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**Subject:** Required Information for Gelson's March 22 Hearing  
**Attachments:** 170209-McP-PC-MeetingRecap-Final.pdf

Nancy Hersman, Chair  
Planning Commission  
City of Manhattan Beach

Via Email

Subject: Gelson's Working Group to Identify Analyses for March 22 Meeting

Chair Hersman and Commissioners,

At the February 8 hearing, I appreciated your patience for listening several hours to our opinions regarding Gelson's. Your consideration provided us with a congenial town-meeting experience, a rare pleasure in our hyper-charged society.

As one or more testifiers stated, we learned a great deal from our neighbors' testimony, both pros and cons. For one, residents and planning commissioners alike highlighted the lack of information necessary to condition a use permit.

To fill in the gaps, please consider the following. As soon as possible, a working group should convene to identify the analyses needed for the public hearing on March 22. Per the attachment, sufficient time may not exist to prepare the analyses required for the meeting.

The working group should comprise the applicant, residents, staff and two planning commissioners, the latter permitted by the Brown Act.

The attachment summarizes some of the environmental impact areas that require more information, such as: 1) A Sepulveda deceleration lane rather than right-turn pocket; 2) Parking; 3) Light trespass from parking-lot illumination; and, 4) Noise from rooftop equipment. The attachment includes this email.

The deceleration lane issue illustrates the need for further information. It appears that Paragon cannot implement a 12-foot wide deceleration lane and 4-foot sidewalk, because those improvements would pass through the existing pole sign. Staff has approved retention of the sign, which the municipal code categorically prohibits. The sign has not identified land-use for over 90 days, which renders it 'abandoned' and thereby prohibited. [MBMC 10.72.030 & 10.72.070(F)]

Also, please note that Gelson's parking and traffic study has an apparent fatal flaw for the bank, by not including customer trips to use the ATM's, which will occur 24/7.

These examples serve to emphasize the need for a working group that will promptly identify the environmental impact analyses required for the March 22 public hearing.

Thanks,  
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## Required Environmental Impact Analyses for Gelson's

As soon as possible, a working group should convene to identify the information needed for the public hearing on March 22. Per the environmental impacts summarized below, sufficient time may not exist to prepare the required analyses by March 22.

The working group should comprise the applicant, residents, staff and two planning commissioners, the latter permitted by the Brown Act.

### **EXAMPLE DATA DEFICIENCY: DECELERATION LANE.**

To illustrate the seriousness of the information gaps, for example, consider the proposed right-turn entry pocket, instead of a deceleration lane typical for Sepulveda projects.

A review of the entire Gelson's record failed to discover an explanation for this deviation from the Sepulveda Boulevard Development Guide. [Pg. 10] Indeed, Paragon states they will comply with City and Caltrans direction for a deceleration lane, if no reduction in parking. [Staff Report, Pg. 61]

What could possibly stop Paragon from implementing a proper deceleration lane?

**Answer: Their pole sign remaining from the car dealership. [Exhibit 1]** The Exhibit 2 parking plan shows that a properly-designed deceleration lane and sidewalk would pass through their existing sign, which they want to keep.

**More missing crucial facts.** The municipal code prohibits retention of the existing pole sign, although staff approved it for Paragon plans. [Staff Report, PPs. 101, 104] The pole sign has not identified any land use for over 90 days, which renders it 'abandoned.' [MBMC 10.72.030] The municipal code categorically prohibits 'abandoned' signs. [MBMC 10.72.070(F)

Policy LU-3,5 in the General Plan has as an objective, "*2. protect business sites from loss of prominence resulting from excessive signs, particularly pole signs, on nearby sites;*" [Emphasis added] Check Gelson's proposed sign for 'loss of prominence.' [Staff Report, Pg 101]

If Gelson's wants a pole sign, they must apply for it in their application. Pursuant to MBMC 10.72.050, however, with a pole sign, they must forego all the other wall, awning and monument signs identified in the Staff Report, namely, the 16 pages starting at Pg. 99.

Residents raised the deceleration lane issue in January 2016. In response, neither Paragon nor staff have explained that the plans do not include a long deceleration lane, because it would pass through the old pole sign [which the municipal code prohibits.]

