




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: November 3, 2009

SUBJECT: Consideration of Planning Commission Approval of a Use Permit for Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial General Office/Personal Services Condominium Space on the Property Located at 627 Aviation Way (Cleland)

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, Dennis Cleland, the prospective owner of a commercially zoned interior lot with an existing one-story single family residence and detached garage at the corner of Aviation Way and Matthews Avenue, submitted a proposal to construct a mixed use development. The proposal includes demolishing the one-story single family residence and detached garage and constructing a new three-story building with 1 commercial condominium general office/personal services space and 4 residential condominium units.

On September 23, 2009, the Planning Commission conducted a public hearing and requested that the applicant work with staff on parking and landscaping issues. The Planning Commission was overall supportive of the project but felt that these issues should be addressed before the project could be approved. The project was continued to the Planning Commission meeting of October 14, 2009.

At the Planning Commission meeting of October 14, 2009 (Exhibit B), after public testimony was received, the Planning Commission discussed that the project met the driveway width, residential garage access, street parking spaces, and landscaping per Code requirements. The Commission felt that the applicant addressed all of the outstanding issues and approved the project. All Planning Commission staff reports are attached as Exhibit C. The Planning Commission approved the

other commercial uses in the area and the surrounding residential community would not be affected.

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 one letter from a resident with concerns regarding parking impacts, which are included in the September 23rd staff report in Exhibit C. 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. 09-08
 - B. 'Draft' Planning Commission minutes dated October 14, 2009
 - C. Staff Planning Commission Reports, attachments, and minutes dated September 23 and October 14, 2009 (duplicates deleted)
 - D. Plans (not available electronically, separate)

cc: Dennis Cleland, Applicant
Srouf & Association, Applicant Representative
Studio 912 Architect

RESOLUTION NO. PC 09-08

1 RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
2 MANHATTAN BEACH APPROVING A USE PERMIT FOR
3 CONSTRUCTION OF A NEW MIXED USE CONDOMINIUM
4 DEVELOPMENT (4 RESIDENTIAL AND 1 COMMERCIAL) AND
VESTING TENTATIVE TRACT MAP NO. 71173 ON THE PROPERTY
LOCATED AT 627 AVIATION WAY (Cleland)

5 THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES
6 HEREBY RESOLVE AS FOLLOWS:

7 SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the
8 following findings:

9 A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on
10 September 23, 2009 and a continued public hearing on October 14, 2009, received testimony,
11 and considered an application for a use permit for construction of a proposed 7,490 square foot
mixed use building to include one commercial condominium general office/personal services
space and four residential condominium units on the property located at 627 Aviation Way in
the City of Manhattan Beach.

12 B. The existing legal description of the site is Lot 1, Block 103, Redondo Villa Tract "B"

13 C. The applicant for the subject project is Dennis Cleland, the owner (in escrow) of the property.

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

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

18 F. The property is located within Area District I and is zoned CL, Local Commercial. The use is
19 permitted by the zoning code and is appropriate as conditioned for the local residential and
20 commercial area. The surrounding private land uses consist of CL, CG and RS (Residential
Single Family).

21 G. The General Plan designation for the property is Local Commercial. The project is consistent
22 with General Plan policies including recognition unique qualities of mixed-use development,
and balancing of the needs of both commercial and residential uses.

23 H. Approval of the commercial and residential use project, subject to the conditions below, will
24 not be detrimental to the public health, safety or welfare of persons residing or working in or
25 adjacent to the neighborhood of such use; and will not be detrimental to properties or
improvements in the vicinity or to the general welfare of the City since the project is compatible
26 with the surrounding neighborhood and is in compliance with all applicable regulations as
detailed in the project staff report.

27 I. The project shall be in compliance with applicable provisions of the Manhattan Beach
Municipal Code and the Manhattan Beach Local Coastal Program.

28 J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding
29 area, or create demands exceeding the capacity of public services and facilities.

30 K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

31 *Use Permit*

32 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 in a

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commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide neighborhood-oriented activities that are compatible with the surrounding residential areas, since the proposed project is located within the (CL) Local Commercial district, and will replace an existing single family residence with a mix of residential and general office/personal service uses.

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, since the proposed new mixed use development is in compliance with all Manhattan Beach Municipal Code regulations, providing a total of 17 on-site parking spaces, more housing opportunities with four residential condominium units and compatibility with the surrounding neighborhood with a mix of residential and general office/personal service uses.
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 Local Commercial which allows for small-scale professional offices, service activities that serve the local community and residential uses with a Use Permit.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. The new mixed use of residential and office uses will comply with all of the City's Code requirements, is compatible with the surrounding residential areas of single family and multi-family, and has a sufficient number of on-site parking spaces to ensure it does not affect the surrounding community. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.

Mixed Use

1. The subject project must also comply with the residential and commercial standards for a mixed use development per the following:

Section 10.16.030 (P) – In a mixed use development, the residential standards for the RH district and area district in which the site is located shall apply to a building or portion of a building intended for residential use (Section 10.12.030), and commercial standards (Section 10.16.030) shall apply to a building or portion of building intended for commercial use, except in the CL district, the maximum FAR, the commercial standard, shall apply to the entire project.

General Plan

1. 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.

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1
2 *Policy LU-2.2: Preserve and encourage private open space on residential lots citywide.*

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

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

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

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

10 *Policy LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are*
11 *beneficial to residents, and support the economic needs of the community.*

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

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

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

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

19 **Subdivision Map**

20 A tract map (VTTM # 71173) is required per Section 11.12.020 of the Manhattan Beach
21 Municipal Code to subdivide the property into separate ownerships and the project is in
22 conformance with the code per the following requirements:

23 1. Section 11.04.040 (D) – Each lot created by a map shall include a minimum
24 contiguous lot area required by the appropriate residential base zoning district standards.

25 2. Section 11.04.040 (E) – No map shall be approved unless it complies with the
26 Subdivision Map Act, this title and any other title of this Code, other applicable laws and all
27 conditions or requirements imposed pursuant to the requirements thereof, except; that when
28 the failure of a map to so comply is the result of a technical or inadvertent error which, in
29 the determination of the Planning Commission, does not materially affect the validity of the
30 map, this provision may be waived.

31 3. Section 11.12.020 (E) – The Planning Commission shall review all materials
32 submitted and shall either approve, conditionally approve or disapprove the map within fifty
(50) calendar days after the certification of the environmental impact report, adoption of a
negative declaration, or the determination that the project is exempt from the requirements
of the California Environmental Quality Act (CEQA). This time limit may be extended by
mutual consent of the subdivider and Community Development. Written notice of the
decision of the Planning Commission shall be given to the subdivider.

4. Section 11.24.040 - A vesting tentative map shall be filed in the same form, have the
same contents, provide the same information and shall be processed in the same manner as
set forth in this title for a tentative map except as hereinafter provided.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the
subject Use Permit application for a mixed use building of residential and office condominium

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uses, subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

1. * The project shall be constructed and operated in substantial compliance with the submitted plans and project description as approved by the Planning Commission on September 23, 2009 and October 14, 2009. Any other substantial deviation from the approved plans and project description must be reviewed by the Director 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 utilizing drought tolerant plants shall be submitted for review and approval concurrent with the building permit application. Use of turf grass and other high water use plant materials shall be minimized. All plants shall be identified on the plan by the Latin and common names. Landscaping within the driveway visibility triangle shall be a maximum height of 3 feet. Landscaping shall include mature shrubs and box-sized shade trees throughout the project site. Landscaping shall be installed per the approved plans prior to building final. Landscaping and irrigation shall conform with water conservation regulations per Chapter 7.44 of the Manhattan Beach Municipal Code. 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 utilizing smart controllers and other WaterSense devices, 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. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
9. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items

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1 shall be installed and maintained as required by the Department of Public Works or
2 Building Official.

3 12. Security lighting for the site shall be provided in conformance with Municipal Code
requirements including glare prevention design.

4 13.* All street parking spaces on Mathews Avenue and Aviation Way adjacent to the subject site
5 will be required to be minimum 8 feet wide by 20 feet long, with the exception of the space
6 on Mathews adjacent to the corner of Aviation Way. The street parking space to the west
of the corner on Mathews Avenue will be designated and signed as compact parking space
7 with a minimum dimension of 8 feet wide by 18 feet long.

8 Condominium Conditions

9 14. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or
10 Land Surveyor licensed in the State of California, including permanent monumentation of
all property corners and the establishment or certification of centerline ties at the
intersections of:

- 11 a. Aviation Way and Mathews Avenue
- 12 b. Aviation Way and Nelson Avenue
- 13 c. Aviation Boulevard and Mathews Avenue
- 14 d. Aviation Boulevard and Nelson Avenue

15 15. Each new condominium shall have separate water and sewer laterals as required by the
16 Director of Public Works.

17 16. Vesting Tentative Parcel Map No. 71173 shall be approved for an initial period of 3 years
with the option of future extensions. The final map shall be recorded prior to condominium
18 occupancy.

19 Commercial Operational Restrictions

20 17.* The approved commercial space of 441 square feet shall be limited to general office and
21 personal services or other uses with similar parking requirements subject to approval of the
Director of the Community Development. Medical office and residential uses shall be
prohibited.

22 18. The management of the facility shall police the property and all areas immediately adjacent
to the businesses on the site during the hours of operation to keep it free of litter.

23 19. The operators of the facility shall provide adequate management and supervisory techniques
24 to prevent loitering and other security concerns outside the subject business.

25 20.* Parking shall be provided in conformance with the applicable Manhattan Beach Municipal
26 Code. Parking spaces shall be marked and signed as required by the Community
Development Department. The commercial parking space shall be available to employees
27 and customers and shall not be labeled or otherwise restricted for use by any individuals.
Gates or other obstructions to commercial or guest parking areas shall be prohibited

28 21.* All signs shall be in compliance with the City's Sign Code. Pole signs, monument signs and
29 internally illuminated signs shall be prohibited. Commercial tenant signs shall not be
located upon residential portions of the building as determined to be appropriate by the
30 Community Development Director.

31 22. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.

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23. Any outside sound or amplification system or equipment is prohibited.
24. 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 which shall include the use of WaterSense and Energy Star fixtures and appliances, and retention of storm water on the site. The proposed development shall be designed to have a minimal effect on existing surface drainage patterns and result in only an incremental increase in the amount of surface runoff entering the public storm drain system. Gutters and downspouts shall direct roof run-off to permeable areas and landscaped yard areas throughout the site, which shall absorb a significant portion of surface runoff. In addition, the site will be properly graded to obtain maximum onsite drainage and soil stability. Plans shall require review and approval by the Community Development and Public Works Departments.

