

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Angelica Ochoa, Associate Planner

DATE: September 23, 2009

SUBJECT: Consideration of a Use Permit for Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial General Office/Personal Services Condominium Space on the Property Located at 627 Aviation Way (Cleland)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing, **ADOPT** the attached resolution and **APPROVE** the project subject to conditions

APPLICANT

Dennis Cleland
P.O. Box 969
Manhattan Beach, CA 90266

PROJECT BACKGROUND

The subject site presently consists of a commercially zoned interior lot occupied with a single story residence and detached garage. The project is proposed to demolish all of the existing improvements on the site and construct a three-story building with 1 commercial condominium general office/personal services space, 4 residential condominium units, 17 on-site parking spaces, three new driveways on Matthews Avenue and a common outdoor recreation area. A use permit is required per Section 10.16.020 of the City's zoning code for the proposed mixed use of residential use in a commercial zone (CL). As part of the use permit and mixed use approval, the project must comply with the development standards for residential use per Section 10.12.030 and the development standards for commercial use per Section 10.16.030. A parcel map, (VTTM #71173) is also required per Section 11.12.020 of the Manhattan Beach Municipal Code to subdivide the property into separate condominium ownerships.

The Planning Commission has the authority to review and approve the subject project based on the following:

- 1) Use Permit findings per Section 10.16.020 and that it complies with the mixed use standards per Section 10.16.030 (P) for residential and commercial:
 - a) Residential Development Standards per Section 10.12.030
 - b) Commercial Development Standards per Section 10.16.030

- 2) Subdivision Map Act per Section 11.04.040 (Map Requirements), 11.12.020 (Tentative Map) and 11.24.040 (Vesting Tentative Maps). The specific findings and requirements are included in the Resolution.
- 3) The goals and policies of the General Plan, which are included in the Resolution.

GENERAL PLAN/ZONING

In 2003 with the adoption of the new General Plan and subsequent Zoning Map, the block that the subject site is located within was redesignated and rezoned. The site was previously designated as General Commercial, CG. The City Council redesignated these commercial lots as Local Commercial to encourage these sites to transition to new uses, and to provide neighborhood-oriented commercial businesses and potential mixed use. The CG zoning did not allow residential or mixed use, while the CL designation allows mixed commercial and residential uses subject to Use Permit approval. All four parcels on the corner of Aviation Way and Matthews, including the subject project were rezoned from Commercial General (CG) to Local Commercial (CL) as part of this process.

PROJECT OVERVIEW

L O C A T I O N

Location	627 Aviation Way (corner of Aviation Way and Matthews Avenue)(see Vicinity Map).
Legal Description	Lot 1, Block 103, Redondo Villa Tract B
Area District	I

L A N D U S E

General Plan Zoning	Local Commercial CL, Commercial Local	
Land Use	<u>Existing</u> 992 sq. ft. single family residence (used as offices)	<u>Proposed</u> 441 sq. ft. commercial general office/personal services space & 4 residential units totaling 7,049 sq. ft.
Neighboring Zoning/Land Uses	<u>Location</u> North (Commercial) South (Commercial) East (City of Redondo) West (Residential and Commercial)	<u>Zone/Use</u> CL/Single Family, Multi-Family, Office, and Public Facility further to the north CG/Office, Day Care, Retail Mixed Use RS/Single Family (across Aviation Blvd to the west) and CL directly to the north

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement</u>
Parcel Size:	7,490 square feet	4,000 sq. ft. min
Residential Density:	1 unit / 1000 sq. ft. lot area (4)	1 unit /1000 sq. ft. lot area (7 max)
Building Floor Area:	7,490 sq. ft. total	7,490 sq. ft. max
Commercial	441 sq. ft.	N/A
Residential	Three 1,777 sq. ft. units One 1,716 sq. ft. unit	N/A
Open Space (Residential)	458 sq. ft./unit	220 sq. ft/unit
Height	30 ft.	30 ft. max.
Setbacks:		
Commercial	Varies: 2 – 18 ft.	None
Residential		
Front	20 ft.	20 ft.
Rear	25 ft.	25 ft.
East side	5 ft.	5 ft.
West side	5 ft.	5 ft.
Parking:		
Residential	4 two-car garages (8 spaces)	2 car garage per unit (8 spaces)
Guest Parking (Residential)	2 per unit (8 spaces)	1 per unit (4 spaces)
Commercial	1 ADA space (9’x18’)	1 space per 300 sq. ft. (8.5’x18’, (Zoning, 1 ADA space per Building & Safety – not exclusive for ADA use
Vehicle Access	Aviation Way & Matthews Ave	N/A

DISCUSSION

The applicant proposes to demolish the existing single family residence and garage and construct a new three-story mixed use building that will include four residential condominium units and one general office/personal services unit. The lot is 50’ x 150’ in Area District I and zoned Local Commercial (CL) at 627 Aviation Way. Aviation Way is a forty foot wide right-of-way that is located east of Aviation Boulevard. The centerline of Aviation Way forms the boundary between Manhattan Beach and Redondo Beach. The mixed use building will replace a one-story single family residence and detached garage that was built in 1934. Three of the proposed residential units will have living areas of 1,777 square feet and one unit will be 1,716 square feet (rear unit). The commercial unit will have a floor area of 441 square feet.

The ground floor will be occupied by parking garages, laundry, storage, mechanical equipment and an outdoor entry area for the residential units. The commercial unit will also be located on the ground floor facing Aviation Way and Matthews Avenue with pedestrian access off Matthews Avenue. Required residential open space for the project is provided by ground level entry areas, third floor decks, and a large common rear yard. The building would contain 7,490 square feet of floor area. All pedestrian and driveway access would be taken from Aviation Way except the commercial ADA parking space, which is accessed off of Matthews Avenue. The ADA parking space will not be a space reserved, used

exclusively or identified with signage exclusively for use by persons with disabilities per Building Code requirements.

