



Agenda Item #: 07/0918.12

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*
Angelica Ochoa, Assistant Planner *AO*

DATE: September 18, 2007

SUBJECT: Consideration of Planning Commission Approval of an Amendment to a Previously Approved Use Permit for Removal and Replacement of Existing Pines which are Impacting Construction at Manhattan Beach Community Church at 303 S. Peck Ave

RECOMMENDATION

Staff recommends that the City Council **RECEIVE and FILE** this report.

FISCAL IMPLICATION

There are no fiscal implications associated with the recommended action.

BACKGROUND

At the public hearing of August 22, 2007, staff presented to the Planning Commission a request for an amendment to a use permit and variance to allow the removal and replacement of two existing Aleppo Pine trees being impacted by the construction of a new two-story building located at 303 South Peck Avenue. A previously approved use permit (PC 06-18) allowed the construction of a two-story building consisting of an assembly hall, youth hall and elevator shaft/bell tower. A condition, added by the Planning Commission, Section 2, General Item No. 6 in the resolution was to protect all existing trees on site as part of the approval of the project. The existing subject pine trees would not be protected under the city's current Tree Ordinance since they are located out of the required front yard setback. The applicant, Manhattan Beach Community Church (MBCC) is seeking an amendment to their use permit to remove and replace the existing pine trees to continue with their project.

DISCUSSION

The discussion at the public hearing focused on the applicant, MBCC, and their reason for removing the existing pine trees. The applicant explained the need to hire an arborist during construction to review the condition of the existing pine trees at the site due to the close proximity of the foundation of the new two-story building. The recommendation by the arborist was to remove the two Aleppo Pine trees due to significant root damage already caused by the foundation of the new building and replace them with other trees at a different location. In addition, the canopies of the subject Pine trees, which normally spread 20-40 feet, would need

severe pruning to continue with construction of the project.

Public testimony was received from one resident on giving special attention to preserving and saving trees in any case and relocating trees to another appropriate area on site. The representative for the applicant, MBCC, stated that there are currently 80 mature trees on site and other trees would also be impacted due to location and construction of the new building. For this reason, the applicant has been working with an arborist weekly to review the condition of the trees and requested that the Planning Commission re-evaluate the condition in their use permit of preserving all existing trees on site.

The Planning Commission was concerned with the removal of existing mature trees and replacing them with another species in a location that would not interfere with the construction of their project. Another issue of concern was to retain as many trees as possible. The Planning Commission approved the removal of the two Aleppo Pine trees to continue with construction of the project and directed the applicant, MBCC, to work with staff and the City arborist to determine the species and location of the replacement trees. The City's arborist has been working with the applicant's arborist on two other trees that will likely require removal and replacement. It was decided that all future decisions for removal and replacement of any trees would be made administratively, which is consistent with the procedures established by the Tree Ordinance. This is stated as a condition in the approved Resolution P.C. 07-14, Section 2, No. 6 as follows:

6. All existing trees shall be preserved as part of the subject proposal, to the extent that is feasible. The two Aleppo Pine trees to the north of the new building may be removed and replaced. Any removal and replacement is subject to approval from the Community Development Director. Replacement tree size, location and species are subject to the Community Development Director approval, with the aspiration that the 2 removed Aleppo Pine trees be replaced with 2 mature minimum 48" box trees, at the discretion of the City's designated arborist and will be applicable to all future trees removed.

After receiving public testimony and discussing the project, the Planning Commission **ADOPTED** Resolution No. PC 07-14 (5-0), approving the subject application.

ALTERNATIVES

The alternatives to the staff recommendation include:

- **RECEIVE** and **FILE** the Planning Commission's decision of **APPROVAL**
- **APPEAL** the decision of the Planning Commission and schedule the subject item for a public hearing

Attachments: A. Resolution No. PC 07-14
B. Final Planning Commission Minutes excerpts; 08/22/07
C. Planning Commission Staff Report and attachments; 08/22/07

cc: Bruce Kuch, Project Manager on behalf of MBCC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING AN AMENDMENT TO A USE PERMIT FOR REMOVAL AND REPLACEMENT OF TWO EXISTING TREES FOR A 2 STORY YOUTH CENTER/ASSEMBLY HALL, ESTABLISHING SITE-WIDE PARKING REQUIREMENT AND APPROVING A VARIANCE FOR AN ELEVATOR SHAFT/BELL TOWER WHICH WOULD EXCEED THE 30-FOOT HEIGHT LIMIT AT 303 S. PECK AVENUE (Manhattan Beach Community Church)

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 to consider a Use Permit Amendment to modify condition No. 6 of PC Resolution No. 06-18 to preserve all existing trees on site. The request is to remove 2 existing Aleppo Pine trees due to impact of construction of a new assembly and youth hall building previously approved (PC 06-18).
- B. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on October 25, 2006 and November 15, 2006 and approved a Use Permit and Variance application, which included establishing a parking requirement for the site.
- C. At the October 25, 2006 Planning Commission meeting, a motion was made to reopen the public hearing and continue the item to the November 15, 2006 meeting with direction to staff to prepare a 'draft' resolution for the Commissions consideration.
- D. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- E. The applicant for the Variance application is Bruce Kuch, representative for the Manhattan Beach Community Church.
- F. The applicant filed a Use Permit and Variance applications to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which facilitates disabled access requirement between and provides access between two levels of the existing structure, which exceeds the maximum 30-foot height limit, and 3) establish a parking requirement for the existing uses on the subject property.
- G. In 2003, the City Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a religious facility which was otherwise exempt from a Use Permit requirement. In this case the subject Use Permit replaces the mediation process.
- H. Section 10.28.030, L-20 (3), states that no portion of any building shall exceed a height of 30 feet as measured from the average of the finished ground level at the center of all walls. Based on the submitted survey data, the maximum allowable building height is 131.93'.
- I. The submitted plans showed a proposed building height for the proposed elevator shaft/bell tower at a 138.29' elevation. Based on this height proposal, the structure would exceed the allowable building height by 6.36'.
- J. Residential land use regulation, Section 10.12.020 L-3, provides an exemption from a Use Permit requirement for existing church facilities that are not developed beyond half (50%) of their allowable buildable floor area. With the proposed structure, the site would be at

EXHIBIT A

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40% of their allowable buildable floor area. However, a Use Permit application was filed to establish the parking requirement for all existing/proposed uses.

- K. The project site will provide 99 on-site parking spaces located on the east and west lots of the property. The City Traffic Engineer has reviewed the site plan and evaluated the parking study prepared by Kaku Associates and has concluded that the 99 on-site parking spaces are sufficient to meet the parking demand for the existing/proposed mix of uses.
- L. The existing parking agreement between the Manhattan Beach Community Church and the Manhattan Beach Unified School District for overflow parking is proposed to be maintained.
- M. According to the California Environmental Quality Act (CEQA), the project is exempt (Class 32, Section 15332) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor infill development and meets the conditions described below.
 - 1. The project is consistent with the applicable general plan designation, general plan policies as well as with applicable zoning designation and regulations.
 - 2. The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
 - 3. The project site has no value as habitat for endangered, rare or threatened species.
 - 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as conditioned.
 - 5. The site can be adequately served by all required utilities and public services.
- N. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the (RS) Residential district in which the site is located. The 99 on-site parking spaces that would be provided for the site is sufficient for the established church/school uses. Additionally, the church has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking.
 - b) The location of the proposed building and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 4, which encourages preservation of features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. This project would not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in the adjacent neighborhood uses; and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. Additionally, the removal of mature trees would require replacement with mature trees.
 - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed building use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, and trash area.
 - d) The proposed use would not adversely impact nearby residential properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- O. 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.
- P. The Planning Commission made the following findings with respect to the Variance application:

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1. The applicant requested approval of a Variance application to allow the construction of a new elevator shaft/bell tower, which would exceed the allowable height limit by 6.36'.
2. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the east and west. The properties to the north and south are zoned Public and Semi-Public.
3. The General Plan designation for the property is Low Density Residential.
4. Based upon State law, the proposed project will meet the required findings as follows:

Variance

- a) The special circumstance applicable to this property is the extreme topography of the site. Because the structure will be located at the center of the property, nestled between two existing structures, surrounded by mature landscaping that will shield the project from the surrounding neighborhoods, the proposal would not create additional view obstruction to the surrounding properties. Based on the A-frame roof design the bulk of structure would also be minimized.
- b) The relief may be granted without substantial detriment to the public good and the project would not be detrimental or injurious to property or improvements in the vicinity of the development. The closest residential properties are located 300 feet from the proposed building location.
- c) Granting the request is consistent with the purpose of Title 10 of the MBMC and would not constitute a granting of a special privilege because the proposed building location conceals the bulk of the structure. Additionally, due to the proposed location of the building, which is substantially lower than the public right-of-way on Peck Avenue, the scale of the structure would remain minimal as compared to the surrounding developments.

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

General

1. This resolution will supersede Resolution No. 06-18 and all findings and conditions are to remain the same except for Item No. 6, Section 2, which was revised and approved by the Planning Commission on August 22, 2007. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on October 25, 2006, November 15, 2006, and August 22, 2007.
2. In order to address safety concerns regarding the drop-off and pick-up of students during and after construction for the Montessori school, the applicant shall provide a plan which shows loading and unloading of children safely. This plan shall be submitted for review and approved prior to the issuance of any permit.
3. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of any 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 and will ensure the safety of the students attending the Montessori School.
4. The demolition permit shall not be issued until the State of California Health and Human Services Agency Department of Social Services issues all necessary permits and/or

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licenses for the relocation of the playground for Facility No. 191602098 without requiring a reduction in the current legally allowable number of students attending the Montessori School.

5. Preparatory non-invasive work will be allowed prior to the issuance of a building permit subject to agreement between the school and church and approval by City staff.
6. All existing trees shall be preserved as part of the subject proposal, to the extent that is feasible. The two Aleppo Pine trees to the north of the new building may be removed and replaced. Any removal and replacement is subject to approval from the Community Development Director. Replacement tree size, location and species are subject to the Community Development Director approval, with the aspiration that the 2 removed Aleppo Pine trees be replaced with 2 mature minimum 48" box trees, at the discretion of the City's designated arborist and will be applicable to all future trees removed.
7. The church is required to encourage visitors to the site to utilize on-site parking on a regular basis.

Public Works

8. All landscape irrigation backflow devices must meet current City requirements for property installation.
9. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
10. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
11. A backwater valve is required on the sanitary sewer lateral if the discharges from the fixtures with flood level rims that 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.
12. If the 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.
13. A mop sink must be installed and shown on the plumbing plan.
14. 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.
15. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
16. All existing and approved 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 plans, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.
17. Commercial establishments are required by Municipal Code 5.24.030 (C)(2), to have a sufficient refuse storage space to enclose a commercial lift container(s). The refuse

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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 refer to the Code section for further clarification.

18. 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, percent of slope of driveway and driveway elevations.
19. For any parking lot with 25 or more spaces, weekly sweeping will be required.
20. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
21. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on plans.
22. 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.
23. 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.
24. Any new storm water, nuisance water, etc. or drain lines installed within the street right-of-way, must be constructed of ductile iron pipe. Drains must be shown on plans.
25. Plan holder must have the plans re-checked and stamped for approval by the Public Works Department before the building permit is issued. All of the Public Works notes and conditions must be printed on the plans. No Exceptions.

Fire Department

26. The subject site must meet emergency access requirements. Plans shall be submitted and approved by the Fire Department.

Building Division

27. The subject site shall comply with all current California Building Code guidelines for disabled access requirements, including the disabled access parking space currently located at the first level at the southerly end of the Montessori school. Plans shall be submitted for review and approval by the Building Division prior to the issuance of any permit.
28. The proposed project may be subject to the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Applicant shall contact the building division and obtain a copy of the application to determine compliance.

Procedural

29. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
30. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
31. The Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.

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32. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action 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.

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: Chairman Bohner, Lesser, Powell,
Seville-Jones, and Schlager**

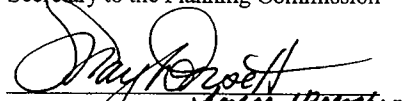
NOES:

ABSTAIN:

ABSENT:



RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boesch *Journal Boesch*
Recording Secretary

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

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

A motion was MADE and SECONDED (Schlager/Powell) to **APPROVE** 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 at 930 Manhattan Beach Boulevard

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

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

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



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Chairman Bohner said that he is a member of the Manhattan Community Church. He indicated however, that he has no financial interest in the project and feels he can consider the item fairly.

Assistant Planner Ochoa summarized the staff report. She indicated that the request is to amend the existing Use Permit for the project to allow for the removal of two existing pine trees. She commented that there is a condition included in the Use Permit for the new two-story youth center assembly hall that all existing trees on site are to be preserved, and the applicant is requesting to amend the condition in order to remove and replace two existing pine trees. She indicated that the concern regarding the trees is their distance to the building foundation. She commented that the foundation of the building is within the root zone of the trees, and the canopies also would impact the height of the structure. She stated that the arborist report that was submitted to staff recommends that the trees be removed because of the impact to the new building and because removal of some of the roots would result in the trees becoming unstable and weak. She indicated that the project was noticed to properties within 500 feet, and notice was also published in the Beach Reporter. She said that conditions are included in the draft Resolution requiring that the trees be replaced with 48-inch box trees and requiring that all other existing trees on site remain. She said that the proposal would not impact the neighboring properties, and all other conditions would remain.

In response to a question from Chairman Bohner, Director Thompson stated that the existing trees are very large, and alternate locations where they could be placed are very limited. He indicated that staff felt the tree canopy could be preserved by replacing the existing trees with 48 inch box trees.

In response to a question from Commissioner Lesser, Director Thompson said that the City's Tree Ordinance does not apply to the subject trees since they are located in the sideyard.

In response to a question from Commissioner Lesser, Assistant Planner Ochoa stated that the trees are on the side portion of the property and not located near a street.

In response to a question from Commissioner Seville-Jones, Assistant Planner Ochoa said that the City has not had an independent arborist confirm the applicant's report. She indicated that staff feels the statements in the arborist report are valid and that there is a safety issue with continuing to cut the tree roots in order to build the structure.

In response to a question from Commissioner Seville-Jones, Director Thompson indicated that the applicant stopped work on the project voluntarily when they realized there was an issue with the trees.

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2 Commissioner Schlager commented that he visited the site. He indicated that there are two
3 additional trees he noticed where the roots are showing as a result of the excavation for the
4 sanctuary building. He indicated that large branches have also been cut off of the trees.

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6 In response to a question from Commissioner Lesser, Director Thompson said that the tree
7 survey did identify the number of trees on the site. He said that the condition to retain the
8 existing trees was added by the Commission and was not originally included in the draft
9 Resolution. He said that if the issue were realized at the time, staff would have recommended
10 that any exceptions to the condition be subject to an administrative decision.

