

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Daniel A. Moreno, Associate Planner

DATE: August 5, 2008

SUBJECT: Consideration of Planning Commission Approval of a Use Permit to Allow an Office Building at 818 Manhattan Beach Boulevard

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 May 28, 2008 Planning Commission meeting staff presented a proposal to allow the development of a 6,142 square foot three-level general office building with parking at ground level at the subject site. The proposal would replace a one-story 2,790 square foot one-story office building built in 1947.

The project conforms to the City's requirements for use, parking, building height, landscaping, and floor area. No setbacks are required in the CL zone, however, per MBMC Section 10.16.030, (CL) Local Commercial Day-Light Plane regulations, a commercial building abutting a residential district at the rear of the property, no structure shall intercept a 1:1 or forty-five degree daylight plane inclined inward from a height of fifteen (15') above existing grade at the property line (see attached elevation plans – Sheet A2.0).

After opening the hearing and taking testimony, the Planning Commission, on a 5-0-0 vote, continued the public hearing to the July 9, 2008 meeting. Although the Commission indicated their support of the project, concerns were raised regarding the following issues:

- Trash pick-up. Staff did not recommend imposing any restrictions on trash pick-up but rather allow the City's trash hauler to determine the best time, because the routes are pre-established and very difficult to change without impacting other customers.
- Parking access. A concern was raised that end parking spaces, particularly parking space #14, is required to provide an extra 2-feet at the end of the driveway aisle for existing purposes. MBMC Section 10.64.100 B (2), states that at the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle shall extend two-feet

beyond the required width of the parking space for back-up access. Staff determined that the parking space in question is not in an aisle and therefore the requirement does not apply. Furthermore, based on the location of the driveway entrance, providing the additional 2-foot back-up would require a difficult four-point maneuver to exit the building. Any vehicle parked in space #14 would simply back-up into parking access area and do a two-point maneuver to exit the building. Therefore staff did not believe that the additional 2-foot back-up area is required or needed to exit the parking area.

- Conversion of exterior compact spaces to standard spaces. The Commission believed that these outside spaces would be utilized on a more frequent basis and therefore should be designed as standards spaces. Staff pointed out that converting these exterior spaces from compact to standard parking (8.5' w x 18'd) would violate the minimum back-up requirement of 24-feet as measured from the back of the 15-foot wide alley. In order to address the Commissions concern about the use of these spaces, the applicant proposed retaining the compact spaces and designate them exclusively for employee parking. Staff had recommended that the project be revised to provide standard sized spaces at this location; however the Commission allowed the compact spaces provided that were used exclusively for employee parking.
- Provide additional landscape buffer at the proposed second level rear deck. The project architect enhanced the landscaping with potted trees as recommended by the Planning Commission to further buffer the structure from the adjacent residential properties to the east (see attached plans).
- Relocate condensing units proposed within the landscape area at the southeast corner of the property. The project architect extended the garage wall an additional 4.5 feet which housed the units within the garage area and therefore alleviated noise issues to the residential properties to the east.
- Limit the number of tenants. Staff did not recommend limiting the number of tenants as the parking ratio requirement of 1/300 for general office use is based on the square footage of the building. To ensure that the tenant area is not converted to a more intensive use, Condition #2 of the approved resolution would prohibit medical uses as the parking ratio would increase to 1/200.
- Traffic issues. The City Traffic Engineer has indicated to staff that the existing 15-foot wide alley is adequate to accommodate accessibility to the site. He supported redesigning the driveway entry area with a radius to allow better exiting from the covered parking area as shown on the plans. Additionally, the project architect incorporated the driveway visibility requirement (MBMC Section 10.64.150) on the site plan entry/exit area to alleviate site visibility concerns. The Traffic Engineer was not opposed to posting a sign that restrict left hand turns as vehicles exit the parking area. He did not recommend blocking off the alley to prevent traffic onto 11th Street without further study by the City.

At the July 9, 2008, Planning Commission meeting, after opening the public hearing and again taking public testimony, the Commission voted (3-2-0) to approve the subject request. Although the Commission continued to support the proposal, it raised safety concerns regarding alley access, driver visibility and related safety along Manhattan Beach Boulevard. Staff points out that prior to the application proceeding through the discretionary review process, staff as well as the City Traffic Engineer carefully evaluated all safety related issues. Because of the concerns raised by the Commission at the July 9, 2008 meeting, Staff requested that the Traffic Engineer again evaluate the concerns. In a memo to Staff dated July 22, 2008 (attached, Exhibit B) he

states that for safety reasons the project should take access from the alley; there is no overall gain in traffic safety if the street is vacated; alley access does not aggregately contribute or detract from overall traffic safety; widening the alley, while it can improve circulation, is not an expected benefit to adjacent properties. With the overall building design the applicant should anticipate and accommodate future reconstruction to raise the north end of the alley to reduce sight distance and the potential for low profile vehicles which may "bottom-out" along the easterly edge.

The City Engineer has stated that in accordance with Section 8320 of the California Streets and Highway Code, "the act of vacating can be done only upon finding that property in question is unnecessary for present or future uses as a street." He cannot support vacating the alley since there are present and future uses of the property as a street. Additionally, Pacific Place has an 8" sewer main from 11th Place to 11th Street which precludes the City from vacating that portion of the alley from 11th Place to Manhattan Beach Boulevard.

In a second memo to staff, dated July 22, 2008 (attached, Exhibit C), the Traffic Engineer addresses the Planning Commissions traffic safety concerns about the future use of the alley should the property to the west (806 Manhattan Beach Boulevard) be redeveloped and the widening of the alley.

He recommends that when that property is developed the existing driveway access on Manhattan Beach Boulevard be removed and that vehicle access to the parking lot or structure be accessed via the alley based on the following reasons:

- Pacific Place access at Manhattan Beach Boulevard has greater sight distance of approaching vehicles than the existing property driveway.
- The number of locations for potential vehicle conflicts would be reduced to one access point along Manhattan Beach Boulevard.
- Use of the alley allows drivers the option of using Pacific Avenue to enter/exit Manhattan Beach Boulevard at a signalized intersection instead of mid-block access.

He points out that as traffic volumes increase, the potential for vehicle conflicts within the alley increases as well, however the existing traffic volumes are very low, therefore the potential for two vehicles in the alley at the same time is correspondingly low.

With regards to widening of the alley, which is currently 15-feet in width, he states that when additional driveways and/or traffic are added to the alley, there is greater general benefit to widen the alley to allow two-way traffic and reduce driver inconvenience and/or potential conflicts. However he also points out that widening an alley can have detrimental effects as well, such as increased speeding or cut-through volumes.

The City Engineer, Dana Greenwood does not recommend that the alley be widened as there are no significant traffic reasons to do so. He believes that a wider alley would attract more traffic which is something that the neighbors to the south want to avoid.

In order to ascertain information on traffic related incidents in the vicinity of the subject proposal, Staff contacted the Police Department. City records show that over the last three and a half years 30 traffic related incidents have taken place on Manhattan Beach Boulevard between Pacific Place and Poinsettia Avenue. Of these incidents none have taken place on the alley at Manhattan Boulevard and Pacific Place which is adjacent to the subject site.

Land Use Compatibility

The existing parcel, which is under a single ownership, consists of a single lot located on the northwest corner of Manhattan Beach Boulevard and Pacific Place. This property is zoned (CL) Local Commercial and is consistent with areas' General Plan designation of "Local Commercial" and allows a general office use.

The property to the north, across Manhattan Beach Boulevard, is zoned public and semi-public and is occupied by Pacific Elementary School; the property to the east is zoned (CL) General Commercial and contains a two-story commercial mixed use; the properties to the south are zoned (RS) Residential Single Family and contain one and two-story single family dwellings; and the property to the west, across Pacific Place is zoned (CL) Local Commercial and contains a two-story commercial mixed use.

Building Design

The project architect has made substantial efforts to design and create an aesthetically pleasing building with modern forms and high-end materials that represent the contemporary nature of western cities. The goal is to provide a low profile office complex that provides an attractive opportunity for business development. The building design utilizes a variety of architectural components, such as planters, layered roof elements, recessed widow features and building modulation that steps the building back from adjacent properties, all of which create a harmonious relationship with the boulevard as well as the residential properties to the south. The second level comprises only 30% of the total office area and maintains a 16'-8" rear setback; the side setbacks range from approximately 17' to 23' for the rear or 45% of the lot. The building is oriented towards Manhattan Beach Boulevard with the entry lobby located at the northwest corner of the building. All required parking is accessed from Pacific Place and is contained within the building with the exception of three compact spaces adjacent to the garage entry on Pacific Place and would be dedicated exclusively for employee parking. The trash area would be located at the northeast corner of the lower level parking area which is screened from public view.

Landscaping

Municipal Code Section 10.16.030, Minimum Site Landscaping, requires that a minimum of 8% of planting area or 564 square feet be provided for the site based on the lot area of 7,051 square feet. The subject site will provide 623 square feet or 9% of landscaping. At the first level of the building, perimeter landscaping is provide at the front of the building, on Pacific Place and at the southeast corner of the property. At the second level landscape planters will be located at the front of the building as well as at the easterly property line (see attached landscaped plans). As mentioned earlier the project architect enhanced the landscaping at the second level rear deck to further buffer the structure from the adjacent residential properties to the south.

Signage

Pursuant to the Sign Code, the amount of signage allowed for the subject property, located in Area District I, is based on two square feet per one linear foot of property frontage. On a corner lot "property frontage" is the width of a property measured from one (1) property line to the other along the longest street frontage. In this case, the property frontage is 103 feet in length on Pacific Place; therefore 206 square feet of signage would be permitted. The applicant has not provided staff with a sign program for the site. All business identification signs would require review and approval by the Community Development Department prior to issuance of a building permit.

Building Height

The proposed structure will appear as a three-level building from all elevations (see Elevation Plans, attached). Per MBMC Section 10.16.030 (F), Maximum Height of Structures, if parking is provided at or below the ground level, a 30-foot building height limit is permitted. Building height is determined by the average of the four property corners of the property and the average elevation would be at a 100.70' elevation.

Therefore, with the average property corner elevation of 100.70' plus 30 feet of height limit, the maximum building height is limited to a 130.70' height elevation. The submitted elevation plans (Sheet A3) show a building that is designed with a flat roof with the highest portions of the building at a height elevation of 128.92'.

Parking/Driveway Access:

The applicant proposes to provide 13 standard parking spaces, 6 compact spaces and 1 disabled access spaces for a total of 20 spaces. The proposed project will provide 6,142 square feet of leasable office area. Municipal Code Section 10.64.030, Off-Street Parking Spaces, requires that a general office use provide 1 parking space per 300 square feet of building area, therefore the proposed project is required to provide 20 on-site parking spaces ($6,142/300 = 20$ spaces).

The submitted plans show that the building is oriented towards Manhattan Beach Boulevard with the entry lobby located at the northwest corner of the building. All parking will be accessed from Pacific Place and contained within the building with the exception of three compact spaces located southerly of the garage entry.

Attached for the Councils review is the Planning Commission reports, attachments and minutes from the May 28, 2008 and July 9, 2008 meetings for Council review.

- Attachments:
- A. Resolution No. PC 08-11 (available electronically)
 - B. Memo #1 to Staff from City Traffic Engineer, dated July 22, 2008, Response to Planning Commission Comments (available electronically)
 - C. Memo #2 to Staff from City Traffic Engineer, dated July 22, 2008, Response to Pacific Place Alley Concerns (available electronically)
 - D. Planning Commission Minutes, Reports, attachments and plans, dated 5/28/08 and 7/9//08 (available electronically except plans)

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RESOLUTION NO. PC 08-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF MANHATTAN BEACH APPROVING A USE PERMIT,
TO ALLOW AN OFFICE BUILDING LOCATED AT 818
MANHATTAN BEACH BOULEVARD

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 public hearing pursuant to applicable law on May 28, 2008 and July 9, 2008, to consider an application for a Use Permit to allow construction of a 6,142 square foot office building; for the property legally described as Portion of Lot 2, Block 16, and Tract 3393, in the City of Manhattan Beach.
- B. The May 28, 2008 Planning Commission public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant is 818 MBB, LLC, c/o Phillip Cook.
- D. The proposed use is permitted in the CL (Local Commercial) Zone subject to a Use Permit approval as the project exceeds 5,000 square feet of buildable floor area.
- E. The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA, based on the determination that it is an in-fill development and has no potential for causing a significant effect on the environment per Section 15332.
- F. 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.
- G. The Planning Commission made the following findings with respect to this application:
1. The project consists of 6,142 square foot three-level general office building with parking at ground level.
 2. The project is located in Area District I and is zoned (CL) Local Commercial. The use is permitted by the zoning code and is appropriate as conditioned for the general commercial area. The properties to the east and west are similarly zoned; the properties to the south are zoned (RS) Residential Single Family; and the property to the north is zoned (PS) Public and Semi-Public. The property is located on the northwest corner of Sepulveda Boulevard and Pacific Place.
 3. The General Plan designation for the properties is Local Commercial. The General Plan encourages commercial development such as this that provides for businesses which serve city residents.

