




Agenda Item # _____





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 
Eric Haaland, Associate Planner 

DATE: October 7, 2008

SUBJECT: Consideration of a Planning Commission Decision to Approve a Use Permit and Variance for Construction of Two Commercial Buildings Located at the Northwest Corner of Sepulveda and Manhattan Beach Boulevard at 1129 North Sepulveda Boulevard

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission approving the project subject to certain conditions.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of September 10, 2008, **APPROVED** (5-0) a use permit and height variance allowing construction of a 6,329 square foot two-building commercial development replacing an existing vacant gasoline station on a 23,525 square foot site. The project is in conformance with the City's applicable requirements except for building and parking lot light heights. The project includes a front bank building, a rear retail building, surface parking, landscaping, temporary soil remediation equipment, and street right-of-way dedication. The height of the bank building exceeds applicable height limits by as much as 2.5 feet, requiring the variance, and the retail building height is beneath these limits by corresponding amounts. An administrative exception allowing all parking lot lights to be 20 feet tall was also approved, rather than restricting two lights adjacent to a residentially zoned (but commercially used) property to 12 feet. These lights will be screened to prevent glare from disturbing the residential area.

The Planning Commission supported the project design since it conforms to Sepulveda Boulevard Development Guidelines primarily because the bank building is aesthetically oriented toward the adjacent Sepulveda and Manhattan Beach Boulevard intersection, and also provides similar treatment to the less prominent Oak Avenue and Manhattan Beach Boulevard intersection. Building modulation, tower elements, and other architectural details generally

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RESOLUTION NO. PC 08-13

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AND VARIANCE TO REPLACE AN EXISTING VACANT SERVICE STATION WITH TWO NEW COMMERCIAL BUILDINGS, ONE OF WHICH EXCEEDS THE PERMITTED HEIGHT LIMIT ON THE PROPERTY LOCATED AT 1129 SEPULVEDA 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 a public hearing on August 13, and September 10, 2008, considered an application for a use permit and variance to replace an existing vacant service station with two new commercial buildings, one of which, would exceed the height limit by as much as 2.5 feet, on the property legally described as Lots 11, 12, 13, 14, 15 & 16, Block 59, Tract 1638 located at 1129 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The application was filed on April 29, 2008. The applicant for the subject project is Bryant Palmer Soto Inc. The owner of the property is 1129 Sepulveda BMPD, LLC.
- C. The project is Categorically Exempt from the requirements of CEQA pursuant to Sections 15303 and 15332, since the project involves construction of relatively small structures and minor infill development within an urbanized area.
- D. 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.
- E. The property is located within Area District II and is zoned CG Commercial General. The surrounding private land uses consist of CG, Local Commercial, and Single-Family Residential uses.
- F. The General Plan designation for the property is General Commercial. The project is consistent with the General Plan including specific policies including the following:
- Goal LU-1.2: Encourage the use of notches, open space, setbacks, landscaping, or other architectural details to reduce building bulk.
 - Goal LU-2.1: Encourage landscaping standards for commercial areas.
 - Goal LU-3.1: Encourage quality design in all new construction.
 - Goal LU-3.2: Encourage the use of Sepulveda Boulevard Corridor Guidelines.
 - Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.
 - Goal LU-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.
- G. Approval of the replacement of a vacant service station with two new commercial buildings, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since it is in compliance with all regulations, improves existing circulation design, and provides aesthetic enhancements with conforming landscaping and signage including removal of one pole sign.
- H. The Planning Commission made the following findings with respect to the Variance application for maximum allowable building height, MBMC Section 10.60.050:

- 1 4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
- 2 5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
- 3
- 4 6. A site landscaping plan, consistent with the project rendering on file with the Community Development Department, utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. This plan shall be prepared by a licensed landscape architect, as required by state law.
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- 7 7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off under normal operating conditions. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
- 8
- 9 8. Project driveway entrances shall be constructed or modified in conformance with the requirements of the Public Works Department and Caltrans.
- 10
- 11 9. * Final circulation, traffic visibility, pedestrian, bicycle, and parking design shall be subject to the review of the City's Traffic Engineer and Director of Community Development.
- 12
- 13 10. * An irrevocable offer of dedication of the southerly 8 foot wide strip of the site and corner cutoffs shown on the submitted plans abutting Manhattan Beach Boulevard shall be provided prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
- 14
- 15 11.* Sidewalk and related pedestrian easements along Sepulveda Boulevard, Manhattan Beach Boulevard, and Oak Avenue, as shown on the submitted plans shall be completed prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
- 16
- 17 12. * Security lighting for the site shall be provided in conformance with Municipal Code requirements including applicable height limits and glare prevention design. Light poles exceeding 12 feet in height adjacent to residentially zoned property shall require increased attention to light shielding.
- 18
- 19 13. * Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works. Oil clarifiers and other post construction SUSMP items shall be required for the project.
- 20
- 21 14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
- 22
- 23 15. Sidewalks shall be repaired or installed around the entire site pursuant to the requirements of the Public Works Department.
- 24
- 25 16. Plans and construction for the front/east building shall be in qualification and receipt of LEED Silver Level certification.
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- 27 17. Plans for the rear/west building and overall site-work shall incorporate sustainable building components into the building and site design as determined to be appropriate by the Public Works and Community Development Departments such as: LEED (leadership in Energy and Environmental Design), permeable pavement, energy efficient plumbing mechanical and electrical systems, and storm water retention.
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- 29 18. * An appropriate merger document eliminating antiquated property lines within the site shall be recorded subject to the review and approval of the Community Development Department prior to issuance of building permits.
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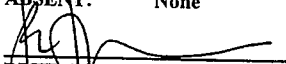
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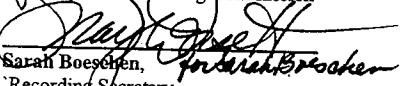
- 32. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 33. This Use Permit and Variance shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
- 34. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
- 35. 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 September 10, 2008, and that said Resolution was adopted by the following vote:

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


RICHARD THOMPSON,
Secretary to the Planning Commission


Sarah Boesch,
Recording Secretary

traffic trip generation as compared to the previous service station use. He said that the project is small and is below the threshold for requiring a formal traffic study. He indicated that the proposal would include fewer driveways than the previous gas station use on the site. He stated that a dedication of 4 feet would be provided for street improvements for the sidewalk along Sepulveda Boulevard for public ownership. He said that 8 feet would also be dedicated for an additional left turn lane from eastbound Manhattan Beach Boulevard to northbound Sepulveda Boulevard. He indicated that staff has recommended that the compact spaces proposed on the north side of the retail building be moved to a portion of the lot where they would be less frequently utilized. He commented that the proposed bank building does front on Sepulveda Boulevard including elements such as windows arches, and door as recommended by the Sepulveda Corridor Guidelines.

Associate Planner Haaland commented that the signage as proposed by the applicant does conform with Code requirements. He pointed out that no pole signs are proposed. He indicated that the proposal includes one monument sign and standard wall signs. He commented that one of the proposed signs does appear that it would be directly visible within the adjacent residential area, and staff has included a condition prohibiting signs from facing towards the adjacent residential area on Oak Avenue. He said that the application suggests the possibility of a 24-hour retail use, and staff recommends a midnight closing time because of the close proximity to residential uses. He commented that food and beverage uses located adjacent to residential properties in the CL zone typically operate until 10:30 p.m. He pointed out that restaurant use is not proposed and would not be permitted. He said that a few letters of support have been received by staff. He said that staff has received two phone calls from adjacent neighbors expressing concerns regarding traffic, hours of operation, parking, and the general intensity of the project.