Public Works

- 25.* Enclosed storage area(s) for refuse containers must be provided on-site. These areas must be constructed to meet the requirements of M.B.M.C. 5.24.030. The area(s) must be shown in detail on the plans before a permit is issued. The individual condominium units must provide their own trash and recycling areas and show the areas on the plans as per the approval of the Public Works Department. The landscape company contracted by the homeowner's association must dispose of all green waste off-site.
- 26.* The commercial unit must have their own individual trash and recycling area and shown on the plans in detail before a permit is issued as per the approval of the Public Works Department.
- 27.* Each new condominium shall separate water and sewer laterals as required by the Director of Public Works. Separate water lines and sanitary sewer laterals must be installed on each unit. The condos must have their water and sewer come out on to Mathews Avenue. The commercial unit must have their water and sewer on Mathews Avenue or onto Aviation Way. Lateral shall conform to C.P.C. 717.0 using Table 7.8.
- 28.* A disabled access ramp must be installed on the corner of the public sidewalk. See City Standard Plan ST-9. Ramp must be shown on plans, and details are subject to approval of the Public Works Department.
- 29.* Sidewalk must be installed from the north property line to the south on Aviation Way and installed from the west property line to the east property line on Mathews Avenue and shown on the plans. Red curbing, signage and other details shall be installed per Public Works requirements.
30. It is the responsibility of the contractor to protect all the street signs around the property. If signs are damaged, lost or removed, it is the responsibility of the contractor to replace and/or relocate the signs at the contractor's expense. The contractor is also responsible for any street markings that are damaged or removed by the contractor's operations. Contact the Public Works Inspector for sign specification and suppliers.

Building

31. The project must comply with all 2007 California Codes, Chapter 11-A (2007 CBC), Section 1101A through 1106A, Section 1104 A.2 (no habitable space at lower level), 1102 A.3 (accessibility to multi-story dwellings 10% minimum), State Codes and ADA disabled access requirements.

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- 1 32. A soil report must be submitted at the time of plan check for review and approval per
2 Building and Safety requirements.
- 3 33. The project shall comply with 2007 CBC Table 602, 704.8, Section 704 for Fire resistance
4 requirements for exterior walls and openings in exterior walls.
- 5 34. The project shall provide an occupancy fire barrier per CBC 58.3.3.3 (Table 538.3.3 and
6 706.3.8).
- 7 35. The project shall comply with CBC 712.2 FDR Fire Blocking requirements.

8 **Procedural**

- 9 36. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by
10 the Planning Commission.
- 11 37. *Inspections.* The Community Development Department Staff shall be allowed to inspect
12 the site and the development during construction subject to 24-hour advance notice.
- 13 38. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of
14 the following information to the Director of Community Development:
- 15 a. a completed application and application fee as established by the City's Fee
16 Resolution;
 - 17 b. an affidavit executed by the assignee attesting to the assignee's agreement to comply
18 with the terms and conditions of the permit;
 - 19 c. evidence of the assignee's legal interest in the property involved and legal capacity
20 to undertake the development as approved and to satisfy the conditions required in
21 the permit;
 - 22 d. the original permittee's request to assign all rights to undertake the development to
23 the assignee; and,
 - 24 e. a copy of the original permit showing that it has not expired.
- 25 39. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it
26 is the intention of the Director of Community Development and the permittee to bind all
27 future owners and possessors of the subject property to the terms and conditions.
- 28 40. *Effective Date.* This Resolution shall become effective when all time limits for appeal as
29 set forth in MBMC Section 10.100.030.
- 30 41. All provisions of the Use Permit are subject to review by the Community Development
31 Department 6 months after occupancy and yearly thereafter.
- 32 42. 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.
43. 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.
44. 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

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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.

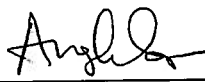
SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine 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 October 14, 2009 and that said Resolution was adopted by the following vote:


**AYES: SEVILLE-JONES, FASOLA,
LESSER**
NOES: NONE
ABSTAIN: NONE
ABSENT: PARALUSZ, ANDREANI



RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boeschen,
Recording Secretary



Sarah Boeschen

**CITY OF MANHATTAN BEACH
[DRAFT] PLANNING COMMISSION
MINUTES OF REGULAR MEETING
OCTOBER 14, 2009**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 14th day of October, 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, Chairperson Seville-Jones
Absent: Andreani, Paralusz
Staff Present: Laurie Jester, Planning Manager
Recording Secretary: Sarah Boeschen

B. APPROVAL OF MINUTES – September 23, 2009

Commissioner Fasola requested that the last sentence of paragraph 6 on page 7 of the September 23 minutes be revised to read: “He said that ~~mixed use may be more appropriate for the downtown area~~ the building types found in downtown, with a single owner, with retail or restaurant downstairs and apartments above, may be more appropriate for mixed-use developments.”

A motion was MADE and SECONDED (Lesser/Fasola) to APPROVE the minutes of September 23, 2009, as amended.

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

C. AUDIENCE PARTICIPATION

None.

D. PUBLIC HEARINGS, CONTINUED

10/14/09-2 Consideration of a Use Permit for Proposed Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial Office Space on the Property Located at 627 Aviation Way.

Planning Manager Jester stated that the item was originally heard at the hearing of September 23, 2009. She indicated that the Commission had questions at the last hearing about the parking and the back-up space for the driveways. She stated that staff has since met with the architect and the City’s Traffic Engineer as well as staff from the Engineering Division and Public Works Department to review the back-up space for the driveways and the street parking. She said that staff has determined that the proposal actually exceeds the Code standards. She indicated that the applicant would be providing street parking spaces with a length of 20 feet. She pointed out that there would be one compact street parking space on the corner of Mathews Avenue with a length of 18 feet. She commented that the curb would be painted red along Aviation Way near the stop sign in order to provide for visibility. She said that the back-up space for the driveways as proposed would meet the required 24 foot radius. She indicated that

the landscape plan has been revised to include shade trees rather than palm trees as previously shown. She indicated that a more detailed landscape plan will be provided during the plan check process.

In response to a question from Commissioner Lesser, Planning Manager Jester indicated that there would be signage designating the 18-foot long street parking space as a compact space. She indicated that enforcement of vehicles extending beyond the compact space and protruding into the adjacent driveway or handicapped corner access ramp would be done on a complaint basis.

Chairperson Seville-Jones opened the public hearing.

Patrick Killen, the project architect, said that they have changed the plans to provide more shade trees rather than palm trees as previously shown.

Commissioner Fasola said that he is now satisfied that the back-up space meets the Code requirements as proposed.

Mr. Killen said that no changes were required to the plans as previously proposed in order to meet the Code requirements for the driveways.

Chairperson Seville-Jones closed the public hearing.

Commission Discussion

Commissioner Lesser said that he is prepared to approve the project as presented for all of the reasons that he stated at the previous hearing. He thanked the applicant for taking additional time to confirm the measurements for the driveways with staff, as it was helpful for the Commission to be certain that the measurements were correct for the street parking spaces. He stated that the project meets all of the required findings, and he supports the proposal.

Chairperson Seville-Jones stated that she also supports the project. She also thanked the architect for taking the extra time to confirm the measurements in order for the Commission to be certain that they are correct. She also thanked staff for working with the applicant to review the measurements in a very short time period. She indicated that she feels it is a very good project and that it will add to the vibrancy of the neighborhood.

Action

A motion was **MADE** and **SECONDED** (Lesser/Fasola) to **APPROVE** a Use Permit for Proposed Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial Office Space on the Property Located at 627 Aviation Way to October 28, 2009.

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

Planning Manager Jester stated that the item will be placed on the City Council's agenda for their review on November 3, 2009.

10/14/09-3 Consideration of Code Amendments to Allow All Restaurants, Bars, Hotels, Facilities Within Hotels, and Similar Commercial Businesses to Remain Open Until 1:00 a.m. on New Years

Planning Manager Jester said that staff is recommending that the item be continued to the meeting of October 28, 2009.

Chairperson Seville-Jones opened the public hearing.

A motion was **MADE** and **SECONDED** (Lesser/Fasola) to **CONTINUE** Consideration of Code amendments to allow all restaurants, bars, hotels, facilities within hotels, and similar commercial businesses to remain open until 1:00 a.m. on New Years to the meeting of October 28, 2009

AYES: Fasola, Lesser, Chairperson Seville-Jones

NOES: None

ABSENT: Andreani, Paralusz

ABSTAIN: None

E. DIRECTORS ITEMS

Planning Manager Jester pointed out that the Planning Commission meeting which would regularly be held on Wednesday, November 11, 2009, is being changed to Thursday, November 12, 2009, because of the Veterans Day holiday.

F. PLANNING COMMISSION ITEMS

G. TENTATIVE AGENDA October 28, 2009

1. Code Amendments to Allow Extended Holiday Hours for Restaurants, Bars, and Similar Commercial Businesses
2. Master Use Permit Amendment for Modifications to the Hours Size of Special Events, Food Service, and Installation of a Glass Wall at the Shade Hotel

H. ADJOURNMENT

The meeting was adjourned at 6:45 p.m. to Wednesday, October 28, 2009, in the City Council Chambers, City Hall, 1400 Highland Avenue

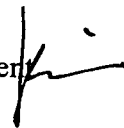
SARAH BOESCHEN
Recording Secretary


ATTEST:

RICHARD THOMPSON
Community Development Director

**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: September 23, 2009

SUBJECT: Consideration of a Use Permit for Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial General Office/Personal Services Condominium Space on the Property Located at 627 Aviation Way (Cleland)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing, **ADOPT** the attached resolution and **APPROVE** the project subject to conditions

APPLICANT

Dennis Cleland
P.O. Box 969
Manhattan Beach, CA 90266

PROJECT BACKGROUND

The subject site presently consists of a commercially zoned interior lot occupied with a single story residence and detached garage. The project is proposed to demolish all of the existing improvements on the site and construct a three-story building with 1 commercial condominium general office/personal services space, 4 residential condominium units, 17 on-site parking spaces, three new driveways on Matthews Avenue and a common outdoor recreation area. A use permit is required per Section 10.16.020 of the City's zoning code for the proposed mixed use of residential use in a commercial zone (CL). As part of the use permit and mixed use approval, the project must comply with the development standards for residential use per Section 10.12.030 and the development standards for commercial use per Section 10.16.030. A parcel map, (VTTM #71173) is also required per Section 11.12.020 of the Manhattan Beach Municipal Code to subdivide the property into separate condominium ownerships.

The Planning Commission has the authority to review and approve the subject project based on the following:

- 1) Use Permit findings per Section 10.16.020 and that it complies with the mixed use standards per Section 10.16.030 (P) for residential and commercial:
 - a) Residential Development Standards per Section 10.12.030
 - b) Commercial Development Standards per Section 10.16.030

- 2) Subdivision Map Act per Section 11.04.040 (Map Requirements), 11.12.020 (Tentative Map) and 11.24.040 (Vesting Tentative Maps). The specific findings and requirements are included in the Resolution.
- 3) The goals and policies of the General Plan, which are included in the Resolution.

GENERAL PLAN/ZONING

In 2003 with the adoption of the new General Plan and subsequent Zoning Map, the block that the subject site is located within was redesignated and rezoned. The site was previously designated as General Commercial, CG. The City Council redesignated these commercial lots as Local Commercial to encourage these sites to transition to new uses, and to provide neighborhood-oriented commercial businesses and potential mixed use. The CG zoning did not allow residential or mixed use, while the CL designation allows mixed commercial and residential uses subject to Use Permit approval. All four parcels on the corner of Aviation Way and Matthews, including the subject project were rezoned from Commercial General (CG) to Local Commercial (CL) as part of this process.

