



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: David N. Carmany, City Manager

FROM: Richard Thompson, Director of Community Development
Eric Haaland, Associate Planner

DATE: September 6, 2011

SUBJECT: Consideration of Planning Commission Approval of a Use Permit for a Child Day Care Use at 1765 Artesia Boulevard.

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of July 27, 2011, approved (5-0) a use permit to convert an existing commercial site to child day-care use. The project proposes to convert two 2-story buildings (former surf/ski shop) into a 5,439 square-foot child day-care facility, which is adjacent to the applicant's existing day care facility on leased property at 1775 Artesia Blvd. Pedestrian access and other operational aspects would be shared with the existing neighboring day-care facility while it remains leased.

Parking and traffic circulation were the project issues of primary interest. The City's Traffic Engineer was satisfied with the proposed conforming parking, widened two-way driveway, child drop-off conditions, and commercial loading. It was also understood that child drop-off and pick-up for both neighboring day-care facilities will be concentrated on the larger existing facility while that property remains available.

The Planning Commission determined that the proposal conformed to all applicable requirements and that the day care use was appropriate at the subject location. Findings were made that facility would not be detrimental to the surrounding area, or the City in general. Conditions of approval imposed include: limits on hours of operation, delivery/loading restrictions, and a new street tree. No public comments in opposition to the project were received before or during the noticed public hearing.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. Remove this item from the Consent Calendar, discuss the decision of the Planning Commission, and direct staff as determined to be appropriate.

Attachments:

Resolution No. PC 11-10

P.C. Minutes excerpt, dated 8/10/11

P.C. Staff Report and attachments, dated 8/10/11

C: Beach Babies, Applicant/Property Owners

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

RESOLUTION NO. PC 11-10

RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MANHATTAN BEACH APPROVING A
USE PERMIT TO CONVERT AN EXISTING RETAIL
SITE TO A CHILD DAY-CARE FACILITY ON THE
PROPERTY LOCATED AT 1765 ARTESIA
BOULEVARD (Beach Babies LLC)

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on August 10, 2011, considered an application for a use permit to convert an existing retail site to a child day-care facility on the property legally described as Portion of Lots 35 & 36, Redondo Villa Tract B located at 1765 Artesia Boulevard in the City of Manhattan Beach.
- B. The application was filed on June 13, 2011. The applicant for the subject project is Beach Babies LLC, and the property owner is Victoria Mobley.
- C. The project is Categorically Exempt from the requirements of CEQA pursuant to Sections 15303 and 15332, since the project involves remodeling of existing commercial use and minor infill development within an urbanized area.
- D. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- E. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of retail, restaurant, office, day-care, and multi-family residences.
- F. The subject property is 9,934 square feet in area. The proposed total building size is 5,439 square feet.
- G. Use Permit approval is required for the application since it includes requests for general day-care use, and total building floor area exceeding 5,000 square feet, pursuant to Section 10.16.020 of the Municipal Code .
- H. The Planning Commission made findings with respect to the subject use permit application 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 the General Commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide a full range of retail and service businesses. The proposed use would be serving residents and employees of the surrounding area, would be occupying space not currently in demand for retail use, and is well buffered from residential 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 day-car use, as conditioned, is in compliance with all Manhattan Beach Municipal Code regulations, providing aesthetic enhancements with conforming landscaping and signage, limited hours, lighting and noise impacts and will incorporate sustainable building components.

RESOLUTION NO. PC 11-10

3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located, since the proposed location of the use and the proposed conditions under which it will be operated or maintained is consistent with the General Plan, since the project site is classified as General Commercial which allows for businesses serving the needs of nearby residential areas and business employees.
 4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetic, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. Since the existing site is already developed for retail use, the less intensive day-care use will not adversely impact nearby properties as conditioned, and as analyzed in the City Traffic Engineer's review. The new use will comply with all of the City's Code requirements and conditions have been placed in this resolution to ensure any impacts do not affect the surrounding residences and neighborhood. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.
- I. The General Plan designation for the property is General Commercial. The General Plan of the City of Manhattan Beach poses certain goals and policies, which reflect the expectations and wishes of the City, with respect to land uses. Specifically, the project is consistent with the following Goals of the General Plan as summarized below:

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION NO. PC 11-10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

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

- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- K. This Resolution is intended to regulate the subject day-care, and general use of the site. Existing public utility antenna facilities on the site are not intended to be regulated by this use permit.

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

Site Preparation / Construction

- 1. The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on August 10, 2011. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 2. A Construction Traffic Management and Staging Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development Department prior to issuance of building permits. The plan shall provide for the management of all construction related traffic and operation during all phases of construction, including delivery and storage of materials and parking of construction related vehicles.
- 3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
- 4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
- 5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
- 6. A site landscaping plan, consistent with the project rendering on file with the Community Development Department, utilizing drought tolerant plants and mature box sized trees shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. Landscaping shall be installed per the approved plans prior to building final. The landscaping site plan shall be to the satisfaction and approval of the Community Development Director.
- 7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off under normal operating conditions. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to building final.
- 8. Plans shall incorporate sustainable building components into the building and site design as required by the Manhattan Beach Municipal Code.
- 9. Project driveway entrances shall be constructed, removed, or modified in conformance with the requirements of the Public Works Department.

