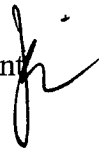



**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Daniel A. Moreno, Associate Planner 

DATE: May 28, 2008

SUBJECT: Consideration of a Use Permit to Allow an Office Building Located 818 Manhattan Beach Boulevard

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the public hearing and **APPROVED** the subject request.

APPLICANT

818 MBB, LLC
22937 Arlington Avenue
Torrance, Ca. 90501

BACKGROUND

On March 18, 2008 an application was received by the Community Development Department for the property located at Pacific Place and Manhattan Beach Boulevard. The applicant seeks entitlements to allow the development of a general office use. The site encompasses 7,051 square feet of lot area and is currently developed with a 2,790 square foot one-story office building built in 1947 and 8 on-site parking spaces. The property is located in Area District I and is zoned (CL) Local Commercial.

The project proposal consists of the demolition of all existing improvements and construction of a 6,142 square foot three-level general office building with parking at ground level. The proposed office use is permitted in the CL zone, however, because the project will exceed more than 5,000 square feet of buildable floor area a Use Permit approval is required.

PROJECT OVERVIEW

LOCATION

Location: 818 Manhattan Beach Boulevard located at the northwest corner of Manhattan Beach Boulevard and Pacific Place (see Site Location Map, Exhibit A)

<u>Legal Description:</u>	Portion of Lot 2, Block 16, Tract 3393, in the City of Manhattan Beach	
<u>Area District:</u>	I	
	LAND USE	
<u>General Plan:</u>	Local Commercial	
<u>Zoning:</u>	CL, Local Commercial	
<u>Land Use:</u>	<u>Existing</u> 2,790 sq. ft. office bldg.	<u>Proposed</u> 6,142 sq. ft. office bldg.
<u>Neighboring Zoning/Land Uses:</u>		
North, across MBB	PS, Public and Semi-Public (Pacific School)	
East,	CL, Local Commercial (Mixed Use Commercial Uses)	
South,	RS, Residential Single Family (One & Two Story Single-Family Residential)	
West, across Pacific Place	CL, Local Commercial (Two Story Mixed Commercial Uses)	

PROJECT DETAILS

<u>Parcel Size:</u>	<u>Proposed</u> 7,051 sq. ft.	<u>Allowed/Required</u> 5,000 sq. ft. min.
<u>Building Area:</u>	6,142 sq. ft. (.87)	7,051 sq. ft. (lot area x 1.0)
<u>Building Height:</u>	28.22'* (128.92')	30 feet* (130.70')
<u>Parking:</u>	20 spaces (13 standard spaces; 1 Disabled access space; 6 Compact spaces)	20 spaces (30% compact spaces allowed or 6 spaces)
	<u>Proposed</u>	<u>Allowed/Required</u>
<u>Building Setbacks:</u>		
North,	0' - 8.5'	0'
East,	0' - 16'	0'
South,	0' - 17'	0'
West,	0' - 23.49'	0'

	<u>Proposed</u>	<u>Allowed/Required</u>
<u>Landscape Area:</u>	623 sq. ft. (11.30% of lot area)	564 sq. ft. (8% of lot area)
<u>Vehicle Access:</u>	Pacific Place	n/a
<u>Signage:</u>	Non-Proposed	207 sq. ft.
<u>Hours of Operation:</u>	8:00 a.m. – 6:00 p.m. (Monday – Friday limited weekend usage)	-

* The maximum allowable building height elevation was calculated using the four corner elevations of the property of 98.30' (S/E), 100.00' (N/E), 99.60' (S/W) and 102.38' (N/W). These elevations will be verified during the plan check process.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), based on a determination that it is an in-fill development and has no potential for causing a significant effect on the environment per Section 15332.

DISCUSSION

The property owner is seeking approval to build a new three-level general office use that is designed to meet the needs of the local community.

