

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

TO: Planning Commission

FROM: Marisa Lundstedt, Director of Community Development

BY: Nhung Madrid, Senior Management Analyst
Laurie B. Jester, Planning Manager
Ted Faturos, Assistant Planner

DATE: August 10, 2016

SUBJECT: Draft Downtown Specific Plan Follow-Up

RECOMMENDATION:

Staff recommends that the Planning Commission **ACCEPT THE PRESENTION, DISCUSS AND PROVIDE DIRECTION.**

BACKGROUND:

Following the release of the Draft Downtown Specific Plan in March, staff has held several study sessions with the Commission to discuss and further refine the Plan's key concepts. The initial meetings held in April and May were very productive as they provided the Commission an opportunity to ask clarifying questions, request additional information, and for staff to explore potential new options for the various elements of the Draft Plan.

DISCUSSION:

In response to the Commission's request, on July 27th, staff held its third study session with the Commission and provided a very thorough report and presentation, which included extensive research on items requested by the Commission, as well as provided the Commission new options for consideration (Attachment A). This study session was very successful in that the Commission was able to make well-informed recommendations for the majority of the key concepts and requested that only a few items return for additional discussion. The Commission came to a consensus and made recommendations of the following key concepts (Attachment B):

- Building Height/Stories
- Maximum Ground Floor Front Setback
- Façade Transparency
- Historic Preservation
- Ground Floor Retail Uses and Non-Conforming Uses
- Land Use Changes
- Second Story Outdoor Dining
- Retail Square Footage Cap
- Maximum Tenant Frontage

There was consensus from the Commission to continue the Draft Downtown Specific Plan Report to its next meeting to further discuss the following New Proposals:

- Maximum Setback
- Minimum Rear Yard Setback
- Live/Work Land Use Classifications
- Non-Pedestrian Oriented Ground Floor Uses on Alleys

CONCLUSION:

At this time, staff is requesting that the Commission review the information within the report and its attachments, discuss the options and recommendations presented and provide direction. Staff will then revise any Specific Plan language and return to the Planning Commission at a noticed public hearing.

Attachments:

Attachment 1: July 27, 2016 Planning Commission Staff Report and Attachments

Attachment 2: Draft Downtown Specific Plan Key Concepts, July 27, 2016 Planning Commission Consensus Items

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BACKGROUND:

On April 12th, the City held a Joint City Council/Planning Commission Study Session to review the Draft Plan's "Community Consensus Items" and "Items Requiring City Council Direction". The goal of the Joint City Council/Planning Commission Study Session was for staff to receive initial feedback from the Planning Commission and initial direction from the City Council on these key concepts; and staff was given sufficient feedback and direction to move forward. A follow-up City Council meeting was held on April 18th to further refine City Council's recommendations and direction on the Draft Specific Plan.

On April 27th, staff provided the Planning Commission with an update on the outcome of the April 18th City Council Meeting, which included a summary of Council's direction on Items Requiring Further Direction and Consensus Items. A summary of the City Council and Planning Commission Study Sessions are included in Attachment A. This meeting also provided an opportunity for the Commission to discuss, in greater detail, those same Consensus Items, as well as the items that needed further discussion and/or input from the Commission as suggested by Council. The Planning Commission made significant progress reviewing, discussing, asking questions and providing thoughtful feedback on the majority of the key concepts, and the discussion was continued to the May 11th Planning Commission Meeting to provide staff an initial opportunity to respond to some of the Commission's questions, as well as to review and discuss other sections/chapters in the Draft Downtown Specific Plan that had not been previously discussed.

Both Planning Commission meetings were very beneficial as they provided staff with thoughtful questions, different options to consider for various key concepts, as well as informational and follow-up items for staff to bring back to the Commission. Although the Commission's follow-up items have required a considerable amount of staff time to discuss, research and evaluate

amongst Planning staff and community members, it has proved to be advantageous to further evaluate and analyze various concepts and has given staff time to further refine and present well thought-out concepts, guidelines and regulations. Staff believes that this will result in a productive discussion with the Planning Commission, which will in turn allow for the Commission to make more informed recommendations to City Council.

DISCUSSION

Based on an extensive outreach effort, the community has indicated that they are generally happy with the existing scale, architectural elements, and uses within the Downtown. The Draft DTSP and the revisions proposed within this report strive to preserve and protect the existing Downtown environment, while planning for future changes that will enhance the qualities that the community cherishes.

Although Planning Commission concurred on the key concepts as described in Attachment A, there were several questions that Planning Commission had about other concepts in the Draft Downtown Specific Plan that warranted further review and study. Staff has spent considerable time reviewing and discussing the implications of the Draft Downtown Specific Plan and analyzing different lots with potential development scenarios. Other cities have also been contacted and their development standards and policies reviewed. Based on all of this research, staff has recommendations on a number of items as detailed below.

New Proposals

After an in-depth staff review and discussion, Staff requests further review from the Planning Commission on four proposals in the Draft Downtown Specific Plan that have that received little consideration from the Planning Commission in past meetings. These four proposals are the maximum setbacks, the minimum rear yard setback, the new live/work land use classification, and the limiting of some non-pedestrian oriented uses to all ground floor spaces including alleys.

Maximum Setbacks

As currently written, Chapter 6 of the Draft Downtown Specific Plan proposes maximum front, side, and street side setbacks. The intent of these maximum setbacks is to ensure that buildings maintain a relationship between the building, sidewalk, and pedestrian. Buildings set too far back from a sidewalk create an awkward void and possible dead zone that disrupts the pedestrian-oriented rhythm along the sidewalk. A potential concern with the maximum setbacks as currently written in the Draft Downtown Specific Plan is that a building's second story would also have to meet the maximum setback requirements. This would negatively affect building owners who want to design a building that only has a small amount of square footage on a second story, forcing them to "fill out" their buildable envelope up to the maximum setbacks. Staff does not believe this is the intent of the maximum setback requirement and proposes to change the term to "maximum ground floor setback". Maximum ground floor setbacks still encourage the pedestrian-oriented rhythm of buildings and storefronts without penalizing property owners who want to design their buildings in a way that provides a small amount of square footage on the second story of their buildings.

Minimum Rear Yard Setback

Another proposed standard of the Draft Downtown Specific Plan that Staff believes needs to be changed is the minimum rear setback requirement in Chapter 6. As currently written, the minimum rear setback of a building is 0 feet or 10 feet. This means that the rear of a building can either be on the rear property line or a minimum of 10 feet away, but not in between. The goal of a minimum 10 foot setback is that it allows enough room for a car to park parallel to the rear of a building along an alley. However, a potential consequence of this proposal is that it would create far too many nonconforming structures, whereby the rear of the building would have to be exactly on the property line or exactly 10 feet from the rear property line.

Staff proposes that the minimum rear yard setback be changed back to zero as it currently exists in the code, but have a requirement for paved parking, landscaping, or a combination of both depending on the dimensions between the rear alley property line and the building. The dimension of the required paved parking area would be the length of a car space (single, tandem, etc) with any leftover space over the required dimensions of a parking spot dedicated towards landscaping. Staff's revised recommendation for Planning Commission's consideration would avoid having a six or seven foot area of pavement between a structure and a rear property line on an alley where a car would be tempted to illegally park and cause more congestion on an alley. Having landscaping in alleys would also help beautify alleys to create a more inviting environment where property owners and tenants can have pride of ownership. Staff proposes the following revised language:

Non-alley- 0' . Alleys- 0, 10, or 20 feet of paved parking area is allowed. For any other setback dimensions, the balance of non-parking area shall be separated with permanent barriers and landscaping or other materials subject to Director of Community Development approval. Parking areas great than 20 feet in depth shall require submittal of a parking and landscape plan for review and approval of the Director of Community Development for conformance with the standards and guidelines of the Specific Plan.

Live/Work Land Use Classification

The Draft Plan proposes a new use classification called "live/work" that would be allowed in the CD zone with a Use Permit. The Draft plan defines live/work as:

A "live/work unit" is defined as a single residential unit (e.g., studio, loft, apartment, condominium, house) that includes adequate working space reserved for, and regularly used by, one or more person residing therein. The working space may accommodate one or more accessory commercial, office, and/or industrial uses, and may not exceed more than 50 percent of the floor area.

Although staff believes the Draft Plan made a good first step to establishing a live/work use, more refined and robust regulations are needed in order to adequately regulate any potential live/work use. Different cities regulate live/work differently depending on each city's unique circumstances and existing land use patterns, with larger cities having an elaborate live/work regulatory framework compared to less intricate regulations employed by smaller cities. Sunnyvale is a city that has strong yet concise live/work regulations that establish a middle

ground between what is currently being proposed in the Draft Plan and the more comprehensive regulatory frameworks governing live/work uses (Attachment B).

Sunnyvale’s live/work ordinance regulates different aspects of the live/work use, including but not limited to the location of the residential component (the “live”), impacts on neighbors of the commercial component (noise, smells, traffic, etc), signage, on-site employees, and many other aspects. Staff believes that if the Planning Commission needs to add more regulations that govern the location of both the “live” and the “work” components on a lot, the types of uses that qualify for “the work” component, on site employees, and other aspects of the live/work use. Staff strongly believes that any allowed office use for the work component that does not have a supporting retail component needs to be explicitly kept off the ground floor in order to encourage the goal of a pedestrian oriented, active streetscape that is consistent with other aspects of the Draft Plan.

In addition to discussing additional live/work regulations, staff would also like to highlight that live/work land use classifications generally require a very rigid regulatory regime in comparison to the existing mixed-use classification. Mixed-use land use classifications allow different commercial uses, generally on the ground floor and residential uses generally at the rear and/or on the top floor, or some combination thereof. Unlike typical live/work requirements, however, mixed use regulations usually do not have any rules on who is allowed to occupy the respective commercial and residential portions of the same building. Typical live/work requirements require the same individual to reside in the unit that also functions as their work space. A person who doesn’t “live” and simultaneously “work” in the same unit would not be meeting the goal of the live/work use, would likely not be in conformance with any potential live/work entitlement approved by the City and thus be subject to code enforcement. Existing mixed use land use classifications have many of the same benefits of live/work classifications but are more flexible from regulatory perspective.

Staff welcomes the Planning Commission’s input on all of these items of discussion.

Non Pedestrian Oriented Ground Floor Uses on Alleys

The Draft Downtown Specific Plan also proposes that banks, credit unions, savings and loans, offices, communication facilities, and catering services that are “adjacent to a sidewalk, pedestrian area, or on a ground level” require a use permit. This requirement has broad approval from the community, City Council, and Planning Commission; as the conversion of Downtown ground floor space to office and bank uses was one of the original catalysts for the creation of a Downtown Specific Plan.

Staff is concerned that the current language in Chapter 4 of the Plan requires these uses (bank, office, etc) to get a use permit for all ground floor spaces including spaces in the rear of lots located on alleys that are not adjacent to any sidewalk. Staff feels that having an office or other non-pedestrian oriented use on an alley may be appropriate, and suggests possible language changes for Planning Commission consideration:

“Banks, credit unions, savings and loans, offices, communication facilities, and catering services are permitted above ground floor. These uses are also permitted if the use

exclusively fronts an alley subject to Director’s approval. Other locations require a Use Permit such as ground floor adjacent to pedestrian areas.”

Staff notes that many other cities that require use permits for ground floor offices and similar uses in their downtown allow these non-pedestrian oriented uses on alleys without a use permit. Staff believes this new language is better suited to the goals of the Draft Plan by still promoting a pedestrian-oriented streetscape while giving flexibility to property owners and non-pedestrian oriented uses.

Follow Up to Planning Commission’s Questions

Building Height

Staff has spoken the Building and Safety Division and Fire Department staff and feels that a correctly tailored two-foot maximum height exception for elevator shafts is an appropriate projection above the maximum height limit. Staff agrees with Planning Commissions’ recommendations that the two foot maximum height exception can be no larger than 10 feet by 10 feet, and must be located in the rear half of the lot.

Maximum Ground Floor Front Setback

The Draft Downtown Specific Plan proposes a new maximum ground floor front yard setback of 10 feet. Planning Commission directed Staff to gather data on existing front yard setbacks to see what impact this new regulation would have on existing buildings. Staff collected data on 14 different businesses Downtown (Attachment C), and six of the 14 (42.9%) exceed the 10 foot maximum front setback requirement. Most of these businesses are eating and drinking establishments where the front yard setback serves as an outdoor dining area on private property. Staff believes that keeping the proposed 10 foot maximum ground floor front yard setback is appropriate. Should Planning Commission chose to increase the maximum ground floor front yard setback, Staff believes it should be increased to no greater than 12 feet.

Façade Transparency

The Draft Downtown Specific Plan regulates “ground floor commercial façade transparency along sidewalks and pedestrian spaces”. The intent of the commercial façade transparency requirement is to ensure that commercial buildings provide visual interest for pedestrians, helping to create active street fronts and lively streets. The Draft Specific Plan specifies a minimum 70% storefront transparency, measured between 2.5 feet and 8 feet above the finished ground floor.

The consultant team recommended the 70% value in the Draft Downtown Specific Plan based on their best practices typical recommendation so that communities can achieve and perpetuate storefront façade designs that create and maintain a strong relationship between commercial tenants and the adjacent streetscape. After reviewing Manhattan Beach’s Downtown district’s buildings in greater detail, the consultant team recommends reducing the minimum transparency requirement value to 50 - 60% for consistency with the existing Downtown built environment. The consultant team believes this range is inclusive of and

consistent with the existing storefronts that currently help activate the district's commercial streets.

