

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Angelica Ochoa, Assistant Planner

DATE: October 14, 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 at 627 Aviation Way (Cleland)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the continued Public Hearing and **APPROVE** the project by adopting the attached resolution.

APPLICANT

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

PROJECT BACKGROUND

At its regular meeting of September 23, 2009, the Planning Commission conducted and continued the public hearing for the subject project. The Commission was overall supportive of the project but expressed concerns regarding the dimensions for the street parking spaces on Mathews Avenue, and sufficient driveway width and garage access/maneuverability on Mathews Avenue for the residential uses. The Commission also requested that the plans include trees that provide a canopy and shade, not palm trees. The Commission directed the architect to work with staff and return with a revised plan to ensure the project meets the following Code requirements:

- 1) Driveway width for the residential parking spaces off Mathews Avenue per Section 10.64.140.
- 2) Back-up radius for the residential parking spaces off Mathews Avenue per Section 10.64.110 A.
- 3) Street parking spaces on Mathews Avenue remain at 8'x 20' as shown on the plans per Section 10.64.090.
- 4) Trees that provide a canopy and shade per Section 10.60.070 C.

DISCUSSION

The Planning Commission at their meeting of September 23, 2009 had concerns with the proposed driveway width and access in and out of the residential parking spaces on Mathews Avenue. The discussion focused on the driveway width and required back-up radius for the residential parking spaces. The Planning Commission was concerned that if the proposed driveway widths had to be widened to allow sufficient back-up space for the parking spaces, the street parking spaces on Mathews Avenue would be affected and the spaces would become smaller in length than proposed.

The required driveway width for parking spaces per Section 10.64.140 of the Municipal Code is a minimum of 8 feet wide with the addition of 1 foot on either side for any obstruction. The driveway width of 11 feet at the narrowest point at the curb as proposed meets more than the 8 foot minimum required driveway width. The driveway widens to 15 feet at the property line, and 17 feet at the garage door. The architect and staff believe that the proposed driveway widths are sufficient for cars to be able to get in and out the required parking spaces.

The street parking spaces as shown on the plans are 8 feet wide by 20 feet long. The required parking space for a parallel parking space per Section 10.64.090 of the Municipal Code is 8 feet by 22 feet. This dimension is used for “middle” parking spaces, when there are other cars or obstructions to the front and rear and more room is needed for maneuvering in and out of the parking space.

Public Works/Engineering and Traffic Comments

Planning, Traffic and Public Works Engineering staff reviewed and discussed the proposed plans and dimensions and agreed that the 20 foot parking space length was sufficient for a street parking space. Staff has consistently used 20 feet in length as a dimension for street parking when there are no obstructions.

On occasion Public Works has allowed less than 20 feet where there are unavoidable obstructions or unusual circumstances. This is the case for the street parking space closest to the corner of Mathews and Aviation. The handicapped access ramp at the corner required by Public Works will shorten the length of this one space to 18 feet. This space will be signed for compact parking only. Compact parking spaces are required to be a minimum of 15 feet in length, so 18 feet will be generous. Public Works, and Traffic staff does not want to allow this as a standard space as it is not the full 20 feet in length and a standard car could potential partially block the driveway and/or the handicapped corner access ramp.

The parking space on Aviation Way will be a standard size space that is 20 feet in length. Public Works will require that the curb in front of the parking space, in the area closest to the corner, will be painted red so that there will be no parking in this area and clear visibility at the corner of Aviation Way and Mathews.

A detail of the code required turning radius is shown in Exhibit B. Revised project plans with details of the required back-up radius, driveway width, and street parking dimensions per code requirements is shown in Exhibit C. Additionally, a condition has been included in the resolution to require that the street parking spaces remain as proposed.

Landscaping

The Commission requested that the plans be revised to include trees that provide a canopy and shade, not palm trees as shown on the original proposal. The architect has provided a revised concept landscape plan (Exhibit C) that shows shade trees, shrubs and ground cover. The detailed landscape and irrigation plans will be reviewed through the plan check process to ensure the landscape materials are appropriate and consistent with the conditions in the draft Resolution and Code requirements.

CONCLUSION

Staff feels that the applicant has addressed the Planning Commission concerns regarding the outstanding issues of meeting the required driveway width, required back-up radius, and providing minimum parking space dimensions on both Mathews Avenue and Aviation Way. Staff recommends that the Planning Commission conduct the continued public hearing, discuss the outstanding issues and approve the project by adopting the attached Resolution.

Attachments:

- A. Draft Resolution 09-
- B. Driveway Clearances handout- Chapter 10.64
- C. Revised Plans (Not available electronically)

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

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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 TRACT MAP NO. 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 and a continued public hearing on October 14, 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

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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 with a Use Permit.
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

1. 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

1. 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.

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

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 tract 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:

1. 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.
2. 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.
3. 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.
4. 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.

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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 and October 14, 2009. Any other substantial deviation from the approved plans and project description must be reviewed by the Director of Community Development to determine if approval by the Planning Commission is required.
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.

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10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
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.
- 13.* All street parking spaces on Mathews Avenue and Aviation Way adjacent to the subject site will be required to be minimum 8 feet wide by 20 feet long, with the exception of the space on Mathews adjacent to the corner of Aviation Way. The street parking space to the west of the corner on Mathews Avenue will be designated and signed as compact parking space with a minimum dimension of 8 feet wide by 18 feet long.