11
12 **Bruce Kuch**, representing the applicant, said that they started the permit process for the project
13 in February of 2006 and have been through two hearings. He indicated that they are very
14 anxious to continue construction. He said that they were surprised when the condition requiring
15 retention of all existing trees was included as part of the approval at the end of the Planning
16 Commission hearing. He indicated that they believed at the time that the existing trees would
17 not create a problem with construction. He pointed out that the subject trees are over 200 feet
18 from Peck Avenue and 120 feet from Rowell Avenue. He stated that they realized after they
19 began excavation that they were damaging the roots and immediately stopped construction. He
20 indicated that the site has many mature trees, and they cannot excavate on any portion of the
21 property without hitting some tree roots. He commented that other trees will be impacted by
22 construction, and they are attempting to save every tree possible. He said that their roof
23 elevation has a height of 26 feet, which would impact the subject trees. He pointed out that the
24 root system of the tree extends to the same width as the canopy. He stated that they are
25 attempting to maintain handicapped access around the north side of the building between the
26 structure and Pennekamp School, which requires a short retaining wall to allow for wheelchair
27 access around the building.

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29 **Mr. Kuch** indicated that reasons for granting the exception include that the subject trees are not
30 very visible because the location is hidden between Pennekamp School and their new building
31 currently under construction; the site has 80 existing mature trees; pruning the trees would
32 ultimately result in them being lost; the trees are a fire hazard with pine needles falling on the flat
33 roof of the new building; and the arborist has indicated that the particular species of pine can
34 cause excessive damage to the surrounding structures and has recommended their removal. He
35 stated that they are very much in need of a youth center and are anxious to resume construction.
36 He stated that they do have an active tree protection program as part of the construction process.
37 He commented that they have had frequent consultations with an arborist which has been
38 expensive. He stated that they are monitoring the trees on the property during construction. He
39 indicated that they have rerouted underground gas, water, and electrical lines in order to avoid
40 hitting tree roots, which has also been expensive.

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1 In response to a question from Commissioner Lesser, **Mr. Kuch** said that he is not certain of an
2 appropriate location for the two replacement trees if the subject trees are removed. He indicated
3 that any tree that is put on the site would result in damage to one or two existing mature trees.

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5 In response to a question from Commissioner Lesser, Director Thompson indicated that if the
6 proposal is approved, staff would walk the site with the arborist to find an appropriate location
7 for the replacement trees.

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9 In response to a question from Commissioner Lesser, **Mr. Kuch** indicated that they would be
10 happy to work with staff in attempting to find an appropriate location for a reasonably sized
11 replacement trees that is not the same species of pine as the subject trees.

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13 Director Thompson pointed out that the condition does not require that the trees be replaced with
14 pines but does require replacement with two 48-inch box trees. He said that it does allow for
15 flexibility on the type and species for the replacement trees. He indicated that if the Commission
16 wished to allow more flexibility, staff would recommend changing the condition to state that the
17 existing trees be replaced with an appropriate sized box tree.

18
19 Commissioner Schlager suggested that the draft Resolution include that any additional trees that
20 are removed also be required to be replaced. He suggested that the replacement trees be planted
21 at an alternate site in the City if a suitable location is not found on the subject property. He
22 suggested that the church, the arborist and staff study the site and evaluate all of the trees to
23 come back to the Commission with an appropriate resolution which addresses the actual
24 circumstances on the property. He indicated that the subject proposal only identifies two trees,
25 and it appears that more may be impacted by the construction.

26
27 **Mr. Kuch** indicated that the condition requiring the retention of all existing trees has not been
28 applied to any other building in Manhattan Beach and is unfair to be applied for their project.

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30 Commissioner Lesser commented that his recollection is that the concern regarding retaining the
31 existing tree canopy originally was raised because of the desire to keep the trees that line the
32 property to the north. He indicated that Commissioner Schlager then proposed to add the
33 condition that all existing trees be retained in order to arrive at a unanimous vote by the
34 Commission.

35
36 Commissioner Powell commented that his recollection is that the concern that was originally
37 raised was regarding retaining the trees in order to provide a buffer for the view of the bell tower
38 which might be imposing for the neighbors without some screening.

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40 Director Thompson commented that staff believes the applicant had the intent to act in good faith
41 to save the existing trees, and staff otherwise would have not have been aware of the issue. He

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1 stated that the applicant currently has no remedy without a hearing before the Commission to
2 amend their permit to replace existing trees, which results in the project being delayed for a long
3 period of time. He stated that he believes the applicant is willing to do anything they can in
4 order to maintain the canopy, and their intention is to save as many existing trees as possible.

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6 Chairman Bohner opened the public hearing.

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8 **Reverend David Lindsay**, representing the applicant, indicated that the delays have hindered
9 their attempt to meet the needs of the teenagers in the community. He commented that the
10 church has a long history in the City beginning in 1905, and they have always kept their vision to
11 help young people by providing a place to learn a basic sense of morality and compassion for
12 one another. He commented that they have been without a permanent youth center for ten years,
13 and it has been a struggle to meet the needs of their teenagers. He said that having a youth center
14 would help create opportunities to nurture teenagers who are doing well but also help those who
15 are having problems. He commented that they were able to have a space to meet when he was
16 mentored by a youth minister while he was in middle school, and it was that experience that
17 allowed him to come back to the church. He said that the delays that have already occurred have
18 hindered their ability to serve the needs of the teenagers in the community.

19
20 **Carol Wahlberg** indicated that she does not remember having a specific building for the
21 younger people to meet when she went to church while growing up. She indicated that
22 preserving trees is very important for the City, and the environment is being damaged more by
23 the day. She said that she has input from an arborist that it would cost approximately \$10,000.00
24 per tree for the existing trees to be moved to another location. She stated that she feels the
25 community should take an interest in preserving and relocating trees to appropriate sites when
26 they must be moved. She indicated that she is concerned of other trees on the property that may
27 not be able to be saved. She stated that she feels it is important for the church to come back with
28 a specific assessment of the impact on all of the trees.

29
30 **Angela Spidia**, representing the applicant, indicated that they have walked the site and identified
31 all of the trees that may have a problem, and they have attempted to do everything they can to
32 save the existing trees on the site. She commented that the arborist is visiting the site one or two
33 times a week to check on the condition of the trees. She said that the existing pine trees are very
34 large. She stated that the concrete slab has already been poured for the utility room, the
35 classrooms, the youth building, and the assembly hall. She indicated that the subject trees have
36 already been damaged, and removing them would end up costing much more than \$10,000.00
37 per tree. She commented that removing the trees may tear up the new concrete. She said that
38 cutting the roots will result in the trees dying in a few years if they are relocated.

39
40 Chairman Bohner closed the public hearing.

PLANNING COMMISSION [DRAFT] MINUTES

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1 Commissioner Powell said that the youth center serves a very useful purpose, and he feels the
2 project should move forward in a timely fashion. He said that he would like for the existing trees
3 to be relocated; however, it is already too late to preserve the trees according to the arborist
4 report. He stated that he would like for an independent arborist to visit the site. He said that he
5 would want anyone who may be interested to be encouraged to retain an arborist to relocate the
6 trees. He commented that the initial intent of the condition was to preserve the existing tree
7 canopy. He said that the intent also was to shade the bell tower and to provide a buffer to the
8 surrounding neighbors. He said, however, that the two subject trees do not serve as part of the
9 buffer to the adjacent properties. He indicated that he supports a condition that a minimum of
10 two 48-inch box trees be planted on the site at the discretion of the arborist as to the location so
11 that they do not cause issues with the building structure or surrounding trees. He indicated that
12 he would like for the wording of Condition 6 in the draft Resolution to remain. He commented
13 that currently only the two subject trees are being considered, and he would like to see the
14 remainder of the existing trees remain on the site until there is such time that there is evidence of
15 risk to other trees. He indicated that the Resolution may then need to be amended if there is an
16 issue with more trees.