RESOLUTION NO. PC 11-10

10. * Circulation and parking improvement design shall be subject to the review of the City's Traffic Engineer and Director of Community Development. The on-street loading zone anticipated for the project is subject to the requirements of the City's Traffic Engineer. All costs of installation and modification of the loading zone shall be paid for by the day-care facility operator. Trash and commercial vehicles larger than standard parking stalls shall not be permitted on-site, and shall use off-site parking or loading areas.
11. Security lighting for the site shall be provided in conformance with Municipal Code requirements including applicable height limits, glare prevention design. The applicant shall submit a lighting and photometric plan which shows the location of the proposed low level lights, wall packs and light pole standards and maximum foot candles to the Department of Community Development prior to the issuance of a building permit. These plans shall be in compliance with all provisions of the parking lot lighting regulations. All outside site lighting shall be directed away from residential and the public right-of-way and shall minimize spill-over onto the sidewalk and street. Shields and directional lighting shall be used where necessary.
12. 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.
13. 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.
14. Sidewalks shall be replaced or repaired around the entire site pursuant to the requirements of the Public Works Department.
15. * A Street tree shall be provided if determined to be appropriate by the Public Works Department.
16. * An appropriate merger document eliminating antiquated property lines within the site shall be submitted subject to the review and approval of the Community Development Department prior to issuance of building permits. All required documents shall be recorded prior to building final.

Operational Restrictions

17. * The facility shall operate as a general day-care use for a maximum of 52 children. Cooperation with the currently abutting day-care use at 1775 Artesia Boulevard in conformance with both applicable use permits shall be permitted subject to the review of the Community Development Director.
18. * Operation of the day-care facility shall be 7am to 6pm, Monday through Friday, Infrequent special meetings and events shall be permitted subject to a schedule reviewed and approved by the Community Development Director.
19. * Deliveries shall be limited to off-peak traffic or child drop-off hours as determined by the City's Traffic Engineer.
20. * The management of the facility shall police the property and all areas immediately adjacent to the business during the hours of operation to manage traffic/parking, address security concerns, and keep it free of litter.
21. A covered trash enclosure(s), with adequate capacity shall be provided and available on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan demonstrating diversion of at least 50% of solid waste shall be provided as required by the Public Works Department.

RESOLUTION NO. PC 11-10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

- 22. * The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval. Prior to building permit issuance, a written employee parking program shall be submitted for Community Development Department approval.
- 23. * Parking shall be provided in conformance with the current 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 parking areas shall be prohibited.
- 24. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings or other architectural elements shall be prohibited.
- 25. * Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
- 26. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.
- 27. An accessible walkway shall be provided between the main doors of the facility and public sidewalk (See ADA requirements).
- 28. A 2-foot overhang shall be included in the parking stall length when calculating walkway widths
- 29. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.

Procedural

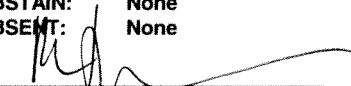
- 30. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 31. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
- 32. 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.
- 33. 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.

RESOLUTION NO. PC 11-10

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 August 10, 2011 and that said Resolution was adopted by the following vote:

AYES: Andreani, Conaway, Gross,
Seville-Jones, Chair. Paralusz
NOES: None
ABSTAIN: None
ABSENT: None



RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boeschen,
Recording Secretary


Sarah Boeschen

statistics and information were inaccurate. He said that he is waiting for information from the City as to the basis for the Council's comments.

4. PUBLIC HEARING

05/25/11-2 Consideration of a Use Permit for a Conversion of an Existing Retail Site to Child Day Care Use at 1765 Artesia Boulevard

Associate Planner Haaland summarized the staff report.

In response to a question from Commissioner Andreani, Associate Planner Haaland stated that the driveway as proposed would provide sufficient space for a car to enter and exit at the same time.

Commissioner Andreani pointed out that the Item 18 under "Operational Restrictions" on page 4 of the draft Resolution lists the permitted operating hours of the daycare center from 7:00 a.m. to 6:00 p.m. daily rather than from 7:00 a.m. to 6:00 p.m. Monday through Friday.

Associate Planner Haaland said that the permitted operating hours should be listed as 7:00 a.m. to 6:00 p.m. Monday through Friday.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland indicated that a closing time of 6:00 p.m. is typical for a daycare facility.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland stated that the tree next to the existing planter on the site would be relocated if feasible. He indicated that the trees must be moved in order to widen the driveway.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland said that the Traffic Engineer is confident that sufficient space would be provided to allow for the safe loading and unloading of children to the classrooms. He commented that the seven parking spaces proposed to be provided for the project is conforming. He indicated that the specific restrictions for the on-street loading zone would be reviewed by the Traffic Engineer during plan check, and any time necessary in the future.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland said that a condition requiring reciprocal access is common for commercial projects. He commented that the intent of such a condition is for businesses to share street access and have fewer driveways, particularly along Sepulveda Boulevard. He pointed out that the condition for reciprocal access would not come into effect until another project occurs on adjacent property.

In response to a question from Commissioner Conaway, Associate Planner Haaland commented that there would be hours specified for the loading zone. He stated that the Traffic Engineer would have the ability to specify and change the hours for the loading zone in the right-of-way.

In response to a question from Commissioner Conaway, Associate Planner Haaland indicated that the subject proposal was reviewed as an independent site from the existing Beach Babies facility.

Commissioner Gross asked whether the project approval would be different if the subject site and the adjacent site with the existing facility were proposed to be combined.

Associate Planner Haaland pointed out that a condition would be included that the Community Development Director review any sharing of operations between the facilities. He commented that any substantial change to the project would require an amendment to the Use Permit which would come back before the Planning Commission.

Commissioner Gross commented that the project as depicted in the staff report is separate from the adjacent site with the existing facility. He stated that he would imagine that an amendment would be required if the two sites were to be irreversibly combined.

Director Thompson commented that staff's expectation is that the two properties would operate as a combined facility. He said that staff wanted to ensure that the facility on the subject site would be able to operate independently if the existing facility on the adjacent site were to close. He indicated that the most obvious difference to occur if the properties were combined, would be the loading and unloading of children.

Chairperson Paralusz asked about the possibility of changing the word "shall" allow reciprocal vehicle access to "may" allow reciprocal vehicle access in Condition 23 on page 5 of the draft Resolution so that providing reciprocal access to the neighboring property would be optional rather than mandatory.