Several cities throughout the country and California have commercial façade transparency regulations. These regulations vary considerably from city to city in terms of the minimum percentage of transparency required and what portion of the façade the minimum transparency has to be provided in. The City of San Francisco, for instance, requires a minimum of 60% transparency, measured between 4 feet and 8 feet above the adjacent sidewalk level (Attachment D). In certain overlay districts the City of Inglewood requires 50% window transparency, measured between 4 feet and 8 feet, on the ground floor of commercial buildings facing a public street; with corner commercial properties required to have 60% transparency. The City of Los Angeles' Cornfield Arroyo Seco Specific Plan requires at least 50% transparency of a building's street façade measured between 2 – 8 feet from the finished floor level of the ground floor.

Staff recommends refining the minimum façade transparency requirement to better reflect the guidance of the Planning Commission, Staff's concerns, and the actual existing Downtown built environment. Staff recommends that the transparency standards should apply primarily to the three main commercial corridors that contain the vast majority of downtown businesses: Manhattan Beach Boulevard, Highland Avenue, and Manhattan Avenue. Storefront or storefront sides that are not located on pedestrian oriented corridors, like alleys, should not be subject to the minimum façade transparency requirements. Storefront sides on walk streets should also not have to meet minimum façade transparency requirements as commercial activity should be steered towards the main commercial corridors, not walk streets that tend to be more residential in nature.

Corner properties present an interesting situation in applying minimum façade transparency requirements. For instance, some corner sides are on a very steep slope where having transparency can be very challenging. Some corner tenants have bank vaults, dressing rooms, storage, or restaurant kitchens that shouldn't be exposed to pedestrians. In these cases, Planning Commission should consider allowing the corner property to meet the minimum façade transparency requirements on at least the primary, shorter front side, and provide some percentage of transparency on the second corner side near the front. Staff recommends that architectural elements that create visual interest and are compatible with the Chapter 6 Design Guidelines be required on the side of the corner property that is not subject to the minimum 50-60% transparency requirement.

Structural limitations introduce another constraint and could occur on both interior and corner lots. In these circumstances, a property owner could have great difficulty making a nonconforming façade meet the minimum façade transparency requirements during a structural alteration or renovation of an older building. If there are very unique, burdensome, and cost-prohibitive structural considerations, supported by documentation from a licensed structural engineer, Staff recommends allowing flexibility from the minimum façade transparency requirement. Elements that create visual interest that are compatible with the Chapter 6 Design Guidelines will be required on the façade where the transparency flexibility has been granted.

Existing businesses that do not meet the minimum façade transparency requirements would be allowed to maintain their nonconforming façade even if the space was vacated and a new tenant took over the space. A business that proposes structural alterations to their façade, however, would have to comply with the minimum façade transparency requirement if they did not already meet the requirement.

Historic Preservation

Several Planning Commissioners expressed concern with the Historic Preservation portion of the Design Guidelines in Chapter 6 and asked Staff to revise the language to better reflect that City’s recently adopted Historic Preservation Ordinance. It is important to note that these are guidelines, not regulations and staff believes they work in concert with the existing Historic Preservation Ordinance. Attachment E shows the changes that staff proposes to this portion of the Design Guidelines.

Ground Floor Uses and Non-Conforming Uses

The Draft Downtown Specific Plan proposes that all offices, banks, credit unions, savings and loans, catering services, and communication facilities that are “adjacent to a sidewalk, pedestrian area, or on a ground level” require a use permit (see earlier discussion in staff report on how staff wants to alter this language). Many cities throughout California require Use Permits for ground floor office uses in their respective downtown areas or similar commercial districts, including but not limited to Laguna Beach, Palo Alto, Sausalito, San Clemente, Temecula, and Monterey. Both City Council and Planning Commission have given their approval to this regulation change, but had several questions as to what would happen to the many existing offices and banks on the ground floor that would become legal nonconforming uses.

Manhattan Beach Municipal Code Chapter 10.68 *Nonconforming Uses and Structures* provides specific detail on the types of repairs, maintenance, and expansion a legal nonconforming use can engage in before the legal nonconforming use has to obtain a Use Permit (Attachment F). In general, a legal nonconforming use like a bank could take over and move into a legal nonconforming bank building as long as the building’s square footage is not expanded more than 10%. Ground floor uses that would become legal nonconforming under the Draft Plan could still repair, maintain, and enhance their tenant spaces without triggering the need for a Use Permit.

If a ground floor legal nonconforming use becomes vacant, the same legal nonconforming land use could move into the space without needing a Use Permit. This means that an office use can take over another ground floor office space, but an office could not take over a bank or vice versa because an office is a different use classification than bank, catering service, etc. Section 10.68.040 *Abandonment of Nonconforming Use* of the city’s municipal code includes guidance in the event a space containing a nonconforming use becomes vacant for an extended period of time:

“A nonconforming use that is discontinued or changed to a conforming use for a continuous period of 180 days or more shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in

which it is located, provided that this section shall not apply to nonconforming dwelling units except nonconforming accessory dwelling units, which are permitted. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.

- A. Exception. The time necessary to complete review of a building application submitted within the 180 day period, and subsequent related construction activities shall not be counted towards the 180 days. However, time following the lapse of a building permit application or building permit shall be counted towards the 180 days.”

Staff proposes to follow the same provisions as established in Section 10.68.040 when reviewing existing uses that would become legal nonconforming as a result of the Draft Downtown Specific Plan.

Land Use Changes

Chapter 6 of the Draft Plan proposes several changes to permitted land uses in the Downtown Commercial (CD) zone. One land use change proposed in the Draft was to make animal hospitals an unpermitted use. City Council members, Planning Commissioners, and several residents brought up concerns that veterinarian services are an important resident-serving use and should be allowed, although there was agreement that long term animal boarding could have impacts and was not a desirable use. Staff has crafted language to create a new land use classification for veterinarian services that would be allowed in the CD zone to address these aforementioned concerns. The new land use classification, “Animal: Veterinary Services”, would read as follows:

"Animal: Veterinary Services. Establishment where small animals receive medical treatment, and overnight boarding only if associated with the on-site veterinary services. This classification only includes facilities that are entirely enclosed, soundproofed and air-conditioned."

The “Animal: Veterinary Services” classification makes a point to tie the overnight boarding of animals to medical treatment to minimize impacts. Animal Hospitals, as defined in the Manhattan Beach Municipal Code 10.08.050, are allowed to board animals for up to 30 days and would not be allowed in the CD zone along with Animal Boarding as a stand-alone use.

Another new land use classification that staff has created that is currently not in the Draft Plan is the “Optometrist” classification. Under the current Draft Plan, optometrists are classified as an office use and thus would be required to have a use permit if they occupied a pedestrian-adjacent ground floor space. Several Downtown optometrists reached out to Planning Commissioners, as well as Staff, and explained that they are unlike other medical office uses in that they have a significant retail component to their business, since they sell eye glasses, contact lenses and sunglasses. Planning Commission directed Staff to create a new land use classification for optometrists and to allow optometrists to be a permitted use on the ground floor. Staff concurred and created the follow land use classification:

“Optometrist – An “Optometrist” is defined as primarily a retail use, where the sale of eye glasses, contact lenses, and other eye care and vision-related products are provided as

the primary use. The use also includes as an incidental use, not located on the ground floor streetfront, a medical facility where patients are provided healthcare by one person or a group of eye care professionals practicing optometry.

The proposed Optometrist land use classification emphasizes the retail component of the optometrist business, requiring optometrists in ground floor spaces adjacent to pedestrian areas to place the retail component of their business in the front of their space with the goal of having an engaging storefront that contributes to an active and pedestrian-oriented streetscape.

Vehicle repair and service stations will also not be allowed in the Downtown.

Second-Story Outdoor Dining Use Permit Application Submittal Requirements

Planning Commission requested Staff to review how the impacts of potential second-story outdoor dining could be mitigated during the use permit process. Planning Commissioners had expressed support for second-story outdoor dining provided that potential noise problems could be alleviated for the benefit of Downtown residents. Staff recommends that for use permit applications with second-story outdoor dining with full alcohol service and hours of operation after 11:00 PM, an acoustical study that evaluates the potential impact of the proposed outdoor dining be provided as one of the use permit submittal requirements.

Staff believes that requiring an acoustical study as part of the use permit application for second-story outdoor dining will be a helpful tool to the Planning Commission and City Council in trying to balance the needs of restaurateurs, restaurant patrons, Downtown residents, and the whole Downtown community when reviewing a use permit application with proposed second-story dining. It is important to note that the proposed acoustical study submittal requirement only applies to use permits requesting permission for outdoor dining on the second level, and outdoor dining on the ground level will not have to meet this submittal requirement as part of the use permit application process although the findings for all use permits require any potential adverse impacts to be mitigated.

Retail Square Footage Cap

The current Draft Downtown Specific Plan does not have a maximum square footage for any particular use, but does require use permits for formula uses. During Study Session deliberations, the City Council directed Staff and the consultant team to remove the formula use regulations from the Draft Downtown Specific Plan.

After the Draft's release several stakeholders, and the Downtown Residents Group in particular, called for a cap on the square footage of retail spaces. The idea behind the retail square footage cap is that it would require a Use Permit for retail uses that are over a certain size. This would require further review and a public hearing process for larger retail uses. Often formula retail uses tend to seek out spaces that are significantly larger in size than mom and pop-run retail spaces. After hearing from the public, City Council directed Staff and the Planning Commission to explore the concept of a retail square footage cap and eliminate the formula use regulations from the Draft plan.

Retail Sales is a distinct land use classification as defined in the Manhattan Beach Municipal Code., defined in MBMC 10.08.050 Y. as:

“The retail sale and storage of merchandise not specifically listed under another use classification conducted wholly indoors unless otherwise specified by Section 10.60.080, Outdoor facilities. This classification includes department stores, drug stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, hand-crafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).”

A retail square footage cap would only apply to businesses that met the definition of Retail Sales, and would not apply to any other land use classifications within the CD Zone, such as the Food and Beverage Sales land use classification (grocery stores like Vons and Manhattan Grocery), the Personal Services land use classification (hair salons, tailors, shoe repair, dry cleaning, etc), or to the Offices, Business and Professional land use classification. Staff does not recommend any square footage caps for these other uses that are not defined as Retail Sales. MBMC 10.08.050 Commercial Use Classifications defines all of the potential commercial land use classifications (Attachment G), a number of which already require a Use Permit.

Staff researched what measures other municipalities have taken to limit retail square footage size in order to discourage formula uses. Many municipalities across the country have crafted regulations to discourage big box stores (50,000 sq ft or more). Such regulations seem inappropriate for Downtown Manhattan Beach considering an entire block on Manhattan Beach Boulevard between Highland Avenue and Manhattan Avenue is 24,300 square feet,; an unlikely site for a big box store. Furthermore, any new building over 5,000 square feet and any lot over 10,000 square feet already requires a use permit under the existing Municipal Code and proposed Draft plan. A Use Permit is also triggered by any new restaurant or significant restaurant expansion and all office uses over 2,500 square feet.

The only municipality that has attempted to target much smaller tenant spaces that Staff was able to find is San Francisco. San Francisco’s regulations require non-residential uses over a certain size to obtain a use permit, with the size trigger for a use permit ranging from 2,000 square feet to 6,000 square feet depending on the neighborhood. (Attachment H- San Francisco’s Use Size Limits). The stated need within San Francisco’s code for use size limits is “to protect and maintain a scale of development appropriate to each district”, similar to the community’s goals for Downtown Manhattan Beach. It is unclear if San Francisco’s use size regulations are specifically designed to discourage formula retailers considering that San Francisco also has restrictions on formula uses in addition to square footage regulations.

City Councilmembers and Planning Commissioners asked Staff to collect data on existing retail square footages within the CD zone in order to determine what the appropriate retail square footage cap should be. Staff has collected data (Attachment I) on many retailers

within the CD zone with the help of the Downtown Manhattan Beach Business and Professionals Association, by knocking door to door on retailers in the Downtown, and by looking at building plans on file. Staff was able to collect information on 43 retailers in the CD zone, which not a complete accounting of all the retailers Downtown.

Since some of the square footage data gathered was self-reported by tenants, some of the numbers in the data set might be artificially low and not represent the actual square footage of some tenants. Many tenants may also not have known the exact square footage of their space, or may have reporting the square footage on their lease which isn't necessarily the true square footage of the space depending on how the landlord has chosen to consider storage, ramps, stairs, elevators, bathrooms, hallways, and other common area square footage not related to the sales floor area. The City's Zoning Code uses Buildable Floor Area (BFA), which includes exterior walls, and for commercial uses excludes parking, mechanical rooms, and elevators. Any retail square footage cap that might be recommended by Planning Commission should be aware of these issues when analyzing the data on existing retail square footages.

Any potential retail square footage cap should set at a number that balances the needs of merchants and property owners while still maintaining the small-town character of the community. Staff acknowledges that retail spaces must be large enough to generate the revenue needed to sustain a small business owner's livelihood, which in turn perpetuates economic vitality and helps property owners save money by keeping vacancies low.

Analyzing the collected retail square footage data of 43 downtown retailers, nine stores or about 21% of the retailers have total square footages in excess of 1,600 square feet. Four of these nine retailers with over 1,600 square feet are not formula retailers and in fact have Downtown Manhattan Beach as their only location.

