



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Cohen and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Angelica Ochoa, Assistant Planner

DATE: June 16, 2009

SUBJECT: Consideration of Planning Commission Approval of a Use Permit to Construct a New 24-hour Gas Station, Food Mart with Beer and Wine Sales, Self-Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard (Sheikhpour/Chevron)

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:

The applicant, Freydoun Sheikpour, the property owner of the existing Chevron station at the northwest corner of Aviation Boulevard and Marine Avenue, submitted a proposal in April 2007 to expand the current uses to provide more services to local residents and businesses. The original proposal included demolishing the existing gas station, mini-mart and auto repair service and constructing a new 24-hour gas station, 24-hour food mart and specialty coffee service with drive-through, beer and wine sales, and self-service car wash.

On April 22, 2009, the Planning Commission conducted a public hearing and requested that the applicant re-evaluate the project and address the issues of operations and hours for all proposed uses, the intensity of proposed uses, lighting and noise impacts to residents on Marine Avenue, impacts of beer and wine sales to residents on Marine Avenue and users of Marine Park, and compliance with the City Sign Code. The Planning Commission was overall generally supportive of the project but felt that these issues should be addressed. The Planning Commission suggested that the applicant work with staff on a revised project proposal, project details, and site and building design to address the outstanding issues. The project was continued to the Planning Commission meeting of May 27, 2009.

At the Planning Commission meeting of May 27, 2009 (Exhibit B), after public testimony was received, the Planning Commission discussed the revised project proposal and approved the project. The applicant submitted a new proposal that included removing the specialty coffee service with drive through, reducing the food mart building size, limiting the hours for the food mart, limiting beer and wine sales, complying with the City Sign Code, installing security measures, increasing landscaping and limiting impacts of noise and lighting to residents on Marine Avenue. The Commission felt that the applicant addressed all of the outstanding issues and any impacts from the subject project were minimized to residents on Marine Avenue, users of Marine Park and to the surrounding community. All Planning Commission staff reports are attached as Exhibit C. The Planning Commission approved the project (4-0), adopting attached Resolution PC No.09-05 (Exhibit A).

DISCUSSION:

Project Description

The project proposal includes demolishing the existing Chevron gas station, mini-mart, auto repair bays and underground storage fuel tanks. The existing uses will be replaced with new construction of a gas station with 4 fueling islands and 8 gas pumps, a 3,200 square foot food mart with off-site beer and wine sales and a 1,980 square foot self-serve car wash.

The following provides the details for the subject project as was originally submitted by the applicant and the changes that were approved by the Planning Commission on May 27, 2009:

Building Floor Area:	<u>Original</u> 3,800 sq. ft. food mart Coffee area with drive through 1,980 sq. ft. self-serve car wash	<u>Revised -Approved</u> <u>3,200 sq. ft. food mart</u> <u>Removed</u> Same
Parking:	29 spaces	<u>25 spaces</u> (1)
Hours of Operation:	Fueling stations – 24 hours Food mart – 24 hours Drive-through coffee area – 5 am to 10 pm Self-serve car wash – 6 am to 9 pm Beer and wine sales – 7 am to 10 pm	Same <u>6am to 10pm, inside</u> <u>10pm to 6am, cashier window</u> <u>only</u> <u>Removed</u> <u>6 am to 9 pm, M-F</u> <u>8 am to 8 pm, weekends and</u> <u>holidays</u> Same
Signage:	787.11 square feet	<u>Will comply with City</u> <u>Sign code</u> (2)
Landscaping:	7,853 sq. ft. (19%)	<u>11,157 sq. ft. (28.17%)</u> (3)
Street Dedication -	16 feet along entire frontage on Aviation Boulevard for street widening 25 feet corner cut on Aviation Boulevard and Marine Avenue for required ADA access 4 feet sidewalk and ADA required access along entire frontage on Marine Avenue	

- (1) Parking (**required 24**) based on 39,620 sq. ft./2 = 19,810 sq. ft./2,500 sq.ft.; 3,200 s.f. food mart/coffee area.
- (2) Signage (**maximum allowed 400 sq ft.**) based on Municipal Code Section 10.72 050. Pole sign counts twice per face with a total of 704.00 square feet. Applicant will provide new signs to comply with Code requirements.
- (3) Landscaping based on Municipal Code Section 10.16.030 (I) requires 8% landscaping of entire site.

Planning Commission Discussion

The Planning Commission discussion at both meetings centered on minimizing project impacts to nearby residents on Marine Avenue and the surrounding community. The Planning Commission felt that in order for them to approve the project, the outstanding issues must be mitigated and resolved. Specifically, the issues were hours of operation, noise, lighting, beer and wine sales, signage and consistency with other approved City gas stations for operating hours and alcohol sales.

The Planning Commissioners were concerned with the proposed 24 hour operation of the gas station, food mart with beer and wine sales and the related impacts to residents on Marine Avenue and users of Marine Sports Complex Park. They requested that staff meet with the Department of Parks and Recreation and Police to understand park operations and security procedures at Marine Park. As a result of these meetings, the applicant revised the original project proposal to satisfy any security and crime related concerns. Also, the applicant placed limitations on the hours of the food mart, limited beer and wine sales and added security measures. The Planning Commissioners also had concerns with approving a 24-hour gas station in close proximity to residents. They requested that staff provide a list of other City gas stations for comparison.

Based on the documentation provided by staff, the Commission felt that the subject project site was consistent with the other gas stations that were approved for 24-hour operation. They also discussed the CG (Commercial General) zoning as being a significant determining factor for allowing 24-hour operation for other gas stations. According to Section 10.16.020 of the Municipal Code, all new gas stations require a use permit, and the hours of operation can be limited through the Use Permit process. For the project site, the fact that it is in the CG zone, is located on two arterial streets, Aviation Boulevard and Marine Avenue, and it is a major intersection with a high volume of traffic; the Planning Commission felt that a 24-hour gas station was appropriate for this location. Attached is a map (Exhibit D) providing the City zoning designations, the pattern of City gas stations located along major arterial streets and the surrounding developed uses. Conditions 15, 16, 17, 18 in the Resolution address the Planning Commission and neighbor's concerns and Conditions 50 through 60 address traffic related issues put in place by the City Traffic Engineer to minimize any traffic impacts.

The Planning Commissioners were concerned with noise and lighting impacts to the residents on Marine Avenue. Staff also had concerns with noise from the overall site onto the surrounding community. According to the acoustical report submitted by the applicant, the noise generated from the car wash complies with the City of Manhattan Beach Noise Ordinance. In terms of lighting impacts, all lighting will be directed away from the residents, and any lighting facing Marine Avenue will be low level to lessen any impact to residents. The Planning Commission was satisfied with the applicant's lighting proposal but was still concerned with the noise from the car

wash impacting Marine Park users. For this reason, Conditions 9, 21, 22 in the Resolution were put in place to address these outstanding issues.

In terms of signage, the Planning Commission and staff felt that the applicant should comply with the City Sign Code. The applicant agreed to revise his sign proposal and remove the existing pole sign. Condition 20 in the Resolution addresses this.

Overall, the Planning Commission felt that the applicant made a substantial change to the original proposed project to minimize impacts from the project. The revisions consisted of:

- 1) Elimination of the specialty coffee service and drive through window
- 2) Reduction in the food mart building size
- 3) Revised lighting plan to lessen the impact onto residents
- 4) Revised noise report to include the surrounding residential uses
- 5) Reduced hours of operation of the food mart
- 6) Limited beer and wine sales
- 7) Reduced total signage

All of the above changes addressed the issues raised at the public hearings and conditions in the Resolution have been placed to ensure that any impacts are minimized.

Public Comment and Noticing

As part of the required noticing for a Use Permit, Staff noticed the subject project within the required 500 foot radius. Staff received letters from residents with concerns, which are attached to this staff report as Exhibit E. All of the concerns have been addressed by the applicant and to the satisfaction of the Planning Commission and staff.

ALTERNATIVES

The alternatives to the staff recommendation include:

1. **APPEAL** the decision of the Planning Commission and direct staff to schedule a public hearing

- Attachments:
- A. Resolution PC No. 09-05
 - B. Planning Commission minutes dated May 27, 2009
 - C. Staff Planning Commission Reports, attachments, and minutes dated April 22 and May 27, 2009 (duplicates deleted)
 - D. Map of City Gas Stations and Zoning
 - E. Correspondence from residents
 - F. Plans (not available electronically, separate)

cc: Freydoun Sheikpour, Applicant/Property Owner
Ahmad Ghaderi, Applicant's Representative

RESOLUTION NO. PC 09-05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO REPLACE AN EXISTING CHEVRON SERVICE STATION WITH A NEW SERVICE STATION TO INCLUDE A FOOD MART WITH BEER AND WINE SALES AND A SELF-SERVICE CAR WASH ON THE PROPERTY LOCATED AT 2301 NORTH AVIATION BOULEVARD (Chevron Products Co.)

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 hearings on April 22, 2009 and May 27, 2009, and considered an application for a use permit to replace an existing service station, auto repair bays and mini-mart with a new service station to include a food mart with beer and wine sales and a self-service car wash on the property legally described as portion of the south 60 acres of lot 1 in section 19, as shown on the partition map showing property formerly of the Redondo Land Company, in the City of Manhattan Beach, as shown as Parcel 3 on record of survey map filed in book 83 pages 53 and 54 of records of survey located at 2301 North Aviation Boulevard in the City of Manhattan Beach.

B. Said public hearings were advertised pursuant to applicable law, testimony was invited and received.

C. The application was filed on April 3, 2007. The applicant for the subject project is Freydoun Sheikpour, the owner of the property. The project originally included a specialty coffee service area with a drive through, a sign exception, and increased hours, which the applicant eliminated/revised after concerns were expressed at the public hearings.

D. The subject project was found not to have a significant effect on the environment after an Initial Study was conducted and therefore a Negative Declaration was proposed per CEQA (California Environmental Quality Act) Guidelines.

E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

F. The property is located within Area District II and is zoned CG Commercial General. The surrounding land uses consist of single family residential to the south (more than 360 feet away), parks/open space uses to the west, industrial uses to the north, office and residential uses to the northeast in the City of Hawthorne, and industrial and office uses to the southeast in the City of Redondo Beach.

G. The General Plan designation for the property is General Commercial. A zone change was approved, after more than 20 public meetings that were advertised pursuant to applicable law, in December 2003 by the City Council as part of the Citywide General Plan. Amendments which re-

zoned subject property, 2301 North Aviation Boulevard from Industrial (IP) to General Commercial (CG) reflect the current use and encourage commercial development at the major intersection of Aviation Boulevard and Marine Avenue.

H. The project site is located on two arterial streets (Aviation Boulevard major and Marine Avenue minor) which respectively carry over 48,000 and 20,000 vehicles daily and is one of the highest traffic volumes in the City.

I. A determination of public convenience and necessity is made for the proposed off-sale beer and wine license (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon the effectiveness of this project approval.

J. This Resolution is intended to supersede all previous use permit approvals for the subject service station use. (BZA 88-28 and PC 97-8).

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 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 retail uses for a full range of retail and service businesses, since the proposed project is located within the (CG) General Commercial district, and will replace an existing service gas station, auto repair bays and mini-mart.
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, since the proposed new gas station, food mart and self-service car wash as conditioned is in compliance with all Manhattan Beach Municipal Code regulations, dedicating street improvements on Aviation Boulevard and Marine Avenue, providing aesthetic enhancements with conforming landscaping and signage, limiting hours, lighting and noise impacts and will incorporate sustainable building components. The new use is intended to provide a better variety of services to the community.
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located, since the proposed location of the use and the proposed conditions under which it will be operated or maintained is consistent with the General Plan, since the project site is classified as General Commercial which allows for a full range of commercial and service businesses.
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, since the existing site is already developed

as a gas station, auto repair bays and mini-mart and the proposed new gas station, food mart and self-service car wash will not adversely impact nearby properties as conditioned, and as analyzed in the applicant's noise study and the City Traffic Engineer's review. The new use will comply with all of the City's Code requirements and conditions have been placed in this resolution to ensure any impacts do not affect the surrounding residences and neighborhood. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.

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 as summarized below:

Policy LU-1.2: Encourage the design of all new construction to utilize notches or other architectural details to reduce building bulk.

Policy LU-2.1: Develop landscaping standards for commercial areas that unify and humanize each district.

Policy LU-3.1: Continue to encourage quality design in all new construction.

Policy LU.3.5: Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.

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-5.7: Recognize the unique qualities of mixed use areas, and balance the needs of both the residential and commercial uses.

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

Policy 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.

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 I-2.3: Upgrade all major intersections and arterial streets to keep traffic moving efficiently.

Policy I-2.4: Required additional traffic lanes and/or other traffic improvements

for ingress and egress for new development along arterials where necessary for traffic and safety reasons.

Policy I-2.7: Monitor and minimize traffic issues associated with construction activities.

Policy I-3.4: Review development proposals to ensure potential adverse parking impacts are minimized or avoided.

Policy I-3.8: Monitor and minimize parking issues associated with construction activities.

Policy I-4.2: Carefully review commercial development proposals with regard to planned ingress/egress, and enforce restrictions as approved.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit application 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 project description and plans as approved by the Planning Commission on May 27, 2009. Any substantial deviation from the approved plans must be reviewed by the Department of Community Development to determine if approval by the Planning Commission is required.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
- 6.* A site landscaping plan, consistent with the project rendering on file with the Community Development Department, utilizing drought tolerant plants and mature box sized trees shall be submitted for review and approval concurrent with the building permit application. The west side of the food mart shall be setback from the adjacent walkway next to Marine

Park. Low landscaping, trees and maintenance access shall be installed within this setback. 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. The landscaping site plan shall be to the satisfaction and approval of the Community Development Director.

7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to building final.
- 8.* Circulation and parking improvement design shall be subject to the review of the City's Traffic Engineer and Director of Community Development.
- 9.* Security lighting for the site shall be provided in conformance with Municipal Code requirements including applicable height limits, glare prevention design and low pilaster lighting only adjacent to Marine Avenue. The applicant shall submit a lighting and photometric plan which shows the location of the proposed low level lights, wall packs and light pole standards 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 residential on Marine Avenue and the public right-of-way and shall minimize spill-over onto the sidewalk and street. Shields and directional lighting shall be used where necessary.
- 10.* Property line clean outs along Marine Avenue, 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.
11. 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.
12. Sidewalks shall be replaced or installed around the entire site pursuant to the requirements of the Public Works Department.
13. Deliveries shall be between the hours of 7:00 a.m. and 9:00 p.m. for non-petroleum (fuel) deliveries.

Operational Restrictions

- 14.* The facility shall operate as a vehicle service station use with food and beverage sales and automobile washing. Auto maintenance use and vehicle storage shall be prohibited.
- 15.* Beer and wine sales shall be limited to retail beer and wine sales for off-site consumption only. No singles will be sold, no advertised beer and wine "specials" signs will be displayed and there will be no separate displays of beer and wine.

- 16.* Operation of the fueling facility shall be permitted 24 hours daily. Operation of the food mart (food and beverage sales) shall be permitted from 6am to 10pm daily, with limited sales through window access only between 10pm and 6am. Operation of the self-serve car wash shall be permitted between 7am to 9pm Monday through Friday and 8am to 8pm weekends and holidays. Beer and wine sales shall be permitted from 7am to 10pm daily.
- 17.* 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.
18. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns inside and outside the subject businesses, including but not limited to security cameras and graffiti coating/resistant surfaces on the outside of the buildings.
- 19.* The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval.
- 20.* All signs shall be in compliance with the City's Sign Code. The existing pole sign must be modified to meet the required signage area and height per the City's Sign Code. The pole sign must be relocated to private property or removed and replaced at the request of the City and at the expense of the applicant when future street dedication is required by the City. All new signs shall be subject to Community Development Department approval as part of a comprehensive sign program.
- 21.* Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. The applicant shall mitigate all noise associated with the self-service car wash to the satisfaction of the Community Development Director, including potential impacts to Marine Sports Complex park to the west of the site.
- 22.* Any outside sound or amplification system or equipment is prohibited, except speakers used exclusively to communicate individually with customers at gasoline pumps, the self-service car wash and the cashier on an as-needed basis.
- 23.* A permit is required for any outdoor display of merchandise.
- 24.* The self-service car wash shall provide a water recirculation system as part of water conservation practices. Any activity involving the use of water shall include and promote sustained efforts of water conservation, consistent with Ordinance No. 2122, and subject to the Department of Public Works approval.
25. Plans shall incorporate sustainable building components into the building and site design. The plans may include, but not be limited to LEED (Leadership in Energy and Environmental Design) and Built-It-Green 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.

Public Works

- 26.* 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.
27. All landscape irrigation backflow devices must meet current City requirements for proper installation.
28. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
29. 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.
30. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
31. If any existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
32. A mop sink must be installed and shown on the plumbing plan.
33. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trashcan cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
34. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
- 35.* A grease interceptor must be installed and placed into a maintenance program with regular inspections and removal of grease buildup, if required by the Public Works Department.
36. 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, Community Development Department and City's waste contractor before a permit is issued. See Standard Plan ST-25.
37. Commercial establishments are required, by municipal code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either

constructed within the building structure or in a screened enclosure on private property.

38. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. The plans must have a profile of the driveway, % of slope on driveway, and driveway elevations. The combined slope of public and private approach shall not exceed 15%.
- 39.* A disabled access ramp must be installed on the public sidewalk. A triangular 25 feet corner cut-off dedication shall be provided to the City at the southwest corner of Aviation Boulevard and Marine Avenue as formed by the location of the future property lines after the required dedication. Proposed right of way dedication for disabled access ramp must be shown on all plans. When the City accepts the dedication, the applicant shall submit a metes and bounds description and a current appraisal of the dedication area subject to the approval of the Public Works Department.
- 40.* The sidewalk must be replaced as necessary from the north property line to the south property line on Aviation Boulevard and from the west property line to the east property line on Marine Avenue and shown on the plans. All work must be to the satisfaction and approval of the Public Works Director. A continuous accessible sidewalk shall be provided behind the driveway approaches. The property owner shall execute a pedestrian access easement for any sidewalk areas to be constructed in areas that will become private property after the street dedication,(i.e. inside the future property line).
41. It is the contractor's responsibility to protect all of the street signs surrounding the premises. If any sign is damaged, lost or removed it is the responsibility of the contractor to replace and/or repair and/or relocate the sign at the contractor's expense. The contractor is also responsible for any street markings that are removed due to excavation of other work in the street.
42. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
43. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway, or other vehicle access areas.
44. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
- 45.* Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
- 46.* All new storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
- 47.* Water from the car wash must be contained on site and not allowed to enter the storm drain system.

- 48.* A clarifier or catch basin filtration system (Fossil Filter or equal) drop-in catch basin insert must be installed subject to Public Works approval.
- 49.* Before the utility pole or street lights can be relocated, approval from PPIC and City Council and a building permit must be obtained.

Traffic Engineering

- 50. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the driveway wings.
- 51. An accessible walkway shall be provided between the public sidewalk on Marine Avenue and the main entrance along the front of the building. Four-foot wide clearance must be maintained around any outward swinging doors.
- 52. All unused driveways and undeveloped property frontages shall be reconstructed with curb, gutter and sidewalk.
- 53. Provide and identify commercial loading area on site plan.
- 54. Parking stalls may encroach up to 2.5 feet into the adjacent landscaping planter, provided the planter curb is low and the planter is landscaped with low groundcover within the encroaching area.
- 55.* Inbound and outbound movements at the driveways on Aviation Boulevard and Marine Avenue shall be restricted to Right Turns only and posted with signs as directed by the City Traffic Engineer.
- 56.* The developer shall submit an Irrevocable Offer to Dedicate up to 16-feet along the entire Aviation Boulevard frontage to the City for a future southbound right-turn pocket and public sidewalk to the satisfaction of the City Traffic Engineer and Director of Public Works. In the future, when the City accepts the dedication, the applicant shall submit a metes and bounds description and a current appraisal of the dedication area subject to the approval of the Public Works Department.
- 57.* The developer shall dedicate all property under its ownership currently used as street and sidewalk along the entire Marine Avenue frontage to the City. When the City accepts the dedication, the applicant shall submit a metes and bounds description and a current appraisal of the dedication area subject to the approval of the Public Works Department.
- 58.* A four-foot wide public pedestrian easement shall be granted to the City for an accessible walkway along the Marine Avenue frontage. The developer shall construct additional sidewalk within this easement where necessary to provide a four-foot wide continuous sidewalk along the entire Marine Avenue frontage.
- 59.* A continuous accessible sidewalk shall be provided behind the driveway approaches both on Aviation Boulevard and Marine Avenue. The property owner shall execute a

pedestrian access easement for any sidewalk areas to be constructed inside the future property line.

60. The parking lot shall be signed and marked to the satisfaction of the City Traffic Engineer.

Building

61. The project must comply with all 2007 California Codes, State codes and ADA disabled access requirements.

Procedural

62. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
63. 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.
64. 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.
65. 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 May 27, 2009 and that said Resolution was adopted by the following vote:

**AYES: Chairperson Seville-Jones, Paralusz,
Lesser and Fasola**

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen,
Recording Secretary

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**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
MAY 27, 2009**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 10th day of April 22, 2009, 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, Lesser, Paralusz, Chairperson Seville-Jones
Absent: None
Staff Present: Richard Thompson, Community Development Director
Laurie Jester, Planning Manager
Angelica Ochoa, Assistant Planner
Recording Secretary: Sarah Boesch

B. APPROVAL OF MINUTES – April 22, 2009

Commissioner Paralusz requested that the spelling of "Pollywog Park" be corrected to "Polliwog Park" on the first paragraph of page 13 of the April 22 minutes.

A motion was MADE and SECONDED (Lesser/Paralusz) to APPROVE the minutes of April 22, 2009, as amended.

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

C. AUDIENCE PARTICIPATION

None.

Chairperson Seville-Jones welcomed new Commissioner Martha Andreani, who will sit with the Commission at their next meeting.

EXHIBIT B
CC Mtg. 6/16/09

D. PUBLIC HEARINGS

05/27/09-2 Consideration of Use Permit to Construct a New Gas Station 24-Hour Food Mart with Beer and Wine Sales, and Self Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard

Director Thompson indicated that staff feels the applicant has addressed the issues raised at the previous hearing and is recommending approval of the proposal.

Assistant Planner Ochoa summarized the staff report. She commented that staff received three e-mails from residents with concerns regarding the proposal. She said that one of the e-mails was received just before the meeting with concerns regarding the project including alcohol sales, impacts from lighting on the site; hours of operation; and traffic impacts.

Chairperson Seville-Jones indicated that **Ms. Budlong**, a neighboring resident who had sent a letter to the Commission and staff regarding the project, has provided a revised letter which corrected a typographical error.

Assistant Planner Ochoa indicated that outstanding issues after the last meeting were regarding hours of operation; beer and wine sales close to residential uses and Marine Park; signage; intensity of uses; security adjacent to the park with late hours of operation and alcohol sales; impacts regarding noise and lighting to the adjacent residents; and comparison of the hours, alcohol and location of the subject operation with other gas stations in the City. She commented that a comparison with other gas stations in the City has been included with the staff report. She indicated that the revised proposal includes a reduction of the food mart from 3800 to 3200 square feet; removal of the specialty coffee and drive-thru service; limited hours for the food mart; limited beer and wine sales; compliance with the City Sign Code; low lighting adjacent to residential uses on Marine Avenue; increased landscaping to buffer noise on Marine Avenue; and a revised noise report to include the residential uses in the City of Hawthorne to the northeast of the site. She said that the proposal includes four fueling islands with 24 hour operation; inside access to the food mart from 5:00 a.m. to 10:00 p.m. with window access only from 10:00 p.m. to 5:00 a.m.; operation of a self-serve car wash between 7:00 a.m. to 9:00 p.m. daily; and beer and wine sales from 7:00 a.m. to 10:00 p.m. She stated that the applicant has proposed to add security cameras inside and outside of the buildings on the project site.

Assistant Planner Ochoa indicated that staff received a letter from **Kate Budlong** with concerns regarding the notice of the zone change; the hours of operation; alcohol sales; noise and traffic. She commented that the zone change was approved by the City Council in December of 2003 from Industrial to General Commercial to reflect the current use of the site and encourage

1 commercial development. She indicated that notice of the zone change was published in the
2 Beach Reporter and was sent to individual property owners who were required to be notified.
3 She pointed out that the Police Department does not have concerns regarding the revised
4 proposal for alcohol sales and the overall project. She indicated that the conditions of the
5 Traffic Engineer are included in the Draft Resolution. She commented that staff met with the
6 Parks and Recreation Department regarding park security and operating hours. She said that all
7 games at Marine Park end at 10 pm and the park is closed at 10:15 p.m. by the staff of the Parks
8 and Recreation Department. She indicated that any security or crime related issues are handled
9 by the Park Services Enforcement Officer. She commented that the Parks and Recreation
10 Department, the Traffic Engineer, and the Public Works Department are satisfied with the
11 revised proposal and any conditions are included in the Resolution. She indicated that staff is
12 recommending approval of the project.

13 In response to a question from Chairperson Seville-Jones, Assistant Planner Ochoa said that
14 staff has proposed that access be provided to the Chevron station from Marine Park from the
15 existing walkway and through a proposed gate with an open fence separating the sites.
16 Currently there is no pedestrian walkway and people walk through the landscaping from the
17 adjacent property to the subject site. She indicated that the City asked the applicant to address
18 the issue by placing a pedestrian walkway in order to provide safe access from the Marine Park
19 walkway and adjacent areas to the subject site.

20 Chairperson Seville-Jones asked whether the gate would be locked.

21 Commissioner Fasola said that he is concerned that the 5 feet of space that would separate the
22 west side of the proposed building with the park would allow for trash to accumulate and would
23 be difficult to maintain. He suggested that it would be preferable for the building to be placed
24 adjacent to the property line.

25 Assistant Planner Ochoa commented that staff felt that putting landscaping with low
26 groundcover and trees would deter people from hiding or trash from accumulating behind the
27 building. Also, the Police Department felt that putting the building right at the property line
28 would increase graffiti activity.

29 Director Thompson said that staff felt it would be preferable to allow for some type of
30 landscaping behind the proposed building.

31 In response to a question from Commissioner Fasola, Assistant Planner Ochoa said that no
32 outdoor seating would be provided or allowed.

Commissioner Lesser pointed out that the list of gas stations provided with the staff report
shows that there are more restrictive limits placed on the hours of operation of other service
stations located near residences. He commented that the Union 76 station located on Highland

Avenue has hours of operation between 6:00 a.m. and 10:00 p.m. and the Arco station on Manhattan Beach Boulevard has hours of operation between 7:00 a.m. and 10:00 p.m.

In response to a question from Commissioner Lesser, Director Thompson said that the Commission does have the discretion to limit the hours of operation if it is felt there is an impact to residents. He stated that the subject station is buffered from residents by Marine Avenue. He commented that staff is comfortable with the hours of operation as proposed. He pointed out that there currently is not a limit to 24 hour operation for the subject station.

In response to a question from Commissioner Lesser, Director Thompson pointed out that the City is not obligated under any contract or agreement between the applicant and Chevron.

In response to a question from Commissioner Lesser, Assistant Planner Ochoa indicated that the Parks and Recreation Department did support having access to the subject site from the adjacent park walkway through a gate as proposed.

Commissioner Lesser commented that **Ms. Budlong** pointed out that the sound study was conducted during the day. He asked whether staff took into account that sound travels further at night in supporting hours of the carwash until 9:00 p.m.

Assistant Planner Ochoa indicated that the Commission does have the discretion to limit the hours of the carwash further than is proposed if they feel it is appropriate.

In response to a question from Chairperson Seville-Jones, Assistant Planner Ochoa indicated that there is a restriction of hours for deliveries of products other than fuel to the site; however, there is not a restriction on hours for deliveries of fuel. She said that the applicant has indicated that the time of fuel deliveries depends on the amount of sales.

In response to a question from Chairperson Seville-Jones, Assistant Planner Ochoa indicated that the Police Department has advised against using any landscaping that can provide an area for someone to hide. She said that lower landscaping would be used.

In response to a comment from Chairperson Seville-Jones, Director Thompson commented that the issue of glare from headlights intruding into the adjacent homes has been mitigated with the elimination of the drive-thru window.

Chairperson Seville-Jones said that headlights of cars exiting onto Marine Avenue could shine towards the adjacent residential properties.

In response to a question from Chairperson Seville-Jones, Director Thompson indicated that there is not a nexus between the project and closing the adjacent pedestrian "alley" to the residential area as was suggested by a neighboring resident.

1 **Ahmad Ghaderi**, A&S Engineering, representing the applicant, stated that the proposal has
2 been revised based on the comments of the Commission and residents at the last hearing with
3 elimination of the drive-thru coffee service; with an increase in landscaping along Aviation
4 Boulevard and Marine Avenue; and with a reduction in the hours of operation. He indicated
5 that they are willing to work with staff with modifications to the sign to meet City
6 requirements. He stated that the acoustical report was revised to address the residential
7 properties to the northeast and was based on the standards of the City. He indicated that there
8 are additional noise reduction measures for the carwash that are possible such as an additional
9 noise reduction package for the air blower. He commented that the landscaping on the west
10 side of the building would be difficult to maintain, and they would prefer for the building to be
11 adjacent to the property line with the park. He suggested using the back wall of the building as
12 a separation between the parks pedestrian walkway and the subject property and providing
13 landscaping for the area. He said that they not have a great concern whether a gate is provided
14 between the subject property and the adjacent park; however, it would be preferable to them for
15 a gate not to be included if it is their responsibility to keep it locked. He indicated that they
16 would be willing to adjust the landscaping within the parameters of the driveway as appropriate
17 to address the glare from headlights from impacting the residents. He pointed out that they are
18 proposing to use low level lighting along Marine Avenue rather than typical 14 foot area lights.
19 He commented that they are not able to schedule fuel deliveries only between 7:00 a.m. and
20 9:00 p.m. because the deliveries are scheduled electronically based on the level of the
21 underground tanks. He said that they are agreeable to limiting the hours for other deliveries to
22 the site. He asked for further clarification of Condition 25 requiring the incorporation of
23 sustainable building components. He asked whether they would be required to replace the
24 portions of the sidewalk along the front of the property that are in good condition as referenced
25 in Condition 40, which would be a great expense. He asked whether Condition 49 regarding
26 the relocation of utility poles is a general condition for projects, as no poles are proposed to be
27 moved as a result of the subject project.

18 Commissioner Lesser commented that he has a concern that the noise from the carwash would
19 be loud for the children using the ball field.

20 **Mr. Ghaderi** said that the louder level of noise from traffic Aviation Boulevard will cancel the
21 noise of the carwash. He commented that they are willing to install a noise reduction package if
22 the noise of the carwash is an issue.

23 Commissioner Lesser commented that he does not have sufficient information to determine
24 whether a noise reduction package should be included as a requirement and stated further
25 research may be appropriate.

26 Commissioner Fasola said that the most effective option for mitigating the noise of the carwash
27 from the field might be to provide a wall as a barrier. He indicated that he does have a concern

with the maintenance of the landscaped space between the proposed building and the park walkway, and he would prefer that it be eliminated.

Director Thompson pointed out that there is a 10-12 foot wide public walkway on the east side of the park, between the park and the gas station property, which provides access to Marine Avenue.

Commissioner Paralusz asked whether the applicant would be willing to limit the hours of operation for the carwash to be consistent with the carwash of the Mobil station, which are 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on weekends and holidays.

In response to a question from Chairperson Seville-Jones, **Mr. Ghaderi** indicated that there are not many product sales after 10:00 p.m. He commented that security rather than product sales is the main reason for having a cashier present on the site after 10:00 p.m.

Chairperson Seville-Jones opened the public hearing.

Kate Budlong, a resident of the 1800 block of Marine Avenue, indicated that 24 hour operation would be an impact to the residents and would attract traffic during early morning hours to a neighborhood that is generally quiet at that hour. She said that the station currently does not operate 24 hours. She commented that residents of the apartment building adjacent to the carwash at the Mobil station have indicated that there is a great deal of noise from that carwash. She indicated that the noise of the carwash would be an impact to the children on the ball field. She stated that any noise mitigating equipment should be required to be installed in order for the carwash to be as quiet as possible. She stated that there is no need for the food mart to open at 5:00 a.m.; there is no need for the carwash to begin operation at 7:00 a.m.; and there is no need for liquor sales to begin at 7:00 a.m. She indicated that sufficient notice was not provided to the surrounding neighbors regarding the zone change of the subject property to General Commercial, and she asked the reason for the change without proper notification.

