





Agenda Item #: 06/1205.12

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: Geoff Dolan, City Manager 

FROM: Richard Thompson, Director of Community Development 
Daniel A. Moreno, Associate Planner 

DATE: December 5, 2006

SUBJECT: Consideration of Planning Commission Approval of a Use Permit for Construction of a 2-story Youth Center/Assembly Hall, Establish a Site-Wide Parking Requirement and Variance for a New Elevator Shaft/Bell Tower Which Would Exceed the 30-Foot Height Limit for the Manhattan Beach Community Church at 303 Peck Avenue

RECOMMENDATION:

Staff recommends that the City Council **RECEIVE and FILE** this report.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

At the October 25, 2006 Planning Commission meeting staff presented a proposal which consisted of a request for approval of a Use Permit and Variance to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) establish a parking requirement for the existing and proposed mixed uses on the property, and 3) construction of a separate 81 square foot elevator shaft/bell tower which will facilitate disabled access requirement and provides access between two levels of the existing structure, and which will exceed the maximum 30-foot height limit.

At this meeting, after opening the hearing and taking testimony, the Planning Commission passed a motion to reopen the public hearing and continue the item to the November 15, 2006 Planning Commission meeting and directed staff to prepare a 'draft' resolution of approval for their review. The Commission also continued the public hearing in order to allow the applicant and the school representatives time to work together to resolve non-related city issues.

At the Planning Commission meeting of November 15, 2006, the Commission voted (5-0-0) to approve the subject application. Approval of the Use Permit was based on the following findings:

1. The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the (RS) Residential district in which the site is located. The 99 on-site parking spaces that would be provided for the site is sufficient for the established church/school uses. Additionally, the church has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking.
2. The location of the proposed building and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 4, which encourages preservation of features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. This project would not be detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood uses: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
3. The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed building use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, and trash area.
4. The proposed use would not adversely impact nearby residential properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

The decision to approve the Variance was based on the following findings:

1. Based on the slope of the property, and size and location of the structure, the proposed building would not be obtrusive to the surrounding neighborhood.
2. The proposed building is shielded from the surrounding neighborhood due to the existing mature vegetation, which prevents impairment of neighbor's views. The closest residential properties are located 300 feet from the proposed building location.
3. The proposed location of the building is substantially lower than the public right-of-way on Peck Avenue and therefore the size and scale of the structure would be minimal as compared to the surrounding developments.

At the November 15, 2006 meeting, several individuals spoke in favor of approving the subject proposal. Due to concerns raised regarding licensing requirement from the Department of Social Services for required play areas, the Commission added condition #4, which requires that the school receive all necessary permits and/or licenses prior to the issuance of any building permits for the proposed buildings. Additionally the Commission added conditions that requires the preservation of all existing trees and allows non-invasive work prior to the issuance of a building permit.

Attached is Resolution No. PC 06-18, as well as other pertinent materials including: excerpt from the Planning Commission minutes and Staff reports to the Commission dated October 25, 2006 and November 15, 2006, with more detailed background and analysis.

ALTERNATIVES

1. **RECEIVE and FILE** the Planning Commission's decision of **APPROVAL**
2. **REMOVE** this item from the Consent Calendar and **APPEAL** the decision of the Planning Commission and schedule for Public Hearing

- Attachments:
- A Resolution No. PC 06-18 (available electronically)
 - B Planning Commission Minutes, Reports, attachments and plans, dated 10/25/06 and 11/15/06 (available electronically except plans)
 - C Vehicle operating Conditions submitted by applicant to PC, dated 11/15/06
 - D Manhattan Beach Community Church Project Description, dated 11/15/06

cc: Bruce Kuck, Applicant, Church Representative

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO ALLOW CONSTRUCTION OF A 2-STORY YOUTH CENTER/ASSEMBLY HALL, ESTABLISH A SITE WIDE PARKING REQUIREMENT AND A VARIANCE FOR AN ELEVATOR SHAFT/BELL TOWER WHICH WOULD EXCEED THE 30-FOOT HEIGHT LIMIT AT 303 SOUTH PECK AVENUE

(Manhattan Beach Community Church)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on October 25, 2006 and November 15, 2006 to consider a Use Permit and Variance applications and which establishes a parking requirement for the site for the property legally described as Portion of Lot 10, Partition Map showing property formerly of the Redondo Land Company, located at 303 South Peck Avenue in the City of Manhattan Beach.
- B. At the October 25, 2006 Planning Commission meeting a motion was made to reopen the public hearing and continue the item to the November 15, 2006 meeting with direction to staff to prepare a 'draft' resolution for the Commissions consideration.
- C. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The applicant for the Variance application is Bruce Kuch, representative for the Manhattan Beach Community Church.
- E. The applicant has filed a Use Permit and Variance applications to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which facilitates disabled access requirement between and provides access between two levels of the existing structure, which exceeds the maximum 30-foot height limit, and 3) establish a parking requirement for the existing uses on the subject property.
- F. In 2003, the City Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a religious facility which was otherwise exempt from a Use Permit requirement. In this case the subject Use Permit replaces the mediation process.
- G. Section 10.28.030, L-20 (3), states that no portion of any building shall exceed a height of 30 feet as measured from the average of the finished ground level at the center of all walls. Based on the submitted survey data, the maximum allowable building height is 131.93'.
- H. The submitted plans show a proposed building height for the proposed elevator shaft/bell tower at a 138.29' elevation. Based on this height proposal, the structure would exceed the allowable building height by 6.36'.
- I. Residential land use regulation, Section 10.12.020 L-3, provides an exemption from a Use Permit requirement for existing church facilities that are not developed beyond half (50%) of their allowable buildable floor area. With the proposed structure, the site would be at 40% of their allowable buildable floor area. However, a Use Permit application was filed to establish the parking requirement for all existing/proposed uses.



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- J. The project site will provide 99 on-site parking spaces located on the east and west lots of the property. The City Traffic Engineer has reviewed the site plan and evaluated the parking study prepared by Kaku Associates and has concluded that the 99 on-site parking spaces are sufficient to meet the parking demand for the existing/proposed mix of uses.
- K. The existing parking agreement between the Manhattan Beach Community Church and the Manhattan Beach Unified School District for overflow parking is proposed to be maintained.
- L. According to the California Environmental Quality Act (CEQA), the project is exempt (Class 32, Section 15332) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor infill development and meets the conditions described below.
1. The project is consistent with the applicable general plan designation, general plan policies as well as with applicable zoning designation and regulations.
 2. The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
 3. The project site has no value as habitat for endangered, rare or threatened species.
 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as conditioned.
 5. The site can be adequately served by all required utilities and public services.
- M. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
- a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the (RS) Residential district in which the site is located. The 99 on-site parking spaces that would be provided for the site is sufficient for the established church/school uses. Additionally, the church has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking.
 - b) The location of the proposed building and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 4, which encourages preservation of features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. This project would not be detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood uses; and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
 - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed building use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, and trash area.
 - d) The proposed use would not adversely impact nearby residential properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- N. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- O. The Planning Commission made the following findings with respect to this Variance application:
1. The applicant requests approval of a Variance application to allow the construction of a new elevator shaft/bell tower, which would exceed the allowable height limit by 6.36'.

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2. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the east and west. The properties to the north and south are zoned Public and Semi-Public.
3. The General Plan designation for the property is Low Density Residential.
4. Based upon State law, the proposed project will meet the required findings as follows:

Variance

- a) The special circumstance applicable to this property is the extreme topography of the site. Because the structure will be located at the center of the property, nestled between two existing structures, surrounded by mature landscaping that will shield the project from the surrounding neighborhoods, the proposal would not create additional view obstruction to the surrounding properties. Based on the A-frame roof design the bulk of structure would also be minimized.
- b) The relief may be granted without substantial detriment to the public good and the project would not be detrimental or injurious to property or improvements in the vicinity of the development. The closest residential properties are located 300 feet from the proposed building location.
- c) Granting the request is consistent with the purpose of Title 10 of the MBMC and would not constitute a granting of a special privilege because the proposed building location conceals the bulk of the structure. Additionally, due to the proposed location of the building, which is substantially lower than the public right-of-way on Peck Avenue, the scale of the structure would remain minimal as compared to the surrounding developments.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Variance subject to the following conditions:

General

1. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on October 25, 2006 and November 15, 2006.
2. In order to address safety concerns regarding the drop-off and pick-up of students during and after construction for the Montessori school, the applicant shall provide a plan which shows loading and unloading of children safely. This plan shall be submitted for review and approved prior to the issuance of any permit.
3. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of any permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles and will ensure the safety of the students attending the Montessori School.
4. The demolition permit shall not be issued until the State of California Health and Human Services Agency Department of Social Services issues all necessary permits and/or licenses for the relocation of the playground for Facility No. 191602098 without requiring a reduction in the current legally allowable number of students attending the Montessori School.
5. Preparatory non-invasive work will be allowed prior to the issuance of a building permit subject to agreement between the school and church and approval by City staff.

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6. All existing trees shall be preserved as part of the subject proposal.
7. The church is required to encourage visitors to the site to utilize on-site parking on a regular basis.

Public Works

8. All landscape irrigation backflow devices must meet current City requirements for property installation.
9. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
10. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
11. A backwater valve is required on the sanitary sewer lateral if the discharges from the fixtures with flood level rims that are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
12. If the existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
13. A mop sink must be installed and shown on the plumbing plan.
14. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
15. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
16. All existing and approved trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0, Trap Seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. Drawings of the trash enclosure must be on the plans, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.
17. Commercial establishments are required by Municipal Code 5.24.030 (C)(2), to have a sufficient refuse storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property. Please refer to the Code section for further clarification.
18. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works specifications. See City Standard Plans, ST-1, ST-2 and ST-3. The plans must have a profile of the driveway, percent of slope of driveway and driveway elevations.
19. For any parking lot with 25 or more spaces, weekly sweeping will be required.

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20. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
21. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on plans.
22. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway.
23. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
24. Any new storm water, nuisance water, etc. or drain lines installed within the street right-of-way, must be constructed of ductile iron pipe. Drains must be shown on plans.
25. Plan holder must have the plans re-checked and stamped for approval by the Public Works Department before the building permit is issued. All of the Public Works notes and conditions must be printed on the plans. No Exceptions.

Fire Department

26. The subject site must meet emergency access requirements. Plans shall be submitted and approved by the Fire Department.

Building Division

27. The subject site shall comply with all current California Building Code guidelines for disabled access requirements, including the disabled access parking space currently located at the first level at the southerly end of the Montessori school. Plans shall be submitted for review and approval by the Building Division prior to the issuance of any permit.
28. The proposed project may be subject to the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Applicant shall contact the building division and obtain a copy of the application to determine compliance.

Procedural

29. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
30. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
31. The Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
32. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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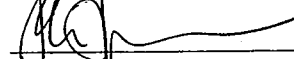
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **November 15, 2006** and that said Resolution was adopted by the following vote:

**AYES: Bohner, Cohen, Lesser, Powell,
Chairman Schlager**

NOES:

ABSTAIN:

ABSENT:



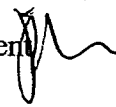
RICHARD THOMPSON,
Secretary to the Planning Commission

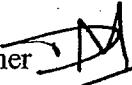


Sarah Boeschen
Recording Secretary

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Daniel A. Moreno, Associate Planner 

DATE: October 25, 2006

SUBJECT: **Consideration of a Use Permit for Construction of a 2-Story Youth Center/Assembly Hall, Establish a Site Wide Parking Requirement, and a Variance for a New Elevator Shaft/Bell Tower Which Would Exceed the 30-Foot Height Limit, at 303 South Peck Avenue (Manhattan Beach Community Church)**

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the public hearing, **DISCUSS** the project and **DIRECT** staff as determined to be appropriate.

APPLICANT/REPRESENTATIVE

Manhattan Beach Community Church
Bruce Kuch, Representative
303 S. Peck Avenue
Manhattan Beach, Ca. 90266

BACKGROUND

On July 17, 2006, an application was filed requesting approval of a Use Permit and Variance to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which will facilitate disabled access requirement and provides access between two levels of the existing structure, and which will exceed the maximum 30-foot height limit, and 3) establish a parking requirement for the existing and proposed mixed uses on the property.

In 2002, the subject property received a Variance approval to construct a two-story youth center/assembly hall which exceeded the 30-foot height limit. This project was not built and the current applications seek approval of a redesigned building which better fits the need of the church.

The proposed structure consists of a two level building with a parapet roof design which is designed to be harmonious with the current church facilities. The first level consists of a 1,003 square foot "youth center" and a 1,516 square foot assembly hall both serviced by



adjoining storage area, entry breezeway, kitchen area and restroom facilities. The second level consists of two 336 square foot classrooms with additional storage and mechanical rooms.

PROJECT OVERVIEW

Location: Located on the west side of Peck Avenue between Gates Avenue and Voorhees Avenue, through to Rowell Avenue (see Site Location Map, Exhibit A)

Legal Description: Lot 10, Section 30, Tract 3S R 14 W

Assessor's Parcel No. 4168-002-008

Area District: I

Zoning: Residential Single Family (RS)

Neighboring Uses & Zoning:

North,	(PS) Public and Semi-Public, (Pennekamp School)
East, across Peck Ave.	(RS) Residential Single Family (One and two story single family residences)
South,	(PS) Public and Semi-Public, (MBUSD Administration Building, Mira Costa High School)
West, across Rowell Ave.	(RS) Residential Single Family (One and two story single family residences)

Parcel Size: 139,830 sq. ft. (3.21 Acres)

	<u>Allowable</u>	<u>Proposed</u>
<u>Floor Area Factor:</u>	91,130 sq. ft. (.65 +240)	35,989 sq. ft. (40%)* (total - all bldgs.)

	<u>Allowable</u>	<u>Proposed</u>
<u>Building Height:</u>	131.93*** (30 feet)	127.62' (youth center/assembly hall) 138.29' (elevator/bell tower)

* The existing site currently contains several building which include a community building, sanctuary, administration building, choir assembly hall and Montessori school. The total existing building square footage encompasses approximately 30,089 square feet.

** Maximum building height (30 feet) was based on existing elevation grades at the exterior of the proposed building. These height elevations include the following: 102.05', 102.25', 101.70' and 101.75'. These elevation numbers will be verified during the building permit process.

ENVIRONMENTAL DETERMINATION

According to the California Environmental Quality Act (CEQA), the Manhattan Beach CEQA Guidelines (Section VI d. 4), the project is categorically exempt (Class 32, Section 15322) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor infill development within an urbanized area.

DISCUSSION

The Manhattan Beach Community Church is a 738 member church which conducts weekly worship services on Sunday with other special services and events. The proposed youth center/assembly hall will provide additional facilities to accommodate existing church programs and functions. These new facilities are not expected to bring additional people to the site during the established Sunday morning worship.

The site also contains the Montessori School of Manhattan Beach which uses the classrooms in the Christian Education building during the week. As part of their program, the California Department of Social Services requires that the Montessori School provide 75 sq ft. of outdoor play area per child. The requirement is currently met with play area located at the northerly side of the existing community building and at the westerly and southerly area of the existing school. A separate plan (Attached, Exhibit E) has been provided which shows the different playground area to meet the CDSS play areas requirements.

The proposed assembly hall will relieve the scheduling issues at the existing Community Hall while the Youth Center and classrooms will house church programs.

Construction of a new youth center/assembly hall building is designed below the maximum allowable building height, however the proposed elevator shaft/bell tower will exceed the maximum allowable height which necessitates the filing and subsequent approval of a Variance application. A Use Permit is not required for existing church facilities that are not developed beyond half (50%) of their allowable buildable floor area in accordance with the residential land use regulations, Section 10.12.020 L-3. The site contains a separate school use and parking is specified by the Use Permit. The subject Use Permit application has been submitted to establish the parking requirement for all the existing/proposed uses. With the proposed structure, the site would be at 40% of their buildable floor area. The subject site is located in a Residential Single Family (RS) zone, however because the site is over 2 acres in size the regulations of the Public and Semi-Public (PS) District apply in accordance with Section 10.28.020 (D).

In 2003, Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a

religious facility which was otherwise exempt from a Use Permit requirement. In this case, the Use Permit replaces the mediation process to address issues.

The subject property, which consists of a 3.21 acres site, is presently improved with several buildings including the sanctuary, the choir assembly building, the administration building, the community building and two Montessori school buildings.

The subject site fronts on Peck Avenue and provides two ingress/egress driveways both at the center and south end of the property. A third access driveway is located at the rear of the property at Rowell Avenue.

Building Height

The maximum building height for the proposed structure is established by the land use regulations of the PS zone. Section 10.28.030, L-20 (3), states that no portion of any building shall exceed a height of 30 feet as measured from the average of the finished ground level at the center of all walls. Based on the submitted survey data, the maximum allowable building height is 131.93' ($102.05 + 102.25 + 101.70 + 101.75/4 + 30' = 131.93'$). The submitted plans show the proposed building ridge heights for the youth center/assembly hall at 127.62' which is 4.31' below the maximum allowable building height. However the proposed elevator shaft/bell tower is designed at a height elevation of 138.29' and therefore exceeds the maximum allowable building height by 6.36'.

