



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

**TO:** Planning Commission

**THROUGH:** Richard Thompson, Director of Community Development 

**FROM:** Angelica Ochoa, Assistant Planner 

**DATE:** August 22, 2007

**SUBJECT:** Consideration of an Amendment to a Previously Approved Use Permit for Removal and Replacement of Existing Pine Trees which are Impacting Construction at Manhattan Beach Community Church at 303 S. Peck Ave

**RECOMMENDATION**

Staff recommends that the Commission **CONDUCT** the **PUBLIC HEARING**, **ADOPT** the attached **RESOLUTION** and **APPROVE** the subject application

**APPLICANT**

Bruce Kuch  
411 N. Harbor Boulevard  
San Pedro, CA 90266

**PROPERTY OWNER**

Manhattan Beach Community Church  
Jim Belt, MBCC Business Manager  
303 S. Peck Avenue  
Manhattan Beach, CA 90266

**BACKGROUND**

On July 25, 2007, Bruce Kuch on behalf of Manhattan Beach Community Church (MBCC) located at 303 S. Peck Avenue submitted an application to amend a previously approved use permit (PC 06-18, Exhibit B). The subject use permit allows the construction of a two-story building consisting of an assembly hall, youth hall and elevator shaft/bell tower to accommodate church programs and functions. A public hearing was held by the Planning Commission on October 25 and November 15, 2006 and the project was approved with conditions as included in the attached Resolution. The project was approved by the City Council on December 5, 2006 (minutes attached, Exhibit C).

**DISCUSSION**

At the public hearing on November 15, 2006, the Planning Commission added a condition to preserve all existing trees on the site as part of the subject proposal. The applicant, MBCC, began construction of the new building in June of 2007. During the construction phase, it was discovered that the foundation wall for the new two-story assembly and youth hall building would impact two existing Aleppo Pine trees due to the close proximity. The applicant hired a certified arborist to review the extent of the impact and long-term effect of these two pine trees and continuing with the project development. According to the arborist report (Exhibit D), it was determined that the

trees would suffer significant damage to the root system by continuing with the construction of the new building. Additionally, major limbs of the trees conflict with the second story of the new building and would need to be replaced. Due to the mature height of 30 feet and a canopy spread of 20 to 40 feet for Aleppo Pine trees, the arborist is recommending removing and replacing these trees with a different species in another location not to be impacted by construction of the new building.

The applicant, MBCC, is requesting an amendment to their use permit, specifically Section 2, General Item No. 6, to allow the removal and replacement of the existing two Aleppo Pine trees in order to continue with construction of their project. The applicant is also proposing to replace the trees with a similar type at a different location (Exhibit E, applicant material).

### **PUBLIC INPUT**

A notice of the public hearing for this application was mailed to all owners of property within 500 feet of the project site boundaries and was published in the Beach Reporter on August 9, 2007. Staff is not aware of any opposition to the project.

### **CONCLUSION**

Staff supports the subject application to allow the removal and replacement of two existing Aleppo Pine trees with the added conditions listed in the attached resolution:

- All existing trees shall be preserved as part of the subject proposal, to the extent that is feasible. The two Aleppo Pine trees to the north of the new building may be removed and replaced. Any removal and replacement is subject to approval from the Community Development Director. Replacement tree size, location and species are subject to the Community Development Director approval. Mature minimum 48" box replacement trees shall be used.
- This resolution will supersede Resolution No. 06-18 and all findings and conditions are to remain the same except for Item No. 7, Section 2, which was revised and approved by the Planning Commission on August 22, 2007.
- The project shall be in conformance with the plans and project description submitted to, and approved by the Planning Commission on November 15, 2006.

### **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA), Class I, the subject amendment is determined to be categorically exempt from environmental review since it involves operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses.

**ALTERNATIVES**

1. **APPROVE** the project and adopt the attached Resolution, or:
2. **DENY** the project subject to public testimony received, based upon appropriate findings, and **DIRECT** Staff to return a new draft Resolution.
3. **DIRECT** Staff accordingly.