EXHIBIT
A

Use Permit

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

The proposed project is located within the (CL) Local Commercial district. The proposed use would replace an existing single story office building and the business is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial office uses.

The office building is designed to accommodate a variety of professional office uses that will service the local community and blends with the overall character of the neighborhood. The historic character of Manhattan Beach Boulevard, east of Pacific Avenue is office professional with minimal retail uses.

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

The proposed three-level general office building poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a general commercial office use. The new use is intended to provide a better variety of services to the community.

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

General Plan

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

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.

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

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

4 *Policy LU-6.4: Recognize the unique qualities of mixed-use areas and balance the*
5 *needs of both the commercial and residential uses.*

- 6 3. *The proposed use will comply with the provisions of this title, including any*
7 *specific conditions required for the proposed use in the district in which it would*
8 *be located.*

9 The proposed office use on an existing commercial site will be in compliance
10 with applicable provisions of the (CL) Local Commercial zone as it provides
11 neighborhood-oriented, small-scale professional offices that serve the local
12 community. The proposed use would generate low traffic volumes, have a
13 limited parking need, and generally not operate in late hours.

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

19 The existing site has historically been used as an office use and the proposed
20 general office use (no medical use proposed) will not adversely impact nearby
21 properties. The proposed increase in building area will require a slight increase
22 in the parking demand; however it will be accommodated as part of the
23 proposed use. It is not anticipated that the proposed office use will exceed the
24 capacity of public services and facilities. Minor comments from the Building
25 Division, Fire Department, Police Department, Engineering and Public Works
26 Department will be addressed during regular plan check.

27 H. The project shall be in compliance with applicable provisions of the Manhattan Beach
28 Municipal Code.

29 I. This Resolution upon its effectiveness constitutes the Use Permit approval for the subject
30 project.

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

Site Preparation/Construction

1. The project shall be constructed and operated in substantial conformance with the
submitted plans and project description submitted to, and approved by the Planning
Commission on July 9, 2008. Any other substantial deviation from the approved
plans must be reviewed and approved by the Planning Commission.
2. No medical uses shall be permitted at the subject site.

3. The project shall provide parking spaces based on a parking ratio of 1/300.
4. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Traffic Engineer and Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
5. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations and orders, rules of the Public Utilities Commission, the serving utility company, and specification of the Public Works Department.
6. During construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
7. The location of construction related equipment (job site offices, trailers, materials, etc) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
8. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. Landscaping shall be installed per the approved plans prior to building final.
9. A low pressure, low-flow or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscape plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to the building final.
10. All trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap Seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. Drawings of the trash enclosure must be on the plan, and must be approved by the Public Works Department before a permit is issued (See Standard Plan ST-25).
11. Commercial establishments are required, in accordance with Municipal Code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.

- 1 12. Management of the retail use shall police the property and all areas immediately
2 adjacent to the business during the hours of operation to keep it free of litter.
- 3 13. The operator of the office uses shall provide adequate management and supervisory
4 techniques to prevent loitering and other security concerns outside the subject
5 business.
- 6 14. The property owner(s) shall be responsible for prohibiting employees from parking
7 personal vehicles on the surrounding public streets. Owners and employees must
8 park on-site while visiting the site.
- 9 15. All signs shall be in compliance with the Sign Code. A comprehensive sign
10 program must be submitted to the Community Development Department for review
11 and approval prior to the issuance of a building permit. To prevent vehicles from
12 traveling south onto Pacific Place as they exit the subject site, a "No Left Turn"
13 sign shall be posted at the driveway entry, subject to the approval of the
14 Community Development Department.
- 15 16. The applicant shall submit a lighting and photometric plan which shows the
16 location of the proposed lighting, existing public right-of-way lights and maximum
17 foot candles to the Department of Community Development prior to the issuance of
18 a building permit. These plans shall be in compliance with all provisions of the
19 parking lot lighting regulations. All outside site lighting shall be directed away
20 from the residential properties to the south and public right-of-way and shall
21 minimize spill-over onto the sidewalk and street. Shields and directional lighting
22 shall be used where necessary. Security lighting for the site shall be provided in
23 conformance with Municipal Code requirements including glare prevention design.
- 24 17. All mechanical equipment proposed in the future on the building roof shall not be
25 visible from the public right-of-way and visual screening shall be provided. Antenna
26 dishes or similar items shall be restricted to the same requirements. The
27 building roof shall have a gravel or comparable decorative treatment.
- 28 18. Plans shall incorporate sustainable building components into the building and site
29 design. The plans may include, but not limited to LEED (Leadership in Energy
30 and Environmental Design) and other recognized sustainable building components,
31 permeable pavement, energy efficient plumbing, mechanical and electrical systems,
32 and retention of storm water on the site. Plans shall require review and approval by
the Community Development and Public Works Departments.
19. Bicycle parking shall be provided at a rate of five percent (5% - 3 spaces) of all
parking spaces (MBMC 10.64.80). Location shall be shown on the plans subject to
Planning review and approval.

Public Works Requirements

20. This is a SUSMP project and an Operating and Maintenance Agreement Form regarding on-site storm water pollution BMP's and mitigation devices must be completed and submitted to the City before a building or grading permit is issued.

21. A property line cleanout must be installed on the sanitary sewer lateral (See City Standard Plan ST-5). Cleanout must be added to the plumbing plan.
22. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer (See Standard Plan ST-24). Must be shown on approved plans.
23. If an 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.
24. A mop sink must be installed and shown on the plumbing plan.
25. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, and trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited.
26. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
27. 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 and driveway elevations.
28. The sidewalk on Manhattan Beach Boulevard must be replaced from the west property line to the east property line and shown on the plans to the satisfaction of the Public Works Department.
29. A disabled access ramp must be installed on the northwest corner of the right-of-way public sidewalk (See City Standard Plan ST-9). Ramp must be shown on plans as required by the Public Works Department.
30. 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 approve plans. Control measures must also be taken to prevent street surface water entering the site.
31. Any new storm water, nuisance water, etc. and drain lines installed within the street right-of-way must be constructed of ductile iron pipe. Drains must be shown on approved plans.
32. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

1 *Building Division*

2 33. Project shall comply with all Disabled Access regulations.

3
4 34. All work shall comply with all current California Building Codes which includes:
5 California Electrical Code, Mechanical Code, Plumbing Code and Fire Code, at the
6 time of submittal.

7 *Procedural*

8 35. *Interpretation.* Any questions of intent or interpretation of any condition will be
9 resolved by the Planning Commission.

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

14 37. *Effective Date.* This Resolution shall become effective when all time limits for
15 appeal as set forth in MBCM Section 10.100.030 have expired.

16 38. This Use Permit shall lapse two years after its date of approval, unless
17 implemented or extended pursuant to 10.84.090 of the Municipal Code.

18 39. At any time in the future, the Planning Commission or City Council may review
19 the Use Permit for the purposes of revocation or modification. Modification may
20 consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent
21 land uses.

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

29 **SECTION 3.** Pursuant to Government Code Section 65009 and Code of Civil
30 Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or
31 annul this decision, or concerning any of the proceedings, acts, or determinations taken,
32 done or made prior to such decision or to determine the reasonableness, legality or
33 validity of any condition attached to this decision shall not be maintained by any person
34 unless the action or proceeding is commenced within 90 days of the date of this
35 resolution and the City Council is served within 120 days of the date of this resolution.
36 The City Clerk shall send a certified copy of this resolution to the applicant, and if any,
37 the appellant at the address of said person set forth in the record of the proceedings and
38 such mailing shall constitute the notice required by Code of Civil Procedure Section
39 1094.6.

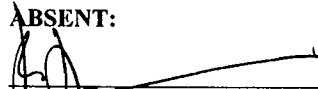
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **July 9, 2008** and that said Resolution was adopted by the following vote:

AYES: Powell, Paralusz, Chairman Lesser

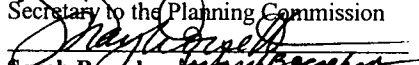
NOES: Fasola, Seville-Jones

ABSTAIN:

ABSENT:



Richard Thompson
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Dan Moreno, Associate Planner
FROM: Erik Zandvliet, Traffic Engineer *EZ*
DATE: July 22, 2008
SUBJECT: **Development Review-818 Manhattan Beach Boulevard**
Proposed Office Building
Response to Planning Commission Comments

On July 9, 2008, the Planning Commission reviewed a proposed 6,142 square-foot office building to replace an existing 2,790 square-foot office building located at 818 Manhattan Beach Boulevard. At the meeting, concerns were raised concerning alley access, driver visibility and related traffic safety along Manhattan Beach Boulevard. After careful evaluation, I have made the following findings:

1. Should the project driveway be allowed on the alley?

The existing office building takes access via the alley to the west, known as Pacific Place. The proposed development would maintain similar alley access. Notwithstanding, it is generally best traffic safety practice to minimize the number of access points along a major street. Alleys are built to serve this purpose. An alley has much lower traffic volume, and is more appropriate for making slower turning movements required to enter and exit driveways. By contrast, a new driveway along Manhattan Beach Boulevard would have introduced additional locations for vehicle conflicts along the street which increases the potential for rear-end and broadside collisions. By maintaining property access via the alley, all project traffic would be continue using an existing access point to Manhattan Beach Boulevard or Pacific Avenue. Therefore, it is recommended that the project take access from the alley and not Manhattan Beach Boulevard.

2. Should the alley be vacated for safety or other reasons?

The alley serves a justified circulation purpose to provide vehicle access to residential and commercial driveways that would otherwise be on a major or collector street. In addition, there are numerous utility facilities that exist in the alley to serve the adjacent properties. If vacated, the purpose for the alley would be the same, but it would be called a private driveway with shared rights of entry. Utility easements would make it difficult to develop that strip of land. An alternative would be to close the alley at Manhattan Beach Boulevard, but the diverted traffic would then have to take access via 11th Street and Pacific Avenue, which have other sight distance restrictions due to parked cars and the proximity to a major intersection with turning vehicles. It would also incrementally increase the amount of non-resident traffic on 11th Street.

EXHIBIT
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If removed, the alley would likely be vacated back to the property owner to the west according to underlying deeds, and the subject project would be unable to access that land. The result would be a new driveway on Manhattan Beach Boulevard which would have almost identical conditions to the vacated alley access in terms of potential vehicle conflicts, sight distance and volumes. There would be no net gain in overall traffic safety.

3. Does this alley contribute to the collision potential in the area?

The alley has similar characteristics to other driveways and alleys along Manhattan Beach Boulevard. There are numerous factors that contribute to the overall safety of a particular area, and this alley contributes both beneficial and non-beneficial assets. For instance, the alley provides the option for motorists to exit several properties using the same access point, which reduces the number of conflict points along a roadway. It reduces the number of driveways and curb-cuts, improving the traffic flow. It allows for multiple exits, namely to the south and west, so drivers can enter Manhattan Beach Boulevard at a signalized intersection at Pacific Avenue, instead of midblock. Conversely, the alley allows motorists to use a residential street for access to commercial properties. Also, the alley exit at Manhattan Beach Boulevard is not controlled and is located close to a curve in the road that reduces sight distance. The net result is that the alley access does not aggregately contribute or detract from overall traffic safety in the area.

4. Should the alley be widened by dedication?

The City does not have a standing policy or practice to widen alleys. There are numerous alleys and streets in the City that have 15-foot wide pavement, and drivers have become accustomed to driving on them. Of course, a 20-foot wide alley would improve circulation because vehicles could pass in opposite directions easily. The determination to require an alley widening should be based on the expected benefit to the adjacent properties, any potential detrimental effects like increased speeds or cut-through volumes, and the proximate nexus to the planned improvements of the potentially affected owners.