Ms. Budlong commented that when the ball fields were approved in 2000, the operators of the little league indicated that the games would end by 8:30 p.m. She indicated that the lights on the field are currently left on until 10:15. She said that there is a men's league which uses the field and generates a great deal of noise. She commented that there would be video cameras on the subject site; however, they would not help security of the adjacent area. She requested that the pedestrian "alley" which joins the corner of Marine Avenue and Aviation Boulevard with 23rd Street and Wendy Way not be closed, as she and many residents use it as a route on walks. She stated that she is glad that outdoor seating is not proposed as part of the project. She commented that she does not believe that the gate as proposed would provide access from the site into the park but rather to the public walkway which is located on City property. She said that visibility on the corner is a concern with landscaping on the site. She commented that

1 issues regarding sound impacts need to be addressed before the carwash is built rather than after
2 it is in operation. She stated that she also would be concerned regarding deliveries of fuel
3 during early morning hours.

4 Director Thompson suggested adding the words "to the satisfaction of the City Engineer and
5 Public Works Director" to Condition 40, which would allow for flexibility for replacing only
6 portions of the sidewalk as necessary. He commented that condition 49 does not force the
7 applicant to relocate the utility pole but rather provides that approval is necessary in the event a
8 pole is moved. He commented that there currently are no City requirements for LEED
9 certification, and the language of Condition 25 is meant for the City to negotiate some of the
10 standards with the applicant.

11 **Mr. Ghaderi** said that the project would meet the City's noise standards and would be below
12 the ambient noise level.

13 Chairperson Seville-Jones closed the public hearing.

14 Commissioner Paralusz commented that she is generally in favor of the revised proposal. She
15 commented that she does not feel it is relevant to compare the proposal with the Union 76
16 station on Highland Avenue but rather stations on arterial streets such as Aviation Boulevard,
17 Sepulveda Boulevard, Manhattan Beach Boulevard and Rosecrans Avenue that operate 24
18 hours. She indicated that she is not opposed to 24 hour operation of the subject station. She
19 commented that the beer and wine sales as proposed are consistent with the other stations, and
20 she would support alcohol sales until 10:00 p.m. She said that she is comfortable with allowing
21 beer and wine sales until 10:00 p.m., as the park closes at 10:00 p.m. and a concern has not
22 been expressed by the Police Department or the Parks and Recreation Department. She
23 suggested limiting the hours of the carwash from 8:00 a.m. to 8:00 p.m. on weekends and
24 holidays to somewhat alleviate concerns of the neighbors and to be consistent with the hours of
25 the carwash at the Mobil station at the intersection of Manhattan Beach Boulevard and Aviation
26 Boulevard. She pointed out that there is not an acoustical report to compare the proposed
27 carwash with the existing carwash at the Mobil station, and it is not known whether the
28 proposed carwash would be much quieter. She stated that the acoustical report for the project
29 indicates that the noise level of the carwash would be within the City's noise level standards.
30 She commented that she would not support the gate between the park and the subject site and
31 does not feel it is necessary. She commented that she also has concerns with the 5 feet of space
32 behind the building on the west side of the property and would be in favor of moving the wall
to the property line. She commented that she would be concerned with people possibly hanging
out in the space, and attendants at the gas station would have difficulty in monitoring the area.
She indicated that she would support the food mart opening at 6:00 am rather than 5:00 a.m. to
be consistent with other gas stations in the City. She said that she is sensitive of the issue with
safety in the adjacent pedestrian "alley" which was raised in an e-mail by Ms. Mejia; however,
there is not a nexus between the subject proposal and closing the alley. She suggested that Ms.

Mejia address her concern with closing the pedestrian "alley" to the PPIC and that **Ms. Budlong** address her concerns with the hours of the park to the Park and Recreation Department.

Commissioner Fasola said that he is in favor of the proposal as written, and he feels every property owner should have the ability to make reasonable improvements to their property. He commented that he can support allowing 24 hour operation for gasoline sales, as the site is located on major arterial streets. He commented that limiting the hours of operation further for the subject site would result in an increase in traffic and impacts for other gas stations. He indicated that there is a benefit to morning commuters being able to utilize the gas station and food mart at 5:00 a.m. He commented that he does not feel there it is necessary to make the hours of the proposed carwash consistent with the hours of the carwash at the Mobil station. He indicated that the Mobil Station carwash is located approximately 60 feet from an apartment building, and the proposed carwash for the subject site would be located approximately 300 feet from residences. He commented that residents near Aviation Boulevard should accept that they live in a different type of environment than that of a smaller street. He said that he would leave the hours of operation as proposed. He indicated that it would appear strange for a gate to separate one property from another, and it should not be required to be included if it is not wanted by the property owner. He suggested that it could be installed, and the property owner would have the option of locking the gate if it becomes a concern. He said that he would like for the subject property to include a small outdoor seating area.

Commissioner Lesser indicated that he is generally in favor of the proposal subject to certain limitations. He commented that he has a concern with hours. He indicated that there are non-residential uses to the north, east and west of the site, and residents are only located to the south of the site. He stated, however, that he is sensitive to the concerns of those neighboring residents. He said that he would agree that the 76 station on Highland Avenue is not an appropriate comparison to the subject site; however, he has a concern with 24 hour operation of the station as proposed. He indicated that he would support operation of the food mart beginning at 6:00 a.m. He commented that he does not see a problem with being consistent with the hours of other nearby properties, and he feels providing consistency in setting hours is important. He said that he would be interested in further considering limitations for the operating hours of the carwash, as noise could be an impact particularly during the early morning and late evening hours. He said that he is concerned with the noise impact to the neighbors as well as the users of the ball field. He commented that he would need to defer to staff as to whether further noise remediation measures as suggested by the applicant should be required. He stated that he wants to be fair and not impose a higher burden than the Code requires unless there is a determination that it is warranted. He commented that as a user of the field, he would like for a wall to be placed to mitigate noise impacts from the carwash. He said that he is concerned with adding a gate between the subject property and the ball field, and he would like further information from staff. He stated that the gate would not fall in a logical place for users of the field to access the subject site. He pointed out that there also is a snack

1 stand at the field which users of the field have available for purchasing food and drinks. He
2 said that he would be curious about the lighting that would be provided within the 5-foot area
3 between the proposed building and the field, and he would also like further information
4 regarding the purpose of including the 5 foot wide landscaped space. He stated that he is in
5 favor of the project overall subject to his concerns being addressed.

6 Chairperson Seville-Jones said that she has great concern with 24 hour operation of the station.
7 She indicated that many of the other stations in the City that are located on arterial streets are
8 buffered from residences, and she is concerned that 24 hour operation at the subject site would
9 have a greater impact to the adjacent residents. She said that she would support limiting the
10 hours of operation. She indicated that she would have a concern with no limitations being
11 placed on the hours for fuel deliveries which would be exacerbated by 24 hour operation. She
12 commented that she would prefer for fuel deliveries not to occur during the middle of the night,
13 although that does not mean that deliveries would have to occur during peak hours. She said
14 that she would support the food market opening at 5:30 a.m. or 6:00 a.m. rather than 5:00 a.m.
15 She stated that she would be in favor of limiting the hours for the carwash from 8:00 a.m. to
16 8:00 p.m. on weekends and holidays to be consistent with the hours of the carwash at the Mobil
17 station. She commented that she would also like further information regarding whether other
18 acoustical abatement issues should be addressed.

19 Chairperson Seville-Jones said that she would not support including a gate between the park
20 and the subject property. She commented that the field is self-contained, and she would have a
21 concern with children who are on the field wandering through the gate and exploring out to the
22 gas station. She stated that she would also have a concern with people visiting the gas station
23 going through the gate to sit in the park. She commented that people will find a way to access
24 the gas station from the park if they desire to purchase food or a drink, but she does not feel
25 there is a need to facilitate interaction between the properties. She indicated that her preference
26 would be for the building on the subject site to be located away from the property line to the
27 park; however, she is concerned about lighting. She commented that there does seem to be a
28 benefit to allowing more light to enter into the area. She said that she would not support an
29 outdoor seating area. She indicated that it did seem odd that there would be a change in the
30 zoning of the subject property without the adjacent properties receiving notice. She indicated
31 that she understands the concern of Ms. Budlong; however, the gas station has been in
32 operation on the property for a long time and she is not certain if a change can be made at this
point.

Director Thompson pointed out that the zoning change for the subject property was done as part
of the comprehensive review of the City's General Plan in 2003. He indicated that a significant
portion of the General Plan is the Land Use Element, which identifies various land uses
throughout the City and those which are inconsistent with the present land uses. He said that
the subject property which was previously zoned Industrial was one of several throughout the
City which were identified and rezoned. He indicated that there were a number of public

hearings regarding the review of the General Plan before the Commission and City Council. He indicated that a zone change on an individual property would require notification of the surrounding properties. He pointed out that currently the gas station/food mart that was rezoned to General Commercial is able to operate 24 hours. He stated that 24-hour operation of the existing gas station/food mart would have a greater impact to the neighboring residents as it is currently designed than it would if it were developed with mitigation measures as proposed.

Commissioner Fasola commented that the subject site appears to be further from residences than the other stations in the City located on arterial streets which currently operate 24 hours, and an argument could be made that of all the locations in town this is the most appropriate to be open 24 hours. He indicated that the argument can be made that the hours should be limited if it is felt that any business should not operate 24 hours in the City. He commented that he feels the proposed use is appropriate, particularly because it is adjacent to other commercial uses.

In response to a question from Commissioner Lesser, Director Thompson commented that it is difficult to know the reasons for the restrictions on the hours of the Union 76 station on Highland Avenue and the Arco station on Manhattan Beach Boulevard which are located in the CL Zone without going back to the record of the meetings where they were approved. He indicated that not allowing 24 hour operation is penalizing a property owner who wants to redevelop their property, as they currently are able to operate 24 hours. He said that the 24 hour operation of the existing station in the CG Zone would have a much greater impact on the neighbors in terms of noise and lighting than it would if it were redeveloped.

Commissioner Fasola commented that it is a convenience for residents of the City to have stations open late at night. He pointed out that having people present at a business 24 hours can actually provide more security than having all activity shut down.

Commissioner Paralusz pointed out that the Arco and Union 76 stations with limited hours are zoned CL (Local Commercial), and the Mobil, Shell, Manhattan Fuel and Chevron stations with 24 hour operation are zoned CG (General Commercial). She stated that she does not feel it would be fair to penalize the applicant by restricting their hours. She indicated that she is convinced that the noise and the light levels would be mitigated with the subject proposal. She commented that the applicant has a reasonable expectation to be permitted to operate 24 hours in considering the operation of the other stations in the City. She commented that she would prefer to approve consistent hours for the proposed carwash and the carwash of the Mobil station in order to prevent the subject operation from having a competitive advantage.

In response to a question from Commissioner Lesser, Director Thompson said that he believes that the CG zoning of the stations mentioned by Commissioner Paralusz is one of the main reasons that the Planning Commission approved Use Permits in the past permitting those sites to operate 24 hours.

1 Commissioner Lesser commented that he would support the issue being continued in order to
2 allow staff an opportunity to provide more information regarding whether the zoning
3 designation is the sole reason for the restrictions on the hours of the Union 76 station on
4 Highland Avenue and Arco station on Manhattan Beach Boulevard in the CL Zone or whether
5 other criteria was applied in approving the more restrictive hours. He also requested further
6 information regarding noise impacts on the users of the park and the neighbors and whether it
7 would be appropriate to require noise reducing equipment on the blowers or a block wall. He
8 stated that he also would like further clarification and suggestions from staff regarding the 5
9 foot separation of the building and the park as well as the gate.

10 Chairperson Seville-Jones commented that she is not certain that further information regarding
11 the reason for the limitation of hours for the gas stations in the CL zone will help in making a
12 determination on the subject station. She said that it appears that gas stations in the CL zone
13 are not entitled to the same vested right to 24 hour operation because they are in a limited
14 commercial area and, that in the CG Zone the presumption is 24 hour operation and in the CL
15 Zone the presumption is not 24 hours. She commented that she would be comfortable in
16 allowing for 24 hour operation of the subject station based on the CG zoning of the site.

17 Commissioner Lesser stated that staff originally seemed tentative on the rationale that applied
18 to the more restrictive hours of operation for the service stations in the CL zone, which is the
19 reason he requested additional research. He indicated that he would support allowing 24 hour
20 operation of the subject station if staff is certain that the zoning is the reason for the limitation
21 of hours for the stations located in the CL zone. He stated, however, that he is sympathetic to
22 the concerns expressed by Ms. Budlong. He said that he would like for some relief to be
23 provided to the neighbors during the early morning hours; however, he senses that there is not
24 support for limiting the hours by the rest of the Commissioners.

25 In response to a question from Chairperson Seville-Jones, Director Thompson said that he does
26 not believe that the noise level of the carwash would be below the ambient noise level on the
27 baseball field, and it is difficult to believe that people on the baseball field would not be able to
28 hear the carwash. He indicated that if a noise complaint is received, a peace officer would need
29 to visit the site and agree that the level of noise is unreasonable before action is taken. He
30 indicated that a condition should be included that addresses the level of noise from the carwash
31 in order to mitigate the level of noise to the ball field if that is the concern of the Commission.

32 Commissioner Paralusz suggested that a condition be included that leaves the discretion to the
Community Development Department to work with the applicant if it is determined that noise
impacts from the carwash into the park are an issue in excess of the reasonable person standard.

Chairperson Seville-Jones commented that she would not object to adding such a condition;
however, she would want to be certain that the noise level of the carwash as heard from the ball

field would be no greater than the existing ambient noise level of traffic from Marine Avenue or Aviation Boulevard. She commented that the frequency of the noise from the carwash is higher than the frequency of the ambient noise of traffic. She said that it would be helpful to have further clarification regarding the amount of noise reduction that the applicant is willing to mitigate. She indicated that she would not want for additional noise mitigation measures to become necessary after the carwash is already in operation.

Commissioner Lesser also requested that the language of the condition also acknowledge the impact of the noise to the ears of children, which will be on the ball field, as they are more sensitive than adults. He indicated that he would support allowing staff to draft a condition to work with the applicant regarding noise abatement measures that are appropriate to the use of the park.

Commissioner Fasola commented that he would support allowing the gate to be installed and having it locked if it becomes a problem.

Chairperson Seville-Jones indicated that she has concerns with young children having access through the gate from the ball field to the gas station or strangers visiting the gas station having access to the field.

Commissioner Fasola commented that the park should be open to the public. He said that he would not be opposed to allowing someone who is visiting the gas station to have access to the park.

Commissioner Paralusz commented that she also would have a concern with people parking at the gas station to access the ball field, as the intent of the parking lot is for use by the station.

Action

A motion was MADE (Fasola/Paralusz) to **ADOPT** the draft Resolution to **APPROVE** a Use Permit to Construct a New 24-Hour Gas Station, Food Mart with Beer and Wine Sales, Drive-Thru Coffee Area and Self Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard with the addition to Condition 40 that the sidewalks would be improved to the satisfaction of the Public Works Director; with the revision to Condition 16 to include a limit of hours for the carwash between 8:00 a.m. and 8:00 p.m. on weekends and holidays and with the foodmart sales being permitted between 6:00 a.m. and 10:00 p.m. daily; with the addition of a condition regarding acoustics to address impacts on the ball field be drafted by the Community Development Director; with the elimination of the proposed gate between the subject site and the ball field; and with the setback on the west side of the building to be reexamined by staff and left to their discretion.

AYES: Fasola, Lesser, Paralusz, Chairperson Seville-Jones

1 NOES: None
2 ABSENT: None.
3 ABSTAIN: None.

4 Director Thompson explained the 15-day appeal period and stated that the item will be placed
5 on the City Council's Consent Calendar for their meeting of June 16, 2009.

6 **E. DIRECTORS ITEMS**

7 **F. PLANNING COMMISSION ITEMS**

8 Commissioner Lesser expressed his sympathy at the passing of Daniel Moreno and stated that
9 he will be missed very much. He indicated that Associate Planner Moreno was always very
10 courteous, polite, cheerful and helpful as well as professionally very competent.

11 **G. TENTATIVE AGENDA**

12 **H. ADJOURNMENT**

13 Chairperson Seville-Jones also expressed her sympathies, asked for a moment of silence and
14 then adjourned the meeting in memory of Associate Planner Daniel Moreno.

15 The meeting was adjourned at 8:50 p.m. to Wednesday, June 10, 2009, in the City Council
16 Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

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18 ATTEST:


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20 RICHARD THOMPSON
21 Community Development Director

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Angelica Ochoa, Assistant Planner 

DATE: April 22, 2009

SUBJECT: Consideration of Use Permit to Construct a New Gas Station, "24-Hour" Food Mart with Beer and Wine Sales, Drive-Thru Coffee Area and Self-Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard (Skeikpour/Chevron).

RECOMMENDATION

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

APPLICANT/OWNER

Freydoun Sheikhpour
2301 North Aviation Boulevard
Manhattan Beach, CA 90266

Ahmad Ghaderi, Applicant's Representative
A & S Engineering, Inc.
207 West Alameda, Suite 203
Burbank, CA 91502

PROJECT OVERVIEW

LOCATION

Location

2301 North Aviation at the Northwest corner of Aviation Boulevard and Marine Avenue. (Attachment A).

Legal Description

Portion of the south 60 acres of lot 1 in section 19, as shown on the partition map showing property formerly of the Redondo Land Company, in the City of Manhattan Beach, as shown as Parcel 3 on record of survey map filed in book 83 pages 53 and 54 of records of surveys

Area District

II



LAND USE

<u>General Plan</u>	General Commercial	
<u>Zoning</u>	CG, Commercial General	
<u>Land Use</u>	<u>Existing</u> Auto service repair/ mini-mart 4 gasoline pump islands Underground fueling system	<u>Proposed</u> Food mart/coffee area with drive-through and self-serve car wash 4 gasoline pump islands Underground fuel system
<u>Neighboring Zoning/Land Uses</u>		
North	IP/Northrup Grumman	
South (across Marine)	RS/Low Density Residential	
East (City of Hawthorne across Aviation)	Office and Residential	
West	OS/Marine Sports Park	

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec.)</u>
Parcel Size:	39,620 sq. ft.	5,000 sq. ft.
Building Floor Area:	3,800 sq. ft. food mart/ coffee area with drive through and 1,980 sq. ft. self-serve car wash	65,343 sq. ft. max.
Height:	22' 1" (food-mart) 16' (car wash) 20' (pump islands)	30/22 ft. max. (1)
Parking:	29 spaces	27 spaces min. (2)
Hours of Operation:	Food mart and fueling stations – 24 hours Drive-through coffee area – 5 am to 10 pm Self-serve car wash – 6 am to 9 pm Alcohol sales – 7 am to 10 pm	
Vehicle Access:	2 Driveways (1 on Marine Ave. and 1 on Aviation Blvd.)	Per City Traffic Engineer

Signage:	787.11 square feet	418 square feet (3)
Landscaping:	7,853 sq. ft. (19%)	8% of entire site (4)

- (1) Height calculated based on Municipal Code Section 10.60.70. 22 feet height limit is allowed if roof pitch is at least 4 in 12, no pitch maximum is 30 feet.
- (2) Parking based on 39,620 sq. ft./2 = 19,810 sq. ft./2500 sq.ft.; 3,800 s.f. food mart/coffee area
- (3) Signage based on Municipal Code Section 10.72 050. Pole sign counts twice per face with a total of 704.00 square feet
- (4) Landscaping based on Municipal Code Section 10.16.030 (I) that requires 8% landscaping of entire site

ENVIRONMENTAL DETERMINATION

In accordance with the provisions of the California Environmental Quality Act (CEQA) as amended by the City of Manhattan Beach CEQA Guidelines, the Community Development Department after conducting an Initial Study (Attachment B), found that the subject project would not have a significant effect on the environment and therefore a Negative Declaration is proposed. At the public hearing for the subject project, the Planning Commission can request additional information or studies that they feel are necessary to address any outstanding issues in order to adopt the Negative Declaration and make the findings that there is not a significant environmental impact.

PROJECT BACKGROUND

The subject applicant, Frydoun Sheikpour, property owner of a Chevron gas station located at 2301 North Aviation Boulevard, constructed in 1969, operates an approximate 300 square foot market, 4 fueling islands with 8 gas pumps and an approximate 1,200 square foot auto repair service station with 3 auto bays. The site also includes underground storage fuel tanks and 24 parking spaces. The attached Resolution (Attachment C, BZA 88-28) was granted in 1988 to allow the construction of a 24 hour gasoline station, an automotive repair service with operating hours from 7 am to 9 pm, a mini-mart with incidental beer and wine sales with operating hours from 6 am to midnight and a changeable copy sign. According to staff records, the plan check expired on March 13, 1991, therefore the approval expired and the project was never implemented. Also, a resolution (PC 97-8) to allow a request for a changeable sign copy at the subject site exceeding the maximum allowable square footage for signage was denied by the Planning Commission on January 8, 1997 (Attachment D).

The applicant would like to expand its current uses on the subject site to meet the demand of the residents and businesses in the surrounding community by providing more services. A use permit is required to allow the construction of a new gas station, a new food mart with specialty coffee service and a new self-serve car wash per Municipal Code Section 10.16.020. Also, since the site exceeds 10,000 square feet it also requires a use permit authorizing multiple uses per Municipal Code 10.84.105. In addition, a use permit is also required per Municipal Code Section 10.16.030 (L) for any new alcohol license.

The Planning Commission has the authority to review and take two separate actions on the subject application, the Use Permit and the Negative Declaration. The Use Permit findings include specific criteria based on local community standards and the Environmental report includes criteria that must comply with State requirements.

PROJECT PROPOSAL

A use permit application and plans were submitted to the City in April 2007 to demolish all improvements on the site, and construct a gas station, fast food restaurant, food mart and self-serve car wash. (Attachment E). Staff provided comments to the applicant on the proposed project submitted in April 2007 and determined that it did not meet the parking requirements per Municipal Code 10.64.030. Staff also stated that there were too many proposed uses for the site that would affect parking and circulation and recommended that the applicant take into consideration the impacts to the surrounding neighbors from the project.

Since the original project submittal from April 2007, the subject applicant has worked with staff, the City Traffic Engineer, and the City Engineer and made several revisions. To date, the applicant has reduced the scope of the project and has revised the project to include the following:

- Demolish the existing auto service station/mini-mart building, 4 fueling islands with 8 gas pumps and existing underground storage fuel tanks.
- New 3,800 square foot food mart/specialty coffee service area with drive-through
- New underground storage fuel tanks
- 4 new fueling islands with 8 gas pumps
- New 1,980 square foot self-serve car wash
- Off-site sale of beer and wine

The applicant feels that remodeling and upgrading the entire site with the proposed uses will provide a mix of services that residents and visitors will benefit from. Specifically, the applicant is proposing to operate the new gas station and food mart with 24-hour service, with beer and wine being sold between the hours of 7 am to 10 pm. Specialty coffee service will be sold inside the food mart in a designated area between the hours of 5 am to 10 pm. The specialty coffee service will also be provided to customers with a drive through service located behind the food mart building towards the west side of the site. The food mart and coffee service area will have no dining or counter seating, no eating on-site, and no food preparation or cooking facilities. The self-serve car wash will be located at the north side of the site in a separate building with operating hours from 6 am to 9 pm.

The food mart/coffee service building will be set back from Aviation Boulevard towards the west side of the subject site. A total of four fueling islands with 8 gas pumps are proposed. The site will have vehicular access from Marine Avenue and Aviation Boulevard. Landscaping will be provided along the entire length of Aviation Boulevard and Marine Avenue and within the area of city dedication. The proposal indicates that 29 parking spaces will be provided, including one handicap space. The trash enclosure will be located adjacent to the self-serve car wash area. The attached plans provide in detail the site layout, floor plan and elevations of the new canopies for the fueling islands, the car wash building and the food mart building.

If the project is approved, the Conditional Use Permit would include conditions that would mitigate significant issues such as reducing the amount of proposed uses and/or hours to reduce parking and circulation issues within the subject site.

Use Permit

The Planning Commission must make the following findings in accordance with Section 10.84.060 for the use permit, if the project is approved:

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;
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 the public health, safety or welfare of persons residing or working on the proposed project site or in 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;
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and
4. The proposed use will not adversely impact or 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 Planning Commission, as part of approving a use permit, in accordance with Section 10.84.070 can impose reasonable conditions as necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare, or
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
- D. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

DISCUSSION

The current use of this site is an existing Chevron gas station with 2 fueling islands, 3 auto repair bays and a mini-mart. The site also includes 24 parking spaces with landscaping located along Marine Avenue and Aviation Boulevard. The site currently operates under no use permit and is non-conforming for signage. The applicant is proposing to demolish the entire site and build a new gas station with a mix of uses.

Staff has worked with the applicant since 2007 to try to resolve issues such as:

- Meeting the required number of **parking** spaces based on the proposed uses
- Providing a **Survey** to verify property lines and easements
- **Lighting plan** and report to ensure impact to nearby residents is minimized
- **Signage** to meet the required sign area for the site
- **Landscaping** plan to provide planting types and sizes and irrigation

- Reducing the scope of the project and **number of uses** to address circulation, parking and traffic
- **Traffic study** required by the City Traffic Engineer

The current proposal submitted by the applicant addresses parking by providing 29 parking spaces; 27 are required. An updated survey was submitted to staff and property lines were verified to provide the correct dedication area required by the City Engineer for street improvements. A signage proposal was submitted and is attached to the plans. A landscaping and lighting plan was not submitted to staff, but could be addressed during the plan check process and include it as a condition in the resolution. The applicant has reduced the scope of the work to include 4 fuel islands, a food mart with coffee area and drive-through service, with no seating and a self-serve car wash. The original project submittal of April 2007 included 5 fuel islands, a fast food restaurant with drive-through and outdoor seating and a self-serve car wash.

Traffic/Circulation

The City Traffic Engineer originally required (Attachment F, comments dated June 5, 2007 and March 3, 2009) a Traffic Impact Analysis study to determine the potential traffic impacts of the development based on the original project submittal in April 2007 that included a fast food restaurant with drive through service. The gas station, food mart and self-serve car wash did not generate a substantial amount of new trips to require a traffic report, according to the Traffic Engineer. Since the applicant revised the project to only provide a coffee area with drive-through and no seating instead of the fast food restaurant, the City Traffic Engineer felt that this type of use would not require a traffic study. The City Traffic Engineer stated that if the drive through service for the coffee area offered the same limited products as inside the food mart then the number of new trips generated would be under that required for a traffic study. (Attachment G comments dated April 3, 2009) The applicant provided a floor plan of the coffee area that was to the satisfaction of the City Traffic Engineer to comply with the above condition.

In terms of circulation, the City Traffic Engineer recommended reducing the number of driveways and restricting the entering and exiting to right turns only in order to reduce traffic impacts onto Aviation Boulevard and Marine Avenue. Two driveways will be provided, one on Marine Avenue and one on Aviation Boulevard to meet this requirement. Currently, there are four driveways on the subject site, two on Marine Avenue and two on Aviation Boulevard. The City Traffic Engineer also recommended that the drive-through aisle be at least 100 feet long to not interfere with cars moving in and out of parking spaces. The applicant has provided a 6 car queue for the drive-through area and a 5 car queue for the self-serve car wash. The applicant is also providing more than the required turning radius of 24 feet from the parking spaces which will also reduce traffic and circulation impacts. Based on the submitted plans, the applicant is providing 30 feet from the parking spaces fronting Aviation Boulevard, 45 feet from the parking spaces at the north side of the lot, and 41 feet from the parking spaces directly in front of the proposed food mart.

Walkways along Marine Avenue and Aviation Boulevard have also been incorporated into the site design for pedestrian access to the food mart and across parking areas.

Staff Concerns

Staff has concerns regarding the following issues on the subject proposal:

- 1) Parking
- 2) Traffic and circulation
- 3) Number and scale of uses, and
- 4) Signage

- 5) Hours of operation
- 6) Alcohol sales
- 7) Noise - Acoustical study

Staff feels that although the applicant has revised the project to reduce the intensity of the uses, there are still outstanding issues that need to be addressed. In terms of parking and circulation on the site, cars entering and exiting the site may create traffic impacts with cars moving in and out parking spaces, the drive-through, the self-serve car wash and the fueling islands. Also, since Marine Avenue and Aviation Boulevard are major arterial streets, this may create traffic impacts from cars leaving and entering the subject site during high peak traffic times. Staff feels that parking, traffic and circulation issues can be addressed by reducing the number of uses on the site. By eliminating one use, these impacts will be minimal. The signage proposal submitted by the applicant, on the attached plans, exceeds the maximum signage allowed for the site, since there is an existing pole sign at the northwest corner of Aviation Boulevard and Marine Avenue. Therefore, the signage proposal requires a sign exception or the applicant must comply with the sign code (MBMC Section 10.72).

Other Departments Input

The Public Works/Engineering Departments are requiring dedications for future street improvements on Aviation Boulevard and Marine Avenue. Also, these departments are also requiring improvements for handicap access and pedestrian walkway easements that will be required to be completed during construction of the project. The Police and Fire Departments had no specific conditions for the project. The Building Department will require that the project comply with SUSMP (Standard Urban Storm Water Mitigation Plan) requirements. All specific department conditions will be included in the resolution and department requirements will be addressed during the plan check process if the Planning Commission approves the project.

Public Input

Staff received one correspondence (Attachment H) opposing the project from a resident who lives on Marine Avenue, south of the subject site. The main issues of concern are the 24 hour operation for the gas station and food mart, lighting impacts, noise and hours of operation from the self-serve car wash, enforcement of operational standard, and an increase in traffic onto Marine Avenue and Aviation Boulevard. Potential issues regarding noise, lighting, traffic/circulation, hours of operation, and public services have been addressed by staff in the initial study. The applicant can also respond to any remaining issues at the time of the public hearing.

In terms of code enforcement, staff has received ongoing complaints from one neighbor on Marine Avenue regarding the 24 hour operation of the current use. Staff notified the property owner of the use permit and public hearing process to allow a 24 hour operation since the current site has no use permit. If the project is approved, the use permit will state specific conditions as to the hours of operation for all proposed uses as well the hours of alcohol sales.

CONCLUSION

The applicant at this point feels that they have scaled down the project to the City's satisfaction and would like the opportunity to present their project to the Planning Commission in order to move forward. Although, the applicant has made several revisions since the original submittal to address staff's concerns, there are still a number of issues that staff feels the applicant has not resolved.

The key issues that staff would ask the Planning Commission to focus their discussion on include:

- 1) Parking
- 2) Traffic and circulation
- 3) Number and scale of uses, and
- 4) Signage
- 5) Hours of operation
- 6) Alcohol sales
- 7) Noise -- Acoustical study

Based on the above discussion, the Planning Commission has the authority to review and take two separate actions on the subject application, the Use Permit and the Negative Declaration. The Use Permit findings include specific criteria based on local community standards and the Environmental report includes criteria that must comply with State requirements.

ALTERNATIVES

The alternatives to the staff recommendation available to the Planning Commission include:

1. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return with a draft Resolution.
2. **APPROVE** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** staff to return with a draft Resolution.

Attachments:

- A. Site Location Map
 - B. Environmental Impact Report
 - C. Board of Zoning Resolution (BZA 88-28)
 - D. PC Resolution (PC 97-8)
 - E. Project Applications and Applicant's Correspondence
 - F. City Traffic Engineer comments dated June 5, 2007 and March 3, 2009
 - G. City Traffic Engineer comments dated April 3, 2009
 - H. Neighbor's correspondence dated April 14, 2009
- Plans/photos (separate)
- c: Frydoun Sheikpour, property owner
Ahmad Ghaderi, Applicant's Representative/Engineer

Vicinity Map

2301 N. Aviation Blvd

IP

OS

MARINE AVE

RS

23RD ST

HARKNESS ST

AVIATION BLVD

CG


AVIATION BLVD


MARINE AVE

HARKNESS ST

23RD ST


Legend


 2301 N. Aviation Blvd


 Parcels

Zoning

 RS - Residential Single Family

 OS - Open Space

 CG - General Commercial

 IP - Industrial Park

Exhibit



City of Manhattan Beach
Community Development



**CITY OF MANHATTAN BEACH
PROPOSED NEGATIVE DECLARATION**

In accordance with the California Environmental Quality Act of 1970, as amended, and the City of Manhattan Beach CEQA Guidelines, the Community Development Department after conducting an Initial Study found that the following project would not have a significant effect on the environment and that possible environmental impacts have been mitigated and has instructed that this Negative Declaration be prepared.


