line when exiting the parking areas without walls, columns or landscaping over 36 inches high. (MBMC 10.64.150) (COA) **The exit ramp does not comply. Revise plan to remove walls on both sides of ramp within 5 feet of the property line.**
8. The proposed vehicle gate shall be relocated to allow at least one vehicle to queue outside the proposed access gate without blocking the sidewalk (At least 20' inside property line.) (COA) **Revise plans to relocate gate inward.)**
9. Key or code controlled ingress must be provided at any gate, including an intercom system connected to individual units if visitor/customer parking is allowed behind gate. Automatic exiting using vehicle detection must be provided when vehicles leave the gated area. (COA)

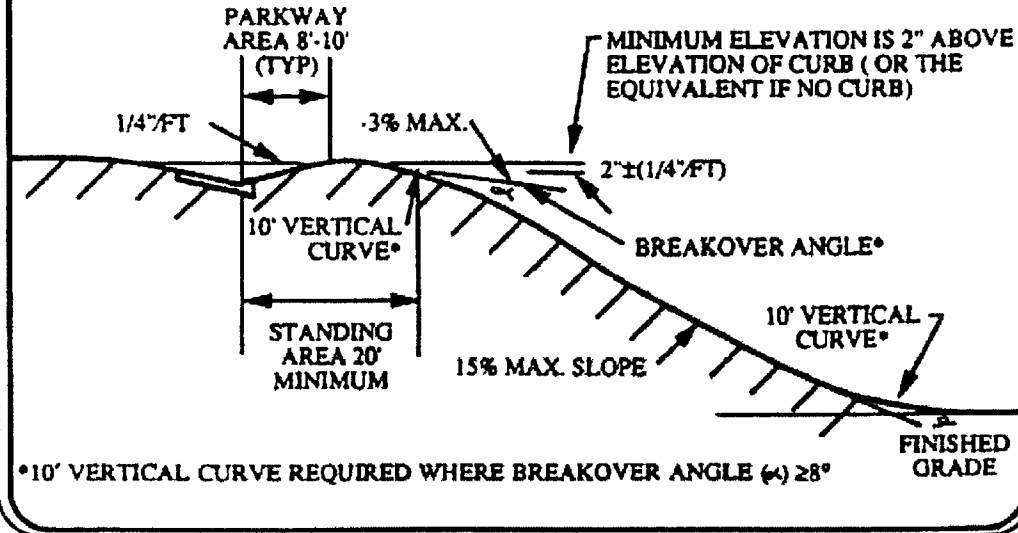
EXHIBIT
C

10. NO portion of a column may encroach into the minimum parking stall dimensions. Column placement must be at least 2' inside the end of stall and not obstruct vehicle door opening. Alternately, the parking stall may be at least one foot wider than a standard space. (MBMC 10.64.100) Plans appear to comply with requirement. **(COA and shown on plans.)**
11. All parking spaces adjacent to an obstruction, except columns, must be at least one foot wider than a standard space. (MBMC 10.64.100B) **(COA) The northerly parking space does not comply. Revise plans to widen stall by moving wall one foot northerly.**
12. At least two feet is required beyond the end of an aisle to provide sufficient back-up space for vehicles in the last space of the aisle. **(COA) The northerly two stalls are unable to exit the parking space. Revise plans to remove compact parking space at northeast corner.**
13. If customers are allowed in parking structure, a turn-around space (No Parking) must be provided at the end of the bottom parking level to allow customers to exit in a forward manner if all spaces in the parking structure are occupied. No turn-around area is required if all spaces are reserved for employee parking. **(COA).**
14. Wheel stops are necessary for all parking spaces inside a parking lot or structure except those spaces abutting a masonry wall or protected by a 6-inch high planter curb. (MBMC 10.64.100D) **(COA)**
15. Provide height clearance signs and clearance warning bar for subterranean parking area at entrance to level. **(COA)**
16. Disabled parking must comply with current standards. One or more van size spaces may be required in parking structure with sufficient height clearance. Verify any disabled parking requirements with Building Dept. See CBC Chapter 11B, Div II and other ADA requirements. **(COA)**
17. All unused driveways shall be reconstructed with curb, gutter and sidewalk. **(COA)**
18. Doors and gates along property frontages shall not open across the public right-of-way. **(COA)**
19. All compact spaces shall be labeled at the back of each space. All compact spaces shall be labeled with "Maximum Length" markings at the back of each space. Signs shall conform to California Vehicle Code No. 22658. **(COA)**
20. Bicycle parking shall be provided at a rate of five percent (5%) of all parking spaces. (MBMC 10.64.80) **(COA)**

COA – Condition of Approval

Figure 17.07.050(A)

DEPRESSED DRIVEWAY



City of Manhattan Beach
Department of Public Works
Memorandum

To: May Dorsett, Planning Division Secretary
Through: Jim Arndt, Director of Public Works
From: Clarence Van Corbach, Public Works Utilities Manager
3621 Bell Avenue. Phone No. (310) 802-5315
Subject: 1001 Manhattan Avenue
Date: June 8, 2007

Entered on
Page or
Sheet #

ALL THE PUBLIC WORKS NOTES AND CORRECTIONS MUST BE PRINTED ON THE PLAN. NO EXCEPTIONS.

This property was inspected by Public Works staff on June 4, 2007 and the following items are required and must be added to the plans. Indicate location of correction on blanks at left.

- _____ 1. All landscape irrigation backflow devices must meet current City requirements for proper installation.
- _____ 2. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
- _____ 3. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the plumbing plan.
- _____ 4. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
- _____ 5. If any existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
- _____ 6. A mop sink must be installed in each suite and shown on the plumbing plan.
- _____ 7. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trashcan cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
- _____ 8. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
- _____ 9. Enclosed parking area drains must be connected to oil water separators and drain into the sanitary sewer system. Details must be shown on plans.