Staff believes that any retail square footage cap considered by Planning Commission should be based off of the sales floor area of a retailer. The sales floor area, in combination with the other Specific Plan regulations and guidelines will provide consistency with existing use, while providing flexibility for retailers that may have larger storage or other back of house areas. Sales floor area should be defined as the total area of a tenant space, measured from the inside walls, excluding rooms that are permanently inaccessible to the public, including but not limited to storage rooms, offices associated with the retail tenant, mechanical rooms, bathrooms, and common areas shared with other tenants in a building. Staff recommends a sales floor area-based square footage cap around 1,600 square feet for consistency with the square footage of existing retailers.

If a retail square footage cap is implemented, an existing retailer whose square footage exceeds the cap would becoming nonconforming. The nonconforming retail space would only have to be brought into conformance if the retail space went under significant structural alterations in excess of 50% building valuation, typically only when a new tenant is proposed for the site.

Another potential option that has not been discussed is to not adopt a maximum retail square footage cap and a tenant frontage cap and instead follow San Francisco's lead in requiring a use permit for any use over a certain square footage that is lower than the current 5,000 square foot requirement. Instead of the existing 5,000 square foot Use Permit trigger that applies to the entire city, perhaps the Planning Commission may consider a much lower square footage threshold to trigger the Use Permit requirement in the CD zone. This recommendation in concert with the proposed Design Guidelines may allow a closer review of what develops in the Downtown without creating a new regulatory framework.

Maximum Tenant Frontage

The current Draft Downtown Specific Plan recommends a 50 foot maximum individual building frontage along a street in Chapter 6. Many stakeholders that took part in the community workshops after the release of the Draft Plan interpreted the maximum building frontage as a maximum tenant frontage, and felt that a 50 foot maximum tenant frontage would be out of character for our small beach town. After hearing from the public, City Council directed Staff and the Planning Commission to explore a 35 foot maximum tenant frontage on Manhattan Beach Boulevard and evaluate options for maximum tenant frontages along Manhattan Avenue and Highland Avenue. City Council's stated goal was to prevent single tenants from taking over and combining multiple storefronts along a street or even consolidating building lots and building larger buildings with larger tenant spaces that would be out of character for Downtown Manhattan Beach.

Staff has reached out to many different types of cities and cannot find any that have a specific maximum tenant frontage in their zoning codes.

City Councilmembers and Planning Commissioners also asked for Staff to collect data on existing Downtown tenant frontages so that any proposed maximum tenant frontage is not arbitrary but based on existing building and lots. Staff has measured nearly every single tenant frontage along Manhattan Beach Boulevard, Highland Avenue, and Manhattan Avenue and has compiled the information (Attachment J). The measurements were taken with a measuring wheel and are fairly accurate.

It is important to understand the sizes and orientation of lots along different streets in the Downtown area in order to accurately craft a potential maximum tenant frontage regulation. Individual lots on each side of Manhattan Beach Boulevard generally run north-south and are usually 30 feet wide by 90 feet long. The Kettle and Chase Bank each take up an entire double lot (60 feet wide by 90 feet long) on Manhattan Beach Boulevard, and the Sketchers office site is 120 feet long on Manhattan Beach Boulevard by 90 feet wide. The Strand House takes up a double lot that is 50 feet wide on Manhattan Beach Boulevard by 90 feet long. Lots along the western side of both Manhattan and Highland Avenue tend to run north-south and have 90 feet of frontage along Manhattan/Highland Avenues and be either 30 feet or 60 feet deep depending if the lot is a single or double lot. Individual lots along the eastern side of Manhattan and Highland Avenues tend to run east-west and be 33.33 feet wide by 100 feet long. The eastern side of Manhattan and Highland Avenue also have several double lots that are 66.66 feet wide. There are of course other lots along all these streets that have

different shapes, sizes, and orientations that fall outside the parameters described above. See Attachment K to better understand the orientation of lots.

Seven of 53 storefronts (13.2%) along Manhattan Beach Boulevard exceed 35 feet in width. Eight out of 33 storefronts (24.2%) along Highland Avenue exceed 50 feet in width. Two out of 62 storefronts (3.2%) along Manhattan Ave exceed 50 feet in width.

If a maximum tenant frontage is pursued, Staff believes that lots 35 feet or more in depth should have a maximum tenant frontage of 35 feet, and lots with less than 35 feet in depth should have a maximum tenant frontage of 50 feet. As stated by many City Councilmembers and Planning Commissioners, the regulations adopted in the Downtown Specific Plan should not create a situation where a potential tenant would be forced to occupy a space that is not large enough to sustain a business. A 35 foot wide maximum tenant frontage on a 30 foot by 90 foot lot, oriented north-south along Highland or Manhattan Avenue, would create a tenant space of 1,050 square feet, (35 feet wide by 30 feet deep) regardless of the tenants land use classification. The 50 foot frontage for these shallow lots creates a 1,500 square foot tenant space, which is a reasonable size consistent with existing Downtown Square footages.

For corner lots staff would need to determine on a case by case basis which storefront would be subject to the maximum tenant frontage of 35 feet or 50 feet, with Staff taking into account the lot's development, size, slope, and the tenant patterns of the surround blocks. Key to staff reaching a determination on the appropriate maximum tenant frontage for corner lots would be consistency with surrounding development, maintaining and enhancing pedestrian-orientated orientation, and encouraging an active, lively streetscape.

Relationship Between 1) Retail Square Footage Cap, 2) Maximum Tenant Frontage, and 3) Existing Lot Size and Orientation

An economically vibrant downtown can only exist with thriving businesses, and new regulations that will be adopted in the Specific Plan need to be cautious to not create situations where tenant spaces become too small or awkwardly shaped.

Planning Commissioners asked staff to look at the relationship between a potential retail square footage cap and a maximum tenant frontage. Some Planning Commissioners expressed concern about the potential shape of the commercial spaces that could emerge if a retail square footage cap and maximum tenant frontage existed, with the potential for a long, narrow commercial space that would discourage patrons from walking to the far end of the space. Planning Commissioners stated that a good rule of thumb in retail is that a sales floor length should be no longer than three times the width of the sales floor and asked staff to apply this rule to existing lots in the Downtown to see if potential sales floors would exceed this 1:3 (width:length) ratio.

After analyzing the existing lots in the Downtown, staff feels it is possible, though unlikely, that a sales floor would exceed the 1:3 ratio. The shape of many lots Downtown are themselves 1:3 (30' x 90', 33.33 x 100'), although the width of many tenant spaces are only half the width of a lot. Nevertheless, it is extremely unlikely that a sales floor would take up

the entire depth of a lot from front to back considering almost all retail spaces have dressing rooms, stock rooms, offices, and potentially other rooms located in the rear of their spaces.

In addition to these considerations, many of the lots along Manhattan Beach Boulevard and even Manhattan Avenue and Highland Avenue have parking spaces and even separate tenants located on the alleys in the rear of their lots. This means that an entire tenant space might only occupy the front half or two thirds of a lot, and the depth of that space's sales floor would be even less after accounting for the retailer's office, bathroom, stockroom, etc.

All of the lots Downtown have access off of two streets or a street and an alley, with a few exceptions. This provides an opportunity for much more flexibility for second tenant spaces and/or parking at the rear, particularly for deep lots. The lots that do not have two public accessways include, most of the sites that surround Vons at the northeast corner of 10th Street and Morningside Drive, which are zoned CD but developed with legal nonconforming residential uses. The other two lots are 208 Manhattan Beach Boulevard, a 25 foot wide by 66.6 foot lot long lot with a 40 foot long building and a garden in the back; and 1116 Manhattan Avenue, a 33.33 foot wide by 50 long lot that is fully developed lot line to lot line. Both of these two buildings would meet the 1:3 ratio.

Topography might also play a role in preventing a building from going all the way to the rear property line. Many lots on the eastern side of Manhattan Avenue have significant grade changes going up from west to east. Buildings built on these east-side Manhattan Avenue lots are likely to have a second story that is level with Bayview Drive in the rear, providing more square footage with light and a view instead of being buried deep underground closer to the rear property line, as an example, 1110 Manhattan Avenue (Attachment L). Staff has also prepared several different scenarios of how tenant spaces would be laid out given different tenant frontages and maximum square footages (Attachment M).

After analyzing the existing lot sizes, lot patterns, lot topography, and buildings, Staff believes that is possible although unlikely that a retail sales floor would exceed the 1:3 ratio.

CONCLUSION

Staff recommends that the Planning Commission review the information within this report, discussion the options and recommendations presented and provide direction. Staff will then revise any Specific Plan language and return to the Planning Commission at a noticed public hearing.

Attachments:

- Attachment A: Draft Downtown Specific Plan Key Concept Consensus Items
- Attachment B: Sunnyvale's Live/Work Regulations
- Attachment C: Downtown Front Yard Setback Data
- Attachment D: San Francisco Transparency Handout
- Attachment E: Chapter 6 Historic Preservation Updates
- Attachment F: MBMC Section 10.68.030 Nonconforming Uses and Structures
- Attachment G: MBMC 10.08.050 Commercial Use Classifications
- Attachment H: San Francisco Maximum Use Size

Attachment I: Downtown Retail Square Footage Data
Attachment J: Downtown Tenant Frontage Data
Attachment K: General Plan Land Use Map
Attachment L: Site Plan/First Floor Plan for 1110 Manhattan Ave
Attachment M: Maximum Frontage Scenarios- Various Lots

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Attachment A: Draft Downtown Specific Plan Key Concept Consensus Items

Vision

City Council Direction

All in favor of the 1996 Vision statement from the Downtown Strategic Action Plan with minor modifications and acknowledge visitors: “Maintain Downtown Manhattan Beach as a safe, attractive, pedestrian-friendly village with a small town atmosphere and sound economy which sustains uses, activities, and family and cultural events primarily oriented towards the local Manhattan Beach Community.”

Planning Commission Input

No additional input.

Staff Follow-Up

“Maintain Downtown Manhattan Beach as a safe, attractive, pedestrian-friendly village with a small town atmosphere and sound economy. Downtown Manhattan Beach sustains uses, activities, and family and cultural events primarily oriented towards the local Manhattan Beach Community, while acknowledging the role that visitors play in supporting the Downtown.”

Beachhead Site

City Council Direction

Support of study of Beachhead for circulation and agreed on no terraced seating.

Planning Commission Input

Support idea of various concepts at Beachhead (seating, bike parking, etc) but had concerns with execution of the concepts as presented in the Plan.

Staff Follow-Up

City Traffic Engineer has prepared a concept sketch of a potential Beachhead circulation option.

Towers and Turrets at Corners

City Council Direction

Support for Option #1, “Do not allow towers/turrets to exceed the height limit.”

Planning Commission Input

No additional input.

Staff Follow-Up

Removed from Draft Downtown Specific Plan.

Eliminate Chapter 9: Economic Development

City Council Direction

Eliminate Chapter 9: Economic Development from the Downtown Specific Plan, and retain content from that chapter to be used by the City Manager’s Office in the Economic Development Advisory Committee (EDAC) formation.

Attachment A: Draft Downtown Specific Plan Key Concept Consensus Items

Planning Commission Input

The Commission felt that there was valuable information in Chapter 9 and were disappointed that entire chapter was deleted from the Plan.

Staff Follow-Up

Removed Chapter 9 from the next iteration of the Draft Downtown Specific Plan, but incorporate a few key economic vitality goals within the Plan.

Pedestrian Plazas

City Council Direction

Support for review of pedestrian plazas and exclude mid-block crossings.

Planning Commission Input

No additional input.

Staff Follow-Up

Staff revising text and illustrations in Draft Plan to reflect City Council direction.

Private Dining in Public Right of Way

City Council Direction

Support for the Plan to provide the option of outdoor dining in public right-of-way in furniture zone, and for staff to follow-up and evaluate the City's current sidewalk dining regulations and enforcement procedures.

Planning Commission Input

No additional input.

Staff Follow-Up

Code Enforcement has been educating restaurateurs about sidewalk dining standards and requirements. Staff is considering requiring a 6' sidewalk clearance instead of the current 4' minimum.

Drop Off Zones

City Council Direction

Support to construct multi-use drop-off zones at locations where there is no net loss of parking and where there would not be parking and traffic impacts.

Planning Commission Input

No additional input.

Staff Follow-Up

Staff revising text and illustrations in Draft Plan to reflect City Council direction.

Attachment A: Draft Downtown Specific Plan Key Concept Consensus Items

Maintain or Increase Parking

City Council Direction

Combine Options 2: “Maintain existing parking supply, and replace any lost spaces” and Option 3: “Manage existing parking demand through various parking strategies” with direction to explore parking options outside of the DTSP in the near future.

Planning Commission Input

No additional input.

Staff Follow-Up

Staff revising text in Draft Plan to reflect City Council direction.

Ground Floor Uses

City Council Direction

General support for Plan Proposal: “Banks, offices, catering services adjacent to a sidewalk or pedestrian area requires a Use Permit; allowed on upper levels without a Use Permit. Communication facilities only allowed on upper levels with a Use Permit,” with better definition of use permits findings and enforcement.

Planning Commission Input

Supported but request for additional information on non-conforming grandfathering, intent and background on recommendation.

Staff Follow-Up

Staff revising text in Draft Plan to reflect City Council direction.
Information on non-conforming uses and intent provided in staff report.

Use Permit Process

City Council Direction

Support for Option 2: “Develop more additional findings to support the vision and goals of the Specific Plan.”

Delete all of Section 4.4B because it relates to Formula Uses.