5. Should the developer be required to improve the alley?

The existing alley does have a short steep approach grade in the northbound direction just south of Manhattan Beach Boulevard. This contributes to reduced sight distance and the potential for low profile cars to "bottom-out" along the easterly edge. These existing conditions are not caused by the existing or proposed project, but would be improved if the alley were reconstructed. Whether or not the developer is ultimately required to construct alley improvements, the overall building design should anticipate and accommodate future reconstruction to raise the north end of the alley.

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Dan Moreno, Associate Planner
FROM: Erik Zandvliet, Traffic Engineer
DATE: July 22, 2008
**SUBJECT: Pacific Place Alley
Response to Planning Commission Comments**

On July 9, 2008, the Planning Commission reviewed a proposed 6,142 square-foot office building to replace an existing 2,790 square-foot office building located at 818 Manhattan Beach Boulevard. At the meeting, concerns were raised concerning alley access, driver visibility and related traffic safety along Manhattan Beach Boulevard. In addition, questions were raised about the possible future use of the alley by the adjacent property to the west located at 806 Manhattan Beach Boulevard.

If the property at 806 Manhattan Beach Boulevard were redeveloped, it is recommended that driveway access to Manhattan Beach Boulevard be removed along the property frontage, and vehicle access to the parking lot or structure be made via the alley based on the following reasons:

- The Pacific Place access at Manhattan Beach Boulevard has greater sight distance of approaching vehicles than the existing property driveway.
- The number of locations for potential vehicle conflicts would be reduced to one access point along Manhattan Beach Boulevard.
- The use of the alley allows drivers the option of using Pacific Avenue to enter/exit Manhattan Beach Boulevard at a signalized intersection instead of a mid-block access.

As traffic volumes increase, the potential for vehicle conflicts within the alley increases as well. Since the existing volumes are very low, the potential for two vehicles in the alley at the same time is correspondingly low. The existing alley is 15 feet wide, whereas the standard industry width is 20 feet wide. As additional driveways and/or traffic are added to the alley, there is greater general benefit to widen the alley to 20' wide or more to allow two-way traffic and reduce driver inconvenience and/or potential conflicts. A wider alley also improves circulation by making it easier to make turns at driveways and intersections along the alley. Widening an alley can be accomplished as part of a development condition to dedicate public right-of-way, or as a General Plan policy for a particular alley to be widened as adjacent development occurs. There is no rule that an alley must be widened evenly on both sides. It should also be recognized that widening an alley can have detrimental effects as well, such as increased speeding or cut-through volumes.





Pacific Place Alley

DRAFT

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
JULY 9, 2008**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 9th day of July, 2008, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

A. ROLL CALL

Present: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
Absent: None
Staff Present: Laurie Jester, Senior Planner
Daniel Moreno, Associate Planner
Recording Secretary: Sarah Boesch

B. APPROVAL OF MINUTES – June 25, 2008

A motion was MADE and SECONDED (Fasola/Seville-Jones) to approve the minutes of June 25, 2008.

AYES: Fasola, Paralusz, Powell, Seville-Jones and Chair Lesser
NOES: None.
ABSENT: None.
ABSTAIN: None.

C. AUDIENCE PARTICIPATION

None.

D. BUSINESS ITEMS

None.

E. PUBLIC HEARINGS (CONTINUED)

**1. Consideration of a Use Permit to Allow an Office Building Located at 818
Manhattan Beach Boulevard**

Chairman Lesser said that he is friends with the applicant's architect. He indicated that he has no financial interest in the project and feels he can consider the issue fairly.

Associate Planner Moreno summarized the staff report. He indicated that the Commission raised a concern at the previous hearing regarding the issue regarding the trash area and hours for trash pickup. He said that staff would not recommend any restrictions on hours for trash pickup, as such times are predetermined by the waste hauler for specific areas. He stated that staff believes the parking space #14 is not in an aisle and is not subject to the Code requirement which states that an aisle at the end of a parking bay providing access to a parking space perpendicular to the aisle shall extend 2 feet beyond the required width of the parking space to allow for back up access, and this interpretation has been used on other projects. He commented that the Commissioners felt at the last hearing that the compact spaces on the exterior of the building would be highly utilized and should possibly be converted to standard

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parking spaces. He indicated that staff has included Condition 3 in the draft Resolution which requires the subject spaces to be standard size.

Associate Planner Moreno stated that there was also previously a concern expressed by the Commission regarding noise from the condensing units. He indicated that the building wall has been pushed out an additional 4 ½ feet in order to enclose the condensing units which would mitigate any noise issues to the neighbors to the south. He said that there was a concern expressed that the 15 foot alley is not adequate to provide access for the driveway. He stated that the City's Traffic Engineer has provided input that the width would be adequate to provide access to the proposed driveway. He stated that the Traffic Engineer supports providing a radius on the corner to allow access to exit the property. He said that the Traffic Engineer is not opposed to prohibiting left hand turns from the proposed driveway; however, he would not recommend blocking the alley onto 11th Street until the impacts can be further studied. He commented that the neighbors do have the ability to petition the City if they have a concern with traffic, which would be reviewed by the Traffic Engineer. He commented that landscaping with potted plants and trees has been incorporated to provide a buffer from the neighbor to the south. He indicated that staff does not recommend reducing the number of tenants for the proposed structure, as the parking ratio requirement 1/300 for general office use is based on the square footage of the building. He pointed out that Condition 2 prohibits medical office uses that have an increased parking ratio and only allows for general office use.

In response to a question from Commissioner Fasola, Associate Planner Moreno indicated that the clearance on the aisles on the north side of the parking area would be compliant with Code requirements.

In response to a question from Chairman Lesser, Associate Planner Moreno commented that staff's position is that the three proposed exterior compact spaces should be converted to standard spaces. He said that staff feels the spaces can be converted by widening the standard spaces to allow a reduction of the backup area requirement of 21 feet. He indicated that staff can approve the revision to standard spaces if it is agreeable to the Commission. He stated that staff does not have a position as to whether the three exterior spaces should be designated for employee parking.

Commissioner Powell pointed out that the Parking and Public Improvements Commission on which he previously served always took into account the cumulative traffic impact of existing uses along with future potential projects. He commented that employees do not always follow requirements for employee parking and still park on adjacent streets even if directed to park on site. He indicated that compact spaces often times will remain under utilized because they are too small for average sized vehicles, and employees may choose not to park on site because of the smaller size of the compact spaces. He said that it is also difficult to enforce a requirement that employees park on site.

Senior Planner Jester commented that the Traffic Engineer uses the Institute of Traffic Engineers (ITE) manual in making his determinations on traffic volumes which has standard rates for specific types of uses. She indicated that the Traffic Engineer felt that there would not be a significant traffic impact resulting from the proposal based on the projected traffic generation.

Commissioner Seville-Jones commented that her concerns are regarding the narrowness of the alley. She said that she has driven down the alley several times and has had a number of near accidents. She indicated that with the number of people who would be visiting the site, the alley width is a concern.

In response to a question from Commissioner Fasola, Senior Planner Jester indicated that a traffic study is only generated for a project that is much larger than the subject proposal.

Commissioner Fasola commented that the owner of Old Venice was recently killed when he was riding his bicycle near the subject alley when a car coming from the parking lot of the development to the west of the subject site struck him. He indicated that the area is one of the worst in the City for safety, which is an important consideration. He asked whether the City is considering safety when more cars are put onto Manhattan Beach Boulevard. He stated that he has concerns about the narrowness of the alley. He commented that there are parallel parking spaces on the development to the west of the subject site adjacent to the alley in which parked cars can extend into the alley, which further restricts the space and makes it difficult or impossible for two cars to pass.

Associate Planner Moreno stated that there is a concern with the speed and amount of traffic on Manhattan Beach Boulevard. He said that there is a much greater risk for traffic and pedestrians with access to the proposed development off of Manhattan Beach Boulevard rather than the alley.

Commissioner Seville-Jones indicated that there are developments in the area that do have access from Manhattan Beach Boulevard rather than an alley.

Associate Planner Moreno said that the access from the medical building across from the project was only possible from Manhattan Beach Boulevard because it was the lowest point on the site and it would have required a great deal of grading in order to locate the access off of the adjacent street rather than Manhattan Beach Boulevard. He stated that each project is studied individually and closely by the Traffic Engineer and the project planner. He said that the Traffic Engineer recommends that access be placed off of a side street or alley rather than Manhattan Beach Boulevard when there is an opportunity.

In response to a question from Commissioner Powell, Associate Planner Moreno indicated that the City will study a traffic concern if there are residents of an adjacent neighborhood that are concerned with traffic and file a petition, although he is not certain of the number of individuals who need to sign such a petition. He commented that staff was not aware of any traffic concerns in the adjacent area until they were raised with the subject proposal.

In response to a question from Commissioner Seville-Jones, Associate Planner Moreno said that the Traffic Engineer did consider the safety of tenants of a nearby apartment building turning into the alley when cars from the subject development are exiting the exterior compact spaces. He said that the Traffic Engineer does visit the site to determine whether there are safety issues resulting from a proposal with adjacent properties.

Commissioner Seville-Jones commented that as community planners, she feels the Commission should take into consideration the impact to traffic that the subject project would have in combination with other properties. She asked whether any future development on the property to the west of the subject site would also have access from the alley or Manhattan Beach Boulevard.

Associate Planner Moreno commented that he would assume similar consideration would be given to a future development on the property to the west for access off of the alley, based on the input of the Traffic Engineer that access from the alley helps to relieve traffic concerns on Manhattan Beach Boulevard.

In response to a question from Commissioner Seville-Jones, Associate Planner Moreno indicated that he believes the Traffic Engineer would still feel that access from the alley would be preferable even if the property to the west were built to the maximum, but that would be reviewed when a project is submitted. He commented that access from Manhattan Beach Boulevard is also a concern because there is also a blind spot for vehicles traveling east on Pacific Avenue onto Manhattan Beach Boulevard.

Commissioner Seville-Jones said that another possibility is to require a dedication in order to widen the alley. She commented that she would want to be certain about whether the width of the alley is sufficient to provide access. She also asked regarding whether the Traffic Engineer has taken into account the impact of cars traveling northbound in the alley possibly having to back up because a car travelling in opposite direction is unable to pass with cars parked in the parallel spaces to the west of the site.

Associate Planner Moreno indicated that the issue of whether the width of the alley is sufficient for cars traveling in opposite directions to pass.

At 7:10, a five minute recess was taken.

Louie Tomaro, the project architect, said that they did achieve an additional 2 feet of back up area for parking space #8. He pointed out that the proposed use as a single tenant office is the least intensive that would be proposed for the site. He commented that the owner plans to occupy the building. He said that providing the exterior compact spots for employees and providing maximum back up space is preferable to having full sized spaces with 20 feet of back up area. He said that the location of the compact spaces at the rear of the property is furthest from the entrance and would be the least convenient for visitors. He indicated that visitors would want to park as close to the elevator as possible. He commented that the owner would be happy to park in the compact spaces. He pointed out that the proposal does meet the City requirement allowing 30 percent of parking spaces to be compact, and they feel the requirement should apply to their project as the proposed use would be the least intensive. He commented that staff did not recommend that they provide all full size spaces and request a parking reduction, as that involves a Variance. He said that the owner will use the property and will want the spaces in the front to be available for his clients. He indicated that they attempt with the design of their projects to provide access from the street or alley with the lowest traffic volume. He said that the lowest point on a property is typically the best point to locate the driveway in order to maximize its use, which is the reason that the medical center across the street from the subject site has access off of Manhattan Beach Boulevard. He pointed out that they chose to locate their driveway off of the alley even though it is the highest point of the lot in order to reduce the safety concerns on Manhattan Beach Boulevard.

In response to questions from Chairman Lesser, **Mr. Tomaro** said that the applicant is requesting that the second sentence of Condition 3 of the draft Resolution be deleted which requires that the three exterior parking spaces be changed to standard size. He commented that a drop off area for delivery vehicles is not provided because of the small size of the building. He said that UPS and Federal Express trucks would stop along Manhattan Beach Boulevard. He indicated that they feel the parking design meets the requirements of the City. He commented that reducing the number of parking spaces would require the reduction of the square footage of the building which is already at the minimum in order for the project to be viable. He said that the owner and his employees would park in the lot early in the morning, and the interior spaces would be available for visitors. He said that designating the exterior spaces as employee parking would help mitigate the amount of traffic entering and exiting from

the compact spaces.