EXHIBIT
D

- _____ 10. A grease interceptor must be installed and placed into a maintenance program with regular inspections and removal of grease buildup. Grease interceptors do not include under counter grease traps.
- _____ 11. All trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. **Drawings of the trash enclosure must be on the plan, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.**
- _____ 12. Commercial establishments are required, by municipal code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property. Please read the code section for further clarification
- _____ 13. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. The plans must have a profile of the driveway, % of slope on driveway, and driveway elevations. In the case where the garage level is below the street drainage flow lines, the combined slope of public and private approach shall not exceed 15%.
- _____ 14. Tile sidewalk on Manhattan Ave. must not be removed or damaged. Any damaged tiles will be replaced in kind.
- _____ 15. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
- _____ 16. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
- _____ 17. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway.
- _____ 18. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
- _____ 19. Any new storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
- _____ 20. King palms must be planted in the parkway on Manhattan Avenue. Palm must have a minimum brown truck of 8 feet, and planted in root barrier boxes.
- _____ 21. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued

cc: Roy Murphy
Lee Morlet

CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Distribution below
FROM: May Dorsett, Planning Secretary
DATE: May 30, 2007
SUBJECT: Review Request for Proposed Project at:

1001 MANHATTAN AVE.



The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by JUNE 8 we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

1. All work is to comply w/ 2001 CBC, CMS, CPC & 2004 CEC.
2. Ensure Adequate no. of PLUMBING FIXTURES FOR Restaurant use per TABLE 4-1 of 2001 CPC

Distribution:

- X Building Official
- X Director of Public Works
- X Fire Marshal
- X Traffic Engineer
- X Police Dept.

3. Ensure full HANDICAP ACCESS TO PROPOSED BLDG. INCLUDING SECOND FLOOR OFFICE & PARKING GARAGE.

4. Comply with "SUSUMP" Requirements "SEE ATTACHED INFORMATION"

5. Provide 2 LEGAL EXITS OUT OF THE Basement, complying w/ sections 1003.3.4.3 & 1003.3.3.3.

Sal Kaddour

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: Distribution below
FROM: May Dorsett, Planning Secretary
DATE: May 30, 2007
SUBJECT: Review Request for Proposed Project at:

1001 MANHATTAN AVE.

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by **JUNE 8** we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

** NO PARKING TO BLOCK 10TH PL **

Distribution:

- X Building Official
- X Director of Public Works
- X Fire Marshal
- X Traffic Engineer
- X Police Dept.

OTHERWISE NO OTHER RESTRICTIONS -

*B. [Signature] ^{ES}
MBPD*

**EXHIBIT
D**

July 13, 2007

Planning Commission
City Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266


Dear Commissioners,

We, the undersigned residents, wholeheartedly 100% support the inclusion of a HANDICAPPED PARKING space in the 1000 block of Manhattan Avenue.

At present, there are none in the downtown area other than in parking structures and we believe this creates a severe hardship for handicapped persons wishing to shop in downtown area.

Please rectify this omission and grant approval for this request and consider other areas as well, such as the 200 block of Manhattan Beach Blvd.

Thank you.


William G Citta, Jr.


Patricia D. Citta

229 – 8th Street,
Man. Bch.

310.379.4018



Esteban M. Danna

From: Richard Thompson
Sent: Friday, July 13, 2007 2:13 PM
To: Esteban M. Danna
Cc: Laurie B. Jester
Subject: FW: July 25th Meeting

Attach to staff report

Richard Thompson
Director of Community Development

From: David Lesser [mailto:david.lesser@verizon.net]
Sent: Friday, July 13, 2007 1:28 PM
To: Richard Thompson
Subject: FW: July 25th Meeting

Richard,

FYI.

David J. Lesser
david.lesser@verizon.net

From: Bill and Patricia [mailto:bpcitta@verizon.net]
Sent: Friday, July 13, 2007 12:40 PM
To: dlesser@citymb.info
Subject: July 25th Meeting

July 13, 2007

Planning Commission
City Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

RE: July 25th Meeting

Dear Commissioners,

We, the undersigned residents, wholeheartedly 100% support the inclusion of a HANDICAPPED PARKING space in the 1000 block of Manhattan Avenue.

At present, there are none in the downtown area other than in parking structures and we believe this creates a severe hardship for handicapped persons wishing to shop in downtown area.

**EXHIBIT
E**

07/13/2007

Please rectify this omission and grant approval for this request and consider other areas as well, such as the 200 block of Manhattan Beach Blvd.

Thank you.

W. G. Citta, Jr.
William G Citta, Jr.

Patricia D. Citta
Patricia D. Citta

229 – 8th Street,
Man. Bch.

310.379.4018

Esteban M. Danna

From: Don McPherson [dmcphersonla@earthlink.net]
Sent: Friday, July 20, 2007 12:23 PM
To: Bob Bohner; David Lesser; Jim Schlager; Sandra Seville-Jones; Wayne Powell
Cc: Esteban M. Danna; 'George Kaufman'; 'Jacque May'; 'Kathy Smith'; 'Martha Andreani'; 'Michael Cohen'; 'Suzanne Lerner'; 'Wayne Partridge'; Richard Thompson
Subject: 1001 Manhattan Ave Use Permit

Planning Commission
City of Manhattan Beach
Via Email

Subject: Use Permit, 25 Jul 07, 1001 Manhattan Ave, Ristani

I own the property at 1001 Bayview Dr, one block east of the subject development. If anything good can come from a fire, to replace the burned structure at 1001 Manhattan Ave, Ms. Ristani has proposed a commendable addition to our downtown neighborhood at 10th Street.

Everyone should find the elevation-view drawing as a particularly attractive replacement for the former building on the property.

