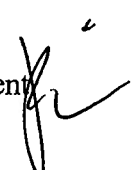


**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT**

**TO:** Planning Commission

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

**BY:** Eric Haaland, Associate Planner *et*

**DATE:** September 10, 2008

**SUBJECT:** Consideration of a Use Permit and Variance for Construction of Two Commercial Buildings Located at the Northwest Corner of Sepulveda and Manhattan Beach Boulevard, 1129 N. Sepulveda Boulevard

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the continued Public Hearing, **REVIEW** the revised plans, and **APPROVE** the project.

**APPLICANT**

Bryant Palmer Soto Inc.  
2601 Airport Drive, Suite 310  
Torrance, CA 90505

**OWNER**

1129 Sepulveda BMPD, LLC  
915 Wilshire Blvd. #2200  
Los Angeles, CA 90017

**BACKGROUND**

On August 13, 2008, the Planning Commission considered the subject application and supported the concept, subject to review of compact parking modification, landscaping details and information pertaining to noise, timing, and alternatives of the proposed temporary soil vapor extraction facility. Subsequently the applicant has provided the requested plan supplements and some soil equipment information. Staff has prepared an updated draft project resolution of approval containing changes identified by the Commission at its August 13<sup>th</sup> meeting. An additional message from a neighboring resident stating concerns for parking, and food and beverage uses is also attached to this report.

## **DISCUSSION**

The submitted revised plans appear to generally address the Planning Commission's comments and direction provided to the applicant at the August 13<sup>th</sup> meeting. The issues that have been addressed or require additional discussion are as follows:

1. The revised site plan shows 5 compact parking spaces previously located adjacent to the rear retail building relocated across the parking aisle adjacent to the north property line. The Planning Commission required that standard spaces be located closest to the proposed building. The switched spaces result in a slightly more awkward bend in the parking aisle due to the transitions from compact to standard parking space lengths. Back-up space for the first standard parking stall east of the relocated compact spaces is also somewhat awkward. The project still provides 26 standard size parking spaces meeting the 25-space project requirement, and all compact spaces are in excess of the code requirement.
2. The submitted landscape plan provides details for the trees, shrubs, and groundcover for the project. The trees proposed to buffer the northwesterly residential area are two 24-inch box size "Chipalta" trees, and one future 36-inch box size "Australian Willow" tree to be planted after soil vapor extraction equipment is removed. The previous plan showed this tree to be planted immediately between the vapor extraction equipment and Oak Avenue. Staff has modified the resolution to require that a substantial tree, or trees, be immediately located in this location that provide buffering, and are compatible with the soil equipment.
3. The attached letter from Delta Consultants, dated August 27, 2008, responds to questions raised regarding the soil vapor extraction system shown on project plans. The letter indicates the equipment would be 4 feet high, and be contained within a 6-foot tall fence around a 6'x 6' area. The system is stated to be compatible with residential uses and able to be "adequately sound proofed". The applicant has indicated that an expert representative will attend the September 10, 2008, meeting to answer additional questions the Planning Commission may have. Should there continue to be concerns for the vapor extraction equipment, the Commission may consider relocating the equipment across the driveway to the south adjacent to the retail building, or to another suitable location.

## **CONCLUSION**

Staff recommends that the Planning Commission conduct the continued public hearing, consider public testimony, review the revised project plans, and adopt a resolution of approval for the project use permit.

## **ALTERNATIVES**

The alternatives available to the Planning Commission include:

1. **DIRECT** the applicant to make additional project modifications to be returned to the Planning Commission for further review.

### **Attachments:**

- A. Draft Resolution PC 08-
  - B. Soil vapor extraction equipment letter
  - C. Neighbor message, dated 8/14/08
- Plans (separate – half size scale)

cc: Bryant Palmer Soto Inc., Applicant  
1129 Sepulveda LLC, Owner

RESOLUTION NO. PC 08-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AND VARIANCE TO REPLACE AN EXISTING VACANT SERVICE STATION WITH TWO NEW COMMERCIAL BUILDINGS, ONE OF WHICH EXCEEDS THE PERMITTED HEIGHT LIMIT ON THE PROPERTY LOCATED AT 1129 SEPULVEDA 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 a public hearing on August 13, and September 10, 2008, considered an application for a use permit and variance to replace an existing vacant service station with two new commercial buildings, one of which, would exceed the height limit by as much as 2.5 feet, on the property legally described as Lots 11, 12, 13, 14, 15 & 16, Block 59, Tract 1638 located at 1129 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The application was filed on April 29, 2008. The applicant for the subject project is Bryant Palmer Soto Inc. The owner of the property is 1129 Sepulveda BMPD, LLC.
- C. The project is Categorically Exempt from the requirements of CEQA pursuant to Sections 15303 and 15332, since the project involves construction of relatively small structures and minor infill development within an urbanized area.
- D. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- E. The property is located within Area District II and is zoned CG Commercial General. The surrounding private land uses consist of CG, Local Commercial, and Single-Family Residential uses.
- F. The General Plan designation for the property is General Commercial. The project is consistent with the General Plan including specific policies including the following:
  - Goal LU-1.2: Encourage the use of notches, open space, setbacks, landscaping, or other architectural details to reduce building bulk.
  - Goal LU-2.1: Encourage landscaping standards for commercial areas.
  - Goal LU-3.1: Encourage quality design in all new construction.
  - Goal LU-3.2: Encourage the use of Sepulveda Boulevard Corridor Guidelines.
  - 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-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.
- G. Approval of the replacement of a vacant service station with two new commercial buildings, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since it is in compliance with all regulations, improves existing circulation design, and provides aesthetic enhancements with conforming landscaping and signage including removal of one pole sign.