The project conforms to the City's requirements for use, parking, building height, landscaping, and floor area. No setbacks are required in the CL zone, however, per MBMC Section 10.16.030, (CL) Local Commercial Day-Light Plane regulations, a commercial building abutting a residential district at the rear of the property, no structure shall intercept a 1:1 or forty-five degree daylight plane inclined inward from a height of fifteen (15') above existing grade at the property line (see attached elevation plans – Sheet A2.0).

Land Use Compatibility

The existing parcel, which is under a single ownership, consists of a single lot located on the northwest corner of Manhattan Beach Boulevard and Pacific Place. This property is zoned (CL) Local Commercial and is consistent with areas' General Plan designation of "Local Commercial" and allows a general office use.

The property to the north, across Manhattan Beach Boulevard, is zoned public and semi-public and is occupied by Pacific Elementary School; the property to the east is zoned (CL) General Commercial and contains a two-story commercial mixed use; the properties to the south are zoned (RS) Residential Single Family and contain one and two-story single family dwellings; and the property to the west, across Pacific Place is zoned (CL) Local Commercial and contains a two-story commercial mixed use.

Building Design

The project architect has made substantial efforts to design and create an aesthetically pleasing building with modern forms and high-end materials that represent the contemporary nature of western cities. The goal is to provide a low profile office complex that provides an attractive opportunity for business development. The building design utilizes a variety of architectural components, such as planters, layered roof elements, recessed widow features and building modulation that steps the building back from adjacent properties, all of which create a harmonious relationship with the boulevard as well as the residential properties to the south. The second level comprises only 30% of the total office area and maintains a 16'-8" rear setback; the side setbacks range from approximately 17' to 23' for the rear or 45% of the lot. The building is oriented towards Manhattan Beach Boulevard with the entry lobby located at the northwest corner of the building. All required parking is accessed from Pacific Place and is contained within the building with the exception of three compact spaces adjacent to the garage entry on Pacific Place. The trash area would be located at the northeast corner of the lower level parking area which is screened from public view.

At tonight's meeting the project architect will provide colored elevations and materials details/boards and will show a 3-D perspective of the building design for review by the Planning Commission.

Landscaping

Municipal Code Section 10.16.030, Minimum Site Landscaping, requires that a minimum of 8% of planting area or 564 square feet be provided for the site based on the lot area of 7,051 square feet. The subject site will provide 623 square feet or 9% of landscaping. At the first level of the building, perimeter landscaping is provide at the front of the building, on Pacific Place and at the southeast corner of the property. At the second level landscape planters will be located at the front of the building as well as at the easterly property line (see attached landscaped plans).

Signage

Pursuant to the Sign Code, the amount of signage allowed for the subject property, located in Area District I, is based on two square feet per one linear foot of property frontage. On a corner lot "property frontage" is the width of a property measured from one (1) property line to the other along the longest street frontage. In this case, the property frontage is 103 feet in length on Pacific Place; therefore 206 square feet of signage would be permitted. The applicant has not provided staff with a sign program for the site. All business identification signs would require review and approval by the Community Development Department prior to issuance of a building permit.

Building Height

The proposed structure will appear as a three-level building from all elevations (see Elevation Plans, attached). Per MBMC Section 10.16.030 (F), Maximum Height of Structures, if parking is provided at or below the ground level, a 30-foot building height limit is permitted. Building height is determined by the average of the four property corners of the property and the average elevation would be at a 100.70' elevation.

Therefore, with the average property corner elevation of 100.70' plus 30 feet of height limit, the maximum building height is limited to a 130.70' height elevation. The submitted elevation plans (Sheet A3) show a building that is designed with a flat roof with the highest portions of the building at a height elevation of 128.92'.

Parking/Driveway Access:

The applicant proposes to provide 13 standard parking spaces, 6 compact spaces and 1 disabled access spaces for a total of 20 spaces. The proposed project will provide 6,142 square feet of leasable office area. Municipal Code Section 10.64.030, Off-Street Parking Spaces, requires that a general office use provide 1 parking space per 300 square feet of building area, therefore the proposed project is required to provide 20 on-site parking spaces ($6,142/300 = 20$ spaces).