The proposed building is observing the required setbacks and 30-foot height limit. All required parking related to the project would be contained within the building. The project is providing four two car enclosed garages per residential condominium unit, 2 guest parking spaces per unit and one unenclosed ADA parking space for the office unit, which complies with the parking requirements. The project will provide a total of 17 on-site parking spaces, which exceeds the 13 required parking spaces. All users of the building have access to the public sidewalk on Matthews Avenue and Aviation Way with pedestrian access off Matthews Avenue. The existing curb cut on Aviation Way will be utilized for access to the parking for the commercial unit and street parking on Aviation Way will not be affected. It appears that the subject project will remove about 2 existing parking spots on Matthews Avenue to accommodate four new driveways for the residential garages and guest parking. Staff was satisfied with the minimum amount of public parking that was eliminated to accommodate the required parking on-site. Private property trees will be removed along Aviation Way, as well as throughout the site to accommodate the new commercial space. Since the subject project is located in a Commercial zone (CL), it is not subject to the requirements of the Tree Ordinance of protected trees in the front yard. This applies to residential zones only.

The project conforms to the City's requirements for use, floor area, setbacks, parking, landscaping, and open space. The commercial portion of the project is subject to the Local Commercial (CL) regulations. The residential units are subject to the High Density Residential (RH) development standards. The overall project floor area ratio for the mixed use site must conform to the more restrictive CL requirement. The project issues that warrant discussion include the following: residential use, mixed use standards, and project design.

Residential Use:

The CL zone allows for residential use in commercial areas, subject to use permit approval. The Planning Commission must determine that the proposed residential units are not detrimental to the subject commercial area, and that the residential occupants of the units would not be detrimentally affected by the surrounding commercial uses. The Use Permit findings are on page 6 of this report and are mentioned in the Resolution. Residential uses occupy the majority of the development across Aviation Boulevard to the west, with commercial to the south on Artesia Boulevard and multi-family residences to the east in the City of Redondo Beach. There is a mix of uses on both sides of Aviation Way including low and high density residential, small commercial (accounting office, Auto Club and church). Since the ground level commercial unit occupies a minority of the project, this appears to be a desirable mixed use design with a commercial and residential proportion consistent with other mixed use projects in the City. The general office/personal service use will create minimal noise, traffic, parking, trash or other potential impacts. The overall design concept is consistent with the purposes of the Local Commercial zone (MBMC 10.16.010) by providing small scale commercial use and compatible residential uses.

Staff believes that the proposed occupants of the condominium units would not be detrimentally affected by the uses in the commercial area, since they are low intensity. The property directly to the north at 623 Aviation Way is developed with four residential condominium units built in 2007, next to this property to the north is 617 Aviation Way developed with an older single family home built in 1944. The property at 628 Aviation

Boulevard (corner of Aviation Boulevard and Matthews Avenue) is developed with an accounting office and single family home built in 1924. Across the street in the City of Redondo Beach, the majority of the properties are multi-family residences. Staff also believes that the commercial development should continue along Aviation Boulevard because of large traffic volumes and residential uses, including small scale mixed use should be permitted along Aviation Way adjacent to other residential homes per the redesignation of the area with the General Plan in 2003.

Mixed Use Standards:

The zoning code's development standards for mixed use development [Section 10.16.030(P)] in the CL zone generally specify that commercially used portions of a building comply with applicable commercial standards, and residential portions comply with residential standards.

The residential portions of the proposed building observe residential setback requirements (RH Zone, Area District I) and the commercial portions observe commercial standards (CL Zone, Area District I). An additional specialized mixed use standard applicable to this project is the floor area factor (FAR) to determine living area. The FAR to determine residential (RH) maximum floor area is 1.2 in Area District I. The RH standard would apply to this project in other mixed use districts, however the zoning code provides exclusively for the CL district that: "the commercial standard for maximum FAR shall apply to the entire project", which is 1.0. In order to comply with this requirement the project's proposed floor area has been reduced.

Project Design:

The project design is in conformance with all applicable regulations including the 1.0 floor area ratio (7,490 sq. ft. max.) of the CL zone. Inland RH districts permit floor area ratios up to 1.2. The overall appearance of the project is modern style featuring an open front entry, deck areas, private yard areas, a large common rear yard area and decorative architectural treatments.

The commercial general office/personal services space is relatively small in size (441 square feet) and according to the applicant, it is anticipated that this space will be occupied by a resident of one of the four condominium residential units. This space may only be used for commercial use, not residential use, as it does not meet the residential development standards. The project is designed with multiple driveways on Aviation Way and Matthews Avenue to accommodate two-car garages and two guest spaces per unit.

The project plans do not provide any sign information. Conditions prohibiting ground based signs and commercial signs on residential building walls are recommended, as well as a condition prohibiting internally illuminated signs in recognition of the lower intensity commercial and mixed use residential character of this area.

USE PERMIT AND OTHER CODE FINDINGS

In order to approve the subject application, the following findings must be made. These findings are as follows:

1. The proposed location of the use is in accord with the objectives of this title, and the purpose of the district in which it is located since the project is in a commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide neighborhood-oriented activities that are compatible with the surrounding residential areas, since the proposed project is located within the (CL) Local Commercial district, and will replace an existing single family residence with a mix of residential and general office/personal service uses.
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, since the proposed new mixed use development is in compliance with all Manhattan Beach Municipal Code regulations, providing a total of 17 on-site parking spaces, more housing opportunities with four residential condominium units and compatibility with the surrounding neighborhood with a mix of residential and general office/personal service uses.
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located, since the proposed location of the use and the proposed conditions under which it will be operated or maintained is consistent with the General Plan, since the project site is classified as Local Commercial which allows for small-scale professional offices, service activities that serve the local community and residential uses.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. The new mixed use of residential and office uses will comply with all of the City's Code requirements, is compatible with the surrounding residential areas of single family and multi-family, and has a sufficient number of on-site parking spaces to ensure it does not affect the surrounding community. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.

The General Plan goals and policies and the Subdivision Map Act requirements are all included in the resolution of this report.

PUBLIC INPUT

A public notice for the proposed project was mailed to all property owners within 500 feet of the site, and published in the Beach Reporter newspaper. Staff received one letter of opposition (Exhibit D) regarding elimination of public parking on Aviation Way and how it will impact available parking in the neighborhood.