In response to a question from Chairman Lesser, Associate Planner Haaland said that requiring all parking spaces to be standard size would be an option. He commented that the compact spaces that are proposed are above the minimum requirements, and there are a larger number of spaces proposed than are required. He said that the applicant does want to provide surplus parking.

Chairman Lesser commented that he did not see a condition included in the draft Resolution requiring that any impact to traffic on Sepulveda Boulevard during construction be reviewed by staff. He commented that there was an issue with the disruption of traffic on Sepulveda Boulevard during construction of the Chevron station which has been brought up at previous hearings.

Associate Planner Haaland indicated that such a condition regarding disruption of traffic on Sepulveda Boulevard could be included in the traffic and construction management plan for the project.

Commissioner Seville-Jones asked regarding the possibility of adding a condition that the building would meet the silver LEED certified standards, as the applicant has indicated that the intent is for the prototype to meet that standard.

Associate Planner Haaland commented that there is a condition that references the LEED standards, but it does not specifically require that the building reach the LEED silver certification standard. He indicated that the Commission may not want to include such a condition if they direct that the height be lowered or that other changes be made to the design which would make it difficult for the applicant to achieve the certification.

commented that the tower element would be below 30 feet from the level of the street. He said that the scale is compatible with the four corners of the intersection and meets the intent of the Code. He said that they have located the bank adjacent to the street in order to provide access for pedestrians as outlined in the Sepulveda Corridor Guidelines. He indicated that the proposed retail building would be a comparable architectural style to the proposed bank building.

In response to a question from Chairman Lesser, **Mr. Palmer** said that there is an expectation by Shell Oil that they will not need to do vapor extraction on the site after the property has been turned over to the new owners. He indicated that he has been involved in projects where clean up is necessary for months or years in order to restore the soil. He said that Shell reserves the right to have ongoing vapor extraction if necessary to receive clearance from the County. He indicated that the equipment could be placed at any location along the north property line, and they are willing to work with staff on an appropriate location.

In response to a question from Commissioner Seville-Jones, **Mr. Palmer** said that a Variance would still be required if the location of the bank and retail buildings were reversed. He commented that the method for determining height in Manhattan Beach is for an average to be taken of the grade of the property in order to establish a horizontal plane from which the height is measured, whereas other cities measure height by using a plane which follows the topography. He indicated that they would meet the height limit if it were measured following the topography of the site. He pointed out that the structures would meet the height limit if they were built toward the rear of the property; however, they were placed next to the street in order to meet the intent of the Sepulveda Corridor Guidelines.

Brett Marchi, Marchi & Associates, representing the applicant, said that this is the first LEED certified building for Wells Fargo, and a great deal of effort has gone into the project. He pointed out that the building would be lower than was approved for the Rite Aid project. He commented that they are in conformance with the amount of square footage for sign area and are requesting that the west facing wall sign be permitted with no illumination. He said that the subject sign faces the entrance to the building and very important for identification. He indicated that they would also propose adding tall landscaping along the rear property line to help block the view of the sign from the adjacent neighbors. He commented that Wells Fargo wants their buildings to be recognizable. He indicated that they worked on the design for over a year with the USGBC (United States Green Building Council), and they have put a lot of effort into making it appealing. He indicated that the proposed heights would not be a factor in 95 percent of commercial zones in California, and it is an issue in this case because of the method of height calculation and the drop of elevation on the site. He indicated that Wells Fargo has made a commitment to build the project, which will cost a great deal.

Commissioner Fasola commented that he is not certain for the reason that the height is an issue in approving the design with the USGBC. He pointed out that the same method for calculating height is used for all of the properties in the City.

Mr. Marchi indicated that the proposed structure would be lower than was approved for the Rite Aid project and would not stand out in relation to the structures on the other corners of the intersection. He indicated that it is difficult to change elements once they are approved in the LEED certification.

Commissioner Seville-Jones commented that she also has trouble understanding the difficulty of reducing the height of the parapet in achieving the LEED certification. She said that she

Sepulveda Boulevard. He indicated that many of those drivers turn left from Manhattan Beach Boulevard onto Oak Avenue rather than waiting for the light. He commented that he has submitted a petition to the City to restrict left turns from Manhattan Beach Boulevard onto Oak Avenue during the morning and evening hours, and he has not yet received a response. He said that employees for the adjacent businesses park throughout the streets of the Tree Section. He suggested underground parking structure be built. He requested that 24 hours not be permitted for any proposed retail business, as a robber of such a business attempting to flee would most likely use Oak Avenue and enter into the Tree Section. He also provided staff with comments of a resident on Oak Avenue who was unable to attend the meeting.

Dennis Konick, a resident of the 1300 block of Oak Avenue, said that there are already multiple businesses in the area which generate a large amount of traffic.

Robert Calpro, a resident of the 1200 block of Oak Avenue, requested that access from the site not be provided from Oak Avenue. He said that there is a preschool on Oak Avenue which creates a safety concern. He commented that it is a very busy street because of the number of drivers who bypass the intersection of Manhattan Beach Boulevard and Sepulveda Boulevard. He indicated that he also would restrict the left hand turn from Manhattan Beach Boulevard onto Oak Avenue during the rush hours. He commented that the CUP for the restaurant across the street allowed for customers to park at the Shell station, and the patrons would park on the street with the new development. He commented that many of the employees of the local businesses currently park on Oak Avenue. He pointed out that the previous Shell station only had one or two employees at any one time, whereas the bank will most likely have 25 employees. He indicated that the employees will most likely have to park along Oak Avenue in order to provide the on site spaces for customers. He indicated that the odors and oils from the previous Chicago Ribs restaurant had an impact on the adjacent residents. He requested that a food establishment not be permitted, particularly one in which the oils and odors emanate toward the nearby residents. He commented that there is currently a large piece of equipment that is used to remediate the vapors in the ground, and project manager indicated that the equipment will need to be on the site for years. He said that thermal blankets were placed on the equipment which helped to somewhat reduce the noise; however, they have since been removed because of construction. He pointed out that responses from the public to the notice for the proposal were due on August 5; however, the plans were not available to view until August 8. He requested that any trees used to block the sign from the residences not include species that lose their leaves in the winter.

Eric Austition, a resident of the 500 block of 6th Street, pointed out that the project would provide for a dedication to be given for an additional left turn lane from eastbound Manhattan Beach Boulevard onto northbound Sepulveda Boulevard which would help to alleviate some of the backup of traffic. He said that the previous Shell station was open very late if not 24 hours, and the proposal would be a preferable use to that use.

Chairman Lesser closed the public hearing.

Discussion

In response to a question from Chairman Lesser, Director Thompson said that the petition to restrict left turns from Manhattan Beach Boulevard onto Oak Avenue is on the list to be reviewed by the Traffic Engineer.

In response to questions from Chairman Lesser, Director Thompson said that he does not have

that the existing location is the most preferable for the equipment because it is out of the way and can be hidden by landscaping; however, they would be willing for it to be moved to a different location if necessary provided that it does not impact any parking. He indicated that the equipment that would be used is the only that is currently available. He pointed out that the LEED silver certification would only be for the bank structure, and they are not able to commit to a silver certification for the retail building. He commented that the proposal does include more parking than is required by Code. He indicated that the City Traffic Engineer concurs that a bank and proposed retail use would generate substantially less traffic than the previous use on the site.