Associate Planner Haaland said that the appropriateness of actually imposing reciprocal access would be determined when a project on the adjacent site were proposed.

In response to a question from Chairperson Paralusz, Associate Planner Haaland indicated that the applicant could continue to operate with two Use Permits if they were to acquire ownership of both properties provided that they continued to operate according to the existing permits without any substantial changes.

Chairperson Paralusz opened the public hearing.

Public Input

Russel Tyner, representing the applicant, stated that the intent is to operate the subject site and the adjacent site as a single facility. He said that they have designed the subject site to operate as a single facility in the event that they are no longer able to continue to lease the adjacent site in the future. He commented that the property owners of the adjacent site do not want to sell but do want to continue to lease the property to Beach Babies. He indicated that they currently have seven more years on the lease for that property, and they expect that it will be extended further. He said that they do not intend to combine the two sites, and they would come to the City for an amendment in the event the sites were formally combined in the future. He said they intend to provide controlled access to the facility for the children, and they do not want a safety hazard along Artesia Boulevard. He commented that they have never requested a reduced parking requirement in order to avoid creating traffic congestion.

Mr. Tyner indicated that ingress for parents would be on Aviation Way. He said that the current expectation is for the employees to park in the lot on the subject site. He stated that they would not be opposed to placing a street tree in front of the site if it is a requirement. He indicated that they are providing landscaping in front of the site and continuing a glass block and masonry wall from the adjacent site.

In response to a question from Commissioner Seville-Jones, **Mr. Tyner** stated that loading and unloading of the children would take place in the parking lot for the subject site in the event

that they were unable to continue to use the adjacent site. He commented that children are dropped off between the hours of 7:00 a.m. and 9:00 a.m. at a rate of approximately one child every eight minutes. He indicated that the children arrive at different times according to the schedule of the parents and do not all arrive at a single time.

Commissioner Andreani stated that it would seem important to her that the fence in front of the site be functional rather than decorative, considering the importance of safety at a daycare center. She commented that she would want to ensure that the fence is appropriate for a daycare facility.

Mr. Tyner commented that the fence would be 6 feet high. He pointed out that the fence along the front adjacent to Artesia Boulevard would be concrete block with glass block inserts. He commented that there would be round concrete bollards in front of the fence. He indicated that they are proposing a screened chain link fence along the inside of the parking area.

Commissioner Conaway commented that he would have a concern that ingress and egress from the subject site would be tight if it were to operate independently from the adjacent site. He asked if it is felt that the condition requiring employees to park on site could be met if the subject site were to operate independently.

Denise Tyner, representing the applicant, said that their staff changes shift mid day, and there is not interference of employees parking while parents are dropping off children.

Mr. Tyner commented that they would prefer for the condition requiring reciprocal access to be eliminated, as they are not sure of the type of operation that may eventually locate on the neighboring site. He commented that providing reciprocal access would help the ingress and egress from Artesia Boulevard; however, they would have a concern with sharing access to their facility without knowing the type of use that may locate on the adjacent site.

Ms. Tyner said that they provide superior quality service, and there is always a waiting list for their facility. She commented that many of the staff members have been with the facility since the operation began 20 years ago. She indicated that they currently operate three facilities and would like to have the opportunity to expand with the current proposal. She commented that the current lease for the adjacent site is a sublease with 7 ½ years remaining, and the owner of the site would like for them to continue leasing.

Chairperson Paralusz closed the public hearing.

Commission Discussion

Commissioner Gross stated that staff did an excellent job with the report, and his questions have been addressed by the applicant. He commented that he is concerned that the entrance to the subject site would be wide enough to allow for easy ingress and egress. He stated that he also has a concern that the outside stairway to the second level is proposed to be removed.

Commissioner Gross said that he would want to be sure that any stairway that is provided not lead into the driveway, as there is not sufficient space.

Mr. Tyner commented that they have proposed to eliminate the second stairway for the front building. He pointed out that they are only required to provide one staircase, as the upper level would only be used by **Ms. Tyner** as an office. He commented that there is an area adjacent to the playground where a second staircase could be provided if it is required.

Commissioner Gross commented that he supports the project.

Commissioner Andreani indicated that the applicant has provided an excellent service to the community and has provided an excellent plan for their proposed expansion. She commented that she does have a concern as to whether the width of the driveway on the subject property would be sufficient if the site were to operate independently; however, it does appear that there is the opportunity for continuing the lease on the adjacent site. She said that she supports the project. She indicated that she would support the suggestion of Chairperson Paralusz to change the wording of Condition 23 from “shall” allow reciprocal vehicle access to “may” allow reciprocal vehicle access.

Commissioner Gross stated that he would also support the proposed change by Chairperson Paralusz to the wording of Condition 23.

Commissioner Seville-Jones commented that the applicant has a great deal of support from the community. She commended the applicant on their operation of the existing facility and commended staff for their presentation of the proposal. She indicated that her main concern is regarding traffic flow, particularly if the subject site were to be used independently from the adjacent property. She stated that she is comfortable with the layout as proposed, and the Traffic Engineer has explained how the traffic flow is expected to work. She said that it is in the best interest of the applicant that access be provided from the parking lot rather than off of Artesia Boulevard. She commented that she would like for a tree to be placed along the street if there is sufficient space.

Commissioner Seville-Jones indicated that she believes that property owners should have the right to not allow reciprocal access to a neighboring use unless there is a need. She commented that she would not agree that the word “shall” should be substituted for “may” in Condition 23. She indicated that including the condition would not be necessary if it is not made mandatory, as property owners can always voluntarily agree to allow reciprocal access without an optional condition being included. She indicated that she supports the proposal.

Chairperson Paralusz indicated that she would recommend eliminating Condition 23.

Director Thompson said that the condition places the applicant on notice that the City can require a reciprocal access agreement if appropriate at the time the adjacent property is developed. He pointed out that such an agreement would only occur if determined appropriate by the Planning Commission at a later time. He suggested keeping the language of Condition 23 and adding wording at the end to state “if required by the Planning Commission.”