DEPARTMENT COMMENTS

The Public Works Department is requiring that the residential and commercial units each provide their own trash and recycling area within their unit outside of the required parking or open space areas. The proposed trash enclosure shown on the plans will be eliminated and the contracted landscape company by the homeowners association will be required to dispose of all green waste off-site. No separate trash enclosure will be required. The Engineering Department

is requiring that all sidewalks and driveways comply with ADA requirements. The Fire Departments had no specific conditions for the project. The Building Department is requiring that the project comply with all Building and State code requirements. All specific department conditions will be included in the resolution and department requirements will be addressed during the plan check process if the Planning Commission approves the project.

ENVIRONMENTAL DETERMINATION

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 based on staff's determination that the project is a small infill development within an urbanized area.

CONCLUSION

The Planning Commission has the authority to review and approve the subject project based on the following:

- 1) Use Permit findings per Section 10.16.020 and that it complies with the mixed use standards per Section 10.16.030 (P) for residential and commercial:
 - a) Residential Development Standards per Section 10.12.030
 - b) Commercial Development Standards per Section 10.16.030
- 2) Subdivision Map Act per Section 11.04.040 (Map Requirements), 11.12.020 (Tentative Map) and 11.24.040 (Vesting Tentative Maps). The specific findings and requirements are included in the Resolution.
- 3) The goals and policies of the General Plan, which are included in the Resolution.

Staff recommends that the Planning Commission accept public hearing testimony, discuss the project issues, and adopt the attached resolution approving the project subject to certain conditions

Attachments:

- A. Draft Resolution No. PC 09-
- B. Vicinity Map
- C. Applicant's Representative Environmental Information Form & Use Permit project Description
- D. Public input dated September 16, 2009
- E.. Plans (separate)

cc: Dennis Cleland, Applicant
Srouer & Associates, Applicant Representative
Studio 912, Architect

RESOLUTION NO. PC 09-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT FOR CONSTRUCTION OF A NEW MIXED USE CONDOMINIUM DEVELOPMENT (4 RESIDENTIAL AND 1 COMMERCIAL) AND VESTING TENTATIVE PARCEL MAP 71173 ON THE PROPERTY LOCATED AT 627 AVIATION WAY (Cleland)

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 September 23, 2009, received testimony, and considered an application for a use permit for construction of a proposed 7,490 square foot mixed use building to include one commercial condominium general office/personal services space and four residential condominium units on the property located at 627 Aviation Way in the City of Manhattan Beach.
- B. The existing legal description of the site is Lot 1, Block 103, Redondo Villa Tract "B"
- C. The applicant for the subject project is Dennis Cleland, the owner (in escrow) of the property.
- D. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 based on staff's determination that the project is a small infill development within an urbanized area.
- E. 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.
- F. The property is located within Area District I and is zoned CL, Local Commercial. The use is permitted by the zoning code and is appropriate as conditioned for the local residential and commercial area. The surrounding private land uses consist of CL, CG and RS (Residential Single Family).
- G. The General Plan designation for the property is Local Commercial. The project is consistent with General Plan policies including recognition unique qualities of mixed-use development, and balancing of the needs of both commercial and residential uses.
- H. Approval of the commercial and residential use project, 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 the project is compatible with the surrounding neighborhood and is in compliance with all applicable regulations as detailed in the project staff report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the Manhattan Beach Local Coastal Program.
- J. The project 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. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

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 since the project is in a

RESOLUTION NO. PC 09-

commercial zone consistent with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is intended to provide neighborhood-oriented activities that are compatible with the surrounding residential areas, since the proposed project is located within the (CL) Local Commercial district, and will replace an existing single family residence with a mix of residential and general office/personal service uses.

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, since the proposed new mixed use development is in compliance with all Manhattan Beach Municipal Code regulations, providing a total of 17 on-site parking spaces, more housing opportunities with four residential condominium units and compatibility with the surrounding neighborhood with a mix of residential and general office/personal service uses.
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located, since the proposed location of the use and the proposed conditions under which it will be operated or maintained is consistent with the General Plan, since the project site is classified as Local Commercial which allows for small-scale professional offices, service activities that serve the local community and residential uses.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. The new mixed use of residential and office uses will comply with all of the City's Code requirements, is compatible with the surrounding residential areas of single family and multi-family, and has a sufficient number of on-site parking spaces to ensure it does not affect the surrounding community. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.

Mixed Use

The subject project must also comply with the residential and commercial standards for a mixed use development per the following:

Section 10.16.030 (P) – In a mixed use development, the residential standards for the RH district and area district in which the site is located shall apply to a building or portion of a building intended for residential use (Section 10.12.030), and commercial standards (Section 10.16.030) shall apply to a building or portion of building intended for commercial use, except in the CL district, the maximum FAR, the commercial standard, shall apply to the entire project.

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 as summarized below:

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

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

RESOLUTION NO. PC 09-

Policy LU-2.2: Preserve and encourage private open space on residential lots citywide.

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

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

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

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

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

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

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

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

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

Subdivision Map

A parcel map (VTTM # 71173) is required per Section 11.12.020 of the Manhattan Beach Municipal Code to subdivide the property into separate ownerships and the project is in conformance with the code per the following requirements:

Section 11.04.040 (D) – Each lot created by a map shall include a minimum contiguous lot area required by the appropriate residential base zoning district standards.

Section 11.04.040 (E) – No map shall be approved unless it complies with the Subdivision Map Act, this title and any other title of this Code, other applicable laws and all conditions or requirements imposed pursuant to the requirements thereof, except; that when the failure of a map to so comply is the result of a technical or inadvertent error which, in the determination of the Planning Commission, does not materially affect the validity of the map, this provision may be waived.

Section 11.12.020 (E) – The Planning Commission shall review all materials submitted and shall either approve, conditionally approve or disapprove the map within fifty (50) calendar days after the certification of the environmental impact report, adoption of a negative declaration, or the determination that the project is exempt from the requirements of the California Environmental Quality Act (CEQA). This time limit may be extended by mutual consent of the subdivider and Community Development. Written notice of the decision of the Planning Commission shall be given to the subdivider.

Section 11.24.040 - A vesting tentative map shall be filed in the same form, have the same contents, provide the same information and shall be processed in the same manner as set forth in this title for a tentative map except as hereinafter provided.

