



Agenda Item #: 07/0918.11

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Aldinger and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager *GD*

**FROM:** Richard Thompson, Director of Community Development *RT*  
Eric Haaland, Associate Planner *EH*

**DATE:** September 18, 2007

**SUBJECT:** Consideration of a Use Permit and Vesting Tentative Parcel Map 68336 for Proposed Construction of a Mixed Use Building with Two Commercial Condominium Units and Two Residential Condominium Units on the Property Located at 930 Manhattan Beach Boulevard

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### RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission.

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### DISCUSSION:

The Planning Commission, at its regular meeting of August 22, 2007, **APPROVED** (5-0) a use permit to construct a mixed use condominium building with 891 square feet of commercial space and 2 residential units. The commercial space was approved for general office, and personal services uses.

The submitted plans show an existing commercial (pet grooming) site to be redeveloped with a single 3-story building with on-grade parking, to have 4 separate ownerships in a condominium subdivision. The site would take access from Manhattan Beach Boulevard by one vehicular driveway and three pedestrian walkways. The proposed commercial space occupies the front portion of the building and the residential units are located behind, observing residential setback and height requirements. The overall appearance of the project is modern style featuring extensive frontage modulation, deck areas, and an open space/planter area at the front upper level.

The project is in conformance with all of the City's requirements including height, floor area, setbacks, open space, landscaping and parking,

The Planning Commission was generally supportive of the project's mixed use concept and unique design. It was determined that some lower building support posts should be allowed to be located along the westerly property line in order to provide adequate driveway clearance, as

permitted for commercial development. The Commission heard testimony from the public supporting the project, and a neighboring triplex owner with some concerns for light and ventilation. The Planning Commission determined that the proposed building would have setbacks and modulation to allow adequate light and air to circulate between abutting properties.

The project is located within the CL zone which is intended for local businesses and also allows for residential use. Small older mixed use developments are very common in this segment of the CL zone. Commercial uses in this area are almost entirely office uses with prominent exceptions being a restaurant and gas station near Sepulveda Boulevard. The lower traffic volumes, and smaller sites on Manhattan Beach Boulevard have generally not been attractive to retail development. Many CL sites are developed exclusively as residential, including the two triplexes abutting the subject site. Residential use occupies the majority of the proposed development, although the commercial portion is at the most prominent location facing Manhattan Beach Boulevard. Although the ground floor commercial space occupies a minority of the site frontage, this appears to be a generally desirable mixed use design with a commercial/residential proportion consistent with recent mixed use projects in the city. The overall design concept appears consistent with the purpose of the Local Commercial district (MBMC 10.16.010) by providing small scale commercial use along Manhattan Beach Boulevard and compatible residential use adjacent to the abutting single family residential district.

Similar proposals to this one are likely in the future for area properties with small commercial buildings, single-family residences, and other under-developed conditions. Developers typically are most interested in residential development in the CL zone, however, staff stresses the zoning and General Plan goals of including commercial use in each project. Since the residential use requires use permit approval, each of these projects will be reviewed for appropriateness individually.

**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:**

Resolution No. PC 07-13  
P.C. Minutes excerpt, dated 8/22/07  
P.C. Staff Report, dated 8/22/07  
Plans (separate/NAE)

(NAE) – not available electronically

C: Dennis Cleland, Applicant  
Srour & Associates, Applicant Rep.  
Studio 912, Architect.

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RESOLUTION NO. PC 07-13

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
MANHATTAN BEACH APPROVING A USE PERMIT FOR  
CONSTRUCTION OF A NEW MIXED USE BUILDING ON THE  
PROPERTY LOCATED AT 930 MANHATTAN BEACH BOULEVARD  
(Cleland)**

**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 on August 22, 2007, received testimony, and considered an application for a use permit and vesting tentative parcel map 68336 for construction of a proposed 4,907 square foot mixed use building to include two commercial condominium units and two residential condominium units on the property located at 930 Manhattan Beach Boulevard in the City of Manhattan Beach.
- B. The existing legal description of the site is Lot 6, Block 4, Tract No. 142.
- C. The applicant for the subject project is Dennis Cleland. The owner of the property is Paws a While Inc.
- D. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15303 and 15332 based on staff's determination that the project is a small infill development within an urbanized area.
- E. 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.
- F. The property is located within Area District I and is zoned CL, Commercial Local. The use is permitted by the zoning code and is appropriate as conditioned for the local commercial area. The surrounding private land uses consist of CL and RS (Residential Single Family).
- G. The General Plan designation for the property is Local Commercial. The General Plan encourages commercial development such as this that provides for small businesses, which serve city residents.
- H. Approval of the commercial and residential use project, subject to the conditions below, 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 since the project is compatible with the surrounding neighborhood and is in compliance with all applicable regulations as detailed in the project staff report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Vesting Tentative Parcel Map 68336 application for a commercial and residential condominium building, subject to the following conditions (\*indicates a site specific condition):

## RESOLUTION NO. PC 07-13

### Site Preparation / Construction

1. \* The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on August 22, 2007. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. 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.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
9. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

## RESOLUTION NO. PC 07-13

### Condominium Conditions

13. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
  - a. Dianthus Street with Manhattan Beach Blvd.
  - b. Poinsettia Avenue with Manhattan Beach Blvd.
  - c. Dianthus Street with 11th Street.
  - d. Poinsettia Avenue with 11th Street
14. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
15. Vesting Tentative Parcel Map No. 68336 shall be approved for an initial period of 3 years with the option of future extensions. The final map shall be recorded prior to condominium occupancy.

