



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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Esteban Danna, Assistant Planner 

DATE: January 9, 2008

SUBJECT: Application for a Master Use Permit and Coastal Development Permit Amendment for a Commercial Building Located in the Non-Appeal Coastal Jurisdiction at 1100 Manhattan Avenue.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the public hearing and adopt the attached Draft Resolution **APPROVING** the subject request.

APPLICANT AND PROPERTY OWNER

Peter Ristani
712 Manhattan Avenue
Manhattan Beach, CA 90266

BACKGROUND

In July of 2002, the Planning Commission held a public hearing and approved a Master Use Permit and Coastal Development Permit (Exhibit A) for the construction of a new commercial building at 1100 Manhattan Avenue (Exhibit D). The building consists of four tenant spaces on the ground floor and three tenant spaces on the second floor as well as six parking spaces. The current Master Use Permit limits the uses to Retail and Food and Beverage Sales on the ground floor and General Office uses on the second floor. At the time of approval, the applicant did not have any tenants reserving a space in the new building.

ENVIRONMENTAL DETERMINATION

This project is Categorically Exempt, Class 2, Section 15302(b), California Environmental Quality Act (CEQA) Guidelines.

DISCUSSION

The subject application proposes to broaden the type of uses allowed on the site by amending Condition No. 15 in Resolution No. PC 02-20 (Exhibit B). The applicant proposes to have three of the four tenant spaces on the ground floor be Retail uses and one be Personal Service use. On the second floor, the applicant proposes two of the three tenant spaces be General Office uses and one be Personal Services use (Exhibit C). Personal Service includes uses such as beauty shops, barbers, seamstresses, tailors, shoe repair shops, dry-cleaning, photo-

copying, and self-service laundry. Limiting General Office uses to the second floor is consistent with Resolution PC No. 02-20 and is similar to the Planning Commission approval of the commercial project at 1300 Highland Avenue (Resolution No. PC 06-04). All proposed uses are permitted in the Downtown Commercial (CD) zone. All other conditions of the original resolution will remain the same and the Coastal Development and Master Use Permit findings have been expanded in the Draft Resolution.

The existing condition reads as follows:

The subject site shall include 8,147 square feet of commercial space. Commercial uses shall be limited to retail, food and beverage sales on the ground floor, and general office uses on the second floor. Eating and drinking establishment uses shall be prohibited.

The proposed condition reads as follows:

The subject site may include up to 8,147 square feet of commercial space. Commercial uses shall be limited to Retail, Food and Beverage Sales, and Personal Service uses on the ground floor, and General Office and Personal Service uses on the second floor. Other uses permitted in the Downtown Commercial zone with parking requirements that do not exceed those of the approved uses may be allowed with the approval of the Director of Community Development. Eating and drinking Establishment uses shall be prohibited. Office uses shall be prohibited on the ground floor.

For lots in the CD district, parking is required for the building floor area that exceeds a floor area to lot area ratio of 1:1. The structure, currently under construction, has 8,147 square feet of floor area which is 1,508 square feet greater than the lot area. Based on this excess floor area and the proposed uses (Retail, General Office, and Personal Services), six parking spaces are required and provided.

Overall, parking requirements will be lessened with the proposed amendment allowing some Personal Service uses in lieu of retail. General Office and Personal Service uses require one parking space per 300 square feet (1:300) of floor space. Retail uses require one parking space per 200 square feet (1:200) of floor space. Converting one of the four retail uses to Personal Services use thus slightly decreases the parking requirement for one of the tenant spaces from 1:200 to 1:300. The chart below shows the parking ratio for the approved project and the ratios for the proposed amendment. The only change in ratio occurs when the Retail use on the ground floor changes to Personal Services use.

Ground Floor			
Approved	Ratio	Proposed	Ratio
Retail	1:200	Retail	1:200
Retail	1:200	Retail	1:200
Retail	1:200	Retail	1:200
<i>Retail</i>	<i>1:200</i>	<i>Personal Services</i>	<i>1:300</i>

Second Floor			
Approved	Ratio	Proposed	Ratio
Office	1:300	Office	1:300
Office	1:300	Office	1:300
Office	1:300	Personal Services	1:300

General Office uses on the ground floor or any restaurant or other food preparation/service uses on the property are not allowed due to the lack of required parking. All tenant improvement proposals will be reviewed by all pertinent departments. Furthermore, all signage will be required to comply with the Zoning Code. In addition to these requirements, the applicant must provide a sign program to be approved by the Community Development Department. The sign program will be required to integrate the concepts of the Downtown Design Guidelines. The overall project is consistent with the Downtown Design Guidelines for architectural design, uses, and parking.