Add finding to 4.4A: Maintain and enhance residential quality of life for Manhattan Beach community.

Planning Commission Input

No additional input.

Staff Follow-Up

Staff revising Draft Plan to reflect City Council direction as indicated below:

- A. The proposed use will maintain and enhance the residential quality of life for the Manhattan Beach community.

Attachment A: Draft Downtown Specific Plan Key Concept Consensus Items

- B. The proposed use would preserve and enhance the safe, attractive, pedestrian-friendly small town atmosphere and a sound economy.
- C. The proposed use is consistent with the intent and purpose of the designation in which it is located, and with the goals, purpose, vision and guidelines of the Specific Plan. Local Coastal Program and the City's General Plan.
- D. The proposed use will contribute to a balanced mix of uses, which serves the needs of both local and nonlocal populations.
- E. The proposed use would not impact parking availability, traffic, noise, pollution, and public health, safety and welfare.

Sunnyvale Municipal Code

Attachment B

[Up](#) [Previous](#) [Next](#) [Main](#) [Search](#) [Print](#) [No Frames](#)

[Title 19. ZONING](#)

[Article 3. ZONING DISTRICTS, USES AND RELATED DEVELOPMENT REGULATIONS](#)

[Chapter 19.26. COMBINING DISTRICTS](#)

19.26.230. Live/work units.

(a) Definition. A live/work unit is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

(b) Applicability. Live/work units are allowed in mixed use (MU) combining districts.

(c) Provisions.

(1) The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations;

(2) In addition to the permitted uses above, the community development director may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law;

(3) The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;

(4) Residential areas are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space;

(5) The commercial component as designated on the floor plan approved through the special development permit shall remain commercial and cannot be converted to residential use;

(6) The residential component as designated on the floor plan approved through the special development permit shall remain residential and cannot be converted to commercial use;

(7) The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;

(8) The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units;

(9) Signage intended to promote on-site commercial uses shall be restricted to two square foot signs permanently affixed to door or wall of the business component;

(10) Signage shall be developed in accordance with a master sign plan for the overall development site;

(11) All advertising for on-site commercial uses shall clearly state "by appointment only" if the live/work address is used;

(12) The total number of occupations at one address is not limited, except the cumulative impact of all such commercial uses shall not exceed the limits set forth in this section for a live/work unit;

(13) The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments;

(14) The commercial use shall not generate vehicular traffic, in excess of normal residential traffic, which will interfere with residential traffic circulation or shall not cause more than three vehicles including vehicles used by customers, vendors, or delivery services to visit the premises per day;

(15) The live/work unit shall be required to provide parking in accordance with Sunnyvale Municipal Code Chapter [19.46](#);

(16) No more than one employee (excluding residents of the dwelling unit) shall work or report to work on the premises, and the employment of any persons who do not reside in the live/work unit shall comply with all applicable building code requirements;

(17) The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors;

(18) No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.

(d) Prohibited Commercial Uses in Live/Work Units.

(1) Any use not permitted in R-3, R-4 or R-5 zoning districts, as specified in Table [19.18.030](#);

(2) The retail sale of food and/or beverages with customers arriving on-site. This does not include online (internet) sales, mail order, or off-site catering preparation;

(3) Entertainment, drinking, and public eating establishments;

(4) Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;

(5) Businesses that involves the use of prescription drugs;

(6) Adult-oriented businesses, astrology palmistry, massage, head shops, and similar uses;

(7) Sales, repair or maintenance of vehicles, including automobiles, boats, motorcycles, aircraft, trucks, or recreational vehicles;

(8) Trade or Private Schools. This excludes private instruction of up to two students at any one time (e.g., music lessons, tutoring). (Ord. 2920-10 § 1).

View the [mobile version](#).

Attachment C: Downtown Front Yard Setback Data

Steet	Name	Patio Depth
Manhattan Ave	Vacant (iRun MB)	18.5
MBB	Pitfire Pizza	13
MBB	Sketchers Office	11
Manhattan Ave	Wahoo's Fish Taco	11
MBB	Hennessey's Tavern	11
MBB	Seafolly/Lorna Jane	10.5
Highland Ave and MBB	The Kettle	10
Manhattan Ave	El Sombrero	9
MBB	Simmzy's	9
MBB	Coffee Bean	9
MBB	Peet's Coffee + Tea	8.5
MBB	Noah's Bagels	8.5
MBB	Jamba Juice	8.5
Manhattan Ave	Fonz's	8

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SAN FRANCISCO
PLANNING
DEPARTMENT

Standards for Storefront Transparency

PLANNING CODE REQUIREMENTS FOR
COMMERCIAL BUSINESSES

SAN FRANCISCO PLANNING DEPARTMENT | NOVEMBER 2013





ORGANIZATION:

This document is divided into four sections:

- **Introduction**
- **Visibility Requirements**
- **What This Means for Every Store**
- **Frequently Asked Questions**

Introduction

The storefront is arguably the most valuable space in a store and should be used to full advantage. A transparent storefront welcomes customers inside with products and services on display, discourages crime with more “eyes on the street,” reduces energy consumption by letting in natural light, and enhances the curb appeal and value of the store and the entire neighborhood. For these reasons the San Francisco Planning Code requires that storefronts must maintain transparent windows that allow visibility into the store. This handout explains these requirements.



Visibility Requirements

Section 145.1(c)(6) of the Planning Code requires that “frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.”

To ensure visibility into active spaces, any fenestration of active uses provided at pedestrian eye level must have visibility to the inside of the building. The following definitions apply:

- 1) **Pedestrian Eye Level** includes the space that is between 4 feet and 8 feet in height above the adjacent sidewalk level, following the slope if applicable.



ABOVE: Window signs should be limited in size and number to maximize visibility inside the store.

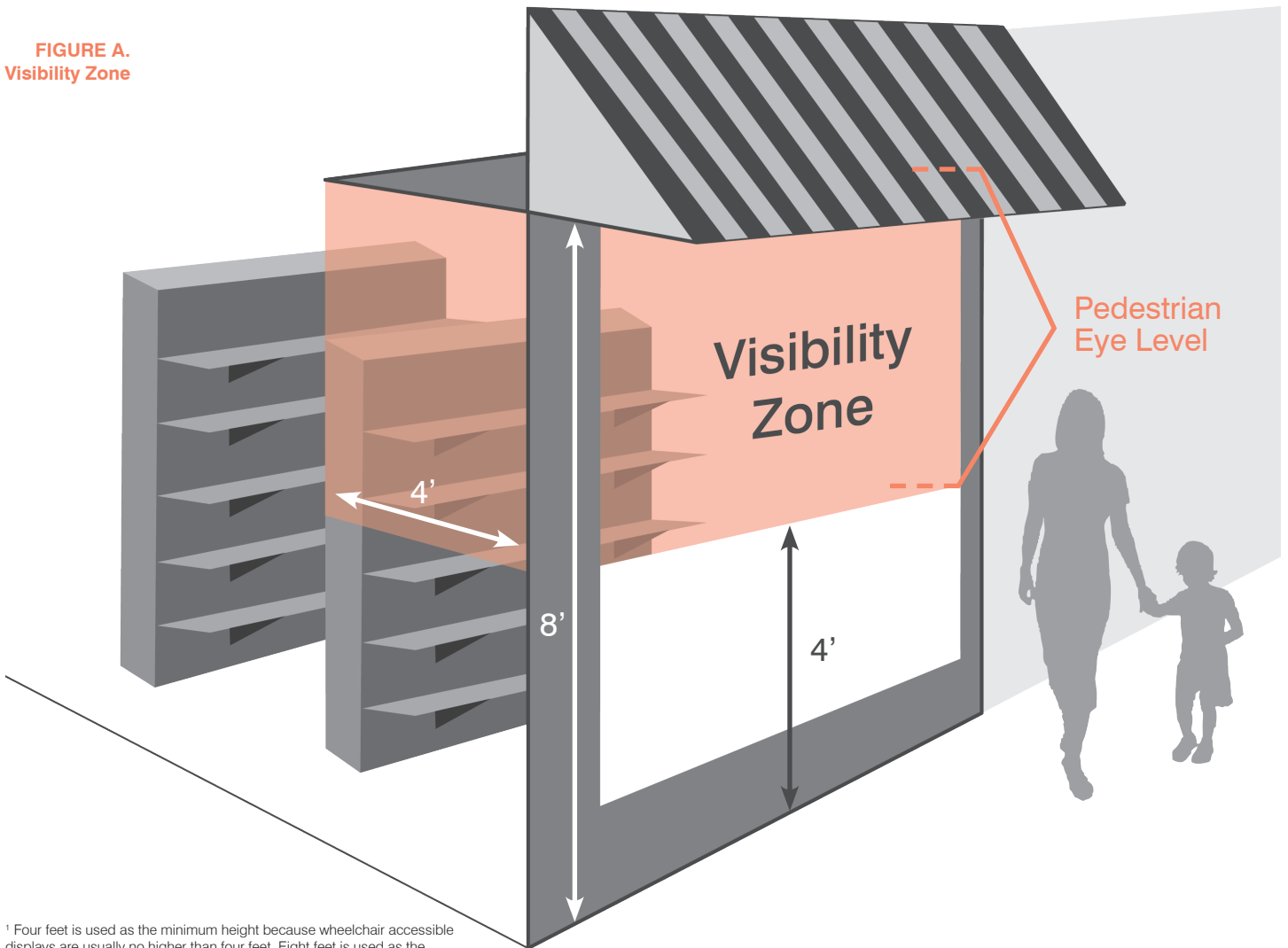
2) **Visibility to the Inside of the Building** means that the area inside the building within 4 feet from the surface of the window glass at pedestrian eye level is at least 75 percent open to perpendicular view.

Therefore, any fenestration of frontages with active uses must have visibility to the inside of the building with at least 75 percent open to perpendicular view within a 4-foot by 4-foot “visibility zone” at pedestrian eye level. This visibility zone is located between 4 feet and 8 feet in height above sidewalk level and extends 4 feet from the surface of the window glass inside the building¹. Section 145.1(c)(7) of the Planning Code requires that decorative railings or grillwork placed in front of or behind the storefront windows must also

be at least 75 percent open to perpendicular view. Greater transparency, including expanded “visibility zones”, may be required in buildings designated under Article 10 or 11 of the Planning Code (see FAQs on page 6).

Notwithstanding the above visibility requirement, individual products for sale or used in service and on display inside the building are not restricted; and, window signs not exceeding 1/3 the area of the window on or in which the signs are located are not restricted if such signs are permitted by the Planning Code². For more info about business signs, please refer to the Sign Handout on our website at www.sfplanning.org.

FIGURE A.
Visibility Zone



¹ Four feet is used as the minimum height because wheelchair accessible displays are usually no higher than four feet. Eight feet is used as the maximum height because overhead awnings must maintain an eight-foot clearance above the sidewalk. Four feet is used as the minimum depth because it allows the minimum three-foot path of travel required for wheelchairs plus additional space for a display. Seventy-five percent openness is used because it matches the existing required openness for security gates and grillwork in Section 145.1(c)(7) of the Planning Code.

² Window signs that are affixed or adhered directly to the window glass do not require a sign permit. All other business signs must have a sign permit or they are illegal and must be removed.

What This Means for Every Store

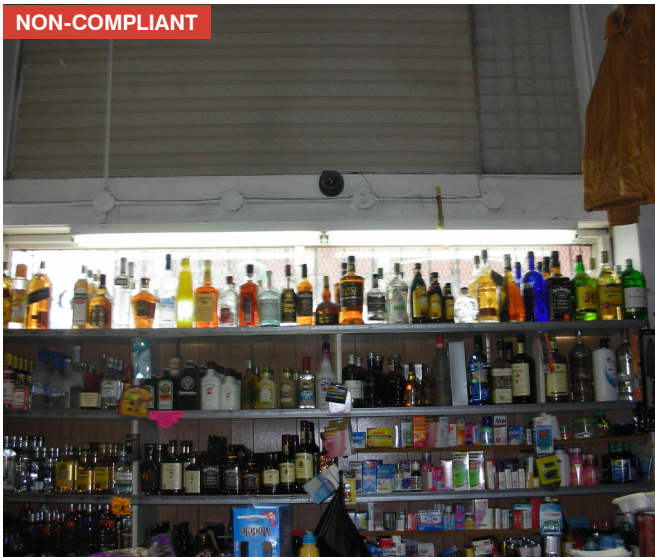
Every merchant and store owner should be sure that their storefront is in full compliance with the Planning Code. Below are the five most common violations to look for.



1) Windows that have been covered over with boards, film, or paint must be restored to transparency.



2) Security gates or grillwork on the inside or outside of the window glass must be primarily transparent (at least 75% open to perpendicular view).



3) Shelving, display cases, appliances and other items placed within four feet of the window glass must be no taller than four feet or be primarily transparent (at least 75% open to perpendicular view).



4) All exterior signs must have a sign permit or must be removed.

5) Business signs affixed to the window (painted or adhered to the glass) can be no larger than one-third the size of the window in which they are placed.

Frequently Asked Questions

If my building does not have 60% of its ground floor façade fenestrated with windows and doors do I have to add them?

If your building was legally built with less than the current 60% required fenestration, it is “grandfathered in,” which means it is legally non-complying with regard to the fenestration. In that case all of the existing storefront windows (up to the 60% standard) must be transparent and provide visibility to the inside.

If my windows have been covered over for several years, aren't they also grandfathered in?

Unless the windows were covered over with a lawfully issued building permit they are not grandfathered in and you must restore them to comply with the storefront transparency requirement.