For the March 22 meeting, staff must amend their response to residents' questions regarding the deceleration lane. Paragon must redesign the sign plan and the Sepulveda ingress-egress, including a maximum length deceleration lane, both pursuant to the municipal code and the Sepulveda Blvd. Development Guide.

Without a long deceleration lane, traffic entering Gelson's may back up into Sepulveda Blvd., creating an obstacle in an already Category F throughway during commuting hours.

### **OTHER ENVIRONMENTAL IMPACT ISSUES**

This section summarizes environmental impact analyses required for: 1) Parking; 2) Light trespass from parking-lot illumination; and, 3) Noise from rooftop equipment.

The Gelson's working group will, no doubt, identify other environmental impacts requiring analyses.

## Required Environmental Impact Analyses for Gelson's

### 1. Parking Deficiencies.

As noted in the cover letter, by not including ATM users, Paragon has greatly underestimated bank parking demand, as well as misrepresenting when the use occurs during the day and week. This error alone invalidates their analysis to justify reduced parking.

Additionally, it appears staff has joined with Paragon to formulate a new policy for the two reduced-parking provisions in the municipal code, elevating them as a modeling alternative to the quantitative standards in effect since 1991, pursuant to MBMC 10.64.030.

A comprehensive review of the city record has disclosed only two previous parking reductions, based on the provisions MBMC 10.64.040 & 10.64.050:

- 1) 1829 N. Sepulveda Blvd, *Tikvat Jacob*, a religious facility [2012]; and,
- 2) 3601 Aviation Blvd., *Continental Rosecrans Aviation LP*, an office building [2013].

First, the planning commission should determine whether reduced parking even applies to Gelson's. Except for the two projects listed above, apparently, the city has not considered any other applications for reduced parking. Some reason must exist why no other developments have applied for reduced parking, much less received approval.

In terms of residential environmental impact, Gelson's directly corresponds to the *Tikvat Jacob* project, located in the D Design Overlay District D-6, Oak Ave. [MBMC Chapter 10.44] In this modification of an existing use, the city approved reduced parking for an expansion of the religious assembly area and inclusion of a day-care center.

Larsson St. closely resembles the Oak Ave neighborhood, by comprising three blocks adjacent to commercial properties west of Sepulveda.

The D Design Overlay District includes a restriction on reduced parking in the North End, namely, "*j. The Planning Commission may allow reduced parking with a use permit for neighborhood-oriented uses such as small retail stores, personal services, and eating and drinking establishments open for breakfast and lunch, subject to the requirements of Section 10.64.050(B).*" [MBMC 10.44.040]

The above citation implies that as a matter of policy, the city applies the reduced-parking provisions to highly-restricted special situations, as evidenced by only two projects ever receiving approval. If true, then existing policy would not permit reduced parking for a large project, like Gelson's.

For the March 22 hearing, staff must present the legislative history of the reduced parking provisions. The planning commission needs this information, to determine whether Gelson's proposal to reduce parking has any legal standing for such a large project.

Because of their error in neglecting ATM use when modeling bank-parking demand, for the March 22 hearing, Paragon must redesign the parking lot to comply with parking requirements for only Gelson's, pursuant to quantitative standards in MBMC 10.64.030.

Exhibits 2 and 3 illustrate such a parking plan. Per Exhibit 3, the project requires 152 spaces. The main lot provides 141 spaces and the 8<sup>th</sup> St. auxiliary lot provides 16, for a total of 157. Per Exhibit 2, compact spaces in the east-most row will increase the total to 159.

The seven-space surplus will buffer parking surges. This will mitigate impacts on Sepulveda traffic, by taking pressure off the deceleration lane to prevent queuing.

## Required Environmental Impact Analyses for Gelson's

### 2. Environmental Impacts from Parking-Lot Lighting.

Paragon appears not to have a design for parking-lot illumination. With Larsson St. elevated nearly at project roof height, that exposes homes to parking-lot lights. [Exhibit 4]. Likewise, the three new houses on 8<sup>th</sup> St. have direct views of both proposed parking lots.

The existing light fixtures, although relocated, cannot comply with the requirement for a sharp cutoff at all property lines to prevent residential impacts. [MBMC 10.64.170(C)(2)]

For the March 22 hearing, Paragon must provide a mitigated design by a registered electrical engineer, for parking-lot illumination at both proposed lots, to ensure no direct view of light sources from surrounding homes, at second-story elevation.