Master Use Permit Findings

Section 10.84.060 of the Manhattan Beach Zoning Code provides the findings that are necessary to approve a Use Permit. Staff believes all findings can be met as follows:

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.*

The building is located within the CD district. The proposed uses are consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses. The proposed uses encompass a mix of retail, service, and office uses which will provide services to a wide variety of visitors to the Downtown area.

2. *The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.*

The proposed uses pose no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

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 and Policies of the General Plan:

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

Goal LU-6/2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-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.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Policy LU-7.2: Encourage the use of the Downtown Design Guidelines to improve the Downtown's visual identification as a unique commercial area.

Policy LU-7.3: Support pedestrian-oriented improvements to increase accessibility in and around Downtown.

Policy LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on downtown streets, and consider providing zoning regulations that support these uses.

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

- 3. 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 aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.*

The proposed uses will not adversely impact nearby properties and will not affect parking demand in the Downtown Commercial zone since the required parking will be provided on the second level of the structure. It is not anticipated that the proposed uses will exceed the capacity of public services and facilities.

Coastal Findings

The project is consistent with the commercial development policies of the Manhattan Beach Local Coastal Program, specifically Policy A.16.010. The specific purposes of the commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan and Local Coastal Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone.
- B. Strengthen the city's economic base, but also protect small businesses that serve city residents.
- C. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located. Commercial projects involving the combination of three or more lots or on sites exceeding 5,400 square feet shall be approved only if the scale and articulation of the facade of the proposed structure is consistent with this purpose statement.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.
- H. Encourage commercial buildings that are oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at or near sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach.
- I. Carry out the policies and programs of the certified Land Use Plan.

Public Input

A public notice for the project was mailed to the property owners within 500 feet and occupants within 100 feet of the site and published in the Beach Reporter newspaper. Staff did not receive any comments at the writing of this report.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and approve the subject Master Use Permit and Coastal Development Permit Amendment.

Attachments:

- Exhibit A – Resolution No. PC 02-20
- Exhibit B – Draft Resolution No. PC 08-XX
- Exhibit C – Applicant Description
- Exhibit D – Project Application
- Exhibit E – Vicinity Map

RESOLUTION NO. PC 02-20

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MANHATTAN BEACH
APPROVING A MASTER USE PERMIT AND
COASTAL DEVELOPMENT PERMIT FOR
CONSTRUCTION OF A TWO-STORY 8,147 SQUARE
FOOT MULTIPLE TENANT COMMERCIAL
BUILDING AT 1100 MANHATTAN AVENUE
(RISTANI)

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. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on July 10, 2002, to consider an application for a Master Use Permit and Coastal Development Permit to allow construction of a two-story retail and office building at 1100 Manhattan Avenue (Lots 5 & 6, Block 67, Manhattan Beach Division #2).
- B. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- C. The applicant for the subject project is Peter Ristani, property owner.
- D. The public hearing was advertised pursuant to applicable law, testimony was invited and received on July 10, 2002.
- E. An Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), finding that the proposed project will not have a significant adverse impact upon the environment. Based upon this Initial Study, a Negative Declaration was prepared.
- F. This Resolution, upon its effectiveness, constitutes both a Master Use Permit and Coastal Development Permit for the subject project.
- G. The property is located within Area District III and is zoned CD, Downtown Commercial. The surrounding private land uses are zoned CD and consist of commercial to the north, west, and south; and residential to the east and south.
- H. The General Plan and Local Coastal Program/Land Use Plan designation for the property is Downtown Commercial.
- I. The project is consistent with the coastal policies of the Manhattan Beach Local Coastal Program, specifically Policies I.A.1 and II.A.2, as follows:
 - The proposed project would not obstruct any of the vertical, or any of the 45 horizontal access ways to the shore.
 - The proposed project is two stories and meets the maximum height requirements.
- J. Pursuant to Section A.84.060 of the Manhattan Beach Local Coastal Program, the following findings for the Use Permit are made:
 1. The proposed project is located in the Downtown Commercial (CD) district. The project encompasses a mix of retail and office uses which will provide services to a wide variety of visitors to the Downtown area. The proposed multi-tenant commercial building is in accord with objectives of this title, and

**EXHIBIT
A**

the purpose of the district in which it is located since the project is consistent with Section A.16.010 of the Manhattan Beach LCP which states that the district is intended to provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the Downtown area, as well as accommodate a broad range of community businesses and to serve beach visitors.