**ATTACHMENTS**

- Exhibit A: Draft Resolution No. PC 07-
- Exhibit B: Use Permit PC 06-18
- Exhibit C: City Council Minutes 12-05-06
- Exhibit D: Arborist Report dated 07-20-06
- Exhibit E: Applicant Narrative
- Exhibit F: Vicinity Map
- Plans (not available electronically)

c: Bruce Kuch, BHK Consultants (Representative for MBCC)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING AN AMENDMENT TO A USE PERMIT FOR REMOVAL AND REPLACEMENT OF TWO EXISTING TREES FOR A 2 STORY YOUTH CENTER/ASSEMBLY HALL, ESTABLISHING SITE-WIDE PARKING REQUIREMENT AND APPROVING A VARIANCE FOR AN ELEVATOR SHAFT/BELL TOWER WHICH WOULD EXCEED THE 30-FOOT HEIGHT LIMIT AT 303 S. PECK AVENUE (Manhattan Beach Community Church)**

**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 22, 2007 to consider a Use Permit Amendment to modify condition No. 6 of PC Resolution No. 06-18 to preserve all existing trees on site. The request is to remove 2 existing Aleppo Pine trees due to impact of construction of a new assembly and youth hall building previously approved (PC 06-18).
- B. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on October 25, 2006 and November 15, 2006 and approved a Use Permit and Variance application, which included establishing a parking requirement for the site.
- C. At the October 25, 2006 Planning Commission meeting, a motion was made to reopen the public hearing and continue the item to the November 15, 2006 meeting with direction to staff to prepare a 'draft' resolution for the Commissions consideration.
- D. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- E. The applicant for the Variance application is Bruce Kuch, representative for the Manhattan Beach Community Church.
- F. The applicant filed a Use Permit and Variance applications to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which facilitates disabled access requirement between and provides access between two levels of the existing structure, which exceeds the maximum 30-foot height limit, and 3) establish a parking requirement for the existing uses on the subject property.
- G. In 2003, the City Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a religious facility which was otherwise exempt from a Use Permit requirement. In this case the subject Use Permit replaces the mediation process.
- H. Section 10.28.030, L-20 (3), states that no portion of any building shall exceed a height of 30 feet as measured from the average of the finished ground level at the center of all walls. Based on the submitted survey data, the maximum allowable building height is 131.93'.
- I. The submitted plans showed a proposed building height for the proposed elevator shaft/bell tower at a 138.29' elevation. Based on this height proposal, the structure would exceed the allowable building height by 6.36'.
- J. Residential land use regulation, Section 10.12.020 L-3, provides an exemption from a Use Permit requirement for existing church facilities that are not developed beyond half (50%) of their allowable buildable floor area. With the proposed structure, the site would be at

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40% of their allowable buildable floor area. However, a Use Permit application was filed to establish the parking requirement for all existing/proposed uses.

- K. The project site will provide 99 on-site parking spaces located on the east and west lots of the property. The City Traffic Engineer has reviewed the site plan and evaluated the parking study prepared by Kaku Associates and has concluded that the 99 on-site parking spaces are sufficient to meet the parking demand for the existing/proposed mix of uses.
- L. The existing parking agreement between the Manhattan Beach Community Church and the Manhattan Beach Unified School District for overflow parking is proposed to be maintained.
- M. According to the California Environmental Quality Act (CEQA), the project is exempt (Class 32, Section 15332) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor infill development and meets the conditions described below.
  - 1. The project is consistent with the applicable general plan designation, general plan policies as well as with applicable zoning designation and regulations.
  - 2. The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
  - 3. The project site has no value as habitat for endangered, rare or threatened species.
  - 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as conditioned.
  - 5. The site can be adequately served by all required utilities and public services.
- N. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
  - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the (RS) Residential district in which the site is located. The 99 on-site parking spaces that would be provided for the site is sufficient for the established church/school uses. Additionally, the church has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking.
  - b) The location of the proposed building and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 4, which encourages preservation of features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. This project would not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in the adjacent neighborhood uses: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. Additionally, the removal of mature trees would require replacement with mature trees.
  - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed building use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, and trash area.
  - d) The proposed use would not adversely impact nearby residential properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- O. 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.
- P. The Planning Commission made the following findings with respect to the Variance application:

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1. The applicant requested approval of a Variance application to allow the construction of a new elevator shaft/bell tower, which would exceed the allowable height limit by 6.36'.
2. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the east and west. The properties to the north and south are zoned Public and Semi-Public.
3. The General Plan designation for the property is Low Density Residential.
4. Based upon State law, the proposed project will meet the required findings as follows:

**Variance**

- a) The special circumstance applicable to this property is the extreme topography of the site. Because the structure will be located at the center of the property, nestled between two existing structures, surrounded by mature landscaping that will shield the project from the surrounding neighborhoods, the proposal would not create additional view obstruction to the surrounding properties. Based on the A-frame roof design the bulk of structure would also be minimized.
- b) The relief may be granted without substantial detriment to the public good and the project would not be detrimental or injurious to property or improvements in the vicinity of the development. The closest residential properties are located 300 feet from the proposed building location.
- c) Granting the request is consistent with the purpose of Title 10 of the MBMC and would not constitute a granting of a special privilege because the proposed building location conceals the bulk of the structure. Additionally, due to the proposed location of the building, which is substantially lower than the public right-of-way on Peck Avenue, the scale of the structure would remain minimal as compared to the surrounding developments.

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

**General**

1. This resolution will supersede Resolution No. 06-18 and all findings and conditions are to remain the same except for Item No. 6, Section 2, which was revised and approved by the Planning Commission on August 22, 2007. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on October 25, 2006, November 15, 2006, and August 22, 2007.
2. In order to address safety concerns regarding the drop-off and pick-up of students during and after construction for the Montessori school, the applicant shall provide a plan which shows loading and unloading of children safely. This plan shall be submitted for review and approved prior to the issuance of any permit.
3. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of any 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 and will ensure the safety of the students attending the Montessori School.
4. The demolition permit shall not be issued until the State of California Health and Human Services Agency Department of Social Services issues all necessary permits and/or

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licenses for the relocation of the playground for Facility No. 191602098 without requiring a reduction in the current legally allowable number of students attending the Montessori School.

5. Preparatory non-invasive work will be allowed prior to the issuance of a building permit subject to agreement between the school and church and approval by City staff.
6. All existing trees shall be preserved as part of the subject proposal, to the extent that is feasible. The two Aleppo Pine trees to the north of the new building may be removed and replaced. Any removal and replacement is subject to approval from the Community Development Director. Replacement tree size, location and species are subject to the Community Development Director approval. Mature minimum 48" box replacement trees shall be used.
7. The church is required to encourage visitors to the site to utilize on-site parking on a regular basis.

### Public Works

8. All landscape irrigation backflow devices must meet current City requirements for property installation.
9. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
10. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
11. A backwater valve is required on the sanitary sewer lateral if the discharges from the fixtures with flood level rims that are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
12. If the existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
13. A mop sink must be installed and shown on the plumbing plan.
14. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
15. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
16. All existing and approved trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0, Trap Seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. Drawings of the trash enclosure must be on the plans, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.
17. Commercial establishments are required by Municipal Code 5.24.030 (C)(2), to have a sufficient refuse storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed

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within the building structure or in a screened enclosure on private property. Please refer to the Code section for further clarification.

18. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works specifications. See City Standard Plans, ST-1, ST-2 and ST-3. The plans must have a profile of the driveway, percent of slope of driveway and driveway elevations.
19. For any parking lot with 25 or more spaces, weekly sweeping will be required.
20. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
21. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on plans.
22. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway.
23. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
24. Any new storm water, nuisance water, etc. or drain lines installed within the street right-of-way, must be constructed of ductile iron pipe. Drains must be shown on plans.
25. Plan holder must have the plans re-checked and stamped for approval by the Public Works Department before the building permit is issued. All of the Public Works notes and conditions must be printed on the plans. No Exceptions.

### **Fire Department**

26. The subject site must meet emergency access requirements. Plans shall be submitted and approved by the Fire Department.

### **Building Division**

27. The subject site shall comply with all current California Building Code guidelines for disabled access requirements, including the disabled access parking space currently located at the first level at the southerly end of the Montessori school. Plans shall be submitted for review and approval by the Building Division prior to the issuance of any permit.
28. The proposed project may be subject to the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Applicant shall contact the building division and obtain a copy of the application to determine compliance.

### **Procedural**

29. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
30. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
31. The Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.



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32. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action 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.