In response to a question from Commissioner Seville-Jones, **Keith Palmer** suggested along the north property line that Brisbane Box trees be used which are evergreen and are fairly vertical. He said that such trees placed about every 25 feet would provide screening for the signage.

Commissioner Fasola indicated that he would support removal of the proposed west facing sign. He commented that the vapor extracting equipment could be present for a long period of time, and he has a concern with it being located very close to the adjacent residents. He suggested that moving it to the east would place it closer to an existing concrete wall which may help to mitigate noise. He stated that he has a concern with allowing the proposed building to exceed the height limit. He indicated that the current method for determining height is used for all properties in the City, and the applicant should have planned to meet the City's code with the project. He commented that allowing an exception for the subject proposal could result in a request for a similar height variance for every project on the west side of Sepulveda Boulevard.

Commissioner Paralusz said that that the Rite Aid building would be taller than the proposed structure. She commented that she agrees that the sign facing to the west should be relocated or removed. She stated that she is concerned with the noise level of the remediation equipment. She said that she would like further information on the type of equipment that would be used and an example of the level of noise that it would generate. She indicated that there is an opportunity to require equipment that is less noisy and more efficient if possible. She said that she would suggest that access not be provided to Oak Avenue from the proposed development.

Commissioner Seville-Jones commended the applicant for the LEED certified design that will serve as a model for future projects and serve Manhattan Beach. She said that granting the Variance on the basis that changing the proposed prototype is difficult does not meet the standard of the Code. She indicated, however, that she can find for the Variance because the building is being placed along Sepulveda Boulevard rather than toward the rear of the property due to the Sepulveda Corridor Guidelines. She pointed out that the structures would comply with the limit if they were placed toward the rear. She commented that she feels the Variance would be minimal compared to other projects that have come before the Commission, and she agrees that the proposed buildings would not be out of character with others in the area.

Commissioner Seville-Jones indicated that she would like more information on the remediation equipment regarding the resulting impact of noise and fumes on the neighboring residents; regarding how long it would need to be at the location; and regarding other possible locations on the property where it could be placed. She commented that she does not support the west facing sign that would face toward the neighborhood even though it would not be illuminated. She stated that she would also like further information on the orientation of the trees the applicant is proposing along Sepulveda Boulevard. She said that important concerns have been raised by the neighbors; however, the Commission is not able to address some of the issues that

feet above the height limit. He pointed out that the staff report indicates that the applicant could in theory build up to a 35,287 square foot maximum building, and the proposal is 6,329 square feet. He also commented that he feels the subject proposal would be far more pedestrian friendly than the Rite Aid building. He said that he feels the findings for granting the Variance can be met because of the topography of the site. He commented that he is concerned by the precedent set by the Rite Aid structure, which is the reason he did not support that project. He pointed out that the height as proposed for the subject project would be below the height of the Rite Aid building. He said that he feels the project should be supported because it is the first of its kind being built to LEED silver standards, although it is not the sole reason he would approve it.

Chairman Lesser said that he concurs with staff's opinion that the west facing sign should not be included. He said that he also has a concern regarding the policy of the City regarding compact parking spaces. He commented that he is pleased that the project exceeds the parking requirement; however, he would prefer that all of the spaces be standard width. He said that he would be willing to support including the compact spaces be moved further away from the retail building as suggested by staff. He said that he would like for the issue of allowing compact spaces for projects to be addressed in the joint meeting of the City Council and Commission, as it has been raised in several cases. He commented that any retail component would not be able to operate after 10:30 p.m. other than the ATM.

Director Thompson said that staff would suggest that the item be continued in order to further study the vapor extraction plan regarding the noise, location, duration of time that it would be required, and other options that might be available. He said that staff would also request a new site plan showing the revised location of the compact spaces.

Commissioner Seville-Jones said that she would also like further information regarding the landscaping and trees that are proposed to be used.

Action

A motion was MADE and SECONDED (Paralusz/Fasola) to **REOPEN** the public hearing and **CONTINUE** consideration of a Use Permit and Variance for Construction of Two Commercial Buildings Located at the Northwest Corner of Sepulveda and Manhattan Beach Boulevards at 1129 North Sepulveda Boulevard to September 10, 2008.

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

F. DIRECTORS ITEMS

Director Thompson indicated that a joint meeting with the Planning Commission and City Council is tentatively scheduled for Tuesday, September 9, 2008, and asked that the Commissioners let staff know regarding their availability on that date.

G. PLANNING COMMISSION ITEMS

Chairman Lesser said that the Commission considered an issue for 818 Manhattan Beach Boulevard at the last meeting which raised broader procedural issues and sought input from

supported the Variance request with a condition that the rear building be stepped below the height limit to an equivalent amount that the front building exceeds the height limit. He indicated that an exception, provided for by code, is also being requested to exceed the 12 foot height limit for two parking lot light poles. He said that the outstanding issues after the previous hearing included relocating the proposed compact spaces further from the entrance of the retail building. He commented that the spaces are now proposed to be located across the parking aisle adjacent to the north property line. He indicated that a letter was received from the applicant's consultant regarding the soil vapor extraction system which provides comments regarding the type and size of the system. He said that the letter states that they are confident that any noise and odors can be mitigated from impacting the adjacent neighbors. He stated that a landscaping plan has been provided with details on the types and sizes of trees that are proposed. He indicated that the applicant is requesting that the 36-inch box tree that is proposed near the entry to the driveway be planted after the extraction equipment is removed, as there is not sufficient space for both. He pointed out that there is a condition that no signage shall be permitted facing the adjacent residences. He said that staff is recommending that the Commission adopt the draft Resolution approving the project.

In response to a question from Chairman Lesser, Director Thompson indicated that staff is anticipating more information from the applicant to address the concerns of the Commissioners regarding any noise and odor impacts from the soil vapor extraction system to the neighbors.

In response to a question from Commissioner Seville-Jones, Director Thompson commented that the applicant anticipates that the 36-inch-box tree can be planted after the vapor extraction equipment is removed. He suggested that the Commission consider temporarily eliminating one of the surplus compact spaces in order to allow space for the tree to be planted sooner while the equipment is in place.

Commissioner Seville-Jones said that she would like to know more from the applicant regarding the length of time that the vapor extraction system would need to be in place.

In response to a question from Commissioner Powell, Associate Planner Haaland indicated that there is a condition requiring that narrower trees be located in the northwest corner of the site temporarily to buffer the view from the adjacent neighbors until such time as the equipment can be removed and a 36-inch box tree can be planted.

In response to a comment from Commissioner Powell, Associate Planner Haaland said that it has been common to regulate parking for employees in Use Permits, although requirements have never been imposed for customer parking. He indicated that it may be appropriate to include language requiring that business vendors park on site.