If I have a display case within four feet of the window that is filled with products for sale, do I have to reduce the number of products on display so that it is 75 percent open?

Only the display furniture and equipment (when empty) must be 75 % open to view for any portion higher than four feet. Products used in sales or service within a display are not restricted.

Do I need a building permit to rearrange my store to comply?

In most cases you do not need a building permit to simply rearrange or replace display furniture, but

you should check with the Department of Building Inspection at 415-558-6088 to be sure.

What if I don't comply?

Until you fully comply with the transparency requirement, you may be subject to enforcement action. In that case there could be a hold on all permit activity for the property ultimately resulting in penalties accruing at a rate of up to \$250 per day.

Are there any additional requirements for historic properties?

Display fixtures may require a greater setback and area than the minimum “visibility zone” defined in this document. You may also be required to provide more than the minimum 60 percent transparency for windows along the ground- and second-floor street frontage. Please consult with a Department Preservation Planner at the Planning Information Center for additional guidance

What assistance is available?

The Office of Economic and Workforce Development has numerous technical and financial assistance programs available to help small businesses that are pursuing improvements to their business. For more information, see OEWD's web site:

<http://oewd.org/Neighborhood-Grants-Loans.aspx>



SAN FRANCISCO
PLANNING
DEPARTMENT

FOR MORE INFORMATION: Call or visit the San Francisco Planning Department

Central Reception

1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415.558.6409**
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)

1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

6.2.B.8 HISTORIC PRESERVATION

Downtown Manhattan Beach's buildings incorporate a variety of architectural styles, imbuing the district with an eclectic identity. To perpetuate the project area's architectural variety, development should seek to preserve historic structures. In addition to the City's Historical Preservation Code, the following guidelines should be considered, where feasible, in ~~The following guidelines apply to~~ the alteration of historic buildings and construction of new buildings and additions adjacent to such resources. For information pertaining to ~~optional-voluntary~~ historic preservation regulations, refer to the Manhattan Beach Historic Preservation Code Section 10.86 and A.86 of the Local Coastal Program (pending final Coastal Commission Approval).

GUIDELINES FOR ALTERATIONS TO HISTORIC RESOURCES

- > Where possible, follow the Secretary of the Interior's Standards for Rehabilitation.
- > Avoid the removal of historic materials.
- > Avoid covering historic architectural details with modern cladding, awnings, or signage.
- > Continue a building's original use if possible.
- > Preserve ~~all of a~~ building's significant façades, typically at least two if feasible.
- > Use historical photographs where possible to inform accurate rehabilitation projects.
- > Use paint colors that complement, rather than detract from, the historic character of the property; if possible, consult historical photographs or specifications to determine whether a paint scheme is historically appropriate.
- ~~> Working within the existing building envelope is recommended before proposing an addition. However, if additions are desired, they should generally be located on a secondary or rear façade—or set back from the primary façade if they are rooftop additions—and should not interfere with the building's roofline.~~
- > Second-floor additions should be architecturally integrated, and ~~visually subordinate to the original building, and unless the original structure is devoid of any historic or architectural character worth keeping. Primary and secondary volumes should be carefully proportioned, balanced, and spaced for a unified design.~~
- ~~> Consider consulting with a preservation architect for adaptive reuse of historic resources, to ensure renovations are compatible.~~

GUIDELINES FOR NEW CONSTRUCTION AND HISTORIC RESOURCES

Attachment E: Chapter 6 Historic Preservation Updates

- > Consider how the style, massing, rhythm, setbacks, and materials of new construction may affect the character of adjacent historical resources.
- > Near historic residential properties, consider setting new construction back from the street and preserve the open space and rhythm between residences.
- > Near historic commercial buildings, abut adjacent buildings with new construction to create a solid block face, ~~unless otherwise specified~~ compatible with surrounding character
- > .
- > If an addition or new construction is under consideration, reference the information for adjacent historical resources to verify that the proposed change is compatible with both the subject property and the adjacent historical resources.
- > Consult the building and zoning code and LCP for additional regulations on historic resources.

Attachment F

MBMC Chapter 10.68 - NONCONFORMING USES AND STRUCTURES

Sections:

10.68.010 - Specific purposes.

This chapter is intended to limit the number and extent of nonconforming uses by restricting their enlargement, prohibiting their re-establishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 2, Ord. 1951, eff. July 4, 1996, and § 17, Ord. 2111, eff. March 19, 2008)

10.68.020 - Continuation and maintenance.

- A. A use, lawfully occupying a structure or a site on the effective date of the ordinance codified in this title, or of amendments thereto, that does not conform with the use regulations or the site area per dwelling unit regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this chapter.
- B. A structure, lawfully occupying a site on the effective date of the ordinance codified in this title, or of amendments thereto, that does not conform with the standards for front yards, side yards, rear yards, height, or floor area of structures, driveways, or open space for the district in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this chapter.
- C. A use that does not conform with the parking, loading, planting area, private open space, or screening regulations of the zoning district and area district in which it is located shall not be deemed a nonconforming use solely because of these nonconformities.
- D. Routine maintenance and repairs may be performed on a structure, the use of which is nonconforming; and on a nonconforming structure. Exterior nonconforming elements including, but not limited to: stairways, decks, balconies, green roofs or decks, chimneys, fences, and retaining walls may be replaced in their entirety, if, upon finding in a report prepared by a State of California licensed civil engineer, that, due to a deteriorated condition, such structures are unsafe, and routine repair is infeasible.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 01/05/91; § 2, Ord. 1951, eff. July 4, 1996, Amended, § 11, Ord. 2146, eff. August 4, 2011)

10.68.030 - Alterations and enlargements of nonconforming uses and structures.

- A. No structure, the use of which is nonconforming, shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity.

Exception. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1)

Attachment F

or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.

- B. No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use.

Exception. Minor enlargement of a use partially occupying a structure and which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished in one (1) or more project, cumulatively does not exceed ten percent (10%) of the total preexisting buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.

- C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site, or another structure or site which it did not occupy on the effective date of the ordinance codified in this title, or of the amendments thereto that caused it to become a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.
- D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception.
- E. If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Exceptions.

1. Where a structure is nonconforming only by reason of one (1) substandard front or interior yard, provided that all nonconforming interior yards are not less than three feet (3'), the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.
3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section 10.60.050, an alteration or enlargement that conforms

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to all other regulations of this title shall be permitted without regard to the estimated construction cost.

4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (nonconforming exemptions) has been made, processed through the Planning Commission, and approved by the City Council.
 5. A chimney projection shall not be considered a nonconforming substandard yard, and therefore shall be allowed in addition to the one (1) non-conforming yard in subsection (E)(1) or (E)(2) of this section. See Section 10.60.040(G), Building projections into required yards or required open space—Chimneys, for standards.
 6. Where a minor exception has been approved in accordance with Chapter 10.84 of this Code.
- F. Nonconforming structures that would be enlarged or altered in any manner that serves to increase the degree of nonconformity shall not be permitted unless a variance or minor exception is obtained, as appropriate.
- G. The nonconforming use of a structure or site may be changed to another nonconforming use if after a duly noticed public hearing, the Planning Commission makes the findings required by Section 10.84.060(A) and issues a use permit.
- H. No use which fails to meet the performance standards of Section 10.60.120 shall be enlarged or extended, or shall have equipment that results in failure to meet required conditions replaced unless the enlargement, extension, or replacement will result in elimination of nonconformity with required conditions.
- I. **Lots Without Vehicular Access.** Residential buildings on lots with no vehicular access to public streets constitute nonconforming uses and may not be altered or enlarged except in accordance with the provisions of this section. Such buildings may be altered as follows:
1. Interior improvement repairs consistent with all applicable building regulations.
 2. Additions of exterior architectural features such as a fireplace, chimney, balcony, green roof or deck, or bay window, subject to Section 10.60.040, Building projections in yards and required open space.
 3. Modification of a roof from flat to pitched or from pitched to flat, provided that the existing or proposed roof does not exceed a four (4) in twelve (12) pitch.
 4. Exterior modifications may include a minor increase in square footage (said increase calculated cumulatively), not to exceed ten percent (10%) of the original gross floor area.
 5. If there is a fire or casualty loss, the building may be replaced to the buildable square footage and height existing just before the fire or casualty loss and consistent with the requirements of the current building code.
 6. No alteration shall increase building height, except for a roof change referred to in subsection (D)(3) of this section.
 7. Should any exterior building elements or interior floor area be found to be in an extensively deteriorated condition, as documented in a report prepared by a licensed civil engineer, the Director of Community Development may allow said walls or areas to be entirely removed and replaced as long as the improvement is conforming with respect to required yards and otherwise meets the provisions of this section.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996; § 4, Ord. 1992, eff. February 18, 1999; § 2, Ord. 2068, eff. February 4, 2005; § 18, Ord. 2111, eff. March 19, 2008, and § 11, Ord. 2146, eff. August 4, 2011)

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10.68.040 - Abandonment of nonconforming use.

A nonconforming use that is discontinued or changed to a conforming use for a continuous period of 180 days or more shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located, provided that this section shall not apply to nonconforming dwelling units except nonconforming accessory dwelling units, which are permitted. Abandonment or discontinuance shall include cessation of a use regardless of intent to resume the use.

- A. **Exception.** The time necessary to complete review of a building application submitted within the 180 day period, and subsequent related construction activities shall not be counted towards the 180 days. However, time following the lapse of a building permit application or building permit shall be counted towards the 180 days.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 2, Ord. 1951, eff. July 4, 1996)

10.68.050 - Restoration of a damaged structure.

- A. Whenever a structure that does not comply with the standards for front yards, side yards, rear yards, height of structures, maximum floor area, distances between structures, driveways, or usable open space prescribed in the regulations for the district in which the structure is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, or by the public enemy to the extent of fifty percent (50%) or less, the structure may be restored and the nonconforming use may be resumed, provided that a complete application for the necessary building permits for restoration is received by the Community Development Department within twelve (12) months of the destruction occurrence, and the project is diligently pursued to completion.
- B. Whenever a structure that does not comply with the standards for front yards, side yards, rear yards, height of structures, maximum floor area, distances between structures, driveways, or usable open space prescribed in the regulations for the district in which it is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, or by the public enemy to an extent greater than fifty percent (50%), the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed.

Exceptions. Residential structures in R districts including nonconforming uses, and conforming residential uses in the CD, CL or CNE districts that do not conform to standards for setbacks, height of structures, distance between structures, maximum buildable floor area, open space, or lot area per unit, may be rebuilt with the same floor area, upon issuance of building permits and/or use permits, if applicable, whatever the extent of the damage, provided there is no increase in any nonconformity.

- C. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Community Development Director.
- D. Calculation of the extent of damage for restoration of a structurally damaged structure shall be consistent with the provisions of Section 10.68.030(E).

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996)

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10.68.060 - New occupancy on a site having certain nonconforming site features.

An applicant for a building permit in a C district or the IP district for occupancy of a site or structure that is nonconforming due to lack of screening of mechanical equipment, required walls or fences to screen parking, required paving for driveways, or required planting areas, shall present a schedule for elimination or substantial reduction of these nonconformities over a period not exceeding five (5) years. The Community Development Director may require that priority be given to elimination of nonconformities that have significant adverse impacts on surrounding properties and shall not require a commitment to remove nonconformities that have minor impact and would be costly to eliminate due to the configuration of the site and the location of existing structures.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

10.68.070 - Elimination of nonconforming uses and structures.

- A. **Nonconforming Fences or Walls.** The Community Development Director shall require that a nonconforming fence or wall be removed or altered to conform to the standards of this chapter within one (1) year of adoption of the ordinance codified in this title, or one (1) year from the date such fence or wall becomes nonconforming, whichever date is later upon finding that the nonconforming fence or wall does not adequately serve the purposes for which it is intended or does not meet the driveway visibility standards of Section 10.64.150.
- B. **Nonconforming Use when No Structure Involved.** In any district the nonconforming use of land shall be discontinued within one (1) year from the effective date of the ordinance codified in this title or one (1) year from the date such use becomes nonconforming, whichever date is later.
 1. **Exceptions.** Pre-existing parking lots in R districts that serve adjacent commercial use shall not be considered nonconforming.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 2, Ord. 1951, eff. July 4, 1996)

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10.08.050 - Commercial use classifications.

- A. **Adult Businesses.** Establishments based primarily on materials or performances that depict, describe, or relate to "specified sexual activities," as defined in Chapter 10.04.
- B. **Ambulance Services.** Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.
- C. **Animal Sales and Services.**
 - 1. **Animal Boarding.** Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, breeding, and incidental medical care.
 - 2. **Animal Grooming.** Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of forty-eight (48) hours.
 - 3. **Animal Hospitals.** Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum thirty (30) days) boarding of animals is included, if incidental to the hospital use.
 - 4. **Animals: Retail Sales.** Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of forty-eight (48) hours.
- D. **Artists' Studios.** Work space for artists and artisans, including individuals practicing one (1) of the fine arts or performing arts, or skilled in an applied art or craft.
- E. **Banks and Savings and Loans.** Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.
 - 1. **With Drive-up Service.** Institutions providing services accessible to persons who remain in their automobiles.
- F. **Body Art Studios.** Establishments providing body art services such as tattoos and/or body piercing. This use excludes "body piercing, incidental," as defined in Section 10.04.030.
- G. **Building Materials and Services.** Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services, including vehicle towing services.
- H. **Catering Services.** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also eating and drinking establishments.)
- I. **Commercial Filming.** Commercial motion picture or video photography at the same location more than six (6) days per quarter of a calendar year.
- J. **Commercial Recreation and Entertainment.** Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, game centers which include any place open to the public in which there are more than three (3) games or amusements, including but not limited to, electronic video, pinball machines, whether coin operated or on free play and card rooms.
 - 1. **Limited.** Indoor movie theaters, game centers as defined herein, and performing arts theaters.