RESOLUTION NO. PC 09-

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit application for a mixed use building of residential and office condominium uses, 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 and project description as approved by the Planning Commission on September 23, 2009. Any other substantial deviation from the approved plans and project description 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 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 from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant plants shall be submitted for review and approval concurrent with the building permit application. Use of turf grass and other high water use plant materials shall be minimized. All plants shall be identified on the plan by the Latin and common names. Landscaping within the driveway visibility triangle shall be a maximum height of 3 feet. Landscaping shall include mature shrubs and box-sized shade trees throughout the project site. Landscaping shall be installed per the approved plans prior to building final. Landscaping and irrigation shall conform with water conservation regulations per Chapter 7.44 of the Manhattan Beach Municipal Code. The landscaping site plan shall be to the satisfaction and approval of the Community Development Director.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas utilizing smart controllers and other WaterSense devices, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments and shall be installed per the approved plans prior to building final.
8. 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.
9. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.

RESOLUTION NO. PC 09-

11. 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 or Building Official.
12. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

Condominium Conditions

13. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
 - a. Aviation Way and Matthews Avenue
 - b. Aviation Way and Nelson Avenue
 - c. Aviation Boulevard and Matthews Avenue
 - d. Aviation Boulevard and Nelson Avenue
14. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
15. Vesting Tentative Parcel Map No. 71173 shall be approved for an initial period of 3 years with the option of future extensions. The final map shall be recorded prior to condominium occupancy.

Commercial Operational Restrictions

16. * The approved commercial space of 441.2 square feet shall be limited to general office and personal services or other uses with similar parking requirements subject to approval of the Director of the Community Development. Medical office and residential uses shall be prohibited.
17. The management of the facility shall police the property and all areas immediately adjacent to the businesses on the site during the hours of operation to keep it free of litter.
18. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
19. * Parking shall be provided in conformance with the applicable Manhattan Beach Municipal Code. Parking spaces shall be marked and signed as required by the Community Development Department. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial or guest parking areas shall be prohibited
20. * All signs shall be in compliance with the City's Sign Code. Pole signs, monument signs and internally illuminated signs shall be prohibited. Commercial tenant signs shall not be located upon residential portions of the building as determined to be appropriate by the Community Development Director.
21. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
22. Any outside sound or amplification system or equipment is prohibited.
23. Plans shall incorporate sustainable building components into the building and site design.

RESOLUTION NO. PC 09-

The plans may include, but not be limited to LEED (Leadership in Energy and Environmental Design) and Built-It-Green components, permeable pavement, energy efficient plumbing, mechanical and electrical systems which shall include the use of WaterSense and Energy Star fixtures and appliances, and retention of storm water on the site. The proposed development will have a minimal effect on existing surface drainage patterns and may result in an incremental increase in the amount of surface runoff entering the public storm drain system. Gutters and downspouts shall direct roof run-off to permeable areas and landscaped yard areas throughout the site, which shall absorb a significant portion of surface runoff. In addition, the site will be properly graded to obtain maximum onsite drainage and soil stability. Plans shall require review and approval by the Community Development and Public Works Departments.

Public Works

- 24.* Enclosed storage area(s) for refuse containers must be provided on-site. These areas must be constructed to meet the requirements of M.B.M.C. 5.24.030. The area(s) must be shown in detail on the plans before a permit is issued. The individual condominium units must provide their own trash and recycling areas and show the areas on the plans as per the approval of the Public Works Department. The landscape company contracted by the homeowner's association must dispose of all green waste off-site.
- 25.* The commercial unit must have their own individual trash and recycling area and shown on the plans in detail before a permit is issued as per the approval of the Public Works Department.
- 26.* Each new condominium shall separate water and sewer laterals as required by the Director of Public Works. Separate water lines and sanitary sewer laterals must be installed on each unit. The condos must have their water and sewer come out on to Mathews Avenue. The commercial unit must have their water and sewer on Mathews Avenue or onto Aviation Way. Lateral shall conform to C.P.C. 717.0 using Table 7.8.
- 27.* If the property is located on a corner lot, a disabled access ramp must be installed on the public sidewalk. See City Standard Plan ST-9. Ramp must be shown on plans if applicable.
- 28.* Sidewalk must be installed from the north property line to the south on Aviation Way and installed from the west property line to the east property line on Mathews Avenue and shown on the plans.
29. It is the responsibility of the contractor to protect all the street signs around the property. If signs are damaged, lost or removed, it is the responsibility of the contractor to replace and/or relocate the signs at the contractor's expense. The contractor is also responsible for any street markings that are damaged or removed by the contractor's operations. Contact the Public Works Inspector for sign specification and suppliers.

Building

30. The project must comply with all 2007 California Codes, Chapter 11-A (2007 CBC), Section 1101A through 1106A, Section 1104 A.2 (no habitable space at lower level), 1102 A.3 (accessibility to multi-story dwellings 10% minimum), State Codes and ADA disabled access requirements.
31. A soil report must be submitted at the time of plan check for review and approval per Building and Safety requirements.

RESOLUTION NO. PC 09-

32. The project shall comply with 2007 CBC Table 602, 704.8, Section 704 for Fire resistance requirements for exterior walls and openings in exterior walls.
33. The project shall provide an occupancy fire barrier per CBC 58.3.3.3 (Table 538.3.3 and 706.3.8).
34. The project shall comply with CBC 712.2 FDR Fire Blocking requirements.

Procedural

35. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
36. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
37. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. a completed application and application fee as established by the City's Fee Resolution;
 - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
 - e. a copy of the original permit showing that it has not expired.
38. *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.
39. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030.
40. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
41. 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.
42. 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.
43. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

RESOLUTION NO. PC 09-

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 23, 2009 and that said Resolution was adopted by the following vote:

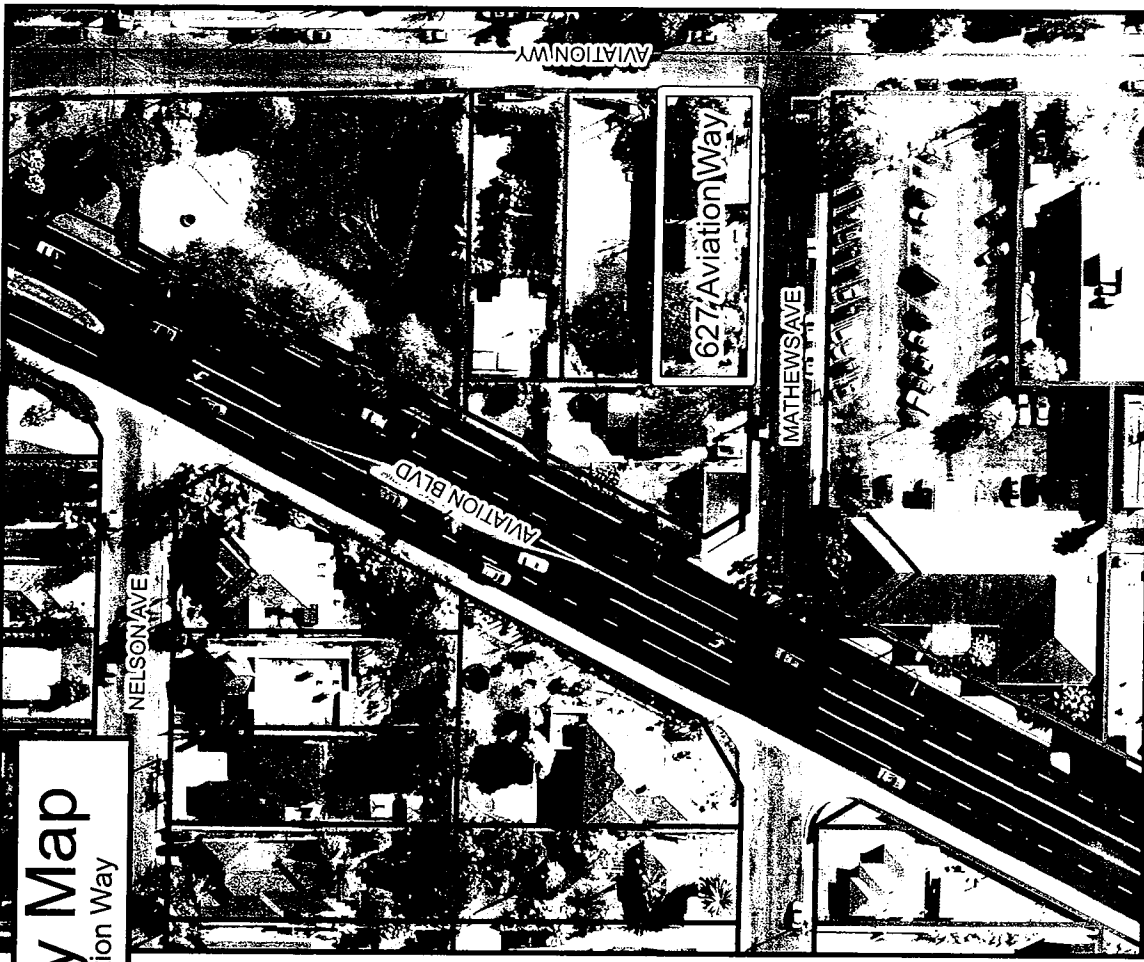
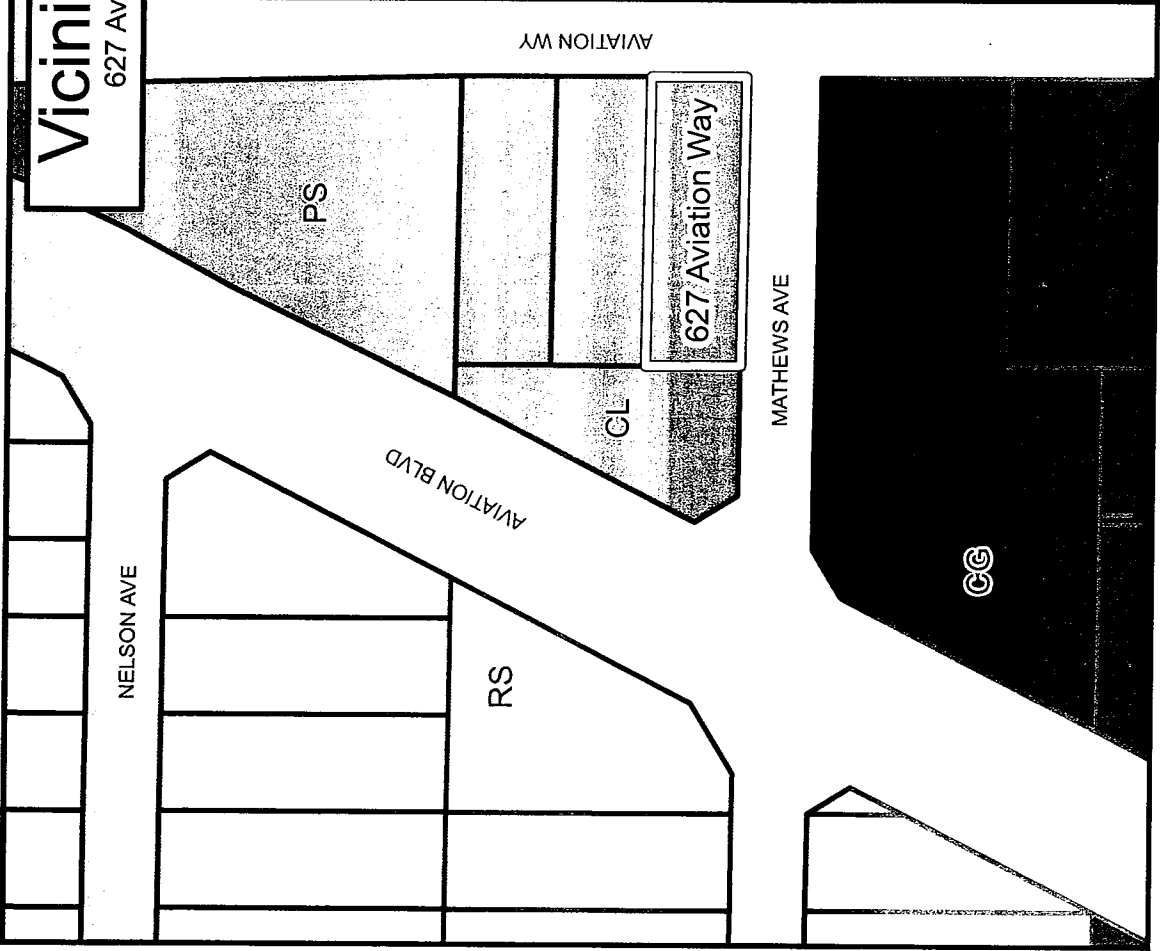
AYES:
NOES:
ABSTAIN:
ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boeschen,
Recording Secretary