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H. The Planning Commission made the following findings with respect to the Variance application for maximum allowable building height, MBMC Section 10.60.050:

- The special circumstances applicable to this property are the substantial change in topography, height limit methodology being a horizontal plane based on the four-corner elevation of the property, and the Sepulveda Boulevard Guidelines, which recommend the placement of building toward the front of the property which is the highest elevation, poses constraints on meeting the maximum allowable building height.
- The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare, since the commercial area will benefit from building location at the front in conformance with the Sepulveda Boulevard Guidelines, and the rear building will be stepped below the height limit a corresponding amount resulting in an average height approximating the applicable 22 and 30 foot limits.
- Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district, since the proposed building height will be in scale and compatible with the surrounding buildings

I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.

J. The service station replacement by commercial buildings will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.

K. Dedication of an 8 foot strip of property is necessary for traffic improvements to the intersection of Manhattan Beach Boulevard and Sepulveda Boulevard. This dedication is acceptable as an alternative to dedicating for a right-turn pocket entrance improvement for the site as recommended by the Sepulveda Boulevard Guidelines.

L. This Resolution is intended to supersede all previous use permit approvals for the subject property.

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

**Site Preparation / Construction**

1. \* The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on August 13 & September 10, 2008, except that a tree(s) determined to be appropriate by the Community Development Director shall be located at the northwest corner of the site at all times of occupancy or soil remediation. Compliance shall include a reduction below applicable height limits for the rear building corresponding to the increased (variance) height of the front building. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to

## RESOLUTION NO. PC 08-

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.

Prior to the commencement of any construction activity that would cause a disruption to traffic or lane closure on Sepulveda or Manhattan Beach Blvds.; the applicant shall submit plans which shall minimize traffic impacts associated with the proposed development for review and approval by the Community Development Department.

3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan, consistent with the project rendering on file with the Community Development Department, utilizing drought tolerant 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. This plan shall be prepared by a licensed landscape architect, as required by state law.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off under normal operating conditions. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Project driveway entrances shall be constructed or modified in conformance with the requirements of the Public Works Department and Caltrans.
9. \* Final circulation, traffic visibility, pedestrian, bicycle, and parking design shall be subject to the review of the City's Traffic Engineer and Director of Community Development.
10. \* An irrevocable offer of dedication of the southerly 8 foot wide strip of the site and corner cutoffs shown on the submitted plans abutting Manhattan Beach Boulevard shall be provided prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
- 11.\* Sidewalk and related pedestrian easements along Sepulveda Boulevard, Manhattan Beach Boulevard, and Oak Avenue, as shown on the submitted plans shall be completed prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
12. \* Security lighting for the site shall be provided in conformance with Municipal Code requirements including applicable height limits and glare prevention design. Light poles exceeding 12 feet in height adjacent to residentially zoned property shall require increased attention to light shielding.
13. \* Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works. Oil

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clarifiers and other post construction SUSMP items shall be required for the project.

14. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
15. Sidewalks shall be repaired or installed around the entire site pursuant to the requirements of the Public Works Department.
16. Plans and construction for the front/east building shall be in qualification and receipt of LEED Silver Level certification.
17. Plans for the rear/west building and overall site-work shall incorporate sustainable building components into the building and site design as determined to be appropriate by the Public Works and Community Development Departments such as: LEED (leadership in Energy and Environmental Design), permeable pavement, energy efficient plumbing mechanical and electrical systems, and storm water retention.
18. \* An appropriate merger document eliminating antiquated property lines within the site shall be recorded subject to the review and approval of the Community Development Department prior to issuance of building permits.

**Operational Restrictions**

19. \* The facility shall operate as a commercial center with retail, bank, personal services, and food and beverage sales (without alcohol) uses. Uses determined to be similar to retail by the Community Development Director may also be permitted. Office and restaurant uses shall be prohibited.
20. \* Hours of operation of the businesses within the facility shall be limited to 6am to midnight daily, except that food and beverage sales shall be limited to 6am to 10:30pm daily. Bank automated teller machines shall be permitted to operate 24 hours daily.
21. \* 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.
- 22.\* The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses. Security systems and procedures shall be provided as determined to be appropriate by the Chief of Police.
23. \* A covered trash enclosure(s), with adequate capacity shall be provided and available on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan demonstrating diversion of at least 50% of solid waste shall be provided as required by the Public Works Department.
24. \* The site shall allow reciprocal vehicular access to/from any adjacent property upon which a similar Reciprocal Access condition has been imposed, provided the plans and configuration of such Reciprocal Access shall be subject to the approval of the property owner. Such approval by the owner shall not be unreasonably withheld or delayed; provided that there is no loss in parking needed to meet parking demand for, or other adverse effect upon, the subject site. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.