Mark Harrigan, representing the applicant, said that the remediation that is occurring on the site is for the ground water rather than the soil. He said that the vapor extraction system was removed previously in the hope that no further remediation will be necessary. He stated that Shell is evaluating the data to determine whether any additional remediation will be required. He indicated that once it is determined that no more remediation is required, there will be additional monitoring for a year. He indicated that any future remediation will be to clean any ground water off site. He said that any future remediation system that would be required would be an oxygen injection system that would place oxygen into the ground water which reacts with the methane in the water to enhance the remediation process. He indicated that there are all levels of systems, and the particular type that is used is based upon the individual case. He stated that the system can be encased with foam or mufflers. He said that the oxygen injection equipment would be compatible to residential neighborhoods and would create no health

longer period of time, but it would be a solution to potential concerns for it to be moved further to the east. He commented that it possibly could be placed in one of the surplus compact spaces or the adjacent planter area. He indicated that he knows that the amount of noise decreases exponentially with distance.

Mr. Simons stated that the proposed location for the equipment would be more preferable for its operation and maintenance.

Mr. Harrigian pointed out that the compressor for the equipment does not run continually. He said that it could possibly be put on a timer to shut down during nighttime hours. He said that moving the system to the east also would make it more visible to the main customer traffic visiting the site. He said that moving the unit to the east would not significantly decrease the amount of noise; would make its operation less efficient; and would result in it being more visible to customers. He pointed out that the signage facing to the west has been removed from the building, which was originally the concern rather than the signage facing to the north.

Chairman Lesser opened the public hearing.

There being no one wishing to speak regarding the issue, Chairman Lesser closed the public hearing.

Discussion

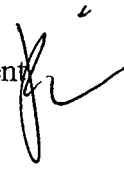
Commissioner Seville-Jones indicated that she would like for a larger permanent tree to be included in the future, and she would want any equipment on the site to be landscaped in the interim to help provide a buffer to the adjacent neighbors. She said that the accessibility of the parking spaces is slightly more awkward with the revised plan. She indicated, however, that the Traffic Engineer feels the plan is acceptable, and having the compact spaces further away from the main building is a benefit. She thanked the applicant and their consultant for explaining the oxygenation unit which has helped to provide a clearer understanding of what would be required. She said that she does not have an objection to the equipment provided that there is a condition in the Use Permit which specifies that only an oxygenation unit is permitted; that it be shrouded and encased in foam and surrounded by trees; and that the maximum amount of noise remediation possible be utilized. She said that she is satisfied that the equipment be placed as proposed because it would only be on the site for a limited period of time; because there would be disadvantages to moving it to the east as described by the applicant, and because the noise would be contained. She stated that the Use Permit come back before the Commission if Shell determines that additional equipment other than an oxygenation unit is required.

Commissioner Powell commented that the project is going to be one of the first LEED certified buildings in the City, and is important to encourage more such structures. He said that the site does create a hardship because of the severe slope. He also commended the residents who have raised concerns that have been taken into consideration. He said that he supports the Variance for the height and the Use Permit.

Commissioner Fasola indicated that he supports the project. He suggested placing the equipment in one of the surplus compact spaces or in the planter area to allow for a tree to be planted. He stated that he does not have an objection to the remediation equipment provided that it meets Code requirements for noise and cannot be heard by the neighboring residents. He commented that he feels the previous plan for parking was preferable to the current proposal. He said that it would not be a large distance to park and walk to the building from the standard size parking spaces as originally designed. He indicated that the Variance request for the

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner *EH*

DATE: September 10, 2008

SUBJECT: Consideration of a Use Permit and Variance for Construction of Two Commercial Buildings Located at the Northwest Corner of Sepulveda and Manhattan Beach Boulevard, 1129 N. Sepulveda Boulevard

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the continued Public Hearing, **REVIEW** the revised plans, and **APPROVE** the project.

APPLICANT

Bryant Palmer Soto Inc.
2601 Airport Drive, Suite 310
Torrance, CA 90505

OWNER

1129 Sepulveda BMPD, LLC
915 Wilshire Blvd. #2200
Los Angeles, CA 90017

BACKGROUND

On August 13, 2008, the Planning Commission considered the subject application and supported the concept, subject to review of compact parking modification, landscaping details and information pertaining to noise, timing, and alternatives of the proposed temporary soil vapor extraction facility. Subsequently the applicant has provided the requested plan supplements and some soil equipment information. Staff has prepared an updated draft project resolution of approval containing changes identified by the Commission at its August 13th meeting. An additional message from a neighboring resident stating concerns for parking, and food and beverage uses is also attached to this report.

ALTERNATIVES

The alternatives available to the Planning Commission include:

1. **DIRECT** the applicant to make additional project modifications to be returned to the Planning Commission for further review.

Attachments:

- A. Draft Resolution PC 08-
 - B. Soil vapor extraction equipment letter
 - C. Neighbor message, dated 8/14/08
- Plans (separate – half size scale)

cc: Bryant Palmer Soto Inc., Applicant
1129 Sepulveda LLC, Owner

RESOLUTION NO. PC 08-

H. The Planning Commission made the following findings with respect to the Variance application for maximum allowable building height, MBMC Section 10.60.050:

- The special circumstances applicable to this property are the substantial change in topography, height limit methodology being a horizontal plane based on the four-corner elevation of the property, and the Sepulveda Boulevard Guidelines, which recommend the placement of building toward the front of the property which is the highest elevation, poses constraints on meeting the maximum allowable building height.
- The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare, since the commercial area will benefit from building location at the front in conformance with the Sepulveda Boulevard Guidelines, and the rear building will be stepped below the height limit a corresponding amount resulting in an average height approximating the applicable 22 and 30 foot limits.
- Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district, since the proposed building height will be in scale and compatible with the surrounding buildings

- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The service station replacement by commercial buildings will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- K. Dedication of an 8 foot strip of property is necessary for traffic improvements to the intersection of Manhattan Beach Boulevard and Sepulveda Boulevard. This dedication is acceptable as an alternative to dedicating for a right-turn pocket entrance improvement for the site as recommended by the Sepulveda Boulevard Guidelines.
- L. This Resolution is intended to supersede all previous use permit approvals for the subject property.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Variance applications subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

1. * The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on August 13 & September 10, 2008, except that a tree(s) determined to be appropriate by the Community Development Director shall be located at the northwest corner of the site at all times of occupancy or soil remediation. Compliance shall include a reduction below applicable height limits for the rear building corresponding to the increased (variance) height of the front building. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to

RESOLUTION NO. PC 08-

clarifiers and other post construction SUSMP items shall be required for the project.

14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
15. Sidewalks shall be repaired or installed around the entire site pursuant to the requirements of the Public Works Department.
16. Plans and construction for the front/east building shall be in qualification and receipt of LEED Silver Level certification.
17. Plans for the rear/west building and overall site-work shall incorporate sustainable building components into the building and site design as determined to be appropriate by the Public Works and Community Development Departments such as: LEED (leadership in Energy and Environmental Design), permeable pavement, energy efficient plumbing mechanical and electrical systems, and storm water retention.
18. * An appropriate merger document eliminating antiquated property lines within the site shall be recorded subject to the review and approval of the Community Development Department prior to issuance of building permits.