Commissioner Conaway said that there is a need for increasing the capacity for child care in the community. He indicated that he is satisfied that the parking and the width of the driveway would not impact any of the neighboring properties. He commented that several of the conditions in the draft Resolution are addressed by the Municipal Code and would not seem necessary to repeat as separate conditions. He indicated that the sustainable building code components are addressed in the Code. He suggested Condition 8 be shortened to simply state that the plans shall incorporate sustainable building components into the building site design per the Municipal Code. He also suggested eliminating the last sentence of Condition 21.

Director Thompson pointed out that Condition 21 was provided to staff by the Public Works Department. He commented that he does not believe that Public Works would have recommended the language if the requirements of the Municipal Code were more stringent than the wording of the condition.

Chairperson Paralusz said that she would not be in favor of striking the last sentence of Condition 21. She indicated that the applicant and any future operators of the property should be placed on notice of the requirements.

Commissioner Conaway commented that his understanding is that the requirements of the Municipal Code are more stringent than the wording included in Condition 21 requiring a trash and recycling plan that demonstrates diversion of at least 50 percent of solid waste. He indicated that his understanding is that the Code requirement is for diversion of at least 65 percent of solid waste.

Director Thompson said that he believes that a requirement for diverting 65 percent of solid waste applies to residential properties rather than commercial properties, but he will verify the requirement with the Public Works Department.

In response to a question from Commissioner Seville-Jones, Director Thompson indicated that the current requirements of the City Code would take precedence over the conditions as specified in the Use Permit.

Commissioner Conaway said that he would like for the fencing to be reviewed by the Community Development Director. He suggested striking the word “decorative” in Condition 11 and adding wording to indicate that any fencing shall be reviewed by the Community Development Director.

In response to a question from Commissioner Gross, Director Thompson indicated that the fencing must be in accordance with the plans that have been submitted.

Commissioner Conaway suggested eliminating Condition 23 requiring reciprocal access.

Chairperson Paralusz said that the applicant provides a valuable service to the community, and she supports the project for the reasons that have already been expressed by the other Commissioners. She indicated that she would support eliminating Condition 23. She said that she is not comfortable with imposing a condition for reciprocal access on the applicant. She commented that the applicant can always agree to allow reciprocal access with the adjacent property owner without an optional condition being included.

Director Thompson stated that the intent of the language in Condition 23 is to reduce the number of driveway curb cuts on busy streets and to encourage cooperation among adjacent property owners.

Commissioner Seville-Jones said that it is unlikely that providing reciprocal access to the neighboring site would be preferable in this case given the use of the subject property as a daycare center. She commented that she feels the condition should be included for other projects such as those located on Sepulveda Boulevard but feels it is not appropriate for the subject project.

Commissioner Gross pointed out that the conditions would remain with the property if the use changes from a daycare center. He indicated that requiring reciprocal access would make sense if the subject property were sold in the future. He pointed out that the project on the neighboring site would require public review before reciprocal access would be required.

Director Thompson indicated that the condition requiring reciprocal access could be removed for the subject Use Permit if the Commissioners did not feel it was appropriate for a daycare use, as it could be added to a Use Permit for a future use on the site.

Chairperson Paralusz indicated that she would support removing Condition 23.

Director Thompson said that the permitted operating hours listed in Condition 18 would be changed from 7:00 a.m. to 6:00 p.m. daily to 7:00 a.m. to 6:00 p.m. Monday through Friday.

Chairperson Paralusz reopened the public hearing.

Mr. Tyner commented that he would want to be certain that any street tree that is required be compatible with the other trees in the area.

Chairperson Paralusz closed the public hearing.

Action

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **APPROVE** a Use Permit for a Conversion of an Existing Retail Site to Child Day Care Use at 1765 Artesia Boulevard, with the elimination of the wording of Condition 8 after the first sentence and with the addition of the words “per the Municipal Code” at the end; with the elimination of the second sentence of Condition 11; with the change of the word “daily” to “Monday through Friday” in Condition 18; with the elimination of Condition 23; and with the addition that a street tree be required if determined appropriate by the Public Works Department.

AYES: Andreani, Conaway, Gross, Seville-Jones, Chairperson Paralusz
NOES: None
ABSENT: None
ABSTAIN: None

Director Thompson explained the 15-day appeal period and stated that the item will be placed on the City Council’s Consent Calendar for their meeting of September 6, 2011.

5. DIRECTORS ITEMS

6. PLANNING COMMISSION ITEMS

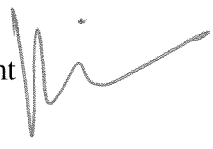
Director Thompson indicated that the Commission has discussed asking the City Council for direction regarding liquor licenses. He indicated that Commissioner Seville-Jones and Commissioner Andreani have provided suggested language to forward to the City Council which has been distributed to the other Commissioners. He indicated that staff is seeking direction from the Commission on articulating the purpose of the Commission in requesting the information.


Commissioner Gross said that he cannot think of a policy that the City could enact in limiting liquor licenses that would be appropriate. He said that he is reluctant to forward the request to the City Council without having an idea of a policy that would be appropriate for the City.

Chairperson Paralusz pointed out that the role of the Commission is not to recommend a policy unless they are asked by the Council to look at establishing a policy. She commented that the purpose of the letter is to indicate that the Commission would like further guidance from the Council, as there currently are no clear guidelines for considering liquor licenses. She indicated that there is a question regarding the appropriate number of liquor licenses, as was raised by **Dr. Caprielian**. She said that she feels the Commission needs further guidance from the City Council.

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, AICP, Associate Planner 

DATE: August 10, 2011

SUBJECT: Consideration of Use Permit for a Conversion of an Existing Retail Site to Child Day Care Use at 1765 Artesia Boulevard (Beach Babies, LLC)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the **PUBLIC HEARING**, **DISCUSS** and **APPROVE** the use permit subject to certain conditions.