Commissioner Fasola commented that he is aware that the owner is attempting to maximize the use of the property; however, the parking areas seem extremely tight for the project and are at or below the minimum requirements. He said that the project includes the maximum amount of compact parking spaces that are permitted, even though compact spaces are discouraged by the City. He indicated that the square footage of the proposed structure is actually larger than has been indicated which would require more than 21 parking spaces. He said that he feels the number of parking spaces will need to be reduced in order for any of the compact spaces to be changed to standard size. He said that his concern is that cars would end up parking on the street rather than on site because of the tight space for parking. He commented that there is not a large amount of street parking in the area, and the parking along Manhattan Beach Boulevard and along 11th Street is fully utilized.

Mr. Tomaro commented that they have provided sufficient space for parking. He said that they intend to meet the parking requirements, and he is certain that staff will examine the project closely to ensure that it is in compliance in their review. He said that he is not certain that any changes can be made to improve traffic circulation within the proposed parking structure. He said that 25 ½ feet of back up area would be provided rather than 24 feet which is required, and none of the parking spaces would overlap. He indicated that they will verify that the square footage is as proposed with the City during plan check.

Chairman Lesser opened the public hearing.

Audience Participation

William Wood, the owner of the adjacent property to the south of the subject site, said that he appreciates the landscaping buffer that has been provided on the south side and that the position of the air conditioning units has been changed. He commented that there is an issue of traffic in the subject area. He said that he appreciates the suggestions to minimize the number of vehicles that enter and exit at particular areas along the alley. He commented that he would be available if there is any help he may provide in improving the traffic condition.

Phillip Cook, the applicant, commented that he has been a resident of the City for 40 years, and his ability to bring business and revenue to the City is tied to the property. He pointed out that the lot could accommodate a 7,000 square foot building, and he would build a structure to the maximum if he were not concerned with the look and feel of the building. He commented that he intends to work and live in the City indefinitely. He stated that he would not be an absentee landlord, and he will ensure that his tenants will not impact the neighbors. He indicated that he would establish penalties in the leases of his tenants if their employees do not park in designated parking spaces. He said that he would be the first one at the building in the morning, and his car as well as the cars of his employees would be parked in the outside parking spaces. He commented that the project is already underdeveloped as proposed given the cost of the land and of building, and he would lose an even greater amount of revenue if he is required to reduce the size of the structure. He indicated that his project should be permitted to have 30 percent of the parking be compact if it is permitted for other properties in the City provided that all of the concerns are addressed.

Chairman Lesser closed the public hearing.

Discussion

Commissioner Powell commended the neighbors for their input and the architect for addressing their concerns. He pointed out that the property would be occupied by the applicant and would be a low intensive use. He stated that the structure is attractive; there are setbacks where none are legally required; the building would be 6,142 square feet and the maximum allowable is 7,051 square feet; the height would be 28 feet and the maximum allowable is 30 feet; and the project would include 9 percent landscaping and 8 percent is required. He indicated that to accommodate full sized spaces would require a reduction of the building size, and it is already lower than the maximum permitted. He pointed out that the Code does allow for 30 percent compact parking, and he is not certain that the Commission has the discretion to require that the applicant not include compact spaces when it is allowed by Code. He said that the project does meet the necessary requirements and is compatible with the City's General Plan. He indicated that it would not be a detriment and would not impact the safety, health or welfare of the community. He commented that there was participation by the community, and the architect took the concerns that were raised into consideration in the design. He indicated that he would be in favor of the project. He stated that he would eliminate the second sentence of Condition 3 on page 3 of the draft Resolution which states: "The proposed exterior parking spaces located adjacent to the alley shall be designated as standard size spaces."

Commissioner Paralusz commended the applicant and architect for working with the neighbors. She stated that she agrees with the comments of Commissioner Powell. She said that she would support the proposal and supports striking the second sentence of Condition 3.

Commissioner Seville-Jones said that she appreciates the comments of the applicant and that he is investing in the community. She also commented that the architect has done a very nice work with the design. She indicated that she feels that designating the exterior spaces for employees only would help to mitigate concerns by reducing the number of vehicles that enter and exit the spaces adjacent to the alley. She indicated, however, that she has a concern with the narrow width of the alley and that access to the site would not be from Manhattan Beach Boulevard. She indicated that while the Traffic Engineer may have taken into account the impact that a new project would have on the property directly west of the subject site, she is not certain how close the determination was as to whether or not access to the proposed development should be from the alley rather than from Manhattan Beach Boulevard. She commented that she is not sure that the advantages for the access being taken from the alley are so clear cut that access from Manhattan Beach Boulevard should not be considered. She indicated that she is concerned that a decision to allow access from the alley without clearly knowing the traffic impacts would impact the neighbors indefinitely. She stated that she is not certain if there is a close determination on whether the portion of the alley should be vacated and access to the development taken from the alley or Manhattan Beach Boulevard, and she does not feel she has sufficient information at this point to make a determination. She commented that she would like for the hearing to be continued and for the Traffic Engineer to come to the Commission with additional information.

Commissioner Fasola said that the issue of safety on the corner of the subject site is paramount, and the alley would permanently be narrowed to 15 feet once the building is constructed. He commented that the intersection of the alley and Manhattan Beach Boulevard may need to be considered, as cars currently bottom out as they come out of the alley and it is difficult to see driving down Manhattan Beach Boulevard. He pointed out that someone died last week near the alley, and safety is very critical. He commented that in addition to cars traveling very fast on Manhattan Beach Boulevard, children are walking to school in the area. He indicated that a thorough traffic study needs to be conducted before the design of the project is completed. He said that a better option may be to vacate the alley and access be provided at another location as suggested by Commissioner Seville-Jones.

In response to a question from Chairman Lesser, Associate Planner Moreno stated that only a limited traffic study was performed for the Walgreen's project that was recently considered by the Commission, and it is a much larger development than the subject proposal. He indicated that a traffic study typically is not required for a project as small as the subject development.

Senior Planner Jester pointed out that the Traffic Engineer does review all of the projects that come before the Planning Commission and will often provide comments. She said that a project such as the subject proposal does not require a full traffic study. She indicated that her understanding from the discussion is that some of the Commissioners feel there are specific safety concerns about the subject alley which make it unique and necessitate further review because it is narrow; because of potential future development of the property to the west; because of the close proximity to a school and the intersection with Manhattan Beach Boulevard; and because of the topography of the alley and Manhattan Beach Boulevard.

Commissioner Seville-Jones pointed out that there is a difference between her suggestion and that of Commissioner Fasola, as she is suggesting that the item be continued and that the Traffic Engineer provide input at the next hearing and Commissioner Fasola is requesting that a traffic study be conducted.

Chairman Lesser said that he wants to be careful not to penalize the subject applicant. He commended the applicant and architect for creating a design for the site. He also pointed out that a much larger building could be constructed on the site. He also commended the applicant for being responsive and addressing the concerns of the adjacent neighbor and the Commission in buffering the appearance of the structure from the south. He stated that traffic is a real problem in the community, and the Commissioners are attempting to govern the direction of the building while addressing concerns of safety and traffic issues. He said that he is concerned that the Commission is holding the applicant more responsible than is appropriate for issues beyond his control, as staff and the Traffic Engineer have already expressed support for the project. He commented that questions regarding the narrow width of the alley were previously raised by the Commissioners at the last hearing. He commented that he still has a concern with the exterior compact parking spaces; however, he does feel the number of cars entering and exiting the spaces would be reduced by designating their use for employee parking. He said that he is not certain if he would want to direct the applicant to designate the spaces only for employee use; however, it would not be a requirement of the Resolution. He commented that he feels it would be appropriate for the Traffic Engineer to begin a study regarding the possibility of restricting left turns onto the alley from the proposed development. He said that he would support the project and would support eliminating the second sentence of Condition 3 in the draft Resolution.

In response to a comment from Chairman Lesser, Commissioner Seville-Jones indicated that she would like additional input from the Traffic Engineer regarding the amount of traffic that would be anticipated with the subject project and with a future development on the property to the west specifically regarding whether the alley could support traffic for both projects. She commented that there are no other businesses that access such a large number of parking spaces off of an alley as is proposed. She commented that she may balance the concerns of the adjacent neighbors more strongly if she had information that there was not a significant difference in safety between exiting the proposed development from the alley or from Manhattan Beach Boulevard. She pointed out that there is almost no visibility turning right from the alley onto 11th Street because of a wall that extends to the end of the alley. She indicated that she has a question as to whether the narrow alley can handle the impact as the amount of traffic is increased with the subject project and a potential future project to the west.

She said that she also has a concern with the backup of traffic on Manhattan Beach Boulevard turning onto the alley.

In response to a question from Chairman Lesser, Senior Planner Jester commented that the Commission is considering the subject project, and it is not known what will occur on the property to the west in the future as there are no proposals for that site. She said that the Commissioners should not base approval of the subject project on the potential impact of an unknown future project to the west. She said that the Traffic Engineer has reviewed the subject proposal and prefers that access for the site be from the alley rather than Manhattan Beach Boulevard. She said that each project needs to be reviewed on an individual basis and considered based on the type of use.

Commissioner Seville-Jones commented that she does not feel she has sufficient information to decide whether or not the neighborhood could be helped by abandoning the alley for traffic and placing access for the subject development and a future development on the property to the west off of Manhattan Beach Boulevard. She said that she does not feel the Commission is being community planners if they do not consider the future impact of the redevelopment of adjacent properties and providing access from the alley.

Senior Planner Jester pointed out that the Engineering Division would not support vacating the alley.

Commissioner Powell indicated that the City Traffic Engineer has indicated to staff that the existing 15 foot alley is adequate to accommodate accessibility to the site. He pointed out that the Traffic Engineer is not opposed to posting a sign to restrict left hand turns as vehicles exit the parking area but does not recommend blocking off the alley to prevent traffic onto 11th Street without further study from the City. He said that he can approve the project, as nothing that is determined by a traffic study would change the design but only with the flow of traffic through the alley.

Commissioner Paralusz said that she agrees with the comments of Commissioner Powell. She indicated that she respects the comments of Commissioner Seville-Jones regarding the need to consider the impact of projects into the future and anticipating issues that may arise. She said, however, that she is comfortable that the Traffic Engineer has reviewed the project and feels the 15 foot alley is adequate to accommodate accessibility to the site. She indicated that it is not yet known what may be built on the property to the west, and access from the alley may not be appropriate for that project depending on the type of use. She commented that she feels considering this project based on a project that may or may not occur on the site to the west would be penalizing the applicant for an issue that is beyond his control.

Commissioner Seville-Jones said that she would have questions as to whether the project should access off of Manhattan Beach Boulevard if the Traffic Engineer provides information that it is unlikely that the alley would support access to an additional project on the property to the west. She said that access to Manhattan Beach Boulevard was provided for other recent projects because of the topography of those properties. She indicated that she feels she does not have sufficient information to balance whether or not it would be appropriate for the subject project to be from Manhattan Beach Boulevard. She commented that she does not feel a requirement restricting left turns from the project would be enforced. She indicated that the decision to provide access to the site from the alley would set a precedent for other projects. She commented that it is not her position that approval of the subject proposal is necessarily wrong but simply that she has a concern that there is not sufficient information to balance the options.

Commissioner Fasola indicated that he does not necessarily feel the property owner would be penalized by addressing safety concerns. He indicated that there are alternatives such as requiring a dedication to provide for a 20 foot alley width. He said that another option would be to provide for the removal of the parking spaces for the lot on the west side of the alley. He commented that the Traffic Engineer has indicated that he feels the 15 foot alley is adequate; however, he is not certain if all of the safety issues at the intersection were considered in the Traffic Engineer's determination. He indicated that he would be more comfortable with additional analysis from the Traffic Engineer.

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Chairman Lesser stated that it is the role of the Commission to review the analysis of staff; however, it becomes necessary for him to defer to the expert opinion of staff on issues for which they have much greater experience. He said that in this instance he is prepared to approve the project with the elimination of the second sentence of Condition 3. He indicated, however, that two of the Commissioners would still like further information from the Traffic Engineer on his thinking on this project, and he would want to provide the opportunity for additional information if they feel it would be helpful.