Vicinity Map





627 Aviation Way



Legend

-  627 Aviation Way
-  Parcels

Zoning

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

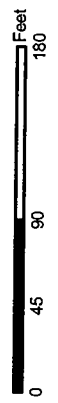


Exhibit B



City of Manhattan Beach
Community Development



ENVIRONMENTAL INFORMATION FORM

(to be completed by applicant)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Date Filed: _____

APPLICANT INFORMATION

Name: Dennis Cleland

Contact Person: SROUR & ASSOCIATES/ELIZABETH SROUR

Address: P.O. Box 969, MB CA 90266

Address: 1001 -6th St., #110, MB

Phone number: 310/ 748-0662

Phone number: 310/ 372-8433 x 106

Relationship to property: Owner in Escrow

Association to applicant: Representative

PROJECT LOCATION AND LAND USE

Project Address: 627 AVIATION WAY

Assessor's Parcel Number: 4163-007-001

Legal Description: LOT 1, BLOCK 103, REDONDO VILLA TRACT B

Area District, Zoning, General Plan Designation: CL CL AD I

Surrounding Land Uses:

North Multifamily residential

West _____

South C-2, Commercial (City of RB)

East Mixed use zone (City of RB)

Existing Land Use: Offices

PROJECT DESCRIPTION

Type of Project: Commercial _____ Residential _____ Other MIXED USE - 4 residential + 1 commercial unit

If Residential, indicate type of development (i.e.; single family, apartment, condominium, etc.) and number of units: 4 residential townhouse style units PLUS 1 commercial unit

If Commercial, indicate orientation (neighborhood, citywide, or regional), type of use anticipated, hours of operation, number of employees, number of fixed seats, square footage of kitchen, seating, sales, and storage areas: _____

It is anticipated that the residential units will be owner occupied. The commercial unit will be attractive to an owner user or as a rental. This space will accommodate a variety of businesses including office or service professional.

If use is other than above, provide detailed operational characteristics and anticipated intensity of the development: _____

	<u>Existing</u>	<u>Proposed</u>	<u>Required</u>	<u>Removed/ Demolished</u>
Project Site Area:	ALL <u>EXISTING</u>	<u>7,490.5 sf</u>		<u>ALL EXISTING</u>
Building Floor Area:	<u>STRUCTURES ARE</u>	<u>7,481.2 sf</u>		<u>STRUCTURES ARE TO</u>
Height of Structure(s)	<u>TO BE DEMOLISHED</u>	<u>30'</u>		<u>BE DEMOLISHED AS</u>
Number of Floors/Stories:		<u>3 stories</u>		<u>PART OF DEVELOPMENT</u>
Percent Lot Coverage:		<u>58%</u>		
Off-Street Parking:		<u>17, including 8 enclosed</u>		
Vehicle Loading Space:		<u>0 - none required</u>		
Open Space/Landscaping:		<u>2,150 sf</u>		

Proposed Grading: GRADING PLAN WILL UTILIZE EXISTING CONTOURS OF LOT
 Cut MIMIMAL Fill _____ Balance _____ Imported _____ Exported _____

Will the proposed project result in the following (check all that apply):

- | <u>Yes</u> | <u>No</u> | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Changes in existing features or any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Changes to a scenic vista or scenic highway? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A change in pattern, scale or character of a general area? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | **A generation of significant amount of solid waste or litter? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A violation of air quality regulations/requirements, or the creation of objectionable odors? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | **Water quality impacts (surface or ground), or affect drainage patters? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | **An increase in existing noise levels? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A site on filled land, or on a slope of 10% or more? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | The use of potentially hazardous chemicals? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | **An increased demand for municipal services? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | **An increase in fuel consumption? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A relationship to a larger project, or series of projects? |

Explain all "Yes" responses (attach additional sheets or attachments as necessary):

** PLEASE SEE ATTACHMENT FOR RESPONSE TO THESE QUESTIONS

CERTIFICATION: I hereby certify that the statements furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: Elizabeth Gurn Prepared For: Dennis Cleland

Date Prepared: July 22, 2009

ATTACHMENT TO ENVIRONMENTAL INFORMATION FORM
627 AVIATION WAY
July 2009

Solid Waste or litter - The new development will not generate a significant amount of solid waste or litter, except during the normal course of demolition and construction.

Water Quality Impacts

The proposed development will have a minimal effect on existing surface drainage patterns and may result in an incremental increase in the amount of surface runoff entering the public storm drain system. However, the development has been designed to incorporate landscaped yard areas throughout the site, which are intended to absorb a significant portion of surface runoff. Gutters and downspouts will be incorporated to direct roof run-off to permeable areas. In addition, the site will be properly graded to obtain maximum onsite drainage and soil stability.

Municipal Services

Although there will be an increase in the number of residential units on this site, the change is minimal and one that has already been anticipated by the General Plan. This change is not significant and will not compromise the ability of the City to provide public services. The proposal complies with development standards and land use regulations established in the MB Zoning Code and is consistent with the Goals & Policies of the City's General Plan, all of which seek compatibility within the particular land use area and zoning district.

Fuel Consumption

Although the proposed development reflects an increase in energy consumption, the energy requirements to meet basic operational needs such as heating, cooling and lighting, will not create a demand which would be considered substantial. The new development will be required to comply with established mandatory maximum energy consumption levels for new residential buildings which include energy conserving design features such as window glazing and insulation, and mandated energy conserving appliances.

Increased vehicle trips to and from the site will increase fossil fuel consumption, and there will be additional demand for electricity and natural gas. However, this increase is an insignificant amount of overall energy needs for the city or the area in general.

Noise

The project, when completed, will not substantially change existing noise or vibration levels in the vicinity. In addition, the ambient noise emanating from the nearby highway will be buffered with the incorporation of sound attenuation techniques such as insulation, double paned windows, etc. However, the project will result in short term noise generated from heavy equipment during site preparation and construction. This will be temporary and subject to the City policy regulating hours of construction. Construction noise from the project would not represent unusual construction noise in this urban environment and will not be greater than for other similar projects in this area.