The existing sanctuary building, constructed in 1958 and with an A-frame roof design, currently has an elevation ridge height of 148.96'. Given the proposed building height elevation of 138.29' for the elevator shaft/bell tower, the building would be approximately 10.67' below the existing sanctuary highest roofline. (See attached elevation plan, Sheet A3.1, Exhibit E).

The subject property has extreme elevation changes with the highest elevation being located at the northeast property corner at Peck Avenue (132.74') while the lowest point occurs at the southwest property corner at Rowell Avenue (90.07'). A severe downward slope of approximately 42.67 feet occurs between these two points (See attached elevation plans, Exhibit E).

The submitted plans show that the proposed elevator shaft/bell tower would be located at the center of the property between the existing two level community building to the west and the tall sanctuary building to the east. To the north, adjacent to Pennekamp School, is a large landscaped slope with mature trees, which helps shield the project visually to the surrounding residential neighborhoods. At the northerly property line the proposed structure must maintain a 10-foot building setback. The closest residential buildings to the proposed structure are approximately 300 feet away and are located to the east and west of the subject project.

In the applicants project narrative (attached, Exhibit B), they state that the topography of the property, the size of the lot and the location of the elevator tower will make the tower

unobtrusive to the residential neighbors. The addition of the elevator will facilitate disabled requirements between the lower and upper floors of the existing buildings, and the design will be in aesthetic harmony with the architectural character of the existing sanctuary and education building.

Variance Analysis

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or physical conditions on the site or in the immediate vicinity. The City's Zoning Code, Section 10.84.060 B is based upon State Law and requires that each of three findings must be met in order for a Variance to be approved.

These required findings are detailed below:

1. Because of special circumstances or conditions applicable to the subject property, including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions, strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property.
2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.
3. Granting the application is consistent with the purposes of this title and will not constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.

The applicants have submitted materials in support of the application (narrative, Exhibit B). The applicants suggest the following findings in support of the project.

1. The special circumstance applicable to this property is the extreme topography of the site. The proposed A-frame roof design minimizes the bulk of the building. The applicant believes that given the topography of the area, the size of the subject property and the location of the building would be unobtrusive to the surrounding residential neighborhoods. When viewed from the public right-of-way of Peck Avenue and Rowell Avenue, the structure would virtually not be visible to nearby residences.
2. The proposed project when viewed from the public right-of-way does not appear out of context from the adjacent structures. The existing structure is substantially lower than the existing sidewalk and street which further diminishes the impact of the existing residence and proposed addition.

3. The relief may be granted without substantial detriment to the public good, as the proposed building location would not conflict with other structures in the vicinity. The proposed rooflines will enhance the appearance of the buildings and will not encroach physically or aesthetically into the public area. For the same reason, natural resources will not be affected nor will it cause any detriment to properties or persons within the vicinity of the project.
4. Granting the request will not constitute a grant of special privilege because the overall building scale is compatible and consistent with surrounding buildings given the location, roof design and topography of the site.

Use Permit/Parking Requirement

Parking requirements for religious facilities and private or public schools are established through a Use Permit application pursuant to MBMC Section 10.64.030. Although a Use Permit application was not required for the proposed church facility as it did not exceed half (50%) of their allowable buildable floor area, the Use Permit satisfies the mediation requirement.

In 2003, Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a religious facility which was otherwise exempt from a Use Permit requirement. In this case, the Use Permit replaces the mediation process to address issues.

Visitors to the church campus can currently find parking on the east and west areas of the property adjacent to Peck Avenue and Rowell Avenue. On the south side of the property, along an existing secondary access road are 18 parking spaces. With proposed addition 15 of these spaces, which are located along the southerly property line would be eliminated to accommodate the required play area. The remaining 3 spaces, which include a disabled access parking space and located on the north side of the access road adjacent to the school building, would retained. However, staff has a concern that the spaces are adjacent to a proposed playground area posing an unsafe situation.

The number of parking spaces currently available in the west parking lot is 42 spaces and will increase to 67 spaces with the proposed design. The amount of parking spaces in the east lot will increase from 27 to 32 spaces, for a total of 99 on-site spaces. MBCC also has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking (see attached parking agreement, Exhibit C). When the school district offices are closed on Sunday all 104 spaces are available for church visitors. When the district offices are open during the week, church goers can use available spaces for special events.

The applicant has provided the attached parking study prepared by Kaku Associates (attached, Exhibit D) analyzing the site's mix of uses to determine a detailed estimate of

parking demand. The study estimates a peak demand during Sunday services. The average of 260 service attendees would occupy 138 parking spaces, which would be 68% of the future parking supply. On those occasions where 315 parishioners attend Sunday services, 167 spaces or 82% of the future parking supply would be occupied. Both the church and school lots do not reach capacity and are able to accommodate all of the anticipated vehicles without requiring visitors to park on the adjacent City streets.

The City Traffic Engineer has reviewed the site plan and evaluated the parking study and concludes that based on the mix of uses for the site sufficient parking would be provided during the majority of the time.

Trash Enclosure

In order to meet the Department of Social Services requirement for play area, which includes an area for play equipment, the existing trash enclosure located on the southwest corner of the property will be relocated. The proposed location would place the enclosure within the westerly parking area, which is a considerable distance from the Montessori School. Staff believes that this structure should be more centrally located to service all the uses on the site.

Staff Determination

It is Staff's opinion, that based on the slope of the property, and size and location of the building, the proposed structure would not be obtrusive to the surrounding residential neighborhoods. Additionally, the proposed building would be shielded from the north and west elevations due to the existing mature vegetation which prevents impairment of neighbor's views. Furthermore, with the A-frame roof design the overall building scale would be reduced visually from the public right-of-way and the surrounding residential neighborhoods to the east and west of the subject site.

Parking was evaluated based on a review of similar facilities, Code standards, and discussions with the City Traffic Engineer. Based on this parking evaluation and the submitted parking study of the existing and proposed uses, 99 spaces are sufficient to serve the uses on the site. Additionally, a parking agreement exists between the adjoining Manhattan Beach Unified School District site and the Manhattan Beach Community Church to share available parking for the two organizations. Staff supports the availability of this off-site overflow parking agreement and the applicant has stated that it will be continued.

Public Input:

A public notice for the project was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. At the writing of this report, staff had not received any phone calls or correspondence regarding the subject applications. Staff has received minor comments from other department (attached, Exhibit E) but those issues raised are concerns that can be handled as regular building plan check items.

Additional Input:

At the time this report was being prepared, staff met and received a letter dated October 18, 2006 (attached, Exhibit F), from Philip Toomey, attorney for the Montessori School regarding concerns with the proposed church addition as it related to: 1) their existing lease with the church, 2) environmental determination, 3) parking and traffic related issues, and 4) student safety. The timing of this letter has not afforded staff time to review and respond to the issues raised prior to the scheduled public hearing.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and direct staff as determined to be appropriate. Specific determinations suggested to be made for the application include the following:

Use Permit/Parking Requirement

1. Determine whether the proposed 99 on-site proposed parking are adequate for the existing/proposed uses based on Code requirements and the submitted parking study submitted. Additionally determine if the layout as proposed, including the single disabled access parking space located adjacent to the southerly side of the Montessori School building, is adequate.

Building Height Variance

2. Determine whether the request for relief from maximum allowable building height for the proposed elevator shaft/bell tower is appropriate and meets the required findings per MBMC Section 10.84.060 (B).

Trash Location

3. Determine if the proposed location of the trash area is appropriate to service all the uses on the site.

Issues raised by Montessori School

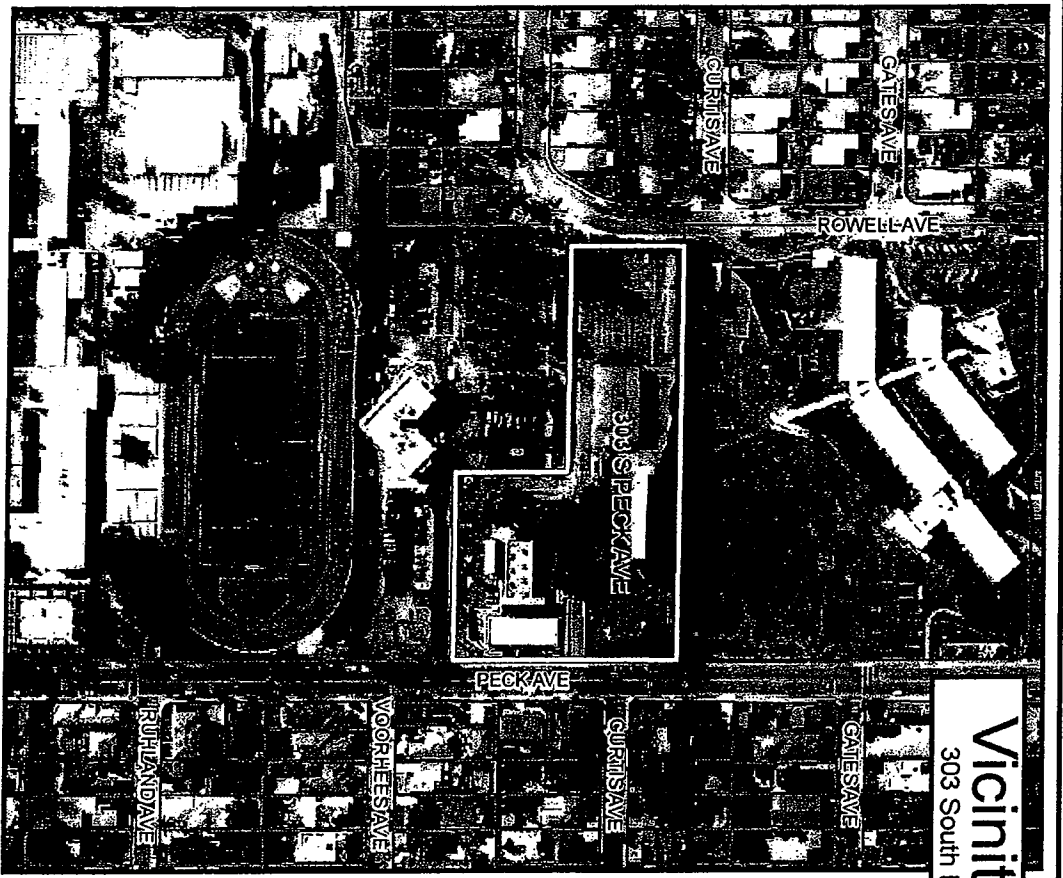
4. Consider the issues raised by the Montessori School and provide direction.

Attachments:

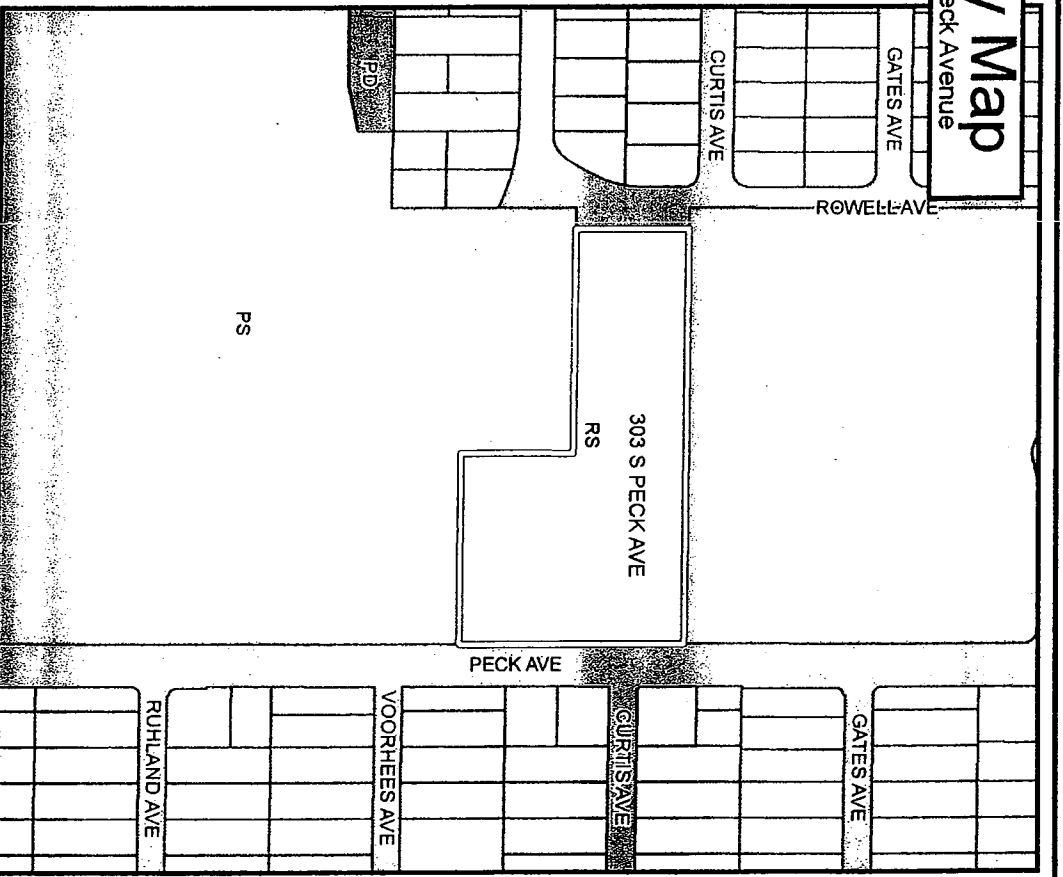
- | | |
|-----------|---|
| Exhibit A | Site Location Map |
| Exhibit B | Applicants Narrative and Findings |
| Exhibit C | Parking Agreement Letter, dated 5/22/06 |
| Exhibit D | Kaku Associates, Parking Study, dated 9/25/06 |
| Exhibit E | Other Department Comments |
| Exhibit F | Attorney Letter, dated 10/18/06 |
| Exhibit G | Conceptual Plans |

cc: Bruce Kuch, Applicant, Representative






2MBComChurchPCStaffRpt 10-25-06



Vicinity Map
303 South Peck Avenue



Legend

-  303 South Peck Ave.
 -  Other Parcels
- Zoning**
-  Planned Development (PD)
 -  Public and Semi-Public (PS)
 -  Residential Single Family (RS)



City of Manhattan Beach
Community Development

**Manhattan Beach Community Church
303 & 315 South Peck Avenue
Manhattan Beach 90266**

**Request for Variance and Use Permit
In accordance with Manhattan Beach Municipal Code Excerpt 10.84.060**

Paragraph 7. to be applied to both the Variance and the Use Permit Requests outlined below—
“Complete Written Description, describing type of business conducted, hours of operation, peak hours, days and hours of operation, any unique characteristics of proposed business and any controls that may be necessary to insure compatibility to the surrounding land uses”:

The Manhattan Beach Community Church (MBCC) is a 738 member church, affiliated with the United Church of Christ. In its existing facilities at 303 & 315 South Peck Avenue, MBCC conducts weekly worship services each Sunday from 10:00 am to 11:00 am. Special evening services are also held during the Easter and Christmas seasons. Weddings and memorial services are also conducted on a sporadic basis. Various rooms of the facility are made available to church and community groups for their respective meetings. Occasionally, performing arts events are held in the Community Hall. The proposed Assembly Hall-Youth Center building will add facilities to accommodate existing church programs and functions. These functions are not expected to bring additional people to the site during the established Sunday morning worship.

The Montessori School of Manhattan Beach currently operates on the 315 South Peck Avenue parcel, using classrooms in the Christian Education building during the week. As part of their program, the California Department of Social Services requires that the Montessori School provide 75 sq. ft. per child for outdoor play area. This requirement is currently fulfilled during the week with play areas located on the 315 South Peck Avenue parcel, and on the 303 South Peck Avenue parcel where the Assembly Hall-Youth Center building will be located. Additionally, a dual use play area on the 303 parcel is fenced off in the west parking lot, which is available for church parking evenings and weekends.

The proposed Assembly Hall-Youth Center project is a two story building with a separate elevator tower that will provide access between the two levels of the sloping site. The first floor will consist of an Assembly Hall with 1,413 square feet and a Youth Center with 933 square feet. The second floor will consist of two classrooms each with 467 square feet and a storage area of 564 square feet. The total building area is 5,866 square feet, with non-habitable space of 879 square feet. The Assembly Hall will relieve the scheduling pressure on the existing Community Hall and the Youth Center and classrooms will house programs presently provided in the temporarily permitted trailers, which were removed from the site in September 23, 2006.