1. **Project Title:** USE PERMIT AT 2301 NORTH AVIATION BOULEVARD TO CONSTRUCT A NEW GAS STATION, "24-HOUR" FOOD MART WITH BEER AND WINE SALES, DRIVE-THRU COFFEE AREA AND SELF-SERVE CAR WASH

2. **Project Location:** 2301 North Aviation Boulevard (Northwest corner of Aviation and Marine Boulevard)

3. **Project Description:** The project involves the following: Demolish the existing approximate 2000 square-foot auto repair service station and approximate 350 square-foot food mart, 4 fueling stations and underground fuel system. Allow the development of a new 3,000 square-foot food mart with 24-hour service, 800 square-foot coffee service within the food mart with drive through service, 4 new fueling stations, a new underground fueling system and a new 1,980 square-foot self-serve car wash. The applicant is also requesting the sales of beer and wine for off-site consumption to be sold in the food mart. The proposed food mart will have no seating or on-site food preparation.

4. **Support Findings:** Based upon the Initial Study, which is attached hereto and made a part hereof, it is the finding of the Community Development Department that the above mentioned project is not an action involving any significant environmental effects.

Prepared by the Community Development Department on April 3, 2009.


Richard Thompson

Director of Community Development





ENVIRONMENTAL CHECKLIST FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

PROJECT INFORMATION

Project Title: Use Permit for a Proposed Gas Station, Food Mart, Drive Through Coffee Area and Self-Serve Car Wash at 2301 N. Aviation Blvd (Chevron)

Project Location: 2301 North Aviation Boulevard (Northwest corner of Aviation Boulevard and Marine Avenue). See attached vicinity map.

Project Description: The project involves the following actions: Use Permit to demolish the existing approximate 2000 square-foot auto repair service station and approximate 350 square-foot food mart, 4 fueling stations and underground fuel system. See attached vicinity map. The use permit will also allow the development of a new 3,000 square-foot food mart with 24-hour service, 800 square-foot coffee service area within the food mart with drive through service, 4 new fueling stations, a new underground fueling system and a new 1,980 square-foot self-serve car wash. The applicant is also requesting the sales of beer and wine for off-site consumption to be sold in the food mart. The proposed food mart and coffee area will have no seating or on-site food preparation.

The proposed hours of operation for the new uses will be as follows:

Drive through coffee area - 5 am to 10 pm
Self-serve car wash - 6 am to 9 pm
Food mart and fueling stations - 24 hours
Hours for alcoholic beverage - 7 am to 10 pm

The applicant is proposing a total of 29 parking spaces for the proposed uses on the 39,620 square-foot site. The total proposed landscaping for the site is 7,853 square-feet to be located on Aviation Boulevard and Marine Avenue. The project also involves City dedications for future street widening and pedestrian easements on Marine Avenue and Aviation Boulevard.

Lead Agency

Name: City of Manhattan Beach, Community Development Dept.
Address: 1400 Highland Avenue, Manhattan Beach, CA 90266
Contact: Angelica Ochoa, Assistant Planner, (310) 802-5517

Applicant

Name: Frydoun Sheikhpour
Address: 2301 North Aviation Boulevard, Manhattan Beach, CA 90266
Contact: Ahmad Ghaderi (818) 842-3644, Applicant's Representative

Other agencies whose approval is required: May require City of Redondo Beach coordination for street widening, Alcohol Beverage Control (ABC), Health Department, State Water Resources Control Board (SWRCB), LA County Department of Public Works, Underground Storage Tanks (UST)

LAND USE DESIGNATIONS

General Plan: General Commercial

Local Coastal Program: N/A

Area District: II

Zoning: CG

Surrounding Land Uses and Setting:

Single Family Residential to the South across Marine Avenue; the City of Hawthorne is located to the Northeast with office and residential uses and the City of Redondo Beach is located to the Southeast on Aviation Boulevard with industrial/office uses; Marine Avenue Sports Center, Marine Avenue Park and Northrup Grumman to the North and West. The environmental setting is urban developed land. The project is located on the northwest corner of two major arterial streets, Aviation Boulevard and Marine Avenue. There is a mix of residential, industrial and recreational uses. (see attached maps).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | | | | |
|----------------------------|--------------------------|---------------------------|--------------------------|--------------------------|--------------------------|
| Land Use and Planning | <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> |
| Population and Housing | <input type="checkbox"/> | Energy/Mineral Resources | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> |
| Geological Problems | <input type="checkbox"/> | Hazards | <input type="checkbox"/> | Recreation | <input type="checkbox"/> |
| Water | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Mandatory | <input type="checkbox"/> |
| Air Quality | <input type="checkbox"/> | Public Services | <input type="checkbox"/> | Findings of Significance | <input type="checkbox"/> |
| Transportation/Circulation | <input type="checkbox"/> | Utilities/Service Systems | <input type="checkbox"/> | | |

DETERMINATION (to be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the proposed project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated". An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Angelica Ochoa 4/3/09
Signature of Preparer Date

Printed Name Angelica Ochoa

Richard Thompson, Director of Community Development
Prepared For

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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ENVIRONMENTAL IMPACTS

1. Earth. Will the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Unstable earth conditions or in changes in geological substructures? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Disruptions, displacements, compaction or over covering of the soil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Change in topography or ground surface relief features? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. The destruction, covering or modification of any unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Any increase in wind or water erosion of soils, either on or off the site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: The proposed development will not create significant impacts to the existing already developed site or surrounding area since the construction of the fuel islands, food mart/coffee area, self-serve car wash and underground fuel tanks will only be temporary until the project is built. The topography of the land is flat and will not involve substantial grading. The project will involve temporary excavation to replace the existing underground fuel tanks with new fuel tanks in accordance with State and County regulations and permits. Erosion and drainage control measures (SUSMP and BMPs) will be in effect during construction and be permanently implemented after the project is complete. These standard project components and conditions will ensure the project have less than significant impacts.

2. Air. Will the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Substantial air emissions or deterioration of ambient air quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. The creation of objectionable odors? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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DISCUSSION: The proposed development will not create significant long-term air quality impacts since the construction of the fuel islands, food mart/coffee area, self-serve car wash and underground fuel pumps will only be temporary until the project is built. The proposed uses will not cause a significant increase in traffic above the existing uses, and therefore, no significant increase in emissions. There will not be preparation or cooking of food on site so there will be no objectionable odors. These standard project components and conditions will ensure the project have less than significant impacts.

The proposed project will not create conditions at the subject site or in the surrounding area that will impact any air quality, create odors or alter air movement or climate.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 3. Water. Will the proposal result in: | | | | |
| a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Alterations to the course or flow of flood waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Change in the amount of surface water in any water-body? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Alteration of the direction or rate of flow of ground waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Substantial reduction in the amount of water otherwise available for public water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Exposure of people or property to water related hazards such as flooding or tidal waves? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Significant changes in the temperature, flow, or chemical content of surface thermal springs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: The proposed development will not create significant water related impacts since the construction of the fuel islands, food mart/coffee area, self-serve car wash and underground fuel pumps will only be temporary until the project is built. Erosion and drainage control measures (SUSMP and BMPs) will be in effect during construction and be permanently implemented after the project is complete to control drainage and runoff.

The proposed project will not create conditions at the subject site or in the surrounding area that will impact water. Compliance with the City's Building and Public Works requirements will mitigate any water related impacts associated with the project. All runoff will be required to drain to approved drainage structures. These standard project components and conditions will ensure the project have less than significant impacts.

	Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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4. Plant Life. Will the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Reduction of the numbers of any unique, rare or endangered species of plants? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Reduction in acreage of any agricultural crop? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: There are no unique or rare plants on the site or agricultural crops. The project will be appropriately landscaped and irrigated with materials known to this area, and therefore will not introduce any species of plant that could serve as a barrier to the replenishment of native plants.

5. Animal Life. Will the proposal result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Reduction of the numbers of any unique, rare or endangered species of animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Introduction of new species of animal into an area, or result in a barrier to the migration or movement of animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Deterioration to existing fish or wildlife habitat? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: There are no unique or rare animals on the site, and no fish or wildlife habitats. The project will not result in the introduction of new species of animal nor result in a barrier to the migration or movement of existing species.

6. Noise. Will the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Increases in existing noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Exposures of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION: The proposed development will not create significant noise impacts to the existing already developed site or surrounding area since the construction of the fuel islands, food mart/coffee area, self-serve car wash and underground fuel pumps will only be temporary until the project is built.

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Short term noise impacts will result during the construction phases of the project. The City's construction hours are 7:30 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 6 p.m. on Saturday. No work will occur on Sundays or holidays. Given the hours of construction, the location of the site, and the existing noise levels related to traffic on Marine Avenue and Aviation Boulevard (70 dB per Noise Element of General Plan) construction related noise impacts are not expected to be significant. Additionally, compliance with the City's Noise Ordinance should limit any noise impacts to a level of insignificance.

The developer shall be required to meet with the City's Residential Construction Officer prior to the issuance of a building permit to address construction related issues. The developer shall notify adjacent residential neighbors in advance of construction activities and provide a contact name and telephone number to allow expression of community concerns. The type of notification utilized will be at the discretion of the developer subject to approval by the City of Manhattan Beach, Community Development Department. These standard project components and conditions will ensure the project have less than significant impacts.

7. Light and Glare.

- a. Will the proposal produce new light or glare?

DISCUSSION: The proposed development will not create significant light and glare impacts to the existing already developed site or surrounding area. The proposed project will involve upgraded lighting due to the new parking lot and new illuminated canopy being built for the fuel stations. All new site lighting will be required to comply with Section 10.64.170 of the Manhattan Beach Municipal Code and will be required to prevent off-site illumination, especially onto residential areas with shielding and limited fixture heights. A photometric study will also be required to minimize any effects and address any lighting impacts. These standard project components and conditions will ensure the project have less than significant impacts.

8. Land Use.

- a. Will the proposal result in a substantial alteration of the present or planned land use of an area?

DISCUSSION: The property is currently designated "General Commercial" by the Land Use Element of the Manhattan Beach General Plan, and zoned "CG" (Commercial, General) to correspond with the General Plan designation. A Use Permit is required for the proposed project.

The proposed development of a new gas station, food mart/coffee area and self-serve car wash of an already developed site will result in a less than significant impact to the present land use, since consistency with the General Plan and specific findings are required by the Zoning Code for approval of a Use Permit.

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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The surrounding area is Single Family Residential to the South on Marine Avenue, a mix of Industrial/Recreational uses to the North and West, and the City of Hawthorne Residential to the east, and the City of Redondo Beach Office uses to the south east across Aviation Boulevard.

Based upon the mix of uses within the vicinity of the project site and subject to the appropriate land use entitlements, the proposed project does not present any significant impacts relative to land use. The Use Permit and public hearing process will determine whether the proposed uses will be appropriate land uses for the subject site and surrounding neighborhood and businesses. These standard project components and conditions will ensure the project have less than significant impacts.

Review and action on the Use Permit, which is a discretionary application, is required by the Planning Commission and the City Council. Specific findings, criteria and conditions are required to be in order to approve the Use Permit. If the Planning Commission and City Council approve the application, conditions which will mitigate any potentially significant impacts to less than significant will be required.

9. Natural Resources. Will the proposal result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increase in the rate of use of any natural resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Substantial depletion of any nonrenewable natural resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: The use of natural resources to meet the basic operational needs of the proposed project will not create a demand considered substantial. The project will be required to comply with the State Energy Conservation Standards for New Non-residential Buildings (Title 24, Par. 6, and Article 2 of the California Administrative Code). These regulations establish mandatory maximum energy consumption levels, as well as requiring energy conserving design features.

10. Risk of Upset. Will the proposal involve:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Possible interference with an emergency response plan or an emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: The project, as proposed and under expected operation, will not create any risks associated with explosion or release of hazardous substances. Since the project site was already developed as a gas station, the new development of a gas station, food mart/coffee area and self-serve car wash is not expected to increase the possibility of any new or significant risks.

The project has been reviewed by both the City of Manhattan Beach Police and Fire Departments with no indication that the proposal has the potential to impact emergency response or evacuation plans. The project will again be reviewed by these Departments prior to the permit stage. Any

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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potential impacts identified by either of these Departments will be appropriately addressed. County and State Agency review will also be required. These standard project components and conditions will ensure the project have less than significant impacts.

11. Population.

- a. Will the proposal alter the location, distribution density, or growth rate of the human population of an area?

DISCUSSION: No residential dwellings will be created or removed by the proposed project, nor would the project employ a significant amount of people that would change the location, density, or growth rate of the human population of the area. The project will provide a service to the existing population.

12. Housing.

- a. Will the proposal affect existing housing, or create a demand for additional housing?

DISCUSSION: In the "CG" commercial zone no residential development is permitted. The proposed project would not affect existing housing, therefore the project does not eliminate any presumed housing opportunities.

13. Transportation/Circulation. Will the proposal result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. Generation of substantial additional vehicular movement? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Effects on existing parking facilities, or demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantial impact upon existing transportation systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Alterations to present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Alterations to waterborne, rail or air traffic? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Increase in traffic hazards to motor vehicles, bicycles or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION: According to the City Traffic Engineer, the proposed development of a new gas station, food mart/coffee area with drive through window, and self-serve car wash does not generate a substantial number of trips that would create any impact on traffic and/or circulation in the surrounding area. Therefore, no traffic study was required since the intensity did not increase based on the new uses compared to the existing gas station and auto repair station. The project requires 27 parking spaces per the Manhattan Beach Municipal Code requirements and 29 spaces

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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are proposed. Safe on-site loading, pedestrian circulation and bike parking will also be incorporated into the plan. Final plans will require City Traffic Engineer approval.

The applicant is proposing dedications of street right-of-way on Aviation Boulevard and Marine Avenue for future street widening and pedestrian access. The applicant is also proposing to eliminate the four existing driveways and provide one centralized driveway on Aviation Boulevard and one on Marine Avenue to reduce the number of vehicle conflicts.

Review and action on the Use Permit, which is a discretionary application, is required by the Planning Commission and the City Council. Specific findings, criteria and conditions are required to be in order to approve the Use Permit. If the Planning Commission and City Council approve the application, conditions which will mitigate any potentially significant impacts to less than significant, will be required.

14. Public Services: Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: The subject location is already served by the City's public services. It is not anticipated that the new use would require additional service. It is not anticipated the new uses would create any additional or new demand for police protection by the Manhattan Beach Police Department. The proposed project would not generate a significant increase in population and, therefore, no new services would be required. There will be no impact on the maintenance of public facilities, including the road system, since traffic generation will not increase on already heavy arterial streets such as Aviation Boulevard and Marine Avenue. The project is located in an existing urban environment, and it is not expected that other governmental services would be impacted by the proposed development. These standard project components and conditions will ensure the project have less than significant impacts.

15. Energy. Will the proposal result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Use of substantial amounts of fuel or energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: As indicated in Section 9 (Natural Resources), the project will be required to comply with the State Energy Conservation Standards for Non-residential Buildings (Title 24, Par. 6, Article 2 of the California Administrative Code). Compliance with these regulations, which

	Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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establish mandatory maximum energy consumption levels as well as requiring energy conserving design features will mitigate any impacts upon energy resources.

16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- | | | | | |
|------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Communications systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: The project would not create a new demand for electricity or natural gas as the site is already served by power and gas companies. Access to communication infrastructure is already provided by existing communication carriers. The site is currently served by the municipal water system and is connected to the City's sewer network. The existing non-pervious development has been at this location for many years with no demonstrable impacts upon the existing storm water drainage. It is anticipated that the proposed project will reduce run-off by implementing erosion and drainage measures required by the Public Works and Building Departments, as well as requirements for sustainable development and low impact design (LID) through the Use Permit. It is not anticipated that the proposed replacement project will generate any significant amounts of existing solid waste relative to the existing uses and the surrounding residential and commercial uses.

17. Human Health. Will the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Exposure of people to potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION: The proposed project will be constructed in full compliance with all applicable State, County and local regulations. There is nothing associated with the project, as proposed, that could result in the creation of a health hazard nor expose people to potential health hazards.

18. Aesthetics.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

DISCUSSION: The proposed development will not impact or obstruct any scenic vista or view to the public since the new development will comply with the Manhattan Beach Municipal Code requirements. The new development will beautify the current site by providing more landscaping and pedestrian friendly improvements as required by the Manhattan Beach Municipal Code. Since

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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the project will be subject to a public hearing process as well as plan review, prior to issuance of any building permits. It will also provide an opportunity to evaluate the aesthetics of the site and allow an opportunity to mitigate any potential impacts resulting from the new development and/or site design. These standard project components and conditions will ensure the project have less than significant impacts.

19. Recreation.

- a. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

DISCUSSION: The proposed project will not create any direct impacts upon existing recreational opportunities as there will be no increase in population and the increase in employees on site is minimal.

20. Cultural Resources.

- a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological sites?
- b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?
- c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?
- d. Will the proposal restrict existing religious or sacred uses within the potential impact area?

DISCUSSION: The site does not contain any potentially cultural or historic resources that could be impacted by the proposed development. The existing gas station and auto repair station at the subject site are not of historic importance.

21. Mandatory Findings of Significance.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively

	Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
brief, definite period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Does the project have environmental effects which all cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION: a. The project does not have any potential to significantly degrade the quality of the environment. As indicated in Sections 4 (Plant Life), 5 (Animal Life) and 20 (Cultural Resources) there are no identified rare or endangered plant or animal species, nor historic resources, which could be negatively impacted by this project.

b. Based upon this analysis there are no long-term environmental goals which are being compromised as a result of this project.

c. Based upon this analysis there are no cumulative impacts which will result in a significant effect upon the environment.

d. There is no evidence to suggest that the project could, directly or indirectly, substantially impact human beings.

Sources: City of Manhattan Beach Municipal Code
City of Manhattan Beach Traffic Engineer Comments
Project Narrative/Application Materials

RESOLUTION NO. BZA 88-28

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MANHATTAN BEACH APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A GASOLINE SERVICE STATION WITH INCIDENTAL AUTOMOBILE REPAIR AND MINI-MART WITH INCIDENTAL BEER/WINE SALES AND CHANGEABLE COPY SIGN ON A SITE EXCEEDING 10,000 SQUARE FEET OF LAND AREA, FOR THE PROPERTY LOCATED AT 2301 AVIATION BOULEVARD (CHEVRON USA, INC.)

WHEREAS, the Board of Zoning Adjustment of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Conditional Use Permit, for the property legally described as Parcel 3 in the City of Manhattan Beach, as shown on a record of survey map filed in Book 83, Pages 53 and 54 of Record of Surveys, in the Office of the Los Angeles County Recorder; and,

WHEREAS, the applicant for the Conditional Use Permit is Chevron USA, Inc., owner of the subject property; and,

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

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

WHEREAS, the Board of Zoning Adjustment made the following findings with regard to this application:

1. The applicant requests approval of a Conditional Use Permit to allow the construction of a 4-pump island gasoline station and 500 square feet mini-mart, with 24 hour service, and relocate an existing automotive service garage. The existing service station, canopy, and pump islands will be removed.
2. The property is located in Area District II and is zoned M-1, Light Manufacturing. The General Plan designates the subject site Industrial. The project is in conformance with both the Zoning Ordinance and General Plan.
3. The proposal meets the minimum Code requirements pertaining to parking.
4. The landscape proposal exceeds the minimum required by Code.
5. The preliminary sign program is in conformance with Code requirements.
6. The proposed 24 hour operation is desirable for the gas station dispensing operation only. The mini-mart hours of operation, including off-premise sale of beer/wine, shall be limited consistent with similar operations. A 24 hour operation, for the mini-mart, could create nuisances to neighboring residential areas.
7. The project, with recommended conditions of approval, will be compatible with surrounding properties in the area.
8. Dedication of a 12-foot wide strip of land along the property's Aviation Boulevard street frontage, for the purpose of future street widening, is consistent with goals identified in the Infrastructure Element of the General Plan. Construction of actual widening improvements at this time, however, is undesirable. This is due to the fact that an uneven roadway alignment on Aviation Boulevard would result, and an additional "right turn only" lane from southbound Aviation Boulevard to westbound Marine Avenue, is unnecessary.
9. Pedestrian access within the public sidewalk areas adjacent to the project, on Aviation Boulevard, should be improved by means of an enlarged sidewalk.



NOW, THEREFORE, BE IT RESOLVED that based on the above findings, the Board of Zoning Adjustment hereby APPROVES the Conditional Use Permit and Negative Declaration subject to the following conditions:

1. All outdoor lighting shall be arranged so as to reflect the light away from residential properties.
2. Access to the public restrooms shall be controlled by a station attendant. The restrooms, when unused shall remain locked. An attendant shall distribute the key upon request. The public restrooms shall be permanently available to the public and be kept in sanitary and good working condition at all times.
3. The gasoline dispensing operation may operate on a 24 hour basis. The hours of operation for the automotive service building shall be limited to between 7:00 a.m. to 9:00 p.m. Monday through Sunday. The mini-mart shall operate between the hours of 6:00 a.m. and 12:00 midnight, seven days a week.
4. Noise emanating from the property shall not create a nuisance to adjoining properties.
5. All signage shall conform to applicable Municipal Code criteria.
6. The applicant shall dedicate in fee simple title, a strip of property twelve (12) feet in width along the Aviation Boulevard frontage of the development. In addition, a property corner cut off having a radius of twenty-five (25) feet shall be dedicated at the southeasterly corner of the property. The corner radius shall be tangent to the westerly line of the twelve (12) foot wide conveyance to the City and tangent also to the existing southerly line of the lot. All existing or proposed improvements located within the dedicated area may remain as permitted temporary encroachments, subject to the approval of the Public Works Department. However, when in the future it is required to be removed from the public right-of-way, the applicant or their successors in interest, shall bear the full costs of all removals, reconstruction and related work.
7. The applicant shall improve the existing public sidewalk on Aviation Boulevard such that a sidewalk of a total width of 10 feet is provided. Said sidewalk design shall be approved by the Department of Public Works prior to issuance of a building permit.
8. All defective curb, gutter, and sidewalk shall be removed and replaced as necessary subject to the approval of the Public Works Department.
9. The existing driveway approach nearest the intersection on Aviation Boulevard, shall be removed and replaced with full height curb and sidewalk.
10. The applicant shall construct a handicap ramp at the northwesterly quadrant of the intersection of Aviation Boulevard and Marine Avenue subject to the approval of the Public Services Department.
11. All utilities serving the site shall be underground pursuant to City Ordinance.
12. The applicant shall provide a traffic management plan prior to the issuance of a demolition permit and shall be subject to the approval of the Public Works Department and Police Department.
13. The applicant shall design and install a street lighting system on both Aviation Boulevard and Marine Avenue frontages that will achieve an average maintained illuminance of 1.3 footcandles at a 3:1 uniformity ratio. The electrical service lines to the street light standards shall be installed underground.
14. A site landscaping plan shall be submitted for approval in conjunction with the building permit application which shall provide for a minimum amount of on-site landscaping, equivalent to 8% of the entire site (after street dedication), and the installation of a minimum of two (2) street trees each on the Aviation Boulevard and Marine Avenue

frontages. The landscaping plan shall be approved by the Departments of Public Works and Community Development.

15. The project shall utilize existing sewer laterals, if feasible.
16. All existing water valve lids and curb drains located in the public right-of-way sidewalk shall be repaired or replaced by the applicant.
17. An initial review of the conditions of approval shall be within six months of the initial date of operation and then annually thereafter.


I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Board of Zoning Adjustment at its regular meeting of May 24, 1988, and that said Resolution was adopted by the following votes:

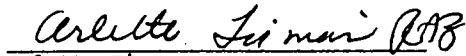
AYES: Hankwitz, Hollingsworth,
 Kaprielian, Tucker

NOES: None

ABSENT: None

ABSTAIN: None


TERRY STAMBLER-WOLFE
Secretary to the Board
of Zoning Adjustment


Arlette Tirman
Recording Secretary

RESOLUTION NO. PC 97-8

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DENYING A SIGN EXCEPTION REQUEST FOR A CHANGEABLE COPY SIGN WHICH EXCEEDS THE MAXIMUM ALLOWABLE SQUARE FOOTAGE, ON THE PROPERTY LOCATED AT 2301 N. AVIATION BLVD. (Chevron)

WHEREAS, the Planning Commission of the City of Manhattan Beach considered the subject request at its regular meeting on January 8, 1997, for the property legally described as parcel 3 in the City of Manhattan Beach, as shown on a record of survey map filed in Book 83, Pages 53 and 54 of Record of Surveys, in the Office of the Los Angeles County Recorder, in the City of Manhattan Beach; and,

WHEREAS, the project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 (Class 1) of the State CEQA Guidelines as modified by the Manhattan Beach CEQA Guidelines; and

WHEREAS, the subject parcel is located within IP zone, Area District II as are surrounding properties; and,

WHEREAS, the General Plan designation for the subject property is Industrial ; and,

WHEREAS, the subject parcel is presently developed with a vehicle service station and mini-mart; and,

WHEREAS, the subject application for a Sign Exception was filed by Greg Hohn, for Chevron USA, the owner of the property; and,

WHEREAS, the following findings were made with respect to the subject application:

1. The submitted sign exception application requests the installation of a changeable copy sign which exceeds the maximum allowable square footage. The Sign Code permits 418.00 square feet upon this site.
2. The applicant's request is based on the desire of the station operator to effectively advertise his auto service prices and specials without the clutter of separate signs and banners while helping to increase the operator's revenue, as well as increase tax revenue for the City of Manhattan Beach.
3. Currently, the site exceeds the maximum allowable square footage for sign area and the addition of a changeable copy sign would increase the degree of this nonconformity.
4. The location of the proposed "stand alone" changeable copy sign is unacceptable in that it would be between two existing signs, therefore increasing the potential for "sign clutter" at this location. The sign's proximity to the ground and public sidewalk also increases the potential for vandalism.
5. The appearance of the changeable copy sign is unacceptable in that the changeable copy would be prominent, occupying a majority of the cabinet area. As such, the sign does not promote a feeling of permanence and quality to the site, which is desirable for Aviation Boulevard, which constitutes the easterly boundary of the City.



RESOLUTION PC 97- 8

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NOW, THEREFORE, BE IT RESOLVED that, based on the above findings, the Planning Commission of the City of Manhattan Beach hereby **DENIES** the proposed **SIGN EXCEPTION**.

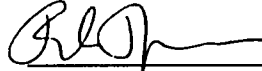
I hereby certify that the foregoing is a full, true, correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of January 8, 1997, that said Resolution was adopted by the following votes:

AYES: Blanton, Hall, Kaplan, Vining

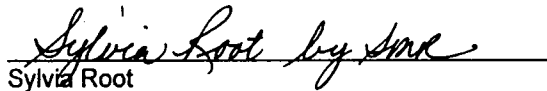
NOES:

ABSTAIN:

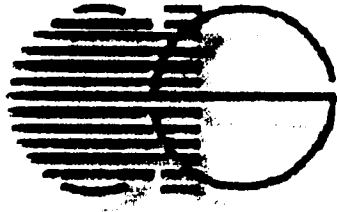
ABSENT: Vining



Richard Thompson
Secretary to Planning Commission



Sylvia Root
Recording Secretary



A & S Engineering, Inc.

Planning

Engineering

Construction Management

207 W. Alameda, Suite no. 203, Burbank, Ca. 91502 Ph. 818-842-3644, Fax. 818-842-3760

March 23, 2009

**To: City of Manhattan Beach
1400 Highland Ave
Manhattan Beach, Ca.**

Attn: Ms. Angelica Ochoa

**Re: 2301 n. Aviation
Manhattan Beach, Ca.
Project description**

Dear Angelica,

Per our conversation, the following is the revised project description:

- 1. Demolish existing service station building, 2 canopies and existing underground fuel system.**
- 2. Construct new 3,800 s.f. Food mart and QSR building. QSR will not have any seating and will be a drive thru operation only. At the present time, my client's intention is to enter into agreement with a name brand coffee vendor who will use the drive thru for their operation. As we have discussed, the proposed QSR area will not have any food preparation or cooking facilities, therefore my client does not intend to lease that limited 800 s.f. of QSR area to any name brand fast food franchisees.**
- 3. Construct new fueling canopy**
- 4. Construct new fueling system**
- 5. Construct new self serve 1,980 s.f. carwash**

Proposed hours of operation:

- 1. Food mart: 24/7**
- 2. QSR: 5:00 am to 10:00 pm**
- 3. Carwash: 6:00 am to 9:00 pm**
- 4. Gasoline sales: 24/7**
- 5. Alcohol sales of beer and wine: 7:00 am to 10:00 pm**

Employees:

- 1. Food mart: 2 per shift (total of 3 shifts), plus a manager**
- 2. QSR: 2 per shift**
- 3. Carwash: none**

Please let me know if you need additional information.

**Sincerely,
Ahmad Ghaderi**



Modified:

Mon 4/2/2007 3:22 PM

To Whom It May Concern

Subject: Remodeling CUP request for 2301 N Aviation Blvd
The existing Chevron gas station and repair shop

The above site has been occupied by Chevron gas station , food mart and repair shop for more than 50 years. The gas station, and food mart portions of the business have been operated based on 24 hours operation, until 2003, and repair shop portion of the Chevron station was operated based on 18 hours of operation, until 2003. Since 2003, which my ownership has started, gas station, and food mart portions of the chevron has been operated based on 18 hours per day, seven days per week and repair portion of the business operated based on 16 hours per day, six days per weeks.

Today's fast changing economy , and new marketing approaches have forced the business owner to look for an addition profit centers for these fast changing economy, in order to protect their investments, and adopt themselves to the present and near future economy changes.
The recent changes forced gas station to become a convenience store, which customers can purchase their needed products in very short period of time.

I am requesting to extend my existing food mart by converting the existing repair- shop into food mart "up scale market" and also providing up-scale goods, off site sale of beer and wine, and flower products, and as well as picnic baskets and more.

I, also will construct the state of art self-service car wash for my customer convenience , and an additional profit center to able me to compete effectively with my competitors

The operation hours for gas station, and food mart portion of the proposed expansion will be 24 hours per day with controlled lightings, and noises, and car wash portion of the business will be operated between hours of 6 AM to 8 PM.

I will provide the state of art land-scapping, water fall, fountain to beautify the existing corner, and I believe the proposed project will not effect the surrounding land uses, especially the project site is surrounded by public park in west, Northrop Grumman in north , Federal building in north east, Air forced /Northrop Grumman in south east , and residence along the Marine AVE, and Aviation BLVD in south east of the project.

I would like to work with city as I did in last 2.5 years.

Please call me for any question at 310 430-1603

Sincerely

Frydoun (Fred) Sheikhpour



To: City of Manhattan Beach Planning Department

Project Address Fry's Manhattan Chevron
2301 N. Aviation BLVD
Manhattan Beach CA. 90266

REVISED
7-7-7

Subject: Findings

The Proposed Project:

I am proposing to build a 2730 S.F. an up-scale market by using the existing 630 S.F. market, and conversion of the existing 1400 S.F. repair shop and addition of 630 S.F. to up-scale market/food-mart, with beer/wine, and picnic basket.

The proposed project will include a 1012 S.F. state of art touch free car-wash.

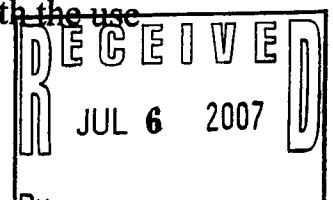
The architectural design includes new cornices at the rooflines, an arch design above the storefront windows, with up-scale landscaping and fall.

The exterior materials would consist of stucco with some aluminum framed storefront windows, and mission tile roof materials. The existing service bay will be converted into up-scale market.

The state of art touch free drive-thru car wash would be located along western portion of the property, parallel to the existing park

The proposed project is consistent with the general plan and any applicable design criteria for the above project site, and surrounding area, and land use.

The proposed project will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use



and enjoyment of the neighboring, existing, or future developments, and will not create adverse effect on pedestrian or create any traffic hazard.

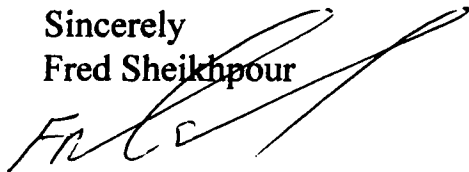
The [proposed project is compatible with the existing character of the surrounding neighborhood and that all reasonable design effort have been made, and will be made to maintain the attractive, harmonious, beauty, and orderly development completed by this section and general plan.