17
18 Commissioner Lesser said that he concurs with the comments of Commissioner Powell. He
19 pointed out that the arborist report indicates that 40 percent of the root mass of the subject trees
20 has already been removed in order to make space for the footing of the new structure. He
21 commended the good faith of the church in voluntarily ceasing construction and bringing the
22 issue forward to staff as opposed to simply cutting down the trees. He indicated that large trees
23 sometimes need replacing in projects. He said that he would like to keep the condition that the
24 church would replace the existing trees with two new 48-inch box trees on the site to be
25 determined by the director, which would be in keeping with the overall intent to shield the bell
26 tower.

27
28 Commissioner Schlager indicated that he is in complete favor of the project for the youth center
29 and does not want it to be delayed because of the trees. He stated that the City is attempting to
30 save mature trees, as it takes many years for trees to grow. He commented that the two subject
31 trees must be removed, as they have been damaged and will not be able to recover. He indicated
32 that most project applicants make the claim that their project is unique and unusual; however,
33 every project that comes before the Commission is unique and unusual. He indicated that it is
34 the job of staff, the Commission, and the applicants to do the proper due diligence before a
35 project is begun to minimize the impact. He stated that there was a purpose in including the
36 condition in the original Resolution in attempting to preserve mature trees. He said that he wants
37 the project to move forward. He commented that he would support maintaining the condition
38 that any tree that must be removed for whatever reason shall be replaced on the property or at
39 another appropriate location with a 48-inch box tree of a species which staff feels appropriate.

40
41 Commissioner Seville-Jones said that she was not on the Commission when the item was

PLANNING COMMISSION [DRAFT] MINUTES

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1 originally considered but has reviewed the minutes and video from the previous hearing. She
2 stated that she feels there was originally good faith by the applicant that they did not expect any
3 impact to the existing trees. She indicated that she wants the project to move forward. She
4 stated that she feels preserving trees is a very important goal. She commented that the original
5 intent of preserving the existing trees on the site was to shield the view of the bell tower and the
6 view from the adjacent property. She pointed out that she would encourage the City Council and
7 Planning Commission to continue to have discussions on protecting trees. She suggested
8 possibly including a tree proposal as part of an application for projects. She stated that the Tree
9 Ordinance should also be expanded to not only include trees in front yards and side yards that
10 front onto streets. She indicated that she does not feel the subject applicant should be held to a
11 higher standard than other applicants with respect to the maintenance of existing trees. She said
12 that she would like to have two replacement trees be placed higher on the embankment where the
13 existing trees are located in order to fulfill the original goal of the Commission to block the view
14 of the bell tower. She said that she understands that it may not be possible, but her preference
15 would be for the replacement trees to be placed in the same general location. She indicated that
16 it appears the roots of the existing trees have been severed to the extent that they must be
17 removed. She commented that she would like to have an independent arborist give an opinion as
18 to the condition of the trees for future projects where similar issues arise regarding trees. She
19 indicated that she would reluctantly support maintaining Condition 6 with its current language.
20 She commented that it is clear there is a lot of support in the community for the project moving
21 forward.

22
23 Chairman Bohner stated that he feels it is appropriate that the project move forward. He stated
24 that he feels it is the goal of the City to protect the tree canopy; however, in certain instances
25 trees must be replaced. He said that it is clear in this instance that the subject trees cannot be
26 saved. He indicated that he feels the applicant has acted in good faith in ceasing construction
27 and seeking consideration of their request to remove the trees. He indicated that he would defer
28 to staff on the type and size of replacement trees as well as finding an appropriate location for the
29 replacement trees. He commented that the applicant has indicated that they feel it may not be
30 feasible to relocate the trees on the subject site, and he would defer to staff and the applicant to
31 work together to reach an agreement. He indicated that he would like for the last sentence of
32 Condition 6 to be removed which states that mature 48-inch box replacement trees shall be used.

33
34 Director Thompson commented that staff wrote the condition to include that mature 48-inch box
35 replacement trees shall be used. He indicated that the motivation is to replace existing mature
36 trees with other mature trees of the same type whenever possible.

37
38 A motion was MADE and SECONDED (Schlager/Powell) to **APPROVE** an Amendment to a
39 previously approved Use Permit for removal and replacement of two existing pine trees which
40 are impacting construction on the site at 303 South Peck Avenue with the revision of the last two
41 sentences of Condition 6 to state that the replacement tree size, location, and species are subject

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

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Angelica Ochoa, Assistant Planner

DATE: August 22, 2007

SUBJECT: Consideration of an Amendment to a Previously Approved Use Permit for Removal and Replacement of Existing Pine Trees which are Impacting Construction at Manhattan Beach Community Church at 303 S. Peck Ave

RECOMMENDATION

Staff recommends that the Commission **CONDUCT** the **PUBLIC HEARING**, **ADOPT** the attached **RESOLUTION** and **APPROVE** the subject application

APPLICANT

Bruce Kuch
411 N. Harbor Boulevard
San Pedro, CA 90266

PROPERTY OWNER

Manhattan Beach Community Church
Jim Belt, MBCC Business Manager
303 S. Peck Avenue
Manhattan Beach, CA 90266

BACKGROUND

On July 25, 2007, Bruce Kuch on behalf of Manhattan Beach Community Church (MBCC) located at 303 S. Peck Avenue submitted an application to amend a previously approved use permit (PC 06-18, Exhibit B). The subject use permit allows the construction of a two-story building consisting of an assembly hall, youth hall and elevator shaft/bell tower to accommodate church programs and functions. A public hearing was held by the Planning Commission on October 25 and November 15, 2006 and the project was approved with conditions as included in the attached Resolution. The project was approved by the City Council on December 5, 2006 (minutes attached, Exhibit C).

DISCUSSION

At the public hearing on November 15, 2006, the Planning Commission added a condition to preserve all existing trees on the site as part of the subject proposal. The applicant, MBCC, began construction of the new building in June of 2007. During the construction phase, it was discovered that the foundation wall for the new two-story assembly and youth hall building would impact two existing Aleppo Pine trees due to the close proximity. The applicant hired a certified arborist to review the extent of the impact and long-term effect of these two pine trees and continuing with the project development. According to the arborist report (Exhibit D), it was determined that the

EXHIBIT 

trees would suffer significant damage to the root system by continuing with the construction of the new building. Additionally, major limbs of the trees conflict with the second story of the new building and would need to be replaced. Due to the mature height of 30 feet and a canopy spread of 20 to 40 feet for Aleppo Pine trees, the arborist is recommending removing and replacing these trees with a different species in another location not to be impacted by construction of the new building.

The applicant, MBCC, is requesting an amendment to their use permit, specifically Section 2, General Item No. 6, to allow the removal and replacement of the existing two Aleppo Pine trees in order to continue with construction of their project. The applicant is also proposing to replace the trees with a similar type at a different location (Exhibit E, applicant material).

PUBLIC INPUT

A notice of the public hearing for this application was mailed to all owners of property within 500 feet of the project site boundaries and was published in the Beach Reporter on August 9, 2007. Staff is not aware of any opposition to the project.