Operational Restrictions

19. * The facility shall operate as a commercial center with retail, bank, personal services, and food and beverage sales (without alcohol) uses. Uses determined to be similar to retail by the Community Development Director may also be permitted. Office and restaurant uses shall be prohibited.
20. * Hours of operation of the businesses within the facility shall be limited to 6am to midnight daily, except that food and beverage sales shall be limited to 6am to 10:30pm daily. Bank automated teller machines shall be permitted to operate 24 hours daily.
21. * The management of the facility shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
- 22.* The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses. Security systems and procedures shall be provided as determined to be appropriate by the Chief of Police.
23. * A covered trash enclosure(s), with adequate capacity shall be provided and available on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan demonstrating diversion of at least 50% of solid waste shall be provided as required by the Public Works Department.
24. * The site shall allow reciprocal vehicular access to/from any adjacent property upon which a similar Reciprocal Access condition has been imposed, provided the plans and configuration of such Reciprocal Access shall be subject to the approval of the property owner. Such approval by the owner shall not be unreasonably withheld or delayed; provided that there is no loss in parking needed to meet parking demand for, or other adverse effect upon, the subject site. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.

RESOLUTION NO. PC 08-

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 September 10, 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

Mr. Richard Thompson
Director of Community Development - City of Manhattan Beach
August 27, 2008
Page 2

Noise suppression methods will be employed that are specific to the installed equipment. If you should have any questions or need additional information please contact Mr. Ross Williams, Delta Consultants, at (800) 477-7411 or Ms. Deborah Pryor, Shell Project Manager at (323) 291-9595.

Sincerely,

Delta Consultants

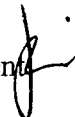



Monica Ortega
Project Geologist

cc: Ms. Deborah Pryor, SHELL
Ms. Monica Ortega, DELTA

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner 

DATE: August 13, 2008

SUBJECT: Consideration of a Use Permit and Variance for Construction of Two Commercial Buildings Located at the Northwest Corner of Sepulveda and Manhattan Beach Boulevard, 1129 N. Sepulveda Boulevard

RECOMMENDATION

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

APPLICANT

Bryant Palmer Soto Inc.
2601 Airport Drive, Suite 310
Torrance, CA 90505

OWNER

1129 Sepulveda BMPD, LLC
915 Wilshire Blvd. #2200
Los Angeles, CA 90017

PROJECT OVERVIEW

LOCATION

Location

1129 Sepulveda Boulevard at the northwest corner of Sepulveda Boulevard and Manhattan Beach Boulevard (See Site Location Map).

Legal Description

Lots 11, 12, 13, 14, 15 & 16, Block 59, Tract 1638

Area District

II

BACKGROUND

The proposed project is to construct a 6,329 square foot two-building commercial development replacing an existing vacant gasoline station on a 23,525 square foot site. One proposed building exceeds the 30-foot height limit by as much as 2 feet. The Zoning Code requires use permit approval of development exceeding 5,000 square feet, and development on sites exceeding 10,000 square feet, in the CG zone. The project therefore requires Planning Commission approval of a use permit and height variance.

DISCUSSION

The submitted plans show a redeveloped through-lot corner site with three access driveways, a T-shaped parking/drive aisle, and two new one-story commercial buildings located adjacent to the street intersections abutting the site. Street dedications are proposed along Manhattan Beach and Sepulveda Boulevards. The proposed driveways access Sepulveda Boulevard, Manhattan Beach Boulevard, and Oak Avenue while eliminating two redundant curb cuts existing on the site. Pedestrian access is primarily provided along Manhattan Beach Boulevard, with a building access/exit on Sepulveda Boulevard. Building entries are located facing the parking aisle accessing Manhattan Beach Boulevard at the mid-portion of the site. Buildings are enhanced with stone treatment, pitched roof elements, tower features, and other architectural details. The proposed bank building is intended by Wells Fargo Bank to be LEED certified at the silver level to address environmental goals in construction of this location and other locations in the future.

The project conforms to the city's requirements for use, floor area, setbacks, landscaping, and parking. The project issues that warrant discussion include the following:

Height:

The applicant requests a variance from Section 10.14.030(F) of the zoning code regarding maximum height of structures in the CG zone. The two towers proposed for the bank building are 2.5 feet over the 30-foot height limit for pitched roofs, and the parapet of the building also exceeds the corresponding 22-foot height limit for flat roofs by 1.5 feet. The amount of tower area exceeding the height limit is small relative to the entire building, with the flat roof area covering the majority of the building. The building height from the Sepulveda (high end of the site) perspective would be approximately 28 feet for the tower, and 19.5 feet for the parapet, as measured from the corner sidewalk. The rear (adjacent to Oak Avenue) retail building's tower and parapet have heights below the limits roughly equivalent to the amounts above the height limits proposed for the bank building.

In order to grant the variance request, Section 10.84.060(B) of the zoning code requires that the Planning Commission must make required findings as follows:

1. Because of special circumstances or conditions applicable to the subject property, including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions, strict application of the

Compact Parking:

The submitted plan includes 12 parking spaces beyond the required amount. While the 9 compact spaces proposed are surplus to code requirements, the majority of them are located near the entries of the rear retail building. Since the Planning Commission and City Council have recently expressed concerns for the prominence of compact parking spaces, staff recommends that most of those compact spaces be relocated across the parking aisle to the less convenient parking locations.

Parking Lot Lights:

The proposal includes typical 20-foot tall commercial parking lot light poles. Section 10.64.170(C)(1) of the zoning code, however, limits the height of such poles within 25 feet of a residential property to 12 feet. The rear half of the abutting property is zoned RS but is not currently used residentially. Section 10.64.170(C)(8) zoning code allows requests to exceed the light source height limit to be approved if avoidance of residential disturbance can be ensured. The applicant has provided the attached request regarding two light poles proposed within 25 feet of residentially zoned property, based on bank security requirements. Staff suggests that the proposed 20-foot height for the two light poles in question is appropriate if proper glare shielding is added to the light fixture since the nearest current residence is located across Oak Avenue.

Sepulveda Boulevard Guidelines:

The applicant has made substantial efforts to address the Sepulveda Boulevard development guidelines. The aesthetic oriented guidelines generally favor building/store frontages oriented toward Sepulveda, as opposed to vehicle dominated frontages. The project design addresses this issue by placing the primary building (bank) at the corner of Sepulveda and Manhattan Beach Blvds. The Sepulveda façade includes a tower feature, a wall sign, stone veneer, windows, and a glass exit door depressed slightly below sidewalk level. The setback contains landscaping, a monument sign, and a concrete ramp accessing the exit door. The Manhattan Beach Boulevard façade also includes decorative design and landscaping. The proposed secondary building (retail) is similarly oriented abutting the rear street corner of the site at Oak Avenue and Manhattan Beach Boulevard, which is also aesthetically desirable.

The project substantially improves the site's traffic design by reducing curb cuts but does not include a deceleration lane or reciprocal access as encouraged in the Sepulveda guidelines. The short frontage of the site and the significant dedication toward other off-site traffic improvements lead staff to recommend against imposing an entry deceleration lane in this case. The dedication discussed above, also benefiting Sepulveda Boulevard traffic flow, is a more appropriate traffic improvement for this site. The guidelines also encourage reciprocal access between commercial properties to improve on-site parking and circulation efficiency. In this case the neighboring commercial properties to the north are located within the Oak Avenue Overlay District, which prohibits the commercial driveways that currently access Oak Avenue. The abutting property owner to the north has indicated no interest in

CONCLUSION

Staff believes that the proposed Use Permit and Variance would comply with the City's Municipal Code/General Plan, would adequately provide the necessary protection against adverse impacts to the surrounding area, would not impact public services, meets the findings required in granting the requested Variance, and recommends approval subject to the findings and conditions specified in the proposed draft resolution.