APPLICANT

Beach Babies, LLC
2161 E. Grand Avenue
El Segundo, CA 90245

OWNER

Victoria Mobley
P.O. Box 2452
Mammoth Lakes, CA 93546

PROJECT OVERVIEW

LOCATION

Location

1765 Artesia Boulevard, (Exhibit B).

Legal Description

Portion of Lots 35 & 36, Redondo Villa Tract B

Area District

I

LAND USE

General Plan

General Commercial

Zoning

CG, General Commercial

Land Use

Existing
Retail

Proposed
General Day Care

Neighboring Zoning/Land Uses

North

CG/ Office

South (across Artesia)

Redondo Beach Com./Retail, Automotive

East

CG/Applicant's Existing Day Care

West

CG/Retail

**EXHIBIT C
CC MTG 9-6-11**

PROJECT DETAILS

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>
<u>Parcel Size:</u>	9,934	No change	5,000 min.
<u>Floor Area:</u>	4,825 sf	5,439 sf	14,901 sf max.
<u>Students:</u>	N/A	49	N/A
<u>Parking:</u>	10 standard spaces	6 standard spaces 1 handicap space	7 spaces (1 per 7 stud.)
<u>Hours of Operation:</u>	Vacant/ Retail unknown	M-F 7:00am-6:00pm	Same
<u>Landscaping:</u>	160 sf	815 sf	795 sf

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 3 & 32) as an alteration to an existing facility per Sections 15303 & 15332 of CEQA.

BACKGROUND

The applicant currently operates a child day-care facility at 1775 Artesia Boulevard on leased property, and is purchasing the subject abutting property (1765 Artesia) with the intention of converting it from retail to day-care use. While the two facilities would be operated together during the near future, the new facility must operate independently in case the leased property becomes unavailable at a later date. Planning Commission approval of a new and independent use permit is therefore required for general day-care use at this location, in addition to a use permit requirement for general commercial use occupying more than 5,000 square feet of floor area.

DISCUSSION

The submitted plans propose conversion of a site with two 2-story retail buildings (former surf/ski shop) into a 5,439 square-foot child day-care facility. A building addition of 614 square feet, conversion of some parking area to play area, and elimination of a driveway, are included in the project. Architectural upgrades are also proposed. A front pedestrian gate accessing the campus is proposed, and secondary pedestrian access would be provided to the existing neighboring day-care facility while it remains leased. Existing phone antenna facilities at the rear of the site would remain under existing and separate use/telecom permits.

The project, as proposed, is in conformance with requirements such as parking, landscaping, and floor area. The issues warranting discussion include land use, parking/circulation, and use permit procedures.

Land Use

The site is located in the CG zone (General Commercial), which permits day-care uses per Manhattan Beach Municipal Code Section 10.16.020 subject to a use permit in accordance with Municipal Code Section 10.84.060. The project is located along a major arterial street, Artesia Boulevard, just east of Aviation Boulevard. Nearby commercial uses include highway oriented businesses, such as restaurants, automotive, and small to mid-size retail. The adjoining property behind the site is an Auto Club office facility also zoned CG. Primarily multi-family residential uses are located beyond the immediate commercial properties, and are well buffered from the subject site.

Some concern is common for non-retail uses replacing retail in commercial districts, however, the proposed day-care use is compatible with abutting day-care and office uses, and is set back from the arterial intersection. The proposed retention of the existing older buildings may help enable the site's inclusion into a future multi-parcel retail project.

Parking/Circulation

The Manhattan Beach Zoning Ordinance (Section 10.64.030) for general day-care uses provides that 1 on-site parking space be required for every 7 children. Although, the site may accommodate more children, the applicant is proposing only 49 children for the facility, which requires 7 parking spaces. The project plans provide for 7 parking spaces. Since rounding-off parking calculations as prescribed by the zoning code would actually permit up to 52 children, staff has placed a limit of 52 children in the proposed use permit resolution.

The most prominent project traffic design issue is the elimination of one driveway (and the existing one-way flow pattern), and conversion of the remaining driveway to two-way. The City Traffic Engineer's project analysis (Exhibit D) suggests that parking and circulation design for the project is generally appropriate. The remaining driveway would be widened, trash access would be relocated toward the street to prevent trash trucks from backing out onto Artesia Boulevard, and a loading zone would be established on the street. The loading zone, similar to recent and anticipated projects on Manhattan Beach Boulevard, provides the needed commercial vehicle access, and supplemental child drop-off capacity. While the loading zone eliminates some on-street parking (primarily affecting the day care facility), it improves visibility to cars accessing Artesia Boulevard from the project by removing stationary cars from their sightlines much of the time. The applicant may use the large parking lot capacity of the neighboring 1775 Artesia facility for both day-care operations' drop-off needs while that property remains available.

Use Permit Procedures

Section 10.84.010 of the Zoning Code establishes that the purpose of Use Permits is as follows:

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Section 10.84.020 states that "The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits or variances".

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

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and
4. The proposed use will not adversely impact or be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

The Planning Commission, as part of approving the use permit for the subject project, in accordance with Section 10.84.070 can impose reasonable conditions as necessary to:

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

Public Input

No responses to the project public hearing notice have been received at this time. The notice was published in the Beach Reporter newspaper, and mailed to property owners within 500 feet of the site.

Miscellaneous Conditions

Staff has included some special and standard conditions in the attached draft Resolution (Exhibit A) for use permit approval. Notable conditions include the following: future reciprocal access, noise compliance, sign ordinance compliance, decorative fence requirements, sustainable construction requirements, water quality requirements, and indemnification.

CONCLUSION

Staff believes that the proposed day-care facility is appropriate for the subject location, that the required use permit findings can be made, and recommends that the Planning Commission adopt the attached resolution of approval subject to certain conditions.