### **Commercial Operational Restrictions**

16. \* The facility shall include 891 square feet of general office/personal services commercial space. Medical office use shall be prohibited.
17. The management of the facility shall police the property and all areas immediately adjacent to the businesses on the site during the hours of operation to keep it free of litter.
18. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
19. A covered trash and recycling enclosure(s), with adequate capacity shall be provided on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
20. \* The site shall allow reciprocal vehicle access with adjacent properties for any future City approved project upon which a similar reciprocal access condition is imposed. Such access shall be through the site's parking lot and driveways. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
21. \* Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Parking spaces shall be marked and signed as required by the Community Development Department. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial or guest parking areas shall be prohibited. Future parking lot modifications for the purposes of providing reciprocal access to a neighboring commercial property, and any parking requirement modifications that are warranted, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
22. \* All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. A sign program shall be submitted to the Community Development Department for review and approval prior to sign permit issuance.
23. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
24. Any outside sound or amplification system or equipment is prohibited.

**RESOLUTION NO. PC 07-13**


**Procedural**

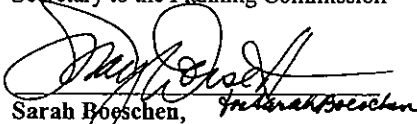
25. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
26. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
27. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
28. 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 August 22, 2007 and that said Resolution was adopted by the following vote:

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

  
\_\_\_\_\_  
**RICHARD THOMPSON,**  
Secretary to the Planning Commission

  
\_\_\_\_\_  
Sarah Boesch,  
Recording Secretary

**PLANNING COMMISSION [DRAFT] MINUTES**

August 22, 2007

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1  
2 Commissioner Seville-Jones requested that page 22, line 12, be revised to state: “. . . she would  
3 like to consider a condition that accessory structures be required to have . . . “

4  
5 Commissioner Powell requested that page 7, line 2 be corrected to read: “Commissioner Powell  
6 stated that a ~~box-like~~ box-like bulky structure could ~~be~~ have been built on the site with no  
7 articulation.

8  
9 Commissioner Powell requested that page 21, line 13 be revised to read: “He said that he feels  
10 ~~an additional~~ a front yard setback requirement of 6 percent is acceptable.”

11  
12 Commissioner Powell requested that the wording on page 21, line 16, be revised to read: “He  
13 commented that he ~~had a question regarding the number of 33’ by 105’ lots are in Area District~~  
14 III questioned whether 35’ by 105’ lots are typical lots.”

15  
16 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the minutes of August 8,  
17 2007, as amended.

18  
19 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner  
20 NOES: None  
21 ABSENT: None  
22 ABSTAIN: None

23  
24 **AUDIENCE PARTICIPATION** None

25  
26 **PUBLIC HEARINGS**

27  
28 **06/0726.1 Consideration of a Use Permit and Vesting Tentative Parcel Map 68336 for**  
29 **Proposed Construction of a Mixed-Use Building With Two Commercial**  
30 **Condominium Units and two Residential Condominium Units at 930**  
31 **Manhattan Beach Boulevard**

32  
33 Associate Planner Eric Haaland summarized the staff report. He stated that the proposal includes  
34 a single 4,907 square foot three-story building with 891 square feet of non-retail commercial  
35 space and two residential condominium units. He indicated that the project does conform to the  
36 Zoning Code requirements including parking, height, and landscaping, with one issue regarding  
37 the setbacks. He stated that the project use appears to be consistent with the surrounding area.  
38 He stated that the subject site is located in a low intensity commercial area and would be  
39 appropriate for residential use. He said that conformance with all residential setbacks is  
40 proposed, although, there are support posts proposed along the west property line adjacent to the  
41 primarily residential portion at the driveway. He said that staff feels it is appropriate to allow the

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1 posts at the commercial setback rather than the residential setbacks since they would otherwise  
2 obstruct the primary project driveway which does access at least one commercial parking space.  
3 He indicated that the proposed development includes a third story, which is not the case for most  
4 buildings in the area. He stated, however, that the project has an open design that includes open  
5 deck areas. He stated that the third story includes a majority of open area including decks and a  
6 planter limiting the mass of the third level. He indicated that the parking design has been  
7 approved by the City's Traffic Engineer and does comply with the City's Code. He stated that  
8 the design does not promote cars backing out onto Manhattan Beach Boulevard. He indicated  
9 that staff is recommending that the Commission adopt the draft Resolution approving the  
10 proposal.