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 22, 2007** and that said Resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**RICHARD THOMPSON,**  
Secretary to the Planning Commission

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**Sarah Boeschen**  
Recording Secretary

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO ALLOW CONSTRUCTION OF A 2-STORY YOUTH CENTER/ASSEMBLY HALL, ESTABLISH A SITE WIDE PARKING REQUIREMENT AND A VARIANCE FOR AN ELEVATOR SHAFT/BELL TOWER WHICH WOULD EXCEED THE 30-FOOT HEIGHT LIMIT AT 303 SOUTH PECK AVENUE**

(Manhattan Beach Community Church)

**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 pursuant to applicable law on October 25, 2006 and November 15, 2006 to consider a Use Permit and Variance applications and which establishes a parking requirement for the site for the property legally described as Portion of Lot 10, Partition Map showing property formerly of the Redondo Land Company, located at 303 South Peck Avenue in the City of Manhattan Beach.
- B. At the October 25, 2006 Planning Commission meeting a motion was made to reopen the public hearing and continue the item to the November 15, 2006 meeting with direction to staff to prepare a 'draft' resolution for the Commissions consideration.
- C. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The applicant for the Variance application is Bruce Kuch, representative for the Manhattan Beach Community Church.
- E. The applicant has filed a Use Permit and Variance applications to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which facilitates disabled access requirement between and provides access between two levels of the existing structure, which exceeds the maximum 30-foot height limit, and 3) establish a parking requirement for the existing uses on the subject property.
- F. In 2003, the City Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a religious facility which was otherwise exempt from a Use Permit requirement. In this case the subject Use Permit replaces the mediation process.
- G. Section 10.28.030, L-20 (3), states that no portion of any building shall exceed a height of 30 feet as measured from the average of the finished ground level at the center of all walls. Based on the submitted survey data, the maximum allowable building height is 131.93'.
- H. The submitted plans show a proposed building height for the proposed elevator shaft/bell tower at a 138.29' elevation. Based on this height proposal, the structure would exceed the allowable building height by 6.36'.
- I. Residential land use regulation, Section 10.12.020 L-3, provides an exemption from a Use Permit requirement for existing church facilities that are not developed beyond half (50%) of their allowable buildable floor area. With the proposed structure, the site would be at 40% of their allowable buildable floor area. However, a Use Permit application was filed to establish the parking requirement for all existing/proposed uses.



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- J. The project site will provide 99 on-site parking spaces located on the east and west lots of the property. The City Traffic Engineer has review the site plan and evaluated the parking study prepared by Kaku Associates and has concluded that the 99 on-site parking spaces are sufficient to meet the parking demand for the existing/proposed mix of uses.
- K. The existing parking agreement between the Manhattan Beach Community Church and the Manhattan Beach Unified School District for overflow parking is proposed to be maintained.
- L. According to the California Environmental Quality Act (CEQA), the project is exempt (Class 32, Section 15332) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor infill development and meets the conditions described below.
1. The project is consistent with the applicable general plan designation, general plan policies as well as with applicable zoning designation and regulations.
  2. The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
  3. The project site has no value as habitat for endangered, rare or threatened species.
  4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as conditioned.
  5. The site can be adequately served by all required utilities and public services.
- M. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
- a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the (RS) Residential district in which the site is located. The 99 on-site parking spaces that would be provided for the site is sufficient for the established church/school uses. Additionally, the church has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking.
  - b) The location of the proposed building and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 4, which encourages preservation of features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. This project would not be detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood uses: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
  - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed building use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, and trash area.
  - d) The proposed use would not adversely impact nearby residential properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- N. 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.
- O. The Planning Commission made the following findings with respect to this Variance application:
1. The applicant requests approval of a Variance application to allow the construction of a new elevator shaft/bell tower, which would exceed the allowable height limit by 6.36'.

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2. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the east and west. The properties to the north and south are zoned Public and Semi-Public.
3. The General Plan designation for the property is Low Density Residential.
4. Based upon State law, the proposed project will meet the required findings as follows:

**Variance**

- a) The special circumstance applicable to this property is the extreme topography of the site. Because the structure will be located at the center of the property, nestled between two existing structures, surrounded by mature landscaping that will shield the project from the surrounding neighborhoods, the proposal would not create additional view obstruction to the surrounding properties. Based on the A-frame roof design the bulk of structure would also be minimized.
- b) The relief may be granted without substantial detriment to the public good and the project would not be detrimental or injurious to property or improvements in the vicinity of the development. The closest residential properties are located 300 feet from the proposed building location.
- c) Granting the request is consistent with the purpose of Title 10 of the MBMC and would not constitute a granting of a special privilege because the proposed building location conceals the bulk of the structure. Additionally, due to the proposed location of the building, which is substantially lower than the public right-of-way on Peck Avenue, the scale of the structure would remain minimal as compared to the surrounding developments.