**Manhattan Beach Community Church
303 & 315 South Peck Avenue
Manhattan Beach 90266**

**Request for Variance and Use Permit
In accordance with Manhattan Beach Municipal Code Excerpt 10.84.060**

Paragraph 8. "Written description of how Findings required to approve the Variance will be met":

Request for Variance due to Height of the Elevator Shaft.

special circumstances or conditions:

The MBCC campus is a wooded lot bounded north and south by public schools. Single family residences are located west and east of MBCC. The closest residence to the proposed elevator tower is at 300 feet away. The elevator tower exceeds the allowable height of 30 feet, as calculated for the lower section of the site, by 7 feet 2 inches. However, the proposed height is well below the requirement for the upper portion of the site. The existing sanctuary building, which sits directly east of the boundary between the upper and plaza levels of the is built at a height of 47 feet 2 inches above the plaza level of the new project. For comparison, the proposed elevation of the elevator tower is actually lower than the elevation approved by the City in the public hearing of August 14, 2002, wherein a request for height variance was submitted by MBCC for a prior Assembly Hall building that was replaced with the current design.

exceptional topography:

The sloping topography of the area, the size of the subject property and the location of the elevator tower on it will make the elevator tower unobtrusive to the residential neighbors. Desirous views from neighboring properties will not be impaired.

particular and exceptional difficulties and undue hardships:

In order to re-design the project to lower the height of the elevator, significant changes would have to be made to the structure. These changes are not possible without impacting the overall structural design of the building, resulting in major design costs and function of the elevator. The elevator supplier would also have to make design modifications which would be reflected in a cost increase, or even a change in the contracted supplier.

consistent with the purposes of this title...and with other properties in the vicinity:

The addition of an elevator will facilitate ADA requirements for disabled access between the lower and upper levels of the site. The proposed elevator tower will be consistent and harmonious with the architectural context of the existing church buildings on the site.

not injurious to property, public health:

The addition of an elevator will facilitate ADA requirements for disabled access between the lower and upper levels of the site. The enclosure of the elevator tower and equipment room will be insulated to mitigate transmission of sound from the building interior.

**Manhattan Beach Community Church
303 & 315 South Peck Avenue
Manhattan Beach 90266**

**Request for Variance and Use Permit
In accordance with Manhattan Beach Municipal Code Excerpt 10.84.060**

Paragraph 8. "Written description of how Findings required to approve the Use Permit will be met":

Request for Use Permit to Reduce the Parking Requirement.

Parking surveys and assessments conducted by Kaku Consultants are included in the attached report for both the 303 and 315 South Peck addresses. Kaku concludes that there is adequate parking to accommodate MBCC and MSMB activities, as quoted below:

"The results of the parking surveys conducted during Sunday peak hours as well as on a peak weekday demonstrate that MBCC has a sufficient number of parking spaces to accommodate its existing activities. During a peak weekday hour, it was observed that only 44% of the spaces were occupied and during the peak hour of three surveyed Sundays, 52% of the total available parking spaces were occupied.

Under proposed future conditions, MBCC will have a slight parking supply increase on weekdays and on Sundays. Based on the results of surveys conducted at the MBCC site, the parking supply will adequately accommodate average church attendance (260 parishioners) as well as attendance at the 85th percentile (315 parishioners).

Finally, based on the results of the multiple parking utilization surveys, a play yard could be located in the Montessori School area without adversely affecting the parking supply. Even with the loss of the parking in this area, there is still sufficient parking supply located throughout the MBCC campus."

Manhattan Beach Community Church has hereby submitted a parking lot design that provides a total of 99 on-site parking spaces. The proposed design also shows additional ADA parking and ADA ramps.

MBCC has had a long standing written agreement with the Manhattan Beach Unified School District to utilize parking in the adjacent District Office parking lot. (Refer to the attached letters of agreement between the MBUSD and MBCC.) Under a previous building permit, an access stairway was constructed directly from the MBUSD parking lot up to the MBCC parking lot. According to parking surveys conducted during the Monday through Friday work week, there are typically 60 parking spaces available in the MBUSD District Office lot. On Sundays, when MBCC parking use is highest, the number of spaces available in the MBUSD District parking lot is the total 104 spaces. Refer to the Kaku report for statistical information and the conclusion that adequate parking is available for the current church use

In the unlikely event that the MBUSD is not able to continue to offer the use of District parking lot spaces to MBCC, then MBCC and the MBUSD would revert back to a previous agreement wherein MBCC utilized available parking spaces in the Mira Costa High School parking lot, just south of the District parking lot.

Furthermore, in the August 14, 2002 public hearing, the City Traffic Engineer determined that a total of 101 parking spaces were sufficient in that application. (Refer to the City Staff report provided at the August 14, 2002 Planning Commission hearing.)

**Manhattan Beach Community Church
303 & 315 South Peck Avenue
Manhattan Beach 90266**

**Request for Variance and Use Permit
In accordance with Manhattan Beach Municipal Code Excerpt 10.84.060**

Montessori Use of the 315 South Peck Parcel During Construction

As shown on the drawing entitled "Montessori School Playground Project", all classroom and playground activities will be located on the 315 South Peck parcel. MBCC will provide the necessary playground striping designations in Areas 1 and 4 of the play area drawing, during which asphalt re-surfacing will be done in Areas 2 and 3. This will make these areas available for Montessori play use, and will allow the play areas now in use at the 303 site to be abandoned.

MBCC will restrict children's play access to Area 1, in order to allow construction access to Area 2 during the installation of the playground equipment, and then use the driveway from Peck for construction access to area 3 during the installation of Area 4 playground equipment. This will allow Montessori to meet the DSS playground requirements during construction with minimum disruption. With all the Montessori operation located on the 315 site, construction of the new MBCC buildings may proceed with no impact to Montessori School operations.

Gwen E. Gross, Ph.D.
Superintendent



Manhattan Beach Unified School District

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325 South Peck Avenue • Manhattan Beach • California 90266 • (310) 318-7345 • FAX (310) 303-3822

May 22, 2006

John R. Calhoun
Senior Minister
Manhattan Beach Community Church
303 S. Peck Avenue
Manhattan Beach, CA 90266

Re: Continued Shared Parking During and After Church Construction

Dear Minister Calhoun:

In regard to your letter dated May 16, 2006, regarding the continued shared parking during and after Church construction, the Manhattan Beach Unified School District agrees to share our parking lot with Manhattan Beach Community Church, on a non-interference basis. It is my understanding that your use will be on weekends during church services and occasionally during the week for special situations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen L. McMahon', with a long horizontal flourish extending to the right.

Stephen L. McMahon
Deputy Superintendent of
Business Services

SLM:lh



TECHNICAL MEMORANDUM

TO: Bruce Kuch, BHK Consultants, Inc.
FROM: John Stutsman and Eric J. Haack
DATE: September 25, 2006
SUBJECT: Analysis of Existing and Future Parking Conditions at
Manhattan Beach Community Church

REF: 2047

Kaku Associates, Inc. examined existing and future parking supply and demand conditions for the Manhattan Beach Community Church (MBCC) to determine whether adequate parking supply is available to meet the current weekend and weekday parking demand, as well as potential future demand should MBCC improve its property site with the construction of new and replacement structures as well as a redesigned school play yard.

According to our analysis, MBCC currently has an adequate parking supply to accommodate both the existing and the proposed future parking demand.

EXISTING PROJECT SITE CONDITIONS

MBCC is located at 303 South Peck Avenue in the City of Manhattan Beach and houses church buildings including a sanctuary, chapel and community building, Montessori School operates pre-school and elementary school facilities at 315 South Peck Avenue directly to the southeast of the MBCC campus. Figure 1 shows an aerial image of the existing MBCC and Montessori School campuses.

Visitors to MBCC park in surface lots on the east and the west sides of the church campus. Parking is also currently available adjacent to the MBCC Community Building and in a surface lot directly south of the Montessori School campus. A total of 98 parking spaces are presently available on the MBCC and Montessori School campuses. An additional eight spaces are striped but were not included in the total inventory as they are presently located behind freestanding fences in the west parking lot adjacent to three temporary bungalows. The parking spaces behind the fence can easily be made available by unlocking the gate if demand requires it.

In addition to these parking facilities, MBCC has an agreement with the Manhattan Beach Unified School District (MBUSD) that MBCC visitors may park in the school district lot to the south and west of the MBCC property for Sunday services and occasional special programs



To: Mr. Bruce Kuch
September 25, 2006
Page 2

(See attachment). Curbside street parking is also available along Peck Avenue to the east and Rowell Avenue to the west of MBCC; the latter is typically not used by church attendees.

PROPOSED FUTURE IMPROVEMENTS

As shown in Figure 2, MBCC intends to replace the three existing Youth Building, Utility Building and Assembly Building bungalows located in the west parking lot with a single structure adjacent to the Community Building.

The Montessori School will provide an expanded play area for its students that will occupy the existing surface parking lot directly south of the Montessori School during school days. No parking will be permitted in this area following the completion of the redesigned play area. As a component of the expanded Montessori School play area, two small structures will be erected to house play equipment for the students.

These improvements to the MBCC and Montessori School campuses will result in an overall increase in parking supply over the entire property. No new vehicular trips to the campuses are expected as a result of these improvements, as the improvements serve only to replace existing structures and improve an existing school's play area.

EXISTING PARKING SUPPLY

There is an existing combined supply of 98 parking spaces on the MBCC and Montessori School campuses. MBCC also has an agreement with MBUSD that the 104-space MBUSD parking lot may be used for overflow parking. When the school district offices are closed on Sundays, all 104 spaces are available for MBCC visitors. When the district offices are open during the week, MBCC may use available spaces for special events.

Combining the MBCC, Montessori School and MBUSD parking lots provides a maximum existing parking supply of 202 parking spaces available for MBCC Sunday services.

PROPOSED FUTURE PARKING SUPPLY

As shown in Table 1, the overall parking supply on the MBCC and Montessori School campuses will increase by one space when the planned improvements are instituted.

The number of available spaces in the west parking lot of the MBCC campus will increase from 42 spaces to 67 spaces when the lot is restriped and the existing bungalows are removed. The amount of parking in the east lot will increase from 27 to 32 spaces, for a total of 99 spaces on the MBCC campus.

The surface lot directly south of the Montessori School will be converted to a full-time play area space for the school and will not provide parking for MBCC or Montessori School visitors. Due

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September 25, 2006
Page 3

to removal of bungalows from the west lot and restriping of the east MBCC lot, however, MBCC will have slightly more parking spaces than are existing today.

Finally, MBCC will maintain its existing agreement with MBUSD to have access to its 104 existing parking spaces for Sunday services overflow parking and for special events held during the week. The total parking supply available on the MBCC and MBUSD lots on Sundays will be 203 parking spaces. On weekdays, 99 spaces will be available on the MBCC campus.

EXISTING SUNDAY PARKING UTILIZATION

Typical Sunday services are held at MBCC every Sunday at 10:00 a.m. MBCC does not usually hold Sunday services at other times during the day except for special Sunday events such as Palm Sunday and Easter services. MBCC offers Sunday school classes for an average of 110 students at the same time as Sunday services. The Sunday services offered at MBCC yield the highest attendance of any regularly scheduled event on the church grounds.

For this reason, hourly parking utilization surveys were conducted during Sunday services to determine the property's peak weekly parking demand. On three Sundays, counts were made of the number of parked cars in the MBCC and Montessori School campus lots, the adjacent MBUSD lot and along Peck Avenue in front of the church campus. To further understand the parking patterns on and around the MBCC campus, parking areas were divided into zones. Figure 3 shows the different observed zones for the parking surveys. Table 1 provides an inventory of the total spaces available in each zone.

As shown in Table 2, MBCC provided attendance information for its Sunday services from July 2005 to July 2006. Figure 4 charts the attendance levels along with the 85th percentile of 315 attendees. The average attendance at MBCC Sunday services is 260 persons; for this study, parking demand was analyzed based on 315 attendees.

To observe peak Sunday parking demand, hourly parking utilization surveys were conducted on July 2 and July 9, 2006 by church personnel and on July 23, 2006 by an agency contracted by Kaku Associates. The results of these surveys are presented in Tables 3, 4 and 5 and demonstrate that, at no time, did the MBCC, Montessori School and MBUSD parking facilities reach capacity over the three Sunday survey periods. During the peak hours of each Sunday, only 35%-52% of available parking spaces were occupied.

Based on the parking utilization surveys and Sunday service attendance records from MBCC, a parking demand rate of 0.53 spaces per attendee was determined and is presented in Table 6. *Parking Generation, 3rd Edition* (Institute of Transportation Engineers [ITE], 2004) quotes the rate for a Church at 0.60 based on total worship service attendees. Since the results of observations over three Sundays yielded an average parking demand rate of 0.53 for the MBCC site, the 0.53 rate, rather than the ITE rate, has been used in this analysis as it applies to the MBCC church specifically.

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Using the observed ratio of 0.53 persons per vehicle at a Sunday service with an average attendance of 260 attendees, an estimated 138 spaces would be occupied, or 68% of the total available parking spaces. When applying the 0.53 rate to an attendance of the 85th percentile, the 315 attendees occupy an estimated total of 167 parking spaces or 83% of the total available existing spaces.

FUTURE SUNDAY PARKING UTILIZATION

When the MBCC improvements have been implemented – most notably, the removal of the existing trailers in the west parking lot – there will be an increase in the total number of parking spaces available to MBCC visitors. The replacement of existing structures and expansion of an existing play area will not generate new trips or increase attendance at Sunday services.

The average of 260 Sunday service attendees would occupy 138 parking spaces, which would be 68% of the future parking supply. On those occasions where 315 parishioners (85th percentile) attend MBCC Sunday services, 167 parking spaces or 82% of the future parking supply would be occupied. As shown in Table 7, under both circumstances, the parking lots at MBCC and MBUSD do not reach capacity and are able to accommodate all of the anticipated vehicles without requiring attendees to park on the adjacent City streets.

Based on this, MBCC is projected to have sufficient parking supply to accommodate its parking demand for Sunday services when an average attendance is present, as well as the parking demand for 315 attendees.

EXISTING WEEKDAY PARKING UTILIZATION

On Thursday, August 10, 2006, an hourly parking survey was conducted to observe the rate of parking occupancy in all of the areas observed during the Sunday surveys. Thursday was selected for the study because MBCC personnel indicated that Thursdays are generally peak weekdays, with classroom activities and an occasional Women's Fellowship luncheon at the MBCC site.

For this survey, only the on-campus parking lots were surveyed. MBCC does have permission from MBUSD to use its parking for overflow parking for special events, however, as was demonstrated, on an average day at the MBCC campus, there is no need for MBCC visitors to park on the MBUSD property. There was no special event scheduled for August 10, so only the MBCC parking lots on the MBCC and Montessori School campuses were counted.

During the parking survey, the observed peak hour was 12:00 to 1:00 p.m., with a total of 43, or 44%, of the spaces occupied. Table 8 presents the results of the weekday hourly parking utilization survey.

There was no Women's Fellowship luncheon on the surveyed Thursday. MBCC staff reported that such events occur approximately nine times annually with an average attendance of

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September 25, 2006
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approximately 60 members. Assuming that there had been a luncheon on the surveyed Thursday and that the attending individuals carpooled at a rate consistent with Southern California Association of Governments (SCAG) projections for Los Angeles County, or at 1.1 persons per vehicle, a total of 55 vehicles would have been added to the existing peak number of vehicles. These 98 vehicles would have occupied all of the available MBCC parking spaces, but, as this luncheon would have constituted a special event due to its infrequent occurrence, additional spaces would have been available at the MBUSD parking lot and no need for parking on the adjacent side streets would have occurred.

Based on these conservative estimates, there are a sufficient number of spaces to accommodate MBCC's existing weekday demand needs.

FUTURE WEEKDAY PARKING UTILIZATION

Proposed changes in parking at the MBCC and Montessori School campuses will result in a one space increase in total supply during the week even though the parking lot directly south of the Montessori School will be closed to vehicular access during school days (Monday through Friday from 8 a.m. to 3 p.m.). The total future weekday parking supply on the MBCC campus will be 99 parking spaces.

Based on the survey conducted on an average peak MBCC weekday, the peak demand of 43 parking spaces, or 43% of the total available spaces, can be accommodated easily under the proposed future parking layout. These results are also shown in the table below:

ESTIMATED PARKING DEMAND AT MBCC FOR WEEKDAYS

	TOTAL PARKING SUPPLY	Observed ² Peak Hour MBCC Parking Demand	Percent Occupied
EXISTING ¹ WEEKDAY	98	43	44%
PROPOSED FUTURE WEEKDAY	99	43	43%

¹ = Existing weekday parking supply only includes parking spaces located on MBCC property without MBUSD or Montessori School parking spaces.

² = Peak hour parking demand observed by surveyors on Thursday, August 10, 2006.

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September 25, 2006
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Finally, MBCC will still have its existing agreement with MBUSD so that overflow parking may use unoccupied parking stalls in the MBUSD parking lot for special events.