The plan to leave the walkstreet landscaping unchanged particularly pleases me. As a member of the General Plan Advisory Committee in 2002, I led the effort for the current walkstreet encroachment ordinance to prohibit commercial uses of walkstreets. What a relief not to fight another proposal for walkstreet outdoor dining.

I commend Ms Ristani for her proposed development and urge the city to approve the use permit with all speed.

Thank you, Don McPherson

EXHIBIT
E

RESOLUTION NO. BZA 84-10

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MANHATTAN BEACH APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A RESTAURANT WITHIN AN EXISTING COMMERCIAL BUILDING FOR THE PROPERTY LOCATED AT 1001 MANHATTAN AVENUE IN THE CITY OF MANHATTAN BEACH (Little Venice Restaurant)

WHEREAS, the Board of Zoning Adjustment of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Conditional Use Permit for the property legally described as Lots 10 and 11, Block 11, Manhattan Beach Tract in the City of Manhattan Beach; and,

WHEREAS, the applicant for said Conditional Use Permit are James and Julie Hantzarides, lessees of the subject property; and,

WHEREAS, a public hearing was advertised pursuant to applicable law, testimony was invited and received; and,

WHEREAS, an Initial Study/Environmental Assessment was prepared and a Negative Declaration was filed in compliance with all respects with CEQA and the City of Manhattan Beach guidelines, finding no significant environmental impact associated with this project; and,

WHEREAS, the following findings were made with regard to this application:

1. The applicants request approval of a Conditional Use Permit to establish a restaurant within an existing commercial tenant space. The applicants propose to provide an on-sale beer and wine license within the business.
2. The property is zoned C-2, General Commercial, and is located within Area District III, the beach area. The commercial tenant space is 1468 square feet in size and is oriented towards Manhattan Avenue. No access or window openings are existing or proposed along the rear or sides elevations of the building.
3. The applicants propose no building expansion or significant alteration to the exterior of the building. The interior will be completely renovated to provide for a new restaurant to include new kitchen and dining facilities.
4. The proximity of the public parking facilities, both on-street and off-street, will provide adequate parking for the project.
5. The property is in an established commercial area and the noise generating uses within the business are located adjacent to the commercial street. The building's design and conditions imposed on the entertainment will limit the possible noise nuisances to the surrounding residential property.
6. The hours of operation for the proposed restaurant are proposed to be no later than 12 midnight, seven days a week.
7. The subject business with the conditions enumerated below shall be compatible to all surrounding land uses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustment hereby APPROVES the Conditional Use Permit subject to the following conditions:

1. The management of the restaurant shall police the property in all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
2. The business proprietor shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of patrons outside the business or in the immediate area.

EXHIBIT
F

RESOLUTION NO. BZA 84-10 (Continued)

3. The service of alcohol shall be in conjunction with minimum food service during all hours of operation.
4. All amplified entertainment shall be limited to background music or television screenings only and the volume shall be controlled by the management.
5. The Conditional Use Permit shall be reviewed annually.
6. The noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance and shall not create a nuisance to the surrounding residential neighbors.

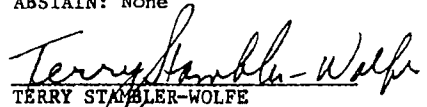
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Board of Zoning Adjustment at its regular meeting of February 14, 1984, and that said Resolution was adopted by the following vote:

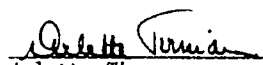
AYES: Archuletta, Cole, Duffy,
Hollingsworth

NOES: None

ABSENT: Johnson

ABSTAIN: None


TERRY STAMBLER-WOLFE
Secretary to the Board of
Zoning Adjustment


Arlette Tirman
Recording Secretary

RESOLUTION 78-3

A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MANHATTAN BEACH GRANTING THE REQUESTED AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR THE PROPERTY LEGALLY DESCRIBED AS LOTS 10 and 11, BLOCK 11, TRACT MANHATTAN BEACH (1005 Manhattan Avenue - Madonis)

WHEREAS, the Board of Zoning Adjustment of the City of Manhattan Beach conducted a public hearing to consider the amendment to the existing Conditional Use Permit for the property located at 1005 Manhattan Avenue; and

WHEREAS, the application was filed by Mr. Elias Madonis; and

WHEREAS, the Board of Zoning Adjustment made the following findings with regard to the subject property:

1. The subject property presently has a Conditional Use Permit which was approved by the City Council in 1975.
2. The applicant seeks to provide a pizza oven and general remodeling of the interior of the existing restaurant and to expand the hours of operation from opening at 9:00 a. m. to opening at 7:00 a. m.
3. The subject property is located in a C-2 zone and located within the Vehicle District No. 1.
4. It is the opinion of the Board of Zoning Adjustment that there is ample off site parking for the planned usage.

NOW, THEREFORE, BE IT RESOLVED, that based on the above findings the Board of Zoning Adjustment grants the amendment to the existing Conditional Use Permit with the following conditions:

- a. That the service of beer and wine shall be sold only in conjunction with the operation of a bona fide restaurant serving meals during all business hours.
- b. That no live music or entertainment shall be permitted. *ok*
- c. That all noise emanating across residential property lines shall be subject to the City's adopted Noise Ordinance.
- d. That the hours of operation shall be limited to *11 - 9 pm. everyday* 7:00 a. m. to 11:00 p. m. Sunday through Thursday, and 7:00 a. m. to 12:00 p. m., Friday and Saturday.
- e. That the service of food and beverages be essentially served to customers seated at tables, and there shall be no take-out window.
- f. That a maximum of one cash register be used at any time. *only one there*
- g. That any time there is a change in the business that makes it substantially different from that described in the findings, the subject changes shall be reviewed by the Board of Zoning Adjustment.
- h. That compliance to the above conditions be reviewed annually.