Anything less will not comply with the municipal code.

### 3. Noise from Rooftop Equipment.

The Initial Study/MND erroneously dismisses the environmental impact of noise from rooftop equipment, because the loudness is 2.3 decibels [dB] less than ambient. [Initial Study/MND Pg. 119] The rooftop equipment and ambient noise effectively have the same loudness, at 55 dB and 57.2 dB respectively. To discern a difference in noise levels, people need about a 5 dB change.

Furthermore, residents will instinctively focus on the chugging compressors and whining fans, while tuning out the random ambient background. People easily distinguish periodic sounds, even if far quieter than the ambient level, not the case herein. Published literature cites this attribute as '*selective auditory attention*' or '*selective hearing*.'

The municipal code prohibits "...any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness." [MBMC 5.48.140]

By addressing only quantitative decibel values, rather than the disturbance provision cited above, EcoTierra has displayed their ignorance of the city noise ordinance, which closely follows the standards adopted by most, if not all, local governments in California.

For the March 22 hearing, Paragon must submit a design prepared by a certified acoustics expert, for visual and acoustic shielding of rooftop machinery, so that noise not audible at ground or second-floor level on all nearby residential properties.

### CONCLUSIONS.

At the February 8 hearing, in rebuttal, the young representative for the project stated they had already thoroughly resolved every single issue raised in testimony by residents. As Commissioner Conaway observed, that statement by Paragon raised many questions, but provided no answers.

To answer those questions, as soon as possible, the city should convene the Gelson's working group proposed above, to identify information needed at the forthcoming March 22 hearing. Possibly, sufficient time may not exist to conduct the required analyses before the meeting date.

**EXHIBITS:** 1) Property Abandoned Pole Sign; 2) Parking Plan-View, Revised  
3) Parking Requirements, Revised; and 4) Project-Homes Line of Sight

## EXHIBIT 1

# GELSON'S POLE SIGN ABANDONED AND NOT PERMITTED



### Municipal Code Prohibits Use of Abandoned Signs

MBMC 10.72.030 - Definitions.

"Abandoned sign" means any sign or structure which: identifies a use which has not occupied the site on which it is located for a period of ninety (90) days, **does not clearly identify any land use for a period of ninety (90) days**, or has been in a state of disrepair or poor condition for a period of thirty (30) days.

[Emphasis added]

MBMC 10.72.070 - Prohibited signs.

F. Abandoned signs;

**CORRECTION: 140/142 SPACES, NOT 141/143.**

**140/142 + 16=156/158 vs 152 REQUIRED**

**PARAGON HAS 140-25+4 = 119 SPACES + 16 = 134**

**EXHIBIT 2**

**REVISED PARKING PLAN REMOVES BANK AND PROHIBITED POLE SIGN**

- Prohibited pole sign removed to make way for conforming deceleration lane
- 220-foot, 12-foot wide deceleration lane added along Sepulveda
- South Parking replaced bank, to comply with parking requirements