CONCLUSIONS

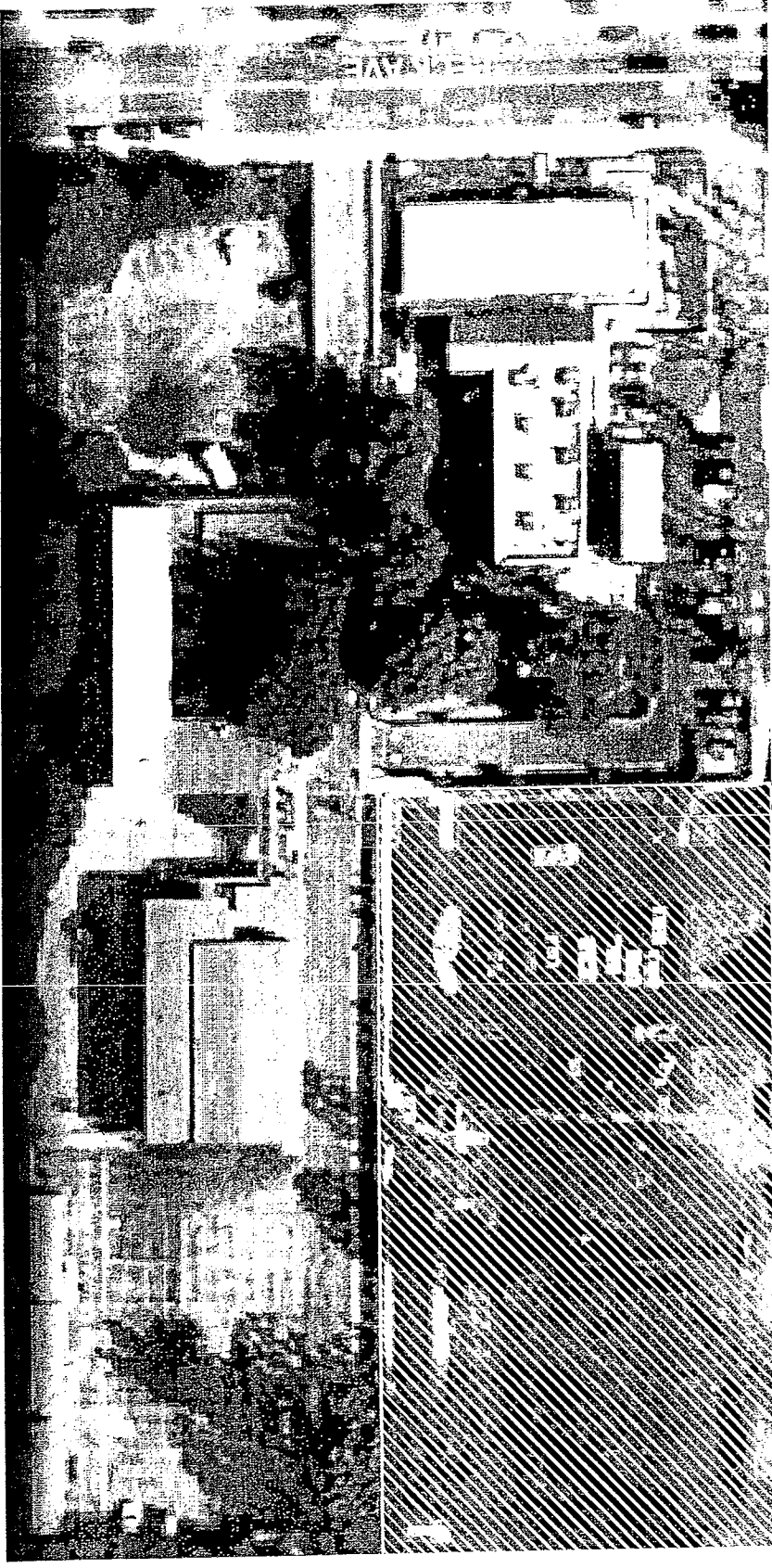
The results of the parking surveys conducted during Sunday peak hours as well as on a peak weekday demonstrate that MBCC has a sufficient number of parking spaces to accommodate its existing activities. During a peak weekday hour, it was observed that only 44% of the spaces were occupied and during the peak hour of three surveyed Sundays, 52% of the total available parking spaces were occupied.

Under proposed future conditions, MBCC will have a slight parking supply increase on weekdays and on Sundays. Based on the results of surveys conducted at the MBCC site, the parking supply will adequately accommodate average church attendance (260 parishioners) as well as attendance at the 85th percentile (315 parishioners).

Finally, based on the results of the multiple parking utilization surveys, a play yard could be located in the Montessori School area without adversely affecting the parking supply. Even with the loss of the parking in this area, there is still sufficient parking supply located throughout the MBCC campus.



NOT TO SCALE



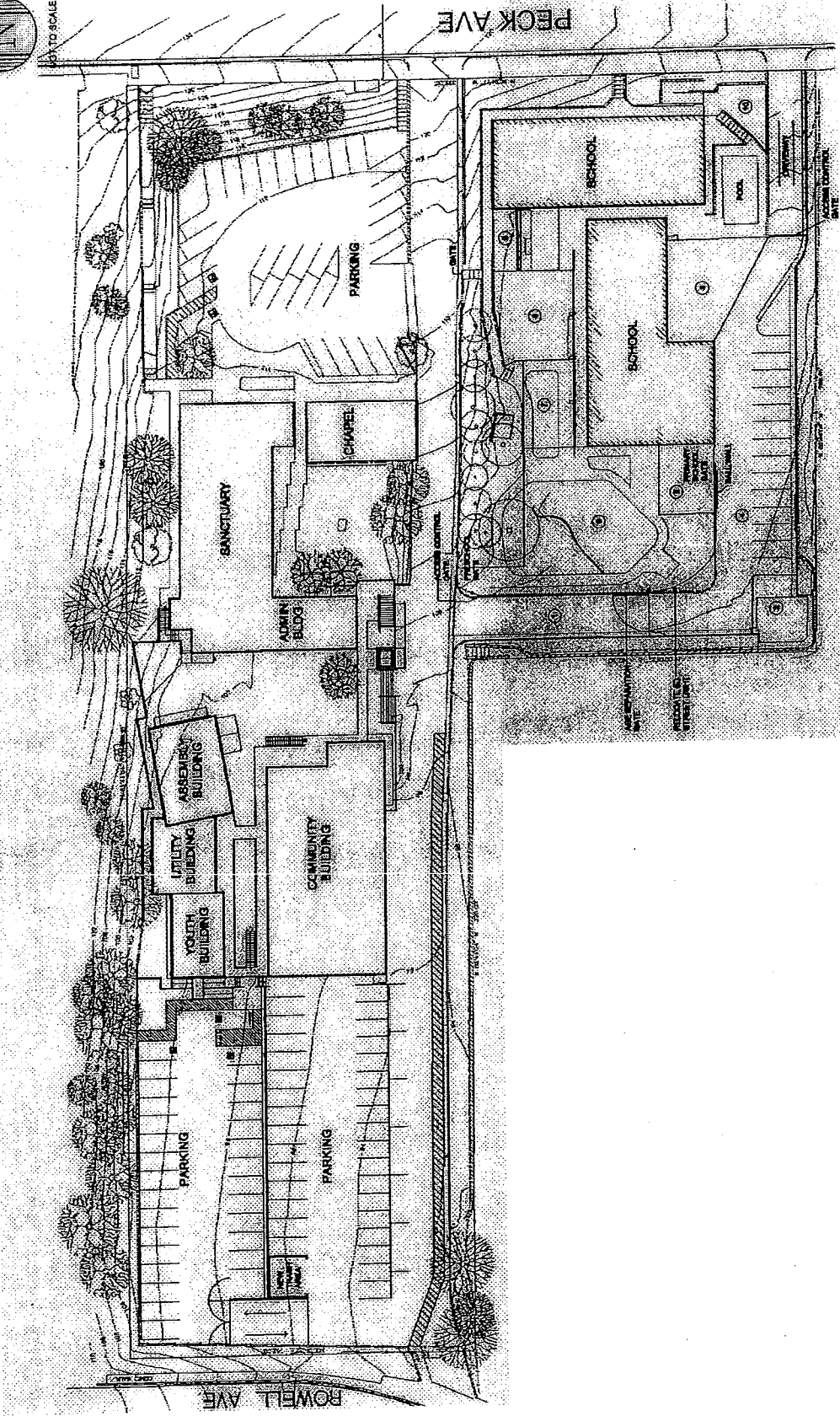
Source: Google Earth

KAKU ASSOCIATES

FIGURE 1
EXISTING MBCC AND MONTESSORI SCHOOL SITE



AS TO SCALE



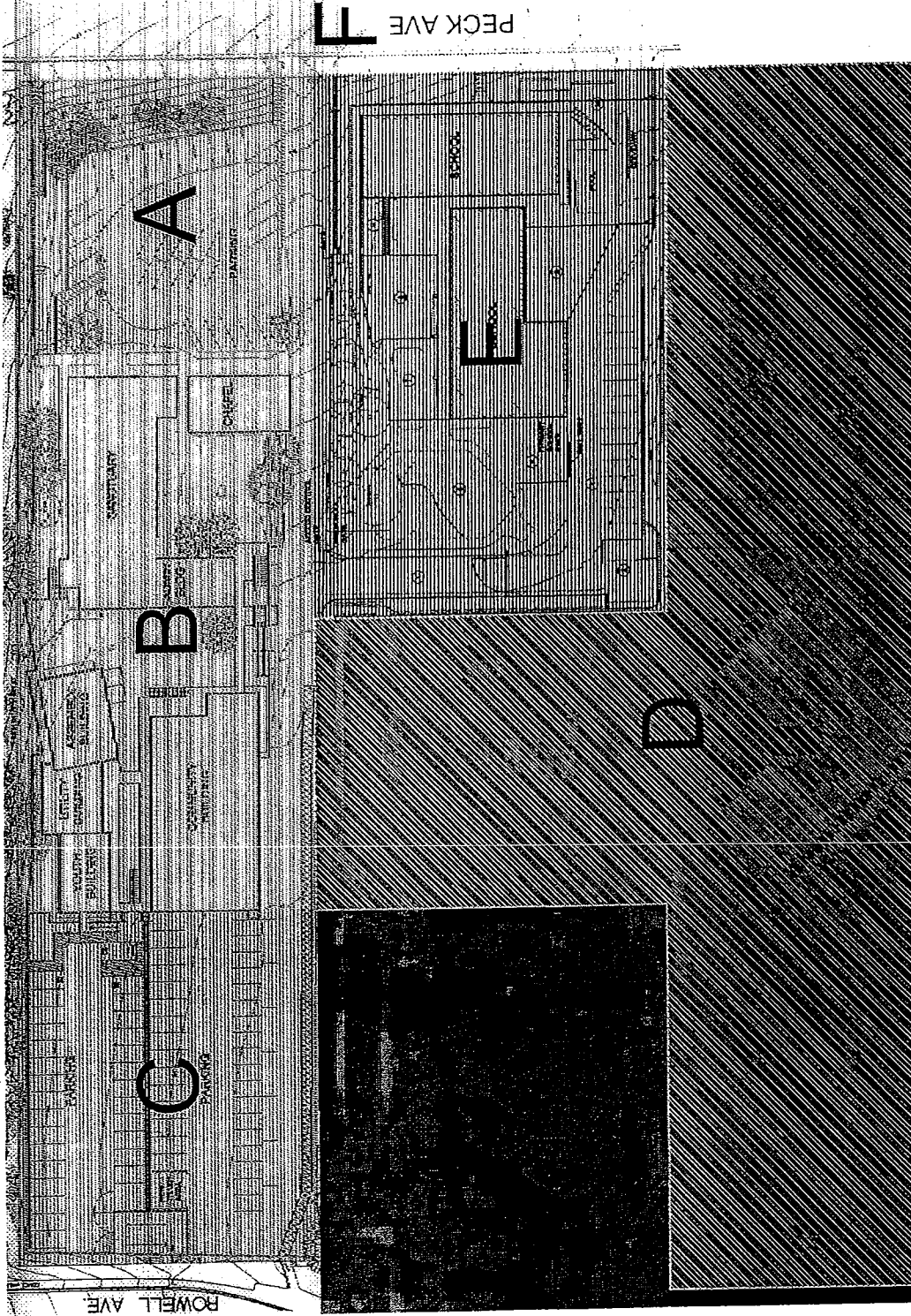
Source: John M. Cruikshank Consultants, Inc.

KAKU ASSOCIATES

FIGURE 2
PROPOSED FUTURE SITE PLAN



NOT TO SCALE



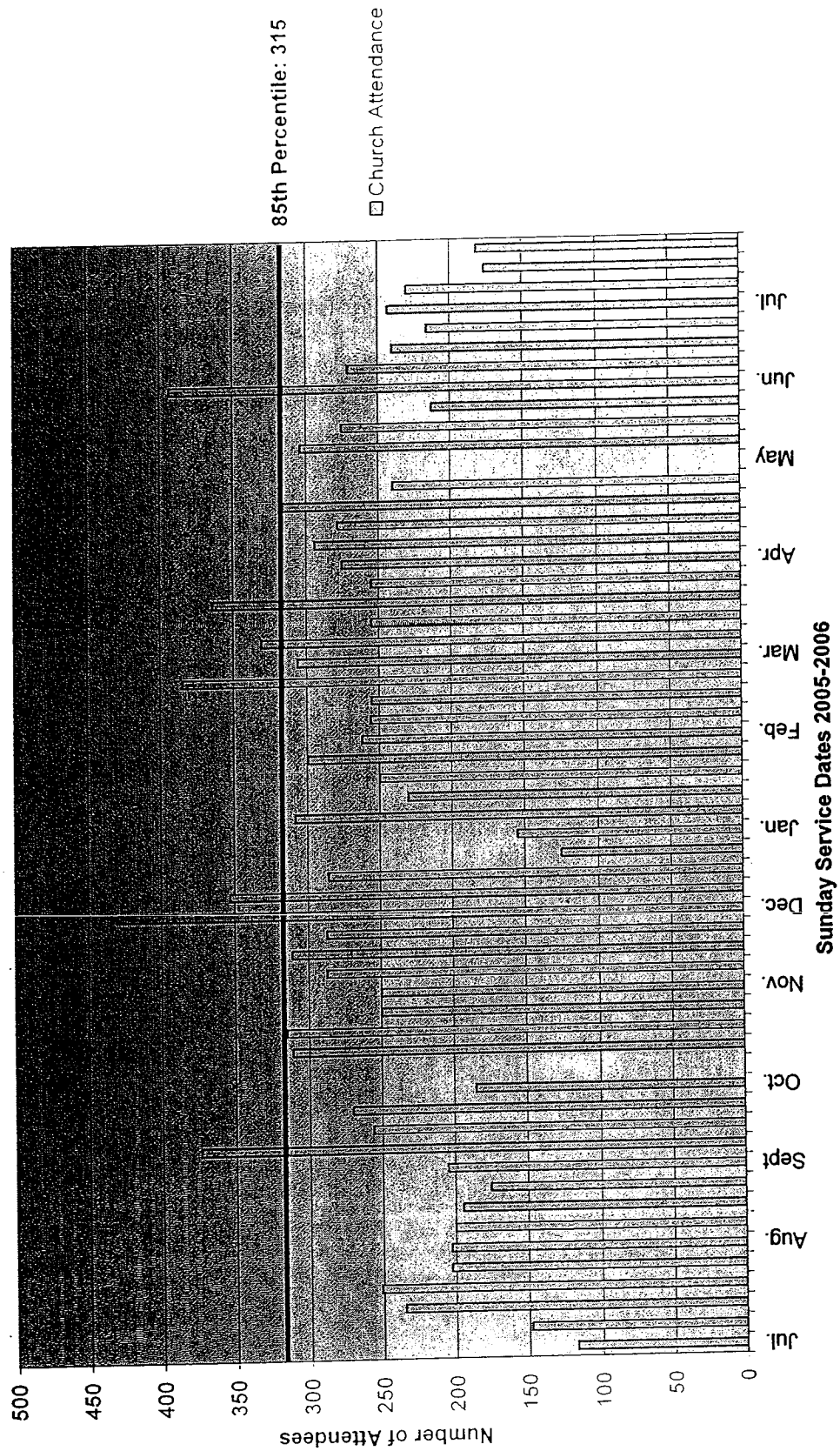
LEGEND
 AVE = Parking Survey Zones

Site Plan Source: John M. Cruikshank Consultants, Inc./Aerial Photo Source: Google Earth

KAKU ASSOCIATES

FIGURE 3
PARKING SURVEY ZONES

**FIGURE 4
CHURCH ATTENDANCE BY DATE**



**TABLE 1
INVENTORY OF AVAILABLE PARKING SPACES AT
MANHATTAN BEACH COMMUNITY CHURCH (MBCC)**

	ZONES						TOTAL
	MBCC Campus			D	E	F ⁶	
	A	B	C				
	East MBCC Parking Lot	Central MBCC Building Space	West MBCC Parking Lot	MBUSD Parking Lot	Montessori School Parking Area	Peck Avenue Curbside Parking	
EXISTING ¹ SUNDAY SUPPLY	27	7	42 ²	104	22		202
PROPOSED FUTURE SUNDAY SUPPLY	32	0	67	104	0 ⁴		203
PROPOSED FUTURE WEEKDAY SUPPLY	32	0	67	0 ³	0 ⁵		99

¹ = Existing parking supply survey conducted on MBCC site on Thursday, August 10, 2006.