I hereby certify that the foregoing is a full, true and correct copy of the resolution adopted by the Board of Zoning Adjustment at its regular meeting of January 19, 1978, and that said Resolution was carried by the following vote:

AYES: Commissioners Armistead, Clancy, Logan, and Chairman Hayden

NOES: None

ABSENT: Commissioner Myska

NOT VOTING: None

EXHIBIT
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conjunction with the operation of a bona fide restaurant serving meals during all business hours.

(b) That no live music or entertainment shall be permitted.

(c) Noise emanating from the subject property across residential property lines shall not exceed the noise level set forth in Ordinance No. 1362 for residential areas.

(d) The hours of operation shall be limited to 9:00 A.M. to 11:00 P.M., Sunday through Thursday, and 9:00 A.M. to 12:00 Midnight Friday and Saturday.

(e) That sixty (60) days following the adoption of the proposed sign ordinance all signs shall conform to the subject ordinance.

(f) That review to insure compliance to adopted conditions take place annually.

(g) That an enclosed refuse bin storage area be provided on site.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered in the book of original resolutions of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall forward a certified copy of this resolution to the Community Development Department of said City.

PASSED, APPROVED AND ADOPTED this 16th day of

September, 1975.

ATTEST:

BEVERLY E. KIEFER
City Clerk

JOAN K. DONTANVILLE
Mayor of the City of Manhattan Beach
California

(SEAL)

1 RESOLUTION NO. 5376

2 A RESOLUTION OF THE CITY COUNCIL OF THE
3 CITY OF MANHATTAN BEACH, CALIFORNIA,
4 MODIFYING THE DECISION OF THE BOARD OF
5 ZONING ADJUSTMENT MADE IN ITS RESOLUTION
6 NO. 75-27 AND GRANTING A CONDITIONAL USE
7 PERMIT PURSUANT TO THE APPLICATION OF THE
8 BOTTLE INN, INC. FOR A CONDITIONAL USE
9 PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES
10 ON PROPERTY LOCATED AT 1005 MANHATTAN
11 AVENUE IN SAID CITY.

12 WHEREAS, there was filed with the Board of Zoning
13 Adjustment of the City of Manhattan Beach, California, on the
14 25th day of June, 1975, an application by The Bottle Inn, Inc.,
15 lessee -- property owner Pete Ristani, for a conditional use
16 permit to sell alcoholic beverages in conjunction with a bona
17 fide restaurant on the real property hereinafter described,
18 pursuant to the provisions of Article 16, Chapter 3, Title 10
19 of the Municipal Code of the City of Manhattan Beach; and

20 WHEREAS, after duly processing said application and
21 holding a public hearing thereon, the Board of Zoning Adjust-
22 ment did duly and regularly adopt its Resolution No. 75-27
23 (which is now on file in the office of the Secretary of said
24 Board in the City Hall of said City, open to public inspection
25 and hereby referred to in its entirety and by this reference
26 incorporated herein and made part hereof) on the 22nd day of
27 July, 1975, granting said request for conditional use permit; and

28 WHEREAS, the City Council of said City, pursuant to the
29 provisions of Chapter 3, Title 10 of the Municipal Code, held a
30 public hearing on the 2nd day of September, 1975, receiving and
31 filing all written documents and hearing oral argument for and
32 against; thereafter on said 2nd day of September, 1975, the Coun-
cil directed that the decision of said Board, as reflected in
Resolution No. 25-27, be modified and that said conditional use
permit be granted and pursuant to Section 10-3.1617 of the Muni-
cipal Code the matter was referred back to the Board of Zoning

EXHIBIT
F

1 Adjustment; and

2 WHEREAS, the Board of Zoning Adjustment at its meeting
3 of September 9, 1975 received the decision of the City Council
4 and, after review, concurred with said decision of the City
5 Council;

6 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
7 MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE AND ORDER
8 AS FOLLOWS:

9 SECTION 1. That the said application is an application
10 which was properly made to the Board of Zoning Adjustment pur-
11 suant to the provisions of Sections 10-3.1608 et seq. of the
12 Manhattan Beach Municipal Code.

13 SECTION 2. That the conditional use permit applied for
14 and the real property affected thereby are set forth in the
15 application and conditional use permit as follows:

16 Request: Permit to sell beer and wine in con-
17 junction with the operation of a bona
18 fide restaurant known as "The Bottle
19 Inn."

20 Legal Description: Lots 10 and 11, Block 11, Manhattan
21 Beach Tract, in the City of Man-
22 hattan Beach, County of Los Angeles,
23 State of California, as per map
24 recorded in Book 1, Pages 49-50 of
25 Maps, in the office of the Recorder
26 of Los Angeles County (1005 Man-
27 hattan Avenue).

28 SECTION 3. That the City Council does hereby modify
29 the findings of the Board of Zoning Adjustment contained in its
30 Resolution No. 75-27 and does hereby grant the conditional use
31 permit subject to the following conditions:

32 a) That the service of beer and wine shall be in

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conjunction with the operation of a bona fide restaurant serving meals during all business hours.

(b) That no live music or entertainment shall be permitted.

(c) Noise emanating from the subject property across residential property lines shall not exceed the noise level set forth in Ordinance No. 1362 for residential areas.

(d) The hours of operation shall be limited to 9:00 A.M. to 11:00 P.M., Sunday through Thursday, and 9:00 A.M. to 12:00 Midnight Friday and Saturday.

(e) That sixty (60) days following the adoption of the proposed sign ordinance all signs shall conform to the subject ordinance.

(f) That review to insure compliance to adopted conditions take place annually.

(g) That an enclosed refuse bin storage area be provided on site.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered in the book of original resolutions of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall forward a certified copy of this resolution to the Community Development Department of said City.

PASSED, APPROVED AND ADOPTED this 16th day of September, 1975.