Senior Planner Jester pointed out that the Traffic Engineer did review the project and did specifically address the 15 foot wide alley as being adequate. She stated that the Traffic Engineer also preferred the option for access to the site being taken from the alley rather than Manhattan Beach Boulevard.

Associate Planner Moreno commented that the Traffic Engineer did indicate that access from the alley was adequate although not ideal, and that it would be preferable to access from Manhattan Beach Boulevard. He indicated that safety is of great concern to staff in considering projects, and they rely on the expertise of the Traffic Engineer in arriving at their recommendations.

Commissioner Seville-Jones said that if there is support from three of the Commissioners to approve the project, she is satisfied that the comments of the Commissioners are on the record and will be forwarded to the City Council. She said that the City Council can decide if they want additional information, and it is possible some of the issues raised by the Commissioners would be addressed in the information provided to the Council.

Senior Planner Jester said that the concerns of the Commission regarding safety would be included with the information that is provided to the City Council.

Chairman Lesser said that he is not certain if he would support a requirement for a sign restricting left turns from the project; however, he would support the possibility being studied further.

Commissioner Paralusz indicated that if the project is approved by the Commission and moves forward to the City Council, she would recommend that the Traffic Engineer study the possibility of restricting left hand turns from the project further to determine if it is necessary. She said that she would not support imposing such a condition on the applicant as part of the approval.

Commissioner Powell pointed out that the applicant did not have an objection to a sign restricting left turns from the project. He commented that he would recommend that a further traffic study be conducted without the necessity of the neighbors submitting a petition. He said that he would not want the residents to be forced to submit a petition in order for a further study to be done. He commented that such a study would not have to be a formal report, as it not required as part of the project. He commented that many times measures that are taken to control traffic have the effect of simply shifting traffic problems to other streets, which he believes would be reviewed in such a traffic study.

Commissioner Seville-Jones said that if three of the other Commissioners feel there has been sufficient information presented in order to allow them to approve the project, she is satisfied that the comments of the Commissioners are on the record and will be forwarded to the City Council.

Chairman Lesser said that he is in support of the project; however, he would be willing support continuing the hearing to allow the Traffic Engineer to address the concerns raised by Commissioners Fasola and Seville-Jones if it would be helpful for them in reaching a decision.

Commissioner Seville-Jones said that she does not feel it is necessary to wait for a unanimous vote and would encourage the Commission to move forward, as the applicant is waiting for a decision and would like for the project to move forward as quickly as possible.

Action

A motion was MADE and SECONDED (Paralusz/Powell) to **APPROVE** a Use Permit to Allow an Office Building Located at 818 Manhattan Beach Boulevard with the deletion of the second sentence of section 2, paragraph 3, on page 3 of the draft Resolution; and with a request that the traffic engineer to review whether a no left turn sign out of the proposed driveway for the development into the alley is appropriate.

AYES: Paralusz, Powell, and Chair Lesser
NOES: Fasola, Seville-Jones
ABSENT: None
ABSTAIN: None

Senior Planner Jester said that the item will be placed on the City Council's Consent Calendar for their meeting of August 5, 2008.

F. DIRECTORS ITEMS

Senior Planner Jester indicated that the APA Conference is scheduled to take place on September 21-24, 2008 in Hollywood, and the early registration deadline is July 15, 2008.

Senior Planner Jester commented that the required ethics training for Commissioners is scheduled for September 11, 2008, from 6:30 p.m. to 8:30 p.m.

G. PLANNING COMMISSION ITEMS

Commissioner Powell commented that the APA Conference is being hosted this year by the Los Angeles Chapter, and there will be many very informative sessions that will be useful to the Commissioners. He said that the website is laapa.org.

Commissioner Powell said that the Manhattan Beach Fire Department Community Emergency Response Team is accepting applications for their next program on disaster preparedness which will begin on September 2, 2008. He commented that there will be six meetings on Tuesday and Thursday evenings from 6:30 p.m. to 9:30 p.m. and one session on Saturday from 8:00 a.m. to 2:00 p.m. He said that registration is available on the City's website or the C.E.R.T. website at mbcerta.org.

H. TENTATIVE AGENDA

I. ADJOURNMENT

The meeting was adjourned at 8:45 p.m. to Wednesday, July 23, 2008, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

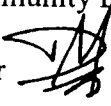
ATTEST:

RICHARD THOMPSON
Community Development Director

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Daniel A. Moreno, Associate Planner 

DATE: July 9, 2008

SUBJECT: Consideration of a Use Permit to Allow an Office Building Located at 818 Manhattan Beach Boulevard

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT THE CONTINUED PUBLIC HEARING** and **DISCUSS** and **PROVIDE DIRECTION**

BACKGROUND

At the May 28, 2008 Planning Commission meeting staff presented a proposal to allow the development of a 6,142 square foot three-level general office building with parking at ground level at the subject site. The proposal would replace a one-story 2,790 square foot one-story office building built in 1947.

After opening the hearing and taking testimony, the Planning Commission, on a 5-0-0 vote, continued the public hearing to the July 9, 2008 meeting. Although the Commission indicated their support of the project, concerns were raised regarding the following issues:

- Trash pick-up. Staff does not recommend imposing any restrictions on trash pick-up but rather allow the City's trash hauler to determine the best time, because the routes are pre-established and very difficult to change without impacting other customers.
- Parking access. A concern was raised that end parking spaces, particularly parking space #14, is required to provide an extra 2-feet at the end of the driveway aisle for existing purposes. MBMC Section 10.64.100 B (2), states that at the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle shall extend two-feet beyond the required width of the parking space for back-up access. Staff believes that the parking space in question is not in an aisle and therefore the requirement does not apply. Furthermore, based on the location of the driveway entrance, providing the additional 2-foot back-up would require a difficult four-point maneuver to exit the building. Any vehicle parked in space #14 would simply back-up into parking access area and do a two-point maneuver to exit the building. Therefore staff does not believe that the additional 2-foot back-up area is required or needed to exit the parking area.

EXHIBIT


- Conversion of exterior compact spaces to standard spaces. The Commission believes that that these outside spaces would be utilized on a more frequent basis and therefore should be designed as standards spaces. Staff points out that converting these exterior spaces from compact to standard parking (8.5' w x 18'd) would violate the minimum back-up requirement of 24-feet as measured from the back of the 15-foot wide alley. In order to address the Commissions concern about the use of these spaces, the applicant proposes to retain the compact spaces but would designate them exclusively for employee parking. Staff recommends that the project be revised to provide standard sized spaces at this location. In order to accommodate standard spaces the applicant may be required to reduce the size of the building.
- Additional landscape buffer at the proposed second level deck at the building rear. The project architect has enhanced the landscaping as recommended by the Planning Commission to further buffer the structure adjacent to residential properties to the east (see attached plans).
- Relocate condensing units proposed within the landscape area at the southeast corner of the property. The project architect has extended the garage wall an additional 4.5 feet which would house the units within the garage area and therefore alleviate noise issues to the residential properties to the east.
- Limit the number of tenants. Staff does not recommend limiting the number of tenants as the parking ratio requirement of 1/300 for general office use is based on the square footage of the building. To ensure that the tenant area is not converted to a more intensive use, Condition #2 would prohibit medical uses as the parking ratio would increase to 1/200.
- Traffic issues. The City Traffic Engineer has indicated to staff that the existing 15-foot wide alley is adequate to accommodate accessibility to the site. He supports redesigning the driveway entry area with a radius to allow better exiting from the covered parking area as shown on the plans. Additionally, the project architect has incorporated the driveway visibility requirement (MBMC Section 10.64.150) on the site plan entry/exit area to alleviate site visibility concerns. The Traffic Engineer is not opposed to posting a sign that restrict left hand turns as vehicles exit the parking area, however he does not recommend blocking off the alley to prevent traffic onto 11th Street without further study from the City.

At the May 28, 2008 Planning Commission meeting several members of the public addressed the Commission. Concerns were raised regarding construction vehicle parking, vehicle access, employing parking, landscape buffer and driveway location.

Attached for the Commissions review is a 'Draft' Resolution of approval, and background information and minutes from the May 28, 2008, Planning Commission meeting.

Attachments:

- Exhibit A – 'Draft' Resolution No. PC 08-
- Exhibit B – Background Information, Staff Report, dated 5/28/08 (no attachments)
- Exhibit C – Planning Commission 'Draft' Minutes, dated 5/28/08
- Exhibit D – Project Plans

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**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF MANHATTAN BEACH APPROVING A USE PERMIT,
TO ALLOW AN OFFICE BUILDING LOCATED AT 818
MANHATTAN BEACH BOULEVARD**

**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 public hearing pursuant to applicable law on May 28, 2008 and July 9, 2008, to consider an application for a Use Permit to allow construction of a 6,142 square foot office building; for the property legally described as Portion of Lot 2, Block 16, and Tract 3393, in the City of Manhattan Beach.
- B. The May 28, 2008 Planning Commission public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant is 818 MBB, LLC, c/o Phillip Cook.
- D. The proposed use is permitted in the CL (Local Commercial) Zone subject to a Use Permit approval as the project exceeds 5,000 square feet of buildable floor area.
- E. The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), based on the determination that it is an in-fill development and has no potential for causing a significant effect on the environment per Section 15332.
- F. 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.
- G. The Planning Commission made the following findings with respect to this application:
 1. The project consists of 6,142 square foot three-level general office building with parking at ground level.
 2. The project is located in Area District I and is zoned (CL) Local Commercial. The use is permitted by the zoning code and is appropriate as conditioned for the general commercial area. The properties to the east and west are similarly zoned; the properties to the south are zoned (RS) Residential Single Family; and the property to the north is zoned (PS) Public and Semi-Public. The property is located on the northwest corner of Sepulveda Boulevard and Pacific Place.
 3. The General Plan designation for the properties is Local Commercial. The General Plan encourages commercial development such as this that provides for businesses which serve city residents.

Use Permit

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

The proposed project is located within the (CL) Local Commercial district. The proposed use would replace an existing single story office building and the business is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial office uses.



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The office building is designed to accommodate a variety of professional office uses that will service the local community and blends with the overall character of the neighborhood. The historic character of Manhattan Beach Boulevard, east of Pacific Avenue is office professional with minimal retail uses.

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

The proposed three-level general office building poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a general commercial office use. The new use is intended to provide a better variety of services to the community.

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

General Plan

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

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.

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

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

Policy LU-6.4: Recognize the unique qualities of mixed-use areas and balance the needs of both the commercial and residential uses.

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

The proposed office use on an existing commercial site will be in compliance with applicable provisions of the (CL) Local Commercial zone as it provides neighborhood-oriented, small-scale professional offices that serve the local community. The proposed use would generate low traffic volumes, have a limited parking need, and generally not operate in late hours.

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

The existing site has historically been used as an office use and the proposed general office use (no medical use proposed) will not adversely impact nearby

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properties. The proposed increase in building area will require a slight increase in the parking demand; however it will be accommodated as part of the proposed use. It is not anticipated that the proposed office use will exceed the capacity of public services and facilities. Minor comments from the Building Division, Fire Department, Police Department, Engineering and Public Works Department will be addressed during regular plan check.

- H. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- I. This Resolution upon its effectiveness constitutes the Use Permit approval for the subject project.

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

Site Preparation/Construction

1. The project shall be constructed and operated in substantial conformance with the submitted plans and project description submitted to, and approved by the Planning Commission on May 28, 2008. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. No medical uses shall be permitted at the subject site.
3. The project shall provide parking spaces based on a parking ratio of 1/300. The proposed exterior parking spaces located adjacent to the alley shall be designed as standard size spaces (8.5' x 18').
4. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Traffic Engineer and Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
5. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations and orders, rules of the Public Utilities Commission, the serving utility company, and specification of the Public Works Department.
6. During construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
7. The location of construction related equipment (job site offices, trailers, materials, etc) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
8. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. Landscaping shall be installed per the approved plans prior to building final.
9. A low pressure, low-flow or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscape plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to the building final.