11  
12 In response to a question from Commissioner Powell, Associate Planner Haaland indicated that  
13 the encroachment of the posts into the setback as proposed would not require a Variance request  
14 if it was determined that the commercial development standard is applicable.

15  
16 In response to questions from Commissioner Lesser, Associate Planner Haaland commented that  
17 staff has taken the position that a commercial component is necessary to be included with the  
18 project. He indicated that less commercial space is proposed than is currently located at the site.  
19 He commented that staff feels the amount of commercial is acceptable in this case and has a  
20 substantial visible presence from the street perspective. He stated that the applicant feels that the  
21 commercial spaces can be functional. He indicated that staff has tended to allow the commercial  
22 standards to apply for buildings with both commercial and residential uses that share vents,  
23 shafts, trash, and utility items. He said that staff feels it is appropriate to apply the commercial  
24 standards for the driveway setback since the driveway does serve the building including the  
25 commercial component. He commented that the proposed posts would not be a detrimental  
26 change to the neighbor to the west, as the existing development has a solid wall that has more  
27 bulk than the proposed posts.

28  
29 In response to a question from Chairman Bohner, Associate Planner Haaland stated that a retail  
30 use could not locate in the commercial portion of the development, as it would only be zoned for  
31 office or personal services because of parking requirements. He pointed out that a medical office  
32 would not be permitted to locate in the commercial units.

33  
34 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that  
35 mixed use projects are encouraged at the subject location.

36  
37 In response to a question from Commissioner Schlager, Associate Planner Haaland said that the  
38 two commercial units could be combined into a single space.

39  
40 Commissioner Schlager commented that it is reasonable to assume that a single person would  
41 occupy one of the small office spaces. He stated, however, that a space of 891 square feet would



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1 be more conducive of a business rather than a home office type use and would be more likely to  
2 result in parking issues.

3  
4 In response to a question from Commissioner Seville-Jones, Associate Planner Haaland  
5 commented that the draft Resolution specifically prohibits medical office use for the commercial  
6 units because staff is certain that such requests will be received.

7  
8 Commissioner Seville-Jones asked whether staff has a concern regarding whether the parking  
9 ratio would be functional with two separate businesses of 434 and 457 square feet sharing only  
10 three parking spaces. She asked if the parking ratio assumes larger businesses.

11  
12 Associate Planner Haaland commented that the parking ratio does not have a threshold based on  
13 square footage for each business. He indicated that the two commercial units are not limited to  
14 two tenants, and they could be occupied by a single larger tenant or three or four smaller tenants.  
15 He said that the Code only specifies one parking demand ratio for the type of use.

16  
17 In response to a question from Commissioner Seville-Jones, Associate Planner Haaland indicated  
18 that the proposal is for two separate condominium unit ownerships, but the tenancies are not  
19 specified.

20  
21 **Patrick Killen**, the project architect, indicated that there would be a setback of approximately 33  
22 feet for the residential components off of Manhattan Beach Boulevard and an 11 foot setback to  
23 the south. He described the design of the building. He stated that there are methods of  
24 cantilevering the structure if the columns were required to be eliminated. He indicated that the  
25 columns would consist of four 5 foot beams from the face of the building that would extend west  
26 to the property line. He said that a full height masonry wall is proposed along the property line,  
27 and the columns would be buried within the wall. He indicated that the neighborhood is very  
28 mixed with a number of buildings with office or commercial space on the ground floor and  
29 residences above. He commented that Manhattan Beach Boulevard is an appropriate location for  
30 additional mixed use projects because there are existing buildings with both commercial and  
31 residential components. He stated that it is appropriate to have the commercial on the street front  
32 with the residential behind.

33  
34 In response to a question from Commissioner Schlager, **Mr. Killen** indicated that the  
35 commercial parking spaces would all be full size.

36  
37 In response to a question from Commissioner Seville-Jones, **Mr. Killen** said that it is possible  
38 that the pet grooming studio would relocate to the building when it is reconstructed. He stated  
39 that office use is proposed for the upper levels. He commented that possibly uses such as a hair  
40 studio or an insurance agency would locate at the site. He indicated that any potential use would  
41 be required to be a personal service or general office.

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1  
2 In response to a question from Commissioner Seville-Jones, **Mr. Killen** commented that it was  
3 decided to include two commercial units in order to break up the massing at the front. He  
4 commented that the proposal is similar to the pattern of surrounding developments. He indicated  
5 that they attempted to have the square footage be located near the outside rather than in the  
6 interior of the structure.

7  
8 Commissioner Lesser commented that he has a concern with the functionality of the small office  
9 spaces on the upper level.

10  
11 **Mr. Killen** commented that there are many small office uses of approximately 300 square feet in  
12 the City, and there is a demand for small office spaces.

13  
14 Chairman Bohner opened the public hearing.