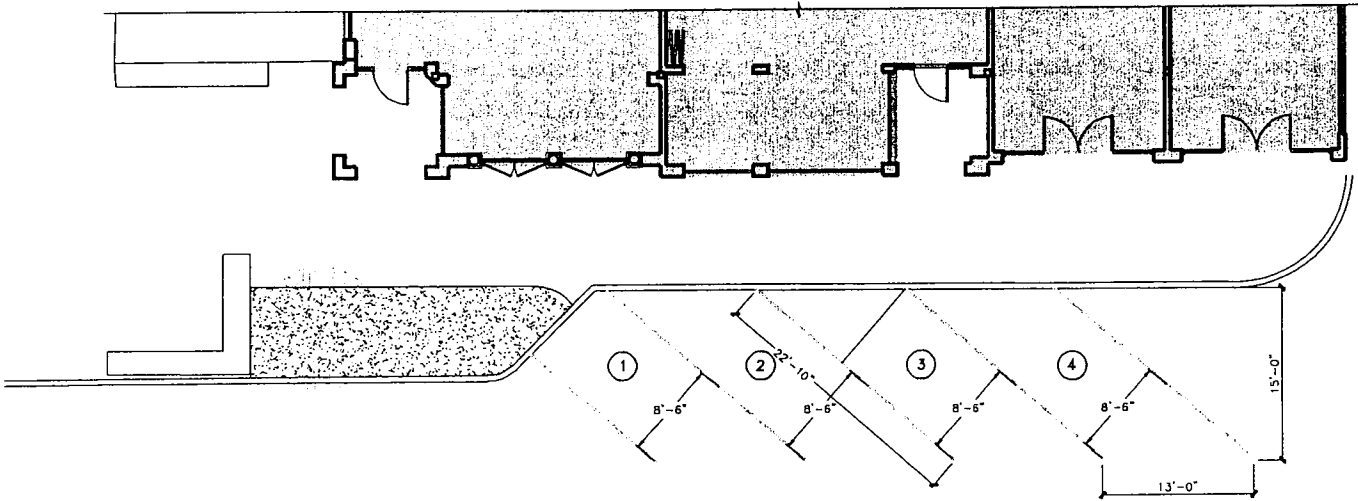
ATTEST: JOAN K. DONTANVILLE
Mayor of the City of Manhattan Beach,
California
BEVERLY E. KIEFER
City Clerk

(SEAL)

1001 MANHATTAN AVENUE - ACCESSIBLE PARKING STUDY

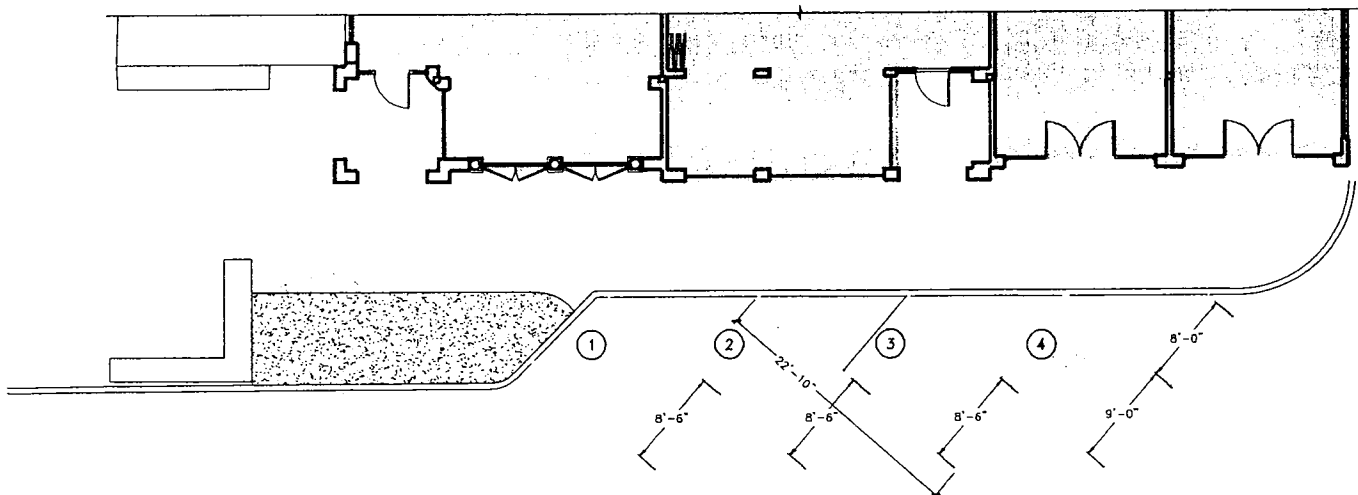


EXISTING SITE PHOTO



EXISTING PARKING LAYOUT

SCALE: 1/16"=1'-0"



PROPOSED ACCESSIBLE PARKING LAYOUT

SCALE: 1/16"=1'-0"



EXHIBIT
G



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

CA07-17

Office Use Only
Date Submitted: 5/30/07
Received By: DM
F&G Check Submitted: YES

\$500

1001 MANHATTAN AVENUE

Project Address

LOTS 10-11, Block 11, MB Tract

Legal Description

CD

General Plan Designation

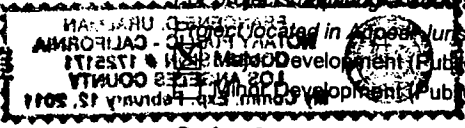
CD

Zoning Designation

III

Area District

For projects requiring a Coastal Development Permit, select one of the following determinations¹:



Project located in Appeal Jurisdiction

Project not located in Appeal Jurisdiction

Public Hearing Required (Public Hearing required)

Public Hearing Required (due to UP, Var., etc.)