The proposed project will beautify the surround neighborhood by eliminating repair shop, and conversion of the repair shop into very up-scale needed market for the surrounding area, and it will provide a desirable environment for its occupants, and neighbors, and is aesthetically of good composition, colors, materials, texture, that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.

Finally, the proposed project
will not conflict with the general plan, and or zoning codes
will not increase the population of the project site
will not create any hazard for surrounding area
Will not increase the traffic at subject site
Will not increase noise , and lighting per in house study, and comparing with the existing noise and lighting at the station.

Please call me for any question at 310 430 1603

Sincerely
Fred Sheikhpour

A handwritten signature in black ink, appearing to read 'Fred Sheikhpour', written over the typed name.

To : City Of Manhattan Beach

JUN 05-07 L.S.
September 07, 2004

APPLICANT/OWNER

Fred Sheikhpour

Project Address

Fry's Chevron Station
2301 N. Aviation Blvd
Manhattan Beach, CA. 90266

SUBJECT DESCRIPTION

I am filling an application for conditional use permit to allow me to remodel of the existing gas station, food-mart and 3-bays repair shop. I would like to convert the existing 3-bays repair shop into a 24 hours up-scale market equipped with picnic basket, flower, and wine/beer sections, and install the state of art a self-service car wash at the above location.

LOCATION:

2301 North aviation Blvd, City Of Manhattan Beach, California, 90266

LEGAL DISCRPTION:

Parcel 3 in city of Manhattan beach, as shown on a record of survey map filed in book 83, page 53, and 54 of the record of surveys, in the office of the Los Angeles county recorder.

AREA DISTRICT: 11

LAND USE: COMMERCIAL

EXISTING LAND USE:

24 Hours Gas Station, 3-bays repair Shop/ garage, Market, And Propane sale

PROPOSED LAND USE:

**24 Hours Gas Station, UP-Scale Market With Picnic Basket, and Wine/Beer, And
State Of Art Self-Service Car-Wash**

NEIGHBORING LAND USE/ZONING:

NORTH: Industrial Park-TRW

NORTH WEST: Public Park

NORTHEAST: Federal Building

SOUTH EAST: Industrial Park-TRW

SOUTH WEST: Single Family Residential

Project site is located in north west corner of Aviation Blvd and Marine Ave.

Site Background/Existing

The existing Chevron station is located at 2301 North Aviation Blvd, city of Manhattan Beach. The property is approximately 42,000 square feet, and has contain an approximately 2000 square feet 3-bays repair shop, an approximately 350 square feet market, equipped with five gasoline dispensers, and propane refueling islands.

The existing Chevron gas station, C-store, 3-bays repair shops, and propane island has been serving the Manhattan city community for over 50 years.

The city of Manhattan Beach's board of zoning , at its regular meeting of May 24, 1988,

APPROVED THE CONDITIONAL USE PERMIT REQUESTED BY CHEVRON TO

ALLOW CHEVRON TO CONSTRUCT A 24 HOURS GASOLINE STATION,

LARGER REPAIR SHOP, AND MARKET WITH INCIDENTAL BEER AND WINE SALE. Unfortunately Chevron did not implemented the permitted CUP and withdraw the project, and the CUP canceled during 1989.

PROPOSED DEVELOPMENT

Today's fast changing Automobile industries is bringing us a new challenges with respect to type, and model of the Automobiles, as well as a source of fuels and type of mileage generate by Hybrid, Ethanol, Natural Gas, and gasoline, and Electric cars, which requires a new marketing tools, and skill.

Recent changes in automobile technologies and implementation of computerized control and monitoring system has forced the auto mobile repair-shops to used very expensive repair equipments, and use very high skills auto-technician who trained to use the high-tech computerized equipments to diagnose the problem, and repair the auto-mobile

The implementation of these new technologies force us to adapt ourselves to new environment and implement the business model to increase our profits using a new marketing tools, and techniques in most cost effective ways to create a new profit center for this fast changing economy.

The recent changes in Middle-East situation, and high gas prices has forced the car manufacturing company to develop more efficient cars using other source of fuel as indicated above. These changes has directly effected the gasoline dispensing facilities' businesses and over-heads and has forced the facilities owner to look for an additional profit center in-order to stay in business. The proposed remodeling is consisted of modernizing and up-grading of the existing 24 hours gas station using the state-art and more environmentally friendly dispensing pumps, conversion of the existing 350 square

feet Mimi-mart and approximately 2000 square feet 3-bays repair shop into an approximately 2800-3200 square feet , 24 hours an up-scale market offering picnic basket, off-sale wine/beer, and flower shop, and an approximately 650-750 square feet a state of art self-service car-wash with limited hours of operation (7 AM-7PM). The

followings are the preliminary design information for the proposed

development/remodeling: The Existing Facilities/Building size:

The existing Canopy Height feet= 17

The existing Building Height feet= 12-13

Existing Market Square Feet= 350

Existing 3-bays Repair Shop Square Feet=2,000

The number of the Existing Canopy= 2

The number of the Existing Pumps= 4

The number of the Existing Parking= 10

The Existing landscaping= less than 5%

The existing Propane Island= 500 gallons

Hours of Operation = 7 days/week,

The Proposed Facilities/Building Size:

The Proposed Canopy Height feet = 17-18

The proposed building Height feet = 12-13

The proposed up-scale Market feet = 2,800-3,200

The Number of the Proposed Canopy = 2

The Number of the Proposed pumps = 5-6

The Number of the Proposed Parking = 30-40

The Proposed Landscaping = 7-8%

The Proposed Propane Tank = 500 Gallons

The proposed Hours Of Operation:

7 days/week, 24 hours/day for market, and gasoline

7 days/week, 7 AM-7PM for self-service car-wash

This Remodeling project is mostly change of use than redevelopment, so the proposed remodeling will not effect the traffic, noise, and lighting at the project site due to modernization of equipments. I would like to work with the city as I did in last 3 years, I had reduced my project tasks per Mr. Daniel Marino, and other city officials in last 3 years, and I have implemented their requests and recommendations in this project to benefit the community, as well as city requirements, and my business goals. I thank you for your favorable consideration.

Please call me for any question at 310-430-1603.

Sincerely

Fred Sheikhpour



MAY 15, 2007



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: 01-2-07

APPLICANT INFORMATION

Name: FRYDOWN SHEIKHPOUR Contact Person: FRYDOWN
 Address: 2301 N. AVIATION BLVD Address: 2301 N. AVIATION BLVD
 Phone number: 310-430-1603 Phone number: 310-430-1603
 Relationship to property: OWNER Association to applicant: OWNER

PROJECT LOCATION AND LAND USE

Project Address: 2301 N. AVIATION BLVD, MANHATTAN BEACH, CA 90266

Assessor's Parcel Number: _____

Legal Description: _____

Area District, Zoning, General Plan Designation: _____

Surrounding Land Uses: INDUSTRIAL

North NORTHROPE COMMON West PARK

South RESIDENTIAL BUS East FEDERAL BUILDING

Existing Land Use: GAS STATION AIRFORCE

PROJECT DESCRIPTION

Type of Project: Commercial Residential _____ Other _____

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

If Commercial, indicate orientation (neighborhood, citywide, or regional), type of use anticipated, hours of operation, number of employees, number of fixed seats, square footage of kitchen, seating, sales, and storage areas: GAS STATION (EXISTING)

CONVERTING REPAIR GARAGE INTO FOOD MART AND ADDITION OF SELF SERVICE STATE OF ART CARWASH STATION 24 HRS, CARWASH 12 HRS, NUMBER OF EMPLOYEES 3/ST.

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

REPAIR GARAGE INTO FOOD MART (MARKET)

WE BELIEVE MINIMUM IMPACT IS ANTICIPATED

3 SHIFTS/DA

	Existing	Proposed	Required	Removed/ Demolished
Project Site Area:	39,640	39,640		
Building Floor Area:	2100	2730 + 1,012 For CARWASH		= 3,742 f
Height of Structure(s)	14'-6"	18'-0"		
Number of Floors/Stories:	ONE	ONE		PARTIAL
Percent Lot Coverage:				
Off-Street Parking:	NONE	NONE		
Vehicle Loading Space:				
Open Space/Landscaping:	1200	4,410 ft ²	4,410	

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 patters? |
| <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: _____
 Date Prepared: 03-09-07

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Daniel Moreno, Associate Planner

FROM: Erik Zandvliet, Traffic Engineer



DATE: June 5, 2007

**SUBJECT: Proposed Gas Station/Food Mart/Car Wash
2301 N. Aviation Boulevard
Conditional Use Permit Site Plan Review**

A multi-use Gas Station/Car Wash//Fast Food use is proposed to replace the existing service station on the northwest corner of Aviation Boulevard and Marine Avenue. A review of the preliminary site plan submitted in April 2007 by Octagon Enterprises, Inc. has been made. The following comments have been prepared to address traffic engineering concerns:

Phases I and II

1. Code required parking shall be provided for all uses. Verify number of required and provided parking spaces. (COA)
2. Five vehicle queue spaces shall be provided at the car wash entrance, as required by code. Show at least 100 feet for vehicle queuing. Dual car wash lanes may be used in conjunction with one-way aisle behind convenience store to obtain compliance. (Revise plans and COA.)
3. Disabled parking must comply with current standards. One or more van size spaces are required for the first 25 spaces, with an additional standard disabled space for any fraction of the next 25 spaces. See CBC Chapter 11B, Div II and other ADA requirements. The accessible spaces shall be the closest spaces to the main entrance per ADA requirements. (COA).
4. Provide an accessible walkway between the public sidewalk and the main entrance. No accessible walkway shall cross behind a parking stall per ADA requirements. (Revise Plan and COA)
5. Parking stalls may encroach up to 2 feet into the adjacent landscaping planter, provided the planter is landscaped with low groundcover within the encroaching area.
6. All parking spaces adjacent to an obstruction, except columns, must be at least one foot wider than a standard space. (MBMC 10.64.100B) (COA)
7. Any compact space(s) shall be labeled with "COMPACT" stenciled across the rear of the stall. (10.63.100A)
8. Wheel stops or raised curbs shall be provided for all parking stalls adjacent to landscaping or walls, except masonry or concrete walls. The walkway across the front of the building must be at least four feet wide, not including a 2' vehicle overhang adjacent to any parking stalls. (COA)
9. The minimum unobstructed parking aisle width shall be 24 feet. The aisle shall not be blocked by the required vehicle queue length for drive-thru windows or self-serve car wash, or by cars pumping gasoline. (10.64.110) (COA) Site plan appears to comply with minimum aisle requirements.

EXHIBIT
PC 4/22/09 **F**


10. Any planters, walls and landscaping adjacent to driveways shall not encroach into the required 5 feet deep visibility triangle. (10.64.150) (COA)
11. Raised landscaped planters are encouraged adjacent to all parking stall to protect parked vehicles from errant vehicles and to increase landscaping coverage.
12. All outside site lighting shall be directed away from the public right-of-way and shall minimize spill-over onto the sidewalks and street. Shields and directional lighting shall be used where necessary. Provide lighting illumination plan. (10.64.170) (COA)
13. Signs shall be posted to restrict vehicle access to right turn in-right turn out at both driveways on Aviation Boulevard. Show signs on site plan. (COA)
14. The developer may be required to dedicate additional right-of-way along both street frontages for street, sidewalks and other public utilities. See Public Works Department for details.
15. A 25 feet corner cut-off dedication shall be provided to the City at the southwest corner of Aviation Boulevard and Marine Avenue. The developer shall construct sidewalk in the dedicated area and shall modify the pedestrian ramp to current standards. Show proposed right of way dedication on all plans. (COA)

Phase III -- Fast Food Restaurant

16. The developer shall prepare a limited Traffic Impact Analysis to determine the potential traffic impacts of the development. The study shall include a comparison of project to existing trip generation, on-site access, property access and easements. If more than 50 new net trips are generated by the project during an adjacent street peak hour, a complete traffic impact study in accordance with the CMP and city guidelines will be required. The traffic impact analysis shall also determine if a southbound right-turn-only pocket is recommended on Aviation Boulevard at Marine Avenue based on existing and future volumes. (COA)
17. There shall be at least 20 feet between each pump island to permit side-by-side pumping. The Phase III site plan shows only 17 feet between the pump guard poles. (COA) Revise plans.
18. There is insufficient aisle width behind the front parking area (Spaces 5-9) due to vehicles parked along the pump islands. Relocate pump islands to provide at least 24' + 10'=34' behind the parking stalls for sufficient back-up distance and gas pump queuing. (COA)
19. One centralized driveway shall replace the two existing driveways on Aviation Boulevard to reduce the number of vehicle conflicts. (COA)
20. One centralized driveway shall replace the two existing driveways on Marine Avenue to reduce the number of vehicle conflicts. (COA)
21. Additional parking spaces for the fast food restaurant are not shown in Phase III plan. Show minimum required number of parking spaces on site plan. (Revise Plan and COA.)
22. Proposed fast food drive-thru window shall be served by a 10' wide striped lane at least 100 feet long that does not encroach into the parking aisle. (COA) Show drive through lane on Phase III site plan.

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Angelica Ochoa, Assistant Planner
FROM: Erik Zandvliet, Traffic Engineer 
DATE: March 3, 2009
**SUBJECT: Proposed Gas Station/Food Mart/Car Wash/Coffee House
2301 N. Aviation Boulevard
Site Plan Review**

A multi-use Gas Station/Food Mart/Car Wash/Coffee House is proposed to replace the existing service station on the northwest corner of Aviation Boulevard and Marine Avenue. A review of the proposed site plan dated February 26, 2009 A&S Engineering has been made. The following comments have been prepared to address traffic engineering concerns:

1. The developer shall prepare a limited Traffic Impact Analysis to determine the potential traffic impacts of the development. The study shall include a comparison of project to existing trip generation, on-site access, property access and easements. If more than 50 new net trips are generated by the project during an adjacent street peak hour, a complete traffic impact study in accordance with the CMP and City guidelines will be required. (COA)
2. One centralized driveway on each property street frontage shall replace the four existing driveways to reduce the number of vehicle conflicts. (COA)
3. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the driveway wings. (COA and revise plans)
4. Code required parking shall be provided for all uses. Verify number of required and provided parking spaces. (COA)
5. Each drive-thru window shall be served by a 10' wide striped lane at least 100 feet long that does not encroach into the parking aisle as required by code. (Shown on plans and COA.)
6. Disabled parking must comply with current standards. One or more van size spaces are required for the first 25 spaces, with an additional standard disabled space for any fraction of the next 25 spaces. See CBC Chapter 11B, Div II and other ADA requirements. The accessible spaces shall be the closest spaces to the main entrance per ADA requirements. It appears two disabled spaces are required for 32 total spaces provided. (COA and revise plans).
7. The walkway across the front of the building must be at least four-feet wide. Four-feet wide clearance must be maintained at any outward swinging doors. (COA and revise plans)

8. Show an accessible walkway between the public sidewalk on Marine Avenue and the main entrance with a crosswalk across the exit drive-thru lane. No accessible walkway shall cross behind a parking stall per ADA requirements. (Revise plans and COA)
9. All unused driveways and undeveloped property frontages shall be reconstructed with curb, gutter and sidewalk. (COA)
10. Provide and identify commercial loading area on site plan. (COA and shown on plans.)
11. All compact spaces shall be labeled with "COMPACT" stenciled across the rear of the stall. (10.63.100A)
12. All parking spaces adjacent to an obstruction, except columns, must be at least one foot wider than a standard space. (MBMC 10.64.100B) (COA)
13. Parking stalls may encroach up to 2.5 feet into the adjacent landscaping planter, provided the planter is landscaped with low groundcover within the encroaching area.
14. 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 2.5 foot overhang shall be included in the stall length when calculating walkway widths abutting any parking stalls. (MBMC 10.64.100D) (COA)
15. All outside site lighting shall be directed away from the public right-of-way and shall minimize spill-over onto the sidewalks and street. Shields and directional lighting shall be used where necessary. (10.64.170 and COA)
16. A lighting illumination plan shall be submitted for the surface parking lot for approval by the Community Development Department. (MBMC 10.64.170) (COA)
17. Inbound and outbound movements at the driveways on Aviation Boulevard and Marine Avenue shall be restricted to Right Turns only and posted with signs as directed by the City Traffic Engineer. (COA)
18. The developer shall dedicate up to 16-feet along the entire Aviation Boulevard frontage to the City for a proposed southbound right turn pocket and public sidewalk. The developer shall construct new sidewalk and/or right turn pocket in the dedicated area according to current standards to the satisfaction of the City Traffic Engineer and Director of Public Works. (COA)
19. The developer shall dedicate up to 8-feet along the entire Marine Avenue frontage to the City for a full width sidewalk. The developer shall construct an 8' wide continuous sidewalk along the entire frontage. Show proposed right of way dedication and proposed sidewalk on all plans. (Revise plans and COA)
20. A ²⁵~~15~~ feet corner cut-off dedication shall be provided to the City at the southwest corner of Aviation Boulevard and Marine Avenue as formed by the future property lines. The developer shall construct sidewalk in the dedicated area and shall modify the pedestrian ramp according

to current standards to the satisfaction of the City Traffic Engineer and Director of Public Works. Show proposed right of way dedication and proposed sidewalk on all plans. (Revise plans and COA)

21. A continuous accessible sidewalk shall be provided behind the driveway approaches. If necessary, the property owner shall execute a pedestrian access easement for any sidewalk areas to be constructed inside the property line. (COA)
22. 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)
23. Provide a 15' unobstructed triangle of sight visibility on the northwest corner of Aviation Boulevard at Marine Avenue behind the ultimate property line extensions without walls, columns or landscaping over 36 inches high, tree trunks excepted. (MBMC 3.40.010) (COA)
24. Bicycle parking shall be provided at a rate of five percent (5%) of all parking spaces. (MBMC 10.64.80) (COA)
25. The parking lot shall be signed and marked to the satisfaction of the City Traffic Engineer. (COA).

COA – Condition of Approval

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Angelica Ochoa, Assistant Planner
FROM: Erik Zandvliet, Traffic Engineer
DATE: April 3, 2009
SUBJECT: **Proposed Gas Station/Food Mart/Car Wash/Coffee Drive-Thru
2301 N. Aviation Boulevard
Site Plan Review**

A multi-use Gas Station/Food Mart/Car Wash/Coffee Drive-Thru is proposed to replace the existing service station on the northwest corner of Aviation Boulevard and Marine Avenue. A review of the proposed site plan revised March 23, 2009 A&S Engineering has been made. The following comments have been prepared to address traffic engineering concerns:

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 new net trips in a peak hour.

Revised Site Plan Comments

2. One centralized driveway on each property street frontage shall replace the four existing driveways to reduce the number of vehicle conflicts. (COA)
3. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the driveway wings. (COA)
4. The drive-thru window shall be served by a minimum 10' wide striped lane at least 100 feet long that does not encroach into the parking aisle as required by code. (Shown on plans and COA.)
5. Disabled parking must comply with current standards. One or more van size spaces are required for the first 25 spaces, with an additional standard disabled space for any fraction of the next 25 spaces. See CBC Chapter 11B, Div II and other ADA requirements. The accessible spaces shall be the closest spaces to the main entrance per ADA requirements. It appears two disabled spaces are required for 32 total spaces provided. (COA).
6. An accessible walkway shall be provided between the public sidewalk on Marine Avenue and the main entrance along the front of the building with a crosswalk across the drive-thru exit lane. Four-foot wide clearance must be maintained around any outward swinging doors. (Revise plans and COA)
7. All unused driveways and undeveloped property frontages shall be reconstructed with curb, gutter and sidewalk. (COA)

EXHIBIT
PC 4/22/09 **G**

8. Provide and identify commercial loading area on site plan. (COA and shown on plans.)
9. Any compact spaces shall be labeled with "COMPACT" stenciled across the rear of the stall. (10.63.100A)
10. All parking spaces adjacent to an obstruction, except columns, must be at least one foot wider than a standard space. (MBMC 10.64.100B) (COA)
11. Parking stalls may encroach up to 2.5 feet into the adjacent landscaping planter, provided the planter is landscaped with low groundcover within the encroaching area.
12. 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 2.5 foot overhang shall be included in the stall length when calculating walkway widths abutting any parking stalls. (MBMC 10.64.100D) (COA)
13. All outside site lighting shall be directed away from the public right-of-way and shall minimize spill-over onto the sidewalks and street. Shields and directional lighting shall be used where necessary. (10.64.170 and COA)
14. A lighting illumination plan shall be submitted for the surface parking lot for approval by the Community Development Department. (MBMC 10.64.170) (COA)
15. Inbound and outbound movements at the driveways on Aviation Boulevard and Marine Avenue shall be restricted to Right Turns only and posted with signs as directed by the City Traffic Engineer. (COA)
16. The developer shall dedicate up to 16-feet along the entire Aviation Boulevard frontage to the City for a future southbound right turn pocket and public sidewalk. (COA)
17. The developer shall dedicate all property under its ownership currently used as street and sidewalk along the entire Marine Avenue frontage to the City. (COA)
18. A four-foot wide public pedestrian easement shall be granted to the City for an accessible walkway along the Marine Avenue frontage. The developer shall construct additional sidewalk within this easement where necessary to provide four-foot wide continuous sidewalk along the entire Marine Avenue frontage. (COA and shown on plans)
19. A triangular 25 feet corner cut-off dedication shall be provided to the City at the southwest corner of Aviation Boulevard and Marine Avenue as formed by the future property lines. Show proposed right of way dedication on all plans. (Revise plans and COA)
20. A continuous accessible sidewalk shall be provided behind the driveway approaches. The property owner shall execute a pedestrian access easement for any sidewalk areas to be constructed inside the future property line. (COA)

21. 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)
22. Provide a 15' unobstructed triangle of sight visibility on the northwest corner of Aviation Boulevard at Marine Avenue behind the ultimate property line extensions without walls, columns or landscaping over 36 inches high, tree trunks exempted. (MBMC 3.40.010) (COA)
23. Bicycle parking shall be provided at a rate of five percent (5%) of all parking spaces. (MBMC 10.64.80) (COA)
24. The parking lot shall be signed and marked to the satisfaction of the City Traffic Engineer. (COA).

COA – Condition of Approval

To: MB Planning Commission
From: Kate Budlong, MB Resident
Kate Budlong
1836 Marine Ave
Manhattan Beach CA 90266
310-545-1380
fax 310-545-0386
ksbudlong@earthlink.net

14 Apr 2009

Richard Thompson, Director of Community Development
Angelica Ochoa, Assistant Planner
City of Manhattan Beach
Manhattan Beach CA 90266

Subject: Proposed Modifications of Chevron Station, NW corner Marine & Aviation

Dear Mr. Thompson and Ms Ochoa,

To follow up on our conversation earlier in the month, and in response to the mailing from the City on the subject, I am providing feedback on the proposed modifications to the Chevron Station on the NE corner of Marine and Aviation. Last week I spent about an hour and a half at City Hall reviewing both the environmental report and the associated drawings. I was concerned to note that in no instance in the environmental report was any issue raised above "less than significant". I believe this report to be in error in several respects and to have glossed over several important aspects of this proposed project.

Following are some general comments, followed by specific items directly responding to the environmental report and the drawings.

There are three parts:

A – Background-History, B – General Comments, C – Detailed Comments.

I would like to respectfully request that the City of Manhattan Beach slow their seeming rush to constantly increased retail, (Metlox, new pay-to-play ball fields, increase in MB Village shopping center, Chevron Station) and concentrate on ensuring that the quality of life for its residents in this once lovely small town is maintained. If you need to put the taxes up to make ends meet then let's all vote on that, but let's not just eat the town bit by bit until there is no lovely small town left at all.

Please feel free to contact me at the above phone/fax/email as needed.

Sincerely,

Kate Budlong
Neighborhood Watch Block Captain – 1800 Block Marine



To: MB Planning Commission
From: Kate Budlong, MB Resident

Notification:

The City is required to send out notices of these proposed changes and of the upcoming Wed 22 Apr 09 meeting on the subject. These notices are required to go to any neighbors within a 500 foot radius of the affected property. So far as I can determine by interviewing various neighbors, these notices did not go to any but a very small handful of neighbors, those directly across the street from the Station. The 500 foot limit should at the very least have taken in most of the 1800 block of Marine as well as houses behind them on 23rd Street. People I have spoken to had no idea of either the proposed changes or the upcoming meeting. I would hope additional notifications, in accordance with at least the 500 foot requirement, would be promptly issued. In addition, this is a project of potentially large community impact, so a more wide-spread notification would be much more community minded.

A – Background - History

The current Chevron Station was here when I moved into my house 21 years ago. At that time the real estate agent very nearly didn't show me the house at all as she deemed the proximity to this station a major disadvantage to the location. I bought the house in spite of things as it is a nice house, and was substantially cheaper than any other similar property in the area. When I moved in, and for many years afterwards, the Chevron station closed at 10 pm.

Some years ago the station decided, unilaterally, to remain open for 24 hours. I brought this to the attention of the City and was told (among many variants) that, although an original permit had apparently allowed 24 hour operation, since the station had not operated on a 24 hour basis for many years any change from the then current closure of 10 pm would have to be subjected to a planning commission review and community input. The station representatives then approached City Hall, and a private arrangement was made between the City and the Station, with no review or any public input, allowing the station to close at midnight and re-open at 5:30 am. This was a totally private agreement between one City planner (who then retired) and the Station.

The Station has (more or less) adhered to the midnight to 5:30 am closure ever since.

A few years ago (2-3 or so) the Station, again without any input from the community, decided to install extremely bright area lighting. This lighting was a major nuisance and shone directly into area homes. Again we neighbors appealed to City Hall and the Station took some alleviating measures.

B – General Comments

1. Property values

Property values in this area are dropping. The houses on the eastern half of the 1800 block of Marine are directly across the street from the Chevron Station. One house on the exact corner (1856) has been on and off the market for some years, only recently finding a buyer. The proximity of both an increasingly busy corner and a large gas station has unquestionably devalued this area. A large increase in retail activity will certainly cause a major further drop in already depressed area housing values. The City needs to take some measures to protect homeowners from encroachment by massive increases in retail operations.

2. 24 hour Operation – Gas Pumps & Mini-Mart

This is a residential area. The City has not so far (to my knowledge) allowed 24 hour retail operations in such close proximity to a residential neighborhood. A 24 hour establishment, especially one selling beer and wine (I note that the latter aspect is proposed to end at 10 pm, see below), attracts middle of the night customers who are not generally a desirable addition to a residential area, particularly one which has seen burglaries, theft, and vandalism on the rise. We need more help, not less in keeping our neighborhoods safe.

The proposed environmental report states that no on-site food preparation or consumption is planned, but there is a very long “coffee bar” on the mini-mart plans which is much longer than a self serve coffee area would require and can easily serve as a consumption area. There is a designated “deli” section which I assume is a refrigeration unit but that is not made clear by the drawings.

Of course there is the issue of people consuming whatever they just bought (including beer and wine) in their cars in the parking lot.

3. Other Hours of Operation

Car Wash

Car washes are notoriously noisy. There is absolutely no need for the 6 am opening or 9 pm closure. Propose that the car wash hours be restricted to the same hours as construction in the City, namely 7:30-6 weekdays, 9-6 Saturday, closed Sunday.

Drive-Through Coffee Area

Again, there is no need for such an early opening. Local businesses are either not opening (or not changing shifts) this early so “catching the commuter traffic” (an excuse given for the current 5:30 am gas pump opening) is hard to justify. Propose 6 am to 9 pm.

Alcohol Sales

There is no need for an additional outlet for alcohol sales in this area. There are plenty of grocery stores in the immediate vicinity selling beer and wine. The concern here is that a loosely controlled mini-mart will become a beacon for underage drinkers. There is also the problem of alcohol consumption in parked cars, with the newly provided parking spaces an invitation. It is not clear that the mini-mart will be staffed up to a level which permits the monitoring required for alcohol sales. The current late night staffing at the Station is only one individual. Recommend that NO alcohol sales be permitted.

To: MB Planning Commission
From: Kate Budlong, MB Resident

4. Previous Record

The Chevron Station does not have a very good record of abiding by community agreements, or laws for that matter. From changes in hours without notice, addition of new overly bright lighting, and even hiring landscaping contractors routinely using leaf blowers, they have not proved to be particularly good neighbors. They have a history of “pushing the envelope” whenever they deem it advantageous. Based on this history, I am concerned that any future agreements between the City and the Station, as to lights, hours, noise, public notification of changes, and other community impacts, may not be respected. So far enforcement of some of the above has come only at the pleading of the local community. I realize that several different owners of the Station have been involved over the years, and not all have been responsible for these activities, but the past record is non-the-less discouraging.

5. Vehicle Traffic

When I moved here in 1988, Marine, though already a main road with a 45 mph speed limit, was still navigable. I could enter my driveway directly and back out (with caution). In the intervening years, and especially after the huge retail build-up on Rosecrans, Marine has become a major thoroughfare, picking up the diversion traffic from people who (rightly) avoid the massive congestion of Rosecrans. Even though the speed limit was dropped to 35 mph some years ago, I now find that the only “safe” way for me to use my driveway is either to back in (scary at best), or make a thousand K turns in the driveway, so I can exit forward. Backing onto Marine is outlandishly dangerous.

The new configuration of the Chevron Station shows driveways on both Aviation and Marine, but with a very circuitous route through the Station for flow of traffic to/from the car wash and the coffee drive-through, not to mention gas pump and mini-mart traffic. One might suppose, from the drawings, that traffic is expected *from* Aviation *to* Marine, as any other arrangement is difficult to imagine based on the drawings. The current station has entry from southbound Aviation and exit on westbound Marine, but the traffic within the Station is not funneled toward Marine in quite so specific a manner as the proposed plans would indicate for the new Station.

Traffic on Marine will certainly be impacted by this new flow. Though this exit traffic will be west-bound (Marine being a divided road), a large portion of this traffic will likely be trying to continue their trip on Aviation (the way they entered the Station), and thus will be increasing the east-bound Marine traffic, and this potentially in the wee hours of the night. At that hour traffic, now, is extremely quiet. This traffic will be exacerbated by the mini-Mart’s sale of beer and wine.

6. Lights

The lights from the current gas station shine into area homes. The plans for the new Station are not very specific about lighting, except for signage and pump canopy lighting. The new canopy will be quite high, with lighting rather ambiguously defined. Overflow lighting from this canopy is certainly possible, as well as general annoyance from large signage. One point not clear from the drawings is possible site lighting. I could find no indication of general site lighting from the drawings. If past history is any indication, this might be quite bright and certainly an impact on the neighborhood. Certainly it needs to be more clearly defined.

To: MB Planning Commission
From: Kate Budlong, MB Resident

7. Noise

The current station's operations are relatively quiet. The garage work is usually indoors, while the pump operations are not generally noise generating. Cars with bright headlights at the air pumps, and loud radios, can sometimes be annoying but by and large these are not massive impacts. The new ball fields to the immediate west of the station have a much greater impact in both overflow lights and racket from screaming fans. The new Station configuration might easily generate more noise, as there is a car wash (not know as a quiet item), and a reason for large numbers of people to be either sitting in cars (consuming of items from mini-mart), or in lines (car wash, coffee drive-through). Loud radios and traffic, especially in the "wee hours" will certainly be an impact on the immediate neighborhood. The main concern, then, is the 24 hour aspect.

C – Specific Comments to Environmental Report

1. Earth

Agreed, that this will probably have no major earth related aspects.

2. Air

Creation of objectionable odors is considered negative on the basis that no food will be prepared on site. I do note though that the mini-mart plans leave the preparation of food aspect somewhat ambiguous. This needs to be clarified.

3. Water

Wouldn't the creation of a car wash, presumably drained adequately, impact the water use in Manhattan Beach at a time when water is an increasingly scarce commodity. What about increased load on the sewer systems? Where does the car wash water come from and go?

4. Plant Life

Agreed that there should be no impact

5. Animal Life

Agreed that there should be no impact

6. Noise

There will not just be construction noise. This has been very oversimplified. Yes, there will be construction noise, but see my notes in Section B Item 7 for noise concerns.

7. Lights and Glare

The current Station has an undesirable impact on the neighborhood. Based on past experience with City projects (re: adjacent ball fields) the lighting and glare regulations are not sufficient for this close proximity to housing, and that is assuming the ball fields meet these requirements, which might bear checking. See my comments above about lights, and past history of unregulated site lighting. (Section B. 6)

To: MB Planning Commission
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8. Land Use

This is zoned "General Commercial" but this new use is a major escalation from the former one. This is most definitely more than a "less than significant impact" to the area. That impact is why I have gone to the trouble of writing this report.