² = Eight additional spaces are available in this parking lot, but during the survey periods were behind fences and not included in the total inventory.

³ = MBUSD spaces not considered as part of MBCC total weekday parking supply, although church visitors may use such spaces for special weekday events.

⁴ = Proposed Montessori School expanded play area will likely prohibit parking in this lot on Sundays. If parking is permitted, 16 spaces may be present in the lot. For purposes of this analysis, it is assumed that parking is prohibited.

⁵ = Proposed Montessori School expanded play area will prohibit parking in this lot on Monday through Friday from 8 a.m. to 3 p.m.

⁶ = On-street parking not counted as part of total parking supply in any existing or future scenarios.

TABLE 2

MANHATTAN BEACH COMMUNITY CHURCH SUNDAY SERVICE ATTENDANCE SUMMARY

2005	10:AM Attendees	2006	10:AM Attendees
3-Jul-05	117	1-Jan-06	155
10-Jul-05	148	8-Jan-06	308
17-Jul-05	235	15-Jan-06	230
24-Jul-05	251	22-Jan-06	250
31-Jul-05	203	29-Jan-06	299
7-Aug-05	203	5-Feb-06	262
14-Aug-05	200	12-Feb-06	256
21-Aug-05	195	19-Feb-06	255
28-Aug-05	175	26-Feb-06	385
4-Sep-05	205	5-Mar-06	306
11-Sep-05	374	12-Mar-06	331
18-Sep-05	256	19-Mar-06	255
25-Sep-05	270	24-Mar-06	364
2-Oct-05	185	26-Mar-06	255
9-Oct-05	n/a	2-Apr-06	275
16-Oct-05	311	9-Apr-06	294
23-Oct-05	315	16-Apr-06	278
30-Oct-05	250	23-Apr-06	317
6-Nov-05	250	30-Apr-06	240
13-Nov-05	287	7-May-06	n/a
20-Nov-05	311	14-May-06	304
27-Nov-05	287	21-May-06	275
4-Dec-05	430	28-May-06	213
11-Dec-05	353	4-Jun-06	393
18-Dec-05	286	11-Jun-06	271
25-Dec-05	125	18-Jun-06	240
		25-Jun-06	216
		2-Jul-06	243
		9-Jul-06	230
		16-Jul-06	176
		23-Jul-06	181
Maximum	430		
Average	260		

NOTE: Typical Sunday service begins at 10:00 a.m.
 Source: Manhattan Beach Community Church

**TABLE 3
PARKING SURVEY RESULTS SUMMARY
SUNDAY, JULY 2, 2006**

TIME	AREAS						TOTAL	Percent Occupied
	A	B*	C	D	E	F		
	MBCC East Lot	Central MBCC Building Space	West MBCC Parking Lot	MBUSD Parking Lot	Montessori School Parking Area			
INVENTORY	34	0	42	104	22		202	
9:00 - 10:00	5	0	24	5	4		38	19%
10:00 - 11:00	22	0	35	21	11		89	44%
11:00 - 12:00	20	0	26	Not counted	14		60	30%
12:00 - 1:00	8	0	11	Not counted	5		24	12%

* = Zones "B" and "C" were combined in this survey.

** = Curbside parking patterns along Peck were observed during this survey, but were not included for purposes of parking supply.

Source: Manhattan Beach Community Church

**TABLE 4
PARKING SURVEY RESULTS SUMMARY
SUNDAY, JULY 9, 2006**

TIME	AREAS						TOTAL	Percent Occupied
	A	B*	C	D	E	Peck Avenue MSD MSD		
	MBCC East Lot	Central MBCC Building Space	West MBCC Parking Lot	MBUSD Parking Lot	Montessori School Parking Area			
INVENTORY	34	0	42	104	22		202	
9:00 - 10:00	5	0	6	4	8		23	11%
10:00 - 11:00	23	0	31	23	13		90	45%
11:00 - 12:00	25	0	37	28	15		105	52%
12:00 - 1:00	1	0	3	2	5		11	5%

* = Zones "B" and "C" were combined in this survey.

** = Curbside parking patterns along Peck were observed during this survey, but were not included for purposes of parking supply.

Source: Manhattan Beach Community Church

**TABLE 5
PARKING SURVEY RESULTS SUMMARY
SUNDAY, JULY 23, 2006**

TIME	AREAS					TOTAL	Percent Occupied
	A MBCC East Lot	B Central MBCC Building Space	C West MBCC Parking Lot	D MBUSD Parking Lot	E Montessori School Parking Area		
INVENTORY	27	7	42	104	22	202	
7:00 - 8:00	0	1	0	0	2	3	1%
8:00 - 9:00	0	1	1	0	2	4	2%
9:00 - 10:00	0	4	10	0	4	18	9%
10:00 - 11:00	17	3	25	13	12	70	35%
11:00 - 12:00	16	2	22	12	9	61	30%
12:00 - 1:00	1	0	1	0	0	2	1%
1:00 - 2:00	1	0	0	0	0	1	0%

* = Curbside parking patterns along Peck were observed during this survey, but were not included for purposes of parking supply.

Source: Wiltec

TABLE 6
OBSERVED PARKING RATIO FOR SUNDAY SERVICE
ATTENDEES AT MANHATTAN BEACH COMMUNITY CHURCH

Date	Peak Hour	Peak* Parking Demand	Number of Church Attendees	Average Observed Parking Ratio	ITE Peak** Period Demand Rate
July 2, 2006	10:00 - 11:00	108	243	0.53	0.60
July 9, 2006	11:00 - 12:00	136	230		
July 23, 2006	10:00 - 11:00	102	181		

* = Peak Parking Demand total includes total parked cars in MBCC and MBUSD surface lots as well as cars parked on Peck Avenue in front of the MBCC property.

** = ITE recommends a higher parking demand rate than was actually observed at MBCC; for this reason, the observed Parking rate was used.

ITE rate source: Parking Generation, 3rd Edition (ITE, 2004).

TABLE 7
ESTIMATED PARKING DEMAND AT MBCC
BY SUNDAY SERVICE ATTENDANCE

	TOTAL PARKING SUPPLY	Observed ² Peak Hour MBCC Parking Demand	Percent Occupied	Average ³ Sunday Attendance	Percent Occupied	85th ⁴ Percentile Sunday Attendance	Percent Occupied
EXISTING ¹ SUNDAY	202	136	67%	138	68%	167	83%
PROPOSED FUTURE SUNDAY	203	136	67%	138	68%	167	82%

1 = Existing parking supply survey conducted on MBCC site on Thursday, August 10, 2006 and includes MBUSD parking lot.

2 = Peak hour parking demand observed by surveyors on Sunday, July 9, 2006.

3 = Average Sunday service attendance would be 260 attendees according to 2005-2006 MBCC attendance records with an estimated 138 vehicles during the Sunday peak hour.

4 = Sunday service attendance in the 85th percentile, according to 2005-2006 MBCC attendance records, would be 315 attendees with an estimated 167 vehicles parked during the Sunday peak hour.

**TABLE 8
PARKING SURVEY RESULTS SUMMARY
THURSDAY, AUGUST 10, 2006**

TIME	AREAS					TOTAL	Percent Occupied
	A	B	C	E*	F**		
INVENTORY	MBCC East Lot	Central MBCC Building Space	West MBCC Parking Lot	Montessori School Parking Area	Outside Parking	98	
8:00	2	0	0	10		12	12%
9:00	14	0	0	16		30	31%
10:00	14	1	0	13		28	29%
11:00	11	6	1	14		32	33%
12:00	18	5	2	18		43	44%
1:00	9	5	3	17		34	35%
2:00	4	4	3	12		23	23%
3:00	10	2	2	12		26	27%

Notes:

* = Inner driveway to lot E blocked from 11 a.m. - 2 p.m. so that a portion of Lot E could be used as an additional playground. Vehicles parked in the driveway leading to Lot E have already been added to the totals. There was one added for the 11a.m. and 1 p.m. counts, and two for the 12 p.m. count.

** = Curbside parking patterns along Peck were observed during this survey, but were not included for purposes of parking supply.

Source: Kaku Associates, Inc.

ATTACHMENT

Gwen E. Gross, Ph.D.
Superintendent



Manhattan Beach
Unified School District

325 South Peck Avenue • Manhattan Beach • California 90266 • (310) 318-7345 • FAX (310) 303-3822

May 22, 2006

John R. Calhoun
Senior Minister
Manhattan Beach Community Church
303 S. Peck Avenue
Manhattan Beach, CA 90266

Re: Continued Shared Parking During and After Church Construction

Dear Minister Calhoun:

In regard to your letter dated May 16, 2006, regarding the continued shared parking during and after Church construction, the Manhattan Beach Unified School District agrees to share our parking lot with Manhattan Beach Community Church, on a non-interference basis. It is my understanding that your use will be on weekends during church services and occasionally during the week for special situations.

Sincerely,

Stephen L. McMahon
Deputy Superintendent of
Business Services

SLM:lb

ATTACHMENT A

Board of Trustees

Bill Cooper
Bill Eisen
Nancy Hersman
Amy Howarth
Ida VanderPoorte

City of Manhattan Beach
Department of Public Works
Memorandum



To: May Dorsett, Planning Division Secretary
Through: Neil Miller, Director of Public Works *WMM*
From: Clarence Van Corbach, Public Works Utilities Manager *CV*
3621 Bell Avenue, Phone No. (310) 802-5315
Subject: 303 S. Peck Ave.
Date: July 19, 2006

Entered on
Page or
Sheet #

ALL THE PUBLIC WORKS NOTES AND CORRECTIONS MUST BE PRINTED ON THE PLAN. NO EXCEPTIONS.

This property was inspected by Public Works staff on July 19, 2006 and the following items are required and must be added to the plans. Indicate location of correction on blanks at left.

1. All landscape irrigation backflow devices must meet current City requirements for proper installation.
2. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
3. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the plumbing plan.
4. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
5. If any existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
6. A mop sink must be installed and shown on the plumbing plan.
7. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trashcan cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
8. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
9. All trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. **Drawings of the trash**

enclosure must be on the plan, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.

10. Commercial establishments are required, by municipal code 5.24.030 (C)(2) to have a sufficient refuse and recycling storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property. Please read the code section for further clarification
11. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. The plans must have a profile of the driveway, % of slope on driveway, and driveway elevations.
12. If there is a parking lot with 25 or more spaces, weekly sweeping will be required.
13. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
14. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
15. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway.
16. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
17. Any new storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
18. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued

cc: Roy Murphy
Lee Morlet

0 Application-newcommercial

CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT

Diana

TO: See Distribution Below

FROM: May Dorsett, Planning Secretary

DATE: July 18, 2006

SUBJECT: Review Request for Proposed Project at:

303 S. PECK AVENUE

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by JULY 26 we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

- COMPLY W/ 2001 CALIFORNIA CODES
- SUBUMP REQUIREMENTS
- H/C ACCESSIBLE PATH OF TRAVEL FROM
- STREET & STREET
- FULLY ACCESSIBLE SITE & BUILDINGS
- SITE DRAINAGE TO THE STREET OR ALLEY
- DRIVE WAY SLOPE NOT TO EXCEED 15%

Distribution:

Diana

- X Fire Dept.
- X Public Works Dept.
- X Building Official



Philip A. Toomey
Extension 108
Phil.toomey@agtlaw.com

October 18, 2006

Richard Thompson
Director of Community Development
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: 303 South Peck Avenue (Manhattan Beach Community Church)

Dear Richard:

The following is the preliminary initial response of Montessori School to the application by the Manhattan Beach Community Church for permit to construct a two-story youth center/assembly hall in a variance for a new elevated shaft/bell tower at 303 South Peck Avenue. As I indicated to you in our telephone conversation, my office represents Montessori School of Manhattan Beach, Inc., a California corporation.

Since our firm has just recently been retained, this will constitute only a preliminary response of Montessori with request that Montessori's comments be included in the staff report. Montessori reserves its right to submit additional written comments for forwarding to the Planning Commission after it has been able to review the staff report. Montessori also intends to submit oral and further written testimony at the time of the public hearing on October 25th.

Lease Related Issues. As I have explained to you, the property subject to the Application is subject to an existing Ground Lease dated August 27, 1990, as amended effective June 23, 1998 (the "Ground Lease"). Montessori is the identified Lessee and Manhattan Beach Community Church ("Church") is the Lessor. The Ground Lease provides that certain areas of the leased property are for the "Sole and Exclusive Use" of Montessori, and certain areas are designated

Artiano, Guzman
& Toomey, LLP

7828 Carson Street
Suite 102
Torrance, CA 90503-6702
Telephone: 310.543.1240
Facsimile: 310.543.9850



as "Cooperative and Harmonious Use". The designated leased property, according to the Ground Lease, includes "during normal school hours on Mondays through Fridays" the "playground area north of the community hall", as well as a portion of the parking area immediately west of the proposed construction. This appears to be the exact location where the project and proposed construction is to occur. In addition, an area in the parking lot west of the proposed construction is fenced off as additional playground space, with the consent of the Lessor. The project would materially interfere with both areas. Granting the subject application without the consent of Montessori would materially interfere with its right of quiet enjoyment of the leased premises, and constitute an impermissible taking of and interference with its private property rights.

Environmental Determination. Montessori has been unable to review any technical analysis completed by staff as to the stated exemption, or the applicable evidence to support the analysis. As such, and to preserve its rights, Montessori must object to the conclusive statement that the project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA"), or that the stated and agendized exemption is appropriate. This initial response is also a formal request for a complete copy of the analysis and all supporting evidence and data. Montessori asserts that full compliance with CEQA is a condition precedent to the Application.

In particular, and again only from a preliminary review of the facts, Montessori is of the position that the project fails to fit the statutory definition of an in-fill exemption since approval of the project will result in significant effects to traffic or noise (14 CCR §15332(d)). Montessori is also of the position that a categorical exemption for the project is not appropriate because of the recognized exception to the exemption that approval of the project will have a significant impact on the environment due to unusual circumstances (14 CCR §15300.2(c)). Absent compelling evidence in the file to negatively refute the reasonable possibility that the activity will have such a significant effect, the use of the categorical exemption is not appropriate.

Parking Related Issues. The proposed construction would require the relocation of the existing Montessori playground facility that fulfills part of its current licensing with the Department of Social Services (DPSS). The Church has proposed the Relocated Playground be established in the "drive around" immediately south and west of the school buildings. This is not acceptable to Montessori. It also most likely is not acceptable to the City, because it would block what is either an actual, or functional equivalent, emergency access lane. In addition to safety and traffic flow issues discussed briefly below, the proposed Relocated Playground would eliminate approximately 18 parking spaces, including at least one handicapped space that services an immediate handicapped entrance. The location of the handicapped space is significant, due to the topography of the site. Relocation of this space would result in access

difficulties. In addition, there is insufficient space for commercial vehicles to "turn around" and exit east from the area to the south of the school buildings. The westerly area of the turn around must be maintained to allow those vehicles, or emergency fire vehicle, safe egress. Photographs taken on the morning of October 16th are being submitted with this initial response documenting actual on-street parking issues.

Student Safety Issues. The proposed Relocated Playground poses grave student safety concerns. Montessori has been advised by the City of Manhattan Beach Fire Department that access to the drive around from Peck, or from the vehicle lane immediately north of the school building, may not be blocked or restricted in any fashion. That would include any effort by the Lessor to force relocation of the playground to that area immediately west of the school buildings. It is the understanding of Montessori that the drive around is a designated, or functionally equivalent, emergency access lane. One of the submitted photographs depicts a trash removal vehicle negotiating the driveway immediately south of the school building, in the area that opens into the drive around. This is required to service a built-in trash bin located in the southwest corner of the drive around. The drive around is required so that the vehicle can safely exit. There is no ability to "turn around" after entering in a westerly direction to then exit easterly. It is obvious that the proposed Relocated Playground would place children in a location where vehicular traffic could not be lawfully blocked or restricted, thereby endangering student safety and well-being.

Traffic Flow Issues. A complete file review of this matter has not been possible prior to the submission of these initial comments. However, Montessori would submit that a traffic flow survey done at a time other than during the normal school period presents a distorted picture of the actual traffic issues. Attached to this initial submission are numerous photographs taken on October 16th. These photographs more accurately demonstrate traffic flow concerns that are present. Addressing again the effort by the Church to force relocation of the current playground to the westerly portion of the drive around and "save" the parking spaces, since emergency or commercial vehicles could not turn around and exit forward out the same driveway, such proposal by the Church would require those vehicles to back-up to exit on Peck, an incredibly unsafe maneuver. Not only would they have to back up a significant incline, they would then be in a position of making a blind exit between parked vehicles (unless the City were to restrict or eliminate parking spaces on Peck). The potential for significant safety issues, especially when dealing with a school focused on young children, is obvious.

In our telephone conversation, you indicated that it was your understanding that Montessori was not interested in mediating its issues with the Church. That is an incorrect statement. I am copying this letter to Mike Zarro, who has been identified as the legal representative of the Church in this

matter. If the Church and the Montessori School are able to mediate and resolve their differences, we will advise staff.