The project is consistent with the Downtown Design Guidelines, specifically guidelines 1.2, 1.3, 3.1, 3.2, and 4.3, as follows:

- The proposed retail portion of the building (first floor) will sit at the approximate elevation of the existing sidewalk on Manhattan Avenue.
 - The six proposed on-site parking spaces will take access from the adjacent alley, Bayview Drive. The project will not remove any existing off-site parking along 11th Street or Manhattan Avenue.
 - The design of the proposed development provides a great deal of articulation through variable setbacks at the first and second floor and recessed windows at the first floor.
 - The proposal provides recessed building walls at the second floor and the incorporation of a second floor open deck for approximately two-thirds of the building width.
 - The building provides architectural modulation with the incorporation of awnings, recessed windows and entryways at the first floor, planter areas at the second floor deck, and varying setbacks from the property line.
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city. The proposed project is a multi-tenant retail and office building with no outdoor amplified sound or restaurant use.

The project is consistent with General Plan goals 1, 5, and 6, as follows:

- The proposed project will maintain the small-town atmosphere through the use of architectural modulation that helps reduce the size and bulk of the building and provide visual interest to the streetscape.
 - The proposed project will meet the intended purpose of the "CD" zoning designation, as well as provide a commercial product appropriate for the Downtown environment.
 - The proposed design adds character and visual interest to the Downtown and is consistent with the Manhattan Beach Downtown Design Guidelines.
3. The proposed uses will comply with all applicable provisions of the "CD" zone, and the required notice, hearing and findings for the Master Use Permit and Coastal Development Permit.
4. The proposed uses will not adversely impact nor be adversely impacted by nearby properties. The proposed project includes a mix of retail and office uses serving Downtown residents and visitors. The project includes the incorporation of the required number of parking spaces for the proposal. There is no expected demand anticipated which would exceed the capacity of public services and facilities.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the Master Use Permit and Coastal Development Permit application subject to the following conditions:

Site Preparation/Construction

1. The applicant shall modify the existing plans to include additional articulation along 11th Street (e.g. an architectural feature, addition landscaping, etc.), subject to approval of the Community Development Department.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction-related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval of the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off into the public right-of-way or surrounding development. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design. Proposed exterior lighting shall be shown on the plans and subject to approval of the Community Development Department.
9. The fire hose connection valve shall be screened from off-site views to the extent reasonably possible.
10. Wheel stops shall be installed for each parking stall as required by the Community Development Department.
11. A property line clean out shall be installed as required by the Department of Public Works.
12. Backwater 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.

13. The sidewalk and parkway area between the sidewalk and curb must be replaced along 11th Street from the west property line to the east property line, subject to the requirements of the Public Works Department.
14. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.

Operational Characteristics

15. The subject site shall include 8,147 square feet of commercial space. Commercial uses shall be limited to retail, food and beverage sales on the ground floor, and general office uses on the second floor. Eating and drinking establishment uses shall be prohibited.
16. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Commercial parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Gates or other obstructions to commercial parking areas shall be prohibited.
17. Noise emanating from the establishment shall be in compliance with the Municipal Noise Ordinance.
18. The management of the property shall police the property and all areas adjacent to the business during hours of operation to keep it free of litter and debris.
19. No refuse generated at the subject site shall be located in the public right-of-way for storage or pick-up.
20. A covered trash enclosure, with adequate capacity for refuse and recycling, shall be provided 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 shall be provided as required by the Public Works Department.
21. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited. A sign program shall be submitted to the Community Development Department for review and approval prior to occupancy.
22. Commercial hours of operation shall be limited to 6 am to 11 pm daily. Delivery and pick-up hours shall be limited to 7:30 am to 6 pm daily.
23. Any outside sound or amplification system or equipment is prohibited.
24. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
25. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
26. The management of the facility shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
27. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
28. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.