9. Natural Resources

Again I ask the question about water use. Where does the car wash water come from and go?

10. Risk of Upset

A gas station is by nature more hazardous than other types of businesses.

It might be argued that a gas station in close proximity to a mini-mart with consequent increase in both pedestrian and vehicular traffic, and a rather congested traffic pattern, could cause an increased hazard in the event of a gas pump accident.

Evacuation of the site in case of accident will be more difficult for the new configuration. Many vehicles could be parked on site near the gas pumps, or "trapped" in various drive-through situations (car wash or coffee drive-through). In the event of a gas pump fire evacuation of on-site people and cars will be difficult, and maneuvering of emergency vehicles almost impossible. In addition, the underground tanks overlap the mini-mart parking so an emergency during tank filling would impact everyone on site.

Provisions need to be made so that tank filling can occur without impact to personnel. The current layout and traffic pattern is very crowded around the fill tanks.

11. Population

The "service" provided (according to the environmental report) is not one that is either needed nor welcomed by the adjacent population. It is a "service" that is disruptive, and it duplicates many similar, better planned services, available in the near vicinity.

12. Housing

As noted above, this new construction will have an adverse impact on local property values and general quality of life in the area. It will not create a "demand for additional housing" but in fact will probably result in the eventual degradation of a viable neighborhood.

13. Transportation/Circulation

See my notes above Section B 5 and others.

- a. It is expected that this will generated increases in vehicle traffic well above "less than significant impact" levels. We on Marine have experience with previous "less than significant impact" levels defined in recent traffic studies, and are experiencing the opposite.
- b. It is expected that Station customers westbound on Marine will park opposite the Station and run across. This is both dangerous to them, and a nuisance to the local residents whose street parking situation is already dire.
- c. See traffic impact noted above (B-5)
- d. See traffic impact note above (B-5)

To: MB Planning Commission
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- e. Agreed, none
- f. See traffic impact note above (B-5). A pedestrian or bicycle anywhere in the vicinity of the Station takes his life in his hands right now. With the new system and all the coming and going with undefined traffic flow patterns, this has the potential for being much more dangerous. If these “safe on-site loading, pedestrian circulation and bike parking” will be incorporated it should have been shown on the plans before this was submitted to a public meeting. This is an area that requires much more scrutiny.

14. Public Services

- a. Fire protection- see evacuation notes above (C-10)
- b. Police protection see notes about overnight people traffic (B-2), and wine/beer control
- c. Schools – no impact except that the wine/beer and late nights might be a beacon for underage activities.
- d. Parks or other recreational facilities – no impact
- e. Maintenance of public facilities – no impact
- f. Other government facilities – no impact

15. Energy

No impact beyond extra lighting and water use.

16. Utilities

Water/sewer use?

17. Human Health

No impact

18. Aesthetics

Potential for degradation of environment. No scenic views involved but “beautification” remains to be assessed in later plans.

19. Recreation

No recreation opportunities exist in the current site so no impact.

20. Cultural Resources


There are none at the current site and this certainly won't add any.


21. Mandatory Findings of Significance

I find this Environment Impact Report very over simplified in its approach to the issues at hand. There are many “findings of significance”.

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Angelica Ochoa, Assistant Planner 

DATE: May 27, 2009

SUBJECT: Consideration of Use Permit to Construct a New Gas Station, "24-Hour" Food Mart with Beer and Wine Sales, Self-Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard (Sheikhpour/Chevron).

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the **CONTINUED PUBLIC HEARING** and **APPROVE** the project subject to conditions contained in the attached draft Resolution (Exhibit A).

APPLICANT/OWNER

Freydoun Sheikhpour
2301 North Aviation Boulevard
Manhattan Beach, CA 90266

Ahmad Ghaderi, Applicant's Representative
A & S Engineering, Inc.
207 West Alameda, Suite 203
Burbank, CA 91502

PROJECT BACKGROUND

The project proposal as presented to the Planning Commission on April 22, 2009 was to:

- Demolish the existing auto service station/mini-mart building, 4 fueling islands with 8 gas pumps and existing underground storage fuel tanks.
- New 3,800 square foot food mart/specialty coffee service area with drive-through
- New underground storage fuel tanks
- 4 new fueling islands with 8 gas pumps
- New 1,980 square foot self-serve car wash
- Off-site sale of beer and wine

Just prior to the April 22, 2009, the applicant revised the original project description to eliminate the specialty coffee service and drive-through window and reduce the square footage of the food mart by 600 square feet. At that meeting, the Planning Commission, (Exhibit B, minutes excerpt dated April 22, 2009), after discussion and public testimony was received, requested that the applicant meet with staff to review the new project details, design and plans. Other outstanding issues as a result of the public hearing were lighting

impacts to the adjacent neighbors on Marine Avenue, after hour security procedures for Marine Park, the operating hours for all proposed uses on the subject site and complying with the City sign code. Also, the Planning Commissioners requested that staff provide information on operating hours, beer and wine, and signage for all gas stations in the City to compare site conditions. Staff has provided a chart for all Manhattan Beach gas stations and a map of their locations. The 24 hour operation for fueling stations and limited hours for alcohol sales is consistent with other gas stations located in the City (Exhibit C).

Generally, the Planning Commission was in support of the project but still felt that the proposed 24 hour operation of the gas station/food mart, the beer and wine sales with close proximity to residential and Marine Park, noise from the overall site, lighting spill over from the property and security measures were outstanding issues that the applicant should address. The Planning Commission also suggested that staff meet with the Department of Parks and Recreation and Police to identify any crime activity or nuisance issues to consider the relationship to the proposed for beer and wine sales.

PROJECT DETAILS

The applicant has revised the project proposal (Exhibit D) and met with staff regarding the changes since the Planning Commission of April 22, 2009. Specifically, the changes, highlighted in bold and underlined, include limited access to the food mart after 10 pm, limited display areas of beer and wine, reduced size of food mart, removing the specialty coffee service and drive through, reducing the number of parking spaces due to a decrease in square footage of the food mart, complying with the maximum allowed signage, and increasing the total landscaping on the subject site.

	<u>Proposed</u>	<u>Revised</u>
Building Floor Area:	3,800 sq. ft. food mart Coffee area with drive through 1,980 sq. ft. self-serve car wash	<u>3,200 sq. ft. food mart</u> <u>Removed</u> Same
Parking:	29 spaces	<u>25 spaces</u> (1)
Hours of Operation:	Fueling stations – 24 hours Food mart – 24 hours Drive-through coffee area – 5 am to 10 pm Self-serve car wash – 6 am to 9 pm Beer and wine sales – 7 am to 10 pm	Same <u>5am to 10pm, inside</u> <u>10pm to 5am, window</u> <u>Removed</u> Same Same
Signage:	787.11 square feet	<u>Will comply with City</u> <u>Sign code</u> (2)
Landscaping:	7,853 sq. ft. (19%)	<u>11,157 sq. ft. (28.17%)</u> (3)

(1) Parking (**required 24**) based on 39,620 sq. ft./2 = 19,810 sq. ft./2500 sq.ft.; 3,200 s.f. food mart/coffee area.

(2) Signage (**maximum allowed 400 sq ft.**) based on Municipal Code Section 10.72 050. Pole sign counts

twice per face with a total of 704.00 square feet. Applicant will revise existing pole sign and new signs to comply with required signage.

- (3) Landscaping based on Municipal Code Section 10.16.030 (I) that requires 8% landscaping of entire site.

DISCUSSION

The Planning Commission felt that in order to meet the Use Permit findings and approve the subject proposal, the outstanding issues must be resolved or mitigated. The applicant met with staff and revised the project proposal, the site layout to provide pedestrian friendly access, added landscaping to buffer sound and noise from residents, added security measures, beer and wine limitations, low level lighting near residences and revised operating hours to lessen any impact to the nearby neighborhood. The applicant has submitted a revised proposal to address the Planning Commission, staff and the residents' concerns that include the following:

Hours of Operation

- The hours of operation for the food mart were revised from 24 hours to only allow in-store access from 5am to 10pm. Between 10pm and 5am transactions for gasoline sales will be available through an outside window only. Limited food mart items only within reach of grave yard cashier will be sold at the window drawer between 10pm and 5am. No inside access will be available to the food mart after 10pm. All operating hours for the other uses will remain as originally proposed.

Beer and Wine

- Beer and wine sales will be limited from 7am to 10pm. Beer will be dedicated to only three cooler doors and two gondola end caps for wine. No beer and wine will be sold after 10pm and beer cooler doors will be locked. No access to beer cooler doors will be given to the graveyard cashier on site after 10pm. No singles will be sold, no advertised beer and wine "specials" signs will be displayed and there will be no separate displays of beer and wine.

Signage

- The applicant will comply with the total maximum signage per the City sign code. The applicant will modify the existing pole sign by reducing the width and height to comply with the total required signage.

Intensity of uses

- The applicant reduced the number of proposed uses by eliminating the specialty coffee area with drive through service.
- The applicant reduced the size of the food mart from 3,800 square feet to 3,200 square feet since the specialty coffee service and drive through were removed from the project proposal.

Security

- The applicant will install a total of 16 cameras inside and outside of the buildings for security purposes. Staff will require graffiti resistant building exteriors or graffiti resistant coating.

- The applicant will also install a walkway for pedestrian access from the existing walkway adjacent to Marine Park onto the subject property. Also, an open design fence will be installed between Marine Park and the subject property as well as a landscape buffer for crime and trash prevention.
- There will be a total of 7 employees and three shifts. Each shift in the morning and afternoon will have a minimum of 2 employees, plus the manager. The graveyard shift will have only one employee.

Noise and Lighting

- A revised acoustical report (Exhibit E) has been prepared that includes the impacts to the residential development in the City of Hawthorne, located on Aviation Boulevard, northeast of the subject site. According to the acoustical report, the noise from the car wash will not impact this development since at the highest noise level, it is still within the City of Manhattan Beach noise ordinance standards. The car wash will also be placed towards the north side of the property, which is farthest away from the residences in the City of Manhattan Beach on Marine Avenue.
- The applicant will install low level lights near Marine Avenue, wall packs on the building and light pole standards around the parking area. All lighting on the subject site will be shielded and directed away from residents.
- The applicant has provided more landscaping to buffer any sound and noise issues per the attached revised plans.

Other Departments Input

Staff met with the Department of Parks and Recreation and Police regarding Marine Park hours and security procedures. According to the Department of Parks and Recreation, all scheduled games at the park end at 10pm and the park closes and is locked at 10:15pm. All use of Marine Park requires prior reservations paid by the user group. The Parks and Recreation staff will contact the Park Services Enforcement officer if any crime related situation arises. The Park Services Enforcement officer handles these situations and the Police Department is contacted if needed. According to the Park Services Enforcement officer, all situations are usually handled at this level and the Police Department is rarely contacted. There have been some beer and wine issues with the adult groups during games but it has never escalated to a major issue. These issues are usually handled by the park supervisors with little or no resistance (Exhibit F). The applicant has made changes to limit the display area of beer and wine and limit how it is sold to address beer and wine issues. The Park Services Enforcement officer and the Police Department agree with the conditions and the overall operation of the project as proposed.

The Public Works/Engineering Departments is requiring dedications for future street improvements on Aviation Boulevard and Marine Avenue. Also, they are requiring improvements for handicap access and public pedestrian walkway easements that will be required to be completed during construction of the project. The Fire Department had no specific conditions for the project other than the standard requirements. The Building Department will require that the project comply with SUSMP (Standard Urban Storm Water Mitigation Plan) requirements.

All specific Department conditions have been included in the draft Resolution and Department requirements will be addressed during the plan check process if the Planning Commission approves the project.

Public Input

Three residents provided public testimony at the Planning Commission public hearing on April 22, 2009. The main issues of concern were the 24 hour operation of the gas station and food mart, lighting and noise impacts, close proximity of beer and wine sales to Marine Park and residential, and an increase in traffic onto Marine Avenue and Aviation Boulevard.

Staff feels the applicant has addressed all of the above issues stated by residents at the public hearing and the issues raised by staff and the Planning Commission. Conditions have also been placed in the resolution to further address these issues.

Use Permit

If the project is approved, the Use Permit would include the conditions listed in the attached draft resolution that would mitigate significant issues associated with the subject proposal. The Planning Commission must make findings provided in the Draft Resolution in accordance with Section 10.84.060 for the Use Permit, if the project is approved. The Planning Commission, as part of approving the use permit for the subject project, in accordance with Section 10.84.070 can impose reasonable conditions, as detailed in the Draft Resolution.

CONCLUSION

Staff feels that the applicant has addressed all of the following issues related to the subject proposal:

- 1) Reduced number and intensity of uses
- 2) Reduced hours of operation for food mart
- 3) Limited beer and wine sales
- 4) Reduced total signage, no sign exception needed
- 5) Low level shielded lighting
- 6) Revised acoustical report to include all adjacent residential uses

The attached revised plans submitted by the applicant provide in detail the new site layout, floor plan with no coffee service or drive through, and elevations of the new fueling island canopies, the car wash building and the food mart building.

If the project is approved, conditions have been included in the attached Draft Resolution to mitigate any issues of concern. Staff feels that the conditions stated in the Resolution address all of the issues and Staff supports the project based on these conditions.

ALTERNATIVES

The alternatives to the staff recommendation available to the Planning Commission include:

1. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return a draft Resolution.

2. **APPROVE** the project subject to public testimony received, based upon appropriate findings, and **APPROVE** the attached draft Resolution.

Attachments:

- A. Draft Resolution PC 09-
- B. Minutes excerpt dated April 22, 2009
- C. Chart and map of City wide gas stations
- D. Applicant's revised project proposal
- E. Acoustical report dated May 18, 2009
- F. Comments from Department of Parks and Recreation
Plans/photos (separate) not available electronically

- c: Frydoun Sheikpour, property owner
Ahmad Ghaderi, Applicant's Representative/Engineer

DRAFT RESOLUTION NO. PC 09-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT TO REPLACE AN
EXISTING CHEVRON SERVICE STATION WITH A NEW SERVICE
STATION TO INCLUDE A FOOD MART WITH BEER AND WINE SALES
AND A SELF-SERVICE CAR WASH ON THE PROPERTY LOCATED
AT 2301 NORTH AVIATION BOULEVARD (Chevron Products Co.)**

**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 April 22, 2009 and May 27, 2009, considered an application for a use permit to replace an existing service station, auto repair bays and mini-mart with a new service station to include a food mart with beer and wine sales and a self-service car wash on the property legally described as portion of the south 60 acres of lot 1 in section 19, as shown on the partition map showing property formerly of the Redondo Land Company, in the City of Manhattan Beach, as shown as Parcel 3 on record of survey map filed in book 83 pages 53 and 54 of records of survey located at 2301 North Aviation Boulevard in the City of Manhattan Beach.
- B. Said public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The application was filed on April 3, 2007. The applicant for the subject project is Freydoun Sheikpour, the owner of the property.
- D. The subject project was found not to have a significant effect on the environment after an Initial Study was conducted and therefore a Negative Declaration was proposed per CEQA (California Environmental Quality Act) Guidelines.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned CG Commercial General. The surrounding land uses consist of single family residential to the south, parks/open space uses to the west, industrial uses to the north, office and residential uses to the northeast in the City of Hawthorne, and industrial and office uses to the southeast in the City of Redondo Beach.
- G. The General Plan designation for the property is General Commercial. The General Plan encourages private investment in the City's commercial areas, and encourages the use of landscaping, notches, and architectural details as provided in this project.
- H. Approval of the replacement of an existing service station with a new service station, 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, dedicating street improvements on Aviation Boulevard and Marine Avenue, providing aesthetic enhancements with conforming landscaping and signage.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The service station replacement 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.

EXHIBIT A
PC Mtg. 5/27/09

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- K. A determination of public convenience and necessity is made for the proposed off-sale beer and wine license (as conditioned below), which shall be forwarded to the California Department of Alcohol Beverage Control upon the effectiveness of this project approval.
- L. This Resolution is intended to supersede all previous use permit approvals for the subject service station use. (BZA 88-28 and PC 97-8).

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 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 retail uses for a full range of retail and service businesses.

The proposed project is located within the (CG) General Commercial district, and will replace an existing service gas station, auto repair bays and mini-mart.

- 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 new gas station, food mart and self-service car wash as conditioned 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 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 commercial use. The new use is intended to provide a better variety of services to the community.

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

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

- 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 is already developed as a service station, auto repair bays and mini-mart and the proposed new gas station, food mart and self-service car wash will not adversely impact nearby properties. The new use will comply all of the City's Code requirements and conditions have been placed in this resolution to ensure any impacts do not affect the surrounding residences and neighborhood. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities.

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.

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Specifically, the project is consistent with the following Goals of the General Plan as summarized below:

- Policy LU-1.2: Encourage the design of all new construction to utilize notches or other architectural details to reduce building bulk.*
- Policy LU-1.3: Require the use of landscaping and setbacks to reduce the bulk in new buildings and add visual interest to the streetscape.*
- Policy LU-2.1: Develop landscaping standards for commercial areas that unify and humanize each district.*
- Policy LU-3.1: Continue to encourage quality design in all new construction.*
- Policy LU.3.5: Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.*
- 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-5.7: Recognize the unique qualities of mixed use areas, and balance the needs of both the residential and commercial uses.*
- Policy LU-6: Support and encourage small businesses throughout the City.*
- PolicyLU-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.*
- 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-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.*
- Policy LU-9.1: Provide zoning regulations that encourage neighborhood-oriented businesses within these areas.*
- Policy LU-9.2: Encourage and support ground floor retail and service uses on properties designated for commercial use.*
- Policy I-2.7: Monitor and minimize traffic issues associated with construction activities.*
- Policy I-3.8: Monitor and minimize parking issues associated with construction activities.*
- Policy I-4.2: Carefully review commercial development proposals with regard to planned ingress/egress, and enforce restrictions as approved.*

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit application 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 project description and plans as approved by the Planning Commission on May 27, 2009.

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Any substantial deviation from the approved plans must be reviewed by the Department of Community Development to determine if approval by the Planning Commission is required.

2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. * A site landscaping plan, consistent with the project rendering on file with the Community Development Department, utilizing drought tolerant plants and mature box sized trees shall be submitted for review and approval concurrent with the building permit application. On the west side of the food mart, low landscaping, trees and an open design fence shall be installed. 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.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to building final.
8. * Circulation and parking improvement design shall be subject to the review of the City's Traffic Engineer and Director of Community Development.
9. * Security lighting for the site shall be provided in conformance with Municipal Code requirements including applicable height limits, glare prevention design and low pilaster lighting only adjacent to Marine Avenue. The applicant shall submit a lighting and photometric plan which shows the location of the proposed low level lights, wall packs and light pole standards 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 residential on Marine Avenue and the public right-of-way and shall minimize spill-over onto the sidewalk and street. Shields and directional lighting shall be used where necessary.
10. * Property line clean outs along Marine Avenue, 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.
11. 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.

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12. Sidewalks shall be replaced or installed around the entire site pursuant to the requirements of the Public Works Department.
13. Deliveries shall be between the hours of 7:00 a.m. and 9:00 p.m. for non-petroleum (fuel) deliveries.

Operational Restrictions

14. * The facility shall operate as a vehicle service station use with food and beverage sales and automobile washing. Auto maintenance use and vehicle storage shall be prohibited.
15. * Beer and wine sales shall be limited to retail beer and wine sales for off-site consumption only. No singles will be sold, no advertised beer and wine "specials" signs will be displayed and there will be no separate displays of beer and wine.
16. * Operation of the fueling facility shall be permitted 24 hours daily. Operation of the food mart (food and beverage sales) shall be permitted from 5am to 10pm daily, with limited sales through window access only between 10pm and 5am. Operation of the self-serve car wash shall be permitted between 7am to 9pm daily. Beer and wine sales shall be permitted from 7am to 10pm daily.
17. * 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.
18. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns inside and outside the subject businesses, including but not limited to security cameras and graffiti coating/resistant surfaces on the outside of the buildings.
- 19.* The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval.
20. * All signs shall be in compliance with the City's Sign Code. The existing pole sign must be modified to meet the required signage area and height per the City's Sign Code. The pole sign must be relocated to private property or removed and replaced at the request of the City and at the expense of the applicant when future street dedication is required by the City. All new signs shall be subject to Community Development Department approval as part of a comprehensive sign program.
21. * Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
- 22.* Any outside sound or amplification system or equipment is prohibited, except speakers used exclusively to communicate individually with customers at gasoline pumps, the self-service car wash and the cashier on an as-needed basis.
- 23.* A permit is required for any outdoor display of merchandise.
- 24.* The self-service car wash shall provide a water recirculation system as part of water conservation practices. Any activity involving the use of water shall include and promote sustained efforts of water conservation, consistent with Ordinance No. 2122, and subject to the Department of Public Works approval.
25. Plans shall incorporate sustainable building components into the building and site design. The plans may include, but not be limited to LEED (Leadership in Energy and Environmental Design) and Built-It-Green components, permeable pavement, energy

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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.

Public Works

- 26.* 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.
27. All landscape irrigation backflow devices must meet current City requirements for proper installation.
28. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
29. 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.
30. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
31. If any existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
32. A mop sink must be installed and shown on the plumbing plan.
33. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trashcan cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
34. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
- 35.* A grease interceptor must be installed and placed into a maintenance program with regular inspections and removal of grease buildup, if required by the Public Works Department.
36. 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, Community Development Department and City's waste contractor before a permit is issued. See Standard Plan ST-25.
37. Commercial establishments are required, by municipal code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.
38. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public

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Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. The plans must have a profile of the driveway, % of slope on driveway, and driveway elevations. The combined slope of public and private approach shall not exceed 15%.

- 39.* A disabled access ramp must be installed on the public sidewalk. A triangular 25 feet corner cut-off dedication shall be provided to the City at the southwest corner of Aviation Boulevard and Marine Avenue as formed by the location of the future property lines after the required dedication. Proposed right of way dedication for disabled access ramp must be shown on all plans. When the City accepts the dedication, the applicant shall submit a metes and bounds description and a current appraisal of the dedication area subject to the approval of the Public Works Department.
- 40.* The sidewalk must be replaced from the north property line to the south property line on Aviation Boulevard and from the west property line to the east property line on Marine Avenue and shown on the plans. A continuous accessible sidewalk shall be provided behind the driveway approaches. The property owner shall execute a pedestrian access easement for any sidewalk areas to be constructed in areas that will become private property after the street dedication,(i.e. inside the future property line).
41. It is the contractor's responsibility to protect all of the street signs surrounding the premises. If any sign is damaged, lost or removed it is the responsibility of the contractor to replace and/or repair and/or relocate the sign at the contractor's expense. The contractor is also responsible for any street markings that are removed due to excavation of other work in the street.
42. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
43. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway, or other vehicle access areas.
44. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
- 45.* Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
- 46.* All new storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
- 47.* Water from the car wash must be contained on site and not allowed to enter the storm drain system.
- 48.* A clarifier or catch basin filtration system (Fossil Filter or equal) drop-in catch basin insert must be installed subject to Public Works approval.
- 49.* Before the utility pole or street lights can be relocated, approval from PPIC and City Council and a building permit must be obtained.

Traffic Engineering

50. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the driveway wings.

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51. An accessible walkway shall be provided between the public sidewalk on Marine Avenue and the main entrance along the front of the building. Four-feet wide clearance must be maintained around any outward swinging doors.
52. All unused driveways and undeveloped property frontages shall be reconstructed with curb, gutter and sidewalk.
53. Provide and identify commercial loading area on site plan.
54. Parking stalls may encroach up to 2.5 feet into the adjacent landscaping planter, provided the planter curb is low and the planter is landscaped with low groundcover within the encroaching area.
- 55.* Inbound and outbound movements at the driveways on Aviation Boulevard and Marine Avenue shall be restricted to Right Turns only and posted with signs as directed by the City Traffic Engineer.
- 56.* The developer shall submit an Irrevocable Offer to Dedicate up to 16-feet along the entire Aviation Boulevard frontage to the City for a future southbound right-turn pocket and public sidewalk to the satisfaction of the City Traffic Engineer and Director of Public Works. In the future, when the City accepts the dedication, the applicant shall submit a metes and bounds description and a current appraisal of the dedication area subject to the approval of the Public Works Department.
- 57.* The developer shall dedicate all property under its ownership currently used as street and sidewalk along the entire Marine Avenue frontage to the City. When the City accepts the dedication, the applicant shall submit a metes and bounds description and a current appraisal of the dedication area subject to the approval of the Public Works Department.
- 58.* A four-foot wide public pedestrian easement shall be granted to the City for an accessible walkway along the Marine Avenue frontage. The developer shall construct additional sidewalk within this easement where necessary to provide a four-foot wide continuous sidewalk along the entire Marine Avenue frontage.
- 59.* A continuous accessible sidewalk shall be provided behind the driveway approaches both on Aviation Boulevard and Marine Avenue. The property owner shall execute a pedestrian access easement for any sidewalk areas to be constructed inside the future property line.
60. The parking lot shall be signed and marked to the satisfaction of the City Traffic Engineer.

Building

61. The project must comply with all 2007 California Codes, State codes and ADA disabled access requirements.

Procedural

62. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.

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63. 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.
64. 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.
65. 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 May 27, 2009 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

Commissioner Fasola indicated that he would also like for the City Council to consider funding improvements to Begg Pool.

Chairperson Seville-Jones commented that Begg Pool is one of a list of unfunded capital improvement projects. She said that she does not have sufficient information for priorities for unfunded projects, as the Commission was not provided with a list of potential projects. She suggested that the list of unfunded projects be provided along with the CIP when it comes before the Commission next year.

Director Thompson pointed out that the role of the Commission is not to prioritize projects but rather only to determine consistency of the plan with the City's General Plan.

Commissioner Lesser commented that he recognizes that the role of the Commission is limited to finding consistency of the CIP projects with the General Plan. He indicated that he can make the finding of consistency for each of the projects. He commented that he appreciates Chairperson Seville-Jones' comment regarding the issue of authorizing funds in advance for the energy audit improvements. He stated, however, he finds that the process is consistent with the General Plan, in that it allows for funding to be available to implement any necessary improvements.

Commissioner Fasola said that he feels the Commissioners should see the potential projects that are not funded in order to have a context for the CIP and would suggest that the list of unfunded projects be provided to the City Council.

Director Thompson said that the list of unfunded projects will be provided to the Council. He pointed out that the purpose of the Commission is to consider the description of the projects rather than the funding.

Chairperson Seville-Jones indicated that she also finds the projects included in the document are consistent with the General Plan.

Action

A motion was MADE and SECONDED (Lesser/Fasola) to **APPROVE** a Determination of Consistency of the Proposed Fiscal Year 2009-10 Capital Improvement Plan (CIP) with the City of Manhattan Beach General Plan

AYES: Fasola, Lesser, Paralusz, Chairperson Seville-Jones
NOES: None
ABSENT: None.
ABSTAIN: None.

04/22/09-3 Consideration of Use Permit to Construct a New Gas Station 24-Hour Food Mart with Beer and Wine Sales, Drive-Thru Coffee Area and Self Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard

Assistant Planner Ochoa summarized the staff report. She commented that the applicant has provided a sound analysis report since the staff report was written which has been provided to the Commissioners. She indicated that staff received an e-mail from the applicant yesterday withdrawing the proposal for a coffee area and drive-thru service. Due to the lateness of the revision staff will present the original project to the Commission and the applicant can go over



the proposed revisions. She said that staff received an e-mail from a resident with concerns regarding lighting, noise and circulation resulting from the project. She commented that the subject site is a large intersection with a large amount of traffic. She indicated that the proposal is to demolish all of the existing uses on the site and to add a food mart. She stated that the applicant is requesting an alcohol license to sell beer and wine for off site consumption. She indicated that the proposal also includes a self-serve carwash and four fuel pump islands. She stated that the applicant is proposing that the food mart and gas station operate 24 hours. She indicated that there would be no eating or seating area on site. She stated that the carwash is proposed to operate between 6:00 a.m. and 9:00 p.m., and the hours proposed for alcohol sales would be between 7:00 a.m. and 10:00 p.m. She commented that 29 parking spaces are proposed. She commented that street dedications are proposed on both Aviation Boulevard and Marine Avenue at the request of the Public Works Department. She pointed out that notice was mailed to property owners within 500 feet and was published in the Beach Reporter. She indicated that one comment was received with concerns regarding traffic, noise, lighting, the sale of alcohol and 24 hour operation of the station and food mart. She said that comments from other departments will be addressed in the conditions if the project is approved. She said that staff is concerned with the number and scale of the uses proposed for the site which impact the traffic, circulation and parking. She commented that 24 hour operation for the food mart and the selling of alcohol also are concerns. She stated that an acoustical analysis was provided by the applicant regarding the carwash; however, staff has a concern with noise from the overall site operations which was not addressed. She indicated that staff has a concern that keeping the existing pole sign would exceed the allowable signage and would require a sign exception.

In response to a question from Commissioner Fasola, Director Thompson said that staff had a concern that the applicant was proposing too many uses for the site and that the applicant did not address the concerns sufficiently. He commented that if there is general support for the project by the Commission, staff will work further with the applicant. He indicated that the applicant has indicated that they are willing to eliminate the drive-thru coffee service and the inside coffee area. He commented that staff is pleased with the direction of the applicant in scaling down the project.

Commissioner Lesser said that it would be helpful for the Commissioners to see a new plan for the project, as it has now been revised from the previous plans. He requested that the Commissioners be provided with information regarding the conditions placed on the operation of the Mobil gas station at the northwest corner of Aviation Boulevard and Manhattan Beach Boulevard.

In response to a question from Commissioner Paralusz, Assistant Planner Ochoa said that staff has briefly reviewed the noise report provided by the applicant, and it appears to basically address the noise of the carwash.

Commissioner Fasola commented that the carwash at the Mobil station on the corner of Aviation Boulevard and Manhattan Beach Boulevard is definitely closer to residential uses and it is located on a smaller site.

Chairperson Seville-Jones asked for more information regarding other stations in the City that are open 24 hours and regarding the sale of beer and wine at those stations. She also asked that staff provide the addresses of the gas stations to allow the Commissioners to visit the sites.

Ahmad Ghaderi, ANS Engineering, 207 West Alameda, Burbank, representing the applicant, said that the subject site is currently developed as a service station with service bays and a small snack shop. He indicated that the original proposal for the project was submitted in 2007. He

within a quarter mile of the site. She said that she recognizes that the property owner has the right to develop their property and expand; however, it needs to be weighed against the impact to the community.

Jonathan Gordon, a resident of the 1800 block of 23rd Street said that the Commission should not be influenced by a contractual obligation of the applicant that are compelling them to make the proposed changes hastily.

Kate Budlong, a resident of the 1800 block of Marine Avenue, indicated that a letter with her concerns were included as attachment II to the staff report. She said that the service being offered by the station is not needed or desired by the community, as there are many other similar uses in the area. She stated that the proposal would continue to sacrifice the adjacent residential neighborhood in favor of retail use. She indicated that the City is caving in to many different types of retail uses. She commented that 24 hour mini marts and liquor sales are not needed in a small city. She said that the lights of the station are currently shut off at midnight. She indicated that a decision to favor retail uses in order to increase tax revenue for the City should be decided by a vote. She commented that 24 hour operation of the station would add lights, traffic, noise, and people to the area at all hours. She said that there currently is an issue with vandalism in the area, and 24 hour operation would increase crime.

Ms. Budlong indicated that liquor sales are inappropriate in a residential area, and there currently are other locations in the area that sell alcohol. She commented that people visiting the youth soccer fields would purchase alcohol at the station to consume during long games. She said that there is also a concern with only two people working at the station at any one time being able to control liquor sales. She commented that traffic patterns on the site are complex and need careful review. She suggested that all of the access to the site be provided off of Aviation Boulevard with no access being provided from Marine Avenue. She commented that Marine Avenue is currently overburdened and is not able to support any additional traffic. She stated that there is a concern with additional traffic on Marine Avenue late at night. She said that headlights from cars lining up at the carwash and cars existing the gas pumps and mini mart would shine directly into homes. She said that many drivers have very loud stereos, which would be an additional impact to the residents with cars stopping at the station late at night. She indicated that property values in the City already have dropped. She indicated that home values on her block have long been impacted by the presence of the station and by the increase of traffic on Marine Avenue as Rosecrans Avenue has continued to be developed. She indicated that 24 hour operation of the station would further decrease home values.

In response to a question from Commissioner Fasola, **Ms. Budlong** indicated that her first choice for the site would be for it to be used as a park.