ALTERNATIVES

Other than the stated recommendation, the Planning Commission may:

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

Attachments:

- A. Resolution No. PC 11-
- B. Vicinity map
- C. Applicant request/information
- D. Traffic Engineer comments
Plans (not available electronically)

cc: Beach Babies, Applicant/Property Owners

THIS PAGE
INTENTIONALLY
LEFT BLANK

RESOLUTION NO. PC 11-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO CONVERT AN EXISTING RETAIL SITE TO A CHILD DAY-CARE FACILITY ON THE PROPERTY LOCATED AT 1765 ARTESIA BOULEVARD (Beach Babies LLC)

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on August 10, 2011, considered an application for a use permit to convert an existing retail site to a child day-care facility on the property legally described as Portion of Lots 35 & 36, Redondo Villa Tract B located at 1765 Artesia Boulevard in the City of Manhattan Beach.
- B. The application was filed on June 13, 2011. The applicant for the subject project is Beach Babies LLC, and the property owner is Victoria Mobley.
- C. The project is Categorically Exempt from the requirements of CEQA pursuant to Sections 15303 and 15332, since the project involves remodeling of existing commercial use and minor infill development within an urbanized area.
- D. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- E. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of retail, restaurant, office, day-care, and multi-family residences.
- F. The subject property is 9,934 square feet in area. The proposed total building size is 5,439 square feet.
- G. Use Permit approval is required for the application since it includes requests for general day-care use, and total building floor area exceeding 5,000 square feet, pursuant to Section 10.16.020 of the Municipal Code .
- H. The Planning Commission made findings with respect to the subject use permit application 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 the General Commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide a full range of retail and service businesses. The proposed use would be serving residents and employees of the surrounding area, would be occupying space not currently in demand for retail use, and is well buffered from residential 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 day-car use, as conditioned, is in compliance with all Manhattan Beach Municipal Code regulations, providing aesthetic enhancements with conforming

landscaping and signage, limited hours, lighting and noise impacts and will incorporate sustainable building components.

3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located, since the proposed location of the use and the proposed conditions under which it will be operated or maintained is consistent with the General Plan, since the project site is classified as General Commercial which allows for businesses serving the needs of nearby residential areas and business employees.
 4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetic, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. Since the existing site is already developed for retail use, the less intensive day-care use will not adversely impact nearby properties as conditioned, and as analyzed in the City Traffic Engineer's review. The new use will comply with all of the City's Code requirements and conditions have been placed in this resolution to ensure any impacts do not affect the surrounding residences and neighborhood. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.
- I. The General Plan designation for the property is General Commercial. The General Plan of the City of Manhattan Beach poses certain goals and policies, which reflect the expectations and wishes of the City, with respect to land uses. Specifically, the project is consistent with the following Goals of the General Plan as summarized below:

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

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

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

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

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

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

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

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

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

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

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

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

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

- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- K. This Resolution is intended to regulate the subject day-care, and general use of the site. Existing public utility antenna facilities on the site are not intended to be regulated by this use permit.

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

Site Preparation / Construction

1. The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on August 10, 2011. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. A Construction Traffic Management and Staging Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development Department prior to issuance of building permits. The plan shall provide for the management of all construction related traffic and operation during all phases of construction, including delivery and storage of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan, consistent with the project rendering on file with the Community Development Department, utilizing drought tolerant plants and mature box sized trees shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. Landscaping shall be installed per the approved plans prior to building final. The landscaping site plan shall be to the satisfaction and approval of the Community Development Director.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off under normal operating conditions. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to building final.
8. Plans shall incorporate sustainable building components into the building and site design.

The plans may include, but not be limited to LEED (Leadership in Energy and Environmental Design) and Built-It-Green components, permeable pavement, energy efficient plumbing, mechanical and electrical systems, and retention of storm water on the site. Plans shall require review and approval by the Community Development and Public Works Departments.

9. Project driveway entrances shall be constructed, removed, or modified in conformance with the requirements of the Public Works Department.
10. * Circulation and parking improvement design shall be subject to the review of the City's Traffic Engineer and Director of Community Development. The on-street loading zone anticipated for the project is subject to the requirements of the City's Traffic Engineer. All costs of installation and modification of the loading zone shall be paid for by the day-care facility operator. Trash and commercial vehicles larger than standard parking stalls shall not be permitted on-site, and shall use off-site parking or loading areas.
11. * Fencing shall be limited to 8 feet in height. Design and treatment of any fencing shall be decorative as determined by the Community Development Director.
12. Security lighting for the site shall be provided in conformance with Municipal Code requirements including applicable height limits, glare prevention design. The applicant shall submit a lighting and photometric plan which shows the location of the proposed low level lights, wall packs and light pole standards and maximum foot candles to the Department of Community Development prior to the issuance of a building permit. These plans shall be in compliance with all provisions of the parking lot lighting regulations. All outside site lighting shall be directed away from residential and the public right-of-way and shall minimize spill-over onto the sidewalk and street. Shields and directional lighting shall be used where necessary.
13. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works.
14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
15. Sidewalks shall be replaced or repaired around the entire site pursuant to the requirements of the Public Works Department.
16. * An appropriate merger document eliminating antiquated property lines within the site shall be submitted subject to the review and approval of the Community Development Department prior to issuance of building permits. All required documents shall be recorded prior to building final.

Operational Restrictions

17. * The facility shall operate as a general day-care use for a maximum of 52 children. Cooperation with the currently abutting day-care use at 1775 Artesia Boulevard in conformance with both applicable use permits shall be permitted subject to the review of the Community Development Director.
18. * Operation of the day-care facility shall be 7am to 6pm daily, Infrequent special meetings and events shall be permitted subject to a schedule reviewed and approved by the Community Development Director.