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- K. **Communications Facilities.** Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding utilities (major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.
- L. **Eating and Drinking Establishments.** Businesses serving prepared food or beverages for consumption on or off the premises.
1. **With Fast-Food or Take-Out Service.** Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption.
 - a. **Drive-through.** Service from a building to persons in vehicles through an outdoor service window.
 - b. **Limited.** Establishments that do not serve persons in vehicles.
- M. **Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens.

Exceptions:

1. Food and beverage sales establishments (with incidental seating area) may contain a maximum area for on-site preparation and consumption of three hundred (300) square feet or ten percent (10%) of the total store area (whichever is smaller). The on-site food preparation and consumption area includes: counter (order/pickup) area, food preparation area, and seating area (maximum capacity of four (4) persons). On-site consumption of alcoholic beverages is prohibited.
 2. Food and beverage sales establishments (with no on-site consumption areas) may contain a maximum of two thousand (2,000) square feet in gross floor area and may sell prepared foods or beverages which are consumed off-site. Food and beverage sales may include, but are not limited to: breads, pastries, ice cream, frozen yogurt, candy, juices, and coffee. On-site consumption of alcoholic beverages is prohibited.
- All other establishments which sell prepared food for on-site or take-out consumption shall be classified as catering services or eating and drinking establishments.
- N. **Funeral and Interment Services.** Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.
- O. **Laboratories.** Establishments providing medical or dental laboratory services; or establishments with less than two thousand (2,000) square feet providing photographic, analytical, or testing services. Other laboratories are classified as limited industry.
- P. **Maintenance and Repair Services.** Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see (vehicle/equipment repair).
- Q. **Mixed Use.** A project which has commercial and residential uses on the same site.
- R. **Nurseries.** Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.
- S. **Offices, Business and Professional.** Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, veterinary, and medical/dental offices, including, but not necessarily limited to: licensed or certified physicians, psychologists, psychiatrists, chiropractors, and massage, acupuncture, and acupressure therapists. This

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classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

- T. **Pawn Shops.** Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.
- U. **Personal Improvement Services.** Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, and fitness studios, and massage.
- V. **Personal Services.** Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops (including incidental massage), seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, and self-service laundries.
- W. **Psychic Advisor.** Establishments providing counseling or interpretation service pertaining to supernatural forces and influences. This includes astrology, fortune telling, and numerology.
- X. **Research and Development Services.** Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis.
- Y. **Retail Sales.** The retail sale and storage of merchandise not specifically listed under another use classification conducted wholly indoors unless otherwise specified by Section 10.60.080, Outdoor facilities. This classification includes department stores, drug stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, hand-crafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).
- Z. **Secondhand Appliances and Clothing Sales.** The retail sale of used appliances and clothing, by secondhand dealers. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.
- AA. **Swap Meets, Recurring.** Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of forty-eight (48) hours, conducted by a sponsor on a more than twice yearly basis.
- BB. **Travel Services.** Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
- CC. **Vehicle/Equipment Sales and Services.**
 - 1. **Automobile Rentals.** Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.
 - 2. **Automobile Washing.** Washing, waxing, or cleaning of automobiles or similar light vehicles.
 - 3. **Commercial Parking Facility.** Lots offering short-term or long-term parking to the public for a fee. Provision of off-site parking for the purpose of fulfilling a parking requirement, in accordance with Section 10.64.020(F) (Basic requirements for off-street loading and parking: Location and ownership) shall not solely constitute a commercial parking facility use.
 - 4. **Service Stations.** Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
 - 5. **Vehicle/Equipment Repair.** Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops,

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wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.

6. **Vehicle/Equipment Sales and Rentals.** Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance.
7. **Vehicle Storage.** Storage of operative or inoperative vehicles. This classification includes storage of parking towaways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

DD. Visitor Accommodations.

1. **Hotels, Motels, and Time-Share Facilities.** Establishments offering lodging on a weekly or less than weekly basis, and having kitchens in no more than sixty percent (60%) of guest units. This classification includes eating, drinking, and banquet service associated with the facility.
 - a. **Limited.** Facilities which offer lodging without other associated services on-site such as restaurant and banquet services, and which provide associated operational or maintenance services on-site.
2. **Residential Hotels.** Buildings with six (6) or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are intended for occupancy on a weekly or monthly basis.

EE. **Warehousing and Storage, Limited.** Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of five thousand (5,000) square feet of gross floor area, but excludes mini-warehouses or public storage classified under wholesale, distribution and storage, and vehicle storage and storage of hazardous materials (as defined by the City Fire Department).

This classification also includes outdoor neighborhood recycling collection points encompassing no more than five hundred (500) square feet in area. The purpose of the "neighborhood recycling collection point" is the receiving of solid waste only, for private delivery to distribution/ processing locations. Solid waste in this classification includes: metals, glass, plastic, and paper.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1860, Amended, 10/29/92; Ord. No. 1891, Amended, 01/06/94; § 1, Ord. 1942, eff. February 22, 1996; § 2, Ord. 1951, eff. July 4, 1996; § 4, Ord. 1977, eff. March 5, 1998; § 2, Ord. 1999, eff. April 1, 1999 and § 3, Ord. 2155, eff. February 17, 2012)

Attachment H: San Francisco Use Size Limits

SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL DISTRICTS.

(a) In order to protect and maintain a scale of development appropriate to each district, Non-Residential Uses of the same size or larger than the square footage stated in the table below may be permitted only as conditional uses subject to the provisions set forth in Sections 316 through 316.6 of this Code. The use area shall be measured as the Gross Floor Area for each individual Non-Residential Use.

District	Use Size Limits
North Beach	2,000 sq. ft.
Castro Street	
Pacific Avenue	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Polk Street	
Sacramento Street	
Union Street	
24th Street-Mission NCT	
24th Street-Noe Valley	3,000 sq. ft.
West Portal Avenue	
NC-1, NCT-1	
Broadway	
Hayes-Gough NCT	
Upper Market Street	
Upper Market Street NCT	4,000 sq. ft.
Valencia Street	
NC-2, NCT-2, SoMa NCT, Ocean Avenue NCT, Glen Park NCT, Folsom Street	
NC-3, NCT-3, Mission Street	6,000 sq. ft.
NC-S	

In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

(1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

Attachment H: San Francisco Use Size Limits

(2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

(3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

(b) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses which exceed the square footage stated in the table below shall not be permitted, except that in the North Beach Neighborhood Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64 and except that in the Castro Street Neighborhood Commercial District certain Large Institutions may by Conditional Use Authorization exceed this Subsection 121.2(b) as described in the Specific Provisions for Section 715.21. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Use Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 312-99, File No. 991586, App. 12/3/99; Ord. 198-00, File No. 992321, App. 8/18/2000; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 251-07, File No. 070851, App. 11/7/2007; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 245-08, File No. 080696; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. [140-11](#), File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. [35-12](#), File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. [42-13](#), File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. [56-13](#), File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. [154-13](#), File No. 130263, App. 7/25/2013, Eff. 8/24/2013; Ord. [188-15](#), File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Division (a) table amended; Ord. [140-11](#), Eff. 8/4/2011. Division (a) table amended; Ord. [35-12](#), Eff. 3/22/2012. Division (a) table amended; Ord. [42-13](#), Eff. 4/27/2013. Division (a) table amended; division (b) table amended; Ord. [56-13](#), Eff. 4/27/2013. Division (a) table amended [identical amendments previously had been made by Ord. [56-13](#)]; division (b) amended; Ord. [154-13](#), Eff. 8/24/2013. Division (a) amended; Ord. [188-15](#), Eff. 12/4/2015.

Attachment I: Downtown Retail Sqaure Footage Data

Name	Sq. Ft.
Skechers Store	3435
American Apparel	2600
Free People	2462
Pages	2000
Trina Turk	1924
Beehive	1900
HoneyBelle	1800
Wright's	1700
Splendid	1649
Blvd.	1600
Lucky Brand Jeans	1533
Marine Layer	1531
Katwalk	1500
Diane's	1500
Aviator Nation	1482
Spyder Surf	1482
Bo Bridges Gallery	1350
William B + Friends	1200
Garrett's Run Shop	1200
Seafolly	1200
Fringe	1100
Eclat	1084
Roberto Coin	1000
Manhattan Denim	963
Papyrus	957
Dacha	950
23rd Street Jewelers	896
Shore Fit	800
Harper & Harlow	800
Riley Arts	792
True Religion	790
3rd Gallery	772
Fino Manhattan	750
Nikau Kai	650
Growing Wild	600
Utterly Perfect	600
Lina Hess Athlesiure Collection	600
Scala	562
The Souk	450
Cami	450
Manhattan Beach Watch Repair	300
Birdwell Beach Britches	300
Greigh Goods	300

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Attachment J: Downtown Tenant Frontage Data

Street Where Frontage Is	Tenant Name	Frontage Along Street in First Column	Also Has Frontage Along
10th St	Aviator Nation	50	Manhattan Ave
11th St	Ercole's Cocktails	60	Manhattan Ave
12th St	Bank of America	99.5	Highland Ave
12th St	900 Club	90	
12th St	The Century Club	60	
12th St	The Souk (Jolie Designs)	28	Manhattan Ave
9th St	Rice, Sake and Real Food	19.5	
9th St	Randt Salon	15	
Highland Ave	RE/MAX	95	14th Street
Highland Ave	Dealer.com	90	11th Street
Highland Ave	The Kettle	90	MBB
Highland Ave	Free People	66	MBB
Highland Ave	Uncle Bill's Pancake House	66	13th Street
Highland Ave	Bank of America	61	On Highland
Highland Ave	Wright's	56	MBB
Highland Ave	Beach Cities Optometry	55	11th Street
Highland Ave	The Rockefeller	50	
Highland Ave	Reaney Design Company: Interior Design	44	8th Street
Highland Ave	Dacha (Fowler & Moore Interior Design)	42	13th Street
Highland Ave	Starbucks	42	MBB
Highland Ave	The Izaka-Ya by Katsu-Ya	40	
Highland Ave	Plaza Bank (Bank of Manhattan)	38	15th Street
Highland Ave	Harry's Cleaners & Shoe Repair	35.5	
Highland Ave	Manhattan Realtors	35	
Highland Ave	Moloney Development	32	
Highland Ave	Beach House Yoga (Gurus Gate Yoga)	28	
Highland Ave	Current Events	25	
Highland Ave	NW Real Estate Brokers	24	
Highland Ave	Ya Ya's (Cami)	23	
Highland Ave	Sotheby's Realtor (South Bay Brokers)	22.5	
Highland Ave	Mark Lowerre Attorney At Law	21	
Highland Ave	Growing Wild	20	
Highland Ave	Nikau Kai	20	
Highland Ave	Udderly Perfect	20	
Highland Ave	Bates Chiropractic	19	

Attachment J: Downtown Tenant Frontage Data

Street Where Frontage Is	Tenant Name	Frontage Along Street in First Column	Also Has Frontage Along
Highland Ave	NW Real Estate Brokers	19	
Highland Ave	NW Real Estate Brokers	18	
Highland Ave	John Post Gallery	17	
Highland Ave	Body in Balance	16.5	
Highland Ave	Fringe	16	
Highland Ave	Roberto Coin	16	
Manhattan Ave	Manhattan Grocery	67	
Manhattan Ave	Whale of a Wash	52.5	
Manhattan Ave	Skechers	50	MBB
Manhattan Ave	Fonz's	49.5	
Manhattan Ave	Becker's Bakery & Deli	45.5	
Manhattan Ave	Vacant (iRun MB)	45	
Manhattan Ave	South Bay Dental Solutions	44	
Manhattan Ave	Arthur J (Circa)	42.5	
Manhattan Ave	MB Post	39	
Manhattan Ave	Becker's Bakery & Deli	38	11th Street
Manhattan Ave	Manhattan Creamery	33.5	MBB
Manhattan Ave	Manhattan Denim	33.5	10th Steet
Manhattan Ave	Shorewood Realtors	33.5	
Manhattan Ave	Spyder Surf	33.35	
Manhattan Ave	Hush Hush Hair Salon	33	
Manhattan Ave	Noelle Interiors	32	
Manhattan Ave	Fishing With Dynamite	31	12th Street
Manhattan Ave	Tabula Rasa Essentials	31	10th Steet
Manhattan Ave	Darren's	30	
Manhattan Ave	Door to Door Cleaners	30	
Manhattan Ave	Wahoo's Fish Taco	30	
Manhattan Ave	Old Venice	29	10th Steet
Manhattan Ave	El Sombrero	28	
Manhattan Ave	Down Stairs Bar	28	
Manhattan Ave	Manhattan Beauty Center	28	
Manhattan Ave	Pages	28	
Manhattan Ave	Cotton Cargo	26	
Manhattan Ave	Down Stairs Bar (Red Room)	26	
Manhattan Ave	York Town	24.5	