In response to a question from Commissioner Paralusz, **Ms. Budlong** suggested the possibility of adding a sound wall along Marine Avenue in front of the station similar to the existing wall along Aviation Boulevard. She also suggested that access to the station only be provided along Aviation Boulevard.

Ms. Mohia said that their main concern was the scale of the proposed development for the site with the car wash and larger food mart. She indicated that they also have a large concern with the sale of alcohol.

Mr. Ghaderi said that people now mainly take their cars to the dealer for repairs rather than gas stations. He said that the carwash is necessary in order to provide additional revenue with the loss of business from vehicle repairs. He commented that remodeling the site would be a

Shell station and Manhattan Beach Fuel that were across the street from each other on Manhattan Beach Boulevard and Sepulveda Boulevard. She commented that her recollection is that the Shell station and Manhattan Beach Fuel did not operate 24 hours, although she believes the Mobil station at Aviation Boulevard and Manhattan Beach Boulevard does operate 24 hours. She stated that she also would like information regarding the operating hours for other stations and the hours permitted for beer and wine sales at the Mobil station. She pointed out that the City is not a party to any contract between the property owner and Chevron, and the City can impose its own restrictions. She said that she would be interested to see the language of the agreement. She commented that she is also interested in more information regarding the hours of operation of the adjacent Marine Avenue Park field and the security procedure for the hours during which the park is closed. She commented that she has a concern with security, particularly regarding someone being able to purchase alcohol at the station and access the park. She said that she would like consideration to be given as to whether people would actually purchase alcohol and consume it at the park while they watch a game. She also asked whether there is currently an issue of people purchasing alcohol at Trader Joe's and accessing nearby Pollywog Park. She said that she also questions whether keeping the existing sign would meet the criteria for granting a Sign Exception. She commented that she would like for the applicant to consider proposing an alternative to the existing sign in the event it does not meet the necessary criteria. She pointed out that blocking access to the station from Marine Avenue would back up traffic on Aviation Boulevard.

Commissioner Fasola stated that he appreciates the comments of the adjacent neighbors who would be impacted by the project. He commented that the flow of the cars through the site would be improved with the proposed configuration of the driveways. He also indicated that the headlights from the cars visiting the station would face east and west rather than toward the adjacent residences with the proposed configuration. He indicated that the site has a large parking lot in the back that is not utilized, and it is anticipated that the site would be redeveloped. He commented that he does not object to food sales or the carwash, although he was not in favor of the drive-thru service. He indicated that he does have a concern with alcohol sales, and his understanding is that alcohol is not permitted to be sold after 2:00 a.m. He stated that he would not want for the facility to operate 24 hours. He commented that Aviation Boulevard has a quieter character than Sepulveda Boulevard or Manhattan Beach Boulevard. He pointed out that the site would be developed with a more intensive type of use if the gas station fails. He suggested that the design of the roof of the proposed structure be reconsidered.

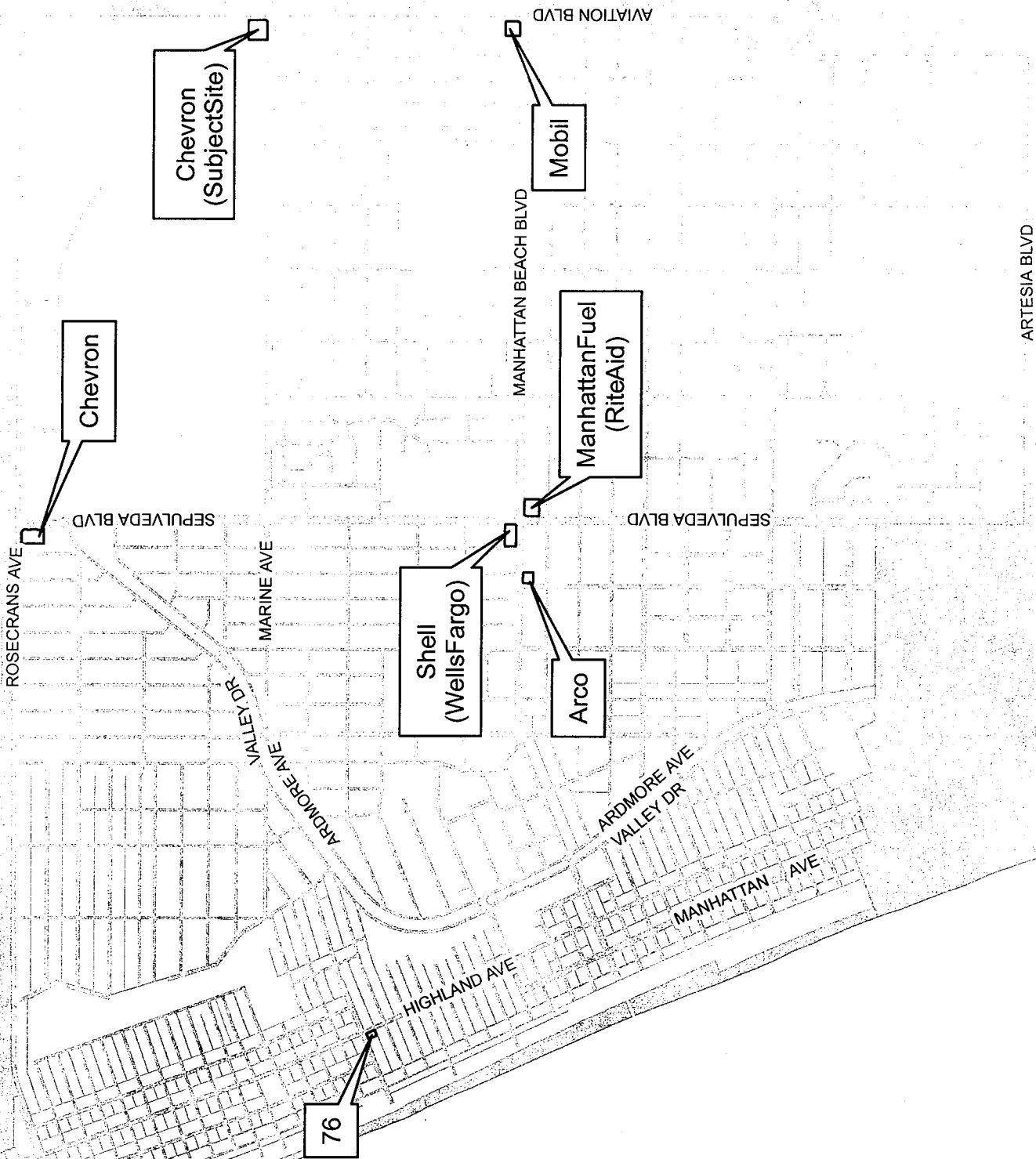
Chairperson Seville-Jones said that she also agrees with many of the comments of the other Commissioners. She commented that she would not be in support of 24 hour operation. She said that if 24 hour operation is considered, she would like to have a comparison of other similar 24 hour operations in relation to neighboring residences. She stated that there does not appear to be a critical need for the station to operate 24 hours. She commented that she would also like for the hours of operation of the food mart and the carwash to be clearly defined and sensitive to the adjacent neighbors. She indicated that she has a concern with liquor sales given the proximity to the adjacent neighborhood, parks, and the alleyway. She stated that she also would have a concern as to whether people would be able to access the fields after purchasing alcohol. She commented that a lighting plan would be helpful to demonstrate that the light would not be intrusive to the neighbors. She suggested that the residents review the Conditional Use Permit in order to understand the restrictions placed on the use. She commented that it would not appear feasible to block the site from Marine Avenue with a sound wall, although she would be interested in other creative methods to block noise with landscaping. She indicated that she also would like a comparison of the proposed use with other stations and their hours of operation.

City of Manhattan Beach Gas Stations

Gas Station	Type	Address	Zoning	District	Hours	Use Permit	Alcohol	Signs
Mobil	Gas Station/Mini Market/Car Wash	1865 Manhattan Beach Blvd.	CG	2	Gas - 24 hours Mini-market - 6am to 12 midnight Car wash - 7am to 9pm (M-F), 8am to 8pm (Sat, Sun, Hol)	Approved July 5, 1988	Beer and Wine	1 Pole Sign Height 20-25 feet
76	Gas Station/Kiosk	2121 Highland Avenue	CL	3	Gas and Kiosk 6am to 10pm	Approved July 6, 1976	No	1 Pole Sign Height 15 feet
Arco	Gas Station/Mini Market	1002 Manhattan Beach Blvd.	CL	1	Gas and mini-market 7am to 10pm	Approved Oct. 1, 1985	Beer and Wine	1 Pole Sign Height 30 ft.
Shell (demolished, new use)	Gas Station/Food Mart/Auto Repair	1129 N. Sepulveda Blvd.	CG	2	Gas - 24 hours Mini-market - 6am to 12 midnight Auto Repair - 8am to 7pm	Approved Jan. 26, 1994	Beer and Wine	1 Pole Sign Height 30 ft.
Manhattan Fuel (demolished, new use)	Gas Station/Auto Repair	1100 Manhattan Beach Blvd.	CG	1	No limits	Approved April 6, 1976	No	1 Pole Sign Height 20 ft.
Chevron	Gas Station/Food Mart	3633 N. Sepulveda Blvd.	CG	2	Gas - 24 hours Food Mart - 6am to 2am Alcohol - 6am to midnight	Approved Oct. 11, 2006	Beer and Wine	Monument Sign Height 6 ft.

EXHIBIT C
PC 148. 5/27/09

Gas Stations in the City of Manhattan Beach



Angelica Ochoa

From: Ahmad Ghaderi [ghaderia@asengineer.com]
Sent: Friday, May 08, 2009 12:44 PM
To: Angelica Ochoa
Cc: 'Kenneth P Roberts'; 'fred sheikh'
Subject: Chevron- Manhattan Beach

Hi Angelica,

Per our conversation:

1. Signage- we will comply with the signage requirements. Per our undrestanding we are allowed 400 s.f. of signage and based on this, we will modify our existing pole sign as needed to fit within the allowable s.f.
2. Hours of operation:
 - A. Gas 24 hours
 - B. Food mart- access to the inside of the mart will be limited to 5:00 am to 10:00 pm. Sales between 10:00 pm and 5:00 am will be done thru the transaction drawer.
 - C. Carwash- 7:00 am to 9:00 pm.
 - D. Beer/wine- 7:00 am to 10:00 pm, and no sales thru the window.
3. Also on the beer/wine:
 - A. Agree not to sell any singles
 - B. Only two of the cooler doors will be dedicated to the beer sales. We will have only two gondola end caps for wine display
 - C. Cooler doors that will have the beer products will be locked at 10:00 pm and graveyard cashier will not have the key.
 - D. There will be 16 cameras monitoring the inside of the store and outside of the building for security purposes.

Please let me know if you need additional info.

Ahmad Ghaderi
A & S Engineering, Inc.
Ph: 818-842-3644
Fx: 818-842-3760
Cl: 818-519-7075

EXHIBIT D
PC MK 5/27/09



ACOUSTICAL ANALYSIS ASSOCIATES, INCORPORATED

May 18, 2009

Mr. Fred Sheikhpour
2301 N Aviation Blvd
Manhattan Beach, CA

Subject: Revised Acoustical Analysis for Chevron Station Car Wash at Marine and Aviation in Manhattan Beach (AAAI Project 29104)

Dear Mr. Shiekpour:

At your request, we have conducted an acoustical analysis for the proposed addition of a car wash to the existing Chevron Service Station at 2301 N Aviation Blvd in Manhattan Beach. The proposed facility would contain a MacNeil automated car wash equipped with conveyor type equipment and a Tech 21 blower dryer system. This report documents the results and findings of our analysis.

EXECUTIVE SUMMARY

- As designed, the proposed car wash and dryer sound levels will comply with the City of Manhattan Beach Noise Ordinance at all adjoining and nearby residential properties.

SITE DESCRIPTION

The existing Chevron service station is located at the northwest corner of Marine Ave. and Aviation Blvd. in Manhattan Beach. Aviation Blvd is the eastern limit of the City of Manhattan Beach in this area. The proposed car wash building would be located along the northern property line of the service station, with the car wash exit facing east (see Figure 1). The nearest noise-sensitive land uses are residential properties to the south across Marine Blvd about 300 feet from the car wash building. These residences are located within the City of Manhattan Beach. There is also a multi-family residential development across Aviation Blvd, about 360 feet to the northeast of the site, located within the City of Hawthorne. The land use immediately west of the station is Marine Park, and a part of Northrup Grumman Corporation is adjacent to the north; both are within city limits. Northrup Grumman industrial park buildings are also located to the southeast across Aviation Blvd within the City of Redondo Beach.

NOISE STANDARDS

The noise impact of the proposed car wash is assessed based on compliance with the City of Manhattan Beach Noise Ordinance standards, found in Chapter 5.48 of the municipal code. The Noise Ordinance specifies limits for noise levels from stationary sources, such as the proposed car wash, that depend on the time of day and type of land use, as follows:

Table 1. City of Manhattan Beach Noise Ordinance Requirements

Receiver Land Use	A-weighted Sound Levels, dBA					
	Leq	Lmax	L(2)	L(8)	L(25)	L(50)
		0 min	1 min	5 min	15 min	30 min
Residential Day (7am -10 pm)	55	70	65	60	55	50
Residential Night (10pm - 7am)	50	65	60	55	50	45
Commercial Day (7am-10pm)	70	85	80	75	70	65
Commercial Night (10pm-7am)	65	80	75	70	65	60
Industrial Day (7am-10pm)	75	90	85	80	75	70
Industrial Night (10pm-7am)	75	90	85	80	75	70

The Lmax and percentile sound level (L2, L8, etc.) limits given above apply to the amount of time per hour that a given level can be exceeded. For example, a stationary sound source can exceed 50 dBA for no more than 30 minutes per hour in a residential zone between 7 am and 10 pm. Alternatively, the equivalent sound level (Leq) may be used to evaluate compliance, with the limits for the different land uses as shown.

If ambient noise measurements show that the existing noise level is greater than any of the above limits, than the measured level becomes the limit for that particular standard.

EXISTING NOISE ENVIRONMENT

The dominant source of environmental noise in the vicinity of the Chevron station site is vehicular traffic movement on Aviation Blvd and on Marine Blvd. Other sources of noise which contribute less significantly to environmental noise levels include local vehicle activity and occasional aircraft noise.

Ambient Noise Survey

An ambient noise survey was conducted between 10am and 11am on February 25, 2009 at three locations in the vicinity of Marine and Aviation, as shown in Figure 1. Site 1 represents residential locations south of Marine Blvd (modeling locations 1a and 1b) that are more distant and west from the major traffic noise source, Aviation Blvd. Site 2 represents noise levels at residential locations south of Marine Blvd (2a) directly south of the car wash tunnel entrance, and site 3 is representative of locations directly south of the tunnel exit (3a) and nearest to Aviation Blvd.

Noise measurements during peak traffic hours were avoided so that typical (not maximum) daytime noise levels would be measured. The noise measurements were conducted in order to quantify existing environmental noise levels in the area representative of the residential properties nearest the service station.

A Sony TCD-D10 Digital Audio Tape Recorder and a Bruel & Kjaer 4155 ½" microphone were used to gather data. The system was calibrated with a B & K Model 4220 piston-hone immediately prior

Mr. Fred Sheikhpour
 May 18, 2009
 Page 5

CHEVRON CAR WASH FACILITY SOUND LEVELS

Car Wash and Dryer

The proposed addition to the Chevron service station will be a MacNeil automated car wash equipped with a Tech 21 blower dryer with six 15 hp fans for a total of 75 hp. Sound produced by the operation of the blower dryer will be the dominant car wash sound source when operating. Sound level data for two existing car wash facilities; one equipped with a 100 hp fan system and the other equipped with a 60 hp fan system were obtained at various distances and directivity angles from the tunnel exit and entrance during the operation of the dryer. These data were analyzed to develop noise level vs distance and angle relationships for the operation of a 75 hp dryer system as shown in Table 4 and Figure 2.

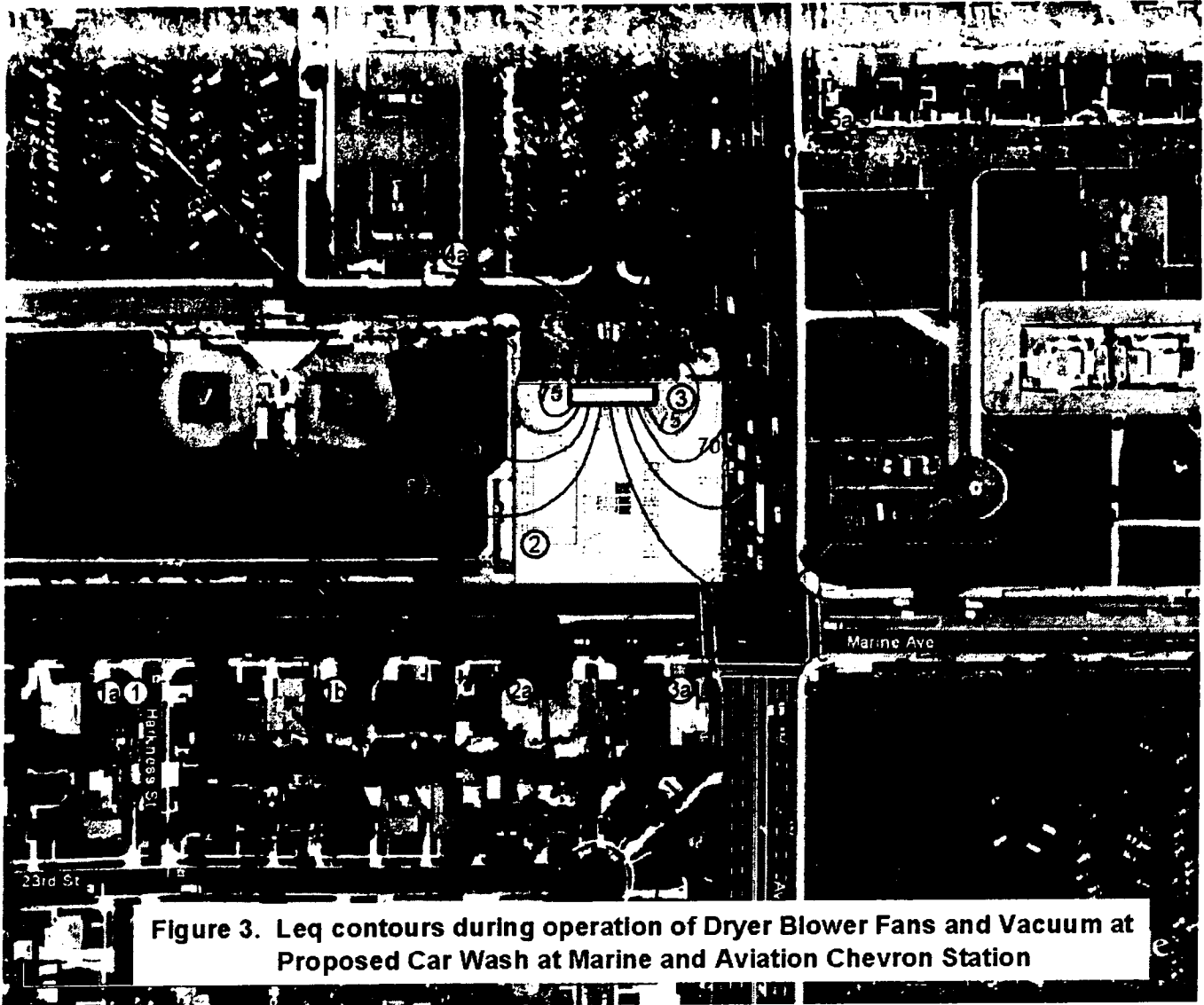
The sound field produced by the car wash is highly directive; that is, the sound level is highest directly in front of the entrance or exit and decreases sharply once an observer moves beyond 45 degrees from the tunnel axis along an arc at a constant distance away from the entrance or exit. The data in Table 4 represent the highest sound levels produced during the car wash/dryer operation. Based on car wash noise level measurements at many existing facilities, sound levels from other sources such as vacuums and vehicle queues, are much quieter (about 10 dB lower) than dryer sound levels.

**Table 4. MacNeil Tech 21 Dryer System - 75 hp
 Sound Levels generated during Dryer Cycle**

Dist., ft	Equivalent A-weighted Sound Level, dBA							
	EXIT				ENTRANCE			
	0 deg	45 deg	90 deg	135 deg	0 deg	45 deg	90 deg	135 deg
10	88.7	87.7	83.7	76.7	85.6	84.6	80.6	73.6
20	82.5	81.5	77.5	70.5	79.5	78.5	74.5	67.5
50	74.4	73.4	69.4	62.4	71.3	70.3	66.3	59.3
75	70.8	69.8	65.8	58.8	67.7	66.7	62.7	55.7
100	68.2	67.2	63.2	56.2	65.2	64.2	60.2	53.2
500	53.9	52.9	48.9	41.9	50.9	49.9	45.9	38.9

A graph showing the data from Table 4 in terms of noise level against the logarithm of distance is given in Figure 2. Figure 3 displays contours of equal sound level expected during operation of the dryer cycle at the proposed Chevron car wash. These contours are based on the data in Table 4, and include the directivity effects of the car wash noise source.

Mr. Fred Sheikhpour
May 18, 2009
Page 7



Mr. Fred Sheikhpour
May 18, 2009
Page 9

ACOUSTICAL IMPACT OF THE PROPOSED PROJECT

Exterior Noise Levels

The source noise levels described above were projected to the nearest residences to the proposed project, with the results summarized in Table 6.

Table 6. Proposed Car Wash Dryer Noise Levels at Nearest Residences to Chevron Station at Marine and Aviation

Modeling Location	Source	Dist, ft	Directivity Angle, deg	Dryer On Leq, dBA
1a	Entrance	550	0	50.0
1b	Entrance	370	45	52.5
2a	Exit	320	90	47.9
3a	Exit	294	90	48.7
4a	Entrance	200	45	46.0
5a	Exit	360	45	50.9

The Noise Ordinance specifies noise limits for stationary noise sources, such as the car wash dryer/blower. The limits (described in previous sections above) are expressed in terms of Leq values that cannot be exceeded, or, in terms of percentile sound level limits that cannot be exceeded for certain durations in any hour. The most significant car wash exterior noise level is at Site 1b, where the "dryer on" Leq will be 52.5 dBA. This level is below all of the applicable daytime sound level limits given in Table 3, so the limits are satisfied at the worst-case location 1b. The noise ordinance requirements are also satisfied at the remaining noise modeling locations, as can be seen by comparing the projected dryer noise levels at each location (Table 6) with the applicable daytime limits at that location (Table 3). The car wash will not operate at night (10 pm to 7 am).

CONCLUSIONS

An analysis of expected sound levels from the operation of the proposed car wash and dryer has shown that sound levels produced by the proposed car wash would comply with the City of Manhattan Beach Noise Ordinance standards at residential and industrial properties nearest the Chevron Station.

TECH 21

ADVANCED DRYING SYSTEM

The Dryer With the Smarts.

The new Tech 21 dryer is so advanced, so intelligent, it gives you total power over your drying. With its revolutionary SMART nozzle, the Tech 21 lets you control the direction of airflow required to produce the drying results you need. Get Results. Get MacNeil.

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nozzles
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Hand held remote controller makes
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GREAT IDEAS • GREAT RESULTS

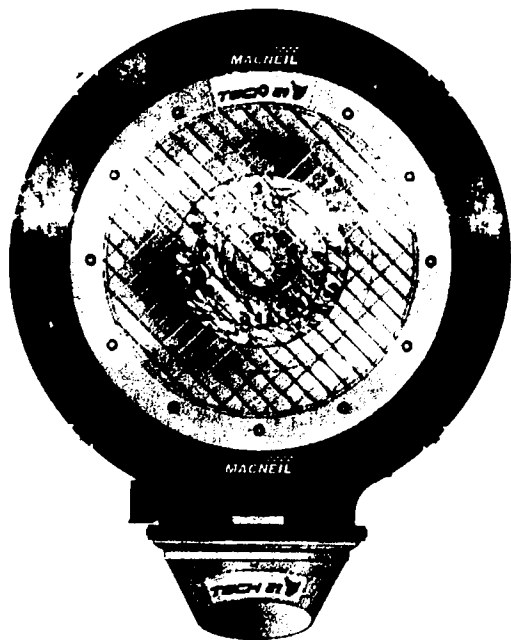
www.macneilwash.com

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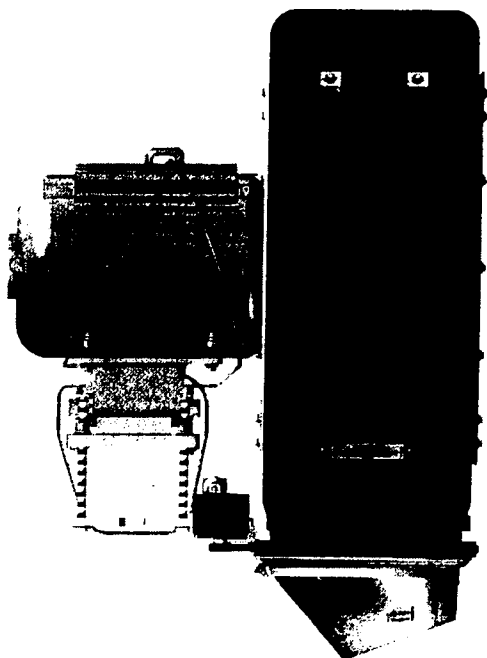


**10 & 15 HP
PRODUCERS**

TECH 21
ADVANCED DRYING SYSTEM



FRONT VIEW



SIDE VIEW

SPECIFICATIONS SUBJECT TO CHANGE. INFORMATION IS PROVIDED FOR REFERENCE ONLY AND IS NOT TO BE USED FOR INSTALLATION OR CONSTRUCTION PURPOSES. REFER TO MACNEIL WASH SYSTEMS EQUIPMENT DRAWINGS FOR INSTALLATION SPECIFICATIONS. REVISED OCT. 19, 2007.

FEATURES:

- 10 & 15 HP SMART or FIXED Nozzle Producers
- Moulded Housing Reinforced with Stainless Steel
- Programmable Smart Nozzle
- Flexible Design for Custom Configuration
- Dries Mirrors and Back of Vehicles
- No Conflicting Air Flow
- Dynamically Balanced Fan
- One Year Warranty on Drive System

SMART NOZZLE FEATURES:

- Hand-held Remote Control for Programming
- Programmable for Multiple Positions
- Ability to Rotate 360 Degrees
- Programmable for 180 Degree Sweeps
- Oscillating and Rotating Features
- Fiber-Optic Nozzle Synchronization
- Time Delay Feature to increase Dwell Time on Hard-to-dry areas

OPTIONS:

- Vehicle Detector Kit for Rear Windows or Mirrors
- Air Treadle Activator (Side Mirror Drying)

TECHNICAL DATA:

ELECTRIC FAN MOTORS

- 10HP or 15HP 208/230/460V 60Hz - 3 Phase
- 10HP or 15HP 575V 60Hz - 3 Phase
- 10HP or 15HP 415V 50Hz - 3 Phase
- 10HP or 15HP 380V 50Hz - 3 Phase

ELECTRIC NOZZLE MOTOR

- 110V 60 Hz - 50 Watts

10 HP PRODUCER CAPACITY

- 155 MPH AIR SPEED (250KM/H)
- 3400 CFM AIR FLOW (96CM/M)

15 HP PRODUCER CAPACITY

- 170 MPH AIR SPEED (274KM/H)
- 4400 CFM AIR FLOW (125CM/M)

Angelica Ochoa

From: Brent Malatesta
Sent: Sunday, April 26, 2009 12:47 PM
To: Idris Al-Oboudi; Angelica Ochoa
Cc: List - Parks & Rec Department
Subject: RE: Mal, Please provide input regarding this issue of 2301 Aviation Boulevard - Chevron Station Project and Park Safety & Security.

Angelica,

I know of the gas station of which you refer to in your email. It is adjacent to the east baseball field of 1801 Marine Avenue. Marine Sports Complex (as it is known to park staff) is regularly patrolled by parks and recreation staff called park attendants (and their supervisors) during business hours. In addition, I patrol the area and respond to calls for service from police dispatch and park attendants. Police units also regularly do checks of the field and respond to calls for service. 99% of after hours patrols are done by the Manhattan Beach Police Department.

When the park is not open for use the facility gates are locked with chains and padlocks. The fence surrounding the perimeter of Marine Sports Complex is 18 to 20 feet high.

Most issues the City has with the field involve adult user groups bringing alcohol into the dugouts when they play their scheduled games. From time to time there are field dispute issues that revolve around who belongs on the field at what time. The park supervisors normally handle the field use problem with little or no resistance.

In summation, the fact that the park is open to only paid user group's, that it is regularly patrolled and easy to secure when not in use makes Marine Sports Complex an area that has a relatively low number of problems.

I hope this information helps with any questions you have. If I can assist in any way don't hesitate to call or email.

Thank You,

Brent Malatesta
Park Services Enforcement Officer
City of Manhattan Beach
(310) 345-1141

From: Idris Al-Oboudi
Sent: Friday, April 24, 2009 4:08 PM
To: Brent Malatesta
Cc: Rod Uyeda; Laurie B. Jester; Mark Leyman; Angelica Ochoa; Brian Brown; Mark Mason; John Dye; Andrew Harrod; List - REC - Services Team; List - REC - Services Team; Juan Price; Rick Dozal
Subject: Mal, Please provide input regarding this issue of 2301 Aviation Boulevard - Chevron Station Project and Park Safety & Security.

Greetings Mal, Please provide input regarding this issues to **Angelica Ochoa**.

Please CC **List - REC - Services Team** on all info.

Thank you,

Idris

Mr. Idris J. Al-Oboudi
Recreation Services Manager
City of Manhattan Beach
Phone 310-802-5404
Fax 310-802-5001
ialoboudi@citymb.info



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**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
APRIL 22, 2009**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 22nd day of April 2009, 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, Lesser, Paralusz, Chairperson Seville-Jones
Absent: None
Staff Present: Richard Thompson, Community Development Director
Jim Arndt, Public Works Director
Laurie Jester, Planning Manager
Angelica Ochoa, Assistant Planner
Michael Rocque, Assistant Planner
Michael Guerrero, Principal Engineer
Steve Finton, City Engineer
Eric Zandvliet, Traffic Engineer
Recording Secretary: Sarah Boeschen

B. APPROVAL OF MINUTES – April 8, 2009

Commissioner Fasola requested that the fifth paragraph on page 4 of the April 8 minutes be revised to read: "He indicated that he does not believe that the City has not taken steps to reach the stated goal on page 4 of the Housing Element of preserving existing neighborhoods by preserving the scale of development."

A motion was MADE and SECONDED (Paralusz/Lesser) to approve the minutes of April 8, 2009, as amended.

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

C. PRESENTATION

Public Works Director Jim Arndt introduced Steve Fenton, who is replacing Dana Greenwood as City Engineer

D. AUDIENCE PARTICIPATION

None.

F. PUBLIC HEARINGS

04/22/09-1 Consideration and Discussion of City's General Plan Housing Element

Director Thompson said that staff has made changes to the draft document as suggested by the Commission at the last meeting. He stated that staff has met with the Senior Advisory Committee to discuss their concerns regarding the document.

Planning Manager Jester indicated that the Senior Advisory Committee consists of members who represent several different senior groups throughout the City as well as members at large. She indicated that the group reports to staff. She stated that the Committee wanted to have an opportunity to review the Housing Element with staff and to provide their input. She said that staff showed the Committee members the programs that relate to seniors. She commented that the Committee had concerns with the potential for housing in the Manhattan Village mall overflow parking lot site that is owned by the City. She indicated that staff explained that there is no proposal for housing on any of the identified sites and this time and it would take years for any potential zone changes and General Plan amendments to be considered and approved and that the areas mentioned in the report are simply being identified as potential sites for housing. She said that the Committee also indicated that they would advocate low income vouchers for seniors. She said that staff pointed out that vouchers would not be only for seniors but would apply for all low income groups. She said that the Committee understands that staff's role is to prepare the document in accordance with State requirements to provide opportunities for senior housing but that the City does not have the financial resources to construct the housing. The Committee stated that it would provide comments for the May 19th City Council meeting.

In response to a question from Commissioner Lesser, Planning Manager Jester indicated that there were concerns expressed by the Committee regarding traffic and noise with the development of housing on the site east of the Manhattan Village Mall near the Manhattan Villas.