ATTACHMENT TO CUP APPLICATION for CONDOMINIUM USE
627 AVIATION WAY, FIVE UNIT MIXED USE DEVELOPMENT
July 2009

The subject property consists of a 7500 SF (approx.), originally subdivided lot containing a 992 sf single story structure and detached garage constructed in 1934. It is presently being used as offices. All existing structures will be demolished. The property is zoned CL, Local Commercial, which allows a variety of local commercial activities as well as high density residential uses. The CL designation recognizes that specific locations may be more or less suitable for commercial use and specifies RH development standards for multi-unit residential use as an alternative development. The CL designation anticipates businesses that serve daily needs of local residential areas utilizing development standards that are compatible with nearby residential development.

Proposed development includes four, 3-story, 1760 sf residential units and a 441 sf one story commercial unit. A total of 17 on site parking spaces is provided which exceeds the Code requirement of 13 on site spaces.

FINDINGS RELATIVE TO A CONDITIONAL USE PERMIT

The proposed location is in accord with the objectives of the title and purposes of the district

While the main goal of the CL zone is to provide opportunities for business development, this particular area is uniquely situated and is an unlikely location for successful business development as the primary use. The block is a residual portion resulting from creation of Aviation Blvd. and Aviation Way. It is a bit remote from access or visibility from a main thoroughfare, and is oriented more towards residential use. Aviation Way is the boundary between Manhattan Beach & Redondo Beach, and the east side (RB) is zoned for a higher residential density and developed with multi-unit apartment buildings bordering Aviation Way.

With this location and the limited lot area, the site does not lend itself to many commercial uses. However, it does offer a good location for new housing opportunities, which the General Plan and the Zoning District recognize as a permitted alternative, subject to RH standards. The CL zone anticipates high density residential as a potential use and also specifies RH development standards for multi-unit residential development, the highest and most intense residential classification. The zoning sets forth a 1000sf per unit density standard which will easily accommodate the four new homes and commercial unit. The site offers potential for the mixed use concept and a small office could be attractive to an owner of one of the residential units.

The proposed location and conditions will be consistent with the General Plan

The General Plan sets forth the concept that multi-unit residential use is beneficial to the overall growth and development of the City and that it balances critical housing needs of the community. The zoning district with permitted multi-unit development anticipates the type of use proposed in this project and the Zoning Code sets forth standards to which new development must adhere. These standards promote compatibility between adjacent uses and establish an acceptable environment for the residents of the new development. These new homes will provide contemporary housing opportunities for the community and thus enhance existing housing stock, and the commercial component will attract the type of professional businesses that are compatible with residential neighborhoods.

The building design is both attractive, nicely articulated, and provides an appropriate environment within which both the new homes and business can operate in a productive and harmonious setting without interfering with surrounding activities such as public access, traffic circulation, nearby business activities and the surrounding residential community. The design provides adequate parking for the building and

proposed and potential uses. It provides all amenities normally associated with the residential use, and the commercial component is situated at the corner location with visibility from both Mathews and Aviation Way. Finally, the use contemplated for this location, and its physical relationship to the site will not compromise the integrity of the existing neighborhood character or interfere with daily activities of street.

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

The proposed mixed use development will operate within all provisions of the Code and any conditions that govern the specific use. The proposed plans comply with all pertinent zoning standards and new construction will comply with applicable building code requirements.

The proposed use will not adversely impact nor be adversely impacted by nearby properties, nor will it create demands exceeding the capacity of public services and facilities which cannot be mitigated.

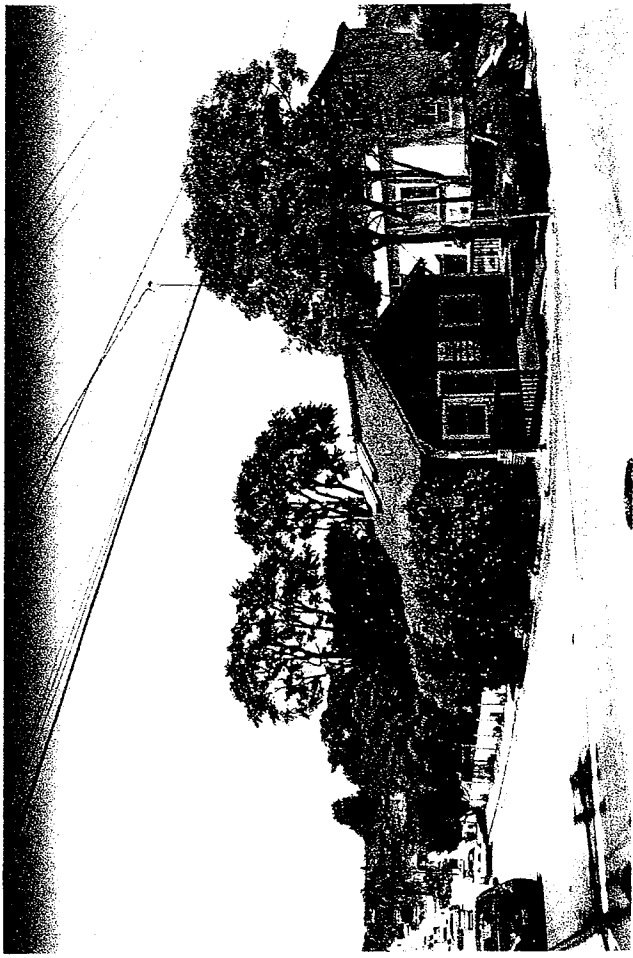
The proposed development will not adversely impact adjacent development as it has been designed to incorporate all typical necessities for the new homes, including private and guest parking, private and common open space, secure entries, comfortable living areas, storage areas, and segregated utilities. The commercial component is fully compatible with the new homes and is located at the corner thus giving it visibility from two street elevations and separating it from the residential activities.

The existing curb cut on Aviation Way will be utilized for the commercial unit and street parking will not be affected. The residential garages will have access from Mathews and each provides an enclosed two car garage and two open guest parking spaces. The on-site parking surplus will mitigate the loss of one street space on Mathews.