15  
16 **Joseph DiMonda**, a resident of 3<sup>rd</sup> Street, stated that the concept of mixed use is a good idea and  
17 may help to get people to walk rather than drive in their cars. He said that the project would be a  
18 good addition to the boulevard, and it is difficult to find small office spaces in the City. He  
19 indicated that the issue of applying commercial or residential standards for such projects does  
20 need to be addressed. He suggested that the guest parking spots for the residential uses possibly  
21 be allowed to be shared with the commercial components. He commented that parking is always  
22 an issue on small commercial lots, and parking needs to be addressed if mixed use projects are to  
23 be encouraged. He said that he feels the project would be a great addition to the street.

24  
25 **Scott Yanofsky**, a resident of the 300 block of Larsson Street, said that he feels it is a great  
26 project. He said that Manhattan Beach Boulevard needs to be cleaned up, and he supports the  
27 concept of mixed use. He commented that mixed use developments are very common in New  
28 York. He commented that he feels the small office spaces would be an appropriate size for small  
29 businesses, and the occupants would regulate the use so that only one person is at the office at  
30 any one time.

31  
32 **Patricia Kelly**, the owner of the property to the east of the subject site, stated that she supports  
33 the goal of developing mixed use, especially on Manhattan Beach Boulevard. She indicated that  
34 her property line backs up to an existing three story wall on the other side adjacent to Manhattan  
35 Vision. She said that she is concerned about her property being closed in between two large  
36 walls if the project is built. She commented that there are single owners of the adjacent units  
37 whose project values could be impacted. She indicated that the proposal would change the  
38 nature of the street, and the impact to her property is uncertain. She suggested that the properties  
39 within the block rather than only the immediately adjacent properties need to be considered as  
40 projects are analyzed.

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1 Commissioner Schlager thanked Ms. Kelly for speaking and indicated that the Commission  
2 would not be aware of the issues she described without her input. He commented that the City is  
3 attempting to encourage open architecture, light and air being maintained with projects including  
4 this one. He commented that such input is invaluable.

5  
6 Chairman Bohner closed the public hearing.

7  
8 Commissioner Seville-Jones indicated that she is concerned about parking with the subject  
9 proposal. She stated that the occupants of the proposed offices most likely would not be at the  
10 site all of the time, which would ease the demand for the parking spaces. She stated that she  
11 would not want to see Manhattan Beach Boulevard only include office spaces. She said that she  
12 would like to see more retail along Manhattan Beach Boulevard as development along the street  
13 moves forward. She said that there is a desire in the City for small office uses, and the design of  
14 the project is attractive. She commented that she does not have a concern with the columns as  
15 proposed, and they would allow the driveway to provide a sufficient turning radius. She stated  
16 that the setbacks conform with the residential standards; would allow for light and air; and would  
17 not be intrusive on the neighboring properties. She indicated that she also feels that a buffer  
18 would be maintained between the commercial and residential uses.

19  
20 Commissioner Schlager stated that he supports the project and feels it is a wonderful design. He  
21 commented that he can relate to the concern of Ms. Kelly regarding her property being enclosed.  
22 He pointed out, however, that the City is very densely populated. He indicated that the proposed  
23 design is very open, less massive and very unobtrusive. He said that the parking as proposed  
24 would be an improvement to the existing condition at the site and would provide better safety.  
25 He stated that he would like to see continued improvements for entering and exiting driveways  
26 along Manhattan Beach Boulevard in order to improve safety, and he feels the subject project  
27 provides a viable solution.

28  
29 Commissioner Lesser said that he supports the project with some reservations. He said that he  
30 supports mixed use to encourage walking and more community involvement. He pointed out  
31 that the subject block already includes mixed use developments. He commented that he feels the  
32 concern regarding encroachment into the setback is balanced by the benefit of the columns  
33 allowing for free flow of movement in the parking area. He said that he feels it is appropriate in  
34 this instance to allow the commercial standards to apply. He said that he has a concern with the  
35 functionality of the office uses and shares the concerns of Commissioner Seville-Jones regarding  
36 the parking. He stated that based on the small size of the office space, he believes that they have  
37 to defer to staff that the City's standards for such office uses would be sufficient. He indicated  
38 that he appreciates the articulation that is provided with the design, and he feels it will allow for  
39 air flow and light to be maintained. He commented that he also does not feel the residential  
40 component would be detrimental to the commercial uses because of the predominance of the  
41 commercial frontage.

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1  
2 Commissioner Powell stated that he supports the project. He commented that the Commission  
3 must look at the impact on surrounding properties with blocking sunlight and air flow. He stated  
4 that the design would provide articulation and would be an upgrade to the street. He indicated  
5 that he also supports mixed use. He commented that he does not have a concern with residential  
6 uses being detrimental to the commercial uses for this project, as the local commercial and high  
7 density residential zones are compatible. He stated that he does not feel the encroachment of the  
8 posts into the setback is a great concern, and it is critical for the subject design. He indicated that  
9 the design does comply with Code requirements relative to use, height, floor area, parking,  
10 landscaping, open space, and setbacks, excluding the concern with the posts. He indicated that  
11 the project is also consistent with the General Plan. He pointed out that conditions have been  
12 included prohibiting medical office use; requiring a trash and recycling plan; requiring that the  
13 site provide reciprocal vehicle access with adjacent properties; requiring that parking spaces be  
14 marked and signed and commercial spaces shall be available to employees and customers;  
15 prohibiting pole signs and internally illuminated signs; and requiring that a sign program be  
16 submitted to the Community Development Director.