Director Thompson said that the revisions which have been made to the document have made it more readable. He commented that staff received an e-mail from Gary Osterhout after the staff report was written and has not had an opportunity to review his comments.

Chairperson Seville-Jones opened the public hearing.

There being no one wishing to speak, Chairperson Seville-Jones closed the public hearing.

Discussion

Chairperson Seville-Jones indicated that she would like further clarification regarding table 2 on page 5 of the draft report.

Sandra Genis commented that table 2 separates the different income categories in the City into very low, low, moderate and high, which provides the basis for the housing being assigned. She indicated that the aim of the table is to project how each program will provide housing units within the separate categories. She said that infill housing will sell at the market rate and would only be affordable for people within the upper income level. She stated that redeveloping double lots would be split between moderate and high income housing. She

1 indicated that second family units that are ancillary to a primary residence are estimated to be
2 primarily available to the lower and moderate income groups. She commented that most
3 people in the upper and moderate income levels would not choose to live in a secondary unit.
4 She indicated that the incentive units are units that are provided under the City's housing
5 incentive program which includes a density bonus or waiver of certain requirements in order to
6 foster the provision of low income housing. She indicated that there may be some housing in
7 commercial areas with amenities that would attract people in the upper income level, but many
8 of the units would be smaller and geared toward younger people.

9 In response to a question from Chairperson Seville-Jones, Ms. Genis said that adding 300 units
10 in the downtown is optimistic. She stated that the total number of new units included in the
11 chart is 483, which is a shortfall of the State requirement. She indicated that there has been a
12 reluctance to utilize additional sites, and the amount of vacant land in the City is limited.

13 Commissioner Lesser asked whether "New Unit Affordability" is the appropriate title for table
14 2. He commented that Mr. Osterhout's e-mail notes that the table also includes increased
15 affordability, total newly affordable, and total units preserved. He asked if there is a broader
16 reference that is more appropriate for the table.

17 Ms. Genis suggested that the title of the table could be changed to "Quantified Objectives for
18 Housing."

19 In response to a question from Chairperson Seville-Jones, Director Thompson indicated that
20 staff can address issues regarding the wording which would not change the document but rather
21 simply provide clarification.

22 Commissioner Lesser said that Mr. Osterhout's e-mail also indicated that there is an absence of
23 narrative in the document to put table 2 into greater perspective. He indicated that he would
24 defer to staff as to whether additional narrative should be included to explain the relationship of
25 the table with the rest of the document. He said that he recognizes that staff may not wish to
26 emphasize the discrepancy between the number of units proposed and that were assigned to the
27 City by the State; however, it is not addressed at all in the document. He commented that he
28 would hope that staff would take into account the suggestions that are included in Mr.
29 Osterhout's e-mail. He indicated that page 3 of the staff report under "Additional Housing-
30 Affordable Housing in the Coastal Zone" references that there was little support by the
31 Commission for potential affordable housing inclusionary programs. He said that his
32 recollection was that the discussion was regarding the feasibility and challenges of such
33 programs and not necessarily that the Commissioners were opposed.

34 Commissioner Paralusz said that she was pleased with the additional context that has been
35 included in the document. She said that the revised document reflects that providing 895
36 additional units is not realistic and that the City is making a good faith effort to provide
37 affordable housing. She indicated that the revised document also outlines the constraints of the
38 City in providing additional housing.

39 Commissioner Fasola said that he has issues regarding whether the City actually intends to
40 proceed with some of the programs in the report. He stated that he disagrees with the State
41 handing down a mandate that the number of additional living units in the City must be
42 increased. He stated that the process of preparing the Housing Element does allow an
43 opportunity for the City to address issues regarding providing an opportunity for affordable
44 housing. He said that the main characteristic of affordable units is that they are small. He
45 indicated that existing duplexes or apartment buildings are being lost for larger single family

homes that are less affordable, and lot mergers are still allowed. He said that if the City is truly attempting to provide affordable housing, the language of the Code must encourage multiple unit buildings being built or discourage single unit buildings from replacing multiple unit buildings. He indicated that he does not feel that any methods that would be successful for encouraging affordable homes are included in the document. He commented that the revisions to the document have made it easier to read and is clearer than the previous draft, but he does not feel that it truly promotes affordable housing.

Commissioner Lesser thanked staff for being responsive to the concerns of the Commission. He said that staff has spent a great deal of time in responding to the comments of the Commission regarding the document. He commented the City has other pressing problems, and getting the document approved by the State is taking a great deal of time and resources of the City. He said that the State law imposes an unrealistic obligation on the City. He commented that the requirement of the State is for the City to generate a Plan to provide for the construction of an additional 895 housing units, which is not practical given the limitations of space, development patterns and economic constraints. He said that the role of the Commission is limited, and it is staff with the direction of the Council who is ultimately responsible for drafting a document that is approved by the State. He said that the question is whether the draft is the best possible that can be presented, and he feels the substance and format could be improved. He commented that he feels more programs could be developed in order to form a plan for generating affordable housing. He indicated that he would like more housing near the senior villas east of the Manhattan Village mall, but the property has been looked at for commercial development. He stated that he feels there could have been more substantive proposals presented in the document. He commented that the 2003 version of the document was much easier to read, and he would have liked for it to be used as a template. He said, however, that he would support the draft document and would leave it to staff to get it approved by the State.

Commissioner Paralusz thanked staff and the consultant for their patience and time and effort addressing the concerns of the public, Commission and seniors. She said that she shares the concerns of the other Commissioners; however, she finds that the document is substantially improved since the first draft and she would support it moving forward to the Council. She said that she is pleased that it is acknowledged in the document that providing 895 additional units is not realistic and that the City is putting forward their best plan for providing affordable housing.

Chairperson Seville-Jones also thanked staff and the consultant for their work on the document. She indicated that the document has come a long way from the original version, and staff has taken the comments from the public and Commission into consideration in making revisions. She said that the document now presents a position as to why it is not feasible to achieve 895 new units given the constraints of the community. She commented that she is against including program 3d to allow for smaller units in the downtown area without parking. She stated that the proposal to add units in the downtown area with relief for parking requirements would be allowing the State to mandate policies that are inconsistent with her wishes and what she imagines is the wishes of many members of the community. She said that the City is not going to be able to add 895 units, and the City is making a good faith effort which is consistent with the values of the community. She stated that she is willing to move the document forward to the City Council.

Director Thompson pointed out that there are programs included to promote high density housing, including adding units in the area by the Manhattan Village mall. He stated that the means of achieving high density and making units that are more affordable is by eliminate

1 parking requirements. He pointed out that the downtown area has a parking district which
2 allows for commercial development with adequate parking, and the same requirements can also
3 be considered for residential units. He said that requiring additional parking would
significantly change the downtown area.

4 Chairperson Seville-Jones stated that her concern is that the City's goal as stated in 3d is for
5 smaller units to be developed without parking. She suggested that the language of program 3d
6 on page 76 be changed to "In order to facilitate development of residential uses, residential and
7 commercial uses ~~would~~ could be treated equally for parking purposes, if the residential units are
a small size ~~which limits parking demand~~ and the City concludes that it does not burden the
District."

8 Director Thompson said that staff has studied the programs that are included in the document
9 and is making a good effort to encourage smaller units in order to provide for more affordable
housing.

10 Commissioner Fasola said that he is not certain that allowing second units in single family
11 areas is desirable. He indicated that the loss of smaller units has changed the character of the
12 City, and a cross section of people in the beach area is being lost. He commented that The
13 Strand was an active and vibrant area 15 years ago, and now it is quiet. He said that there are
no incentives in place for providing rental units.

14 In response to a question from Commissioner Lesser, Commissioner Fasola commented that
15 some cities require that any development replace the same number of units in other areas if not
16 on the property; however, he does not feel such a regulation is necessarily appropriate for
Manhattan Beach.

17 Director Thompson commented that he does not feel that the City is willing to impose such
requirements, which is why it was not included in the document.

18 Commissioner Fasola commented that there currently are no incentives for providing rental
19 units.

20 Commissioner Lesser indicated that he is not certain that the discussion of the Housing
21 Element is the appropriate forum for addressing Commissioner Fasola's concern of the
22 changing character of the City, as the City is required to meet a State mandate with the Housing
23 Element which follows a particular structure. He said that he feels the State requirement is
flawed, but he is willing to move the document forward.

24 Chairperson Seville-Jones pointed out that the Mansionization Ordinance is helping to save
existing smaller homes.

25 Director Thompson said that the concern expressed by Commissioner Fasola will be included
26 in the staff report.

27 Action

28 A motion was MADE and SECONDED (Paralusz/Lesser) to ADOPT the draft Resolution to
29 APPROVE the Housing Element with the change of the language to 3d on page 76 of the draft
30 document as proposed by Chairperson Seville-Jones to state "In order to facilitate development
31 of residential uses, residential and commercial uses ~~would~~ could be treated equally for parking
purposes, if the residential units are a small size ~~which limits parking demand~~ and the City

concludes that it does not burden the District."

AYES: Fasola, Lesser, Paralusz, Chairperson Seville-Jones
NOES: None
ABSENT: None.
ABSTAIN: None.

Director Thompson commented that the item will be scheduled for public hearing before the City Council for their meeting of May 19, 2009.

04/22/09-3 Consideration of Determination of Consistency of the Proposed Fiscal Year 2009-10 Capital Improvement Plan (CIP) with the City of Manhattan Beach General Plan

Principal Engineer Michael Guerrero summarized the CIP staff report. He indicated that the plan represents ongoing maintenance of the City's existing infrastructure based on available funding. He commented that there is an error on the last project under the water section titled "reconditioning well 15." He commented that the project amount is \$200,000 rather than \$20,000 bringing the total amount to \$7,274,956. He commented that many of the public works vehicles run on compressed natural gas, and the City is seeking to expand its facilities as the number of natural gas vehicles increases. He stated that there is an ongoing energy audit for the City's facilities, and there are improvements scheduled for next year. He said that two projects at the Public Works Maintenance Facility include the material storage facility cover and the fuel island cover. He commented that projects for pedestrian improvements and maintaining beach access include The Strand stair project and The Strand slope erosion control. He commented that there is also an automated parking meter pilot project proposed at the pier parking lot. He pointed out that improvements on arterial and collector streets are paid for with State, Federal, and County funds. He indicated that the annual slurry seal project is included for local streets. He said that the annual water main replacement project is included, which is part of the current water master plan.

In response to a question from Chairperson Seville-Jones, Director Thompson indicated that approval of the Resolution is a determination by the Commission of consistency of the projects included in the CIP with the City's General Plan.

In response to questions from Commissioner Paralusz regarding the energy audit improvements, Principal Engineer Guerrero indicated that there is not a timeline by which any corrective actions must be taken. With regard to the comments in Gary Osterhout's e-mail, he indicated that improvements to Begg Pool would be a Public Works Capital Improvement Project although it is currently unfunded. He pointed out that staff will outline the current CIP projects, the five-year CIP projects, and unfunded projects at the Parking and Public Improvements Commission meeting on April 23. He stated that the City Council determines the funding for projects. In response to the e-mail received from Gary Osterhout, he said that the City studies the streets every three years and rates them in terms of priorities. He stated that the CIP is based on available funding, and there is a list of unfunded projects. He indicated that most of the funded projects are arterial and collector streets because of the State, Federal and County requirements for expenditure of the funds. He said that local streets such as Bell Avenue would not qualify for such funds.

Commissioner Lesser said that he would like for traffic counts to be conducted regularly for the westbound traffic on Manhattan Beach Boulevard turning left onto southbound Sepulveda Boulevard in order to determine the need to add a second left hand turn lane in the event

1 funding becomes available.

2 In response to a question from Commissioner Fasola, Principal Engineer Guerrero said that the
3 \$600,000.00 allotment for parking meter improvements at the pier parking lot is a pilot project.
4 He indicated that the funds are from the State Pier and Parking Lot Fund and can only be spent
5 at the pier. He stated that the success of the pilot program will determine the priority for next
6 year. He commented that the program is to enhance the parking meter cash key system and to
7 provide electronic feedback to show when a meter is expired and whether parking spaces are
8 open or full. He said that the \$600,000.00 from the State fund could also be used for structural
9 improvements to the pier; however, the amount required for that project will not be known until
10 the structural study is complete. He indicated that the \$600,000.00 cost for the pilot project
11 could also be reduced and most likely will not increase.

12 In response to a question from Chairperson Seville-Jones, Public Works Director Arndt
13 indicated that the particular amount of funding proposed is to expand the natural gas facilities
14 that serve the City's vehicles. He indicated the City Council has an interest in joining a
15 regional facility. He indicated that the money is definitely going to expand the City's facilities,
16 and any regional project is not finalized.

17 Chairperson Seville-Jones commented that she has difficulty in making a determination that
18 \$1,000,000.00 is necessary for energy audit improvements when the audit has not yet been
19 conducted.

20 Public Works Director Arndt said that the funding is a place holder in case it is needed for
21 energy audit improvements. He indicated that the City will be entering into a contract with a
22 consultant to look at the energy use of all of its facilities. He indicated that the funding is
23 intended to provide available money depending on the outcome of the audit. He pointed out
24 that the funds are part of the general fund which will be in competition with many other
25 projects under consideration by the City Council. He indicated that setting aside the funds for
26 the project does not mean that the full amount will be used towards the energy audit
27 improvements.

28 Chairperson Seville-Jones asked whether the determination of consistency of the CIP with the
29 General Plan should be made once the programs are known after the energy audit is completed.

30 Director Thompson said that the City Council must have a determination of consistency before
31 they can take action. He indicated that the projects will not be changed; however, the priorities
32 and the funding will most likely be changed.

33 Chairperson Seville-Jones opened the public hearing.

34 There being no one wishing to speak, Chairperson Seville-Jones closed the public hearing.

35 Discussion

36 Commissioner Paralusz said that she would support the finding that the CIP is consistent with
37 the General Plan. She commented that she would like the Council to consider funding
38 improvements to Begg Pool. She indicated that as it is not known how much will be necessary
39 to spend on energy audits, she would like for consideration to be given to spending a portion of
40 the \$1,000,000.00 on the pool since it would also come from the capital improvement fund.
41 She said that there is a need to fix the pool.

Commissioner Fasola indicated that he would also like for the City Council to consider funding improvements to Begg Pool.

Chairperson Seville-Jones commented that Begg Pool is one of a list of unfunded capital improvement projects. She said that she does not have sufficient information for priorities for unfunded projects, as the Commission was not provided with a list of potential projects. She suggested that the list of unfunded projects be provided along with the CIP when it comes before the Commission next year.

Director Thompson pointed out that the role of the Commission is not to prioritize projects but rather only to determine consistency of the plan with the City's General Plan.

Commissioner Lesser commented that he recognizes that the role of the Commission is limited to finding consistency of the CIP projects with the General Plan. He indicated that he can make the finding of consistency for each of the projects. He commented that he appreciates Chairperson Seville-Jones' comment regarding the issue of authorizing funds in advance for the energy audit improvements. He stated, however, he finds that the process is consistent with the General Plan, in that it allows for funding to be available to implement any necessary improvements.

Commissioner Fasola said that he feels the Commissioners should see the potential projects that are not funded in order to have a context for the CIP and would suggest that the list of unfunded projects be provided to the City Council.

Director Thompson said that the list of unfunded projects will be provided to the Council. He pointed out that the purpose of the Commission is to consider the description of the projects rather than the funding.

Chairperson Seville-Jones indicated that she also finds the projects included in the document are consistent with the General Plan.

Action

A motion was MADE and SECONDED (Lesser/Fasola) to **APPROVE** a Determination of Consistency of the Proposed Fiscal Year 2009-10 Capital Improvement Plan (CIP) with the City of Manhattan Beach General Plan

AYES: Fasola, Lesser, Paralusz, Chairperson Seville-Jones
NOES: None
ABSENT: None.
ABSTAIN: None.

04/22/09-3 Consideration of Use Permit to Construct a New Gas Station 24-Hour Food Mart with Beer and Wine Sales, Drive-Thru Coffee Area and Self Serve Car Wash and Adoption of a Negative Declaration of Environmental Impacts at 2301 North Aviation Boulevard

Assistant Planner Ochoa summarized the staff report. She commented that the applicant has provided a sound analysis report since the staff report was written which has been provided to the Planning Commissioners. She indicated that staff received an e-mail from the applicant yesterday, Tuesday, April 21 withdrawing the proposal for a coffee area and drive-thru service. Due to the lateness of the revision staff did not have an opportunity to review the revised

1 proposal and will present the original project to the Commission. The applicant will go over
2 the proposed revisions with the Planning Commissioners. She said that staff received an e-mail
3 from a resident with concerns regarding lighting, noise and circulation resulting from the
4 project but was overall supportive of the project. She commented that the subject site is a wide
5 intersection with a large amount of traffic. She indicated that the proposal is to demolish all of
6 the existing uses on the site and to add a food mart. She stated that the applicant is requesting
7 an alcohol license to sell beer and wine for off site consumption. She indicated that the
8 proposal also includes a self-serve carwash and four fuel pump islands. She stated that the
9 applicant is proposing that the food mart and gas station operate 24 hours. She indicated that
10 there would be no eating or seating area on site. She stated that the carwash is proposed to
11 operate between 6:00 a.m. and 9:00 p.m., and the hours proposed for alcohol sales would be
12 between 7:00 a.m. and 10:00 p.m. She commented that 29 parking spaces are proposed. She
13 commented that street dedications are proposed on both Aviation Boulevard and Marine
14 Avenue at the request of the Public Works and Engineering Departments. She pointed out that
15 a notice was mailed to property owners within 500 feet and was published in the Beach
16 Reporter. She indicated that one comment was received with concerns regarding traffic, noise,
17 lighting, the sale of alcohol and 24 hour operation of the gas station and food mart. She said
18 that comments from other departments will be addressed in the conditions if the project is
19 approved. She said that staff is concerned with the number and scale of the uses proposed for
20 the site which impact traffic, circulation and parking. She commented that 24 hour operation
21 for the food mart and the selling of alcohol also are concerns. She stated that an acoustical
22 analysis was provided by the applicant regarding the carwash; however, staff has a concern with
23 noise from the overall site operations which was not addressed. She indicated that staff has a
24 concern that keeping the existing pole sign would exceed the allowable signage and would
25 require a sign exception.

26 In response to a question from Commissioner Fasola, Director Thompson said that staff had a
27 concern that the applicant was proposing too many uses for the site and that the applicant did
28 not address the concerns sufficiently. He commented that if there is general support for the
29 project by the Commission, staff will work further with the applicant. He indicated that the
30 applicant has indicated that they are willing to eliminate the drive-thru coffee service and the
31 inside coffee area. He commented that staff is pleased with the direction of the applicant in
32 scaling down the project.

21 Commissioner Lesser said that it would be helpful for the Commissioners to see a new plan for
22 the project, as it has now been revised from the previous plans. He requested that the
23 Commissioners be provided with information regarding the conditions placed on the operation
24 of the Mobil gas station at the northwest corner of Aviation Boulevard and Manhattan Beach
25 Boulevard.

24 In response to a question from Commissioner Paralusz, Assistant Planner Ochoa said that staff
25 has briefly reviewed the noise report provided by the applicant, and it appears to basically
26 address the noise of the carwash.

27 Commissioner Fasola commented that the carwash at the Mobil station on the corner of
28 Aviation Boulevard and Manhattan Beach Boulevard is definitely closer to residential uses and
29 it is located on a smaller site.

29 Chairperson Seville-Jones asked for more information regarding other stations in the City that
30 are open 24 hours and regarding the sale of beer and wine at those stations. She also asked that
31 staff provide the addresses of the gas stations to allow the Commissioners to visit the sites.

Ahmad Ghaderi, ANS Engineering, 207 West Alameda, Burbank, representing the applicant, said that the subject site is currently developed as a service station with service bays and a small snack shop. He indicated that the original proposal for the project was submitted in 2007. He said that when it was originally submitted, the proposal was to convert the building to a food mart and a self serve automated carwash on the west side of the property. He indicated that the original proposal was abandoned because of the 12 feet of dedication on Aviation Boulevard and additional landscaping that would have resulted in the pump island being unusable. He said that the subsequent proposal was to construct a 3,800 square foot food mart with specialty coffee sales along the west of the property, a 1,980 square foot carwash along the north side of the property, and a new canopy. He said that the same number of fueling pumps would remain. He stated that the changes have allowed the applicant to meet the 12 foot of dedication along Aviation Boulevard. He pointed out that they are also proposing an enhanced architectural design and increased landscaping. He indicated that the changes have resulted in a cleaner and more functional project.

Mr. Ghaderi stated that they were surprised by staff's concerns that were expressed in the staff report. He pointed out that they are exceeding the parking requirements. He commented that the parking spaces at the Chevron station at the corner of Sepulveda Boulevard and Rosecrans Avenue are located much closer to the canopy island. He indicated that the revised layout has greatly improved the traffic circulation with the new orientation of the pumps. He stated that it is imperative that they retain the existing sign. He commented that the existing improvements on the north side of the property along Aviation Boulevard impact the view of the site, and changing from a pole sign to a monument sign would put them at a disadvantage to other stations. He stated that they have agreed to change the sign to a monument sign at the time the City utilizes the 12 foot dedication along Aviation Boulevard. He commented that 24 hour operation for gas and food sales is a requirement of their contract with Chevron. He said that the largest amount of noise would be generated from the carwash, and they have located it on the north side which is the furthest from residences. He pointed out that they will meet the City's noise ordinance. He commented that they would be willing to submit an acoustical study for the entire site. He indicated that his client has withdrawn the proposal for a specialty coffee use and drive-thru service, although they still would plan to sell coffee as part of the foot mart.

Mr. Ghaderi pointed out that the property is 39,000 square feet, which is one of the largest for the type of use in the area. He indicated that they are also willing to reduce the size of the structure from 3,800 square feet to 3,200 square feet. He pointed out that the use has been in operation for 40 years, and the adjacent residents are well aware of its location. He said that the proposed renovation will improve the site, and there is no nexus with the project to a reduction of the surrounding property values. He pointed out that there are many service stations in the area which operate 24 hours near residential, and the sale of alcohol would be for off-site consumption only. He commented that the hours proposed for the carwash are between 7:00 a.m. to 10:00 p.m. He pointed out that the use draws from the existing traffic on the street. He stated that they are willing to shield the lighting facing residential areas. He indicated that his client is required by their contract with Chevron to rebuild the site by October of this year.

Chairperson Seville-Jones opened the public hearing.

Audience Participation

Gabriella Mohia, a resident of the 1800 block of 23rd Street, stated that there has been growth and development in the area at a rapid pace that has resulted in impacts regarding traffic and noise. She said that she is concerned with the environmental impact and security. She indicated that the proposal is to have access to liquor next to a soccer field. She commented

1 that there is already a great deal of traffic on Aviation Boulevard. She stated that the lights
2 from the field shine onto their back yard, and she has a concern with light from the station and
3 carwash. She commented that there currently are other carwashes, gas stations and liquor stores
4 within a quarter mile of the site. She said that she recognizes that the property owner has the
right to develop their property and expand; however, it needs to be weighed against the impact
to the community.

5 **Jonathan Gordon**, a resident of the 1800 block of 23rd Street said that the Commission should
6 not be influenced by a contractual obligation of the applicant that are compelling them to make
the proposed changes hastily.

7 **Kate Budlong**, a resident of the 1800 block of Marine Avenue, indicated that a letter with her
8 concerns were included as attachment H to the staff report. She said that the service being
9 offered by the station is not needed or desired by the community, as there are many other
10 similar uses in the area. She stated that the proposal would continue to sacrifice the adjacent
11 residential neighborhood in favor of retail use. She indicated that the City is caving in to many
12 different types of retail uses. She commented that 24 hour mini marts and liquor sales are not
13 needed in a small city. She said that the lights of the station are currently shut off at midnight.
She indicated that a decision to favor retail uses in order to increase tax revenue for the City
should be decided by a vote. She commented that 24 hour operation of the station would add
lights, traffic, noise, and people to the area at all hours. She said that there currently is an issue
with vandalism in the area, and 24 hour operation would increase crime.

14 **Ms. Budlong** indicated that liquor sales are inappropriate in a residential area, and there
15 currently are other locations in the area that sell alcohol. She commented that people visiting
16 the youth soccer fields would purchase alcohol at the station to consume during long games.
17 She said that there is also a concern with only two people working at the station at any one time
18 being able to control liquor sales. She commented that traffic patterns on the site are complex
19 and need careful review. She suggested that all of the access to the site be provided off of
20 Aviation Boulevard with no access being provided from Marine Avenue. She commented that
21 Marine Avenue is currently overburdened and is not able to support any additional traffic. She
22 stated that there is a concern with additional traffic on Marine Avenue late at night. She said
23 that headlights from cars lining up at the carwash and cars existing the gas pumps and mini
24 mart would shine directly into homes. She said that many drivers have very loud stereos, which
would be an additional impact to the residents with cars stopping at the station late at night.
She indicated that property values in the City already have dropped. She indicated that home
values on her block have long been impacted by the presence of the station and by the increase
of traffic on Marine Avenue as Rosecrans Avenue has continued to be developed. She
indicated that 24 hour operation of the station would further decrease home values.

25 In response to a question from Commissioner Fasola, **Ms. Budlong** indicated that her first
choice for the site would be for it to be used as a park.

26 In response to a question from Commissioner Paralusz, **Ms. Budlong** suggested the possibility
27 of adding a sound wall along Marine Avenue in front of the station similar to the existing wall
28 along Aviation Boulevard. She also suggested that access to the station only be provided along
Aviation Boulevard.

29 **Ms. Mohia** said that their main concern was the scale of the proposed development for the site
30 with the car wash and larger food mart. She indicated that they also have a large concern with
31 the sale of alcohol.

Mr. Ghaderi said that people now mainly take their cars to the dealer for repairs rather than gas stations. He said that the carwash is necessary in order to provide additional revenue with the loss of business from vehicle repairs. He commented that remodeling the site would be a great asset to the City. He indicated that the reconfiguration of the gas pump islands would reorient the direction of the cars and prevent the headlights from shining into the adjacent homes. He pointed out that the proposal is for a beer and wine license which is similar to other stations in the area, and liquor sales would be very limited. He indicated that they are willing to relocate the lights far away from the property line to shield them from the adjacent residences. He commented that the building can also be located further north on the property to create an additional landscape buffer to the adjacent properties. He pointed out that it would not be feasible to block access to the site from Marine Avenue, and they must be able to provide easy access to their customers. He indicated that several customers that are supportive of the project live on Marine Avenue. He commented that the Zoning Code allows the site to be developed with up to a 65,000 square foot building.

Chairperson Seville-Jones closed the public hearing.

Discussion

Traffic Engineer Zandvliet commented that closing the driveway on Marine would not change the traffic circulation on the street. He said that blocking access from Marine Avenue would adversely impact cars entering and exiting the site and would result in more U-turns and left turns on the adjacent streets. He stated that the proposal which includes two driveways provides the minimum access that is feasible for the site, and eliminated the two driveways that are closest to the corner which are in poor locations. He pointed out that the traffic circulation within the site is very good with full circulation around all of the pumps and adequate space for vehicles to back up from all of the parking spaces.

In response to a question from Commissioner Lesser, Traffic Engineer Zandvliet indicated that a traffic impact analysis is not required because the project would generate fewer than 50 new net trips within a peak hour. He commented that the proposed uses are similar to the existing uses in terms of generating new trips to the site. He pointed out that most trips to gas stations are from cars that are already on the road for another reason.

Commissioner Lesser said that the Commission does consider the concerns of the residents regarding public safety as paramount in reviewing the project. He commented that he understands the concerns of the residents regarding liquor sales and increasing density; however, the Commission must also balance the property rights of the property owner. He indicated that fuel stations are phasing out service bays and need to find alternative ways of generating revenue. He said that he feels it is necessary to see a revised plan in light of the applicant being willing to withdraw the drive-thru coffee service. He commented that he would strongly encourage the applicant to study the Sign Ordinance and to consider whether the grounds for a Variance are met. He indicated that he would like further information regarding comparative hours of operation and hours permitted for alcohol sales for similar uses. He said that he would also like for further review of the acoustical analysis as well as lighting regarding the impacts to the neighbors. He commented that he is looking forward to seeing a revised proposal, and he is pleased that the applicant is willing to work with staff.

Commissioner Paralusz also thanked the residents and applicant's representative for their input. She indicated that the Commission must balance the public interest with the interest of the property owner. She commented that she uses the station and shares the concerns of the residents. She indicated that she also shares the concerns of the property owner in being able to

1 develop their property. She stated that she is looking forward to seeing the revised plans at the
2 next meeting. She stated that she would like a comparison of the project with other service
3 stations that are currently operating or that have recently operated in the City including the
4 Shell station and Manhattan Beach Fuel that were across the street from each other on
5 Manhattan Beach Boulevard and Sepulveda Boulevard. She commented that her recollection is
6 that the Shell station and Manhattan Beach Fuel did not operate 24 hours, although she believes
7 the Mobil station at Aviation Boulevard and Manhattan Beach Boulevard does operate 24
8 hours. She stated that she also would like information regarding the operating hours for other
9 stations and the hours permitted for beer and wine sales at the Mobil station. She pointed out
10 that the City is not a party to any contract between the property owner and Chevron, and the
11 City can impose its own restrictions. She said that she would be interested to see the language
12 of the agreement. She commented that she is also interested in more information regarding the
13 hours of operation of the adjacent Marine Avenue Park field and the security procedure for the
14 hours during which the park is closed. She commented that she has a concern with security,
15 particularly regarding someone being able to purchase alcohol at the station and access the park.
16 She said that she would like consideration to be given as to whether people would actually
17 purchase alcohol and consume it at the park while they watch a game. She also asked whether
18 there is currently an issue of people purchasing alcohol at Trader Joe's and accessing nearby
19 Polliwog Park. She said that she also questions whether keeping the existing sign would meet
20 the criteria for granting a Sign Exception. She commented that she would like for the applicant
21 to consider proposing an alternative to the existing sign in the event it does not meet the
22 necessary criteria. She pointed out that blocking access to the station from Marine Avenue
23 would back up traffic on Aviation Boulevard.

15 Commissioner Fasola stated that he appreciates the comments of the adjacent neighbors who
16 would be impacted by the project. He commented that the flow of the cars through the site
17 would be improved with the proposed configuration of the driveways. He also indicated that
18 the headlights from the cars visiting the station would face east and west rather than toward the
19 adjacent residences with the proposed configuration. He indicated that the site has a large
20 parking lot in the back that is not utilized, and it is anticipated that the site would be
21 redeveloped. He commented that he does not object to food sales or the carwash, although he
22 was not in favor of the drive-thru service. He indicated that he does have a concern with
23 alcohol sales, and his understanding is that alcohol is not permitted to be sold after 2:00 a.m.
24 He stated that he would not want for the facility to operate 24 hours. He commented that
25 Aviation Boulevard has a quieter character than Sepulveda Boulevard or Manhattan Beach
26 Boulevard. He pointed out that the site would be developed with a more intensive type of use if
27 the gas station fails. He suggested that the design of the roof of the proposed structure be
28 reconsidered.

24 Chairperson Seville-Jones said that she also agrees with many of the comments of the other
25 Commissioners. She commented that she would not be in support of 24 hour operation. She
26 said that if 24 hour operation is considered, she would like to have a comparison of other
27 similar 24 hour operations in relation to neighboring residences. She stated that there does not
28 appear to be a critical need for the station to operate 24 hours. She commented that she would
29 also like for the hours of operation of the food mart and the carwash to be clearly defined and
30 sensitive to the adjacent neighbors. She indicated that she has a concern with liquor sales given
31 the proximity to the adjacent neighborhood, parks, and the alleyway. She stated that she also
32 would have a concern as to whether people would be able to access the fields after purchasing
33 alcohol. She commented that a lighting plan would be helpful to demonstrate that the light
34 would not be intrusive to the neighbors. She suggested that the residents review the
35 Conditional Use Permit in order to understand the restrictions placed on the use. She
36 commented that it would not appear feasible to block the site from Marine Avenue with a sound

wall, although she would be interested in other creative methods to block noise with landscaping. She indicated that she also would like a comparison of the proposed use with other stations and their hours of operation.

Chairman Seville-Jones **REOPENED** the public hearing and **CONTINUED** the item to May 27, 2009.

F. BUSINESS ITEMS

None.

G. DIRECTORS ITEMS

None.

H. PLANNING COMMISSION ITEMS

None.