Attachment J: Downtown Tenant Frontage Data

Street Where Frontage Is	Tenant Name	Frontage Along Street in First Column	Also Has Frontage Along
Manhattan Ave	Bo Bridges Gallery	24	
Manhattan Ave	Dan Deutsch Optical Outlook	24	
Manhattan Ave	Ercole's Cocktails	23	1th Street
Manhattan Ave	All Yoo	22	
Manhattan Ave	Subway	22	
Manhattan Ave	Diane's	20	MBB
Manhattan Ave	Little Sister	20	
Manhattan Ave	Lucky Brand Jeans	20	
Manhattan Ave	Mama D's	20	
Manhattan Ave	Quatrine Custom Furniture	20	
Manhattan Ave	Cami on Manhattan	18.5	
Manhattan Ave	The Souk (Jolie Designs)	18	12th Street
Manhattan Ave	William B + Friends	17.5	
Manhattan Ave	Bacchus Wine	17	
Manhattan Ave	Eclat	17	
Manhattan Ave	Margret O'Leary	17	
Manhattan Ave	Pasha Fine Jewelry	17	
Manhattan Ave	Garrett's Run Shop	16.5	
Manhattan Ave	Riley Arts	16.5	
Manhattan Ave	Manhattan Shoe Repair	16	
Manhattan Ave	Paradise Bowls	16	
Manhattan Ave	Shore Fit	16	
Manhattan Ave	23rd Street Jewelers	15.5	
Manhattan Ave	Bardot Salon	15.5	On Highland
Manhattan Ave	Dominic Nail Spa	15.5	
Manhattan Ave	Rolling Hills Flower Mart	15.5	
Manhattan Ave	Turquoise	15.5	
Manhattan Ave	d'Boutique	15	
Manhattan Ave	Family Vision Care	15	
Manhattan Ave	Manhattan Barber Shop	15	
Manhattan Ave	Waverly	15	
Manhattan Ave	Fino Manhattan	13.5	
Manhattan Ave	Cielo	12	
MBB	Skechers Headquarters	120	
MBB	Chase	60	Manhattan Ave

Attachment J: Downtown Tenant Frontage Data

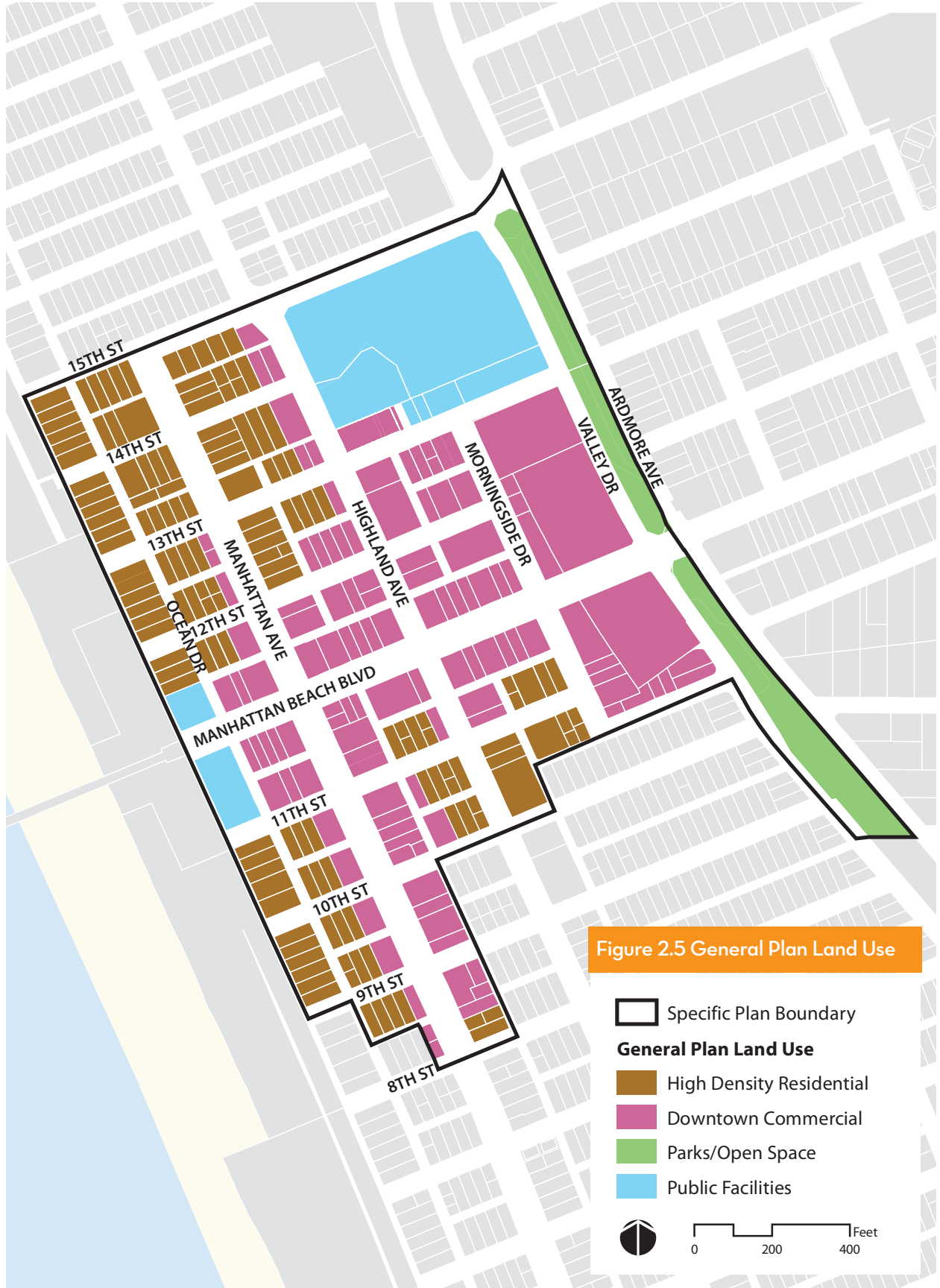
Street Where Frontage Is	Tenant Name	Frontage Along Street in First Column	Also Has Frontage Along
MBB	The Kettle	60	Highland Ave
MBB	Skechers	50	Manhattan Ave
MBB	The Strand House	50	
MBB	Pitfire Pizza	49	Morningside Dr
MBB	Manhattan Creamery	48	Manhattan Ave
MBB	Bob Roy Salon	30	
MBB	Coffee Bean	30	
MBB	Hennessey's Tavern	30	
MBB	Katwalk	30	
MBB	Love & Salt	30	
MBB	Sharks Cove	30	
MBB	Splendid	30	
MBB	Wright's	30	Highland Ave
MBB	Free People	29.5	Highland Ave
MBB	Beehive	29	N Valley Dr
MBB	Starbucks	29	Highland Ave
MBB	Simmzy's	27	
MBB	Trina Turk	26.5	Morningside Dr
MBB	Marine Layer	26	
MBB	Papyrus	26	
MBB	Seafolly	26	
MBB	Brewco	25	
MBB	HoneyBelle (Klementine)	25	
MBB	Lorna Jane	25	
MBB	Mangiamo	25	
MBB	Mickie's Beach	25	
MBB	Rock'n Fish	25	
MBB	Shellback Tavern	25	
MBB	LF Stores	24.5	
MBB	Fresh Produce	24	
MBB	Lemonade	24	
MBB	Look Optometry	24	
MBB	Manhattan Pizzeria	23.5	
MBB	3rd Gallery	21	
MBB	American Apparel	21	

Attachment J: Downtown Tenant Frontage Data

Street Where Frontage Is	Tenant Name	Frontage Along Street in First Column	Also Has Frontage Along
MBB	Harper & Harlow	21	
MBB	Jamba Juice	20	Morningside Dr
MBB	Noah's Bagels	20	
MBB	Peet's Coffee + Tea	20	
MBB	True Religion	20	
MBB	Scala	18	
MBB	Bldv.	17	
MBB	Pressed Juicery	16	On Man Ave
MBB	Trendy Prescription Sunglasses	16	
MBB	Bella Beach	14	
MBB	Gelato Lounge: Bonaventura	14	
MBB	Heavenly Couture	14	
MBB	Altamura Real Estate	13	
MBB	Cami	13	On Morningside
MBB	Palm Realty Boutique	13	
MBB	Bella Beach Kids	12	
Morningside Dr	Fusion Sushi	108	
Morningside Dr	Trina Turk	90	MBB

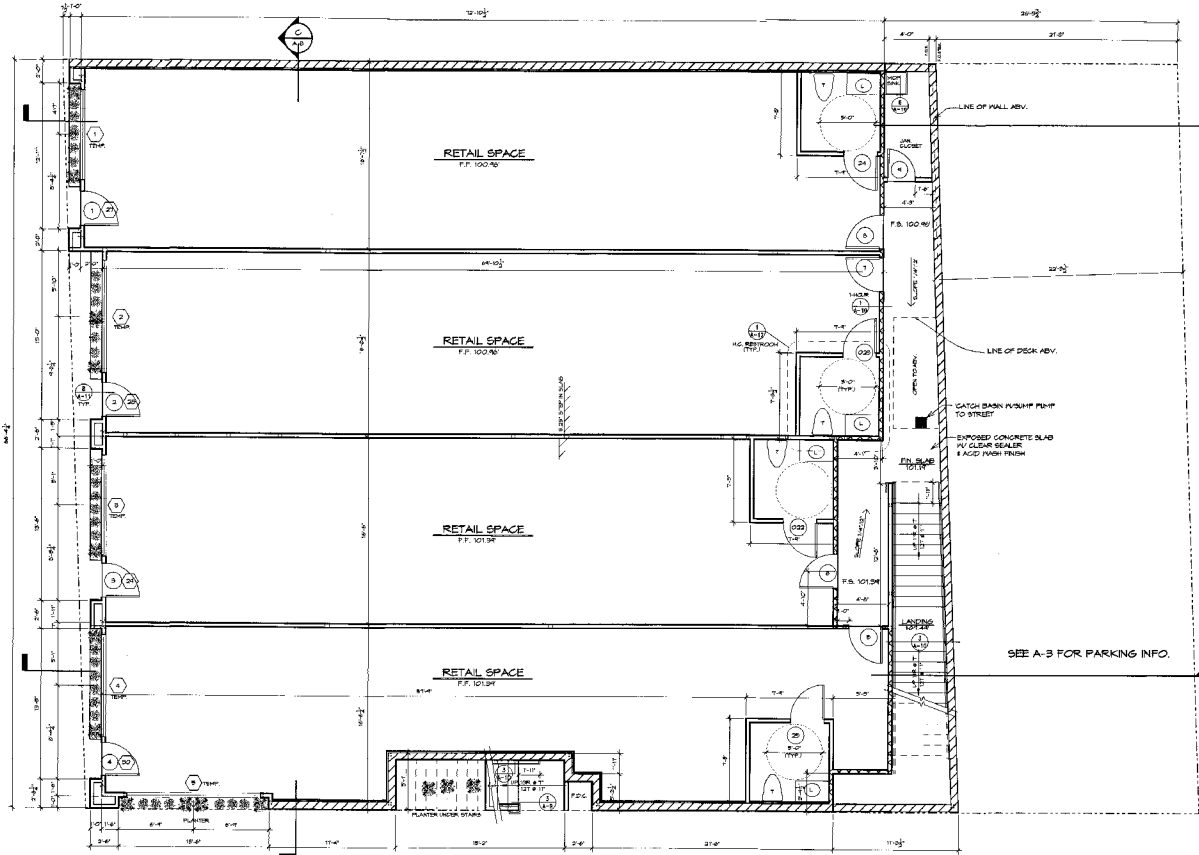
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Attachment L



FIRST FLOOR PLAN

1/4" = 1'-0"

NOTES:

PROVIDE A MINIMUM OF TWO TOILET ROOMS, ONE FOR EACH SEX, APPROVED WHEN NUMBER OF EMPLOYEES EXCEEDS FOUR AND BOTH MALE AND FEMALE ARE EMPLOYED PER SECTION 2402.3 ALSO, TO COMPLY WITH TABLE NO. 4-1, IFC, THIS WILL BE PART OF T. I. PLAN CHECK PERFORMED BY THE CITY OF BERKELEY.

PLANS AND CALCS FOR SIGNAGE, SHORING AND CANVAS AWNINGS TO BE SUBMITTED UNDER SEPERATE PERMIT AND PLANCHECK.