PROJECT OVERVIEW

L O C A T I O N

Location	627 Aviation Way (corner of Aviation Way and Matthews Avenue)(see Vicinity Map).
Legal Description	Lot 1, Block 103, Redondo Villa Tract B
Area District	I

L A N D U S E

General Plan Zoning	Local Commercial CL, Commercial Local	
Land Use	<u>Existing</u> 992 sq. ft. single family residence (used as offices)	<u>Proposed</u> 441 sq. ft. commercial general office/personal services space & 4 residential units totaling 7,049 sq. ft.
Neighboring Zoning/Land Uses	<u>Location</u> North (Commercial) South (Commercial) East (City of Redondo) West (Residential and Commercial)	<u>Zone/Use</u> CL/Single Family, Multi-Family, Office, and Public Facility further to the north CG/Office, Day Care, Retail Mixed Use RS/Single Family (across Aviation Blvd to the west) and CL directly to the north

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement</u>
Parcel Size:	7,490 square feet	4,000 sq. ft. min
Residential Density:	1 unit / 1000 sq. ft. lot area (4)	1 unit /1000 sq. ft. lot area (7 max)
Building Floor Area:	7,490 sq. ft. total	7,490 sq. ft. max
Commercial	441 sq. ft.	N/A
Residential	Three 1,777 sq. ft. units One 1,716 sq. ft. unit	N/A
Open Space (Residential)	458 sq. ft./unit	220 sq. ft/unit
Height	30 ft.	30 ft. max.
Setbacks:		
Commercial	Varies: 2 – 18 ft.	None
Residential		
Front	20 ft.	20 ft.
Rear	25 ft.	25 ft.
East side	5 ft.	5 ft.
West side	5 ft.	5 ft.
Parking:		
Residential	4 two-car garages (8 spaces)	2 car garage per unit (8 spaces)
Guest Parking (Residential)	2 per unit (8 spaces)	1 per unit (4 spaces)
Commercial	1 ADA space (9'x18')	1 space per 300 sq. ft. (8.5'x18', (Zoning, 1 ADA space per Building & Safety – not exclusive for ADA use
Vehicle Access	Aviation Way & Matthews Ave	N/A

DISCUSSION

The applicant proposes to demolish the existing single family residence and garage and construct a new three-story mixed use building that will include four residential condominium units and one general office/personal services unit. The lot is 50' x 150' in Area District I and zoned Local Commercial (CL) at 627 Aviation Way. Aviation Way is a forty foot wide right-of-way that is located east of Aviation Boulevard. The centerline of Aviation Way forms the boundary between Manhattan Beach and Redondo Beach. The mixed use building will replace a one-story single family residence and detached garage that was built in 1934. Three of the proposed residential units will have living areas of 1,777 square feet and one unit will be 1,716 square feet (rear unit). The commercial unit will have a floor area of 441 square feet.

The ground floor will be occupied by parking garages, laundry, storage, mechanical equipment and an outdoor entry area for the residential units. The commercial unit will also be located on the ground floor facing Aviation Way and Matthews Avenue with pedestrian access off Matthews Avenue. Required residential open space for the project is provided by ground level entry areas, third floor decks, and a large common rear yard. The building would contain 7,490 square feet of floor area. All pedestrian and driveway access would be taken from Aviation Way except the commercial ADA parking space, which is accessed off of Matthews Avenue. The ADA parking space will not be a space reserved, used

exclusively or identified with signage exclusively for use by persons with disabilities per Building Code requirements.

The proposed building is observing the required setbacks and 30-foot height limit. All required parking related to the project would be contained within the building. The project is providing four two car enclosed garages per residential condominium unit, 2 guest parking spaces per unit and one unenclosed ADA parking space for the office unit, which complies with the parking requirements. The project will provide a total of 17 on-site parking spaces, which exceeds the 13 required parking spaces. All users of the building have access to the public sidewalk on Matthews Avenue and Aviation Way with pedestrian access off Matthews Avenue. The existing curb cut on Aviation Way will be utilized for access to the parking for the commercial unit and street parking on Aviation Way will not be affected. It appears that the subject project will remove about 2 existing parking spots on Matthews Avenue to accommodate four new driveways for the residential garages and guest parking. Staff was satisfied with the minimum amount of public parking that was eliminated to accommodate the required parking on-site. Private property trees will be removed along Aviation Way, as well as throughout the site to accommodate the new commercial space. Since the subject project is located in a Commercial zone (CL), it is not subject to the requirements of the Tree Ordinance of protected trees in the front yard. This applies to residential zones only.

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

Residential Use:

The CL zone allows for residential use in commercial areas, subject to use permit approval. The Planning Commission must determine that the proposed residential units are not detrimental to the subject commercial area, and that the residential occupants of the units would not be detrimentally affected by the surrounding commercial uses. The Use Permit findings are on page 6 of this report and are mentioned in the Resolution. Residential uses occupy the majority of the development across Aviation Boulevard to the west, with commercial to the south on Artesia Boulevard and multi-family residences to the east in the City of Redondo Beach. There is a mix of uses on both sides of Aviation Way including low and high density residential, small commercial (accounting office, Auto Club and church). Since the ground level commercial unit occupies a minority of the project, this appears to be a desirable mixed use design with a commercial and residential proportion consistent with other mixed use projects in the City. The general office/personal service use will create minimal noise, traffic, parking, trash or other potential impacts. The overall design concept is consistent with the purposes of the Local Commercial zone (MBMC 10.16.010) by providing small scale commercial use and compatible residential uses.

Staff believes that the proposed occupants of the condominium units would not be detrimentally affected by the uses in the commercial area, since they are low intensity. The property directly to the north at 623 Aviation Way is developed with four residential condominium units built in 2007, next to this property to the north is 617 Aviation Way developed with an older single family home built in 1944. The property at 628 Aviation

Boulevard (corner of Aviation Boulevard and Matthews Avenue) is developed with an accounting office and single family home built in 1924. Across the street in the City of Redondo Beach, the majority of the properties are multi-family residences. Staff also believes that the commercial development should continue along Aviation Boulevard because of large traffic volumes and residential uses, including small scale mixed use should be permitted along Aviation Way adjacent to other residential homes per the redesignation of the area with the General Plan in 2003.

Mixed Use Standards:

The zoning code's development standards for mixed use development [Section 10.16.030(P)] in the CL zone generally specify that commercially used portions of a building comply with applicable commercial standards, and residential portions comply with residential standards.

The residential portions of the proposed building observe residential setback requirements (RH Zone, Area District I) and the commercial portions observe commercial standards (CL Zone, Area District I). An additional specialized mixed use standard applicable to this project is the floor area factor (FAR) to determine living area. The FAR to determine residential (RH) maximum floor area is 1.2 in Area District I. The RH standard would apply to this project in other mixed use districts, however the zoning code provides exclusively for the CL district that: "the commercial standard for maximum FAR shall apply to the entire project", which is 1.0. In order to comply with this requirement the project's proposed floor area has been reduced.

Project Design:

The project design is in conformance with all applicable regulations including the 1.0 floor area ratio (7,490 sq. ft. max.) of the CL zone. Inland RH districts permit floor area ratios up to 1.2. The overall appearance of the project is modern style featuring an open front entry, deck areas, private yard areas, a large common rear yard area and decorative architectural treatments.

The commercial general office/personal services space is relatively small in size (441 square feet) and according to the applicant, it is anticipated that this space will be occupied by a resident of one of the four condominium residential units. This space may only be used for commercial use, not residential use, as it does not meet the residential development standards. The project is designed with multiple driveways on Aviation Way and Matthews Avenue to accommodate two-car garages and two guest spaces per unit.

The project plans do not provide any sign information. Conditions prohibiting ground based signs and commercial signs on residential building walls are recommended, as well as a condition prohibiting internally illuminated signs in recognition of the lower intensity commercial and mixed use residential character of this area.

USE PERMIT AND OTHER CODE FINDINGS

In order to approve the subject application, the following findings must be made. These findings are as follows:

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 in a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide neighborhood-oriented activities that are compatible with the surrounding residential areas, since the proposed project is located within the (CL) Local Commercial district, and will replace an existing single family residence with a mix of residential and general office/personal service uses.
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, since the proposed new mixed use development is in compliance with all Manhattan Beach Municipal Code regulations, providing a total of 17 on-site parking spaces, more housing opportunities with four residential condominium units and compatibility with the surrounding neighborhood with a mix of residential and general office/personal service uses.
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 Local Commercial which allows for small-scale professional offices, service activities that serve the local community and residential uses.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. The new mixed use of residential and office uses will comply with all of the City's Code requirements, is compatible with the surrounding residential areas of single family and multi-family, and has a sufficient number of on-site parking spaces to ensure it does not affect the surrounding community. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.

The General Plan goals and policies and the Subdivision Map Act requirements are all included in the resolution of this report.

PUBLIC INPUT

A public notice for the proposed project was mailed to all property owners within 500 feet of the site, and published in the Beach Reporter newspaper. Staff received one letter of opposition (Exhibit D) regarding elimination of public parking on Aviation Way and how it will impact available parking in the neighborhood.

DEPARTMENT COMMENTS

The Public Works Department is requiring that the residential and commercial units each provide their own trash and recycling area within their unit outside of the required parking or open space areas. The proposed trash enclosure shown on the plans will be eliminated and the contracted landscape company by the homeowners association will be required to dispose of all green waste off-site. No separate trash enclosure will be required. The Engineering Department

is requiring that all sidewalks and driveways comply with ADA requirements. The Fire Departments had no specific conditions for the project. The Building Department is requiring that the project comply with all Building and State code 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.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

The Planning Commission has the authority to review and approve the subject project based on the following:

- 1) Use Permit findings per Section 10.16.020 and that it complies with the mixed use standards per Section 10.16.030 (P) for residential and commercial:
 - a) Residential Development Standards per Section 10.12.030
 - b) Commercial Development Standards per Section 10.16.030
- 2) Subdivision Map Act per Section 11.04.040 (Map Requirements), 11.12.020 (Tentative Map) and 11.24.040 (Vesting Tentative Maps). The specific findings and requirements are included in the Resolution.
- 3) The goals and policies of the General Plan, which are included in the Resolution.