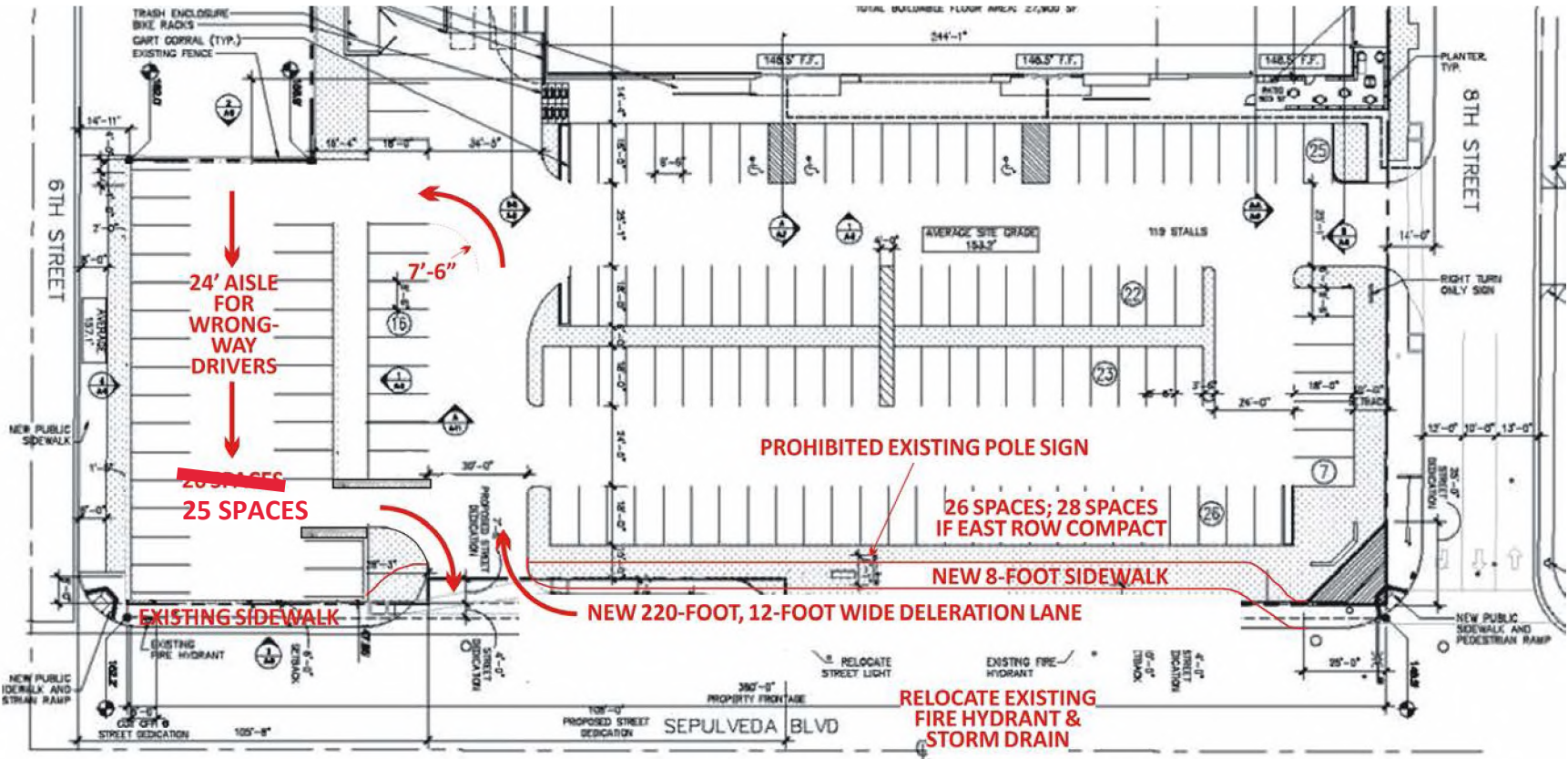


EXHIBIT 3

**GELSON'S REQUIRES 152 SPACES WITHOUT NONCONFORMING BANK;  
REVISED PARKING PLAN PROVIDES 157**

EXCERPT FROM PARAGON TRAFFIC & PARKING STUDY

**Table IIA – City Parking Code Requirements for –  
Project Uses on a Stand Alone Basis**

DESCRIPTION	SIZE	PARKING RATE <sup>[1]</sup>	STAND-ALONE SPACES REQUIRED
Specialty Grocery Store	27,694 sq.ft.	1 space per 200 SF	138
Food Service Seating - Indoor <sup>[2]</sup>	206 sq.ft.	1 space per 75 SF	<del>3</del> 4
Food Service Seating - Outdoor	503 sq.ft.	1 space per 75 SF	<del>7</del> 10
Bank <sup>[3]</sup>	<del>6,800 sq.ft.</del>	<del>1 space per 300 SF</del>	23
Total Code Parking Requirement			<del>171</del> <del>152 spaces</del>

Paragon used the wrong standard for eating places, 1 space per 75 SF. The correct standard of 1 space per 50 SF results in 14 spaces total

required, total

My 829 SF vs their 709 SF = 16.6 spaces

!55 space required without bank;  
178 spaces required with bank

**EXHIBIT 4**

**ALL NEIGHBORS HAVE LINE OF SIGHT TO PARKING LIGHTS AND ROOFTOP MACHINERY**