No Public Hearing Required (Public Hearing, if requested)

No Public Hearing Required

Submitted Application (check all that apply)

- Appeal to PC/PWC/BBA/CC
- Coastal Development Permit 124.
- Environmental Assessment 1557.-
- Minor Exception
- Subdivision (Map Deposit) 4300
- Subdivision (Tentative Map)
- Subdivision (Final)
- Subdivision (Lot Line Adjustment)
- Use Permit (Residential)
- Use Permit (Commercial) 3,005
- Use Permit Amendment
- Variance
- Public Notification Fee 65.-
- Park/Rec Quimby Fee 4425
- Other

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes ___ No ___ Date: ___ Fee: ___

Amount Due: \$ 4751.- (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: ___ Date Paid: ___ Cashier: ___

Applicant(s)/Appellant(s) Information

main Contact:

HELEN RISTANI

Name

3508 THE STRAND, MB

Mailing Address

PROPERTY OWNER

Applicant(s)/Appellant(s) Relationship to Property

ELIZABETH SROUR/SROUR & ASSOCIATES, 1001 - 6th St., #110, MB 90266 (310) 372-8433

Contact Person (include relation to applicant/appellant)

Phone number / e-mail

Srourl1c@esrour.com

AND TOMARO ARCHITECTURE/LOUIE TOMARO, 1001 6th St. MB

310/318-8089

Address

Applicant(s)/Appellant(s) Signature

Phone number

Complete Project Description- including any demolition (attach additional pages if necessary)

MASTER CONDITIONAL USE PERMIT & COASTAL PERMIT (appeal area)

for mixed use building containing 2 restaurant suites, 2 retail suites and 1 office

EXHIBIT H

¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

01 03 18 07
MAY 22 2007
CDS/ELI/C

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I/We HELEN RISTANI being duly sworn,
depose and say that I am/we are the owner(s) of the property involved in this application and
that the foregoing statements and answers herein contained and the information herewith
submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

[Signature]
Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

HELEN RISTANI

Print Name

3508 THE STRAND, MB

Mailing Address

310-567-0004

Telephone

Subscribed and sworn to before me,
this 24th day of May, 2007

in and for the County of Los Angeles

State of CA

Notary Public

[Signature]



Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply - refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment in January of each year.

Submitted Application (circle applicable fees, apply total to Fee Summary on application)

Coastal Development Permit

- Filing Fee (public hearing - no other discretionary approval required): \$ 1,824
- Filing Fee (public hearing - other discretionary approvals required): \$ 124
- Filing Fee (no public hearing required): \$ 124

Use Permit (Master)

- Residential Filing Fee: \$ 2,420
- Commercial Filing Fee: \$ 3,005
- Amendment Filing Fee: \$ 1,209

Variance

- Filing Fee: \$ 3,005

Minor Exception

- Filing Fee: \$ 966

Subdivision

- Tentative Parcel/Tract Map Filing Fee: \$ 585
- Final Parcel Map/Tract Map Filing Fee: \$ 585
- Mapping Deposit: \$ 473
- Quimby Parks and Recreation Fee (new lot/unit): \$ 1,817
- Certificate of Compliance Filing Fee: \$ 564.50

Environmental Review (contact Planning Division for applicable fee)

- Environmental Assessment: \$ 124
- Environmental Assessment (if Initial Study is prepared): \$ 1,557
- Fish and Game County Clerk Fee²: \$ 50

- Public Notification Fee** applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

² Make \$50 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: _____

APPLICANT INFORMATION

Name: HELEN RISTANI

Address: 3508 The Strand, MB

Phone number: _____

Relationship to property: Property Owner

Contact Person: LOUIE TOMARO, ARCHITECT

Address: 1001 - 6th St., MB

Phone number: 310/318-8089

Association to applicant: Architect

PROJECT LOCATION AND LAND USE

Project Address: 1001 Manhattan Avenue

Assessor's Parcel Number: 4179-018-010

Legal Description: Lots 10-11, Block 11, MB Tract

Area District, Zoning, General Plan Designation: III, CD, CD

Surrounding Land Uses:

North CD-Commercial

West RH-residential-units (triplex)

South CD-Commercial

East CD-commercial

Existing Land Use: Existing commercial building was demolished in fire; proposed mix of uses is same as previous building with addition of 397 sf office at 2nd level.

PROJECT DESCRIPTION

Type of Project: Commercial XX Residential _____ Other _____

If Residential, indicate type of development (i.e.; single family, apartment, condominium, etc.) and number of units: NA

If Commercial, indicate orientation (neighborhood, citywide, or regional), type of use anticipated, hours of operation, number of employees, number of fixed seats, square footage of kitchen, seating, sales, and storage areas: _____
2 restaurant uses + 2 retail suites at 1st level

1 office suite at 2nd level + basement level garage w/ parking for 11 cars, mechanical area, storage areas, & trash enclosure

If use is other than above, provide detailed operational characteristics and anticipated intensity of the development: _____

	Existing	Proposed	Required	Removed/ Demolished
Project Site Area:	5383 sf	NO CHANGE	TO EXISTING	SITE
Building Floor Area:		5354 sf		
Height of Structure(s):		26'	26' permitted	
Number of Floors/Stories:		2 stories	plus basement level garage	
Percent Lot Coverage:		94%	100% lot coverage permitted by Code	
Off-Street Parking:	0	11 spaces	0 required for structures less than	
Vehicle Loading Space:		NONE		5383 sf
Open Space/Landscaping:	0	0		

Proposed Grading:

Cut 730 cy Fill 0 Balance 0 Imported 0 Exported 730 cy

Will the proposed project result in the following (check all that apply):

- | Yes | No | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Changes in existing features or any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Changes to a scenic vista or scenic highway? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A change in pattern, scale or character of a general area? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A generation of significant amount of solid waste or litter? * |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A violation of air quality regulations/requirements, or the creation of objectionable odors? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water quality impacts (surface or ground), or affect drainage patterns? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | An increase in existing noise levels? * |
| <input type="checkbox"/> | <input type="checkbox"/> | A site on filled land, or on a slope of 10% or more? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The use of potentially hazardous chemicals? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | An increased demand for municipal services? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | An increase in fuel consumption? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A relationship to a larger project, or series of projects? |

Explain all "Yes" responses (attach additional sheets or attachments as necessary):

*Temporarily during the course of construction only.