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

Attachments:

- A. Draft Resolution No. PC 09-
- B. Vicinity Map
- C. Applicant's Representative Environmental Information Form & Use Permit project Description
- D. Public input dated September 16, 2009
- E.. Plans (separate)

cc: Dennis Cleland, Applicant
Srouer & Associates, Applicant Representative
Studio 912, Architect

RESOLUTION NO. PC 09-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT FOR
CONSTRUCTION OF A NEW MIXED USE CONDOMINIUM
DEVELOPMENT (4 RESIDENTIAL AND 1 COMMERCIAL) AND
VESTING TENTATIVE ~~PARCEL~~ MAP 71173 ON THE PROPERTY
LOCATED AT 627 AVIATION WAY (Cleland)

TRACT

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 September 23, 2009, received testimony, and considered an application for a use permit for construction of a proposed 7,490 square foot mixed use building to include one commercial condominium general office/personal services space and four residential condominium units on the property located at 627 Aviation Way in the City of Manhattan Beach.
- B. The existing legal description of the site is Lot 1, Block 103, Redondo Villa Tract "B"
- C. The applicant for the subject project is Dennis Cleland, the owner (in escrow) of the property.
- D. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 based on staff's determination that the project is a small infill development within an urbanized area.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District I and is zoned CL, Local Commercial. The use is permitted by the zoning code and is appropriate as conditioned for the local residential and commercial area. The surrounding private land uses consist of CL, CG and RS (Residential Single Family).
- G. The General Plan designation for the property is Local Commercial. The project is consistent with General Plan policies including recognition unique qualities of mixed-use development, and balancing of the needs of both commercial and residential uses.
- H. Approval of the commercial and residential use project, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since the project is compatible with the surrounding neighborhood and is in compliance with all applicable regulations as detailed in the project staff report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the Manhattan Beach Local Coastal Program.
- J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

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 in a commercial zone consistent with Section 10.16.010 of the Manhattan Beach

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Zoning Code which states that the district is intended to provide neighborhood-oriented activities that are compatible with the surrounding residential areas, since the proposed project is located within the (CL) Local Commercial district, and will replace an existing single family residence with a mix of residential and general office/personal service uses.

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, since the proposed new mixed use development is in compliance with all Manhattan Beach Municipal Code regulations, providing a total of 17 on-site parking spaces, more housing opportunities with four residential condominium units and compatibility with the surrounding neighborhood with a mix of residential and general office/personal service uses.
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 Local Commercial which allows for small-scale professional offices, service activities that serve the local community and residential uses.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. The new mixed use of residential and office uses will comply with all of the City's Code requirements, is compatible with the surrounding residential areas of single family and multi-family, and has a sufficient number of on-site parking spaces to ensure it does not affect the surrounding community. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.

Mixed Use

The subject project must also comply with the residential and commercial standards for a mixed use development per the following:

Section 10.16.030 (P) – In a mixed use development, the residential standards for the RH district and area district in which the site is located shall apply to a building or portion of a building intended for residential use (Section 10.12.030), and commercial standards (Section 10.16.030) shall apply to a building or portion of building intended for commercial use, except in the CL district, the maximum FAR, the commercial standard, shall apply to the entire project.

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-2.2: Preserve and encourage private open space on residential lots citywide.

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

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

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.

Subdivision Map

A ~~parcel~~^{tract} map (VTTM # 71173) is required per Section 11.12.020 of the Manhattan Beach Municipal Code to subdivide the property into separate ownerships and the project is in conformance with the code per the following requirements:

Section 11.04.040 (D) – Each lot created by a map shall include a minimum contiguous lot area required by the appropriate residential base zoning district standards.

Section 11.04.040 (E) – No map shall be approved unless it complies with the Subdivision Map Act, this title and any other title of this Code, other applicable laws and all conditions or requirements imposed pursuant to the requirements thereof, except; that when the failure of a map to so comply is the result of a technical or inadvertent error which, in the determination of the Planning Commission, does not materially affect the validity of the map, this provision may be waived.

Section 11.12.020 (E) – The Planning Commission shall review all materials submitted and shall either approve, conditionally approve or disapprove the map within fifty (50) calendar days after the certification of the environmental impact report, adoption of a negative declaration, or the determination that the project is exempt from the requirements of the California Environmental Quality Act (CEQA). This time limit may be extended by mutual consent of the subdivider and Community Development. Written notice of the decision of the Planning Commission shall be given to the subdivider.

Section 11.24.040 - A vesting tentative map shall be filed in the same form, have the same contents, provide the same information and shall be processed in the same manner as set forth in this title for a tentative map except as hereinafter provided.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit application for a mixed use building of residential and office condominium uses, subject to the following conditions (*indicates a site specific condition):

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Site Preparation / Construction

1. * The project shall be constructed and operated in substantial compliance with the submitted plans and project description as approved by the Planning Commission on September 23, 2009. Any other substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant plants shall be submitted for review and approval concurrent with the building permit application. Use of turf grass and other high water use plant materials shall be minimized. All plants shall be identified on the plan by the Latin and common names. Landscaping within the driveway visibility triangle shall be a maximum height of 3 feet. Landscaping shall include mature shrubs and box-sized shade trees throughout the project site. Landscaping shall be installed per the approved plans prior to building final. Landscaping and irrigation shall conform with water conservation regulations per Chapter 7.44 of the Manhattan Beach Municipal Code. 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 utilizing smart controllers and other WaterSense devices, 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. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
9. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official.

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12. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

Condominium Conditions

13. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
 - a. Aviation Way and Matthews Avenue
 - b. Aviation Way and Nelson Avenue
 - c. Aviation Boulevard and Matthews Avenue
 - d. Aviation Boulevard and Nelson Avenue
14. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
15. Vesting Tentative Parcel Map No. 71173 shall be approved for an initial period of 3 years with the option of future extensions. The final map shall be recorded prior to condominium occupancy.

Commercial Operational Restrictions

16. * The approved commercial space of 441.2 square feet shall be limited to general office and personal services or other uses with similar parking requirements subject to approval of the Director of the Community Development. Medical office and residential uses shall be prohibited.
17. The management of the facility shall police the property and all areas immediately adjacent to the businesses on the site during the hours of operation to keep it free of litter.
18. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
19. * Parking shall be provided in conformance with the applicable Manhattan Beach Municipal Code. Parking spaces shall be marked and signed as required by the Community Development Department. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial or guest parking areas shall be prohibited.
20. * All signs shall be in compliance with the City's Sign Code. Pole signs, monument signs and internally illuminated signs shall be prohibited. Commercial tenant signs shall not be located upon residential portions of the building as determined to be appropriate by the Community Development Director.
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.
23. 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 which shall include the use of WaterSense and Energy Star fixtures and appliances, and retention of storm water on the site. The proposed development will have a minimal effect on existing surface drainage.

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patterns and ~~may result~~ ^{Shall not result} in an incremental increase in the amount of surface runoff entering the public storm drain system. Gutters and downspouts shall direct roof run-off to permeable areas and landscaped yard areas throughout the site, which shall absorb a significant portion of surface runoff. In addition, the site will be properly graded to obtain maximum onsite drainage and soil stability. Plans shall require review and approval by the Community Development and Public Works Departments.

Public Works

- 24.* Enclosed storage area(s) for refuse containers must be provided on-site. These areas must be constructed to meet the requirements of M.B.M.C. 5.24.030. The area(s) must be shown in detail on the plans before a permit is issued. The individual condominium units must provide their own trash and recycling areas and show the areas on the plans as per the approval of the Public Works Department. The landscape company contracted by the homeowner's association must dispose of all green waste off-site.
- 25.* The commercial unit must have their own individual trash and recycling area and shown on the plans in detail before a permit is issued as per the approval of the Public Works Department.
- 26.* Each new condominium shall separate water and sewer laterals as required by the Director of Public Works. Separate water lines and sanitary sewer laterals must be installed on each unit. The condos must have their water and sewer come out on to Mathews Avenue. The commercial unit must have their water and sewer on Mathews Avenue or onto Aviation Way. Lateral shall conform to C.P.C. 717.0 using Table 7.8.
- 27.* If the property is located on a corner lot, a disabled access ramp must be installed on the public sidewalk. See City Standard Plan ST-9. Ramp must be shown on plans if applicable.
- 28.* Sidewalk must be installed from the north property line to the south on Aviation Way and installed from the west property line to the east property line on Mathews Avenue and shown on the plans.
29. It is the responsibility of the contractor to protect all the street signs around the property. If signs are damaged, lost or removed, it is the responsibility of the contractor to replace and/or relocate the signs at the contractor's expense. The contractor is also responsible for any street markings that are damaged or removed by the contractor's operations. Contact the Public Works Inspector for sign specification and suppliers.

Building

30. The project must comply with all 2007 California Codes, Chapter 11-A (2007 CBC), Section 1101A through 1106A, Section 1104 A.2 (no habitable space at lower level), 1102 A.3 (accessibility to multi-story dwellings 10% minimum), State Codes and ADA disabled access requirements.
31. A soil report must be submitted at the time of plan check for review and approval per Building and Safety requirements.
32. The project shall comply with 2007 CBC Table 602, 704.8, Section 704 for Fire resistance requirements for exterior walls and openings in exterior walls.
33. The project shall provide an occupancy fire barrier per CBC 58.3.3.3 (Table 538.3.3 and 706.3.8).

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34. The project shall comply with CBC 712.2 FDR Fire Blocking requirements.

Procedural

35. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
36. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
37. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
- a. a completed application and application fee as established by the City's Fee Resolution;
 - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
 - e. a copy of the original permit showing that it has not expired.
38. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
39. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030.
40. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
41. 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.
42. 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.
43. 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

RESOLUTION NO. PC 09-

within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 23, 2009 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