17  
18 Chairman Bohner said that he supports the project. He stated that it provides great articulation  
19 and fits in well with the neighborhood. He commented that mixed use is important to consider  
20 for the City and is very appropriate for the site. He indicated that the commercial use would be  
21 very small in scale, and he does not feel it would create a problem with the residents. He  
22 commented that he supports the encroachment into the setback for the proposed columns because  
23 they would allow driveway access which is important for the project. He indicated that he also  
24 supports the project.

25  
26 A motion was MADE and SECONDED (Schlager/Powell) to **APPROVE** a Use Permit and  
27 Vesting Tentative Parcel Map 68336 for Proposed Construction of a Mixed-Use Building With  
28 Two Commercial Condominium Units and two Residential Condominium Units at 930  
29 Manhattan Beach Boulevard


30  
31 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner  
32 NOES: None  
33 ABSENT: None  
34 ABSTAIN: None


35  
36 Director Thompson explained the 15 day appeal period and stated that the item will be placed on  
37 the City Council's Consent Calendar for their meeting of September 18, 2007.

38  
39 **07/0822.2 Consideration of an Amendment to a Previously Approved Use Permit for**  
40 **Removal and Replacement of Two Existing Pine Trees Which are Impacting**  
41 **Construction on the Site at 303 South Peck Avenue**

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

**TO:** Planning Commission

**FROM:** Richard Thompson, Director of Community Development 

**BY:** Eric Haaland, Associate Planner 

**DATE:** August 22, 2007

**SUBJECT:** Consideration of a Use Permit and Vesting Tentative Parcel Map 68336 for Proposed Construction of a Mixed Use Building with Two Commercial Condominium Units and Two Residential Condominium Units on the Property Located at 930 Manhattan Beach Boulevard (Cleland)

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** the attached resolution approving the project subject to certain conditions.

**APPLICANT**

Dennis Cleland  
PO Box 969  
Manhattan Beach, CA 90266

**BACKGROUND**

The subject site presently consists of a commercially zoned interior lot with a single-tenant building occupied by a pet grooming business. The project is proposed to include a single 3-level building with on-grade parking, 2 commercial units and 2 residential units. A vesting tentative parcel map is proposed to subdivide the property into separate ownership of each of those units. Section 10.16.020 of the city's zoning code requires use permit approval for the proposed residential use in a commercial zone.

## PROJECT OVERVIEW

### LOCATION

Location	930 Manhattan Beach Blvd. between Poinsettia Ave. and Dianthus St.. (See Vicinity Map).
Legal Description	Lot 6, Block 4, Tract No. 142.
Area District	I

### LAND USE

General Plan	Local Commercial	
Zoning	CL, Commercial Local	
Land Use	Existing 2033 sq. ft. commercial space	Proposed 891 sq. ft. commercial space & 2 residential units totaling 4,907 sq. ft.
Neighboring Zoning/Land Uses	North (across MBB) South East West	CL/Office Bldgs. RS/Church. CL/Triplex CL/Triplex

### PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	5,225 sq. ft. (50'x104.5')	4,000 sq. ft. min
Residential Density:	1 unit / 2,612 sq. ft. lot area	1 unit / 1000 sq. ft. lot area max.
Building Floor Area:	4,907 sq. ft.	5,225 sq. ft. max
Height	30 ft.	30 ft. max.
Setbacks		
Commercial	Varies: 0 – 8 ft.	None
Residential		
Front	32 ft.	20 ft.
Rear	11.35 ft.	11.35 ft.
East side	5 ft.	5 ft.
West side	5 ft. (*)	5 ft.
Parking:	9 spaces	9 Spaces
Vehicle Access	1 MBB driveway	N/A

(\*) – Support posts proposed at west property line.

## **DISCUSSION**

The submitted plans show an existing commercial use site to be redeveloped with a 3-story building with commercial spaces in front and residential units behind, which would be owned separately in a condominium subdivision. The site would contain a 4,907 square foot building including two split level commercial spaces, 2 residential units, and on-grade parking. Pedestrian and one driveway access would be taken from Manhattan Beach Boulevard.

The proposed mixed use building would replace the existing 1-story building on the property with substantially increased floor area. All parking related to this building would be contained within/under the building. Three commercial parking spaces, and 6 residential spaces would be located in the street-level garage and unenclosed paved areas behind the commercial tenant spaces. Stairs for residents are provided in private garages, and all users of the building would share the elevator and two stairways accessing the public sidewalk. The building frontage includes ground level commercial space, walkway/stair entries, landscaping and a driveway; and upper levels of commercial space, an elevator tower, and outdoor deck area.