CERTIFICATION: I hereby certify that the statements furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: [Signature]

Prepared For: HELEN RISTANI

Date Prepared: May 21, 2007

ATTN: HOWA
2

RECORDING REQUESTED BY
Little & Gray
AND WHEN RECORDED MAIL TO

88 1337795

Name
Street Address
City & State
Little & Gray
2152 Dupont Dr., Suite 101
Irvine, CA 92715

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
21 MIN. PAST 9 A.M. AUG 23 1988

Name
Street Address
City & State
HELEN M. RISTANI
3508 Strand
Manhattan Beach, CA 90266

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Trust Transfer Deed

TRD 87D HG THE FORM FURNISHED BY TRUSTORS SECURITY SERVICE 197618

Grant Deed (Excluded from Reappraisal Under Proposition 13, i.e., Calif. Const. Art. 13A) et. seq.

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct
THERE IS NO CONSIDERATION FOR THIS TRANSFER.

NONE

Documentary transfer tax (S.S.)

Computed on full value of property conveyed, or computed on full value less value of liens and encumbrances remaining at time of sale or transfer

There is no Documentary transfer tax due (state reason and give Code § or Ordinance number)

Unincorporated area City of _____ and
This is a Trust Transfer under §62 of the Revenue and Taxation Code and Grantor(s) has/have checked the applicable exclusion.

Transfer to a revocable trust.

Transfer to a short-term trust not exceeding 12 years with trustee holding the reversion.

Transfer to a trust where the trustee or the trustee's spouse is the sole beneficiary.

Change of trustee holding title.

Transfer from trust to trustee or trustee's spouse where prior transfer to trust was excluded from reappraisal and for a valuable consideration, receipt of which is acknowledged.

Other.

GRANTOR(S): HELEN M. RISTANI
hereby **GRANT(S)** to HELEN M. RISTANI, Trustee of the "Helen M. Ristani 1987 Living Revocable Trust dated November 9, 1987," or any successor Trustee thereof.

the following described real property in the City of Manhattan Beach,
County of Los Angeles State of California:

Lots 10 and 11 in Block 11 of Manhattan Beach,
as per map recorded in Book 1, Pages 49 and 50
of Maps, in the office of the County Recorder
of said County.

010 PARCEL
018 PAGE
4179 MAP BOOK
Assessor's Identification Number:

Date: March 10, 1988

[Signature]
HELEN M. RISTANI

State of California
County of ORANGE
On this the 10th day of March 1988
before me, Rosemary A. Heinrich
the undersigned Notary Public, personally appeared
HELEN M. RISTANI

Grantor - Transferee (s)

personally known to me
 proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) IS subscribed to the
within instrument, and acknowledged that SHE executed it
with her free and official will.



[Signature]
Notary's Signature

(This area for official notarial seal)

Title Order No. _____ Escrow, Loan or Attorney File No. _____

MAIL TAX STATEMENTS AS DIRECTED ABOVE

July 19, 2007

Esteban Danna
Assistant Planner
City of Manhattan Beach
Community Development Department
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: 1001 Manhattan Avenue

Dear Esteban:

Following is the revised project description for your use.

PROPOSAL:

Construction of a mixed-use commercial building to replace the building demolished as a result of fire. The new two-story over basement structure will incorporate the four original suites: 2 retail suites and 2 restaurant suites. In addition, a small 397 sq. ft. office will be incorporated on the second level. The basement level will provide parking for 12 vehicles for tenant use, mechanical areas, trash, utilities and storage areas.

The building has been designed to comply with the Code provision pertaining to parking in the downtown area in which the floor area does not exceed the lot area. Therefore, all parking provided on site is in excess of Code requirements. Additionally, Code requires that when any parking is provided, including excess, a Van Accessible space with passenger loading area must be provided. Due to the inability of the small basement to accommodate the dimensions of the required ramping and vertical clearance of a Van Accessible space, we are proposing to have the most northerly space on the southwestern corner of Manhattan Avenue and 10th Place be converted to a Van Accessible parking space. We have provided a diagram of this conversion for your review. Please note that we were unable to find any other Accessible spaces Downtown, and that the conversion of this spot would not incur a net loss of parking spots.

The restaurant businesses displaced by the fire will resume operation, including Old Venice and El Sombrero. Both operations will request continued use of their current ABC Licenses for on-site service of beer and wine. Two retail suites will resume operations.

Please contact me if you have any questions or need additional information.

Sincerely,

Geoff Captain, Assoc. A.I.A.
Tomaro Architecture, Incorporated

1001 Manhattan Avenue

May 29, 2007

Required Findings

1. *The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.*

The project location of the use satisfies the objectives of the Manhattan Beach Municipal Code and the specific purposes of the Downtown Commercial District Guidelines. Prior to complete fire destruction in December 2006, the subject property was location to two restaurants (Old Venice and El Sombrero) and three retail stores with below grade storage.

The project simply rebuilds both restaurants, and two of the three retail stores. In addition, underground (excess) parking area and storage as well as a 397 s.f. second story office are now being provided, both of which are in accord with the objectives of the Manhattan Beach Municipal Code and the specific purposes of the Downtown Commercial District Guidelines.

2. *The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;*

As stated above, the project use and conditions of its operations are simply being restored to the previous use and operation prior to the fire in December 2006. The addition of the underground (excess) parking will only enhance the parking conditions in the surrounding neighborhood. The second level office will be used by the property owner as primarily a management office with low usage and low impact.