ALTERNATIVES

The alternatives available to the Planning Commission include:

1. **APPROVE** the project with revised findings or conditions, and **ADOPT** a modified version of the attached draft Resolution.
2. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return a new draft Resolution.

Attachments:

- A. Site Location Map
 - B. Draft Resolution PC 08-
 - C. Applicant requests
 - D. Sign program excerpts
 - E. Traffic Engineer Memo
 - F. Public comment letter
- Plans (separate – half size scale)

cc: Bryant Palmer Soto Inc., Applicant
1129 Sepulveda LLC, Owner

RESOLUTION NO. PC 08-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AND VARIANCE TO REPLACE AN EXISTING VACANT SERVICE STATION WITH TWO NEW COMMERCIAL BUILDINGS, ONE OF WHICH EXCEEDS THE PERMITTED HEIGHT LIMIT ON THE PROPERTY LOCATED AT 1129 SEPULVEDA 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 a public hearing on August 13, 2008, considered an application for a use permit and variance to replace an existing vacant service station with two new commercial buildings, one of which, would exceed the height limit by as much as 2.5 feet, on the property legally described as Lots 11, 12, 13, 14, 15 & 16, Block 59, Tract 1638 located at 1129 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The application was filed on April 29, 2008. The applicant for the subject project is Bryant Palmer Soto Inc. The owner of the property is 1129 Sepulveda BMPD, LLC.
- C. The project is Categorically Exempt from the requirements of CEQA pursuant to Sections 15303 and 15332, since the project involves construction of relatively small structures and minor infill development within an urbanized area.
- D. 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.
- E. The property is located within Area District II and is zoned CG Commercial General. The surrounding private land uses consist of CG, Local Commercial, and Single-Family Residential uses.
- F. The General Plan designation for the property is General Commercial. The project is consistent with the General Plan including specific policies including the following:
 - Goal LU-1.2: Encourage the use of notches, open space, setbacks, landscaping, or other architectural details to reduce building bulk.
 - Goal LU-2.1: Encourage landscaping standards for commercial areas.
 - Goal LU-3.1: Encourage quality design in all new construction.
 - Goal LU-3.2: Encourage the use of Sepulveda Boulevard Corridor Guidelines.
 - Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.
 - Goal LU-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.
- G. Approval of the replacement of a vacant service station with two new commercial buildings, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since it is in compliance with all regulations, improves existing circulation design, and provides aesthetic enhancements with conforming landscaping and signage including removal of one pole sign.

RESOLUTION NO. PC 08-

issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.

3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan, consistent with the project rendering on file with the Community Development Department, utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. This plan shall be prepared by a licensed landscape architect, as required by state law.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off under normal operating conditions. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Project driveway entrances shall be constructed or modified in conformance with the requirements of the Public Works Department and Caltrans.
9. * Final circulation, traffic visibility, pedestrian, bicycle, and parking design shall be subject to the review of the City's Traffic Engineer and Director of Community Development.
10. * An irrevocable offer of dedication of the southerly 8 foot wide strip of the site and corner cutoffs shown on the submitted plans abutting Manhattan Beach Boulevard shall be provided prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
- 11.* Sidewalk and related pedestrian easements along Sepulveda Boulevard, Manhattan Beach Boulevard, and Oak Avenue, as shown on the submitted plans shall be completed prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
12. * Security lighting for the site shall be provided in conformance with Municipal Code requirements including applicable height limits and glare prevention design. Light poles exceeding 12 feet in height adjacent to residentially zoned property shall require increased attention to light shielding.
13. * Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works. Oil clarifiers and other post construction SUSMP items shall be required for the project.
14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.

RESOLUTION NO. PC 08-

26. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings or other architectural elements shall be prohibited. Primary signs shall be prohibited from locations oriented toward, or substantially visible from, the adjacent northwesterly residential area as determined by the Community Development Department.
27. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited, except required emergency audio systems.
29. The operation shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
30. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.

Procedural

31. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
32. This Use Permit and Variance shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
33. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
34. 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.

EXHIBIT A
PROJECT DESCRIPTION NARRATIVE
FOR 1129 NORTH SEPULVEDA BOULEVARD PROJECT

- Applicant:** Bryant Palmer Soto Inc.
- Project Title:** 1129 North Sepulveda Boulevard
- Project Location:** 1129 North Sepulveda Boulevard on the property generally bounded by Sepulveda Boulevard, Manhattan Beach Boulevard, Oak Avenue and adjacent commercial property to the north
- Project Proposal:** Request approval for a Use Permit on the subject CG zoned property to allow for development in conformance to the Sepulveda Boulevard Development Guidelines described under the Project Description.
- Project Description:** The present site is 25,766 square feet and was previously operated as a gas station. The site is presently cleared for development except for an existing 1,540 square foot structure to be demolished.

The proposed neighborhood development will consists of two conventional wood framed commercial structures totaling 6,329 square feet:

- (1) A 4,010 square foot one story building for bank use at the northwest corner of Sepulveda and Manhattan Beach Boulevards.
- (2) A 2,319 square foot one story retail shop building at the northeast corner of Manhattan Beach Boulevard and Oak Avenue.

The project site is provided with 37 parking space and a shared roof covered trash enclosure per city standards. All parking spaces are bounded by concrete curbs adjacent to hardscape/paving or landscape planting. Parking spaces consist of 30 standard spaces, 5 small (compact) spaces and 2 disabled access space with van access.

An 8-foot street dedication will be provided along Manhattan Beach Boulevard. An engineer will prepare plans for its implementation. A 4-foot CALTRANS dedication is planned for

Sepulveda Boulevard. The facades of both the bank and shop buildings will complement each other, and as a whole, will be harmonious to the adjacent buildings and uses. The color palette, fenestration and scale will enhance a major corner in the city. Vehicular traffic from the site to Oak Avenue will be directed to left turn only and exit to Manhattan Beach Boulevard.

	Existing	Proposed	Required	Demolished
Project Site Area:	25,766 S.F.	(23,525 S.F.)*		
Building Floor Area:	1,540 S.F.	7,342 S.F.		TO BE DEMOLISHED
Height of Structure(s)	-	22' (30' w/ SLOPING ROOF)		
Number of Floors/Stories:	1	1		
Percent Lot Coverage:	6%	31.2%		
Off-Street Parking:	± 11	30	30	
Vehicle Loading Space:	-	1	1	
Open Space/Landscaping:	LESS THAN 3%	(11%)*	8%	

*AFTER DEDICATIONS

Proposed Grading:
 Cut _____ Fill _____ Balance Imported _____ Exported _____

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

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

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

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

Signature: *[Signature]* Prepared For: 1129 SEPULVEDA BMPD, LLC

Date Prepared: 4-27-08

Revised 7/97



June 10, 2008

CITY OF MANHATTAN BEACH
Community Development Dept.
1400 Highland Avenue
Manhattan Beach, CA 90266

Regarding: Wells Fargo Bank

To Whom it May Concern,

We are requesting a variance to exceed the height ordinance by 2'-0".