The submitted plans show that the building is oriented towards Manhattan Beach Boulevard with the entry lobby located at the northwest corner of the building. All parking will be accessed from Pacific Place and contained within the building with the exception of three compact spaces located southerly of the garage entry.

The City Traffic Engineer has reviewed the parking plan and determined that the proposed project's layout, parking stalls and dimensions, access and circulation patterns were acceptable.

Use Permit Findings

MBMC 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 proposed project is located within the (CL) Local Commercial district. The proposed use would replace an existing single story office building and the business is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial office uses.

The office building is designed to accommodate a variety of professional office uses that will service the local community and blends with the overall character of the neighborhood. The historic character of Manhattan Beach Boulevard, east of Pacific Avenue is office professional with minimal retail uses.

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

The proposed one-story retail building poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a general commercial office use. The new use is intended to provide a better variety of services to the community.

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

The General Plan of the City of Manhattan Beach poses certain goals and policies, which reflect the expectations and wishes of the City, with respect to land uses. Specifically, the project is consistent with the following Goals of the General Plan:

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

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

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

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

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

The proposed office use on an existing commercial site will be in compliance with applicable provisions of the (CL) Local Commercial zone, and the required notice, hearing and findings for the Use Permit.

4. *The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.*

The proposed office building is intended to attract the type of smaller, local business anticipated for the (CL) Local Commercial zone. Given its size and location, this particular site is ideally situated to accommodate an office use and to absorb the required parking needs. Pedestrian access is separated from vehicle access and the Pacific Place driveway will alleviate any potential conflict with traffic flow on Manhattan Beach Boulevard and eliminate the potential back-up on the boulevard.

It is not anticipated that the proposed office use will exceed the capacity of public services and facilities. The development is a modest increase of existing conditions, but it will be complimentary to the site and consistent with surrounding uses and development currently taking place in the City. This proposal would not create any conflict nor will there result any significant impact upon the land use in the area as it incorporates all standards that have been established to maintain compatibility among the neighboring uses.

Public Input:

A public notice for the project was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. At the writing of this report, staff has received an e-mail (attached, Exhibit C) from the property owners to the south regarding concerns about setbacks, parking and pedestrian safety and building aesthetics. Staff has received minor comments from other department but those issues raised are concerns that can be handled as regular building plan check items.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and approve the subject Use Permit application subject to the finding and condition in the attached 'draft' Resolution.