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25. \* Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Future parking lot modifications for the purposes of providing reciprocal access to a neighboring commercial property, and any parking requirement modifications that are warranted, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
26. \* The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval. Prior to building permit issuance, a written employee parking program shall be submitted for Community Development Department approval.
27. \* All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings or other architectural elements shall be prohibited. Primary signs shall be prohibited from locations oriented toward, or substantially visible from, the adjacent northwesterly residential area as determined by the Community Development Department.
28. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited, except required emergency audio systems.
29. The operation shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
30. The operation shall remain in compliance with all Fire and Building occupancy requirements at all times.

### Procedural

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



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**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 September 10, 2008, and that said Resolution was adopted by the following vote:

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

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

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**Sarah Boeschen,**  
Recording Secretary

## SUSTAINABLE STRATEGIES FOR GLOBAL LEADERS

August 27, 2008  
DELTA Project No. SCA1129S1  
SAP No. 135569

Mr. Richard Thompson  
Director of Community Development  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, California 90266

**Re: Site Remediation Status**  
**Former Shell Service Station**  
**1129 Sepulveda Blvd.**  
**Manhattan Beach, California**



Dear Mr. Thompson:

The following is in response to the City of Manhattan Beach Community Development's request on August 13, 2008 for information regarding site remedial activities at the former Shell Service Station located at 1129 Sepulveda Blvd, Manhattan Beach. Delta Consultants on behalf of Equilon Enterprises LLC dba Shell Oil Products US (Shell) has prepared this response to questions communicated by Erwin Bucy, Senior Vice President – Investments, Regency Centers.

The remediation equipment previously operated at the subject site has been removed to accommodate the planned redevelopment of the site. Delta on behalf of Shell is evaluating the site for remedial alternatives that will be presented to the California Regional Water Quality Control Board – Los Angeles Region on or before December 31, 2008. Should it be determined that additional remedial measures are necessary, the following is a description of a potential remediation system considered for the site:

1. Size and description – an oxygen injection unit is generally 4 feet high and is typically enclosed in a 6 ft by 6 ft compound with a 6-foot high fence.
2. Compatibility with neighbors – oxygen injection systems are currently being utilized in many residential areas and can be adequately sound proofed to meet City of Manhattan Beach requirements.
3. Operation – an oxygen injection unit pumps air into the groundwater to enhance natural attenuation and there is no surface discharge.
4. Estimated timeline – in addition to the quarterly review of data by Delta, remediation systems are formally evaluated at least annually by Shell to determine the effectiveness and future operations.



**Eric Haaland**

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**From:** Richard Thompson  
**Sent:** Thursday, August 21, 2008 1:45 PM  
**To:** Eric Haaland  
**Subject:** FW: Proposed Project at 1129 N. Sepulveda Blvd., Manhattan Beach

Richard Thompson  
Director of Community Development

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**From:** David Lesser [mailto:david.lesser@verizon.net]  
**Sent:** Thursday, August 14, 2008 1:04 PM  
**To:** 'Caprow, Robert (Space Technology)'  
**Cc:** Richard Thompson  
**Subject:** Proposed Project at 1129 N. Sepulveda Blvd., Manhattan Beach

Mr. Caprow,

Thank you for your comments regarding the proposed project at 1129 N. Sepulveda Blvd., Manhattan Beach, which was considered by the Planning Commission last night. To insure your comments are included in the record and to have City staff address your separate but related concerns about traffic and parking on Oak Avenue, I am copying this reply and your message for Richard Thompson.

David J. Lesser  
david.lesser@verizon.net

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**From:** Caprow, Robert (Space Technology) [mailto:robert.caprow@ngc.com]  
**Sent:** Thursday, August 14, 2008 12:18 PM  
**To:** dlesser@citymb.info  
**Subject:** Planning Commission

Regarding the planning meeting of last night on the Wells Fargo site: My comment about the food establishment was in reference to the documents that stated food and beverages were planned for one of the retail spaces at the site. I realize that seating or eating was not allowed, but my comment is this. The residents had to put up with the bad smells and residual oils emanating from the Chicago Ribs establishment and that a retail establishment that cooks food would not be welcome. There are Domino's pizza, chinese take out etc. that could conceivably sell food and beverages, but not have seating. If the CUP prohibited the cooking of food that would be desirable. A smoothie type establishment or one that sells prepared foods would be acceptable. The City of Redondo Beach goes much further and does not allow the smells such as Chicago Ribs to emanate throughout the neighborhood. A similar clause would be welcome for the planned site.

In addition to this, at least two of the planning commissioners discussed not having a left turn from Oak onto MB Blvd. I saw that Richard Thompson was taking notes, but will this comment go into an action?

The last thought was is there a mechanism to prohibit business customers and employees from parking in front of resident houses. One of the commissioners made a comment that if there was insufficient parking the folks would park down the street. Down the street is in front of someone's home. Currently, there is not a restriction on public parking of any kind in front of the homes.

Robert Caprow

08/25/2008