The project conforms to the city's requirements for use, height, floor area, setbacks, parking, landscaping, and open space. The commercial portion of the project is subject to the CL regulations. The residential units are subject to the RH (residential) development standards except that the overall project floor area ratio for the mixed use site must conform to the more restrictive CL requirement. The project issues that warrant discussion include the following: residential use, mixed use setback standards, and project design.

### **Residential Use:**

The CL zone allows for residential use in those commercial areas, subject to use permit approval. The Planning Commission must determine that the proposed residential units are not detrimental to the subject commercial area, and that the residential occupants of the units would not be detrimentally affected by the surrounding commercial uses. Residential use occupies the majority of the development, although the commercial portion is at the most prominent location facing Manhattan Beach Boulevard. Although the ground floor commercial space occupies a minority of the site frontage, this appears to be a generally desirable mixed use design with a commercial/residential proportion consistent with recent mixed use projects in the city. The overall design concept appears consistent with the purpose of the Local Commercial district (MBMC 10.16.010) by providing small scale commercial use along Manhattan Beach Boulevard and compatible residential use adjacent to the abutting single family residential district.

Staff also believes that the proposed condominium occupants would not be detrimentally affected by the uses in the commercial area, since it is of relatively low intensity, and it includes and abuts residential uses.

### Mixed Use Setback Standards:

The zoning code's development standards for mixed use development (Section 10.16.030(P)) in the CL zone generally specify that commercially used portions of a building comply with applicable commercial standards, and residential portions comply with residential standards. Proposed mixed use buildings often include design elements that are unclear as to whether a residential setback should be required. Decks, roofs, shafts, and utility items are common elements that may serve or abut a residential portion of a building, but are often not required to observe residential setbacks since they also serve or abut a commercial use. The Planning Commission should determine which standards are appropriate when ambiguous design issues such as this occur.

The rear (residential) portion of the proposed building generally observes residential setback requirements, however, it includes four support posts extending from the 2<sup>nd</sup> story to the ground with zero clearance from the west side property line. Residential standards would require a 5-foot side yard setback there with an allowance for architectural column projections of 1 foot. In this case, placing the posts at the residential setback would obstruct the required driveway clearances for both residential and commercial parking spaces. It appears to be appropriate to allow the posts as proposed since the driveway does serve the commercial use to some extent, and a zero setback is permitted for commercial structures. The posts would not be more obtrusive to the neighboring property compared to the existing commercial building's 1-story wall located on the property line.

### Project Design:

The project design is in conformance with all applicable regulations including the 1.0 floor area ratio (5,225 sq. ft. max.) of the CL zone. Inland RH districts permit floor area ratios up to 1.2. The overall appearance of the project is modern style featuring extensive frontage modulation, deck areas, and a planter at the upper level. Most commercial buildings in the area are less than 3 stories tall however the applicant proposes most of the commercial third story level to be open deck and planter area reducing bulk concerns for the less intensive Local Commercial neighborhood.

An unusual aspect of the commercial spaces is that they are small (434 & 457 square feet) and are each split between two floors. The applicant has indicated that this configuration is functional for the pet grooming operation currently operating on the property, and is common for larger office tenants.

The project plans do not provide any sign information. A standard condition prohibiting pole signs is recommended as well as a condition prohibiting internally illuminated signs in recognition of the lower intensity commercial character of this area.

An additional design related requirement imposed by the attached resolution includes potential driveway sharing with a future neighboring project. It is relatively common to



condition commercial projects to cooperate with future neighboring projects in maximizing driveway and general circulation efficiency.

**Public Input:**

A public notice for the project was mailed to property owners within 500 feet of the site and published in the Beach Reporter newspaper. Staff has received no responses to the project hearing notice

**ENVIRONMENTAL DETERMINATION**

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15303 and 15332 based on staff's determination that the project is a small infill development within an urbanized area.

**CONCLUSION**

Staff recommends that the Planning Commission accept public hearing testimony, discuss the project issues, and adopt the attached resolution approving the project subject to certain conditions.

**Attachments:**

- A. Resolution No. PC 07-
- B. Vicinity Map
- C. Applicant description  
Plans (separate)

c: Dennis Cleland, Applicant  
Srouer & Associates, Applicant Rep.  
Studio 912, Architect.