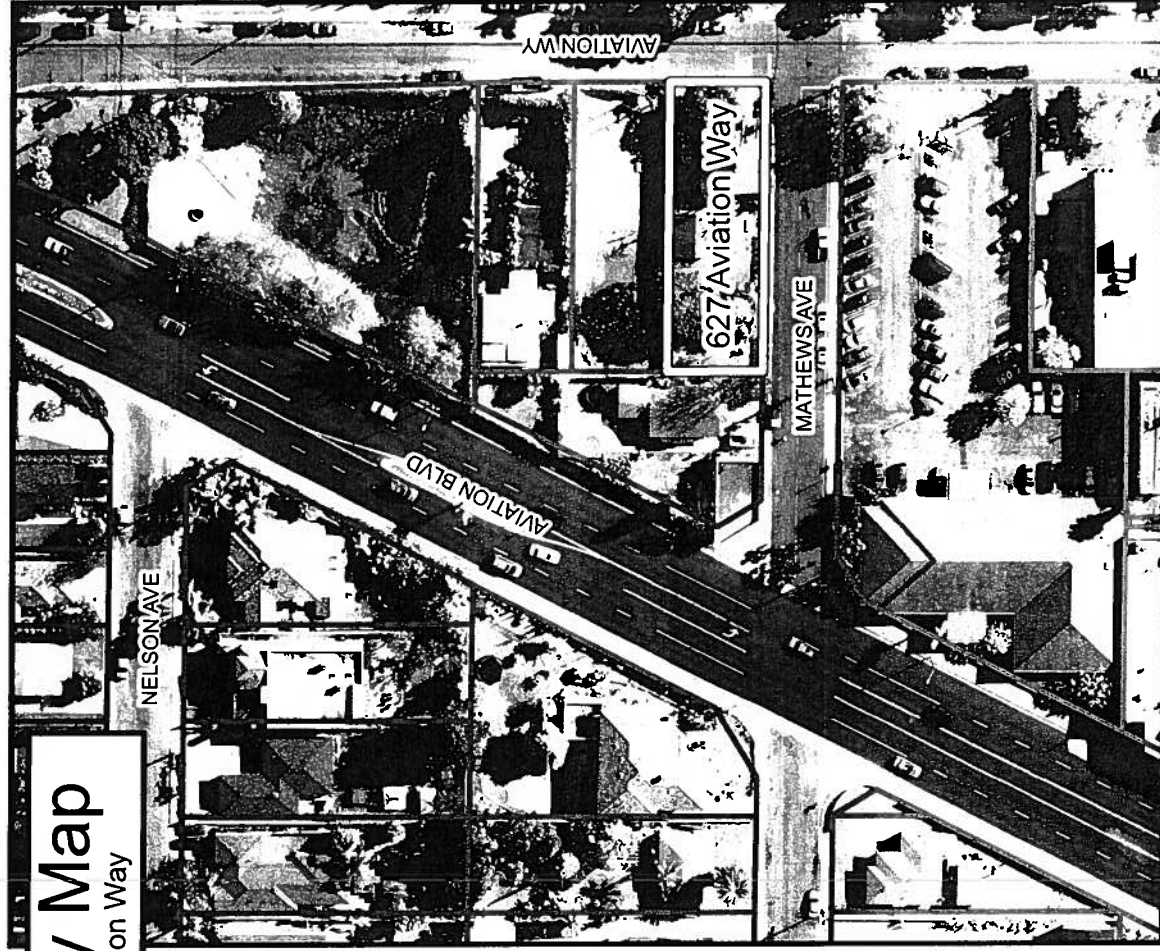
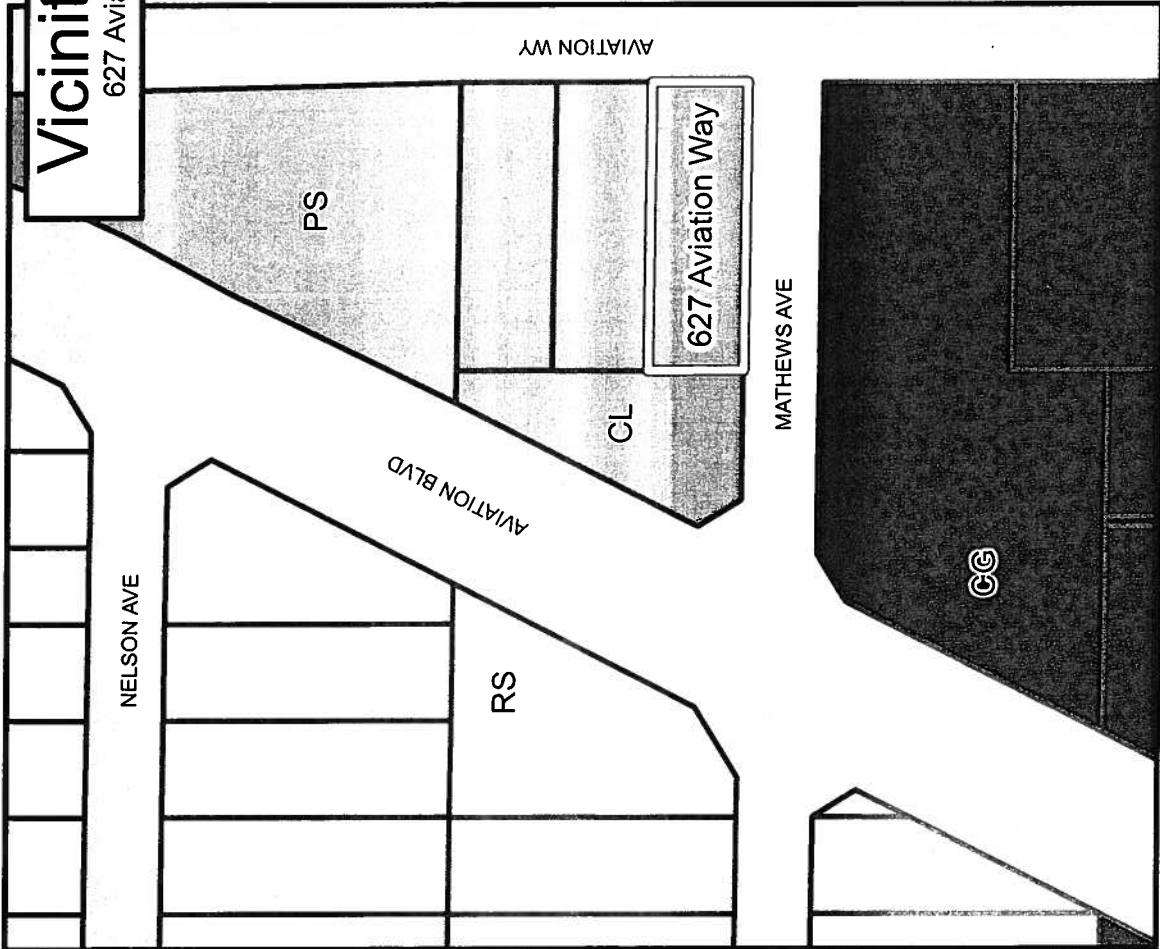
ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boeschen,
Recording Secretary

Vicinity Map

627 Aviation Way



Legend

-  627 Aviation Way
-  Parcels

Zoning

-  RS - Residential Single Family
-  CG - General Commercial
-  PS - Public and Semi-Public
-  CL - Local Commercial



Exhibit B

City of Manhattan Beach
Community Development



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: _____

APPLICANT INFORMATION

Name: Dennis Cleland

Contact Person: SROUR & ASSOCIATES/ELIZABETH SROUR

Address: P.O. Box 969, MB CA 90266

Address: 1001 -6th St., #110, MB

Phone number: 310/ 748-0662

Phone number: 310/ 372-8433 x 106

Relationship to property: Owner in Escrow

Association to applicant: Representative

PROJECT LOCATION AND LAND USE

Project Address: 627 AVIATION WAY

Assessor's Parcel Number: 4163-007-001

Legal Description: LOT 1, BLOCK 103, REDONDO VILLA TRACT B

Area District, Zoning, General Plan Designation: CL CL AD I

Surrounding Land Uses:

North Multifamily residential

West _____

South C-2, Commercial(City of RB)

East Mixed use zone (City of RB)

Existing Land Use: Offices

PROJECT DESCRIPTION

Type of Project: Commercial _____ Residential _____ Other MIXED USE - 4 residential + 1 commercial unit

If Residential, indicate type of development (i.e.; single family, apartment, condominium, etc.) and number of units: 4 residential townhouse style units
PLUS 1 commercial unit

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: _____

It is anticipated that the residential units will be owner occupied. The commercial unit will be attractive to an owner user or as a rental. This space will accommodate a variety of businesses including office or service professional.

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

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>	<u>Removed/ Demolished</u>
Project Site Area:	ALL EXISTING	7,490.5 sf		ALL EXISTING
Building Floor Area:	STRUCTURES ARE	7,481.2 sf		STRUCTURES ARE TO
Height of Structure(s)	TO BE DEMOLISHED	30'		BE DEMOLISHED AS
Number of Floors/Stories:		3 stories		PART OF DEVELOPMENT
Percent Lot Coverage:		58%		
Off-Street Parking:		17, including 8 enclosed		
Vehicle Loading Space:		0 - none required		
Open Space/Landscaping:		2,150 sf		

Proposed Grading: GRADING PLAN WILL UTILIZE EXISTING CONTOURS OF LOT
 Cut MIMIMAL Fill _____ Balance _____ Imported _____ Exported _____

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

- | <u>Yes</u> | <u>No</u> | |
|-------------------------------------|-------------------------------------|--|
| <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 checked="" type="checkbox"/> | <input type="checkbox"/> | **An increased demand for municipal services? |
| <input checked="" type="checkbox"/> | <input 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):

** PLEASE SEE ATTACHMENT FOR RESPONSE TO THESE QUESTIONS

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: Elizabeth Gurne Prepared For: Dennis Cleland

Date Prepared: July 22, 2009

ATTACHMENT TO ENVIRONMENTAL INFORMATION FORM
627 AVIATION WAY
July 2009

Solid Waste or litter - The new development will not generate a significant amount of solid waste or litter, except during the normal course of demolition and construction.

Water Quality Impacts

The proposed development will have a minimal effect on existing surface drainage patterns and may result in an incremental increase in the amount of surface runoff entering the public storm drain system. However, the development has been designed to incorporate landscaped yard areas throughout the site, which are intended to absorb a significant portion of surface runoff. Gutters and downspouts will be incorporated to direct roof run-off to permeable areas. In addition, the site will be properly graded to obtain maximum onsite drainage and soil stability.

Municipal Services

Although there will be an increase in the number of residential units on this site, the change is minimal and one that has already been anticipated by the General Plan. This change is not significant and will not compromise the ability of the City to provide public services. The proposal complies with development standards and land use regulations established in the MB Zoning Code and is consistent with the Goals & Policies of the City's General Plan, all of which seek compatibility within the particular land use area and zoning district.

Fuel Consumption

Although the proposed development reflects an increase in energy consumption, the energy requirements to meet basic operational needs such as heating, cooling and lighting, will not create a demand which would be considered substantial. The new development will be required to comply with established mandatory maximum energy consumption levels for new residential buildings which include energy conserving design features such as window glazing and insulation, and mandated energy conserving appliances.

Increased vehicle trips to and from the site will increase fossil fuel consumption, and there will be additional demand for electricity and natural gas. However, this increase is an insignificant amount of overall energy needs for the city or the area in general.

Noise

The project, when completed, will not substantially change existing noise or vibration levels in the vicinity. In addition, the ambient noise emanating from the nearby highway will be buffered with the incorporation of sound attenuation techniques such as insulation, double paned windows, etc. However, the project will result in short term noise generated from heavy equipment during site preparation and construction. This will be temporary and subject to the City policy regulating hours of construction. Construction noise from the project would not represent unusual construction noise in this urban environment and will not be greater than for other similar projects in this area.

ATTACHMENT TO CUP APPLICATION for CONDOMINIUM USE
627 AVIATION WAY, FIVE UNIT MIXED USE DEVELOPMENT
July 2009

The subject property consists of a 7500 SF (approx.), originally subdivided lot containing a 992 sf single story structure and detached garage constructed in 1934. It is presently being used as offices. All existing structures will be demolished. The property is zoned CL, Local Commercial, which allows a variety of local commercial activities as well as high density residential uses. The CL designation recognizes that specific locations may be more or less suitable for commercial use and specifies RH development standards for multi-unit residential use as an alternative development. The CL designation anticipates businesses that serve daily needs of local residential areas utilizing development standards that are compatible with nearby residential development.

Proposed development includes four, 3-story, 1760 sf residential units and a 441 sf one story commercial unit. A total of 17 on site parking spaces is provided which exceeds the Code requirement of 13 on site spaces.