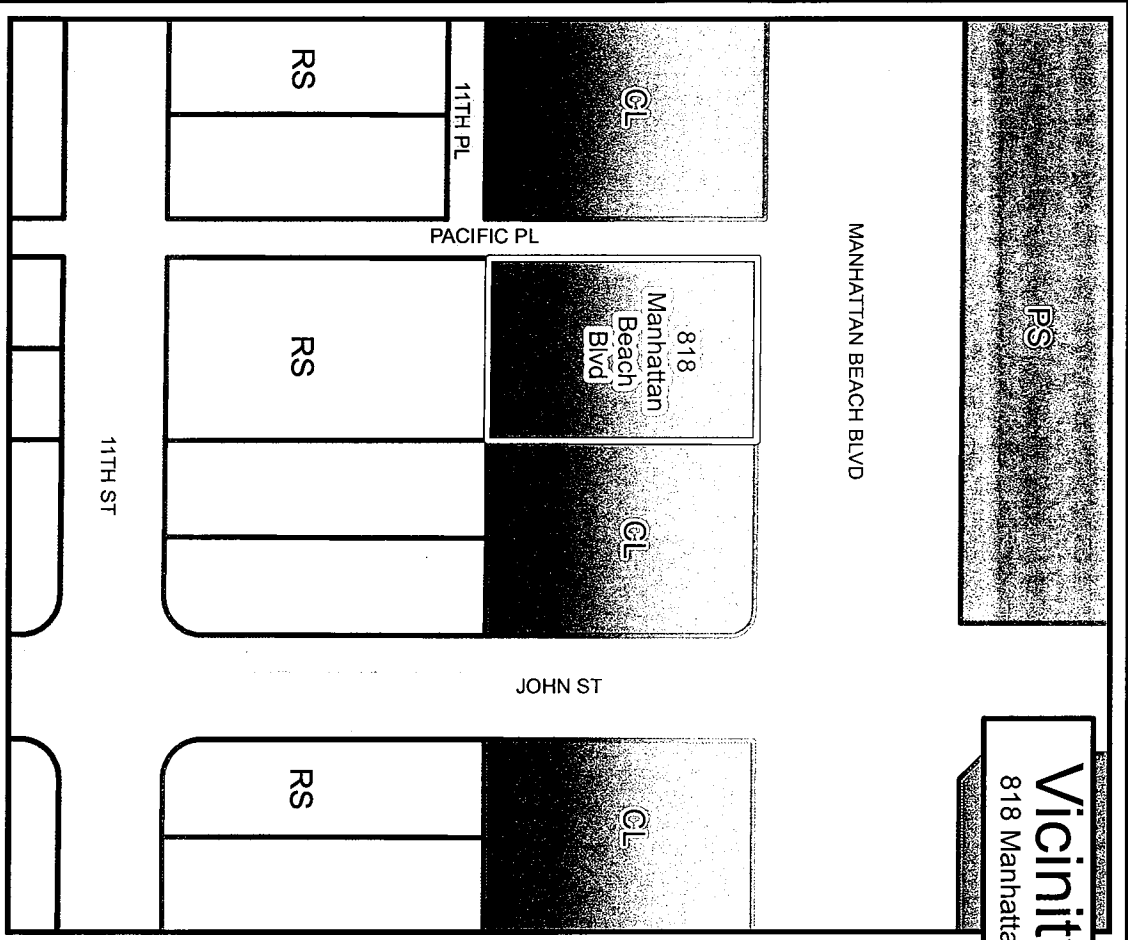
Attachments:

- Exhibit A – Site location Map
- Exhibit B – 'Draft' Resolution No. PC 08-
- Exhibit C – Letter of Concern from adjacent Neighbors
- Exhibit D - Project Plans - n/a

n/a – not available electronically

Vicinity Map

818 Manhattan Beach Blvd



Legend

- 818 Manhattan Beach Blvd
- Parcels

Zoning

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



Exhibit A



City of Manhattan Beach
Community Development

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF MANHATTAN BEACH APPROVING A USE PERMIT,
TO ALLOW AN OFFICE BUILDING LOCATED AT 818
MANHATTAN BEACH BOULEVARD**

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted public hearing pursuant to applicable law on May 28, 2008, to consider an application for a Use Permit to allow construction of a 6,142 square foot office building; for the property legally described as Portion of Lot 2, Block 16, and Tract 3393, in the City of Manhattan Beach.
- B. The May 28, 2008 Planning Commission public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant is 818 MBB, LLC, c/o Phillip Cook.
- D. The proposed use is permitted in the CL (Local Commercial) Zone subject to a Use Permit approval as the project exceeds 5,000 square feet of buildable floor area.
- E. The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA, based on the determination that it is an in-fill development and has no potential for causing a significant effect on the environment per Section 15332.
- F. 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.
- G. The Planning Commission made the following findings with respect to this application:
 1. The project consists of 6,142 square foot three-level general office building with parking at ground level.
 2. The project is located in Area District I and is zoned (CL) Local Commercial. The use is permitted by the zoning code and is appropriate as conditioned for the general commercial area. The properties to the east and west are similarly zoned; the properties to the south are zoned (RS) Residential Single Family; and the property to the north is zoned (PS) Public and Semi-Public. The property is located on the northwest corner of Sepulveda Boulevard and Pacific Place.
 3. The General Plan designation for the properties is Local Commercial. The General Plan encourages commercial development such as this that provides for businesses which serve city residents.