In the meantime, we believe that it would be in the best interest of all parties that the hearing currently set for October 25th be continued to the regular scheduled meeting of the Planning Commission for November so that mediation may be attempted and hopefully concluded.

Very truly yours,



Philip A. Toomey

PT/al

enclosure

cc: John Ernst (w/o enclosure)
Mike Zarro, Esq. (w/o enclosure)

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Daniel A. Moreno, Associate Planner

DATE: November 15, 2006

SUBJECT: Consideration of a Use Permit for Construction of a 2-Story Youth Center/Assembly Hall, Establish a Site Wide Parking Requirement, and a Variance for a New Elevator Shaft/Bell Tower Which Would Exceed the 30-Foot Height Limit, at 303 S. Peck Avenue (Manhattan Beach Community Church)

RECOMMENDATION

Staff recommends that the Planning Commission **REOPEN** the public hearing, **DISCUSS** the project and **ADOPT** the attached "draft" Resolution **APPROVING** the subject request.

BACKGROUND

At the October 25, 2006 Planning Commission meeting staff presented a proposal which consisted of a request for approval of a Use Permit and Variance to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which will facilitate disabled access requirement and provides access between two levels of the existing structure, and which will exceed the maximum 30-foot height limit, and 3) establish a parking requirement for the existing and proposed mixed uses on the property.

At this meeting, after opening the hearing and taking testimony, the Planning Commission passed a motion to reopen the public hearing and continue the item to the November 15, 2006 Planning Commission meeting and directed staff to prepare a 'draft' resolution of approval for their review. The Commission also continued the public hearing in order to allow the applicant and the school representatives time to work together to resolve non-related city issues.

At this meeting several people spoke in favor of granting the approval of the subject request. However, a representative for the school, although not opposed to the development, still had concerns with the safety of the school children due to the displacement of existing play area and requested that any decision be postponed in order to mediate the issues with the church.

EXHIBIT

B

Attached for the Commission review is a 'draft' Resolution of approval and background information and minutes from the October 25, 2006 Planning Commission meeting.

On November 3, 2006 staff met with the school representative to discuss conditions that could be included in the resolution to assist the school in addressing their concerns about the safety of the children. A letter dated November 7, 2006 (attached, Exhibit D) was submitted which describes conditions that they feel should be included in the Use Permit request. Staff has evaluated these conditions and has included those that are appropriate for the proposed project.

Staff understands that a meeting was scheduled on November 9, 2006 between the church and school representative to further discuss issues of concern. Due to the late date of the meeting staff was unable to incorporate the results in this report.

Attachments:

- Exhibit A – 'Draft' Resolution No. PC 06-
- Exhibit B – Background Information, Staff Report, dated 10/25/06
- Exhibit C – Planning Commission Minutes, dated 10/25/06
- Exhibit D – Letter from the Montessori School, dated 11/7/06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO ALLOW CONSTRUCTION OF A 2-STORY YOUTH CENTER/ASSEMBLY HALL, ESTABLISH A SITE WIDE PARKING REQUIREMENT AND A VARIANCE FOR AN ELEVATOR SHAFT/BELL TOWER WHICH WOULD EXCEED THE 30-FOOT HEIGHT LIMIT AT 303 SOUTH PECK AVENUE

(Manhattan Beach Community Church)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on October 25, 2006 and November 15, 2006 to consider a Use Permit and Variance applications and which establishes a parking requirement for the site for the property legally described as Portion of Lot 10, Partition Map showing property formerly of the Redondo Land Company, located at 303 South Peck Avenue in the City of Manhattan Beach.
- B. At the October 25, 2006 Planning Commission meeting a motion was made to reopen the public hearing and continue the item to the November 15, 2006 meeting with direction to staff to prepare a 'draft' resolution for the Commissions consideration.
- C. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The applicant for the Variance application is Bruce Kuch, representative for the Manhattan Beach Community Church.
- E. The applicant has filed a Use Permit and Variance applications to allow the following: 1) construction of a new two story 5,900 square foot youth center/assembly hall, 2) construction of a separate 81 square foot elevator shaft/bell tower which facilitates disabled access requirement between and provides access between two levels of the existing structure, which exceeds the maximum 30-foot height limit, and 3) establish a parking requirement for the existing uses on the subject property.
- F. In 2003, the City Council established a "neighborhood review process" when religious facilities propose additional floor area which exceeded 5,000 square feet. The intent of this process was to provide a mechanism for public participation during the planning of a religious facility which was otherwise exempt from a Use Permit requirement. In this case the subject Use Permit replaces the mediation process.
- G. Section 10.28.030, L-20 (3), states that no portion of any building shall exceed a height of 30 feet as measured from the average of the finished ground level at the center of all walls. Based on the submitted survey data, the maximum allowable building height is 131.93'.
- H. The submitted plans show a proposed building height for the proposed elevator shaft/bell tower at a 138.29' elevation. Based on this height proposal, the structure would exceed the allowable building height by 6.36'.
- I. Residential land use regulation, Section 10.12.020 L-3, provides an exemption from a Use Permit requirement for existing church facilities that are not developed beyond half (50%) of their allowable buildable floor area. With the proposed structure, the site would be at 40% of their allowable buildable floor area. However, a Use Permit application was filed to establish the parking requirement for all existing/proposed uses.



- J. The project site will provide 99 on-site parking spaces located on the east and west lots of the property. The City Traffic Engineer has reviewed the site plan and evaluated the parking study prepared by Kaku Associates and has concluded that the 99 on-site parking spaces are sufficient to meet the parking demand for the existing/proposed mix of uses.
- K. The existing parking agreement between the Manhattan Beach Community Church and the Manhattan Beach Unified School District for overflow parking is proposed to be maintained.
- L. According to the California Environmental Quality Act (CEQA), the project is exempt (Class 32, Section 15332) from the requirements of the California Environmental Quality Act (CEQA) since it involves minor infill development and meets the conditions described below.
 - 1. The project is consistent with the applicable general plan designation, general plan policies as well as with applicable zoning designation and regulations.
 - 2. The proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses.
 - 3. The project site has no value as habitat for endangered, rare or threatened species.
 - 4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as conditioned.
 - 5. The site can be adequately served by all required utilities and public services.
- M. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the (RS) Residential district in which the site is located. The 99 on-site parking spaces that would be provided for the site is sufficient for the established church/school uses. Additionally, the church has an agreement with the Manhattan Beach Unified School District to utilize 104 parking spaces on the adjoining property to the south for overflow parking.
 - b) The location of the proposed building and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 4, which encourages preservation of features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. This project would not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in the adjacent neighborhood uses; and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
 - c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed building use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, and trash area.
 - d) The proposed use would not adversely impact nearby residential properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- N. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- O. The Planning Commission made the following findings with respect to this Variance application:
 - 1. The applicant requests approval of a Variance application to allow the construction of a new elevator shaft/bell tower, which would exceed the allowable height limit by 6.36'.

2. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the east and west. The properties to the north and south are zoned Public and Semi-Public.
3. The General Plan designation for the property is Low Density Residential.
4. Based upon State law, the proposed project will meet the required findings as follows:

Variance

- a) The special circumstance applicable to this property is the extreme topography of the site. Because the structure will be located at the center of the property, nestled between two existing structures, surrounded by mature landscaping that will shield the project from the surrounding neighborhoods, the proposal would not create additional view obstruction to the surrounding properties. Based on the A-frame roof design the bulk of structure would also be minimized.
- b) The relief may be granted without substantial detriment to the public good and the project would not be detrimental or injurious to property or improvements in the vicinity of the development. The closest residential properties are located 300 feet from the proposed building location.
- c) Granting the request is consistent with the purpose of Title 10 of the MBMC and would not constitute a granting of a special privilege because the proposed building location conceals the bulk of the structure. Additionally, due to the proposed location of the building, which is substantially lower than the public right-of-way on Peck Avenue, the scale of the structure would remain minimal as compared to the surrounding developments.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Variance subject to the following conditions:

General

1. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on October 25, 2006 and November 15, 2006.
2. In order to address safety concerns regarding the drop-off and pick-up of students during and after construction for the Montessori school, the applicant shall provide a plan which shows loading and unloading of children safely. This plan shall be submitted for review and approved prior to the issuance of any permit.
3. All existing displaced outdoor play areas, as a result of the proposed building, shall be relocated prior to the issuance of any permit to the satisfaction of the Department of Social Services.
4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of any permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles and will ensure the safety of the students attending the Montessori School.
5. The church is required to encourage visitors to the site to utilize on-site parking on a regular basis.

Public Works

6. All landscape irrigation backflow devices must meet current City requirements for property installation.
7. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
8. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
9. A backwater valve is required on the sanitary sewer lateral if the discharges from the fixtures with flood level rims that are located below the next upstream manhole cover of the Public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
10. If the existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary sewer lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition. The lateral must not be cleaned before it is video taped.
11. A mop sink must be installed and shown on the plumbing plan.
12. Commercial enterprises must comply with the National Pollution Discharge Elimination System (NPDES) clean water requirements. Discharge of mop water, floor mat washing, trash can cleaning and washing out trash enclosures into the street or storm drain system is prohibited. M.B.M.C. 5.84.060, 5.84.090.
13. Any unused water or sanitary sewer laterals must be shown on the plans and abandoned at the City main.
14. All existing and approved trash enclosures shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0, Trap Seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. Drawings of the trash enclosure must be on the plans, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.
15. Commercial establishments are required by Municipal Code 5.24.030 (C)(2), to have a sufficient refuse storage space to enclose a commercial lift container(s). The refuse storage space or facility must be screened from public view and be either constructed within the building structure or in a screened enclosure on private property. Please refer to the Code section for further clarification.
16. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works specifications. See City Standard Plans, ST-1, ST-2 and ST-3. The plans must have a profile of the driveway, percent of slope of driveway and driveway elevations.
17. For any parking lot with 25 or more spaces, weekly sweeping will be required.
18. Backflow preventers for fire and domestic water services must be installed per Public Works Department requirements.
19. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on plans.

20. If the water meter box is replaced, it must be purchased from the City, and must have a traffic rated lid if the box is placed in the driveway.
21. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
22. Any new storm water, nuisance water, etc. or drain lines installed within the street right-of-way, must be constructed of ductile iron pipe. Drains must be shown on plans.
23. Plan holder must have the plans re-checked and stamped for approval by the Public Works Department before the building permit is issued. All of the Public Works notes and conditions must be printed on the plans. No Exceptions.

Fire Department

24. The subject site must meet emergency access requirements. Plans shall be submitted and approved by the Fire Department.

Building Division

25. The subject site shall comply with all current California Building Code guidelines for disabled access requirements, including the disabled access parking space currently located at the first level at the southerly end of the Montessori school. Plans shall be submitted for review and approval by the Building Division prior to the issuance of any permit.
26. The proposed project may be subject to the Standard Urban Stormwater Mitigation Plan (SUSMP) requirements. Applicant shall contact the building division and obtain a copy of the application to determine compliance.

Procedural

27. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
28. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
29. The Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
30. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **November 15, 2006** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

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1 ~~daughter. He said that he believes the majority of questions have been answered by the report.~~

2 Chairman Schlager closed the public hearing.

3 Director Thompson said that many of the issues included in the letter can be addressed with the
4 building process and plan check. He indicated that staff is available to the neighbor to address the
5 comments raised in the letter.

6 Commissioner Lesser said that the proposal is reasonable. He indicated that the property is being
7 developed less than would be permitted; the development is below the allowable density; and the
8 project meets the Coastal Zone requirements. He said that he would support the project.

9 Commissioner Bohner indicated that he agrees with the statements of Commissioner Lesser, and
10 the project does meet the Coastal Program requirements and is appropriate.

11 Commissioner Cohen said that she agrees with the comments of the other Commissioners.

12 Chairman Schlager commented that the Commissioners do take public input very seriously, and he
13 has read the letter from the neighbor as well as the staff report. He stated that he believes the
14 information in the report does address the comments raised by the neighbor, and he also appreciates
15 that staff has expressed the willingness to be available to the neighbor.

16 A motion was MADE and SECONDED (Lesser/Bohner) to **APPROVE** a COASTAL
17 DEVELOPMENT PERMIT and Vesting Tentative Parcel Map No. 67075 for construction of two
18 attached residential condominium units at 116 Rosecrans Avenue

19 AYES: Bohner, Cohen, Lesser, Chairman Schlager

20 NOES: None

21 ABSENT: None

22 ABSTAIN: Powell

23
24 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
25 ~~the City Council's Consent Calendar for their review on November 21, 2006.~~

26 **06/1025.3 Consideration of a USE PERMIT for Construction of a Two-Story Youth**
27 **Center/Assembly Hall, Establish a Site-Wide Parking Requirement, and a**
28 **VARIANCE for a New Elevator Shaft/Bell Tower Which Would Exceed the**
29 **30-Foot Height Limit at 303 Peck Avenue**

30 Commissioner Lesser stated that he has a child who was a student at the Montessori School over
31 the summer. He indicated that he has no financial interest in the project and believes he can
32 participate in the proceeding fairly.

33 Commissioner Bohner said that he is a member of the Manhattan Beach Community Church but



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1 has no financial interest in the project and feels he can consider the issue fairly.

2 Associate Planner Moreno summarized the staff report. He commented that the Commissioners
3 have been provided with copies of two letters that were submitted to staff after the staff report was
4 completed. He indicated that the proposal is for construction of a new two-story 5,900 square foot
5 youth center and assembly hall located northerly of the existing church community building and
6 also to establish a new parking requirement for the existing proposed uses on the property. He
7 indicated that a Variance is also being requested to allow the construction of an elevator shaft/bell
8 tower to facilitate disabled access requirements and provide pedestrian access to the existing top
9 levels of two structures on the site. He pointed out that a Use Permit is not required for an existing
10 church facility for development of less than half of their allowable BFA in accordance with the
11 residential development standards, and the proposed addition is 40 percent of the permitted
12 development for the site. He stated that the property contains a separate Montessori school use, and
13 the parking requirement is specified in the proposed Use Permit.

14 Associate Planner Moreno commented that 99 parking spaces are proposed for the site. He said
15 that a parking study was commissioned by the applicant and prepared by Kaku Associates. He
16 stated that the church and the school lots typically do not reach capacity and could accommodate
17 parking needs based on the mix of uses. He commented that the peak hours for the site would be
18 during Sunday morning during the church service. He pointed out that a written agreement has
19 been obtained for church use of 104 parking spaces at the adjacent Manhattan Beach School
20 District administration building during weekends. He indicated that the proposed bell tower
21 structure would be 6.36 feet over the permitted building height. He stated that staff can support the
22 Variance application for the tower structure based on the scale and roof design of the structure, the
23 topography of the site, and the distance to residential properties. He indicated that the topography
24 of the site is very severe from the northeast corner on Peck Avenue to the southwest corner on
25 Rowell Avenue. He stated that items staff is suggesting for discussion include whether the
26 proposed 99 on-site parking spaces would be adequate for the uses based on Code requirements and
27 the submitted parking study; whether the proposed layout including the single disabled access
28 parking space located adjacent to the southerly side of the Montessori school building would be
29 adequate; whether the request for relief from maximum allowable building height for the proposed
30 elevator shaft is appropriate and meets the required findings; whether the proposed location of the
31 trash area would be adequate and appropriate to service all of the uses; and input regarding the
32 issues raised regarding the Montessori school use.

33 In response to a question from Commissioner Lesser, Associate Planner Moreno said that the traffic
34 study determined that most of the traffic generation occurs on Sunday during the church service.
35 He indicated that the school functions are primarily during the week during when there is sufficient
36 parking available.

37 In response to a question from Commissioner Cohen, Associate Planner Moreno commented that

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1 there are no existing trees in the location of the proposed structure that would need to be removed.
2 He said that the majority of existing trees are on the hillside and would not be removed as a result
3 of the project.

4 Commissioner Cohen commented that she used to live off of Peck Avenue, and members of the
5 church park along Peck on Sundays even though there is an agreement to use the Mira Costa
6 parking lot. She indicated that she questions the findings of the parking study as it relates to the
7 realistic practice of drivers.

8 Chairman Schlager opened the public hearing.

9 **Bruce Kuch**, representing the applicant, said that the two main issues of the proposal are the height
10 of the proposed elevator shaft and the establishment of a parking requirement for the site. He
11 indicated that the church activities generally occur on Sunday and school functions occur during the
12 week, which coordinate well together. He commented that the proposed youth center is an
13 opportunity to fix up the site. He indicated that a play area for the Montessori school should not be
14 separated from the school by a driveway. He indicated that the Department of Social Services also
15 requires a minimum square footage of play area. He indicated that an architect and play area
16 consultant were hired to work directly with the Montessori school to identify their needs and
17 establish a good plan. He indicated that there is enough square footage on the site so that the
18 children would not be required to walk across the driveway from the school to the play area. He
19 stated that they have outlined possible locations where the ADA required handicapped parking
20 spaces could be placed. He commented that a handicapped accessible path could be constructed
21 from the east parking lot to the building in order to accommodate handicapped parking.