FINDINGS RELATIVE TO A CONDITIONAL USE PERMIT

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

While the main goal of the CL zone is to provide opportunities for business development, this particular area is uniquely situated and is an unlikely location for successful business development as the primary use. The block is a residual portion resulting from creation of Aviation Blvd. and Aviation Way. It is a bit remote from access or visibility from a main thoroughfare, and is oriented more towards residential use. Aviation Way is the boundary between Manhattan Beach & Redondo Beach, and the east side (RB) is zoned for a higher residential density and developed with multi-unit apartment buildings bordering Aviation Way.

With this location and the limited lot area, the site does not lend itself to many commercial uses. However, it does offer a good location for new housing opportunities, which the General Plan and the Zoning District recognize as a permitted alternative, subject to RH standards. The CL zone anticipates high density residential as a potential use and also specifies RH development standards for multi-unit residential development, the highest and most intense residential classification. The zoning sets forth a 1000sf per unit density standard which will easily accommodate the four new homes and commercial unit. The site offers potential for the mixed use concept and a small office could be attractive to an owner of one of the residential units.

The proposed location and conditions will be consistent with the General Plan

The General Plan sets forth the concept that multi-unit residential use is beneficial to the overall growth and development of the City and that it balances critical housing needs of the community. The zoning district with permitted multi-unit development anticipates the type of use proposed in this project and the Zoning Code sets forth standards to which new development must adhere. These standards promote compatibility between adjacent uses and establish an acceptable environment for the residents of the new development. These new homes will provide contemporary housing opportunities for the community and thus enhance existing housing stock, and the commercial component will attract the type of professional businesses that are compatible with residential neighborhoods.

The building design is both attractive, nicely articulated, and provides an appropriate environment within which both the new homes and business can operate in a productive and harmonious setting without interfering with surrounding activities such as public access, traffic circulation, nearby business activities and the surrounding residential community. The design provides adequate parking for the building and

proposed and potential uses. It provides all amenities normally associated with the residential use, and the commercial component is situated at the corner location with visibility from both Mathews and Aviation Way. Finally, the use contemplated for this location, and its physical relationship to the site will not compromise the integrity of the existing neighborhood character or interfere with daily activities of street.

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

The proposed mixed use development will operate within all provisions of the Code and any conditions that govern the specific use. The proposed plans comply with all pertinent zoning standards and new construction will comply with applicable building code requirements.

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

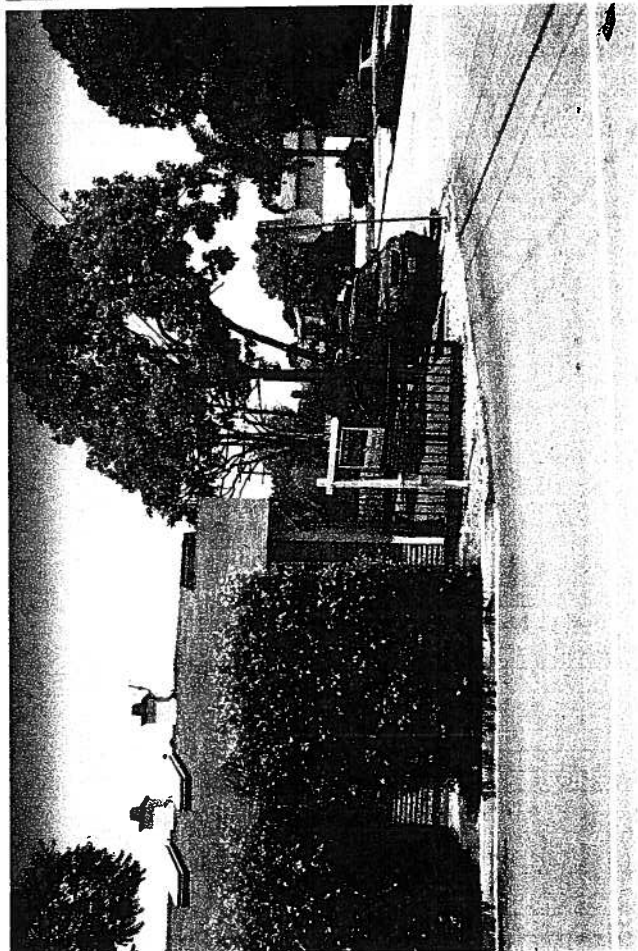
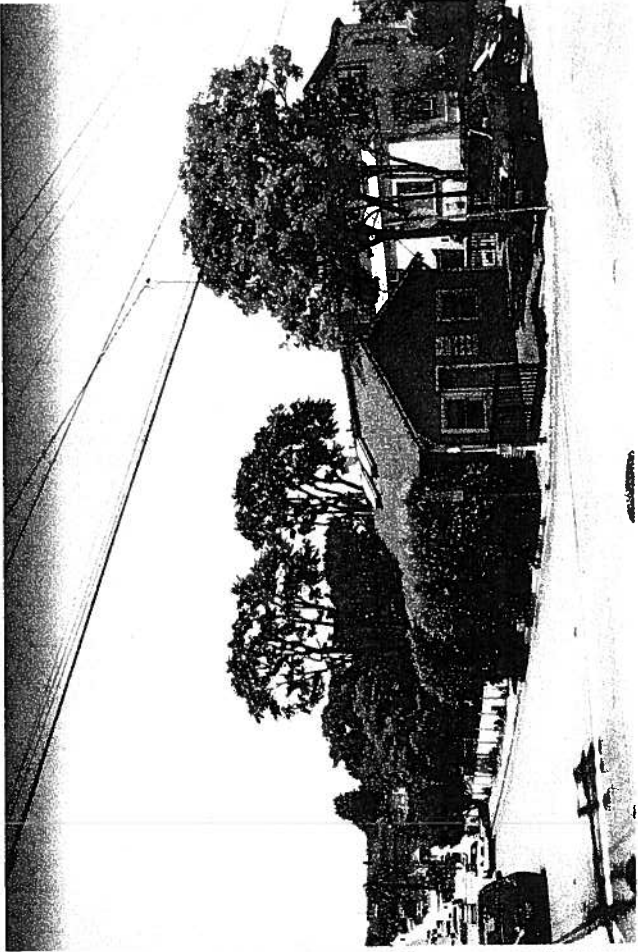
The proposed development will not adversely impact adjacent development as it has been designed to incorporate all typical necessities for the new homes, including private and guest parking, private and common open space, secure entries, comfortable living areas, storage areas, and segregated utilities. The commercial component is fully compatible with the new homes and is located at the corner thus giving it visibility from two street elevations and separating it from the residential activities.

The existing curb cut on Aviation Way will be utilized for the commercial unit and street parking will not be affected. The residential garages will have access from Mathews and each provides an enclosed two car garage and two open guest parking spaces. The on-site parking surplus will mitigate the loss of one street space on Mathews.

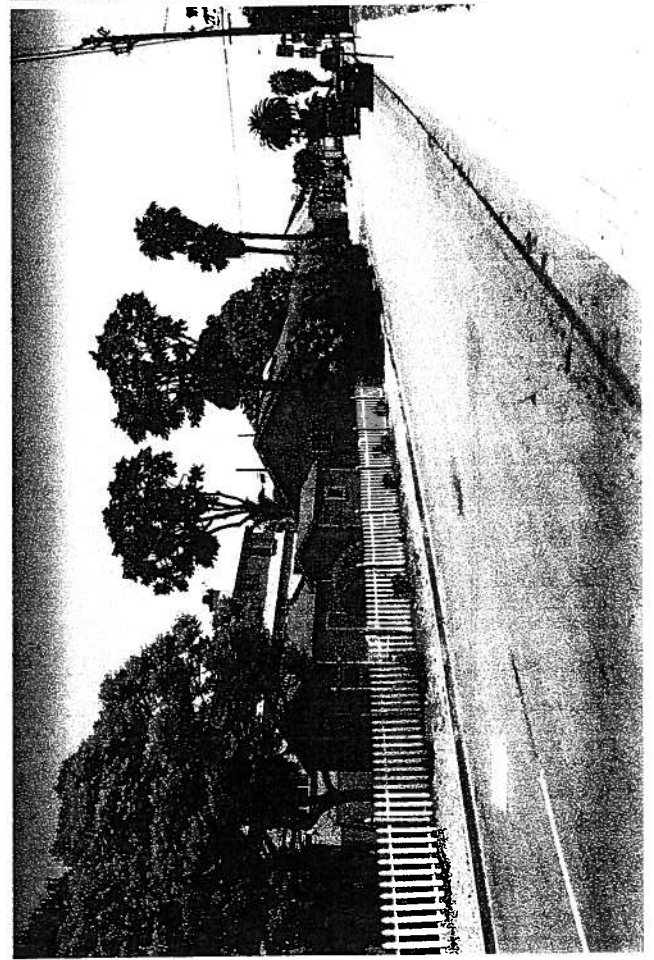
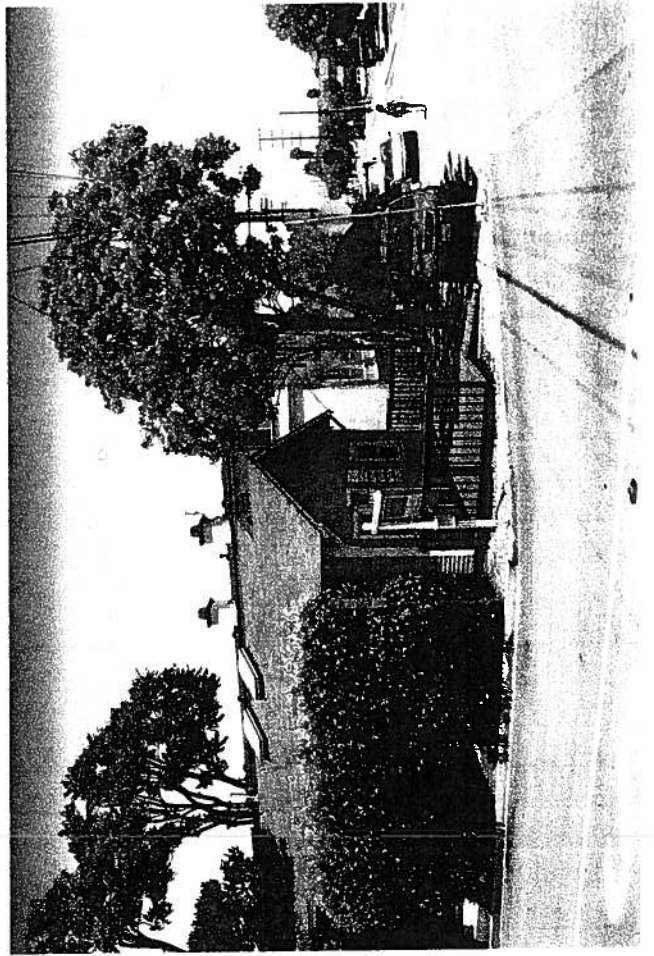
The proposal will not result in a dramatic change to the planned use for this area. The neighborhood is somewhat of a mixed use character, and the residential component is consistent with the kinds of uses found in the nearby neighborhoods. Although there are commercial businesses south of Mathews, the site does not readily lend itself to viable commercial development because of its limited size and remote location in terms of access and visibility.