CONCLUSION

Staff supports the subject application to allow the removal and replacement of two existing Aleppo Pine trees with the added conditions listed in the attached resolution:

- All existing trees shall be preserved as part of the subject proposal, to the extent that is feasible. The two Aleppo Pine trees to the north of the new building may be removed and replaced. Any removal and replacement is subject to approval from the Community Development Director. Replacement tree size, location and species are subject to the Community Development Director approval. Mature minimum 48" box replacement trees shall be used.
- This resolution will supersede Resolution No. 06-18 and all findings and conditions are to remain the same except for Item No. 7, Section 2, which was revised and approved by the Planning Commission on August 22, 2007.
- The project shall be in conformance with the plans and project description submitted to, and approved by the Planning Commission on November 15, 2006.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), Class I, the subject amendment is determined to be categorically exempt from environmental review since it involves operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses.

ALTERNATIVES

1. **APPROVE** the project and adopt the attached Resolution, or:
2. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return a new draft Resolution.
3. **DIRECT** Staff accordingly.

ATTACHMENTS

- Exhibit A: Draft Resolution No. PC 07-
- Exhibit B: Use Permit PC 06-18
- Exhibit C: City Council Minutes 12-05-06
- Exhibit D: Arborist Report dated 07-20-06
- Exhibit E: Applicant Narrative
- Exhibit F: Vicinity Map
- Plans (not available electronically)

c: Bruce Kuch, BHK Consultants (Representative for MBCC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING AN AMENDMENT TO A USE PERMIT FOR REMOVAL AND REPLACEMENT OF TWO EXISTING TREES FOR A 2 STORY YOUTH CENTER/ASSEMBLY HALL, ESTABLISHING SITE-WIDE PARKING REQUIREMENT AND APPROVING A VARIANCE FOR AN ELEVATOR SHAFT/BELL TOWER WHICH WOULD EXCEED THE 30-FOOT HEIGHT LIMIT AT 303 S. PECK AVENUE (Manhattan Beach Community Church)

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 to consider a Use Permit Amendment to modify condition No. 6 of PC Resolution No. 06-18 to preserve all existing trees on site. The request is to remove 2 existing Aleppo Pine trees due to impact of construction of a new assembly and youth hall building previously approved (PC 06-18).
- B. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on October 25, 2006 and November 15, 2006 and approved a Use Permit and Variance application, which included establishing a parking requirement for the site.
- C. At the October 25, 2006 Planning Commission meeting, a motion was made to reopen the public hearing and continue the item to the November 15, 2006 meeting with direction to staff to prepare a 'draft' resolution for the Commissions consideration.
- D. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- E. The applicant for the Variance application is Bruce Kuch, representative for the Manhattan Beach Community Church.
- F. The applicant filed a Use Permit and Variance applications to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which facilitates disabled access requirement between and provides access between two levels of the existing structure, which exceeds the maximum 30-foot height limit, and 3) establish a parking requirement for the existing uses on the subject property.
- G. In 2003, the City Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a religious facility which was otherwise exempt from a Use Permit requirement. In this case the subject Use Permit replaces the mediation process.
- H. Section 10.28.030, L-20 (3), states that no portion of any building shall exceed a height of 30 feet as measured from the average of the finished ground level at the center of all walls. Based on the submitted survey data, the maximum allowable building height is 131.93'.
- I. The submitted plans showed a proposed building height for the proposed elevator shaft/bell tower at a 138.29' elevation. Based on this height proposal, the structure would exceed the allowable building height by 6.36'.
- J. Residential land use regulation, Section 10.12.020 L-3, provides an exemption from a Use Permit requirement for existing church facilities that are not developed beyond half (50%) of their allowable buildable floor area. With the proposed structure, the site would be at



RESOLUTION NO. PC 07-

40% of their allowable buildable floor area. However, a Use Permit application was filed to establish the parking requirement for all existing/proposed uses.

- K. The project site will provide 99 on-site parking spaces located on the east and west lots of the property. The City Traffic Engineer has reviewed the site plan and evaluated the parking study prepared by Kaku Associates and has concluded that the 99 on-site parking spaces are sufficient to meet the parking demand for the existing/proposed mix of uses.
- L. The existing parking agreement between the Manhattan Beach Community Church and the Manhattan Beach Unified School District for overflow parking is proposed to be maintained.
- M. According to the California Environmental Quality Act (CEQA), the project is exempt (Class 32, Section 15332) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor infill development and meets the conditions described below.
 - 1. The project is consistent with the applicable general plan designation, general plan policies as well as with applicable zoning designation and regulations.
 - 2. The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
 - 3. The project site has no value as habitat for endangered, rare or threatened species.
 - 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as conditioned.
 - 5. The site can be adequately served by all required utilities and public services.
- N. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the (RS) Residential district in which the site is located. The 99 on-site parking spaces that would be provided for the site is sufficient for the established church/school uses. Additionally, the church has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking.
 - b) The location of the proposed building and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 4, which encourages preservation of features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. This project would not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in the adjacent neighborhood uses and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. Additionally, the removal of mature trees would require replacement with mature trees.
 - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed building use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, and trash area.
 - d) The proposed use would not adversely impact nearby residential properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- O. 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.
- P. The Planning Commission made the following findings with respect to the Variance application:

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1. The applicant requested approval of a Variance application to allow the construction of a new elevator shaft/bell tower, which would exceed the allowable height limit by 6.36'.
2. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the east and west. The properties to the north and south are zoned Public and Semi-Public.
3. The General Plan designation for the property is Low Density Residential.
4. Based upon State law, the proposed project will meet the required findings as follows:

Variance

- a) The special circumstance applicable to this property is the extreme topography of the site. Because the structure will be located at the center of the property, nestled between two existing structures, surrounded by mature landscaping that will shield the project from the surrounding neighborhoods, the proposal would not create additional view obstruction to the surrounding properties. Based on the A-frame roof design the bulk of structure would also be minimized.
- b) The relief may be granted without substantial detriment to the public good and the project would not be detrimental or injurious to property or improvements in the vicinity of the development. The closest residential properties are located 300 feet from the proposed building location.
- c) Granting the request is consistent with the purpose of Title 10 of the MBMC and would not constitute a granting of a special privilege because the proposed building location conceals the bulk of the structure. Additionally, due to the proposed location of the building, which is substantially lower than the public right-of-way on Peck Avenue, the scale of the structure would remain minimal as compared to the surrounding developments.

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

General

1. This resolution will supersede Resolution No. 06-18 and all findings and conditions are to remain the same except for Item No. 6, Section 2, which was revised and approved by the Planning Commission on August 22, 2007. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on October 25, 2006, November 15, 2006, and August 22, 2007.
2. In order to address safety concerns regarding the drop-off and pick-up of students during and after construction for the Montessori school, the applicant shall provide a plan which shows loading and unloading of children safely. This plan shall be submitted for review and approved prior to the issuance of any permit.
3. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of any 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 and will ensure the safety of the students attending the Montessori School.
4. The demolition permit shall not be issued until the State of California Health and Human Services Agency Department of Social Services issues all necessary permits and/or

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licenses for the relocation of the playground for Facility No. 191602098 without requiring a reduction in the current legally allowable number of students attending the Montessori School.