RESOLUTION NO. PC 07-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
MANHATTAN BEACH APPROVING A USE PERMIT FOR  
CONSTRUCTION OF A NEW MIXED USE BUILDING ON THE  
PROPERTY LOCATED AT 930 MANHATTAN BEACH BOULEVARD  
(Cleland)

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 on August 22, 2007, received testimony, and considered an application for a use permit and vesting tentative parcel map 68336 for construction of a proposed 4,907 square foot mixed use building to include two commercial condominium units and two residential condominium units on the property located at 930 Manhattan Beach Boulevard in the City of Manhattan Beach.
- B. The existing legal description of the site is Lot 6, Block 4, Tract No. 142.
- C. The applicant for the subject project is Dennis Cleland. The owner of the property is Paws a While Inc.
- D. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15303 and 15332 based on staff's determination that the project is a small infill development within an urbanized area.
- E. 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.
- F. The property is located within Area District I and is zoned CL, Commercial Local. The use is permitted by the zoning code and is appropriate as conditioned for the local commercial area. The surrounding private land uses consist of CL and RS (Residential Single Family).
- G. The General Plan designation for the property is Local Commercial. The General Plan encourages commercial development such as this that provides for small businesses, which serve city residents.
- H. Approval of the commercial and residential use project, subject to the conditions below, 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 since the project is compatible with the surrounding neighborhood and is in compliance with all applicable regulations as detailed in the project staff report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Vesting Tentative Parcel Map 68336 application for a commercial and residential condominium building, subject to the following conditions (\*indicates a site specific condition):

## RESOLUTION NO. PC 07-

### Site Preparation / Construction

1. \* The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on August 22, 2007. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. 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.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
9. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

RESOLUTION NO. PC 07-

Condominium Conditions

13. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
  - a. Dianthus Street with Manhattan Beach Blvd.
  - b. Poinsettia Avenue with Manhattan Beach Blvd.
  - c. Dianthus Street with 11th Street.
  - d. Poinsettia Avenue with 11th Street
14. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
15. Vesting Tentative Parcel Map No. 68336 shall be approved for an initial period of 3 years with the option of future extensions. The final map shall be recorded prior to condominium occupancy.

**Commercial Operational Restrictions**

16. \* The facility shall include 891 square feet of general office/personal services commercial space. Medical office use shall be prohibited.
17. The management of the facility shall police the property and all areas immediately adjacent to the businesses on the site during the hours of operation to keep it free of litter.
18. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
19. A covered trash and recycling enclosure(s), with adequate capacity shall be provided on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
20. \* The site shall allow reciprocal vehicle access with adjacent properties for any future City approved project upon which a similar reciprocal access condition is imposed. Such access shall be through the site's parking lot and driveways. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
21. \* Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Parking spaces shall be marked and signed as required by the Community Development Department. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial or guest parking areas shall be prohibited. Future parking lot modifications for the purposes of providing reciprocal access to a neighboring commercial property, and any parking requirement modifications that are warranted, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
22. \* All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. A sign program shall be submitted to the Community Development Department for review and approval prior to sign permit issuance.
23. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
24. Any outside sound or amplification system or equipment is prohibited.

**RESOLUTION NO. PC 07-**

**Procedural**

25. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
26. 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.
27. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
28. 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 August 22, 2007 and that said Resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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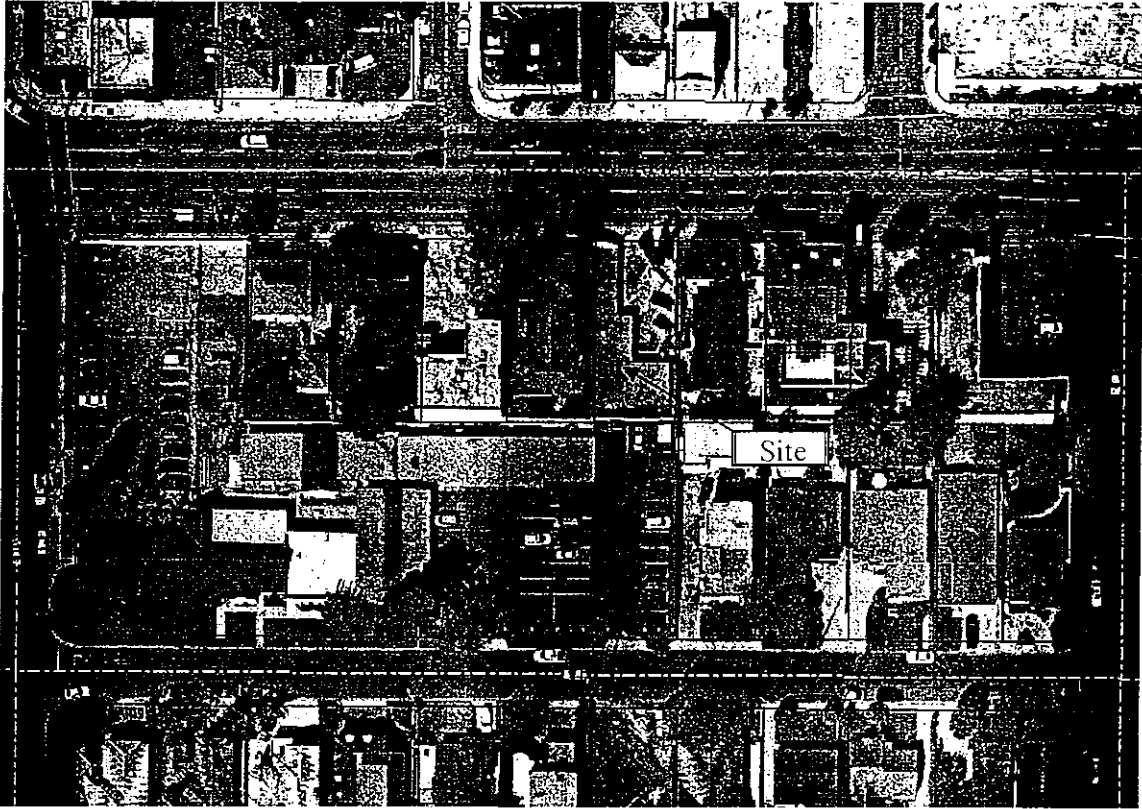
**RICHARD THOMPSON,**  
Secretary to the Planning Commission