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

**General**

1. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on October 25, 2006 and November 15, 2006.
2. In order to address safety concerns regarding the drop-off and pick-up of students during and after construction for the Montessori school, the applicant shall provide a plan which shows loading and unloading of children safely. This plan shall be submitted for review and approved prior to the issuance of any permit.
3. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of any 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 and will ensure the safety of the students attending the Montessori School.
4. The demolition permit shall not be issued until the State of California Health and Human Services Agency Department of Social Services issues all necessary permits and/or licenses for the relocation of the playground for Facility No. 191602098 without requiring a reduction in the current legally allowable number of students attending the Montessori School.
5. Preparatory non-invasive work will be allowed prior to the issuance of a building permit subject to agreement between the school and church and approval by City staff.

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6. All existing trees shall be preserved as part of the subject proposal.
7. The church is required to encourage visitors to the site to utilize on-site parking on a regular basis.

### **Public Works**

8. All landscape irrigation backflow devices must meet current City requirements for property installation.
9. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
10. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
11. A backwater valve is required on the sanitary sewer lateral if the discharges from the fixtures with flood level rims that are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
12. If the existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
13. A mop sink must be installed and shown on the plumbing plan.
14. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
15. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
16. All existing and approved trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0, Trap Seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. Drawings of the trash enclosure must be on the plans, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.
17. Commercial establishments are required by Municipal Code 5.24.030 (C)(2), to have a sufficient refuse storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property. Please refer to the Code section for further clarification.
18. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works specifications. See City Standard Plans, ST-1, ST-2 and ST-3. The plans must have a profile of the driveway, percent of slope of driveway and driveway elevations.
19. For any parking lot with 25 or more spaces, weekly sweeping will be required.

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20. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
21. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on plans.
22. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway.
23. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
24. Any new storm water, nuisance water, etc. or drain lines installed within the street right-of-way, must be constructed of ductile iron pipe. Drains must be shown on plans.
25. Plan holder must have the plans re-checked and stamped for approval by the Public Works Department before the building permit is issued. All of the Public Works notes and conditions must be printed on the plans. No Exceptions.

**Fire Department**

26. The subject site must meet emergency access requirements. Plans shall be submitted and approved by the Fire Department.

**Building Division**

27. The subject site shall comply with all current California Building Code guidelines for disabled access requirements, including the disabled access parking space currently located at the first level at the southerly end of the Montessori school. Plans shall be submitted for review and approval by the Building Division prior to the issuance of any permit.
28. The proposed project may be subject to the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Applicant shall contact the building division and obtain a copy of the application to determine compliance.

**Procedural**

29. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
30. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
31. The 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. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action 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 06-18**

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 **November 15, 2006** and that said Resolution was adopted by the following vote:


**AYES: Bohner, Cohen, Lesser, Powell,  
Chairman Schlager**

**NOES:**

**ABSTAIN:**

**ABSENT:**

  
\_\_\_\_\_  
**RICHARD THOMPSON,**  
Secretary to the Planning Commission

  
\_\_\_\_\_  
**Sarah Boeschen** *Sarah Boeschen*  
Recording Secretary

06/1205.9 Disbursement of Progress Payments:

- a) Progress Payment No. 19 in the Net Amount of \$188,658.00 to S.P. Pazargad Engineering Construction, Inc. for the Strand Improvement Project
- b) Progress Payment No. 1 in the Net Amount of \$313,587.00 to John T. Malloy, Inc. for the Peck Reservoir Blending Line Project

The Council approved the issuance of the subject progress payments.

Planning Commission

06/1205.10 Consideration of a Sign Exception for the Addition of a Pole Sign at 909 North Aviation Boulevard

The Council received and filed the Planning Commission's approval of the Sign Exception for the addition of a pole sign at 909 North Aviation Boulevard.

06/1205.11 Consideration of Planning Commission Approval of a Use Permit for Construction of a 2-Story Youth Center/Assembly Hall, Establish a Site-Wide Parking Requirement and Variance for a New Elevator Shaft/Bell Tower Which Would Exceed the 30-Foot Height Limit for the Manhattan Beach Community Church at 303 Peck Avenue

The Council received and filed the subject report.

06/1205.12 Consideration of Planning Commission Denial of a Variance for Construction of a Deck Approximately 11.5 Feet High, Within the Rear Yard Setback on the Property Located at 1908 Magnolia Avenue

The Council received and filed the decision of the Planning Commission denying the request.