5. Preparatory non-invasive work will be allowed prior to the issuance of a building permit subject to agreement between the school and church and approval by City staff.
6. All existing trees shall be preserved as part of the subject proposal, to the extent that is feasible. The two Aleppo Pine trees to the north of the new building may be removed and replaced. Any removal and replacement is subject to approval from the Community Development Director. Replacement tree size, location and species are subject to the Community Development Director approval. Mature minimum 48" box replacement trees shall be used.
7. The church is required to encourage visitors to the site to utilize on-site parking on a regular basis.

Public Works

8. All landscape irrigation backflow devices must meet current City requirements for property installation.
9. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
10. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
11. A backwater valve is required on the sanitary sewer lateral if the discharges from the fixtures with flood level rims that 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.
12. If the 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.
13. A mop sink must be installed and shown on the plumbing plan.
14. 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.
15. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
16. All existing and approved 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 plans, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.
17. Commercial establishments are required by Municipal Code 5.24.030 (C)(2), to have a sufficient refuse 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

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within the building structure or in a screened enclosure on private property. Please refer to the Code section for further clarification.

18. 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, percent of slope of driveway and driveway elevations.
19. For any parking lot with 25 or more spaces, weekly sweeping will be required.
20. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
21. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on plans.
22. 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.
23. 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.
24. Any new storm water, nuisance water, etc. or drain lines installed within the street right-of-way, must be constructed of ductile iron pipe. Drains must be shown on plans.
25. Plan holder must have the plans re-checked and stamped for approval by the Public Works Department before the building permit is issued. All of the Public Works notes and conditions must be printed on the plans. No Exceptions.

Fire Department

26. The subject site must meet emergency access requirements. Plans shall be submitted and approved by the Fire Department.

Building Division

27. The subject site shall comply with all current California Building Code guidelines for disabled access requirements, including the disabled access parking space currently located at the first level at the southerly end of the Montessori school. Plans shall be submitted for review and approval by the Building Division prior to the issuance of any permit.
28. The proposed project may be subject to the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Applicant shall contact the building division and obtain a copy of the application to determine compliance.

Procedural

29. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
30. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
31. The Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.

RESOLUTION NO. PC 07-

32. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action 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.

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:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO ALLOW CONSTRUCTION OF A 2-STORY YOUTH CENTER/ASSEMBLY HALL, ESTABLISH A SITE WIDE PARKING REQUIREMENT AND A VARIANCE FOR AN ELEVATOR SHAFT/BELL TOWER WHICH WOULD EXCEED THE 30-FOOT HEIGHT LIMIT AT 303 SOUTH PECK AVENUE
(Manhattan Beach Community Church)**

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 October 25, 2006 and November 15, 2006 to consider a Use Permit and Variance applications and which establishes a parking requirement for the site for the property legally described as Portion of Lot 10, Partition Map showing property formerly of the Redondo Land Company, located at 303 South Peck Avenue in the City of Manhattan Beach.
- B. At the October 25, 2006 Planning Commission meeting a motion was made to reopen the public hearing and continue the item to the November 15, 2006 meeting with direction to staff to prepare a 'draft' resolution for the Commissions consideration.
- C. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The applicant for the Variance application is Bruce Kuch, representative for the Manhattan Beach Community Church.
- E. The applicant has filed a Use Permit and Variance applications to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which facilitates disabled access requirement between and provides access between two levels of the existing structure, which exceeds the maximum 30-foot height limit, and 3) establish a parking requirement for the existing uses on the subject property.
- F. In 2003, the City Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a religious facility which was otherwise exempt from a Use Permit requirement. In this case the subject Use Permit replaces the mediation process.
- G. Section 10.28.030, L-20 (3), states that no portion of any building shall exceed a height of 30 feet as measured from the average of the finished ground level at the center of all walls. Based on the submitted survey data, the maximum allowable building height is 131.93'.
- H. The submitted plans show a proposed building height for the proposed elevator shaft/bell tower at a 138.29' elevation. Based on this height proposal, the structure would exceed the allowable building height by 6.36'.
- I. Residential land use regulation, Section 10.12.020 L-3, provides an exemption from a Use Permit requirement for existing church facilities that are not developed beyond half (50%) of their allowable buildable floor area. With the proposed structure, the site would be at 40% of their allowable buildable floor area. However, a Use Permit application was filed to establish the parking requirement for all existing/proposed uses.

EXHIBIT B

RESOLUTION NO. PC 06-18

- J. The project site will provide 99 on-site parking spaces located on the east and west lots of the property. The City Traffic Engineer has reviewed the site plan and evaluated the parking study prepared by Kaku Associates and has concluded that the 99 on-site parking spaces are sufficient to meet the parking demand for the existing/proposed mix of uses.
- K. The existing parking agreement between the Manhattan Beach Community Church and the Manhattan Beach Unified School District for overflow parking is proposed to be maintained.
- L. According to the California Environmental Quality Act (CEQA), the project is exempt (Class 32, Section 15332) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor infill development and meets the conditions described below.
1. The project is consistent with the applicable general plan designation, general plan policies as well as with applicable zoning designation and regulations.
 2. The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
 3. The project site has no value as habitat for endangered, rare or threatened species.
 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as conditioned.
 5. The site can be adequately served by all required utilities and public services.
- M. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
- a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the (RS) Residential district in which the site is located. The 99 on-site parking spaces that would be provided for the site is sufficient for the established church/school uses. Additionally, the church has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking.
 - b) The location of the proposed building and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 4, which encourages preservation of features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. This project would not be detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood uses; and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
 - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed building use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, and trash area.
 - d) The proposed use would not adversely impact nearby residential properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- N. 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.
- O. The Planning Commission made the following findings with respect to this Variance application:
1. The applicant requests approval of a Variance application to allow the construction of a new elevator shaft/bell tower, which would exceed the allowable height limit by 6.36'.

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2. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the east and west. The properties to the north and south are zoned Public and Semi-Public.
3. The General Plan designation for the property is Low Density Residential.
4. Based upon State law, the proposed project will meet the required findings as follows:

Variance

- a) The special circumstance applicable to this property is the extreme topography of the site. Because the structure will be located at the center of the property, nestled between two existing structures, surrounded by mature landscaping that will shield the project from the surrounding neighborhoods, the proposal would not create additional view obstruction to the surrounding properties. Based on the A-frame roof design the bulk of structure would also be minimized.
- b) The relief may be granted without substantial detriment to the public good and the project would not be detrimental or injurious to property or improvements in the vicinity of the development. The closest residential properties are located 300 feet from the proposed building location.
- c) Granting the request is consistent with the purpose of Title 10 of the MBMC and would not constitute a granting of a special privilege because the proposed building location conceals the bulk of the structure. Additionally, due to the proposed location of the building, which is substantially lower than the public right-of-way on Peck Avenue, the scale of the structure would remain minimal as compared to the surrounding developments.

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

General

1. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on October 25, 2006 and November 15, 2006.
2. In order to address safety concerns regarding the drop-off and pick-up of students during and after construction for the Montessori school, the applicant shall provide a plan which shows loading and unloading of children safely. This plan shall be submitted for review and approved prior to the issuance of any permit.
3. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of any 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 and will ensure the safety of the students attending the Montessori School.
4. The demolition permit shall not be issued until the State of California Health and Human Services Agency Department of Social Services issues all necessary permits and/or licenses for the relocation of the playground for Facility No. 191602098 without requiring a reduction in the current legally allowable number of students attending the Montessori School.
5. Preparatory non-invasive work will be allowed prior to the issuance of a building permit subject to agreement between the school and church and approval by City staff.