22 **Mr. Kuch** stated that an independent parking study was conducted by Kaku Associates, and there
23 were several meetings between the parking consultant and the City's Traffic Engineer. He
24 indicated that there are 104 parking spaces proposed, which is twice what is needed to satisfy the
25 requirement. He pointed out that the City's Traffic Engineer had determined that 100 spaces was
26 adequate for their previous proposal in 2002. He commented that the proposed elevator is
27 necessary to provide handicapped access to the second level of the structure, and it would be
28 difficult and extremely expensive to build the elevator shaft without the height as requested. He
29 pointed out that the height for the elevator shaft is considerably less than was granted for the
30 previous 2002 application. He stated that there are no neighbors that would be able to view the
31 elevator tower, and the proposed location for the tower has the lowest elevation of any building on
32 the site. He commented that the topography made locating the play area and play equipment on the
33 site a major task because the equipment must be placed on a flat area. He indicated that they are
34 very anxious to begin construction, as construction costs continue to rise.

35 In response to a question from Commissioner Cohen, **Mr. Kuch** said that the youth group of the
36 church had been meeting in trailers which had a temporary permit and now have been removed. He

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1 indicated that youth group activities during the week are very seldom.

2 In response to a question from Commissioner Lesser, **Mr. Kuch** indicated that they would be
3 willing to locate the three required handicapped access spaces as required by the City. He indicated
4 that they would also be willing to move the location of the play equipment as necessary to reach an
5 agreement with the Montessori school.

6 In response to a question from Commissioner Powell, **Mr. Kuch** said that the proposed bell tower
7 would not be illuminated.

8 In response to a question from Commissioner Powell, **Mr. Kuch** indicated that the previous
9 proposal approved in 2002 was not constructed because it was determined that the design did not
10 meet the needs of the church and the members did not want to lose a central courtyard area

11 In response to a question from Commissioner Powell, **Mr. Kuch** said that no trees are proposed to
12 be removed, and they would not be opposed to a condition requiring that the existing trees be
13 retained.

14 Commissioner Powell commented that there is an agreement for use of the Mira Costa High School
15 parking spaces; however, they are somewhat removed from the site. He indicated that the
16 agreement letter regarding the use of the School District facility spaces is not definite regarding
17 time, and he has a concern that the parking could be taken away in the future. He asked whether
18 there would be opposition by the applicant to a requirement of proof on an annual basis that the
19 spaces would continue to be available.

20 **Mr. Kuch** indicated that they would support such a condition for use of the School District spaces.
21 He pointed out that the Mira Costa High School lot does provide back up parking for the church.
22 He commented that it is highly unlikely that the School District property would be sold off.

23 In response to a question from Chairman Schlager, **Mr. Kuch** said that significant changes to the
24 elevator shaft would be necessary if the height were reduced notwithstanding the bell being placed
25 on the structure. He commented that the bell is original from when the church was started 100
26 years ago and is an important symbol.

27 **Guy Hatley**, a resident of the 1300 block of Gates Avenue, indicated that the budget is allocated for
28 the proposal, and they are anxious to begin construction. He pointed out that the elevation of the
29 site at the location of the proposed elevator tower, assembly hall and youth center is below the
30 grade of the street. He indicated that the height of the elevator shaft of 37 feet would be
31 approximately 10 feet below the height of the roof of the church building it would serve. He stated
32 that the proposed tower would not impact the neighbors. He said that it is agreed by the City and
33 parking study that the parking would be adequate as proposed.

34 **David Evans**, a resident of Manhattan Beach, said that the main purpose of the church is its role in

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1 the community. He commented that the Variances that are being requested are nominal, and it
2 would be helpful to the church members for an elevator to be added. He commented that there are
3 sometimes cars parked on the west side of Peck Avenue on Sunday mornings, but that only occurs
4 during the church service. He said that he feels the nuisance to the neighbors resulting from the
5 church is minimal, and the Montessori school is very important to members of the community and
6 the church. He indicated that the proposal has been made in good faith with the City, and he
7 requests that the application be granted.

8 **Cindy Palm**, a resident of the 1500 block of Curtis Avenue, said that the youth group meets
9 primarily in the evenings on Sundays, with exceptions during the week for summer activities. She
10 indicated that the lower elevation continues on the east side of the church property, and the height
11 Variance that is requested would be an insignificant to the surrounding neighbors. She said that the
12 traffic is busy before and after school on her street during the week, and congestion is significantly
13 reduced on the weekends. She commented that she does not feel there is a huge parking issue of
14 the church in the adjacent neighborhood. She commented that a very detailed assessment was done
15 in arriving at the design, and they have made every attempt to include community input into the
16 proposal.

17 **Karen Hill**, a resident of the 1300 block of Curtis Avenue, said that she is strongly in support of the
18 elevator. She commented that her father had to give up participating in the after church gatherings
19 during his later years because he was unable to descend down the steps to the community hall,
20 which was a deep disappointment to him.

21 **Philip Toomey**, representing the Montessori school, indicated that the school is not opposed to the
22 development of the project but does have concerns with the safety of their students. He said that
23 some issues have been addressed by staff, and representatives of the school have offered to mediate
24 the issues with the church. He commented that they are not attempting to stop the project and
25 simply want to protect the 300 children who attend the school. He indicated that the requirements
26 for the playground facilities are important. He commented that completing the new play area
27 before the existing area is closed is a Department of Public Safety requirement that must be
28 addressed. He indicated that a concern has also been raised regarding the movement of
29 construction equipment in and out of the site while school is in session. He commented that he
30 does feel the issues can be resolved if the process is slowed and the parties come together to have a
31 discussion. He stated that the application would be better served with the school were fully behind
32 the project. He commented that he does have concerns with an agreement for use of the parking at
33 the Manhattan Unified School District offices, as there is not a reciprocal parking easement
34 proposed. He indicated that the school spent a great deal of money constructing the playground
35 equipment in the existing play area. He pointed out that state of the art playground equipment must
36 be purchased, and the ground below the equipment must also provide sufficient padding which
37 could interfere with the drive-around. He said that they also have an issue with moving the trash
38 area to the back of the lot, as someone would have to travel the extra distance from the school each

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1 time trash is dropped off. He commented that he agrees that issues regarding the lease between the
2 school and the church are not relevant to the request before the Commission, but they are issues that
3 need to be resolved. He indicated that they want to work with staff and the church to reach a plan
4 that is acceptable to everyone.

5 In response to a question from Commissioner Lesser, **Mr. Toomey** indicated that the school does
6 not have concern with the proposed height of the proposed bell tower. He commented that they do
7 feel the issue of parking needs to be further addressed but that it can be resolved with creative
8 solutions.

9 Chairman Schlager commented that parking issues can become greater as the school grows in the
10 future, which must be taken into consideration in addition to the current parking study.

11 **Mr. Toomey** indicated that the school is currently at its maximum capacity.

12 **Sam Foster**, a resident of the 1000 block of 10th Street, stated that the youth group currently has no
13 place to meet, and he requests that the process move forward as quickly as possible.

14 **John Areosti**, a parent of the Montessori school, said that the parents of the school have great
15 concern with the safety of the children, and he would volunteer to help mediate between
16 representatives of the church and the school. He asked why the parking study was conducted only
17 for weekends and not also done during the week.

18 **Wendel Harder**, a resident of the 800 block of 8th Street, said that he would like very much for
19 construction to begin on the project. He pointed out that the height of the proposed tower structure
20 is less than the height of the existing sanctuary. He commented that they want construction to begin
21 as soon as possible in order to adequately serve their members. He also stated that it is important to
22 begin construction, as building costs continue to rise with time.

23 **Noel Palm**, a resident of the 1800 block of 9th Street, said that he is concerned about the young
24 people of the church. He said that the temporary trailers were too small to accommodate all of the
25 youth programs. He indicated that they made a commitment six years ago that the youth group
26 would have a facility large enough to accommodate their needs as soon as possible, and they are
27 anxious to have the process begun. He pointed out that the construction equipment would enter the
28 facility at the entrance on Rowell which does not front to any residences, and the equipment would
29 be staged on site rather than on the street.

30 **James Aldinger**, a resident of the 1800 block of Pine Avenue, indicated that the building heights
31 and locations would not change if the project is approved at this point by the Commission, and he
32 would like for the project to move forward quickly. He said that he does not want the issues of the
33 Montessori school to hold up construction of the church project, and the remaining concerns will be
34 addressed.

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1 Chairman Schlager closed the public hearing.

2 Commissioner Bohner commented that a portion of the property is sunken, and the topography of
3 the site is unique. He said that the bell tower would be unobtrusive to the surrounding residences
4 and would not be as tall as the sanctuary. He commented that the proposed tower is consistent with
5 surrounding structures and would not be imposing. He indicated that he would not be opposed to
6 approving the bell tower. He said that the proposal would increase the parking to 99 spaces. He
7 commented that additional parking would be available at the Manhattan Beach School District
8 facility, and the applicant has indicated that they are willing to ensure that the spaces will remain
9 available. He indicated that the applicant has indicated a willingness to work with staff for the
10 placement of the required handicapped parking spaces. He said that most of the issues with the
11 Montessori school appear to be regarding the dispute over the lease agreement, which must be
12 worked out by the two parties. He indicated that there are issues that need to be worked out
13 between the parties, but he does not feel they should hold up the project. He said that he is in favor
14 of moving forward with the project at this time, and issues can be conditioned such as a request
15 that the church ensure that there is sufficient parking or that the trees not be removed.

16 Commissioner Lesser indicated that he shares many of the same views as Commissioner Bohner
17 regarding the Use Permit, but he would be more comfortable approving the project if he knew the
18 two parties had an opportunity to meet.

19 Director Thompson stated that staff would want the item to be continued to the next hearing even if
20 the Commission supports the project in order to return with a draft Resolution.

21 Commissioner Lesser indicated that he would want to allow the parties an opportunity to have a
22 discussion, and there are issues that have been raised that would have an impact upon parking and
23 safety of the children.

24 Commissioner Cohen commented that she feels it is a fantastic project, and it is critical that it move
25 forward. She commented that she is excited that there would be a place to meet for the youth
26 group, and that it is important for young people to have constructive outlets. She said that she also
27 feels that the school and church must work out the issues regarding the lease, and the parties need to
28 meet with staff to resolve the issues regarding parking, construction, safety, and the location of the
29 handicapped parking spaces. She also pointed out that the project cannot be approved at this
30 hearing, as staff has pointed out that a Resolution needs to be brought before the Commission. She
31 commented that the elevation of the proposed tower would be below the existing church structure.
32 She also indicated that the surrounding area is part of the church facilities, and the tower would not
33 have a significant impact on any residences. She also pointed out that the dimensions of the tower
34 would be small and would be visually appealing. She indicated that the proposal would not be a
35 detriment to the community. She said that she accepts the determination of the independent parking
36 study that the 99 spaces as proposed would be sufficient, and the City's Traffic Engineer has agreed

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1 with the findings.

2 Commissioner Powell commented that he likes the project and feels the plans are aesthetically
3 pleasing. He indicated that he drove around the facility and looked at various angles. He said that
4 he feels appropriate mitigation would be in place and that the project would result in minimal
5 impact to the surrounding area. He indicated that his concerns have been addressed by the
6 statements of the applicant agreeing to the additional conditions imposed. He indicated that it is a
7 good project, and an existing structure on the site exceeds the height of the proposed bell tower. He
8 said that the topography is such that the structures would fit in with the community. He commented
9 that he is troubled that the two parties are not in agreement. He said that the city has a third party
10 mediator that helps to resolve concerns and disputes quickly and successfully, which is free of
11 charge to all parties. He recommended that staff prepare a draft Resolution approving the project
12 and that the parties work to resolve their issues in the interim.

13 Chairman Schlager commented that the fact that there were a number of people who took the time
14 to participate in the hearing reflects on the importance of the project. He pointed out that the
15 Commission is being asked to consider the information presented and make a determination on the
16 items in the staff report including the parking requirement, building height Variance, the location of
17 the trash enclosure, and the issues raised by the school. He commented that he is pleased that the
18 applicant is willing to move the three disabled handicapped spaces as determined appropriate, which
19 he would like included in the Resolution. He said that he does not have a problem with the parking
20 or the building height as proposed, and the applicant has agreed to work with staff on the location
21 of the trash enclosure. He commented that the project would take a long time to move forward if it
22 is held until all of the issues are resolved. He indicated that he would support directing staff to
23 prepare a draft Resolution approving the project to include the comments of the Commissioners as
24 conditions, and he would hope that the parties would work in the interim to resolve the remaining
25 issues.

26 Director Thompson commented that there are issues with the City that need to be resolved, and staff
27 has sufficient time to resolve them by the time the Resolution is brought back. He indicated that the
28 issues between the parties can be resolved by a mediator, although it did not appear that such
29 mediation would be necessary. He said that it appears the issues have been identified and the two
30 parties have expressed a willingness to come together. He said that staff would be willing to draft a
31 Resolution for the November 15 hearing, and he suggested that the public hearing remain open to
32 allow any other additional issues to be discussed at that time.

33 A motion was MADE and SECONDED (Bohner/Lesser) to REOPEN the public hearing and
34 CONTINUE the hearing for a USE PERMIT for Construction of a Two-Story Youth
35 Center/Assembly Hall, Establish a Site-Wide Parking Requirement, and a Variance for a new
36 elevator shaft/bell tower which would exceed the 30-foot height limit at 303 Peck Avenue to
37 November 15, 2006, with the direction that staff prepare a draft Resolution consistent with the

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1 direction of the Commission.

2 AYES: Bohner, Cohen, Lesser, Powell, Chairman Schlager

3 NOES: None

4 ABSENT: None

5 ABSTAIN: None

6

7 ~~At 9:00 a 10 minute break was taken.~~

8

9 06/1025.4 Consideration of a ZONING CODE AMENDMENT and LOCAL COASTAL
10 PROGRAM AMENDMENT Regarding the City Council 2005-2007 Work Plan
11 Item to Address Mansionization in Residential Zones

12 Commissioner Lesser commented that working with the Mansionization Committee has been one
13 of the more enjoyable experiences he has had in public service in the City. He said that the
14 Committee consists of a group of residents with differing views coming together in working with
15 staff to develop proposals. He indicated that some of the Committee members are reluctant to
16 restrict property rights for a prospective problem such as lot mergers, and others seek to preserve
17 the small scale and neighborhood character of the City before it is lost. He said that most of the
18 items before the Commission are for specific projects, and the Commission rarely has the
19 opportunity to examine broader policy issues. He said that the recommendations of the Committee
20 represent a compromise of the members and a balance of preserving property rights versus
21 sacrificing some rights in order to maintain community standards.

22 Senior Planner Jester summarized the staff report and stated that the issue is a City Council work
23 plan item. She said that the Mansionization Committee was formed at the end of last year, and the
24 Committee has held seven monthly meetings. She said that the goals arrived at by the Committee
25 are to preserve the character of neighborhoods; to look at the space between buildings; to examine
26 using a new Minor Exception process for encouraging the retention of small homes; and to
27 encourage the incorporation of quality open space. She indicated that the concern with lot mergers
28 is that many lots could possibly be merged into one lot which would disrupt existing lot patterns
29 and be out of character with neighborhoods. She indicated that the current Minor Exception
30 provision in the Code allows for the remodeling and expansion of existing homes with a 2,000
31 square foot cap. She indicated that the new proposal for Minor Exceptions is to allow 100%
32 remodel and an increase in BFA for existing non-conforming small homes with a limit of 66% to
33 75% of the maximum allowable BFA or 3,000 square feet without notification to the neighboring
34 properties. She said that the proposal is also to allow 100% remodel and an increase in BFA
35 (buildable floor area) for existing non-conforming homes with a limit of 66% to 75% of allowable
36 BFA with no cap on square footage with notification to neighbors within a 300 foot radius. She
37 indicated that the proposal is also to allow a portion of the 8% required additional front yard
38 setback to be placed in other areas to allow flexibility for situations where it is difficult to place all

1 ~~Commission, the applicant would have the ability to appeal the decision to the Council.~~

2 A motion was MADE and SECONDED (Schlager/Bohner) to APPROVE the draft Resolution
3 for a Sign Exception for the addition of a pole sign at 909 Aviation Boulevard

- 4 AYES: Bohner, Cohen, Lesser, Powell, Chairman Schlager
- 5 NOES: None
- 6 ABSENT: None
- 7 ABSTAIN: None

8
9 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
10 ~~the City Council's Consent Calendar for their review on December 5, 2006.~~

11
12 7. PUBLIC HEARINGS, CONTINUED

13 **06/1025.3-1 Consideration of a USE PERMIT for Construction of a Two-Story Youth**
14 **Center/Assembly Hall, Establish a Site-Wide Parking Requirement and**
15 **VARIANCE for a New Elevator Shaft/Bell Tower Which Would Exceed the**
16 **30-Foot Height Limit at 303 Peck Avenue**

17 Commissioner Lesser indicated that his child attended the Montessori school over the summer;
18 however, he does not have a financial interest in the project and feels he can be fair and unbiased in
19 considering the issue.