COMMUNITY ANNOUNCEMENTS

06/1205.17 Ron Newman Re: Beach Cities Toy Drive Fundraiser

**Ron Newman, No Address Provided**, announced that the Beach Cities Toy Drive fundraiser will be held at Beaches Restaurant, at 4:00 p.m., on Saturday, December 9, 2006, noting the key contact people for the two beach cities to be Manhattan Beach Councilmember Richard Montgomery and Hermosa Beach Mayor Sam Edgerton. He encouraged everyone to participate by donating cash and toys and started off by providing the first cash donation of \$500 from Sharkey's.

Councilmember Montgomery further added that the toy wrapping party will be held at the Manhattan Beach Joslyn Community Center on Saturday, December 16, 2006, at 11:00 a.m.

06/1205.18 Maureen McBride Re 10<sup>th</sup> Street Fire Fund

**Maureen McBride, President of the Downtown Business Association**, extended thanks to the community, the Fire Department and the Police Department for keeping the community safe; announced the establishment of a 10<sup>th</sup> Street Fire Fund; stated that donations can be made online at [www.10thstreetfirefund.com](http://www.10thstreetfirefund.com); and reported that an event is being planned with the Chamber of Commerce to be held at the upcoming Holiday Fireworks Festival.





**Certified Urban Forester #108**  
**Certified Arborist #WE - 0407AM**  
**Pest Control Advisor #02483**

**MEMBER**

American Society of Consulting Arborists  
International Society of Arboriculture  
California Urban Forests Council  
Society of Municipal Arborists  
Street Tree Seminar, Inc.

**WALTER WARRINER**  
**CONSULTING ARBORIST**  
**370 Palos Verdes Blvd. #8**  
**Redondo Beach, CA 90277**

**PH: 310-378-1764**  
**EM: WWCA621@aol.com**

**CLIENT:** Bruce Kuch, PE  
BHK Consultants  
411 North Harbor Blvd.  
San Pedro, CA 90731

**PROJECT SITE:** Manhattan Beach Community Church  
303 S. Peck Avenue  
Manhattan Beach, CA

**REPORT SUBJECT:** Construction impacts on 2 pine trees

**DATE OF SITE VISIT:** June 29, 2007

**REPORT DATE:** July 20, 2007

**PROJECT BACKGROUND AND DESCRIPTION**

The project site is a church that is in the process of constructing a new building. The footing and structure of the new building is impacting 2 existing pine trees.

**DEFINITION OF ASSIGNMENT**

Evaluate the impacts of new construction on 2 pine trees.

**SITE OBSERVATIONS**

- Subject pines are Aleppo Pines (*Pinus halepensis*).
- The trees are at the base of a non-irrigated slope.
- The canopies are full, relatively lush and have not been pruned for several years.
- Neither of the trees showed any signs of stress or insect infestation at the time of inspection.
- Both trees have had approximately 40% of their root mass removed in order to make room for the footing of the new building.
- The trench for the footing shows that the majority of the root plate is within the top 12" of soil.



## ANALYSIS & DISCUSSION

The Aleppo Pine is a moderately fast growing tree that can reach a mature height of 30 - 60 feet with a canopy spread of 20 – 40 feet. Mature trunk diameters can range anywhere between 36 – 48 inches. When this species of pine begins to approach maturity they can cause extensive damage to their surroundings unless they have ample space in which to grow. This species is subject to attack by bark beetles, especially if they are over pruned, pruned during the summer or experiencing extreme drought stress.

The photo at left shows an overview of the two pines with the trench for the foundation of the building directly in the root zone of the tree. The photo below shows a closer view of the roots which have been severed in order to dig the trench for the building foundation.



The surface roots that were severed perform the function of absorbing moisture and nutrients, storing energy and most importantly providing structural support. Although tree roots in the Manhattan Beach area may grow as deep as 18 inches or more below the soil surface, the photo above right shows that the majority of the roots of the subject pines are found to be only in the upper most region of the soil.

When the trench was dug for the foundation, it resulted in the loss of important supporting roots that were on the downhill side of the tree. This type of work is often made with the assumption that the process does not adversely affect the tree however, the effects of root loss are not seen for several years.