Use Permit

1. *The proposed location of the use is in accord with the objectives of this title, and the purpose of the district in which it is located.*

The proposed project is located within the (CL) Local Commercial district. The proposed use would replace an existing single story office building and the business is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide opportunities for commercial office uses.

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The office building is designed to accommodate a variety of professional office uses that will service the local community and blends with the overall character of the neighborhood. The historic character of Manhattan Beach Boulevard, east of Pacific Avenue is office professional with minimal retail uses.

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

The proposed one-story retail building poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city as the site continues to operate as a general commercial office use. The new use is intended to provide a better variety of services to the community.

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

General Plan

The General Plan of the City of Manhattan Beach poses certain goals and policies, which reflect the expectations and wishes of the City, with respect to land uses. Specifically, the project is consistent with the following Goals of the General Plan:

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

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

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

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

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

The proposed office use on an existing commercial site will be in compliance with applicable provisions of the (CL) Local Commercial zone as it provides neighborhood-oriented, small-scale professional offices that serve the local community. The proposed use would generate low traffic volumes, have a limited parking need, and generally not operate in late hours.

4. *The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetic, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.*

The existing site has historically been used as an office use and the proposed general office use (no medical use proposed) will not adversely impact nearby

properties. The proposed increase in building area will require a slight increase in the parking demand; however it will be accommodated as part of the proposed use. It is not anticipated that the proposed office use will exceed the capacity of public services and facilities. Minor comments from the Building Division, Fire Department, Police Department, Engineering and Public Works Department will be addressed during regular plan check.

- H. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- I. This Resolution upon its effectiveness constitutes the Use Permit approval for the subject project.

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

Site Preparation/Construction

1. The project shall be constructed and operated in substantial conformance with the submitted plans and project description submitted to, and approved by the Planning Commission on May 28, 2008. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. No medical uses shall be permitted at the subject site.
3. The project will provide 13 standard parking spaces, 6 compact spaces and 1 disabled access spaces for a total of 20 spaces.
4. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Traffic Engineer and 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.
5. 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 specification of the Public Works Department.
6. During construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
7. The location of construction related equipment (job site offices, trailers, materials, etc) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
8. 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. Landscaping shall be installed per the approved plans prior to building final.
9. A low pressure, low-flow or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscape plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to the building final.

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10. All trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap Seal Protection in the Uniform Plumbing Code. Contact the City’s refuse contractor for sizing of the enclosure. Drawings of the trash enclosure must be on the plan, and must be approved by the Public Works Department before a permit is issued (See Standard Plan ST-25).
11. Commercial establishments are required, in accordance with Municipal Code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property.
12. Management of the retail use shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
13. The operator of the office uses shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
14. The property owner(s) shall be responsible for prohibiting employees from parking personal vehicles on the surrounding public streets. Owners and employees must park on-site while visiting the site.
15. All signs shall be in compliance with the Sign Code. A comprehensive sign program must be submitted to the Community Development Department for review and approval prior to the issuance of a building permit.
16. The applicant shall submit a lighting and photometric plan which shows the location of the proposed lighting, existing public right-of-way lights and maximum foot candles to the Department of Community Development prior to the issuance of a building permit. These plans shall be in compliance with all provisions of the parking lot lighting regulations. All outside site lighting shall be directed away from the residential properties to the south and public right-of-way and shall minimize spill-over onto the sidewalk and street. Shields and directional lighting shall be used where necessary. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
17. All mechanical equipment proposed in the future on the building roof shall not be visible from the public right-of-way and visual screening shall be provided. Antenna dishes or similar items shall be restricted to the same requirements. The building roof shall have a gravel or comparable decorative treatment.
18. Plans shall incorporate sustainable building components into the building and site design. The plans may include, but not limited to LEED (Leadership in Energy and Environmental Design) and other recognized sustainable building components, permeable pavement, energy efficient plumbing, mechanical and electrical systems, and retention of storm water on the site. Plans shall require review and approval by the Community Development and Public Works Departments.
19. Bicycle parking shall be provided at a rate of five percent (5% - 3 spaces) of all parking spaces (MBMC 10.64.80). Location shall be shown on the plans subject to Planning review and approval.