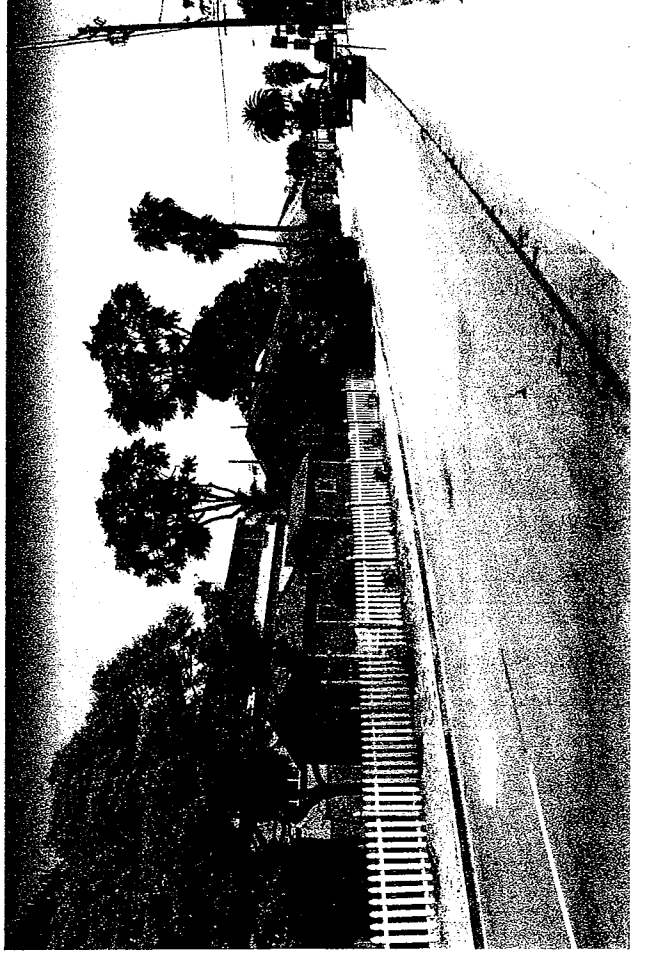
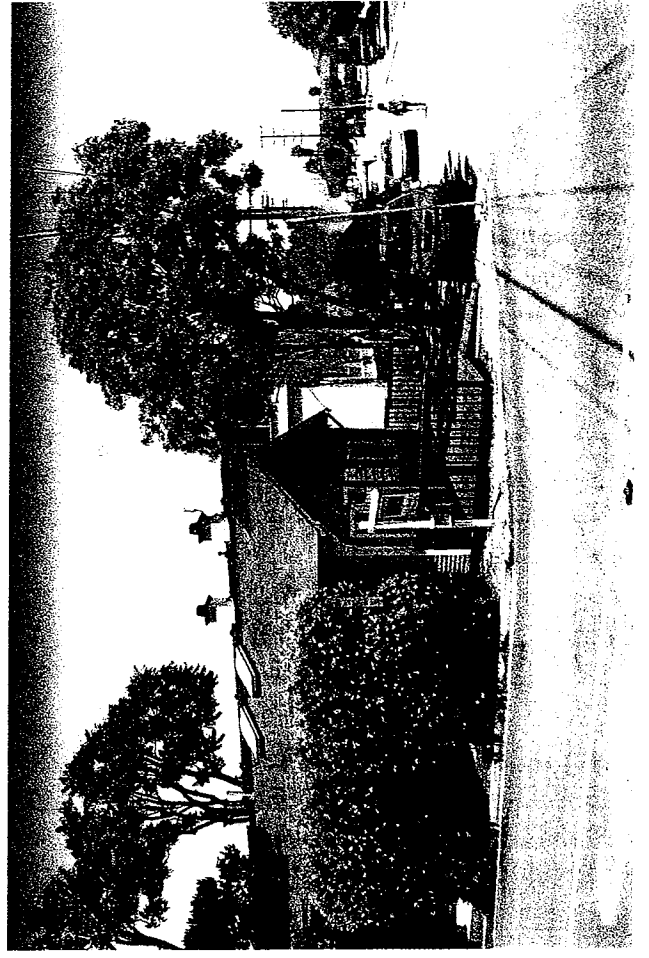
The proposal will not result in a dramatic change to the planned use for this area. The neighborhood is somewhat of a mixed use character, and the residential component is consistent with the kinds of uses found in the nearby neighborhoods. Although there are commercial businesses south of Mathews, the site does not readily lend itself to viable commercial development because of its limited size and remote location in terms of access and visibility.

The proposed site development has been designed to meet or exceed all requirements for set backs, parking, open space, landscaping, height, buildable area, and density. The individual homes have all the amenities normally anticipated in new homes, and they have been designed to provide privacy and security, reasonable size units, a comfortable living environment and a communal atmosphere that will benefit the residents and the neighborhood. The proposed project will provide new opportunities for home ownership. Their physical presence will certainly enhance the neighborhood character.

In summary, the proposed development meets the intent of the Code and General Plan Goals and Objectives with regard to land use and housing, it meets or exceeds all applicable requirements, and most importantly will result in an over-all development that is complimentary to the surrounding community and compatible with the neighborhood.



SUBJECT PROPERTY
627 AVIATION WAY



09/16/09

Avery J. Knapp
32003 Sea Ridge Circle
Rancho Palos Verdes, CA 90275
(310) 377-6095 *res* (310) 544-4497 *fax*

To: Angelica Ochoa, Assistant Planner

Re: Proposed Project at 627 Aviation Way

Available street parking on Aviation Way in that area is already limited and the building of the proposed project would only exacerbate the parking problem. Over the years I have seen that even while guest parking spots may be provided, guests and even residents of the building will park along on the street if that is more convenient at that time. There are far too few public parking spots on that street and the area is over built as it is. According to your own letter the office unit is only providing one parking space. Clients or customers of the business will certainly be parking on the street. Does the city know what type of business is going to be there in 1, 5, or ten years? If a barber shop were to be placed there, I could see a need for 10 or 15 cars. There are rarely spots available in that neighborhood and if this project is allowed it will contribute negatively to the public parking problem. Simply put, the area is already over-built and far too dense and this project should not be allowed.

Sincerely,

Avery J. Knapp