The proposed site development has been designed to meet or exceed all requirements for set backs, parking, open space, landscaping, height, buildable area, and density. The individual homes have all the amenities normally anticipated in new homes, and they have been designed to provide privacy and security, reasonable size units, a comfortable living environment and a communal atmosphere that will benefit the residents and the neighborhood. The proposed project will provide new opportunities for home ownership. Their physical presence will certainly enhance the neighborhood character.

In summary, the proposed development meets the intent of the Code and General Plan Goals and Objectives with regard to land use and housing, it meets or exceeds all applicable requirements, and most importantly will result in an over-all development that is complimentary to the surrounding community and compatible with the neighborhood.



SUBJECT PROPERTY
627 AVIATION WAY



09/16/09

Avery J. Knapp
32003 Sea Ridge Circle
Rancho Palos Verdes, CA 90275
(310) 377-6095 *res* (310) 544-4497 *fax*

To: Angelica Ochoa, Assistant Planner

Re: Proposed Project at 627 Aviation Way

Available street parking on Aviation Way in that area is already limited and the building of the proposed project would only exacerbate the parking problem. Over the years I have seen that even while guest parking spots may be provided, guests and even residents of the building will park along on the street if that is more convenient at that time. There are far too few public parking spots on that street and the area is over built as it is. According to your own letter the office unit is only providing one parking space. Clients or customers of the business will certainly be parking on the street. Does the city know what type of business is going to be there in 1, 5, or ten years? If a barber shop were to be placed there, I could see a need for 10 or 15 cars. There are rarely spots available in that neighborhood and if this project is allowed it will contribute negatively to the public parking problem. Simply put, the area is already over-built and far too dense and this project should not be allowed.

Sincerely,

Avery J. Knapp

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**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
SEPTEMBER 23, 2009**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 23rd day of September, 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: Andreani, Fasola, Lesser, Paralusz, Chairperson Seville-Jones
Absent: None
Staff Present: Richard Thompson, Community Development Director
Angelica Ochoa, Assistant Planner
Recording Secretary: Sarah Boesch

B. APPROVAL OF MINUTES – September 9, 2009

Commissioner Lesser requested that page 7, paragraph 11 of the September 9 minutes be revised to read: "Commissioner Lesser requested that the Council consider changing the Code requirements to make it easier to allow for installing solar panels. He commented that ~~the~~ a contractor ~~he hired~~ with whom he consulted to install solar panels on his home was very frustrated with the City's Code limitations on the amount of space on a roof that could be occupied by the panels."

Commissioner Andreani requested that the page 2, paragraph 5 of the minutes be revised to read: "Commissioner Andreani asked ~~regarding the~~ if there is a City or ABC definition of closed, as she was unable to locate any such definition from the Code language."

Commissioner Paralusz requested that the second sentence of paragraph 8 on page 3 of the minutes be revised to read: "She said that 42 businesses already have closing hours of 1:00 a.m., and there ~~appears~~ appear to be only about 12 businesses that the proposed changes would impact. She said that she has difficulty identifying the need for such a change. She indicated that she is also concerned ~~with~~ about allowing businesses which are located near to residences to remain open until 1:00 a.m. on New Years Eve . . ."

Chairperson Seville-Jones requested that language be added on page 6 of the minutes after "Planning Commission Items" to read: "Chairperson Seville-Jones suggested that input into the work plan be agendized annually for brainstorming by the Planning Commission. Regarding this years work plan, she said that she would like for the City Council to consider providing additional trees for parking lots. ."

A motion was MADE and SECONDED (Lesser/Paralusz) to **APPROVE** the minutes of September 9, 2009, as amended.

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

C. AUDIENCE PARTICIPATION

None.

D. PUBLIC HEARINGS

09/23/09-1 Consideration of a Use Permit for Proposed Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial Office Space on the Property Located at 627 Aviation Way.

Assistant Planner Ochoa summarized the staff report. She indicated that the proposal is to demolish an existing single family residence and detached two-car garage to allow for a new three story mixed use building. She commented that the project would consist of four condominium units and one office condominium unit with a total of 7,490 square feet. She said that each of the residential units would have two enclosed parking spaces. She stated that two guest spaces would also be provided per unit. She said that four new driveways are proposed on Mathews Avenue. She indicated that the office unit would have one designated parking space on site that would be accessed from the existing driveway on Aviation Way. She commented that some street parking would be impacted on Mathews Avenue, as new driveways would be constructed to accommodate the residential units. She stated that the parking space on Aviation Way would remain. She commented that four extra parking spaces would be provided for guests, which is above the number that is required.

Assistant Planner Ochoa commented that the subject property was changed in 2003 from the CG to the CL zone. She indicated that residential uses are not permitted in the CG zone but are allowed in the CL zone with approval through a Use Permit. She indicated that the project conforms to the Zoning Code. She said that the notice of the public hearing was mailed to property owners within 500 feet of the site and published in the Beach Reporter. She indicated that staff received one letter with concerns regarding the proposal which was included with the staff report. She commented that concerns were raised in the letter regarding the elimination of street parking on Aviation Way. She indicated that there is a requirement from Public Works that the residential and commercial uses must provide for trash within the units outside of the open space and parking areas. She commented that storm water measures as well as water and energy conservation measures are being required for the project including reducing runoff, increasing permeable surfaces, and retaining water on site.

In response to a question from Chairperson Seville-Jones, Assistant Planner Ochoa said that the parking requirement for a barber shop is 1 parking space per 300 square feet of space. She indicated that a barber shop could be located in the proposed commercial space, as it would meet the parking requirement and that the square footage of 441 square feet would not require two parking spaces.

In response to a question from Commissioner Andreani, Assistant Planner Ochoa said that the parking space that would be allocated for the commercial site would not be required to be dedicated for handicapped parking only because there are less than five spaces. She indicated that the space would be handicapped accessible but would not be designated or signed exclusively for handicapped parking.

Commissioner Lesser asked regarding whether the Commissioners should consider the viability of a homeowners association that includes a commercial unit along with four residential units. He asked whether staff has a concern with a commercial owner having to manage the property along with the residential tenants.

1 Director Thompson commented that staff can make sure that any issues regarding the
2 management of the property are addressed with the condominium association. He pointed out
3 that the purpose of an association is to address issues regarding the management of the
development.

4 In response to a question from Commissioner Fasola, Assistant Planner Ochoa indicated that a
5 condominium development without a commercial component would be permitted in the CL
6 zone with a Use Permit.

7 Commissioner Fasola indicated that there have been several mixed commercial and residential
8 development projects in the last couple years in the CL zone in which the commercial uses have
9 not been successful. He said that there is a concern with the owner of the commercial units
10 being involved with the management of the residential properties. He indicated that the owners
of the residential units also are responsible for the management issues of the commercial space
if it is vacant. He also indicated that it is difficult to attract a good tenant for an isolated
business that is not near other commercial uses.

11 Director Thompson commented that there is no ordinance requiring a certain percentage of
12 commercial space in a mixed use development.

13 In response to a question from Commissioner Paralusz, Assistant Planner Ochoa indicated that
14 the residents of Redondo Beach who live within 500 feet of the subject site were provided with
notice regarding the project.

15 In response to a question from Chairperson Seville-Jones, Director Thompson stated that
16 language could be added to clarify that the extra parking spaces must remain as shown in the
17 approved plans.

18 In response to a question from Commissioner Seville-Jones, Director Thompson indicated that
the residential spaces could not be accessed for use by the commercial unit.

19 Chairperson Seville-Jones opened the public hearing.

20 **Patrick Killen**, the project architect, described the project design. He said that the rear yard
21 would include an open space area. He pointed out that they are exceeding the open space
22 requirement for the units by 600 square feet. He commented that having a commercial
23 component with a residential project is very attractive. He said that the commercial unit would
most likely have a general office use, which can stand alone apart from other commercial
24 businesses unlike a restaurant or general store which are more successful in a shopping center.
He indicated that there are some commercial uses in the area. He indicated that they feel that
25 the proposed location of the commercial unit at the corner at Aviation Way and Mathews
Avenue is the most appropriate on the site, as it would allow for great visibility. He stated that
26 mixed use projects are successful in many communities. He said that the proposed commercial
unit would be appropriate for a small one or two person office and would be marketed for a
27 much lower price than other locations. He pointed out that the parking space for the
28 commercial unit must be made available for handicapped parking but is not required to be
designated for handicapped parking only.

29 In response to a question from Commissioner Fasola, **Mr. Killen** said that there would be
30 sufficient space for two cars to park in the parking space designated for the commercial unit;
31 however, the space needs to remain marked as a single space in order to provide handicapped

accessibility.

Commissioner Fasola said that he is concerned that the width of the driveway is not sufficient as shown on the plans to allow for cars to maneuver. He pointed out that there is a requirement that there be sufficient space on a driveway for cars to be able to back out straight for 18 or 20 feet. He stated that the throat of the driveway at the curb as shown on the plans has a width of 11 or 11 ½ feet instead of 16 or 18 feet which would be preferred. He commented that he is certain that the driveway would need to be widened in order to meet the Code requirements, and the street parking spaces in front of the subject site would need to be reduced to 16 feet rather than 20 feet wide.

Director Thompson commented that the design of the building would need to accommodate the street spaces to the dimensions as shown on the plans.

Mr. Killen said that he does not have an issue with changing the design to neck down at the driveway in order to provide for sufficient space for cars to exit. He indicated, however, that he would have a concern if the City has a requirement for the curb cut that is larger than could be accommodated. He said that he does not have a concern with the width of the driveways as shown in the plans, as cars would have sufficient space to maneuver.

Director Thompson indicated that staff does not have a concern with the width of the driveway being 11 ½ feet, as driveways for many projects are as narrow as 8 or 10 feet.

Commissioner Fasola said that there would be an issue with cars backing out of the driveway and hitting the planters with the proposed design. He commented that he feels the street spaces would end up needing to be less than 20 feet long in order to accommodate the driveway.

Director Thompson said that staff receives many complaints from residents regarding cars being parked too close to driveways. He indicated that staff would not recommend spaces with a width of 18 feet between the driveways.

Mr. Killen indicated that a length of 18 feet should be sufficient for the street parking spaces, as there would be driveways on both sides of the spaces which would allow extra room for cars to maneuver.

Commissioner Andreani said that she also has a concern regarding the parking and the elimination of street parking. She indicated that there is a great need to retain the street parking spaces and to keep the length of the spaces at 20 feet. She indicated that she is concerned with the landscaping plan. She said that she has a concern that people may back out over the landscaping with the design as shown. She indicated that there is a yard between the subject property and the home to the west of the site which includes a mature spruce pine tree and jacaranda tree that provide a substantial canopy. She commented that the landscaping plan shows four palm trees along Mathews Avenue which would not provide the canopy that currently exists around the property. She indicated that there is also currently shrubbery along the south side of the property. She commented that larger canopy trees, shrubbery and vines are needed on the south side of the property to help prevent the harsh sunlight from shining into the master bedrooms and living rooms of the residential units. She commented that planting trees would also improve the view of the parking lot across the street to the south. She commented that the mondo grass shown for the open space area requires regular watering and may not be compatible with the City's requirement for conservation of water. She also commented that the grass would not provide a surface that would be appropriate for recreational use by the residents of the development.