Public Works Requirements

20. This is a SUSMP project and an Operating and Maintenance Agreement Form regarding on-site storm water pollution BMP’s and mitigation devices must be completed and submitted to the City before a building or grading permit is issued.

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21. A property line cleanout must be installed on the sanitary sewer lateral (See City Standard Plan ST-5). Cleanout must be added to the plumbing plan.
22. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer (See Standard Plan ST-24). Must be shown on approved plans.
23. If an 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.
24. A mop sink must be installed and shown on the plumbing plan.
25. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, and trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited.
26. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
27. 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 and driveway elevations.
28. The sidewalk on Manhattan Beach Boulevard must be replaced from the west property line to the east property line and shown on the plans to the satisfaction of the Public Works Department.
29. A disabled access ramp must be installed on the northeast corner of the right-of-way public sidewalk (See City Standard Plan ST-9). Ramp must be shown on plans as required by the Public Works Department.
30. 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 approve plans. Control measures must also be taken to prevent street surface water entering the site.
31. Any new storm water, nuisance water, etc. and drain lines installed within the street right-of-way must be constructed of ductile iron pipe. Drains must be shown on approved plans.
32. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Building Division

33. Project shall comply with all Disabled Access regulations.
34. All work shall comply with all current California Building Codes which includes: California Electrical Code, Mechanical Code, Plumbing Code and Fire Code, at the time of submittal.

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Procedural

- 35. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
- 36. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
- 37. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBCM Section 10.100.030 have expired.
- 38. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
- 39. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
- 40. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **May 28, 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

TO: DANIEL A. MORENO & MEMBERS OF THE PLANNING COMMISSION

FROM: William, Theresa, John and Catherine Wood
Residents of 819 11th Street
Manhattan Beach, CA 90266

DATE: May 20, 2008

SUBJECT: USE PERMIT TO ALLOW AN OFFICE BUILDING LOCATED AT 818
MANHATTAN BEACH BOULEVARD

Dear Mr. Moreno,

These comments are provided in response to the notice of public hearing before the planning commission regarding a use permit for construction of an office building at 818 Manhattan Beach Boulevard.

We live in the house immediately to the south of this commercial property. The rear/North portion of our property line abuts the rear/South property line of the parcel/building at 818 Manhattan Beach Boulevard. We are the family who will be most effected by an expanded development at 818 Manhattan Beach Boulevard.

We will provide comments at the public hearing on this project. The following issues will be raised. Please consider them during the preparation of the Staff Report on the use permit.

SETBACKS

The current building at 818 Manhattan Beach Boulevard is set back approximately 16 inches from the wall of the room/garage building that is located at the rear of our property at 819 11th Street. The project file for the proposed three-level office structure (as found in the Community Development Department in City Hall) shows the same approximate setback profile.

A new multistory complex constructed so extremely close our existing home structure will significantly effect the safety of our property by creating a combination of close structures on these two adjacent properties that is difficult to access or defend during an emergency such as a fire. This is a very important issue to our family. Unlike the inhabitants of a commercial building, we live on our property. My wife and young children spend their days and nights here. Therefore, the city should not permit the creation of a structure that will hinder firefighters from protecting my family from a fire (e.g. one occurring at night in a building at 818 Manhattan Beach Boulevard). For this reason, at the public hearing we will ask the city to reject the rear setback as proposed for the project. Instead, any structure approved for 818 Manhattan Beach Boulevard must be set back from adjoining structures at least 10 feet so that no problem for governmental agencies responding to emergency conditions is created.