Procedural

29. The project shall be constructed and operated in substantial compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
30. Any questions of intent or interpretation of any conditions will be resolved by the Planning Commission.
31. The Community Development Department staff shall be allowed to inspect the site and the development during construction at any time, subject to 24-hour advance notice.
32. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
33. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
34. The Coastal Development Permit and Master Use Permit shall be approved for a period of two years after the date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
35. The project shall comply with all Congestion Management Program (CMP) requirements.
36. Right-of-Way Encroachment Permits shall be required for any projection into the public right-of-way.
37. 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.
38. 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 July 10, 2002 and that said Resolution was adopted by the following vote:

AYES: Montgomery, Simon, Ward

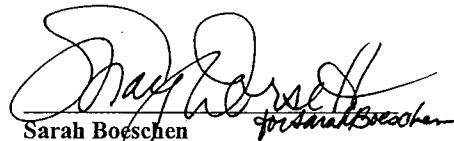
NOES:

ABSTAIN:

ABSENT: Kirkpatrick, Kuch



RICHARD THOMPSON,
Secretary to the Planning Commission


Sarah Boesch
Recording Secretary

RESOLUTION NO. PC 08-XX

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MANHATTAN BEACH
APPROVING A MASTER USE PERMIT AND
COASTAL DEVELOPMENT PERMIT AMENDMENT
AND RESCIND RESOLUTION PC NO. 02-20 FOR A
TWO-STORY 8,147 SQUARE-FOOT MULTI-TENANT
COMMERCIAL BUILDING AT 1100 MANHATTAN
AVENUE (RISTANI)

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. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on July 10, 2002, to consider an application for a Master Use Permit and Coastal Development Permit to allow construction of a two-story retail and office building at 1100 Manhattan Avenue (Lots 5 & 6, Block 67, Manhattan Beach Division No. 2).
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received on July 10, 2002. The Planning Commission adopted Resolution No. PC 02-20 on July 10, 2002 approving the subject project. On August 6, 2002 the City Council received and filed the Planning Commission approval.
- C. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach advertised and conducted a public hearing, where testimony was invited and received on January 9, 2008 to consider an application for a Master Use Permit and Coastal Development Permit Amendment to allow Personal Service uses for a multi-tenant commercial building at 1100 Manhattan Avenue (Lots 5 & 6, Block 67, Manhattan Beach Division No. 2).
- D. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- E. The applicant for the subject project is Peter Ristani, property owner.
- F. An Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), finding that the proposed project will not have a significant adverse impact upon the environment. Based upon this Initial Study, a Negative Declaration was prepared.
- G. This Resolution, upon its effectiveness, constitutes both a Master Use Permit and Coastal Development Permit for the subject project.
- H. The property is located within Area District III and is zoned CD, Downtown Commercial. The surrounding private land uses are zoned CD and consist of commercial to the north, west, and south; and residential to the east and south.
- I. The General Plan and Local Coastal Program/Land Use Plan designation for the property is Downtown Commercial.
- J. The project is consistent with the coastal policies of the Manhattan Beach Local Coastal Program, specifically Policies I.A.1 and II.A.2, as follows:
 - The proposed project would not obstruct any of the vertical, or any of the 45 horizontal access ways to the shore.

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- The proposed project is two stories and meets the maximum height requirements.

K. Pursuant to Section A.84.060 of the Manhattan Beach Local Coastal Program, the following findings for the Use Permit are made:

1. The proposed project is located in the Downtown Commercial (CD) district. The project encompasses a mix of retail and office uses which will provide services to a wide variety of visitors to the Downtown area. The proposed multi-tenant commercial building is in accord with objectives of this title, and the purpose of the district in which it is located since the project is consistent with Section A.16.010 of the Manhattan Beach LCP which states that the district is intended to provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the Downtown area, as well as accommodate a broad range of community businesses and to serve beach visitors.

The building is located within the CD district. The proposed uses are consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial retail uses for a full range of retail and service businesses. The proposed uses encompass a mix of retail, service, and office uses which will provide services to a wide variety of visitors to the Downtown area.

The project is consistent with the Downtown Design Guidelines, specifically guidelines 1.2, 1.3, 3.1, 3.2, and 4.3, as follows:

- The proposed retail portion of the building (first floor) will sit at the approximate elevation of the existing sidewalk on Manhattan Avenue.
 - The six proposed on-site parking spaces will take access from the adjacent alley, Bayview Drive. The project will not remove any existing off-site parking along 11th Street or Manhattan Avenue.
 - The design of the proposed development provides a great deal of articulation through variable setbacks at the first and second floor and recessed windows at the first floor.
 - The proposal provides recessed building walls at the second floor and the incorporation of a second floor open deck for approximately two-thirds of the building width.
 - The building provides architectural modulation with the incorporation of awnings, recessed windows and entryways at the first floor, planter areas at the second floor deck, and varying setbacks from the property line.
2. The proposed uses will not adversely impact nor be adversely impacted by nearby properties. The proposed project includes a mix of retail and office uses serving Downtown residents and visitors. The project includes the incorporation of the required number of parking spaces for the proposal. There is no expected demand anticipated which would exceed the capacity of public services and facilities.
 3. The project is consistent with the commercial development policies of the Manhattan Beach Local Coastal Program, specifically Policy A.16.010. The specific purposes of the commercial district regulations are to:
 - a) Provide appropriately located areas consistent with the General Plan and Local Coastal Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone.

- b) Strengthen the city's economic base, but also protect small businesses that serve city residents.
- c) Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses.
- d) Minimize the impact of commercial development on adjacent residential districts.
- e) Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located. Commercial projects involving the combination of three or more lots or on sites exceeding 5,400 square feet shall be approved only if the scale and articulation of the facade of the proposed structure is consistent with this purpose statement.
- f) Ensure the provision of adequate off-street parking and loading facilities.
- g) Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.
- h) Encourage commercial buildings that area oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at or near sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach.
- i) Carry out the policies and programs of the certified Land Use Plan.

- L. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. The proposed project is a multi-tenant retail and office building with no outdoor amplified sound or restaurant use.

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 and Policies of the General Plan:

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

Goal LU-6/2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-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.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Policy LU-7.2: Encourage the use of the Downtown Design Guidelines to improve the Downtown's visual identification as a unique commercial area.

Policy LU-7.3: Support pedestrian-oriented improvements to increase accessibility in and around Downtown.

Policy LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on downtown streets, and consider providing zoning regulations that support these uses.

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

4. The proposed uses will comply with all applicable provisions of the "CD" zone, and the required notice, hearing and findings for the Master Use Permit and Coastal Development Permit.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the Master Use Permit and Coastal Development Permit application subject to the following conditions, including the amendment to condition No. 15:

Site Preparation/Construction

1. The applicant shall modify the existing plans to include additional articulation along 11th Street (e.g. an architectural feature, addition landscaping, etc.), subject to approval of the Community Development Department.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction-related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval of the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off into the public right-of-way or surrounding development. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design. Proposed exterior lighting shall be shown on the plans and subject to approval of the Community Development Department.

9. The fire hose connection valve shall be screened from off-site views to the extent reasonably possible.
10. Wheel stops shall be installed for each parking stall as required by the Community Development Department.
11. A property line clean out shall be installed as required by the Department of Public Works.
12. Backwater 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.
13. The sidewalk and parkway area between the sidewalk and curb must be replaced along 11th Street from the west property line to the east property line, subject to the requirements of the Public Works Department.
14. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.

Operational Characteristics

15. The subject site may include up to 8,147 square feet of commercial space. Commercial uses shall be limited to Retail, Food and Beverage Sales, and Personal Service uses on the ground floor, and General Office and Personal Service uses on the second floor. Other uses permitted in the Downtown Commercial zone with parking requirements that do not exceed those of the approved uses may be allowed with the approval of the Director of Community Development. Eating and drinking Establishment uses shall be prohibited. Office uses shall be prohibited on the ground floor.
16. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Commercial parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Gates or other obstructions to commercial parking areas shall be prohibited.
17. Noise emanating from the establishment shall be in compliance with the Municipal Noise Ordinance.
18. The management of the property shall police the property and all areas adjacent to the business during hours of operation to keep it free of litter and debris.
19. No refuse generated at the subject site shall be located in the public right-of-way for storage or pick-up.
20. A covered trash enclosure, with adequate capacity for refuse and recycling, shall be provided 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 shall be provided as required by the Public Works Department.
21. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited. A sign program shall be submitted to the Community Development Department for review and approval prior to occupancy.
22. Commercial hours of operation shall be limited to 6 am to 11 pm daily. Delivery and pick-up hours shall be limited to 7:30 am to 6 pm daily.
23. Any outside sound or amplification system or equipment is prohibited.
24. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.

25. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
26. The management of the facility shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
27. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
28. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.