19. * Deliveries shall be limited to off-peak traffic or child drop-off hours as determined by the City's Traffic Engineer.
20. * The management of the facility shall police the property and all areas immediately adjacent to the business during the hours of operation to manage traffic/parking, address security concerns, and keep it free of litter.
21. A covered trash enclosure(s), with adequate capacity shall be provided and available on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan demonstrating diversion of at least 50% of solid waste shall be provided as required by the Public Works Department.
22. * The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval. Prior to building permit issuance, a written employee parking program shall be submitted for Community Development Department approval.
23. * The site shall allow reciprocal vehicle access with adjacent properties for any future City approved project upon which a similar reciprocal access condition is imposed. Such access shall be through the site's parking lot and driveways. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the neighboring project.
24. * Parking shall be provided in conformance with the current 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 parking areas shall be prohibited. Future parking lot modifications for the purposes of providing reciprocal access to a neighboring commercial property, and any parking requirement modifications that are warranted, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
25. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings or other architectural elements shall be prohibited.
26. * Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
27. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.
28. An accessible walkway shall be provided between the main doors of the facility and public sidewalk (See ADA requirements).
29. A 2-foot overhang shall be included in the parking stall length when calculating walkway widths
30. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.

Procedural

- 31. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 32. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
- 33. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
- 34. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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.

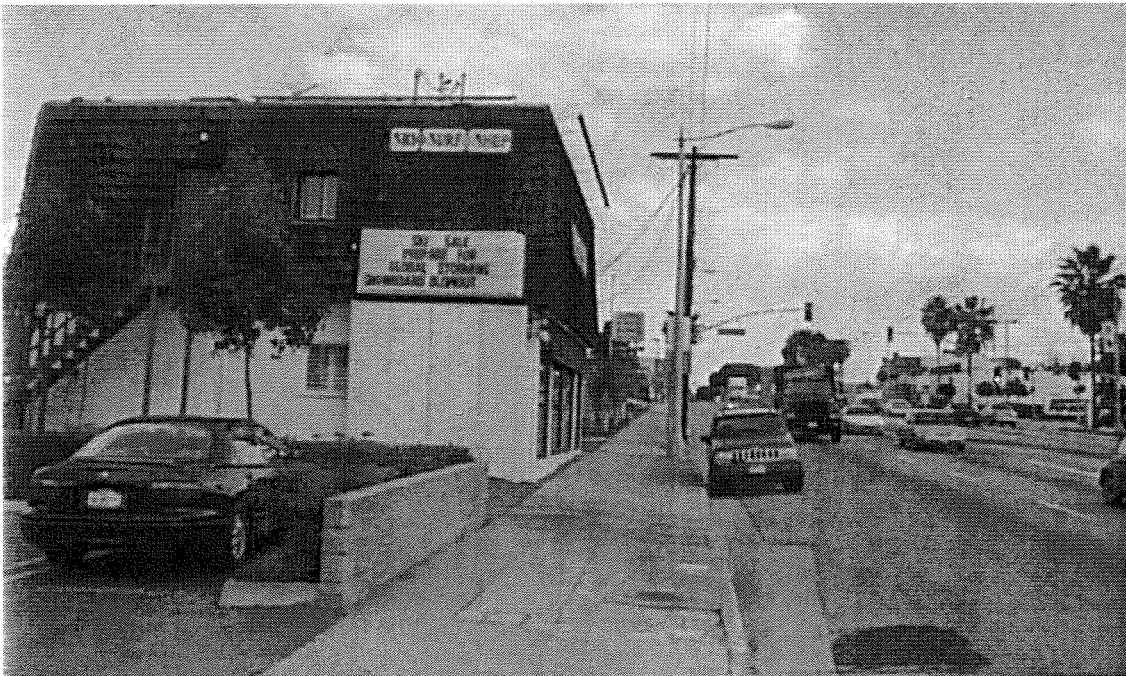
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of August 10, 2011 and that said Resolution was adopted by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen,
Recording Secretary

Vicinity Map
1765 Artesia Blvd.



THIS PAGE
INTENTIONALLY
LEFT BLANK

Architecture
Interior Design

2630
Sepulveda Blvd.
Torrance
California
90505

Tel. 310
326-3050
Fax 310
326-8805

Email
htarch
@houstontyner.com

July 19, 2011

Mr. Eric Holland
Senior Planner
City of Manhattan Beach
Manhattan Beach, CA 90266

**Re: Beach Babies Application for Conditional Use Permit
1765 Artesia Boulevard, Manhattan Beach**

Dear Mr. Holland,

Beach Babies is in escrow to purchase the property located at 1765 Artesia Boulevard in Manhattan Beach. The existing site and structures are most commonly known as the "Ski and Surf Shop". This property is immediately adjacent to Beach Babies' existing daycare facility located at 1775 Artesia Boulevard. It is Beach Babies' desire and intent to renovate and convert the "Ski and Surf" property and buildings to a daycare facility for 49 children.

It is the primary objective to have this new daycare center be a freestanding daycare facility and be licensed for 49 children. Secondly, it is Beach Babies' intent to provide daily operations with the existing Beach Babies daycare center next door. Since the existing daycare center located at 1775 Artesia is a leased property, it is not feasible to tie the two properties together to be legally one site. As such the application for the conditional use permit is for an independent daycare facility.

You will notice on the attached plans that the existing adjacent daycare facility is shown for ease of understanding of the operational flow. However, should the lease at 1775 Artesia be terminated for whatever reason at sometime in the future, the new site at 1765 Artesia can operate as its own independent daycare facility.

Beach Babies hours of operation will be 7:00am to 6:00pm Monday thru Friday. The classrooms will be for children 2 years to 5 years of age. It is not anticipated to be used for infant care programs.