1 **Mr. Killen** said that there are alternative types of trees that could be used along Mathews
2 Avenue rather than palm trees that would provide more of a canopy. He commented that they
3 are attempting to obtain LEED certification, but it is not certain for this project. He indicated
4 that they are proposing to use a white roof in order to help provide cooling. He said that they
5 are also proposing a large overhang on the building that will help to reduce the amount of direct
6 sunlight from reaching the windows on the south side. He commented that they are also
7 considering adding a rain water storage tank that could provide water for irrigation, although it
8 is not clear whether it would provide a benefit to the project. He stated that he would agree that
9 there are other types of grass that would be preferable for the open space area rather than
10 mondo grass.

11 Commissioner Andreani commented that although the existing spruce pine tree may not be
12 protected within the commercial zone, she feels it is important that the tree canopy be preserved
13 as much as possible. She commented that she would like for further consideration to be given
14 to the trees that would be placed along Mathews Avenue. She said that she is also concerned
15 with the viability of the office space on the site. She commented that the staff report indicated
16 that it was presumed that one of the owners of the residential units may also wish to own the
17 commercial unit in the development; however, it is not certain whether young families that may
18 purchase the units would necessarily want to purchase an additional unit for office space.

19 **Mr. Killen** said that one of the owners of the project is planning on occupying one of the units
20 as well as the commercial space.

21 Commissioner Andreani commented that it may be difficult to sell the commercial unit in the
22 future if one of the owners of the residential units does not wish to occupy the commercial
23 space. She said that she feels it may be preferable to develop the property as residential only
24 without the commercial unit. She indicated that she feels the parking with the two garage space
25 and two guest spaces per unit is very good; however, she is concerned with the elimination of
26 any street parking.

27 Chairperson Seville-Jones closed the public hearing.

28 **Commission Discussion**

29 Commissioner Paralusz said that the project would not be detrimental to the commercial area.
30 She commented that there are commercial businesses in the area, and the residents would not be
31 negatively impacted by the commercial use included with the project. She also indicated that
32 the proposal is consistent with other developments in the area and meets residential standards
including setbacks. She pointed out that the amount of open space included in the project is
twice the amount that is required. She indicated that it also meets the local commercial
standards. She indicated that she supports the project.

33 Commissioner Fasola said that retaining the existing large trees would result in a smaller
34 project, and he is not certain if the Commission can require that the size of the development be
35 reduced in order to preserve the trees. He commented that it is sad for existing mature trees to
36 be lost as a result of the project. He commented that he is convinced that the street parking
37 spaces as shown on the plans would actually end up being approximately 16 feet rather than 20
38 feet long. He said that he would like for the project to be continued to address the issue of the
39 parking spaces and width of the driveways, which should be addressed before the project is
40 approved.

Commissioner Andreani indicated that she appreciates that **Mr. Killen** is willing to consider alternative types of trees along Mathews Avenue. She suggested that Carrotwoods provide a good canopy, although she would defer to staff regarding the selection of an appropriate type of tree. She indicated that she does appreciate the open space area that would be provided. She commented that she would be appreciative of any additional consideration for protecting the tree canopy on the site. She said that she has a concern with the viability of the office space, although she understands that it has been thought out by the project architect. She said that she is agreeable to approving the project, as it is compatible with the neighborhood.

Commissioner Lesser said that he feels it is important that the length of the street parking spaces remain at 20 feet as shown in the plans. He commented that he has observed that the parking on the street in the area is fully utilized on weekdays, and it is important to ensure that the parking is preserved as presented in the plans. He said that the project is consistent with the intent of the Council in allowing the zoning change to promote mixed use. He said that he feels the findings can be met for approving the project, as it complies with the residential requirements in the commercial zone; it provides for an appropriate subdivision of the lot; and it complies with the General Plan. He commented that he does have concern with the viability of a mixed use condominium project. He said that he would appreciate further information regarding the viability of other mixed use projects which have previously been approved by the Commission and regarding the viability of homeowners associations for mixed use developments. He said that he has questions regarding how such projects are managed and whether the Use Permits conditions can be met if the commercial space is vacant for a prolonged period of time. He indicated that he appreciates the comments of Commissioner Andreani regarding the landscaping. He indicated that he would trust **Mr. Killen** to incorporate the comments of the Commissioners into the landscaping plan. He commented that he is sad for existing mature trees to be removed; however, the Tree Ordinance does not apply within the CL zone. He commented that he also appreciates the input of Commissioner Fasola regarding the layout of the parking, which is very helpful in considering the project.

Chairperson Seville-Jones said that she would support the project moving forward. She indicated that she supports mixed use. She commented that she feels a commercial space on the site could be viable given the location of the site with other small businesses in the vicinity. She stated that mixed use developments allow for businesses to be in close proximity to residences which can decrease traffic and provide nearby services to residents. She commented that she likes the appearance of the project and the amount open space and parking that would be provided. She said that she does feel the spaces on the street need to be preserved as shown on the plans. She indicated that she has a concern that there would not be sufficient parking for a commercial use on the site, and preserving the parking spaces on the street is critical for her to make the findings to approve the project.

Chairperson Seville-Jones stated that she appreciates the comments of Commissioner Andreani regarding the landscaping. She indicated that she also appreciates the willingness of **Mr. Killen** to give further consideration to increasing the tree canopy and in making the open space area useable for the residents. She indicated that she feels the findings can be made that the project is an appropriate division of the parcel; that the project is consistent with the General Plan; that the findings can be made for approval of the Use Permit; the commercial use would not be detrimental to the residential use; and the residential use would not be detrimental to the commercial use.

Commissioner Fasola commented that he would like to vote for the project; however, he is convinced that the drawings as provided do not show the back-up space for the driveways correctly as required by Code. He suggested possibly including a condition that the back-up

1 space meets Code requirements and that the street parking spaces remain at 20 feet long. He
2 said that he would prefer for the architect to have an opportunity to further review the layout of
the driveways with staff before the Commission votes on the project.

3 **Mr. Killen** commented that he would prefer for the item to be continued to have an opportunity
4 to resolve the issue regarding the layout of the driveways.

5 A motion was MADE and SECONDED (Lesser/Paralusz) to **REOPEN** the public hearing and
6 **CONTINUE** the consideration of a Use Permit for Proposed Construction of a Mixed Use
7 Development with Four Residential Condominium Units and One Commercial Office Space on
the Property Located at 627 Aviation Way to the meeting of October 14, 2009.

8 AYES: Andreani, Fasola, Lesser, Paralusz, Chairperson Seville-Jones
9 NOES: None
ABSTAIN: None

10 **E. DIRECTORS ITEMS**

11 **F. PLANNING COMMISSION ITEMS**

12 In response to a question from Commissioner Fasola, Director Thompson said that the e-mails
13 that the Commissioners sent to staff regarding the work plan have been forwarded to the City
14 Council.

15 Commissioner Lesser said that he would like further discussion regarding the role of the
16 Commission in evaluating the commercial viability of projects. He said that although the
17 Commission is not directly asked to evaluate the commercial viability of projects, it does enter
18 into the consideration as to whether the findings can be made under the general Use Permit
guidelines. He commented that the danger of the Commissioners considering the commercial
viability of projects is that it is interjecting their judgment.

19 Commissioner Fasola commented that he has suggested that the City Council's work plan
20 include consideration as to whether mixed use projects with very small commercial components
21 and large residential components should be permitted. He commented that such projects may
22 be considered mixed use but are basically an attempt to sidestep the commercial requirements.
23 He indicated that there is an issue with the management of projects that include condominium
units and commercial uses. He said that the building types found in downtown, with a single
owner, with retail or restaurant downstairs and apartments above, may be more appropriate for
mixed-use developments.

24 Commissioner Andreani said that it has not been the role of the Commission to question the
25 commercial viability of a project. She said, however, there can be blight in the community
26 when a development is built and then later remains vacant after the business fails. She
27 commented that she feels that consideration of the commercial viability of projects is an
important issue for further discussion.

28 Chairperson Seville-Jones suggested that the issue be included for discussion at the next joint
meeting with the City Council and the Commission.


29 **G. TENTATIVE AGENDA October 14, 2009**

30 **H. ADJOURNMENT**

The meeting was adjourned at 8:22 p.m. to Wednesday, October 14, 2009, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:



RICHARD THOMPSON
Community Development Director

**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: October 14, 2009

SUBJECT: Consideration of a Use Permit for Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial General Office/Personal Services Condominium Space at 627 Aviation Way (Cleland)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the continued Public Hearing and **APPROVE** the project by adopting the attached resolution.

APPLICANT

Dennis Cleland
P.O. Box 969
Manhattan Beach, CA 90266

PROJECT BACKGROUND

At its regular meeting of September 23, 2009, the Planning Commission conducted and continued the public hearing for the subject project. The Commission was overall supportive of the project but expressed concerns regarding the dimensions for the street parking spaces on Mathews Avenue, and sufficient driveway width and garage access/maneuverability on Mathews Avenue for the residential uses. The Commission also requested that the plans include trees that provide a canopy and shade, not palm trees. The Commission directed the architect to work with staff and return with a revised plan to ensure the project meets the following Code requirements:

- 1) Driveway width for the residential parking spaces off Mathews Avenue per Section 10.64.140.
- 2) Back-up radius for the residential parking spaces off Mathews Avenue per Section 10.64.110 A.
- 3) Street parking spaces on Mathews Avenue remain at 8'x 20' as shown on the plans per Section 10.64.090.
- 4) Trees that provide a canopy and shade per Section 10.60.070 C.

Landscaping

The Commission requested that the plans be revised to include trees that provide a canopy and shade, not palm trees as shown on the original proposal. The architect has provided a revised concept landscape plan (Exhibit C) that shows shade trees, shrubs and ground cover. The detailed landscape and irrigation plans will be reviewed through the plan check process to ensure the landscape materials are appropriate and consistent with the conditions in the draft Resolution and Code requirements.

CONCLUSION

Staff feels that the applicant has addressed the Planning Commission concerns regarding the outstanding issues of meeting the required driveway width, required back-up radius, and providing minimum parking space dimensions on both Mathews Avenue and Aviation Way. Staff recommends that the Planning Commission conduct the continued public hearing, discuss the outstanding issues and approve the project by adopting the attached Resolution.

Attachments:

- A. Draft Resolution 09-
- B. Driveway Clearances handout- Chapter 10.64
- C. Revised Plans (Not available electronically)

cc: Dennis Cleland, Applicant
Srouer & Associates, Applicant Representative
Studio 912, Architect