In addition, we will ask the city to require that any enlarged building complex comply with any and all other applicable setback provisions that pertain to neighborhood safety. For example, as articulated for example in Building Code 9.01.130 (1614.1.7 ASCE 7, Section 12.12.3), in order to protect residents from damages and injuries that can result from earthquakes, any new structure approved for 818 Manhattan Beach Boulevard should be



separated from adjoining structures so as to allow for the maximum inelastic response displacement (Δ_M). Consequently, for any proposed structure, we will request a copy of the calculations of Δ_M used to confirm conformity with these seismic setback provisions.

A new multistory complex constructed so close our home will also significantly degrade the privacy, view and aesthetic of our home. We will therefore also ask that new commercial structures at 818 Manhattan Beach Boulevard comply with any and all applicable setback provisions that relate to the privacy, view and aesthetics of Manhattan Beach neighborhoods.

PARKING AND PEDESTRIAN SAFETY

Our neighborhood has a significant degree of non-residential commercial traffic due to the Manhattan Beach Professional Building located at 806 Manhattan Beach Boulevard (immediately west of the proposed project at 818 Manhattan Beach Boulevard). A new commercial complex on the corner of John Street and Manhattan Beach Boulevard (one parcel east of the proposed project at 818 Manhattan Beach Boulevard) is almost completed. The new construction project at 818 Manhattan Beach Boulevard will therefore be the third higher density commercial complex on our south side of the 800 block of Manhattan Beach Boulevard.

The Manhattan Beach Professional Building located at 806 Manhattan Beach Boulevard has at least 17 commercial tenants (as listed on its directory), and many cars associated with this complex (typically those owned by the tenants/employees of this building) park on 11th street. A significant number of these pedestrians and drivers then use the Pacific Place Alley between 11th street and Manhattan Beach Boulevard as a major ingress/egress route to the Manhattan Beach Professional Building. The commercial building on the corner of John Street and Manhattan Beach Boulevard will result in additional cars and pedestrians coming into the neighborhood. Another new complex at 818 Manhattan Beach Boulevard will result in even more cars and pedestrians coming into the neighborhood.

In view of the existing traffic congestion in our neighborhood, we ask that any new building complex include plans specifically designed to avoid the creation of: (1) safety hazards for the cars and pedestrians trying to navigate Pacific Place Alley; and (2) further traffic congestion in this alley. Any additional traffic associated with the new complex should be directed exclusively into the new office building in order to avoid exacerbating the existing congestion in Pacific Place Alley. One option for accomplishing this would be to place a planter barrier on Pacific Place Alley that prevents through automobile traffic between 11th Street and Manhattan Beach Boulevard. A barrier on Pacific Place Alley at the south side of the 818 parcel would accomplish this while allowing traffic to maintain access to Pacific Place Alley in the existing entrances at both Pacific Avenue and 11th Street.

COMMUNITY AESTHETIC

Every day I gaze out at our home's view of the back wall of the Manhattan Beach Professional Building at 806 Manhattan Beach Boulevard. When this professional building was constructed, the residential views were significantly altered. Residents' views of mature trees at Pacific Elementary were replaced with views of the back wall of this commercial building, an architectural feature characterized by air conditioning units and exhaust vents etc.

At the public hearing we will ask the Commission to require the South side of the building (i.e. the one that faces those of us who live in the neighborhood) stringently comply with community goals such as those articulated in Manhattan Beach General Plan Land Use Element Goal LU-3 which provides that land use decisions should achieve a strong, positive community aesthetic. In particular, we ask that any portion of a commercial complex that faces its residential neighbors be designed to incorporate aesthetic design features that truly contribute to the community aesthetic and blend in with its surroundings in a way that results in the least intrusive aesthetic impact.

Thank you for your time.

Very truly yours,

William, Theresa, John and Catherine Wood