1. The property has an approximate 5'-0" change in elevation along the Manhattan Beach Blvd. property line. This coupled with the requirements of the Sepulveda Boulevard Development Guidelines regarding building orientation and visual aesthetics creates a very difficult set of issues when designing a building at the gateway to Manhattan Beach. The building orientation guideline states: "site and building designs that focus on, and directly relate to the street create a more attractive, comfortable and interesting environment". The visual aesthetics guideline states: "visually less desirable elements such as large parking areas, blank walls, storage and trash areas should be hidden, or less prominent as viewed from the street". We have achieved both of these guidelines by locating the building at the corner and the parking lot on the interior of the site, but this has also limited the height of the Wells Fargo building.
2. The additional height request can be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site or to the public health, safety or general welfare.
3. We feel that granting this application for variance is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitation on other properties in the vicinity and in the same zoning district and area district.

The building we have proposed for this site is a proto-type design that is at a minimum, LEED Certified – Silver by the USGBC. Wells Fargo is working with the USGBC to achieve a "Volume Build" approval based on this proto-type design. This will be the building that Wells Fargo will construct for all their new locations. Wells Fargo is dedicated to building "Green" facilities. Changes to the proto-type "Volume Build" design, including height will have a negative impact on the USGBC approvals process and the overall inter-relationship of the proportional elements.

Brett Marchi, Architect
California Reg. # C15267

2599 Baseline Avenue
Solvang, CA 93463

Ph/Fax: (805) 295-8787
email: brett@marchi-associates.com



July 16, 2008

CITY OF MANHATTAN BEACH
Community Development Dept.
1400 Highland Avenue
Manhattan Beach, CA 90266

Regarding: Wells Fargo Bank

To Whom it May Concern,

Wells Fargo Bank is requesting a parking lot light pole height exception per Section 10.64.170(C)(8). The State of California requires all ATM machines to comply with Assembly AB 244. This bill states that all ATM machine installations provide their customers a minimum nighttime illumination of 2 footcandles within a 60' radius of the ATM. WFB is requesting an increase in light pole height from 12' to 20'. A 12' high light pole will provide 2 footcandles of illumination approximately 10' horizontally. This project will require WFB to provide 2 footcandles across a 25' drive aisle. This can not be done with a 12' high light pole. Therefore WFB is requesting an exception to increase the light pole height to 20'. WFB will shield the light from the residential areas by providing forward throw lens, directing the light away from the residential areas and fixture shrouds.

Respectfully,

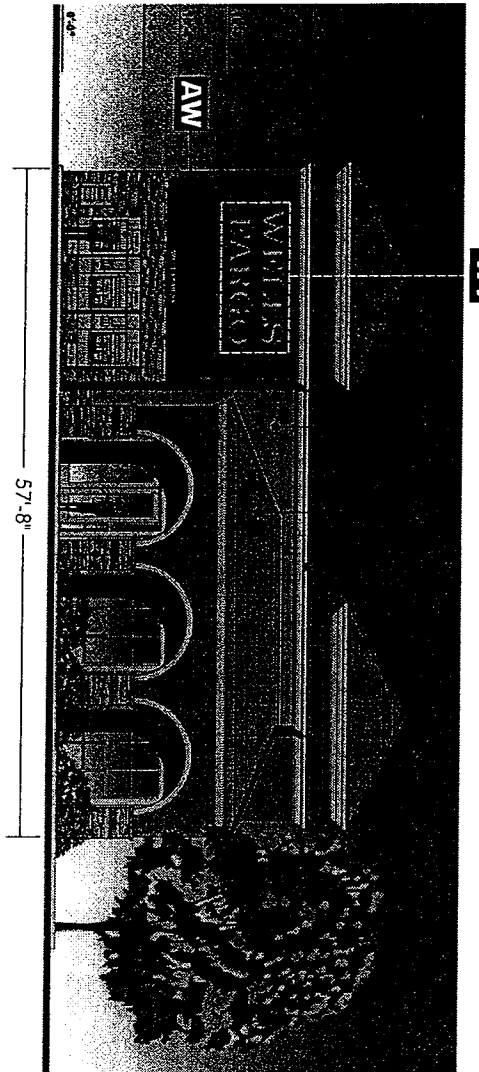
Brett Marchi, A.I.A.
Marchi & Associates

cc; Eric Haaland, City of MB
Brian McNutt, WFB
Erwin Bucy, Regency Centers

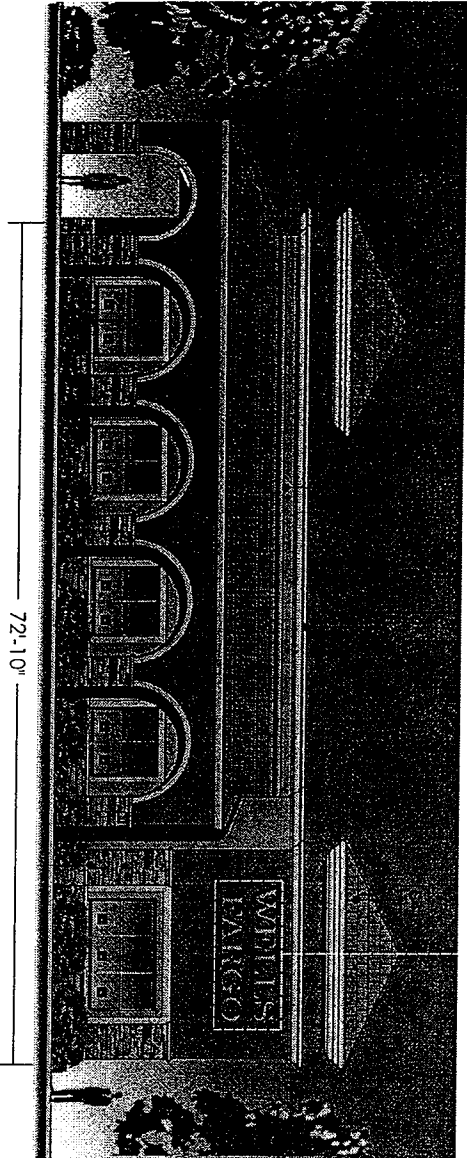
Brett Marchi, Architect
California Reg. # C15267

2599 Baseline Avenue
Solvang, CA 93463

Ph/Fax: (805) 295-8787
email: brett@marchi-associates.com



WEST BANK BUILDING ELEVATION



SOUTH BANK BUILDING ELEVATION

PAIN T SCHEDULE:

- A** EXTERIOR TRIM
"BENJAMIN MOORE" - HC-49 - "WHITELI SHOWN"
- B** EXTERIOR ACCENT
"BENJAMIN MOORE" - HC-39 - "DECADER BUFF"
- C** EXTERIOR FIN
"BENJAMIN MOORE" - HC-35 - "POWELL BUFF"

MATERIAL SPECS:

- S1** 7/8" EXTERIOR PLASTER OVER PAPERBACKED
WREATHS - LIGHT SPRAY OSH COAT - PAINT
- S2** "TUMBLER STONE" - LEONESTONE
COLOR: PE-917 - PLAINBIA PROFIT
- S3** "SUNBELT" CANVAS JANNING
COLOR: "WELLS TANGA RED"
- S4** "JANNER LEFT TILE" - SMOXY SLATE
COLOR: CHARCOAL BROWN BLEND (LISC3 1139)

WALL SIGN SIZES AND AREAS

Sign	Max. Width	Max. Height	Max. Area
W1	12'-0"	5'-0"	60 S.F.
W2	12'-0"	5'-0"	60 S.F.
AW	6'-0"	7"	4 S.F.