The project description is as follows:

- The existing site located at 1765 Artesia consists of 2 two story buildings situated on a relatively flat site.
- The front building is approximately 2,000 sq. ft. and the back building is approximately 2,200 sq. ft.
- The proposed daycare center will require extensive renovation and upgrading of the site and both buildings.
- Currently the site has two driveway entries and it is proposed to close off the easterly driveway completely and to widen the westerly driveway.
- It is proposed to have 7 parking stalls including one van accessible stall.
- The site and buildings will be upgraded to meet current ADA and California accessibility codes.

Gary Houston,
A.I.A.
Principal

Russel Tyner,
A.I.A.
Principal

Gina Cabotaje,
A.I.A., LEED AP
Associate

Samuel S. Tang,
A.I.A.
Associate

BJ Wickett,
R.A.
Associate

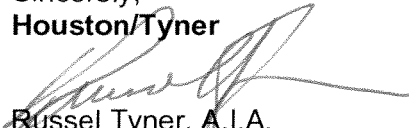


- A portion of the site will be converted to a playground and be completely fenced in.
- Both buildings will be upgraded to meet current codes, Title 24, and will be fully sprinklered with a full fire alarm system.
- It is further proposed to build an addition to the back building to provide a new entry lobby and vertical circulation.
- Four (4) classrooms will be located in the back building, 2 up and 2 down with a total capacity for 42 children.
- The front building will provide for a classroom for 7 and shared covered play area as acceptable to Community Care Licensing.
- The second floor of the front building will be used for Beach Babies' administrative offices and storage files.

In regards to the daily operations, it is intended to have both daycare facilities operate concurrently and for normal daily flow, parents will park and drop their children off using the easterly drive and parking lot of the easterly leased site of 1775 Artesia. They would be checked in at this site and would have access to the westerly site and enter at the back building for a secondary check into their respective classrooms. The parking lot on the 1765 Artesia site would be mainly used for staff parking and for accessible parking as needed.

Please feel free to contact us if you have any questions or have any comments or concerns. Thank you for your consideration.

Sincerely,
Houston/Tyner



Russel Tyner, A.I.A.
President

Cal Lic. No. C14979

/rt

Beach Babies

A limited liability company

Manhattan Beach * El Segundo

Beach Babies was founded on February 14, 1991 by Denise Tyner because she wanted to provide a quality, safe and loving environment for her baby. Initially, 4 infants were accepted into the first classroom in her Manhattan Beach home. After her baby was born in May 1991, another small classroom was opened for more children.

Due to Beach Babies excellent reputation, a wait list formed. In 1992 Beach Babies Infant Center was opened and held 15 infants. As the children grew and demand grew, Denise again opened her home to accommodate the 2 year old children. When the children became preschool age, another home was opened to provide another classroom. Finally, in June 1996 Beach Babies proudly opened its first Child Care Center serving children from 6 weeks to 5 years by leasing the Manhattan Beach Property Owners Association building at 540 Rosecrans Avenue on the corner of Bell and Rosecrans. Our lease agreement was creative because each month we converted our Child Care Center into their "Dinner Meeting Hall" so they could have their monthly meeting. Both organizations were able to serve the needs of the community through our partnership in this shared building arrangement and Beach Babies finally had a home for a combination of 53 infants, toddlers, and preschool children.

Although Beach Babies has never advertised, the quality program has always been in high demand with a healthy waitlist of more than 300 families. In February 2000, a second location was leased at the other end of Manhattan Beach at 1775 Artesia Blvd. This was the former Footlocker shoe store. The improvements were completed in December and Beach Babies #2 opened to serve an additional 120 children. Again, the demand grew as well as the wait list.

In 2007, another opportunity became available in El Segundo at the former Continental Credit Union building on the corner of Grand and Nash where Beach Babies #3 opened in August of 2008 serving an additional 155 children. Beach Babies just celebrated 20 years of service to our community and has served over 2000 families in the South Bay!

Beach Babies maintains a high demand by providing an excellent teacher to child ratio that allows for plenty of love and nurturing so the children can grow and thrive in a safe environment. Due to an extensive wait list, as well as the availability to buy the Ski & Surf shop next door to Beach Babies on Artesia Blvd, an opportunity has developed to serve more children in the South Bay by expanding our current program.

Beach Babies appreciates the opportunity to work together with the City of Manhattan Beach to make this opportunity a reality. Thank you for your review of our project. Please feel free to call me at my office or on my cell should you have any questions.

Warm Regards,

Denise Tyner
Executive Director
(310) 322-8900 Office
(310) 569-6113 Cell



Eric Haaland

From: Jack Rydell
Sent: Tuesday, July 12, 2011 3:44 PM
To: Eric Haaland
Cc: Nhung Madrid
Subject: 1765 Artesia Blvd - Site Plan Review

Hi Eric,

As requested, attached are my comments regarding the subject development site plan.

1. The plan identifies a 30' loading zone on Artesia Blvd e/o the proposed driveway. The actual length and restrictions of this loading zone would be determined by the City.
2. The development should be conditioned to pay for the City-installation of all necessary signage and markings to establish the loading zone identified in Item 1.
3. The area in the northwest corner of the property should be left clear (as is shown) to allow vehicles parked in the northernmost stalls to turn around and exit onto Artesia Blvd in a head-on manner.
4. A condition should be placed that requires deliveries and trash removal to take place from the on-street loading zone in order to prevent these vehicles from backing out onto Artesia Blvd.
5. Any hardscape improvements on the east and west side of the driveway should provide adequate visibility of pedestrians on the sidewalk. Either the height should be limited or there should be an angle to provide an appropriate sight triangle.
6. If any construction activity will take place within public right-of-way, a traffic control plan should be submitted for review prior to approval of a construction permit. Of specific concern is the requirement to maintain adequate pedestrian access during any construction activity.
7. The accessible parking space should be designated as van accessible and signed and marked in a manner consistent with Caltrans Revised Standard Plans A90A and A90B.

Jack Rydell
Traffic Engineer
P: (310) 802-5515
E: jrydell@citymb.info