Procedural

29. This resolution will supersede Resolution No. PC 02-20 and findings and conditions are to remain the same except for expanded Master Use and Coastal Development findings and Item No. 15, Section 2, which were revised and approved by the Planning Commission on January 9, 2008.
30. The project shall be constructed and operated in substantial compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
31. Any questions of intent or interpretation of any conditions will be resolved by the Planning Commission.
32. The Community Development Department staff shall be allowed to inspect the site and the development during construction at any time, subject to 24-hour advance notice.
33. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
34. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
35. The Coastal Development Permit and Master Use Permit shall be approved for a period of two years after the date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
36. The project shall comply with all Congestion Management Program (CMP) requirements.
37. Right-of-Way Encroachment Permits shall be required for any projection into the public right-of-way.
38. 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.
39. 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 January 9, 2008 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

City of Manhattan Beach,
1400 Highland Ave.
Manhattan Beach,
Ca 90266

Community Development Department:

Re: 1100 Manhattan Ave

The Owner is requesting an Amendment of the Use Permit so as to allow one ground floor retail space to become a Nail Salon and one second floor office space to become a Facial Salon.

This project was originally approved for four retail spaces on the ground floor and three office spaces on the second floor. At the time this Permit was approved the Owner had no known prospective Tenants interested in leasing retail space in this building.

After construction started the Owner has been approached by persons only interested in opening restaurants, food take out shops, or "Chain" Clothing Stores.

The Owner feels it is in the highest and best interest of the property, new Tenants and the surrounding shopping area to have the proper mix of shops which would draw in clientele to the entire shopping area.

The current project is nearing the time to have the Tenants start their works of improvement. No Demolition would be required and the cost of Tenant improvements would be lower.

The proposed ground floor Nail Salon would be operated by Dominic Nyugen, who currently owns and operates "Dominics", a Nail Salon located at 1147 Manhattan Ave.

The remaining three ground floor retail spaces would be occupied by an upscale Clothing Boutique, The Flag Ship Store for The "Taniello Cothing Company" and a Birkenstock Shoe Store.

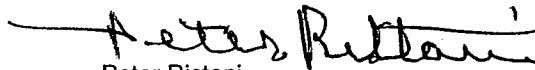
The second floor Facial Salon would be operated by Ric Arrigoni, who operates Hush, located at 1151 Manhattan Ave and Hush Hush, located at 1020 Manhattan Ave.

The remaining two upstairs office spaces would remain as office space.

These two Tenants were chosen because they currently own and operate very successful and locally established businesses. They would close down their current locations at 1147 and 1151 Manhattan Ave and reopen them in this new building.

According to Staff, the Parking Requirements for these two requested use changes WOULD NOT CHANGE from the currently mandated requirements.

Thank You for Your Consideration,



Peter Ristani
Building Owner

EXHIBIT
C



MASTER APPLICATION

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only
Date Submitted: 12/3/07
Received By: [Signature]
F&G Check Submitted: N/A

1100 MANHATTAN AVE
Project Address
Lots 5 and 6 BLK 67 MANHATTAN BEACH DIV NO 2
IN THE CITY OF MANHATTAN BEACH
Legal Description

Commercial Downtown
General Plan Designation
Commercial
Zoning Designation
111
Area District

For projects requiring a Coastal Development Permit, select one of the following determinations¹:

- Project located in Appeal Jurisdiction
 - Major Development (Public Hearing required)
 - Minor Development (Public Hearing, if requested)
- Project not located in Appeal Jurisdiction
 - Public Hearing Required (due to UP, Var., etc.)
 - No Public Hearing Required

Submitted Application (check all that apply)

- Appeal to PC/PWC/BBA/CC
- Coastal Development Permit
- Environmental Assessment
- Minor Exception
- Subdivision (Map Deposit) 4300
- Subdivision (Tentative Map)
- Subdivision (Final)
- Subdivision (Lot Line Adjustment)
- Use Permit (Residential)
- Use Permit (Commercial)
- Use Permit Amendment 1209
- Variance
- Public Notification Fee / \$65.
- Park/Rec Quimby Fee 4425
- Other Public Notification 65
- Lot Merger/Adjustment/\$15 recordg. fee

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes ___ No ___ Date: ___ Fee: ___
Amount Due: \$ 1,274 (less Pre-Application Fee if submitted within past 3 months)
Receipt Number: ___ Date Paid: ___ Cashier: ___

Applicant(s)/Appellant(s) Information

Peter Ristan
Name

712 MANHATTAN AVE. N.E.B
Mailing Address

owner
Applicant(s)/Appellant(s) Relationship to Property

Pete Ristan 310-376-4952
Contact Person (include relation to applicant/appellant) Phone number / e-mail