I. TENTATIVE AGENDA

J. ADJOURNMENT

The meeting was adjourned at 9:40 p.m. to Wednesday, May, 13, 2009, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary


ATTEST:









RICHARD THOMPSON
Community Development Director

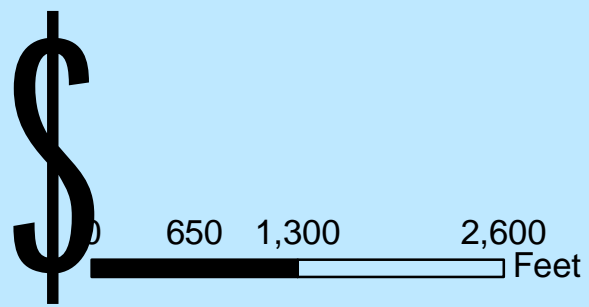
Gas Stations and Zoning Map City of Manhattan Beach

Legend

 Gas Stations

Zoning

-  CC - Community Commercial
-  CD - Downtown Commercial
-  CG - General Commercial
-  CL - Local Commercial
-  CNE - North End Commercial
-  IP - Industrial Park
-  OS - Open Space
-  PD - Planned Development
-  PS - Public and Semi-Public
-  RH - Residential High Density
-  RM - Residential Medium Density
-  RPD - Residential Planned Development
-  RS - Residential Single Family
-  RSC - Residential Senior Citizen



Pacific Ocean

76
(CL)

Shell/
Wells Fargo
(GC)

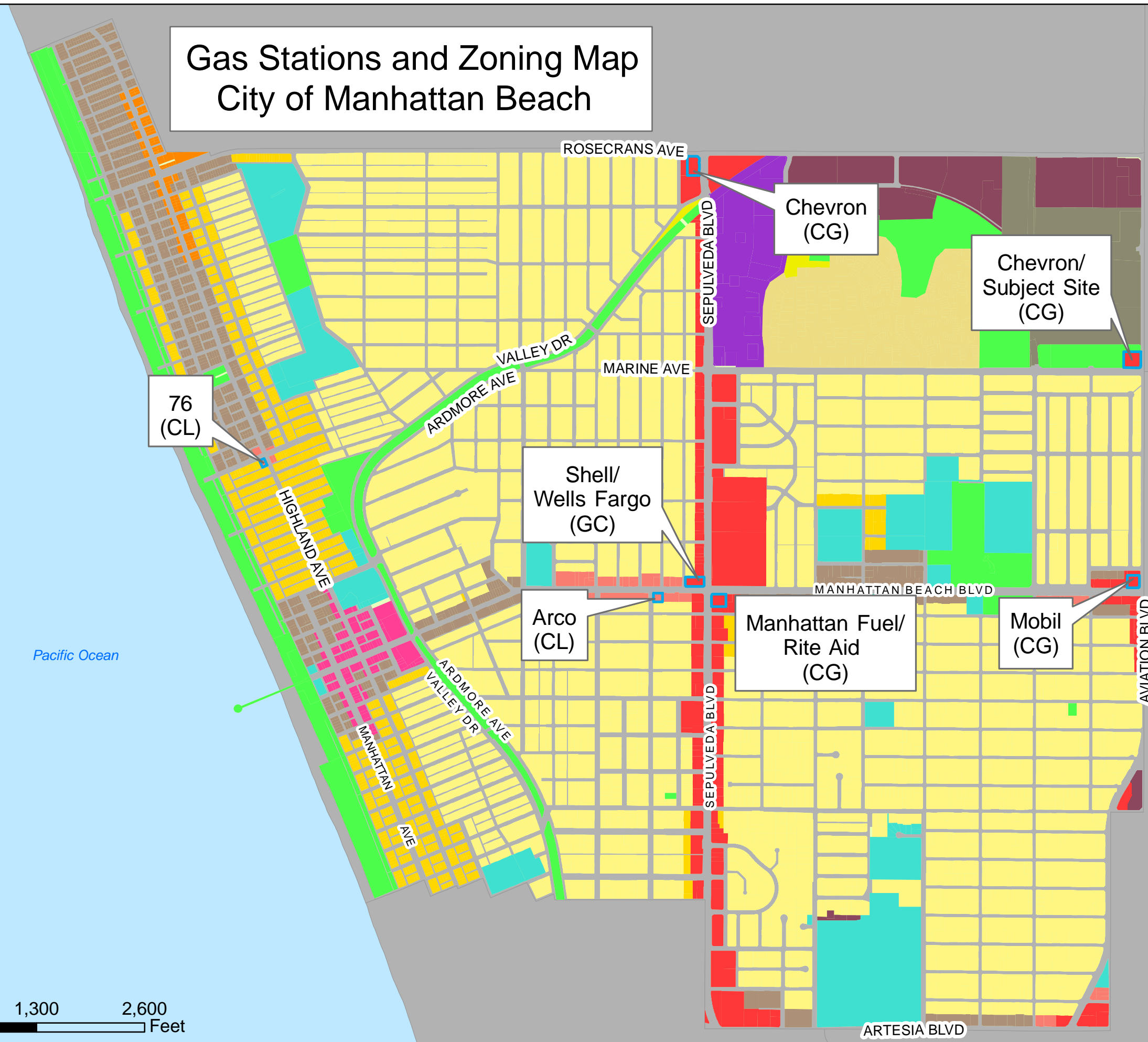
Arco
(CL)

Manhattan Fuel/
Rite Aid
(CG)

Mobil
(CG)

Chevron
(CG)

Chevron/
Subject Site
(CG)



Kate Budlong
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9 Jun 2009

Members Planning Commission
Members City Council
Richard Thompson, Director of Community Development
Angelica Ochoa, Assistant Planner
City of Manhattan Beach
Manhattan Beach CA 90266

Subject: Proposed Modifications of Chevron Station, 2301 North Aviation

Dear Planning Commission, City Council, Community Development,

Comments to your 27 May 09 Planning Meeting decision on the Subject proposal:

Summary

The recent Planning Board meeting has approved the owner's request for new uses for the property at the 2301 North Aviation (Chevron Station), including, specifically (and most onerously to the local residents), new 24 operation. The Planning Board was sympathetic to the neighbors' concerns about 24 hour operation and in fact was split 50-50 (2 to 2) that 24 operation was undesirable.

There was some discussion of the 2003 changes in the zoning for the subject Chevron Station which had led its new designation of CG zoning. It was noted that the local residents had not been specifically targeted for the normal 500 foot radius notification of the change because the changes were City-wide in a general revision of many properties and public hearings had been announced in the Beach Reporter.

Community Development, in their associated Report (dated 27 May 09 and presented to the Planning Board meeting) showed a table of MB Gas Stations (Exhibit C of their 27 May 09 report) delineating the zoning for six (6) other gas station in the City. Two of these gas stations (both zoned CG) no longer exist. Two others were zoned CG, the final two CL.

The Planning Board, based on this table, which included zoning and hours of operation for each of the listed stations, felt that they had no choice but to approve 24 hour operation. The motion for 24 hour operation then passed unanimously.

Please find below my comments to the Appeals Process and the Planning Board Decision. Also included are requested corrections/clarifications to the Planning Board Minutes of 27 May 2009.

Appeals Process

After the meeting I was informed that there is an appeals process for the decisions of the Planning Commission. By Friday 29 May I was in receipt (by email) of the required form and associate price list for filing appeals.

I noted with dismay that there is a huge filing fee (\$475) for appeal of a Planning Board decision, and an even more outlandish one (\$10,000) for an appeal of a zoning change. These fees effectively preclude further "ordinary citizen" inputs.

EXHIBIT E
CC Mtg. 6/16/09

To: MB Planning Commission
 From: Kate Budlong, MB Resident

I would have, had it not been completely outside my financial abilities, sent in an appeal on both counts, both the immediate Planning Board decision and the past zoning change which made that decision inevitable, but since the MB City "pay to play" system has excluded me from that avenue, let me at least point out some of the invalid reasoning inherent in the current planning board decision, as well as some of the inaccuracies in the most recent minutes of the Planning Board:

Misleading Comparison with other MB Gas Stations

Exhibit C of the 27 May 09 Community Development Report lists, in response to an Action Item from the previous Planning Board Meeting, City of Manhattan Beach Gas Stations. I have included the table below for reference.

Gas Station	Type	Address	Zoning	District	Hours	Use Permit	Alcohol	Signs
Mobil	Gas Station/Mini Market/Car Wash	1865 Manhattan Beach Blvd.	CG	2	Gas - 24 hours Mini-market - 6am to 12 midnight Car wash - 7am to 9pm (M-F), 8am to 8pm (Sat, Sun, Hol)	Approved July 5, 1988	Beer and Wine	1 Pole Sign Height 20-25 feet
76	Gas Station/Kiosk	2121 Highland Avenue	CL	3	Gas and Kiosk 6am to 10pm	Approved July 6, 1976	No	1 Pole Sign Height 15 feet
Arco	Gas Station/Mini Market	1002 Manhattan Beach Blvd.	CL	1	Gas and mini-market 7am to 10pm	Approved Oct. 1, 1985	Beer and Wine	1 Pole Sign Height 30 ft.
Shell (demolished, new use)	Gas Station/Food Mart/Auto Repair	1129 N. Sepulveda Blvd.	CG	2	Gas - 24 hours Mini-market - 6am to 12 midnight Auto Repair - 8am to 7pm	Approved Jan. 26, 1994	Beer and Wine	1 Pole Sign Height 30 ft.
Manhattan Fuel (demolished, new use)	Gas Station/Auto Repair	1100 Manhattan Beach Blvd.	CG	1	No limits	Approved April 6, 1976	No	1 Pole Sign Height 20 ft.
Chevron	Gas Station/Food Mart	3633 N. Sepulveda Blvd.	CG	2	Gas - 24 hours Food Mart - 6am to 2am Alcohol - 6am to midnight	Approved Oct. 11, 2006	Beer and Wine	Monument Sign Height 6 ft.

EXHIBIT C
 PC Mtg. 5/27/09

On the basis of this table extensive discussion was held and critical conclusions drawn by the Planning Board. This Table is, in fact, very misleading, as it includes two gas stations which are now closed (Shell Station 1129 N. Sepulveda and Manhattan Fuel 1100 Manhattan Beach Blvd). Of the other MB Gas Stations only two, Mobil (1865 MB Blvd) and Chevron (3633 N. Sepulveda) are zoned CG, the other two (76 on 2121 Highland, Arco 1002 MB Blvd) are zoned CL. Both of the closed stations were zoned CG, both operated 24 hour gas sales. Their presence on the table led improper weight to the eventual Planning Commission conclusion (and vote) that approval of the current Chevron station's 24 hour request was unavoidable. This table should be corrected and the decision that it drove revisited.

To: MB Planning Commission
From: Kate Budlong, MB Resident

Two Questions:

Misleading Exhibit C

Why did no one question the propriety of including, in Exhibit C above, two gas stations which no longer exist? The request for this information was made in April 2009, well after both stations had closed, and yet their data were included in the table. A request for amendment of the misleading Community Development Report table was never made.

Although it was noted (very much in passing, and not included in the current Planning Board Minutes), that these stations were closed, the data from these closed stations, both zoned CG, certainly contributed to the perception that there were enough other CG stations in the City of MB that the one at issue (2301 N. Aviation) should not be treated differently from "all" the others. In fact there are only two other CG stations in Manhattan Beach and they are both in very high traffic, non-residential locations.

The Planning Board noted (but also did not reflect in the Minutes) that they had quite a bit of discretion with respect to hours of operation for even CG zoning.

The Planning Board's final decision was very much based on that misleading table.

I question the good faith of the preparers of Exhibit C as their Table distorted the situation in favor of the Applicant, and, I maintain, resulted in tainting the final decision of the Planning Board in favor of the 24 hour operation of the subject property.

Zoning

Why was the subject Chevron Station (2301 N. Aviation), in very close proximity to many homes, granted a CG zone when other stations in similar proximity to homes were classified CL? Could this have been because other neighbors were properly notified back in 2003 when these decisions were being made? Could it have been because these two stations were in closer proximity to higher priced homes on the west side of town?

There was reference in the recent Planning Board meeting (also not reported in the Minutes) that there had been neighbor complaint(s?) about the station's hours over the last few years. I am one neighbor who complained, and in fact repeatedly so. My complaints had to do with the sudden 24 hour operation some years ago which resulted in discussion by the City (Code Enforcement) with the Chevron station owner and a reduction of the hours to 5:30 am to midnight. At the time (and still until recently) I thought the agreement of 5:30 am to midnight was done arbitrarily by one now retired Planner. No mention was made of any zoning change at that time.

In the context of the above complaint I was told by the City that the Chevron Station, since they had been closing at 10 pm for at least a decade at that point, would need to, in effect, re-submit an application to the City for different hours, and could not just unilaterally change to 24 hours without neighborhood input no matter what the historic zoning might have said in the distant past.

No mention was made to me (and I believe not to Code Enforcement either) that the zoning had recently been changed to CG and that 24 hour operation had somehow recently been sanctioned. There was certainly none of the neighborhood notification that we had been led to expect. This zoning change and the lack of community notification should be investigated.

To: MB Planning Commission
From: Kate Budlong, MB Resident

Corrections/Comments to the 27 May 09 Planning Board Minutes

Following are corrections to the posted Minutes of the 27 May 09 Planning Board. I suggest my comments be corroborated by a review of the video of the meeting.

1. **Resident Comments not included** - The meeting minutes do not include the Resident Inputs provided by email to the Planning Board in advance of the meeting. Reference was made at the meeting to three inputs from residents (including my own). Since this was a continuation of a Public Hearing, and email comments were supposed to be included in lieu of comments presented in person, these email comments should have been part of the Record. Mine are attached at the end of this letter for your reference. I would appreciate seeing the others as they should be part of the public record.
2. **2003 Zoning** – Comments reported in the Minutes for Ms Ochoa and Mr Thompson re this zoning change were confusingly (misleadingly) transcribed: The Minutes, in Ms Ochoa’s remarks, “She indicated that notice of the zone change was published in the Beach Reporter and was sent to individual property owners who were impacted”. This could be read to indicate that the property owners in the immediate vicinity of the proposed zoning change were notified (as is the legal requirement). As Mr Thompson later made clear, the “notice of the zone change” was discussed only with the owners of the property whose zoning was being changed. Mr Thompson’s comments are not included in the Minutes, but at the meeting he made it clear that somehow the notice of the general meetings on City-wide zoning changes were sufficient. To be absolutely clear: Mr Thompson at the meeting stated that no specific notification of the residents in the 500 foot radius of the Chevron Station was made in 2003. The current minutes should be clarified to that effect.
3. **Format of the Minutes** – A general comment. I realize that in the “old days” we were trying to save paper, but that no longer applies as the Minutes are now on line. With that in mind, suggest that the “dense block of text” system be re-thought: too many unrelated ideas are jumbled into very dense paragraphs, obscuring and confusing individual ideas. In addition, much of the discussion seems to have been only partially reported. I would expect Minutes, taken by what seemed to be a Court Reporter type of technique, and bolstered by video coverage, to reflect all of the topics covered. These comments apply to the entire set of minutes. Suggest more “user friendly” presentation, perhaps bulletizing, and complete inclusion of all ideas. The Minutes are supposed to reflect the entire meeting not just parts of it.

Please feel free to contact me at the above phone/fax/email as needed.

Sincerely,

Kate Budlong

Neighborhood Watch Block Captain – 1800 Block Marine

Attachment: My comments sent to the Planning Board in advance of the 27 May 2009 Meeting

To: MB Planning Commission
From: Kate Budlong, MB Resident

Attachment – Comments to Planning Board on 27 May 2009

Kate Budlong
1836 Marine Ave
Manhattan Beach CA 90266

310-545-1380 fax 310-545-0386
ksbudlong@earthlink.net

25 May 2009 – Errata 27 May 2009

Richard Thompson, Director of Community Development
Members Planning Commission
Angelica Ochoa, Assistant Planner
City of Manhattan Beach
Manhattan Beach CA 90266

Subject: Proposed Modifications of Chevron Station, 2301 North Aviation – Errata 27 May 09

Dear Mr. Thompson, Ms Ochoa, Planning Commission Members,

Again, in a follow-up to the recently posted Report from Mr. Thompson's office, I am providing feedback on the proposed modifications to the Chevron Station on the NE corner of Marine and Aviation – 2301 North Aviation.

Following are some remaining (and on-going) concerns:

Concern 1 – Property Zoning Change from Earlier City Definitions

In Exhibits C and D of the 22 Apr 09 submission to the Planning Board by MB Community Development, the subject property is defined as “Conditional Use, M-1, Light Industrial” (1988), and “Industrial” (1997). In the current documents (2009) this same property is now designated “CG” (general commercial). When did this change take place? I do not recall any notification of the neighborhood to approve of this change. Perhaps this needs to be investigated.

Concern 2 – 24 Hour Operation

The owner, in his new submission, has backed off somewhat from earlier demands for the uses at this location, now suggesting that the Food Mart (mini-mart) be closed at 10 pm for inside service, with some food items available from a window staffed by one individual. The owner's main demand though, and the one most egregious to the local neighborhood, is still for 24 hour operation.

Incidentally, the owner's representative at the April meeting seemed quite misinformed as to the current operation, or perhaps he was trying to bolster his new demands (for 24 hours) by making it seem as though there was already 24 hour operation at the site. There is not. The current hours are 5:30 am to midnight.

The owner's representative repeatedly insisted that this station has a contract with Chevron for 24 hour operation, and kept mentioning this contract with Chevron as though to make it seem somehow to obligate the City in some way. One of the members of the Planning Commission requested a copy of the subject contract clause but no mention of any action by the owner was noted in the current report. The City did point out that a contract with Chevron carries no weight if the City does not permit it but

To: MB Planning Commission
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the insistence on this contract by the owner's representative somehow gave a flavor of attempted coercion.

As I tried to make clear at the April public hearing, a 24 hour retail establishment directly across the street from a family neighborhood is not desirable, for the following reasons:

- a. Traffic - At night this area is relatively quiet as the traffic on Aviation is quite low. A 24 hour "attraction" in the form of a gas station and minimart (even window service only) will draw unwanted middle of the night traffic.
- b. Lights - A corollary to a 24 hour operation is the onerous lighting of a fully open gas station. The current station lights already shine into neighborhood homes but at least they are now shut off (almost completely) around midnight each night. In addition car headlights exiting the station now (and according to the plan, in the future) shine directly into neighborhood homes. There has been some talk of light shielding, and low-level lighting, but based (again) on the experience from the adjacent ball fields (also supposedly shielded) the overflow lighting will be substantial, and any lighting is certainly worse than the current no lighting middle of the night situation. Besides, car traffic exiting on Marine can hardly be shielded and that will be, and is now, a problem.
- c. Noise - Cars and their occupants are not always quiet. The cars themselves, at 3 am, are an unwanted intrusion, but the car radios and people noises are also objectionable in an area that has a 10 pm noise curfew. Some cars stopped in front of my house waiting for the Marine-Aviation light sometimes have radios so loud they shake my windows. None of us needs this at 3 am.
- d. Late Night People Traffic & Crime - An open gas station creates an assembly point for late night traffic, especially with a built-in excuse like a mini-mart window. We have enough trouble around here with prowlers and opportunistic smash and grab crime to be intentionally inviting more traffic, this traffic now with a "valid" excuse to loiter. The owner has said that the proposed graveyard shift would only be manned by one individual. How much control will one individual be able to exert over an unruly, or even just noisy, group? In the current situation the lone station attendant in the late evening cannot even control skate boarders on his property and cannot be expected to take on individuals assembling in their cars, attracted by the wee hours availability of gas and mini-mart fare. I personally called the MBPD late one evening at the gas station attendant's request to put the run to a group of very loud skate boarders. The attendant was afraid to confront them, or even to call the MBPD, for fear of retaliation. So now we want the station open all night? Not an attractive prospect, and certainly a major detriment to an otherwise quiet neighborhood.

Concern 3 - Beer & Wine

- a. Ball field - I and others at the April meeting have raised the question of beer and wine sales, noting in particular the immediate proximity to the ball fields. At the April meeting someone wondered whether a similar situation re Trader Joe's proximity to Polliwog Park had caused any problems. Might I point out that Trader Joe's closes at 9 pm, that Polliwog has regular patrols, and in fact permits limited beer and wine at certain events (like the summer concerts). Usually, also, any wine or beer is consumed in a picnic setting, and the park is not open late at night. Trader Joe's is not quite so immediately accessible, though admittedly very close. The ball fields, on the other hand, are no more than 100 yards away from the Chevron Station, have crowds who are not picnicking (ie would be only drinking), and also crowds who often spend

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hours and hours in various tournaments and adult games. Adding easily available wine and beer sales would not be helpful. As the MBPD report noted (Exhibit F which, incidentally, gives only page 1 of 5 – where is the rest?) there are already some issues with wine and beer consumption in the adult leagues at the ball fields. All these activities could be very readily re-supplied by the Chevron Station.

- b. General – There are many other outlets for beer and wine in the very near vicinity of the Chevron location (Von's on Marine/Imperial, Ralph's on Marine/Sepulveda, various small local liquor stores. None of these is immediately next to a ball field and a residential neighborhood, though several are admittedly close (like Trader Joe's). We do not need any more alcohol sales. It is much too easy now for underage drinkers. Some restraint by the City is needed.

Concern 4 – Food Mart Hours

There is absolutely no need for any food mart to be open at 5 am. The current “permission” for the station to open at 5:30 am and close at midnight was given unilaterally by a now retired city planner with no input from anyone and was a step backward from the hours when I moved here in 1988 when the station always closed at 10 pm.

The mini-mart does not need to be open until normal business hours, at the earliest 7 am. The 10 pm closing is possible only if the rest of the station has similar hours and all the lights go out at that time. The staff of the Food Mart will certainly have keys to the beer coolers at a 5 am opening so the argument of “locked with no key” for the graveyard shift no longer applies. I note also that the wine is to be sold from an end cap display so minimal control will be available even during open hours. Are wine coolers to be sold also? I believe they would be permitted by the same license as for beer and wine. Will they be sold as singles?

Concern 5 – Car Wash Hours and Noise

The car wash is going to be a noisy business, especially noxious to the adjacent homes if the wind is from the north as it often is around here. The car wash cannot be allowed to be open outside of the “quiet hours” decreed for construction noise, namely 7:30 am to 6 pm Monday through Friday, 9 am to 5 Saturdays, closed Sunday and Holidays. It is misleading to take noise readings during the day and then conclude that there will be no additional impact. The noise comparison we need is one taken in evening hours.

Concern 6 – General Noise Concerns

Beyond the noise of construction, which will certainly be considerable, the station as it is presently planned will unquestionably add to the ambient noise of this area. Right now Aviation in the middle of the night is very quiet, Marine almost completely so. Both the late night car wash and the all night gas station will certainly increase the traffic and noise coming from this station and its customers.

The acoustical study noise readings noted in Exhibit E were taken between 10 and 11 am on 25 Feb 09. I wonder why these data weren't presented at the April meeting. It was concluded from the acoustical study that since ambient noise from traffic was louder than that predicted from the car wash therefore the noise from the car wash would not be a factor. In fact noise doesn't work that way: The ambient effect of one loud noise (traffic) must be added to the effect of another (something like a car wash). It is not correct to just say that since one is x amount, the other won't matter. Anyone who has been in a

To: MB Planning Commission
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group of loud kids knows the cumulative effect of one noise upon another. It is not physically correct to just ignore the second source when it is less severe than the first source.

The day-time noise in this area is, in fact, quite high, even including as I write these very lines, ambient noise from a rather brisk wind. The issue though is the noise impact of the car wash on evening and early morning ambient conditions. At these hours, 7 am, and late evening, it gets rather quiet around here. The acoustical study needs to assess what the ambient noise is in the evening and in the early morning. In fact, it also needs to record the 3 am readings so that the additional impact of the proposed 24 hour operation can be truly assessed.

While landscaping can buffer noise and to some extent lights, it is by no means a solution to the issue of 24 hour operation. It might do some good, but probably minimal. Headlights will shine directly through any foliage and noise is hardly stopped by leaves. Witness the sorry state of the noise abatement from the ball fields, even with their "buffer" of newly planted trees which don't help at all. The ball field noise is considerable at all times of the day and evening, and very annoying.

Concern 7 – Additional Traffic on a Dangerous Corner

The traffic aspect has been addressed in various ways throughout this letter but I do want to correct MB Traffic assessment which had concluded that this new set of uses would not increase traffic as it is not a "destination" but rather a "way stop" in an otherwise planned trip. May I point out that while that may be true of an ordinary gas station, this is no longer a valid assumption if you add both a Food Mart and a car wash. These can certainly be primary destinations.

In addition there will certainly be additional traffic if the station is allowed to be open 24 hours. Right now there is minimal traffic at 3 am along Marine. 24 hours will certainly change that. Aviation will also be impacted.

Another point about traffic: the corner of Marine and Aviation is a notorious accident area, particularly at night. I have called 911 from my house countless times, often in the wee hours, upon hearing the all too familiar screech followed by the munch of crushing metal. Do we really want to increase this traffic in the middle of the night by permitting a 24 hour gas station?

Conclusion

The City of Manhattan Beach needs to help our neighborhood.

Somehow this property, originally a conditional use zoning, a borrowed corner from TRW, has become a General Commercial corner. How and why was this allowed?

While I recognize that a retail business has a right to make a living (a point made over and over at the April meeting), and I know we home owners of the 1800 block of Marine are in the "cheap end" of town, I must ask: would you permit just such a gas station, with a car wash and 24 hour operation this close to houses on the Strand, or next to your own houses?

Please feel free to contact me at the above phone/fax/email as needed.

Sincerely,

Kate Budlong

Neighborhood Watch Block Captain – 1800 Block Marine

Kate Budlong
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25 May 2009

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Concern 6 – General Noise Concerns

Beyond the noise of construction, which will certainly be considerable, the station as it is presently planned will unquestionably add to the ambient noise of this area. Right now Aviation in the middle of the night is very quiet, Marine almost completely so. Both the late night car wash and the all night gas station will certainly increase the traffic and noise coming from this station and its customers.

The acoustical study noise readings noted in Exhibit E were taken between 10 and 11 am on 25 Feb 09. I wonder why these data weren't presented at the April meeting. It was concluded from the acoustical study that since ambient noise from traffic was louder than that predicted from the car wash therefore the noise from the car wash would not be a factor. In fact noise doesn't work that way: The ambient effect of one loud noise (traffic) must be added to the effect of another (something like a car wash). It is not correct to just say that since one is x amount, the other won't matter. Anyone who has been in a group of loud kids knows the cumulative effect of one noise upon another. It is not physically correct to just ignore the second source when it is less severe than the first source.

To: MB Planning Commission
From: Kate Budlong, MB Resident

The day-time noise in this area is, in fact, quite high, even including as I write these very lines, ambient noise from a rather brisk wind. The issue though is the noise impact of the car wash on evening and early morning ambient conditions. At these hours, 7 am, and late evening, it gets rather quiet around here. The acoustical study needs to assess what the ambient noise is in the evening and in the early morning. In fact, it also needs to record the 3 am readings so that the additional impact of the proposed 24 hour operation can be truly assessed.

While landscaping can buffer noise and to some extent lights, it is by no means a solution to the issue of 24 hour operation. It might do some good, but probably minimal. Headlights will shine directly through any foliage and noise is hardly stopped by leaves. Witness the sorry state of the noise abatement from the ball fields, even with their "buffer" of newly planted trees which don't help at all. The ball field noise is considerable at all times of the day and evening, and very annoying.

Concern 7 – Additional Traffic on a Dangerous Corner

The traffic aspect has been addressed in various ways throughout this letter but I do want to correct MB Traffic assessment which had concluded that this new set of uses would not increase traffic as it is not a "destination" but rather a "way stop" in an otherwise planned trip. May I point out that while that may be true of an ordinary gas station, this is no longer a valid assumption if you add both a Food Mart and a car wash. These can certainly be primary destinations.

In addition there will certainly be additional traffic if the station is allowed to be open 24 hours. Right now there is minimal traffic at 3 am along Marine. 24 hours will certainly change that. Aviation will also be impacted.

Another point about traffic: the corner of Marine and Aviation is a notorious accident area, particularly at night. I have called 911 from my house countless times, often in the wee hours, upon hearing the all too familiar screech followed by the munch of crushing metal. Do we really want to increase this traffic in the middle of the night by permitting a 24 hour gas station?

Conclusion

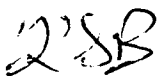
The City of Manhattan Beach needs to help our neighborhood.

Somehow this property, originally a conditional use zoning, a borrowed corner from TRW, has become a General Commercial corner. How and why was this allowed?

While I recognize that a retail business has a right to make a living (a point made over and over at the April meeting), and I know we home owners of the 1800 block of Marine are in the "cheap end" of town, I must ask: would you permit just such a gas station, with a car wash and 24 hour operation this close to houses on the Strand, or next to your own houses?

Please feel free to contact me at the above phone/fax/email as needed.

Sincerely,



Kate Budlong

Neighborhood Watch Block Captain – 1800 Block Marine

Angelica Ochoa

From: Richard Thompson
Sent: Wednesday, May 27, 2009 2:17 PM
To: Angelica Ochoa
Cc: Laurie B. Jester; Angela Soo
Subject: FW: Marine project

Be sure Commission receives these comments and present them tonight.

Richard Thompson
Director of Community Development

From: World Famous Shellback Tavern [mailto:shellbacktavern@earthlink.net]
Sent: Wednesday, May 27, 2009 1:25 PM
To: List - Planning Commission; Richard Thompson
Cc: Geoff Dolan
Subject: Marine project

It seems every time I want to speak before the council or a commission, I have prior engagements. The parking meter discussion was Cinco de Mayo and tonight is the Lakers and fortunately I have tickets! I have reviewed the changes and believe they are a fair compromise. It would be nice if we could revisit the noise issue in regards to the car wash blowers after they have been in operation for awhile. Also I think 10:00pm is awfully early to stop beer sales. I think 11:00pm is more reasonable. It would be nice to see as much of the project hidden by landscaping of at least six feet in height. I own both 1832 and 1842 Marine Ave which are directly affected. Thank you for your time and concern. Bob Beverly GO LAKERS

Angelica Ochoa

From: Gabriela Mejia - UIM [GMejia@us.univision.com]
Sent: Wednesday, May 27, 2009 4:02 PM
To: Angelica Ochoa
Cc: Gordon, Jonathan; Gabriela Mejia
Subject: RE: Chevron Gas Station on Marine/Aviation

Hello Angelica,

I dropped by City Hall this morning to review the plans. I was told you had an appointment and your colleague Lori walked me through the recent set of changes. I note that there are improvements over the last set of plans in that the building is smaller, and that the 24 hour food mart times have been limited now from 5am to 10pm and sales at the counter will be from 10pm to 5am, with beer and wine to be sold from 7am to 10pm and the car wash 7am to 9pm.

While we appreciate the changes that have been made, my family is still very much concerned about the following issues in order of priority:

1. Sale of liquor – because there is a walkway on Aviation almost at the corner of Marine, in the past, we have had individuals purchase items, cigarettes, etc. and walk through and either sit in their car (presumably drinking alcohol purchased elsewhere) or sit on the sidewalk next to our home (1 door from the alleyway). As you can imagine, with the sale of liquor in such proximity to our home via the alleyway this is a serious concern for us – both from a safety and privacy standpoint;
2. Lighting – given the location of our home, we currently have the lights from the soccer fields flashing on our backyard. We request that strict limitations be placed on lighting/signs to prevent the gas stations' lights to face or impact our home;
3. Times – we believe that the sale of beer and wine is too early and too late as well as the carwash. We request that consideration be given to more reasonable times such as from 8am to 8pm;
4. Traffic – I believe you are familiar with this area and additional traffic congestions this new construction will bring to Aviation and Marine. Close attention must be paid to the driveways/ingress/egress.

With respect to issue #1, if the planning commission agrees to grant this permit, WE REQUEST THAT CONSIDERATION BE GIVEN TO CLOSING OFF THE ALLEYWAY ON AVIATION THEREBY CLOSING OFF ACCESS FROM THAT HIGHWAY AND PREVENTING ADDITIONAL FOOT TRAFFIC, PARKING AND/OR LOITERING IN FRONT OF OUR HOMES. THERE ARE SAFETY ISSUES AS WELL AS CHILDREN AND PETS HAVE RUN OUT INTO THAT AREA NEARING FAST MOVING VEHICLES.

As I mentioned, we will not be able to attend the meeting this evening but would appreciate you conveying our concerns to the planning commission and the above request. Also, if there's anything you need from us, please let us know. Thank you for your assistance.

Regards,
Gabriela Mejia
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