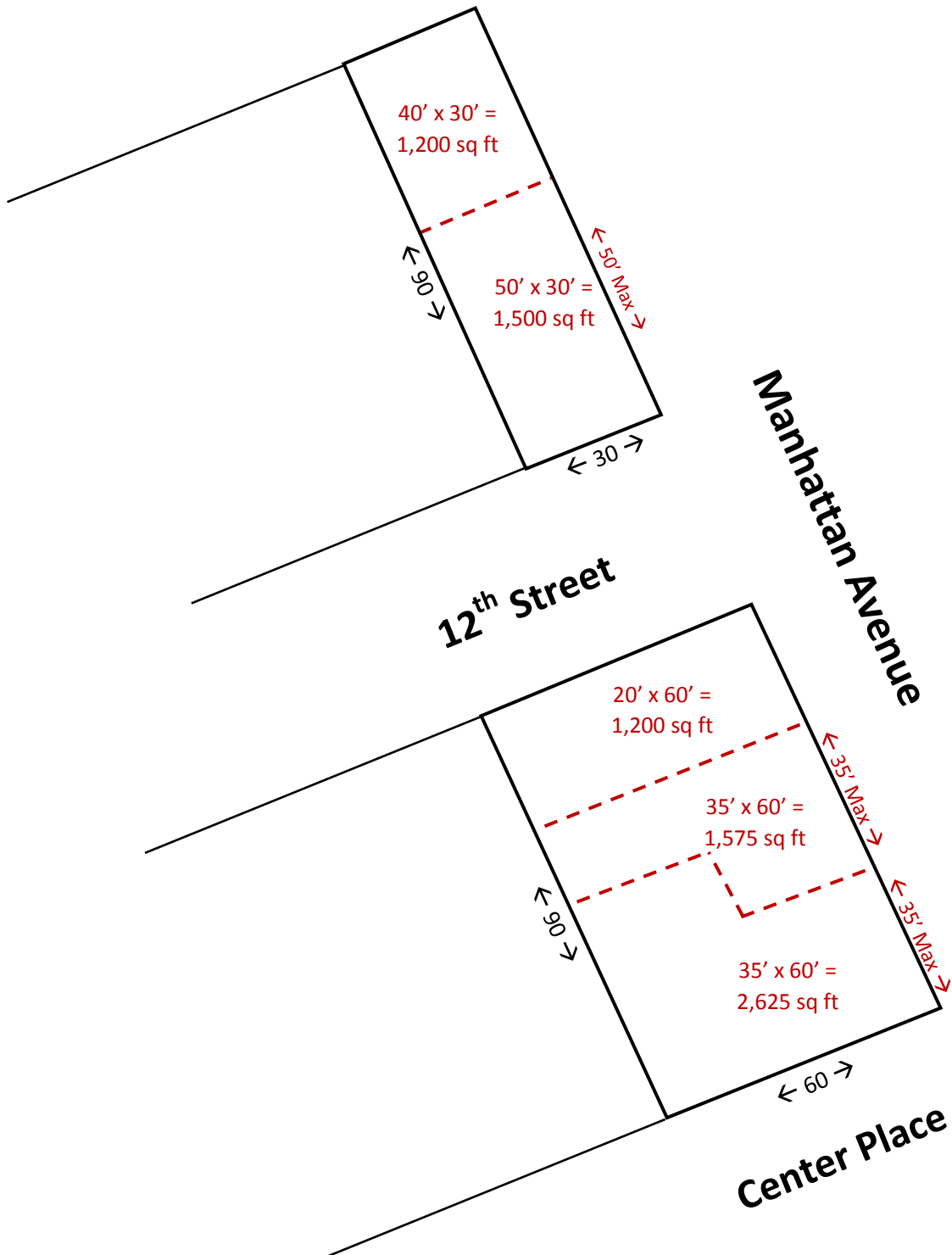
REVISIONS	NO. DATE	REMARKS
A TWO-STORY COMMERCIAL BUILDING FOR: PETER RISTANI 1100 MANHATTAN AVE. MANHATTAN BCH, CA		
LARRY PEHA A. I. A.		
67 14th STREET BERKELEY, CA 94704 (415) 372-1755		
DATE:	DRAWN: A.T.R.	
	JOB NO. # 0024	
A - 2		

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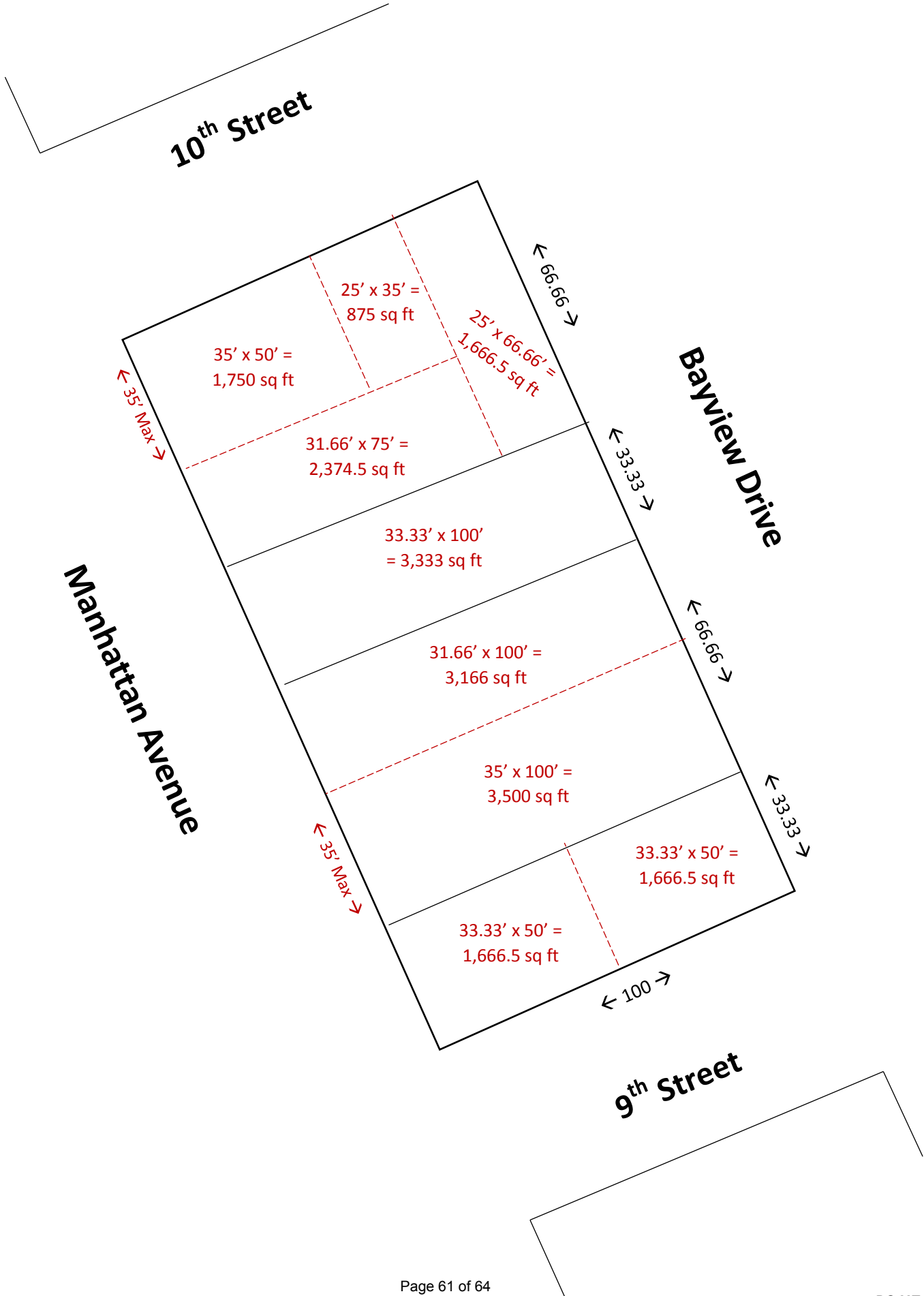
Attachment M



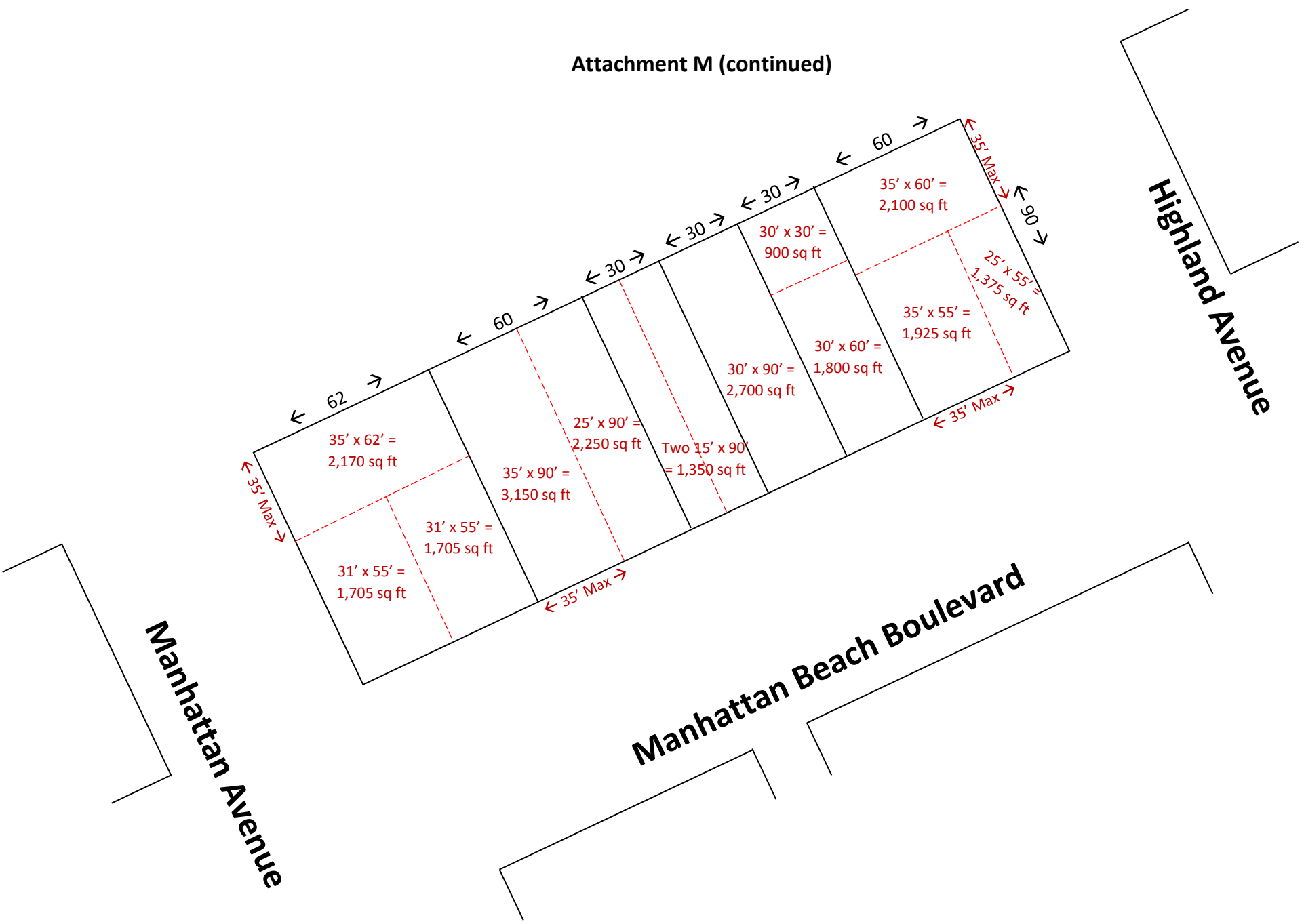
Attachment M (continued)



Attachment M (continued)



Attachment M (continued)



Attachment 2
Draft Downtown Specific Plan Key Concepts
July 27, 2016 Planning Commission Consensus Items

Building Height/Stories

Commission concurs with staff's recommendation. Height limit to remain at 26 feet. Only allow 2 foot height exception for elevators. Elevator height projection may exceed the maximum height by 2 feet at a maximum 10 ft. x 10 ft. dimension. The elevator shaft must also be located in the rear half of the lot to minimize the view of the protrusion from the sidewalk. No exception to the maximum height requirements for mechanicals and pitched roofs.

Maximum Ground Floor Front Setback

Commission consensus that maximum ground floor front yard setback should be 12 feet, not 10 feet.

Façade Transparency

Commission consensus to require minimum façade transparency of 70 percent on Manhattan Beach Boulevard, Highland Avenue, and Manhattan Avenue. For corner properties, the primary frontage will have a minimum 70 percent transparency requirement, and the non-primary frontage will have a minimum 60 percent transparency requirement, where feasible. If it is unfeasible to provide the 60 percent transparency on the non-primary side of a corner building, architectural elements (consistent with the Chapter 6 Design Guidelines) must be added to create visual interest along the side.

Historic Preservation

Commission concurs with staff's proposed changes to the Historic Preservation section in Chapter 6.

Ground Floor Retail Uses and Non-Conforming Uses

Staff will discuss existing code regulations in Chapter 10.68 *Nonconforming Uses and Structures* in more detail.

Land Use Changes

Commission concurs with staff's proposed changes to add two new classifications for Animal Veterinary Services and Optometrist, both of which would be allowed on the ground floor without a Use Permit.

Second Story Outdoor Dining

Commission consensus to allow second story outdoor dining with a Use Permit on Manhattan Beach Boulevard and possibly Manhattan Avenue as long as the dining location is a minimum of one to two blocks from a residential block as a transition. The Planning Commission recommended that the requirement for submittal of an acoustic study with the Use Permit application be removed. Staff clarified that the acoustic study requirement may still be recommended as a mitigation measure in the draft environmental report.

Retail Square Footage Cap

Commission consensus to set a maximum sales floor area cap of 1,600 square feet. Greater than 1,600 square feet will required a Use Permit. The sales floor area should be defined by the total area of a tenant space, measured from the inside wall, excluding rooms that are permanently inaccessible to the public, including but not limited to storage rooms, office associated with the retail tenant, mechanical rooms, bathrooms, and common area shared with other tenants in the building.

Maximum Tenant Frontage

Commission concurs with staff's recommendation for maximum 35 foot frontage for lots greater than or equal to 35 feet in depth, and for lots less than 35 feet in depth, a maximum frontage of 50 feet. For corner lots, staff would need to determine on a case-by-case basis which side of the corner tenant space would be subject to the maximum tenant frontage of 35 feet or 50 feet, with Staff taking into account the lot's development, size, slope, and the tenant patterns of the surrounding blocks.

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