1129
NORTH
SEPUVEDA
1129 N Sepulveda Blvd.
Manhattan Beach, CA

SIGN PROGRAM

Date:

June 19, 2008

Scale:

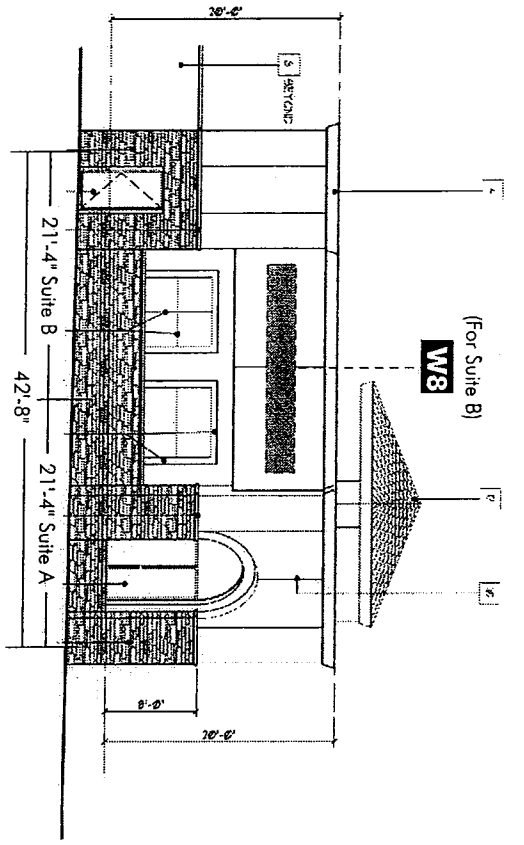
~1/16" = 1'-0"



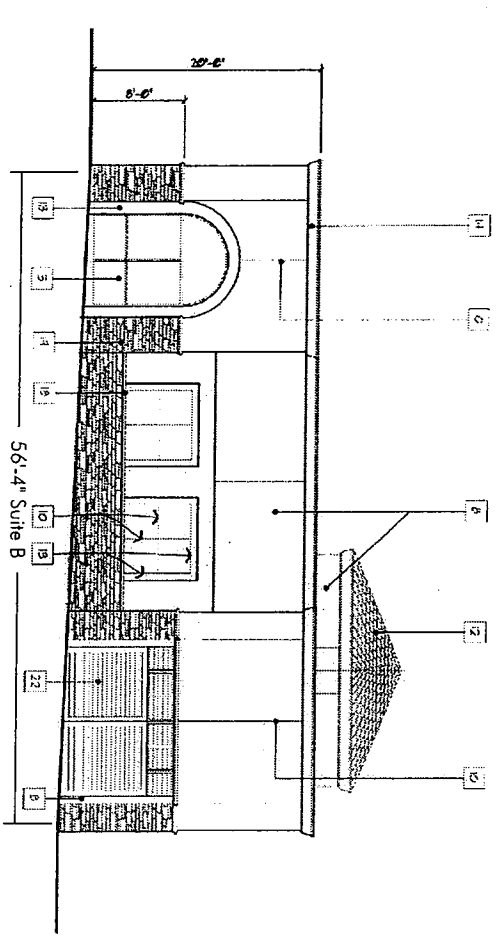
SIGN METHODS INC.
Electrical Signs And Neon

1749 E. 28th St.
Signal Hill, CA 92806
(562) 989-5755
(800) 655-4336
Fax: (562) 427-6875
www.signmethods.com

BANK BUILDING
ELEVATIONS



EAST MULTI-TENANT RETAIL BUILDING ELEVATION



NORTH MULTI-TENANT RETAIL BUILDING ELEVATION

SPECIFICATIONS / MATERIALS / FINISHES:

- A** UNIT'S SIDING VARIETY -- EXTERIOR STONE -- MARAZZITI
- B** EXTERIOR PLASTER -- PERGOL LIGHT SPARKED OASH COAT -- PAINT
- C** GREEN SCREEN PROGRAM 7' HPS, X 48" W, GALVANIZED TUBULAR PANELS WITH PIGMENT MATCH FINISH AND 3/16" STEEL CHANNEL TRIM AT PANEL PERIMETER -- SEE DETAIL -- (060) 135-1514

WALL SIGN SIZES AND AREAS			
Sign	Max. Width	Max. Height	Max. Area
W/8	18'-0"	2'-6"	28 S.F.

1129

NORTH
SEPUVEDA

1129 N Sepulveda Blvd.
Manhattan Beach, CA

SIGN PROGRAM

Date: June 19, 2008

Scale: ~1/16"=1'-0"



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CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Eric Haaland, Associate Planner

FROM: Erik Zandvliet, Traffic Engineer

DATE: June 4, 2008

**SUBJECT: Development Review-1129 N. Sepulveda Boulevard
Revised Traffic Engineering Comments**

The following comments have been prepared to address traffic engineering concerns for the proposed walk-in bank and retail stores at 1129 N. Sepulveda Boulevard based on plans prepared by Bryant Palmer Soto, Inc. dated April 29, 2008. The project is expected to generate approximately 45 vehicle trips in the PM peak hour.

Traffic Impact Analysis

1. Based on the City's Traffic Impact Guidelines, a Traffic Impact Analysis (TIA) is NOT required because the project would generate fewer than 50 trips in a peak hour.

Site Plan Comments

2. Access to the retail shops from the parking lot will be difficult without a walkway to the main east-west aisle. This requires customers and employees to walk along the entrance aisle between the two buildings where vehicles are entering from Manhattan Beach Boulevard. It is recommended that the storefront walkway connect to the main aisle to the north.
3. Parking stall cross-slope shall not exceed 5%. (COA)
4. All two-way driveways and approaches shall be as wide as the aisle it serves. (COA)
5. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the driveway wings. (COA)
6. Doors shall not exit directly onto a vehicle aisle or street without a landing. (COA)
7. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind the ultimate property line when exiting the parking areas without walls, columns or landscaping over 36 inches high. (MBMC 10.64.150) All planters and walkways must conform to this requirement. (COA)
8. Provide a 15' unobstructed triangle of sight visibility on the northeast corner of Manhattan Beach Boulevard at Oak Avenue behind the ultimate property line extensions without walls, columns or landscaping over 36 inches high, tree trunks excepted. (MBMC 3.40.010) (COA)
9. All parking spaces adjacent to a vertical obstruction, except columns, must be at least one foot wider than a standard space. (COA)
10. Wheel stops are required for all parking spaces inside a parking lot or structure except those spaces abutting a masonry wall or protected by a 6-inch high curb. A 2 foot overhang shall be included in the stall length when calculating walkway widths across the front and side of the building. (MBMC 10.64.100D) (COA)

**Jim & Selmira D'Angelo
728 26th Street
Manhattan Beach, CA 90266**

July 31, 2008

Planning Commission Members
C/O Eric Haaland, Associate Planner
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

**Re: See Attached; Planning Commission Hearing Wednesday
August 13, 2008 Proposed 4,010 Square Foot Bank Building
and 2,319 square foot Commercial building; Legal Description:
Lots11 - 16, Block 59, Tract No. 1638**

To: Planning Commission Members;

I have been a resident of Manhattan Beach since 1994 where my wife and I with our two children reside.

Our family would like to express our support for the above referenced project. We believe it will enhance the corner and provide good stable community services for the residents of Manhattan Beach.

Thank you for considering our input and we look forward to seeing the development and using the services.

Sincerely;


Jim F. D'Angelo