Address A
X [Signature] Ristan
Applicant(s)/Appellant(s) Signature Phone number

Complete Project Description- including any demolition (attach additional pages if necessary)

Modify Condition 16 of Resolution PC 02-20

EXHIBIT
D

¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES

I/We A. RISTANI being duly sworn, depose and say that I am/we are the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

A Ristani
 Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

A Ristani
 Print Name

A RISTANI
 Mailing Address

712 MANHATTAN AVE
 Telephone 310-376-4952

Subscribed and sworn to before me, Tracy Temple - BK ccsgjkdh, Notary Public
 this 9th day of November, 2007

in and for the County of Los Angeles
 State of California

Notary Public

Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply - refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment in January of each year.

Submitted Application (circle applicable fees, apply total to Fee Summary on application)

Coastal Development Permit

- Filing Fee (public hearing - no other discretionary approval required): \$ 1,824 ☒
- Filing Fee (public hearing - other discretionary approvals required): \$ 124 ☒
- Filing Fee (no public hearing required): \$ 124

Use Permit (Master)

- Residential Filing Fee: \$ 2,420 ☒
- Commercial Filing Fee: \$ 3,005 ☒
- Amendment Filing Fee: \$ 1,209 ☒

Variance

- Filing Fee: \$ 3,005 ☒

Minor Exception

- Filing Fee: \$ 966 ☒

Subdivision

- Tentative Parcel/Tract Map Filing Fee: \$ 585 ☒
- Final Parcel Map/Tract Map Filing Fee: \$ 585
- Mapping Deposit: \$ 473
- Quimby Parks and Recreation Fee (new lot/unit): \$ 1,817
- Certificate of Compliance Filing Fee: \$ 564.50

Environmental Review (contact Planning Division for applicable fee)

- Environmental Assessment: \$ 124
- Environmental Assessment (if Initial Study is prepared): \$ 1,557
- Fish and Game County Clerk Fee²: \$ 50

- ☒ **Public Notification Fee** applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

² Make \$50 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

<i>Office Use Only</i>	
Date Submitted:	
Received By:	
F&G Check Submitted:	

1100 MANHATTAN AVE
Project Address

Legal Description

General Plan Designation _____ Zoning Designation _____ Area District _____

For projects requiring a Coastal Development Permit, select one of the following determinations¹:

Project located in Appeal Jurisdiction Project not located in Appeal Jurisdiction

Major Development (Public Hearing required) Public Hearing Required (due to UP, Var., etc.)

Minor Development (Public Hearing, if requested) No Public Hearing Required

Submitted Application (check all that apply)

() Appeal to PC/PWC/BBA/CC _____ () Subdivision (Lot Line Adjustment) _____

() Coastal Development Permit 124 () Use Permit (Residential) _____

() Environmental Assessment _____ () Use Permit (Commercial) _____

() Minor Exception _____ () Use Permit Amendment _____

() Subdivision (Map Deposit)4300 _____ () Variance _____

() Subdivision (Tentative Map) _____ () Public Notification Fee / \$65. _____

() Subdivision (Final) _____ () Park/Rec. Quimby Fee 4425 _____

() Other _____

() Lot Merger/Adjustment/\$15 recordg. fee _____

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes _____ No _____ Date: _____ Fee: _____

Amount Due: \$ _____ (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

PETER RISTANI
Name

1100 MANHATTAN AVE
Mailing Address

MANHATTAN BEACH
Applicant(s)/Appellant(s) Relationship to Property

_____ Phone number / e-mail 310-376-4952

Address, _____

Peter Ristani
Applicant(s)/Appellant(s) Signature _____ Phone number _____

Complete Project Description- including any demolition (attach additional pages if necessary)

MASTER USE PERMIT & COASTAL DEV. AMENDMENT

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I/We _____ being duly sworn,
depose and say that I am/we are the owner(s) of the property involved in this application and
that the foregoing statements and answers herein contained and the information herewith
submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

Peter Ristani

Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

PETER RISTANI

Print Name

712 MANHATTAN AVE

Mailing Address

310-376-4952

Telephone

Subscribed and sworn to before me,
this _____ day of _____, 20____

in and for the County of _____

State of _____

Notary Public

Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply - refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment in January of each year.