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10. All trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap Seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. Drawings of the trash enclosure must be on the plan, and must be approved by the Public Works Department before a permit is issued (See Standard Plan ST-25).
11. Commercial establishments are required, in accordance with Municipal Code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.
12. Management of the retail use shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
13. The operator of the office uses shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
14. The property owner(s) shall be responsible for prohibiting employees from parking personal vehicles on the surrounding public streets. Owners and employees must park on-site while visiting the site.
15. All signs shall be in compliance with the Sign Code. A comprehensive sign program must be submitted to the Community Development Department for review and approval prior to the issuance of a building permit.
16. The applicant shall submit a lighting and photometric plan which shows the location of the proposed lighting, existing public right-of-way lights and maximum foot candles to the Department of Community Development prior to the issuance of a building permit. These plans shall be in compliance with all provisions of the parking lot lighting regulations. All outside site lighting shall be directed away from the residential properties to the south and public right-of-way and shall minimize spill-over onto the sidewalk and street. Shields and directional lighting shall be used where necessary. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
17. All mechanical equipment proposed in the future on the building roof shall not be visible from the public right-of-way and visual screening shall be provided. Antenna dishes or similar items shall be restricted to the same requirements. The building roof shall have a gravel or comparable decorative treatment.
18. Plans shall incorporate sustainable building components into the building and site design. The plans may include, but not limited to LEED (Leadership in Energy and Environmental Design) and other recognized sustainable building components, permeable pavement, energy efficient plumbing, mechanical and electrical systems, and retention of storm water on the site. Plans shall require review and approval by the Community Development and Public Works Departments.
19. Bicycle parking shall be provided at a rate of five percent (5% - 3 spaces) of all parking spaces (MBMC 10.64.80). Location shall be shown on the plans subject to Planning review and approval.

Public Works Requirements

20. This is a SUSMP project and an Operating and Maintenance Agreement Form regarding on-site storm water pollution BMP's and mitigation devices must be completed and submitted to the City before a building or grading permit is issued.

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21. A property line cleanout must be installed on the sanitary sewer lateral (See City Standard Plan ST-5). Cleanout must be added to the plumbing plan.
22. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer (See Standard Plan ST-24). Must be shown on approved plans.
23. If an 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.
24. A mop sink must be installed and shown on the plumbing plan.
25. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, and trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited.
26. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
27. 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 and driveway elevations.
28. The sidewalk on Manhattan Beach Boulevard must be replaced from the west property line to the east property line and shown on the plans to the satisfaction of the Public Works Department.
29. A disabled access ramp must be installed on the northwest corner of the right-of-way public sidewalk (See City Standard Plan ST-9). Ramp must be shown on plans as required by the Public Works Department.
30. 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 approve plans. Control measures must also be taken to prevent street surface water entering the site.
31. Any new storm water, nuisance water, etc. and drain lines installed within the street right-of-way must be constructed of ductile iron pipe. Drains must be shown on approved plans.
32. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Building Division

33. Project shall comply with all Disabled Access regulations.
34. All work shall comply with all current California Building Codes which includes: California Electrical Code, Mechanical Code, Plumbing Code and Fire Code, at the time of submittal.

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Procedural

35. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
36. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
37. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBCM Section 10.100.030 have expired.
38. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
39. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
40. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **July 9, 2008** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

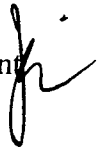
ABSENT:


Richard Thompson
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Daniel A. Moreno, Associate Planner 

DATE: May 28, 2008

SUBJECT: Consideration of a Use Permit to Allow an Office Building Located 818 Manhattan Beach Boulevard

RECOMMENDATION

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

APPLICANT

818 MBB, LLC
22937 Arlington Avenue
Torrance, Ca. 90501

BACKGROUND

On March 18, 2008 an application was received by the Community Development Department for the property located at Pacific Place and Manhattan Beach Boulevard. The applicant seeks entitlements to allow the development of a general office use. The site encompasses 7,051 square feet of lot area and is currently developed with a 2,790 square foot one-story office building built in 1947 and 8 on-site parking spaces. The property is located in Area District I and is zoned (CL) Local Commercial.

The project proposal consists of the demolition of all existing improvements and construction of a 6,142 square foot three-level general office building with parking at ground level. The proposed office use is permitted in the CL zone, however, because the project will exceed more than 5,000 square feet of buildable floor area a Use Permit approval is required.

PROJECT OVERVIEW

LOCATION

Location: 818 Manhattan Beach Boulevard located at the northwest corner of Manhattan Beach Boulevard and Pacific Place (see Site Location Map, Exhibit A)



<u>Legal Description:</u>	Portion of Lot 2, Block 16, Tract 3393, in the City of Manhattan Beach	
<u>Area District:</u>	I	
	LAND USE	
<u>General Plan:</u>	Local Commercial	
<u>Zoning:</u>	CL, Local Commercial	
<u>Land Use:</u>	<u>Existing</u> 2,790 sq. ft. office bldg.	<u>Proposed</u> 6,142 sq. ft. office bldg.
<u>Neighboring Zoning/Land Uses:</u>		
North, across MBB	PS, Public and Semi-Public (Pacific School)	
East,	CL, Local Commercial (Mixed Use Commercial Uses)	
South,	RS, Residential Single Family (One & Two Story Single-Family Residential)	
West, across Pacific Place	CL, Local Commercial (Two Story Mixed Commercial Uses)	

PROJECT DETAILS

<u>Parcel Size:</u>	<u>Proposed</u> 7,051 sq. ft.	<u>Allowed/Required</u> 5,000 sq. ft. min.
<u>Building Area:</u>	6,142 sq. ft. (.87)	7,051 sq. ft. (lot area x 1.0)
<u>Building Height:</u>	28.22'* (128.92')	30 feet* (130.70')
<u>Parking:</u>	20 spaces (13 standard spaces; 1 Disabled access space; 6 Compact spaces)	20 spaces (30% compact spaces allowed or 6 spaces)
<u>Building Setbacks:</u>	<u>Proposed</u>	<u>Allowed/Required</u>
North,	0' - 8.5'	0'
East,	0' - 16'	0'
South,	0' - 17'	0'
West,	0' - 23.49'	0'

<u>Landscape Area:</u>	<u>Proposed</u> 623 sq. ft. (11.30% of lot area)	<u>Allowed/Required</u> 564 sq. ft. (8% of lot area)
<u>Vehicle Access:</u>	Pacific Place	n/a
<u>Signage:</u>	Non-Proposed	207 sq. ft.
<u>Hours of Operation:</u>	8:00 a.m. – 6:00 p.m. (Monday – Friday limited weekend usage)	-

* The maximum allowable building height elevation was calculated using the four corner elevations of the property of 98.30' (S/E), 100.00' (N/E), 99.60' (S/W) and 102.38' (N/W). These elevations will be verified during the plan check process.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), based on a determination that it is an in-fill development and has no potential for causing a significant effect on the environment per Section 15332.

DISCUSSION

The property owner is seeking approval to build a new three-level general office use that is designed to meet the needs of the local community.

The project conforms to the City’s requirements for use, parking, building height, landscaping, and floor area. No setbacks are required in the CL zone, however, per MBMC Section 10.16.030, (CL) Local Commercial Day-Light Plane regulations, a commercial building abutting a residential district at the rear of the property, no structure shall intercept a 1:1 or forty-five degree daylight plane inclined inward from a height of fifteen (15') above existing grade at the property line (see attached elevation plans – Sheet A2.0).

Land Use Compatibility

The existing parcel, which is under a single ownership, consists of a single lot located on the northwest corner of Manhattan Beach Boulevard and Pacific Place. This property is zoned (CL) Local Commercial and is consistent with areas’ General Plan designation of “Local Commercial” and allows a general office use.

The property to the north, across Manhattan Beach Boulevard, is zoned public and semi-public and is occupied by Pacific Elementary School; the property to the east is zoned (CL) General Commercial and contains a two-story commercial mixed use; the properties to the south are zoned (RS) Residential Single Family and contain one and two-story single family dwellings; and the property to the west, across Pacific Place is zoned (CL) Local Commercial and contains a two-story commercial mixed use.

Building Design

The project architect has made substantial efforts to design and create an aesthetically pleasing building with modern forms and high-end materials that represent the contemporary nature of western cities. The goal is to provide a low profile office complex that provides an attractive opportunity for business development. The building design utilizes a variety of architectural components, such as planters, layered roof elements, recessed widow features and building modulation that steps the building back from adjacent properties, all of which create a harmonious relationship with the boulevard as well as the residential properties to the south. The second level comprises only 30% of the total office area and maintains a 16'-8" rear setback; the side setbacks range from approximately 17' to 23' for the rear or 45% of the lot. The building is oriented towards Manhattan Beach Boulevard with the entry lobby located at the northwest corner of the building. All required parking is accessed from Pacific Place and is contained within the building with the exception of three compact spaces adjacent to the garage entry on Pacific Place. The trash area would be located at the northeast corner of the lower level parking area which is screened from public view.

At tonight's meeting the project architect will provide colored elevations and materials details/boards and will show a 3-D perspective of the building design for review by the Planning Commission.

Landscaping

Municipal Code Section 10.16.030, Minimum Site Landscaping, requires that a minimum of 8% of planting area or 564 square feet be provided for the site based on the lot area of 7,051 square feet. The subject site will provide 623 square feet or 9% of landscaping. At the first level of the building, perimeter landscaping is provide at the front of the building, on Pacific Place and at the southeast corner of the property. At the second level landscape planters will be located at the front of the building as well as at the easterly property line (see attached landscaped plans).

Signage

Pursuant to the Sign Code, the amount of signage allowed for the subject property, located in Area District I, is based on two square feet per one linear foot of property frontage. On a corner lot "property frontage" is the width of a property measured from one (1) property line to the other along the longest street frontage. In this case, the property frontage is 103 feet in length on Pacific Place; therefore 206 square feet of signage would be permitted. The applicant has not provided staff with a sign program for the site. All business identification signs would require review and approval by the Community Development Department prior to issuance of a building permit.

Building Height

The proposed structure will appear as a three-level building from all elevations (see Elevation Plans, attached). Per MBMC Section 10.16.030 (F), Maximum Height of Structures, if parking is provided at or below the ground level, a 30-foot building height limit is permitted. Building height is determined by the average of the four property corners of the property and the average elevation would be at a 100.70' elevation.

Therefore, with the average property corner elevation of 100.70' plus 30 feet of height limit, the maximum building height is limited to a 130.70' height elevation. The submitted elevation plans (Sheet A3) show a building that is designed with a flat roof with the highest portions of the building at a height elevation of 128.92'.

Parking/Driveway Access:

The applicant proposes to provide 13 standard parking spaces, 6 compact spaces and 1 disabled access spaces for a total of 20 spaces. The proposed project will provide 6,142 square feet of leasable office area. Municipal Code Section 10.64.030, Off-Street Parking Spaces, requires that a general office use provide 1 parking space per 300 square feet of building area, therefore the proposed project is required to provide 20 on-site parking spaces ($6,142/300 = 20$ spaces).

The submitted plans show that the building is oriented towards Manhattan Beach Boulevard with the entry lobby located at the northwest corner of the building. All parking will be accessed from Pacific Place and contained within the building with the exception of three compact spaces located southerly of the garage entry.

The City Traffic Engineer has reviewed the parking plan and determined that the proposed project's layout, parking stalls and dimensions, access and circulation patterns were acceptable.

Use Permit Findings

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

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

The proposed project is located within the (CL) Local Commercial district. The proposed use would replace an existing single story office building and the business is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial office uses.

The office building is designed to accommodate a variety of professional office uses that will service the local community and blends with the overall character of the neighborhood. The historic character of Manhattan Beach Boulevard, east of Pacific Avenue is office professional with minimal retail uses.

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

The proposed three-level office building poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a general commercial office use. The new use is intended to provide a better variety of services to the community.

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

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

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.

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

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

Policy LU-6.4: Recognize the unique qualities of mixed-use areas and balance the needs of both the commercial and residential uses.

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

The proposed office use on an existing commercial site will be in compliance with applicable provisions of the (CL) Local Commercial zone, and the required notice, hearing and findings for the Use Permit.

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

The proposed office building is intended to attract the type of smaller, local business anticipated for the (CL) Local Commercial zone. Given its size and location, this particular site is ideally situated to accommodate an office use and to absorb the required parking needs. Pedestrian access is separated from vehicle access and the Pacific Place driveway will alleviate any potential conflict with traffic flow on Manhattan Beach Boulevard and eliminate the potential back-up on the boulevard.