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6. All existing trees shall be preserved as part of the subject proposal.
7. The church is required to encourage visitors to the site to utilize on-site parking on a regular basis.

Public Works

8. All landscape irrigation backflow devices must meet current City requirements for property installation.
9. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
10. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
11. A backwater valve is required on the sanitary sewer lateral if the discharges from the fixtures with flood level rims that 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.
12. If the 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.
13. A mop sink must be installed and shown on the plumbing plan.
14. 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.
15. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
16. All existing and approved 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 plans, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.
17. Commercial establishments are required by Municipal Code 5.24.030 (C)(2), to have a sufficient refuse 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 refer to the Code section for further clarification.
18. 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, percent of slope of driveway and driveway elevations.
19. For any parking lot with 25 or more spaces, weekly sweeping will be required.

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20. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
21. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on plans.
22. 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.
23. 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.
24. Any new storm water, nuisance water, etc. or drain lines installed within the street right-of-way, must be constructed of ductile iron pipe. Drains must be shown on plans.
25. Plan holder must have the plans re-checked and stamped for approval by the Public Works Department before the building permit is issued. All of the Public Works notes and conditions must be printed on the plans. No Exceptions.

Fire Department

26. The subject site must meet emergency access requirements. Plans shall be submitted and approved by the Fire Department.

Building Division

27. The subject site shall comply with all current California Building Code guidelines for disabled access requirements, including the disabled access parking space currently located at the first level at the southerly end of the Montessori school. Plans shall be submitted for review and approval by the Building Division prior to the issuance of any permit.
28. The proposed project may be subject to the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Applicant shall contact the building division and obtain a copy of the application to determine compliance.

Procedural

29. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
30. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
31. The Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
32. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action 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 06-18


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 **November 15, 2006** and that said Resolution was adopted by the following vote:

**AYES: Bohner, Cohen, Lesser, Powell,
Chairman Schlager**

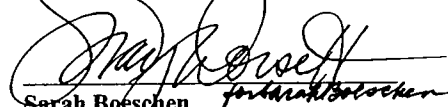
NOES:

ABSTAIN:

ABSENT:

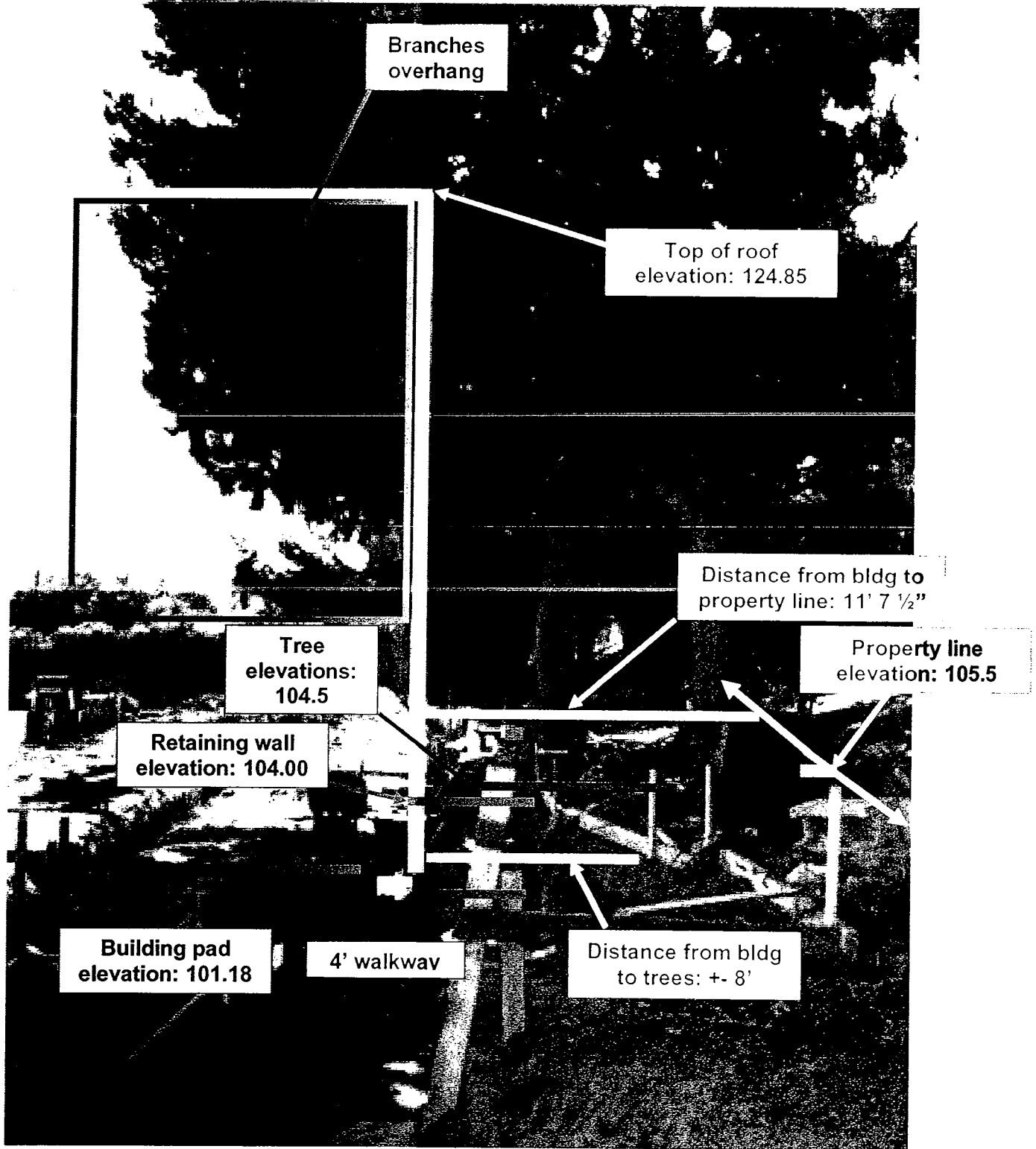


RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boeschen *Sarah Boeschen*
Recording Secretary

Manhattan Beach Community Church
Assembly Hall-Youth Center Project
Building Permit No. 06-00780



06/1205.9 Disbursement of Progress Payments:

- a) Progress Payment No. 19 in the Net Amount of \$188,658.00 to S.P. Pazargad Engineering Construction, Inc. for the Strand Improvement Project
- b) Progress Payment No. 1 in the Net Amount of \$313,587.00 to John T. Malloy, Inc. for the Peck Reservoir Blending Line Project

The Council approved the issuance of the subject progress payments.

Planning Commission

06/1205.10 Consideration of a Sign Exception for the Addition of a Pole Sign at 909 North Aviation Boulevard

The Council received and filed the Planning Commission's approval of the Sign Exception for the addition of a pole sign at 909 North Aviation Boulevard.

06/1205.11 Consideration of Planning Commission Approval of a Use Permit for Construction of a 2-Story Youth Center/Assembly Hall, Establish a Site-Wide Parking Requirement and Variance for a New Elevator Shaft/Bell Tower Which Would Exceed the 30-Foot Height Limit for the Manhattan Beach Community Church at 303 Peck Avenue

The Council received and filed the subject report.

06/1205.12 Consideration of Planning Commission Denial of a Variance for Construction of a Deck Approximately 11.5 Feet High, Within the Rear Yard Setback on the Property Located at 1908 Magnolia Avenue

The Council received and filed the decision of the Planning Commission denying the request.