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Variance

Filing Fee: \$ 3,005

Minor Exception

Filing Fee: \$ 966

Subdivision

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Mapping Deposit: \$ 473
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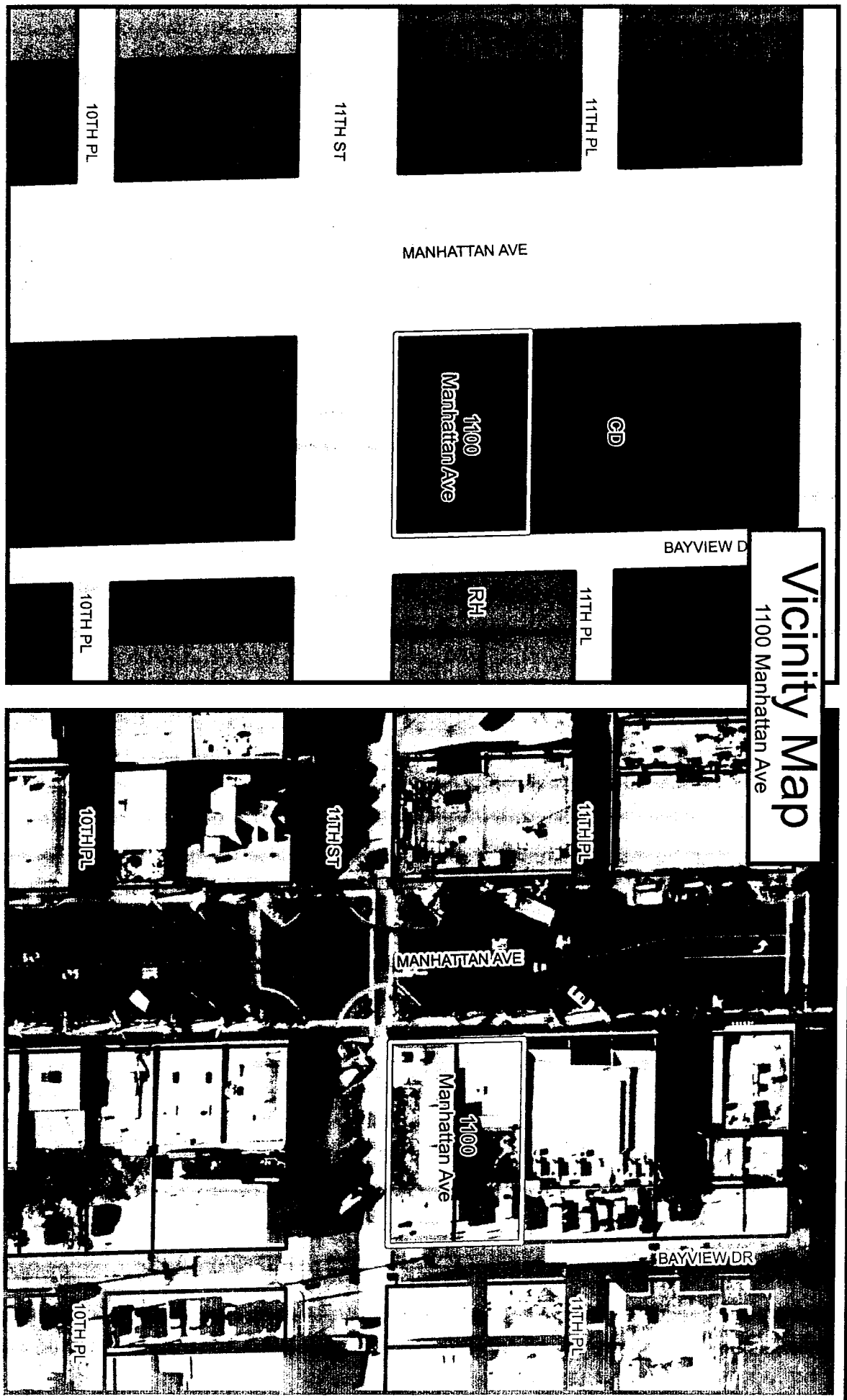
Environmental Assessment: \$ 124
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² Make \$50 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)


Vicinity Map

1100 Manhattan Ave



Legend

 1100 Manhattan Ave

 Parcels

Zoning

 CD - Downtown Commercial


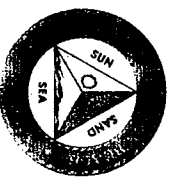
 RH - High Density Residential

Exhibit E



City of Manhattan Beach
Community Development