It is not anticipated that the proposed office use will exceed the capacity of public services and facilities. The development is a modest increase of existing conditions, but it will be complimentary to the site and consistent with surrounding uses and development currently taking place in the City. This proposal would not create any conflict nor will there result any significant impact upon the land use in the area as it incorporates all standards that have been established to maintain compatibility among the neighboring uses.

Public Input:

A public notice for the project was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. At the writing of this report, staff has received an e-mail (attached, Exhibit C) from the property owners to the south regarding concerns about setbacks, parking and pedestrian safety and building aesthetics. Staff has received minor comments from other department but those issues raised are concerns that can be handled as regular building plan check items.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and approve the subject Use Permit application subject to the finding and condition in the attached 'draft' Resolution.

Attachments:

- Exhibit A – Site location Map
- Exhibit B – 'Draft' Resolution No. PC 08-
- Exhibit C – Letter of Concern from adjacent Neighbors
- Exhibit D - Project Plans - n/a

n/a – not available electronically

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1 ~~Chairman Lesser requested that page 11, line 27 be revised to read: "He said that the location of~~
2 ~~the bakery in relation to the Shade and its restricted hours would help to mitigate any additional~~
3 ~~noise from impacting the neighbors."~~

4
5 A motion was MADE and SECONDED (Seville-Jones/Bohner) to APPROVE the minutes of
6 May 14, 2008, as amended.

7
8 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser

9 NOES: None

10 ABSENT: None

11 ABSTAIN: None

12
13 AUDIENCE PARTICIPATION None

14
15 BUSINESS ITEMS None

16
17 PUBLIC HEARINGS

18
19 **08/0528.1 Consideration of a Use Permit to Allow an Office Building Located at 818**
20 **Manhattan Beach Boulevard**

21
22 Chairman Lesser said that he is a neighbor and friend of the applicant's architect. He indicated,
23 however, that they have not discussed the project. He said that he has no financial interest in the
24 project and feels he can consider the application fairly.

25
26 Commissioner Fasola commented that he had previously talked to the property owner about
27 designing the project; however, a contract had already been made with the project architect. He
28 said that he has no additional connection with the property owner.

29
30 Associate Planner Moreno summarized the staff report. He said that the proposal is for a new
31 6,142 square foot three-level office building. He commented that the lower level is proposed to
32 be a parking area. He said that the proposal would replace a 2,800 square foot single-story office
33 building constructed in 1947. He stated that a BFA (buildable floor area) of 7,051 square feet is
34 permitted for the site, and the proposed building is 6,142 square feet. He indicated that there is
35 an accessory structure located on the property line of the lot to the south of the subject property.
36 He stated that there would be a separation of 10 feet from the proposed structure to the main
37 residence on that property. He commented that 20 parking spaces are required for the project.
38 He indicated that 13 standard spaces, 6 compact spaces, and 1 disabled parking space are
39 proposed. He indicated that the proposal would provide 9 percent landscaping, which exceeds
40 the requirement of 8 percent. He commented that landscaping would be provided around the
41 perimeter, the front, the westerly side, and the rear of the building. He said that the main



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1 entrance to the site would be from the alley which would be safer than off of Manhattan Beach
2 Boulevard. He indicated that the main entrance would be off of the northeast corner. He pointed
3 out that there are no setbacks required for a commercial structure. He stated that the setbacks
4 would be from 0-8 ½ feet on the north side; 0-16 feet on the east side; 0-45 feet on the south side;
5 and 0-23 ½ feet on the west side. He indicated that the maximum height is 30 feet, and the
6 proposal would be approximately 1'9" below the maximum permitted height.

7
8 Associate Planner Moreno indicated that notice was mailed to properties within 500 feet and
9 published in the Beach Reporter. He said that there was a letter submitted by the owners of the
10 adjacent property to the south of the subject site with concerns regarding setbacks, parking,
11 pedestrian safety, and aesthetics. He stated that a concern was also raised regarding fire access
12 with the limited amount of space between structures on the two properties. He indicated that
13 there were minor comments from the other City departments that can be handled as part of the
14 plan check process. He commented that he has talked with the owners of the property to the
15 south of the subject site to help address their concerns. He said that the City's Traffic Engineer
16 has pointed out that any of the adjacent residents who have concerns regarding the traffic can
17 submit a petition to the City for review by staff.

18
19 In response to a question from Chairman Lesser, Associate Planner Moreno said that there would
20 be a firewall between the proposed structure on the subject property and the accessory structure
21 on the adjacent property. He indicated that the project would be required to maintain a fire wall
22 and also meet seismic requirements as part of the plan check process.

23
24 Chairman Lesser asked regarding staff's opinion of restricting left turns from the proposed
25 development southbound onto Pacific Place as opposed to a barrier to block traffic from traveling
26 southbound.

27
28 Associate Planner Moreno stated that the concern of the Traffic Engineer is that traffic which is
29 diverted from Pacific Place would simply be redirected and impact other areas. He indicated that
30 other traffic calming measures can be studied to alleviate the concern.

31
32 In response to questions from Commissioner Seville-Jones, Associate Planner Moreno stated that
33 standards for accessory structures are different than those for primary structures. He indicated
34 that accessory structures are allowed to have no setback and must maintain a 10-foot separation
35 from the primary structure; are permitted a height of 12 or 15 feet depending on the pitch of the
36 roof; and are permitted a maximum size of 900 square feet. He commented that an accessory
37 structure must not include an accessory living area over 500 square feet; must maintain a
38 maximum of three plumbing fixtures; may only include one room; may not have a kitchen; and
39 may not be used as rental property. He said that the neighbor's property was required to provide
40 a three car parking area, and it includes a two car garage and an additional space within the
41 accessory structure. He indicated that the 15 foot width of the alley is typical within the City. He

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1 indicated that the Traffic Engineer feels comfortable with the building location and access to the
2 site. He commented that the concern with providing access from Manhattan Beach Boulevard is
3 that it is a very busy street with a high speed limit which would make turning into and out of the
4 site dangerous. He indicated that there is no requirement that the open space be visible from the
5 street, and staff considers whether the open space is evenly distributed throughout the structure in
6 looking at projects.

7
8 In response to questions from Commissioner Powell, Associate Planner Moreno stated that the
9 Fire Department, Engineering, and the Police Department have reviewed the subject plans. He
10 indicated that the Code allows 30 percent of the parking spaces to be compact spaces. He
11 commented that staff normally would like for all of the parking to be full size spaces; however,
12 the general office use as proposed is less intensive use for a commercial site and would generate
13 less activity than a medical office. He said that a medical office would not be permitted for the
14 site. He commented that the offices would primarily be used during the week with very limited
15 use on weekends.

16
17 Commissioner Fasola indicated that he has concerns that the 15 foot width of the alley would be
18 narrower than the driveway. He said that the parking area also would extend to the alley. He
19 asked whether there are other commercial properties within the City that have access from an
20 alley.

21
22 Associate Planner Moreno stated that he is not aware of any other commercial properties that are
23 accessed from an alley. He pointed out that drivers entering and exiting the driveway would have
24 sufficient visibility.

25
26 Commissioner Fasola commented that there are 17 parking spaces proposed within the interior
27 basement of the structure. He commented that there is only 2 inches of overlap at the corner
28 spaces, and his understanding is that there must be a 2 foot open area at the end of the aisle.

29
30 Associate Planner Moreno said that there is a requirement for additional space if there is a wall;
31 however, the requirement is less if there is a column.

32
33 Commissioner Fasola indicated that it appears the end spaces as proposed would not be feasible,
34 and there would need to be an extra 2 feet at the ends of the driveway aisles. He commented that
35 at least one of the parking spaces would most likely need to be eliminated in order to
36 accommodate the parking as proposed.

37
38 In response to a comment from Commissioner Fasola, Associate Planner Moreno stated that staff
39 will ensure that the square footage does not exceed what is proposed.

40
41 In response to questions from Chairman Lesser and Commissioner Bohner, Associate Planner

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1 Moreno said that staff does not have a concern with parking because of the general office use that
2 is proposed which would generate less activity than a medical office or retail use.

3
4 In response to a question from Commissioner Seville-Jones, Associate Planner Moreno said that
5 the size of the structure and number of tenants is dictated by the parking requirement.

6
7 **Louie Tomaro**, the project architect, said that the proposed compact spaces are narrower than
8 standard spaces in width but full size in length. He commented that they have worked with the
9 design to make the building pedestrian friendly. He stated that they have minimized the curb
10 cuts on Manhattan Beach Boulevard. He pointed out that the existing building on the site is
11 accessed from the alley, which is not proposed to change with the project. He said that the
12 building would appear to be one and two story from the front. He commented that the goal was
13 to keep traffic for the development off of Manhattan Beach Boulevard. He commented that the
14 intersection of Pacific Place and Manhattan Beach Boulevard is very dangerous because of the
15 blind curve in the street and the high speed of the traffic. He pointed out that the access to the
16 parking garage would be set back off of the alley approximately 30 feet to allow space to turn
17 into the structure. He said that the property owner plans to occupy the building, and any
18 additional tenants would also perform services related to his type of financial planning work. He
19 pointed out that the lot could hold a 7,000 square foot building, and the proposed structure would
20 be 6,142 square feet. He indicated that the land value is a factor in the size of the structure. He
21 said that there is no setback on the first level on the southern property line; however, the second
22 level is recessed 6 additional feet and the third level an additional 17 feet. He pointed out that
23 the parking level would be lower than the accessory structure located on the neighboring
24 property. He commented that the proposed landscaped area on the southeast corner of the
25 property would be directly adjacent to the neighbor's rear yard. He commented that they have
26 accounted for seismic drift of the building, and such requirements are reviewed during the plan
27 check process.

28
29 **Jeff Captain**, the project architect, commented that the majority of the building is pushed toward
30 Manhattan Beach Boulevard and away from the adjacent residents. He commented that they also
31 have enclosed the parking to minimize the impact to the neighbors.

32
33 Commissioner Fasola commented that he likes the design of the structure and feels it has a good
34 relationship to the neighboring properties. He indicated that the entrance for the parking and the
35 entrance for pedestrians are in the proper locations, and the building could have been designed to
36 be larger. He stated, however, that he is not certain that the required amount of parking would be
37 able to be provided. He commented that he questions whether the additional 4 feet space that is
38 necessary to accommodate the spaces can be provided and that the parking spaces would need to
39 be reduced to 19. He commented that he does not feel there would be sufficient space with the
40 driveway for vehicles to enter and exit the structure. He said that he feels the traffic flow should
41 remain as it exists currently rather than be directed onto the adjacent residential streets.

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Mr. Captain commented that more space could be provided for the driveway if the adjacent landscaping were slightly reduced.

In response to a question from Commissioner Powell, **Mr. Tomaro** stated that they will allow for the ability to incorporate solar panels into the project.

In response to a question from Commissioner Bohner, Director Thompson said that staff has little discretion regarding the division of the building into offices. He indicated that staff would ensure that the required number of parking spaces are provided for the use. He said that the use would be restricted to general office use, and medical offices would not be permitted.

Commissioner Fasola commented that he does not see the space broken down into small 300 or 400 square foot offices with the design as proposed, and it appears to be a plan for a single tenant.

Chairman Lesser indicated that there could be a concern with the impact of people who are utilizing the development parking on the adjacent streets.

Mr. Tomaro pointed out that the offices would be utilized by local residents who would be likely to walk or ride bikes rather than drive to the site.

In response to a question from Commissioner Fasola, **Mr. Tomaro** said that some of the windows in the building would be made operable to allow the opportunity for them to be open.

Commissioner Fasola said that he would also have a concern that the noise from the air conditioning units would impact the neighbors and would like for shielding to be provided.

Mr. Captain said that they have recently used air conditioning systems that are quite small. He commented that they would not propose to place the equipment on the roof, but there are other areas where it could possibly be located that would minimize the impacts if it is a concern.

Mr. Tomaro indicated that there are baffling systems that can be used to shield the noise from the equipment.

Director Thompson pointed out that Condition 14 in the draft Resolution requires that the property owner be responsible for prohibiting employees from parking on the adjacent streets.

Chairman Lesser opened the public hearing.