Condominium Conditions

14. 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 Mathews Avenue
 - b. Aviation Way and Nelson Avenue
 - c. Aviation Boulevard and Mathews Avenue
 - d. Aviation Boulevard and Nelson Avenue
15. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
16. 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

- 17.* The approved commercial space of 441 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.
18. 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.
19. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject business.
- 20.* 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. The commercial parking space 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
- 21.* 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

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upon residential portions of the building as determined to be appropriate by the Community Development Director.

22. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
23. Any outside sound or amplification system or equipment is prohibited.
24. Plans shall incorporate sustainable building components into the building and site design. 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 shall be designed to have a minimal effect on existing surface drainage patterns and result in only an incremental increase in the amount of surface runoff entering the public storm drain system. Gutters and downspouts shall direct roof runoff 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

- 25.* 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.
- 26.* 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.
- 27.* 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.
- 28.* A disabled access ramp must be installed on the corner of the public sidewalk. See City Standard Plan ST-9. Ramp must be shown on plans, and details are subject to approval of the Public Works Department.
- 29.* 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. Red curbing, signage and other details shall be installed per Public Works requirements.
30. 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

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31. 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.
32. A soil report must be submitted at the time of plan check for review and approval per Building and Safety requirements.
33. 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.
34. The project shall provide an occupancy fire barrier per CBC 58.3.3.3 (Table 538.3.3 and 706.3.8).
35. The project shall comply with CBC 712.2 FDR Fire Blocking requirements.

Procedural

36. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
37. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
38. *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.
39. *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.
40. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030.
41. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
42. 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.

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- 43. 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.
- 44. 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 October 14, 2009 and that said Resolution was adopted by the following vote:

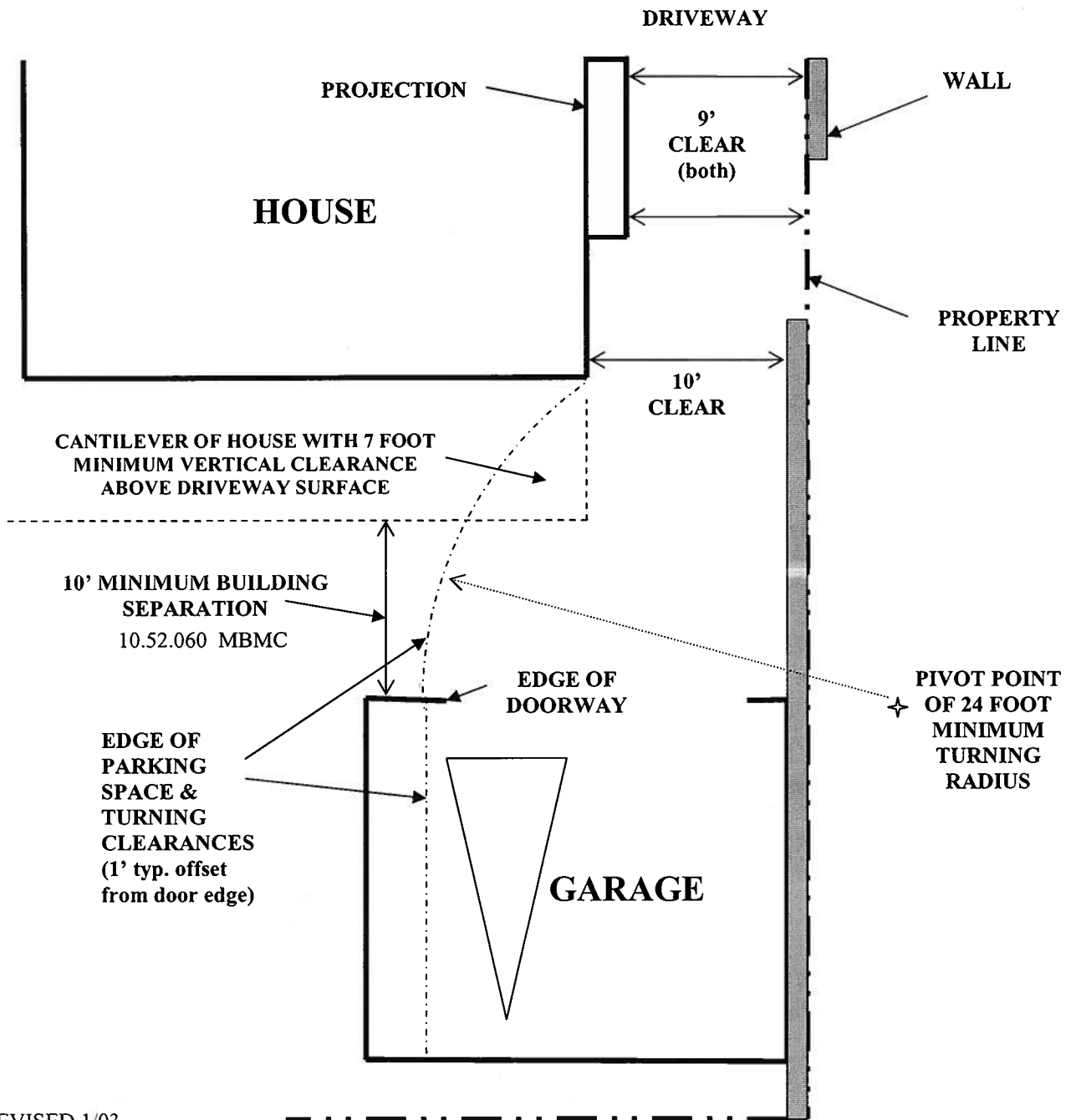
AYES:
NOES:
ABSTAIN:
ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen,
Recording Secretary

DRIVEWAY CLEARANCES

CHAPTER 10.64 MBMC



REVISED 1/03

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