When roots are severed, the tree's ability to absorb moisture is reduced in addition to the loss of energy which was stored in the roots. When the root loss involves stubbing off all of the roots in a specified area, it can have the same impact on a tree as topping does except the long term effects are hidden underground or within the root crown of the tree and do not reveal themselves until the exterior signs become apparent. Pine trees which have had their roots severed can still have a healthy green looking canopy, yet this does not necessarily mean the tree has recovered from having its roots cut off. More importantly, it does not mean that the tree is structurally sound or stable and the potential for failure will always be present if these trees are to be retained.

Oftentimes, the effects of root loss are difficult to associate with root pruning because of the time from when the actual act of root pruning occurs and the discovery of the problems. The problems are usually seen in the form of general tree decline, foliage loss, insect infestation, or trunk decay. Usually though pines which have had their roots damaged such as these will become infested first with spider mites, followed by bark beetles. Once the pines become infested with bark beetles the only remedy is to treat them with chemicals or if the infestation is advanced enough, removal. Without treatment the bark beetle infestation will eventually kill the tree.



In addition to the root loss, the second story of the new building will impact the canopies of the two pines. The photo at left shows the approximate location of where the edge of the building will be. In order to accommodate the construction of the new structure several scaffold branches will need to be pruned away.

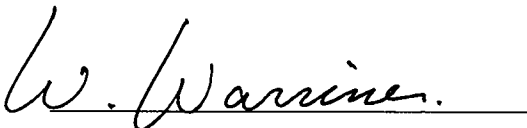
Removing major limbs from the pines at the same time their roots are being cut will add to the stress that the tree is already under from the root damage. This will most likely lead to their becoming infested with spider mites, followed quickly bark beetles. Additionally, removing the scaffold limbs from the lower side of the canopies will offset the stability of the trees by leaving the majority of the canopy weight on the uphill side of the trees, increasing the potential for failure.

## CONCLUSIONS & RECOMMENDATIONS

Although the subject pines appeared to be in good health, the damaged root system and the pruning that is necessary to accommodate the building will render them unstable and stress them to the point that they will most likely die from insect infestation or eventually fail.

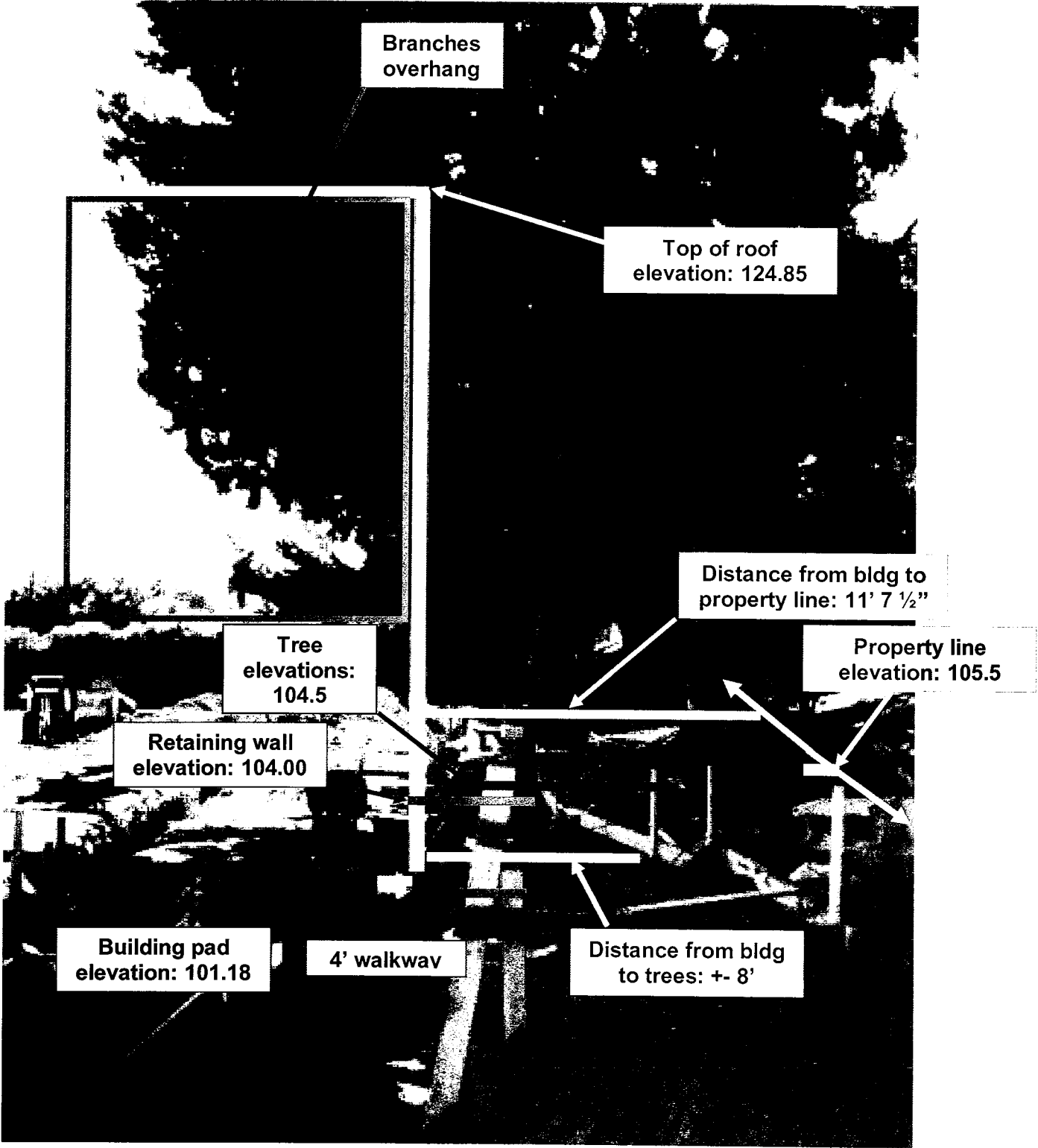
It is recommended that both pines be removed and be replaced with a suitable species in an alternative location.