COMMUNITY ANNOUNCEMENTS

06/1205.17 Ron Newman Re: Beach Cities Toy Drive Fundraiser

Ron Newman, No Address Provided, announced that the Beach Cities Toy Drive fundraiser will be held at Beaches Restaurant, at 4:00 p.m., on Saturday, December 9, 2006, noting the key contact people for the two beach cities to be Manhattan Beach Councilmember Richard Montgomery and Hermosa Beach Mayor Sam Edgerton. He encouraged everyone to participate by donating cash and toys and started off by providing the first cash donation of \$500 from Sharkey's.

Councilmember Montgomery further added that the toy wrapping party will be held at the Manhattan Beach Joslyn Community Center on Saturday, December 16, 2006, at 11:00 a.m.

06/1205.18 Maureen McBride Re 10th Street Fire Fund

Maureen McBride, President of the Downtown Business Association, extended thanks to the community, the Fire Department and the Police Department for keeping the community safe; announced the establishment of a 10th Street Fire Fund; stated that donations can be made online at www.10thstreetfirefund.com; and reported that an event is being planned with the Chamber of Commerce to be held at the upcoming Holiday Fireworks Festival.



Certified Urban Forester #108
Certified Arborist #WE - 0407AM
Pest Control Advisor #02483

MEMBER

American Society of Consulting Arborists
International Society of Arboriculture
California Urban Forests Council
Society of Municipal Arborists
Street Tree Seminar, Inc.

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CLIENT: Bruce Kuch, PE
BHK Consultants
411 North Harbor Blvd.
San Pedro, CA 90731

PROJECT SITE: Manhattan Beach Community Church
303 S. Peck Avenue
Manhattan Beach, CA

REPORT SUBJECT: Construction impacts on 2 pine trees

DATE OF SITE VISIT: June 29, 2007

REPORT DATE: July 20, 2007

PROJECT BACKGROUND AND DESCRIPTION

The project site is a church that is in the process of constructing a new building. The footing and structure of the new building is impacting 2 existing pine trees.

DEFINITION OF ASSIGNMENT

Evaluate the impacts of new construction on 2 pine trees.

SITE OBSERVATIONS

- Subject pines are Aleppo Pines (*Pinus halepensis*).
- The trees are at the base of a non-irrigated slope.
- The canopies are full, relatively lush and have not been pruned for several years.
- Neither of the trees showed any signs of stress or insect infestation at the time of inspection.
- Both trees have had approximately 40% of their root mass removed in order to make room for the footing of the new building.
- The trench for the footing shows that the majority of the root plate is within the top 12" of soil.



ANALYSIS & DISCUSSION

The Aleppo Pine is a moderately fast growing tree that can reach a mature height of 30 - 60 feet with a canopy spread of 20 – 40 feet. Mature trunk diameters can range anywhere between 36 – 48 inches. When this species of pine begins to approach maturity they can cause extensive damage to their surroundings unless they have ample space in which to grow. This species is subject to attack by bark beetles, especially if they are over pruned, pruned during the summer or experiencing extreme drought stress.

The photo at left shows an overview of the two pines with the trench for the foundation of the building directly in the root zone of the tree. The photo below shows a closer view of the roots which have been severed in order to dig the trench for the building foundation.



The surface roots that were severed perform the function of absorbing moisture and nutrients, storing energy and most importantly providing structural support. Although tree roots in the Manhattan Beach area may grow as deep as 18 inches or more below the soil surface, the photo above right shows that the majority of the roots of the subject pines are found to be only in the upper most region of the soil.

When the trench was dug for the foundation, it resulted in the loss of important supporting roots that were on the downhill side of the tree. This type of work is often made with the assumption that the process does not adversely affect the tree however, the effects of root loss are not seen for several years.

When roots are severed, the tree's ability to absorb moisture is reduced in addition to the loss of energy which was stored in the roots. When the root loss involves stubbing off all of the roots in a specified area, it can have the same impact on a tree as topping does except the long term effects are hidden underground or within the root crown of the tree and do not reveal themselves until the exterior signs become apparent. Pine trees which have had their roots severed can still have a healthy green looking canopy, yet this does not necessarily mean the tree has recovered from having its roots cut off. More importantly, it does not mean that the tree is structurally sound or stable and the potential for failure will always be present if these trees are to be retained.

Oftentimes, the effects of root loss are difficult to associate with root pruning because of the time from when the actual act of root pruning occurs and the discovery of the problems. The problems are usually seen in the form of general tree decline, foliage loss, insect infestation, or trunk decay. Usually though pines which have had their roots damaged such as these will become infested first with spider mites, followed by bark beetles. Once the pines become infested with bark beetles the only remedy is to treat them with chemicals or if the infestation is advanced enough, removal. Without treatment the bark beetle infestation will eventually kill the tree.



In addition to the root loss, the second story of the new building will impact the canopies of the two pines. The photo at left shows the approximate location of where the edge of the building will be. In order to accommodate the construction of the new structure several scaffold branches will need to be pruned away.

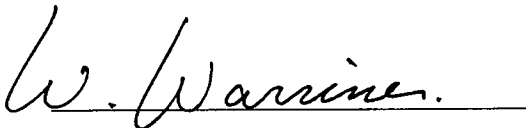
Removing major limbs from the pines at the same time their roots are being cut will add to the stress that the tree is already under from the root damage. This will most likely lead to their becoming infested with spider mites, followed quickly bark beetles. Additionally, removing the scaffold limbs from the lower side of the canopies will offset the stability of the trees by leaving the majority of the canopy weight on the uphill side of the trees, increasing the potential for failure.

CONCLUSIONS & RECOMMENDATIONS

Although the subject pines appeared to be in good health, the damaged root system and the pruning that is necessary to accommodate the building will render them unstable and stress them to the point that they will most likely die from insect infestation or eventually fail.

It is recommended that both pines be removed and be replaced with a suitable species in an alternative location.

Respectfully submitted,

A handwritten signature in cursive script, reading "W. Warriner.", is written over a horizontal line.

Walter Warriner
Consulting Arborist

Manhattan Beach Community Church
Assembly Hall-Youth Center Project
Building Permit No. 06-00780

Amendment to CUP Resolution No. PC 06-18

Section 2, General Item No. 6 "All existing trees shall be preserved as part of the subject proposal."

At the second hearing on November 15, 2006 for the subject resolution, Planning Commissioner Schlager added a last and final condition no. 6 to the Resolution, as stated above.

At the time of the hearing, the City Building and Safety Department had already approved the plans, which showed two trees located close to the Youth Center portion of the building, to the north of the building on the sloped area near the property line between Pennekamp School and the Church.

Seven months later, after the permit was issued by the City on June 11, 2007, the contractor was allowed to proceed with building layout and excavation for the building foundation. Soon afterward it was discovered that these two trees extended up and over the building foundation wall and that the roots of these trees extended into the building retaining wall footing. All work was stopped in the subject area and the owner solicited the services of an arborist to investigate the conflict between the trees and the building, as well as the potential damage to the trees.

The arborist completed an investigation and provided the attached report, which recommends removal of the two trees in question. If the trees are left in place, significantly sized branches will have to be trimmed in order to enable construction of the 24 foot high Assembly Hall-Youth Center Building. Furthermore, the lateral root system characteristic of this type of pine tree would be significantly damaged.

These trees are wedged between the sloped area to Penekamp School and the new church building, to the extent that they would not be visible to the neighborhood or the church, after the new building is constructed.

The church is willing to replace the trees with similar types at a location that would not conflict with the approved building plans, and that would not be detrimental to the health of the trees.

EXHIBIT E