3. *The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located;*

The design and scope of the project incorporates the specific issues and design elements outlined in the Downtown Design Guidelines including:

- 1.1 The building is located immediately adjacent to the sidewalk on Manhattan Avenue
- 1.2 The first floor of development, the two restaurants and two retail stores are located at the sidewalk's general elevation
- 1.3 The driveway is located on the alley frontage of 10th Place.

- 2.2 The development will compliment adjacent structures in scale on 10th Place and the westerly residence. Wall heights, eaves and parapets have been appropriately scaled for the southeasterly corner location of 10th Street and Manhattan Avenue. All building equipment will be screened.
- 3.2 Building elevations have been modulated with offset planes and masses, especially along the more visible South and East elevations. Deep set windows, variation in roof styles, covered entrance areas and covered outside dining areas have been incorporated to provide relief and architectural interesting elements. Additionally, the second floor office has been located furthest from Manhattan Avenue to reduce the visual impact.
- 4.2 Well defined covered entries have been located along Manhattan Avenue to facilitate public access.
- 4.3 Long blank walls have only been used at the west elevation where the project fronts a residence with zero required setbacks, and a small portion of wall at the alley of 10th Place, directly opposite a property with a similar building elevation and out of view of the street frontage.
- 5.0 Landscaping will be utilized at the offset and pocket areas of the building façade along Manhattan Avenue.
- 7.3 The locally owned, resident serving businesses will be restored to their original use.\

Mixed use – The addition of the second story office space fulfills the desire for more mixed-use development in the Downtown Commercial District.

4. *The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.*

As stated above, since the project simply restores the previous uses for the property, it will not further impact the items listed above. On the contrary, due to the addition of underground parking and trash facilities, and updated design per the latest building code revisions, the project will outperform the previous building, all while staying within the same uses. The addition of the second story office is limited to 397 s.f. and will have parking provided for it in the underground area.

Lastly, the project has incorporated a small, 195 s.f. outdoor patio attached to the south easterly corner of the building. This outdoor patio area will not adversely impact the nearby properties, and in fact will enhance the surrounding area due to the following reasons:

- As addressed on page 14 of the Downtown Manhattan Beach Design Guidelines, many feel that the intersection of 10th Street and Manhattan Avenue, at the southeastern corner of the subject property, best represented the character and feel of what is desired for all of Downtown Manhattan Beach. Characteristics focused on the landscaping, pedestrian amenities and public spaces. A small, low profile outdoor patio area adjacent to this intersection will satisfy all three goals of the

Design Guidelines by protecting the small-town village character with outdoor dining, enhancing the pedestrian orientation of the intersection and encouraging streetscape amenities.

- The patio will be low height, not exceeding 30” above the adjacent walkstreet level, and level with the pedestrian walk on Manhattan Avenue. The dining area will directly connected to the restaurant and will be fully railed off with an open, decorative railing. Additional screening will be accomplished through landscaping around the entire perimeter of the patio. The only access to the patio will be through the restaurant. The architectural elements will be consistent with the rest of the project.
- The dimensions of the patio and location place it on the easterly portion of the 60’ southern frontage to 10th Street, furthest from the neighboring residences, minimizing any noise impact. The patio extends south 11’ from the project, which is approximately half the distance to the nearest public walk on 10th Street.
- Finally, it is important to note that the patio will be serving and operated by a well established, family owned restaurant that has served Downtown Manhattan Beach for over 23 years, and has an established track record for providing quality dining with a small town restaurant atmosphere.



TOMARO
 ARCHITECTURE
 INCORPORATED

May 25, 2007

Dan Moreno
 Associate Planner
 City of Manhattan Beach
 Community Development Department
 1400 Highland Avenue
 Manhattan Beach, CA 90266

Re: 1001 Manhattan Avenue

Dear Dan:

▪ Architecture

Attached is an application for the Master CUP for the mixed-use building proposed for the above-referenced project. We are requesting that you accept the preliminary plans for the initial zoning review and circulate them to the appropriate departments as soon as possible. Due to the uniqueness of this situation, we expect to provide you with further supporting documentation as needed upon staff's request.

▪ Planning

PROPOSAL:

▪ Landscape Design

Construction of a mixed-use commercial building to replace the building demolished as a result of fire. The new two-story over basement structure will incorporate the four original suites: 2 retail suites and 2 restaurant suites. In addition, a small 397 sq. ft. office will be incorporated on the second level. The basement level will provide parking for 11 vehicles, mechanical areas, and storage areas. The plans also incorporate a new 198 sq. ft. outdoor patio area accessed from the southerly restaurant suite.

▪ Construction Administration

The building has been designed to comply with the Code provision pertaining to parking in the downtown area in which the floor area does not exceed the lot area. Therefore, all parking provided on site is in excess of Code requirements.

1001 Sixth Street
 Suite No. 100

The restaurant businesses displaced by the fire will resume operation, including Old Venice and El Sombrero. Both operations have an ABC License for on-site service of beer and wine. Two retail suites will resume operations.

Manhattan Beach,
 California 90266

Tel: 310.318.8989

The following documents are submitted for the initial review. Because the vesting tentative tract map incorporates the lot realignment, it will

Fax: 310.318.9400

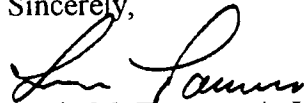
www.Tomaro.com

not be necessary to process lot line adjustment as a separate administrative process.

1. Master CUP Application and Environmental Information Form
2. Grant Deed
3. Radius Map Package
4. 2 sets of full scale and 3 reduced architectural drawings
5. filing fees as follows:
 - Master CUP, Environmental, Coastal, Public Notification
\$4,751.00
 - Undated \$50.00 check to L. A. Co. Clerk

Please contact me if you have any questions or need additional information.

Sincerely,



Louie M. Tomaro. A. I. A.
Tomaro Architecture, Incorporated

LMT/atm

Enclosure