Respectfully submitted,

A handwritten signature in cursive script, reading "W. Warriner.", is written over a horizontal line.

Walter Warriner  
Consulting Arborist

Manhattan Beach Community Church  
Assembly Hall-Youth Center Project  
Building Permit No. 06-00780



Manhattan Beach Community Church  
Assembly Hall-Youth Center Project  
Building Permit No. 06-00780

Amendment to CUP Resolution No. PC 06-18

Section 2, General Item No. 6 "All existing trees shall be preserved as part of the subject proposal."

At the second hearing on November 15, 2006 for the subject resolution, Planning Commissioner Schlager added a last and final condition no. 6 to the Resolution, as stated above.

At the time of the hearing, the City Building and Safety Department had already approved the plans, which showed two trees located close to the Youth Center portion of the building, to the north of the building on the sloped area near the property line between Pennekamp School and the Church.

Seven months later, after the permit was issued by the City on June 11, 2007, the contractor was allowed to proceed with building layout and excavation for the building foundation. Soon afterward it was discovered that these two trees extended up and over the building foundation wall and that the roots of these trees extended into the building retaining wall footing. All work was stopped in the subject area and the owner solicited the services of an arborist to investigate the conflict between the trees and the building, as well as the potential damage to the trees.

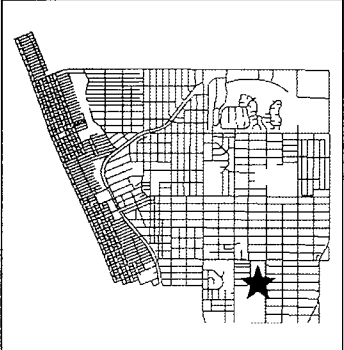
The arborist completed an investigation and provided the attached report, which recommends removal of the two trees in question. If the trees are left in place, significantly sized braches will have to be trimmed in order to enable construction of the 24 foot high Assembly Hall-Youth Center Building. Furthermore, the lateral root system characteristic of this type of pine tree would be significantly damaged.

These trees are wedged between the sloped area to Penekamp School and the new church building, to the extent that they would not be visible to the neighborhood or the church, after the new building is constructed.

The church is willing to replace the trees with similar types at a location that would not conflict with the approved building plans, and that would not be detrimental to the health of the trees.



# Manhattan Beach GIS

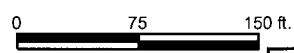


## Legend

Scale: 1:1,346

- Addresses
- Parcels
- 2006 4in color Basemap
- BEACH
- BLOCK
- DEADEND (cont)
- PARK
- PIER
- PRIVATE STREET
- SCHOOL
- STREET
- WALK STREET

This map is a user-generated static output from the "MB GIS Info" Intranet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



N  
**EXHIBIT**  
**F**