William Wood, the owner of the adjacent property to the south of the subject site, said that there

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1 would be no setbacks from the garage level of proposed structure to the fire wall. He indicated
2 that he has a concern that the Fire Department would have difficulty accessing the area in the
3 event of a fire. He commented that he has a concern that a determination has not yet been made
4 that the project complies with seismic standards before plan check, yet the Fire Department has
5 determined that they do not have any objections to the project. He indicated that the City should
6 consider regulations for the size of commercial structures as well as residences. He pointed out
7 that commercial properties do not need to comply with setback requirements, yet residents must
8 provide a 12 foot setback. He commented that there is already an issue of employees of the
9 immediately adjacent structure who park on the street.

10
11 **Mike Jarvis**, a resident of the 800 block of 11th Street, said that parking on 11th Street is
12 currently an issue. He commented that construction vehicles for the project would not be able to
13 park on Manhattan Beach Boulevard or Pacific Place, and he has a concern with them parking on
14 11th Street.

15
16 In response to a question from **Mr. Jarvis**, Associate Planner Moreno indicated that the second
17 paragraph on page 6 of the staff report should not refer to a proposed one-story retail building but
18 rather a three-level commercial office building.

19
20 Commissioner Seville-Jones pointed out that the same language should be changed in the third
21 paragraph on page 2 of the draft Resolution.

22
23 **Mary Jane Gray**, a resident of the 800 block of 11th Street, said that currently on a daily basis
24 she cannot park in front of her home because the parking is utilized by employees of the adjacent
25 uses, and she has a concern that the proposal would even more severely impact the parking. She
26 commented that the impact has gotten much worse since she moved to her home in 1970.

27
28 **Theresa Wood**, a resident of the 800 block of 11th Street, indicated that she has signatures of 70
29 nearby residents who are opposed to the project. She requested that a row of trees be provided to
30 the south to buffer the noise and the view of the building. She also suggested that a barrier be
31 installed across the alley to block through traffic. She said that cars tend to speed down the alley,
32 and there is a safety issue with children walking to the nearby schools.

33
34 **Phil Marry**, a resident of the 800 block of 11th Street, said that he does not understand the logic
35 of providing an entrance to a commercial site off of a one-way alley, and Manhattan Beach
36 Boulevard is designed to handle traffic for commercial properties. He suggested that access be
37 provided off of Manhattan Beach Boulevard or at least that the traffic be routed in only one
38 direction in the parking garage so that cars would enter and exit at different points to lessen the
39 traffic impact on the alley.

40
41 **Phillip Cook**, the developer and property owner, said that he has lived in the City for 40 years,

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1 and he wants to be a good neighbor. He said that he wants to have only one tenant besides
2 himself. He stated that parking is an issue in the City, and he wants to minimize the impact with
3 parking for the development as much as possible. He commented that blocking the alley to
4 through traffic would place access for the building off of Manhattan Beach Boulevard, which
5 would require drivers traveling westbound to turn across traffic in order to access the site. He
6 indicated that placing a barrier in the alley would force drivers onto the adjacent residential
7 streets. He said that he intends to minimize the impact to the neighbors during construction. He
8 commented that he will be at the site during construction and will be available for any neighbors
9 that have problems or concerns.

10
11 In response to a question from Chairman Lesser, **Mr. Cook** indicated that he would not
12 theoretically be opposed to a restriction on the number of tenants, but such a restriction would
13 not be viable for him financially.

14
15 **Mr. Tomaro** stated that the existing access to the site from the alley would not change with the
16 proposal. He commented that traffic is an issue everywhere in the City, and they have designed
17 the project to minimize the impact to the neighbors. He indicated that there is parking on
18 Manhattan Beach Boulevard where construction vehicles would be staged during construction of
19 the project. He stated that the roof over the parking area would be landscaped. He said that it
20 would be possible to place potted plants that could grow up and shield the view of the structure
21 to the south. He pointed out that any plants may not be visible over the neighbor's accessory
22 structure.

23
24 Commissioner Seville-Jones commented that even though a row of trees on the south side may
25 not be visible over the neighbor's accessory structure, it could still improve the view from their
26 main house as well as the view of other adjacent neighbors.

27
28 **Mr. Tomaro** stated that it would be possible to place a row of potted plants or trees on the roof
29 of the parking area.

30
31 Chairman Lesser closed the public hearing.

32
33 In response to a question from Commissioner Seville-Jones, Director Thompson said that there
34 are no existing permanent traffic barriers in the City aside from one located on 33rd Street. He
35 indicated that the City would not support blocking of any streets, as barriers result in traffic
36 problems being diverted to other areas. He indicated that restrictions on one neighborhood street
37 results in traffic impacts to other areas.

38
39 In response to questions from Chairman Lesser, Director Thompson stated that staff would be
40 willing to consider restricting left turns out of the driveway southbound onto Pacific Place. He
41 indicated that he would not recommend that it be made a condition until it is fully studied

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1 because the impacts would need to first be determined. He said that staff would recommend that
2 the hearing be continued if the Commission would like further information on the possibility of
3 restricting left turns from the parking area. He indicated that staff would also be willing to
4 consider an increase to the turning radius for the driveway. He commented that the applicant will
5 need to comply with the parking requirements.

6
7 Commissioner Powell indicated that he does not believe it would be necessary to specify hours of
8 operation because of the type of use that is proposed. He indicated that he also does not feel that
9 there needs to be a restriction placed on hours permitted for deliveries because it would be an
10 office use and not a retail use that would have frequent deliveries. He said that he would like to
11 have a condition included on the hours permitted for trash pick-up to minimize the impact to the
12 neighbors.

13
14 Commissioner Seville-Jones asked if there was a reason that a condition not be included to
15 specify the permitted hours of operation because of the location of the site directly adjacent to
16 residents.

17
18 Commissioner Bohner said that he would not necessarily be opposed to restricting the hours of
19 operation; however, it does not appear from the nature of the proposed use that anyone who is at
20 the site after hours would generate a great deal of noise that would impact the neighbors.

21
22 Commissioner Fasola indicated that it does not seem reasonable to restrict someone from going
23 to the office at night. He pointed out that general office use is basically self-governing, and
24 people would typically utilize the building between 9:00 a.m. and 5:00 p.m.

25
26 Commissioner Fasola stated that he does not feel that the design of the parking structure would
27 be feasible with 20 parking spaces, and he feels the number of spaces would need to be reduced
28 when the plans are finalized. He commented that the building would be accessed from the alley,
29 and there is no available overflow street parking that would be easily accessible. He commented
30 that the three exterior parking spaces that would be the most utilized are proposed to be compact
31 spaces, and he would suggest that they be made full sized and that more of the inside spaces be
32 changed to compact if necessary. He indicated that he does generally support the project. He
33 commented that he does not know of any other commercial projects that are accessed from a 15-
34 foot alley. He indicated that he would want the Traffic Engineer to carefully consider the traffic
35 flow from the garage. He pointed out that the building will not be able to be changed once it is
36 built. He commented that he does not feel it would be feasible to block traffic on the alley, as
37 any diversion to traffic would result in traffic impacts on the adjacent streets. He stated that it is
38 appropriate for access to be provided from the alley rather than Manhattan Beach Boulevard. He
39 said that he would like for the parking to be studied further to ensure that it would comply with
40 the Code. He indicated that he would like for the Traffic Engineer to verify that the 15 foot alley
41 is sufficient for ingress and egress to the parking area. He indicated that he would like for the

1 exterior parking spaces to be standard size rather than compact.
2

3 Commissioner Powell commended the architect on an outstanding design which breaks up the
4 mass of the structure. He stated that the Commissioners appreciate the input of the neighbors,
5 and they do want to ensure that the issues are addressed. He indicated that he would like for the
6 possibility of restricting left turns from the driveway to be studied by the Traffic Engineer. He
7 said that he does not feel the neighbors should be required to go through the process of
8 circulating a petition. He commented that he does not feel that blocking a portion of the alley or
9 installing speed bumps are the issue. He stated that he is not able to support the project as
10 proposed and would recommend that it be continued. He commented that he also has a concern
11 with the impact of employees and clients parking on the street. He indicated that customers and
12 clients do not always know about parking restrictions, and he would suggest that signage be
13 provided to inform people who visit the site of the requirements. He said that he feels it is
14 important for a line of trees to be provided on the roof of the parking structure in order to provide
15 a buffer to the neighbors. He commented that the proposed use is intended to be occupied by the
16 owner, and it would not necessarily be cost effective to reconfigure the structure to accommodate
17 a large number of individual tenants. He said, however, that there is a possibility of having up to
18 possibly 12 individual tenants, and he would support a restriction on the number of tenants if it is
19 the consensus of the Commissioners.
20

21 Commissioner Seville-Jones stated that she also commends the public for their input and for the
22 letter provided by the neighbors to the south which allowed the Commissioners to be aware of
23 their concerns before the hearing. She also indicated that she feels it is an attractive project. She
24 indicated that she would support the hearing being continued to allow staff and the applicant an
25 opportunity to address the concerns that have been raised. She indicated that she would like for a
26 visualization of the landscaping that would be provided above the parking area. She said that she
27 would also like for the possibility to be considered of placing the air conditioning equipment in
28 the garage area rather than in the landscaped area in order to mitigate any potential noise impacts
29 to the neighbors. She indicated that she is satisfied that any seismic concerns regarding the
30 structure would be addressed in the plan check process. She indicated that the fire walls would
31 provide protection in the event of a fire. She commented that the neighbors have concerns
32 regarding the setbacks because the proposed structure would be directly adjacent to the accessory
33 structure on their property. She indicated that their main house would not be directly abutting the
34 proposed commercial structure. She commented that the architect has attempted to address the
35 concerns regarding the setback by terracing the proposed structure and by providing open space
36 at the rear. She said that the current use on the site is accessed through the alley, and it appears
37 that access to the site from Manhattan Beach Boulevard would not be viable. She commented
38 that she would support placing a limit on the number of units within the proposed structure, and
39 she would like for staff to discuss the issue further with the applicant to possibly arrive at an
40 appropriate number. She indicated that it would seem that there would be less of a traffic impact
41 with fewer tenants, although she does appreciate that the units would be utilized by local

1 residents who could possibly walk or ride bikes.

2
3 Commissioner Bohner indicated that he likes the terracing of the structure, which does help to
4 create more of an open design. He said that he also feels that placing landscaping on the balcony
5 above the parking area would help to provide a buffer between the building and the neighbors'
6 accessory structure. He commented that the suggestions that have been made regarding parking
7 and restricting left turns from the parking area should be studied further. He said that he also
8 would support the hearing being continued to allow staff to provide further input on the issues
9 that have been raised. He commented that the applicant and architect have indicated a
10 willingness to work with staff to address the concerns of the neighbors.

11
12 Chairman Lesser indicated that he agrees with the comments that have been made by the other
13 Commissioners. He also thanked the members of the public for their input and for the letter that
14 was sent by the neighbor. He commented that the Commissioners do consider the input of
15 members of the community in making their decisions. He also commended the architect on the
16 design of the structure. He indicated that the building would be oriented toward Manhattan
17 Beach Boulevard. He said that the impact to the adjacent neighbors would be minimized with
18 the terracing of the structure, the transparency of the window design, and the articulation. He
19 stated that the Commissioners do have concerns regarding the project, and he also would like for
20 staff to further address the issues that have been raised.

21
22 A motion was MADE and SECONDED (Bohner/Powell) to **REOPEN** the public hearing and
23 **CONTINUE** the hearing regarding a Use Permit to Allow an Office Building Located at 818
24 Manhattan Beach Boulevard to the meeting of July 9, 2008.

25
26 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser
27 NOES: None
28 ABSENT: None
29 ABSTAIN: None

30
31 At 8:40 a 10 minute recess was taken.

32
33 ~~00/0520.2 Consideration of a Use Permit, Coastal Development Permit and Vesting~~
34 ~~Tentative Parcel Map No. 69392 to Allow Construction of Two Attached~~
35 ~~Residential Condominium Units Located at 220 11th Street~~

36
37 Assistant Planner Ochoa summarized the staff report. She indicated that the property is zoned
38 RH (residential high density), and the coastal designation is CD (commercial downtown). She
39 indicated that a General Plan Amendment and Zoning Amendment have been approved that
40 changed the designation of the subject lots and adjacent similar lots from CD to RH; however,
41 ~~there is a pending approval by the Coastal Commission to approve the designation to RH. She~~