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**Sarah Boeschen,**  
Recording Secretary

# 930 Manhattan Beach Blvd.

Vicinity



## ATTACHMENT TO APPLICATION CUP for CONDOMINIUM USE

930 MANHATTAN BEACH BLVD.

January 2007

The subject property consists of a 5225 sf, originally subdivided lot containing a 2000 sf building constructed in 1957. All existing structures will be demolished. The property is zoned CL which allows a variety of local commercial activities as well as high density residential uses. The CL zoning anticipates businesses that serve daily needs of local residential areas utilizing development standards that are compatible with nearby residential development. The proposed development responds to that goal with a low profile, mixed use complex that provides an opportunity for both commercial and residential uses. This concept is a common configuration historically and responds to the current reality of this particular location situated on a major commercial corridor and immediately adjacent to a residential neighborhood. The mixed use concept orients the commercial units towards Manhattan Beach Blvd., with direct street access to the businesses, and locates the residential units at the rear of the lot abutting the residential neighborhood to the south. The physical layout of the development also buffers the residential uses from the commercial activity on the boulevard. Parking is accessed from MB Blvd. with two surface spaces for the businesses and private enclosed residential parking and guest parking located in the basement level.

The proposal satisfies the requirements for a conditional use permit for condominium purposes as follows:

*The proposed location of the use is in accord with the objectives of the title and purposes of the district.*

The CL zoning anticipates a range of small business activities that respond to daily needs of the local community. In addition, the zoning does permit residential and mixed use development. The proposal maintains the commercial presence on a busy corridor, without overwhelming the area with an unsuitable and over developed commercial center. The commercial component is designed to accommodate a variety of business activities attractive to the local community that blend in with the over all character of the neighborhood. The residential use responds to a critical need for a variety of housing within the community, and these units are separated from the street facing businesses and are designed to enjoy privacy and all amenities normally associated with a single family lifestyle.

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

The proposed location of the use is in accord with the objectives of the title and purposes of the district in that new local business opportunities are created with the building designed in such a way as to blend in with both the high activity of the commercial corridor as well as with the adjacent residential neighborhood.

This proposal responds to a number of goals identified in the General Plan which seek to support and encourage the viability of commercial areas, to preserve the positive features of individual planning areas, and to protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

The building design is both attractive, nicely articulated, and provides an appropriate environment within which the proposed business can operate in a productive and harmonious setting without interfering with surrounding activities such as public access, traffic circulation, nearby business activities and the surrounding residential community. The design provides adequate parking for the building and proposed and potential uses. It provides all amenities normally associated with the residential and business use, and all commerce is oriented towards the MBB corridors.

Finally, the proposed mixed use development will strengthen the commercial component of this CL neighborhood without compromising the integrity of the existing neighborhood character or interfering with daily activities of street.

*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 is located.*

The proposed business will operate within all provisions of the Code and any conditions that govern the specific use. In addition, the building has been designed to comply with all applicable standards and requirements.

*The proposed use will not adversely impact nor be adversely impacted by nearby properties, nor will it create demands exceeding the capacity of public services and facilities which cannot be mitigated.*

The design of the commercial component is intended to attract the types of smaller, neighborhood serving uses anticipated by the CL zone. And, for all the reasons enumerated above, the proposed mixed use building will not impact the surrounding area. Because the proposal is designed to compliment and be compatible with the surrounding neighborhoods, the proposed development will not be adversely impacted by the surrounding neighborhood.

In designating this area as CL and designating specific uses and goals as part of that designation, the City has in effect determined that sufficient public services exist to accommodate the anticipated range of uses as proposed in this application. Although the new homes will incrementally add to the supply of available housing in the area it will not adversely impact the surrounding uses. In addition, new homes are a desirable and needed component to the community.

As proposed, the development is a modest increase of existing conditions, but it will be complimentary to the site and consistent with surrounding uses and development currently taking place in the neighborhood. This proposal will not create any conflict nor will there result any significant impact upon the land use in the area as it incorporates all standards that have been established to maintain compatibility between neighboring uses.