20 Commissioner Bohner indicated that he attends the Manhattan Beach Community Church;
21 however, he also has no financial interest in the project and feels he can consider the issue fairly.

22 Associate Planner Moreno summarized the staff report. He stated that representatives of the church
23 and school have met since the meeting of October 25, 2006. He commented that Condition 4 of the
24 proposed Resolution requires a traffic management plan, which is a standard condition for large
25 scale commercial projects in order to address the traffic path and storage of construction vehicles
26 and material. He indicated that staff wants to ensure that construction vehicles do not access the
27 site from Peck Avenue because of the topography, the narrowness of the driveway, and the
28 proximity to the students of the Montessori school. He stated that staff is concerned with safety of
29 any project and will work closely with the applicant to address concerns. He said that the
30 construction vehicles would access the site off of Rowell Avenue. He commented that staff has
31 received several e-mails expressing concerns regarding safety. He stated that the Commissioners
32 have been provided with conditions regarding idling of construction vehicles, and hours of
33 construction.

34 In response to a question from Commissioner Lesser, Associate Planner Moreno commented that



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- 1 Condition 25 in the draft Resolution addresses the disabled access parking spaces and requires
2 submission of plans to the Building Division. He said that the construction conditions are not
3 normal conditions and are sufficient particularly with the traffic management plan.
- 4 Commissioner Cohen commented that idling of construction vehicles is a great nuisance. She said
5 that it seems reasonable to prevent idling of construction vehicles during school hours, particularly
6 because children are particularly sensitive to the fumes.
- 7 Associate Planner Moreno said that the concrete trucks must idle while they unload. He said that
8 staff does not have a major concern with vehicles idling because of the proximity of the
9 construction area in relation to the school and play area. He said that the existing church
10 community building would also buffer the construction area from the school.
- 11 Commissioner Cohen suggested that staff consider limiting the idling of construction vehicles other
12 than cement trucks pouring concrete.
- 13 Commissioner Powell commented that he requested adding a condition that no existing mature
14 trees be removed at the previous hearing, and no such language was included in the draft
15 Resolution. He indicated that he would like for such a condition to be added.
- 16 Director Thompson said that staff has met with the school property owners and their attorney and
17 feels that the proposed conditions do address issues that have been raised regarding safety. He
18 stated that the concerns have been addressed by conditions within the draft Resolution. He said that
19 staff intends to keep all construction traffic on Rowell Avenue.
- 20 **Bruce Kuch**, representing the applicant, indicated that they have addressed the issues of the ADA
21 required parking and the trash enclosures. He indicated that they have also addressed the issue of
22 the lease with the Montessori school. He said that both parties have worked out the issues and
23 details, and some just need to be finalized. He commented that their architect and play area
24 consultant has been working since August with the school to develop a plan that meets the approval
25 of the school. He stated that they met on November 9 with the owners and representatives of the
26 school, their attorney Phil Toomey, and parents of the students. He indicated that the revised plans
27 include the input of that meeting. He indicated that they have addressed all of the concerns
28 identified at the time, and they have addressed additional e-mails as they have been received. He
29 indicated that they have agreed that construction access would occur on Rowell Avenue. He said
30 that they have proposed bollards to provide safety from the construction zone. He pointed out that
31 the proposed location for the trash enclosure is the most appropriate because of the requirements to
32 include walls and a roof. He indicated that the school had a concern that the location of the
33 enclosure would make it very inconvenient to transfer their trash. He indicated that they have
34 looked into the possibility of using a cart to facilitate transporting the trash.

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1 **Mr. Kuch** stated that they ideally would like for Condition 3 in Section 2 of the draft Resolution to
2 be removed. He said that he does not feel the City should have control over the Department of
3 Social Services to ensure the existing outdoor play areas are relocated prior to the issuance of a
4 permit. He commented that the Montessori is currently licensed for the site. He indicated that the
5 plan to relocate the play area on the site is separate from the building permit, use, parking and
6 height application issues that are being requested. He indicated that they would request that
7 Condition 3 state that the play equipment shall be relocated to meet Department of Social Services
8 (DSS) requirements rather than meet DSS approval. He said that requiring DSS approval implies
9 that the school must agree and take the steps to receive the approval.

10 Commissioner Cohen pointed out that the approval for the school license is ultimately the decision
11 of the DSS and not the City.

12 **Mr. Kuch** commented that Condition 3 makes the church dependent on the Montessori school to
13 use due diligence to receive approval of the DSS.

14 Commissioner Cohen commented that the school would not be able to operate without a license
15 issued by the DSS, and there does not appear to be any other option than requiring DSS approval
16 before permits are granted. She indicated that she feels it is necessary for the DSS to be involved at
17 the start of the project in order for it to move forward, and the project requires that Condition 3 be
18 included. She said that she feels it would be inappropriate for the City to make the determine that
19 the DSS requirements are being met.

20 Commissioner Lesser said that he shares the concern of Commissioner Cohen that changing the
21 wording of Condition 3 as suggested by **Mr. Kuch** could prevent the tenant from being able to
22 operate within its legal requirements. He indicated, however, that he also would not want the
23 proposed construction of the church to be delayed.

24 **Mr. Kuch** said that he would hope that there would be incentive for the church and school to move
25 forward to receive DSS approval as quickly as possible. He commented that it has been indicated
26 that it can take approximately four months for the DSS to consider applications, which would be a
27 substantial delay to the project. He indicated that they want the ability to do preparatory work and
28 would like to receive provisional approvals from the DSS to the extent possible rather than being
29 required to wait to begin construction until after final approval is granted by the DSS.

30 Commissioner Bohner stated that he agrees with the comments of the other Commissioners that the
31 burden cannot be placed on the City to adjudicate whether or not the removal of the play equipment
32 meets DSS requirements. He said that proceeding without DSS approval would create a licensing
33 problem for the school. He said that there is an incentive for both parties to work together to
34 receive approval from the DSS, and he feels receiving approval from the DSS must be addressed at
35 the beginning of the project.

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1 Commissioner Cohen commented that she was contacted by Joseph Liu, one of the parents of a
2 student at the Montessori school, who expressed his concern about the environmental impacts on
3 the children during construction. She indicated that she listened to his concerns and recommended
4 that he contact the other Commissioners and staff. She indicated that she also had communication
5 with Karen Hill, a member of the Manhattan Beach Community Church, who expressed her wish
6 that the project move forward. She indicated that they had no further discussion.

7 Commissioner Lesser indicated that he received an e-mail from Lisa Chiu, who indicated that she
8 had some issues that she wished to discuss with him as a parent of a student at the Montessori
9 school, and there was no specific issues raised or follow-up discussion.

10 Chairman Schlager indicated that he has received numerous e-mails regarding the project to which
11 he has not responded.

12 Chairman Schlager opened the public hearing.

13 **Phil Toomey**, the attorney for the Montessori school, stated that the majority of issues between the
14 church and the school have been resolved. He said that the proposed conditions do address the
15 significant concerns of the school. He said that their greatest concern was with the sequencing of
16 the project. He indicated that the relocation of the playground is a safety concern as well as a use
17 concern, and Condition 3 of the draft Resolution is absolutely essential. He stated that he does not
18 feel the City is in a position to express an opinion as to whether or not the DSS would grant
19 approval. He said that DSS issues a license to the school based upon the relocated playground
20 facility which is submitted to City staff before demolition and building permits are issued. He
21 stated that they are willing to work with the church to move the process forward. He said that they
22 are pleased that the construction traffic would enter off of Rowell Avenue, which resolves the vast
23 majority of their safety concerns. He said that they will resolve the issue of the trash enclosure, and
24 he does not feel it is a land use issue that the Commission should be burdened with attempting to
25 resolve. He indicated that they do have an issue with transferring the trash and recycling down the
26 sloped driveway to the to the trash enclosure; however, the church has agreed to provide a staff
27 person to deliver the trash.

28 **Mr. Toomey** commented that they are pleased with Condition 24 regarding emergency access
29 requirements, and they are pleased with the proposed bollards in order to help ensure safety. He
30 indicated that they are also in agreement with Condition 25 regarding the disabled parking access
31 requirements. He commented that they are pleased that the church has agreed for the hard
32 demolition to take place when school is not in session. He indicated that they are also pleased that
33 the church has agreed to a dust management program during construction as well as a temporary
34 barrier to block off the construction area from the school site. He stated that there is still an issue
35 regarding parking during construction; however, the church and school have agreed to work
36 together to resolve the issue. He suggested that Condition 3 be revised to state: "The demolition

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1 permit shall not be issued until the State of California Health and Human Service Agency
2 Department of Social Services issues all necessary permits or licenses for the relocation of the
3 playground for Facility No. 191602098 without requiring a reduction in the current number of
4 students attending the Montessori school.” He said that they are excited about the project moving
5 forward and are aware of the time sensitivity of beginning construction.

6 In response to a question from Commissioner Lesser, **Mr. Toomey** indicated that the DSS has 30
7 days to respond after the first request is submitted. He indicated that they have been told that the
8 entire approval process can take up to four months. He commented that counsel for the church
9 indicated that there may be an expediting process, and they have agreed to cooperate with such a
10 process.

11 **John Ernst**, the owner of the Montessori School, stated that representatives of DSS have visited
12 the site and have expressed that the proposed location for the play area would be appropriate. He
13 indicated that they currently have a licensed play area that cannot be removed until a new licensed
14 play area is completed. He indicated that the school will take any possible steps to expedite the
15 process of approval. He said, however, that DSS typically wants the new play area to be completed
16 prior to submittal for a new license. He said that they will submit for their license ahead of time, as
17 DSS has 30 days to simply respond back to the school. He indicated that an appointment is then
18 scheduled, which can take time.

19 **Jeff Newell**, a resident of the 1500 block of Catalina Avenue in Redondo Beach, a member of the
20 Montessori School Cooperative Youth Management Team, indicated that much progress has been
21 made between representatives of the church and school.

22 **Michelle Sipl**, representing the Montessori school teachers, said that their concern is any potential
23 injury of the children. She indicated that the safety concern has been addressed with the use of
24 Rowell Avenue for construction access. She pointed out that the livelihood of all of the teachers,
25 staff and students is at risk if the school is in violation of its license regarding the play area. She
26 stated that DSS must approve the playground before construction begins.

27 **Donald Partlu**, a resident of the 2000 block Huntington Lane in Redondo Beach, a parent of a
28 student at the Montessori school, said that they are concerned with the safety and welfare of the
29 students. He commented that the organization he works for has experience in working with the
30 DSS in investing in assisted living facilities for the elderly. He pointed out that the ability of the
31 Montessori school to operate could be jeopardized unless DSS approves the new playground as
32 completed. He commented that he feels the role of the Commission should be to encourage the two
33 parties to work together all remaining outstanding items. He commented that proceeding with
34 construction and later asking for approval from the DSS would be a great concern to the parents and
35 staff of the school. He said that the school serves a great purpose in the community and that the

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1 Commission take into account all safety issues.

2 In response to a question from Commissioner Powell, **Mr. Partlu** said that he is not aware of
3 whether or not there is a process for expedited approval from the DSS, although he has often times
4 heard of such a process. He said that their experience for expansion of assisted living facilities is
5 that the DSS approval generally takes time because they want to make sure that everything is in
6 order and that all other respective agencies have signed off on a project.

7 In response to a question from Commissioner Cohen, **Mr. Partlu** said that their experience is that
8 DSS does not confirm licensing until all construction is completed and all local agencies have
9 expressed approval. He commented that DSS will review plans before construction but will not
10 verify the license until the project is finished.

11 **Dianne White** stated that she is an administrator at a separate Montessori school on Bell Avenue
12 and has worked for the owners of the subject school for 20 years. She indicated that she agrees
13 with the statements of the previous speakers. She commented that her experience with the
14 expansion of the Bell Avenue school is that working with the DSS Child Care Licensing Division
15 must be done very carefully and on their terms. She indicated that she believe the maximum time
16 for approval of a request is four months, and she is not aware of an expedited process. She
17 commented that the application is very extensive, and there is not a quick method of completing the
18 entire process. She pointed out that DDS representatives will inspect all of the details of the new
19 playground before granting the permit.

20 Chairman Schlager closed the public hearing.

21 **Mr. Kuch** said that the intent of requesting the change to Condition 3 was to help construction
22 proceed along with possibly allowing early preparatory work of demolishing the existing trash area
23 to occur over the Christmas break while school is not in session. He indicated that they would want
24 to work with the school if there are provisional approvals from the DSS that could be obtained. He
25 said that they would not object to revise Condition 3 as proposed by **Mr. Toomey**, except to
26 change the wording from "current number of students" to "the number of students as allowed by
27 DSS current requirements."

28 Chairman Schlager commented that his understanding is that the purpose of the language suggested
29 by **Mr. Toomey** is for DSS approval to be obtained before the project moves forward with any
30 construction.

31 Commissioner Bohner said that there may be a portion of the construction that would not impact
32 the playground area which could occur while the parties are proceeding with receiving approval
33 from DSS.

34 Director Thompson commented that the current wording of Condition 3 basically allows for no

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1 permits to be issued for construction until approval for the new play area is received by the DSS,
2 although **Mr. Toomey** has indicated that there may be an opportunity for the church to do some
3 minor work that requires permitting while waiting for the approval. He said that it may be possible
4 to allow some type of work to occur such as relocating the trash enclosure, although he is not
5 certain that demolition to accommodate the bell tower can proceed before DSS approval is
6 received. He said that the students of the school would be required to cross the construction area of
7 the proposed bell tower in order to reach the existing playground, and it would not be appropriate to
8 allow demolition of the existing area before approval is received for the new play area.

9 Chairman Schlager suggested wording Condition 3 as proposed by **Mr. Toomey** with the addition
10 of language from staff to possibly allow the school and church to agree on preparatory work that
11 could occur while waiting for DSS approval.

12 **Mr. Kuch** pointed out that the church has hired a play area consultant who has experience in
13 working with the DSS in order to help the process.

14 Commissioner Lesser said that it is beneficial that the hearing was continued, and he is very pleased
15 that the parties have worked together to reach an agreement. He indicated that he is sympathetic to
16 the desire by the members of the church for the project to move forward; however, he also
17 recognizes the safety concerns and the importance of adhering to the permitting process so that the
18 school is not in violation of its license. He indicated that he feels a compromise has been reached
19 with the wording of Condition 3 being changed and include language regarding to allowing staging
20 work.

21 Commissioner Bohner indicated that it is great that the parties have worked together to agree on
22 most of the issues, and the wording of Condition 3 can be fashioned so that preliminary aspects of
23 the project can move forward while the parties work to receive DSS approval. He commented that
24 hopefully DSS approval can be received as quickly as possible, and the parties have indicated that
25 they will cooperate. He said that he feels a good compromise is being reached which can satisfy
26 both parties.

27 Commissioner Cohen said that she is very pleased that the two parties have worked together and
28 have come so far since the last meeting to mitigate concerns. She commended the representatives
29 of the church for having empathy for the concerns of the school and being amenable to protecting
30 the children. She suggested that a consultant or an attorney who deals with DSS be contacted to
31 help provide expertise in receiving approval. She stated that she supports **Mr. Toomey's**
32 suggestion for revising the wording of Condition 3. She commented that she is not certain of the
33 difference between specifying the current number of students and the current DSS legally allowable
34 number of students in the condition. She commented that she is pleased that the trash enclosure
35 would be removed further from the children at the school because young children are very sensitive
36 to such odors. She indicated that she is also pleased that the church is proposing to include a dust

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1 control management program. She said that she also would support a condition to preserve the
2 existing trees on the site. She indicated that she would also support limiting the idling of
3 construction vehicles during demolition and construction to the extent possible.

4 Commissioner Powell said that he echoes the comments of the other Commissioners commending
5 the parties for working together. He indicated that with the amount that has been accomplished, he
6 is certain that the remaining issues can be resolved. He indicated that he wants to make certain that
7 the project is not unreasonably delayed, although it may not be as great a concern with allowing the
8 staging of various processes. He indicated that with the parties needing to coexist for a long time
9 to come, it is great that they can be good neighbors. He commented that he feels the height of the
10 bell tower is mitigated because there are two other buildings which block the bulk of the tower to
11 the surrounding residents. He pointed out that one of the arguments presented by the church for
12 allowing the bell tower is that the mature trees on one side would mitigate the view of the tower to
13 the adjacent residents, and he would like a condition to be included requiring the retention of the
14 existing trees. He said that he would support the project as revised by the parties with an additional
15 condition regarding the requirement of the preservation of the existing trees.

16 Chairman Schlager said that he is proud of the community and the manner in which the project has
17 come together. He stated that it appears to be agreed for Condition 3 to read: "The demolition
18 permit shall not be issued until the State of California Health and Human Services Agency
19 Department of Social Services issues all necessary permits and/or licenses for the relocation of the
20 playground for Facility No. 191602098 without requiring a reduction in the current legally
21 allowable number of students attending the Montessori school." He indicated that a condition is
22 suggested to be added requiring that the existing trees be preserved, and wording is also suggested
23 to be added that preparatory non-invasive items will be allowed prior to the issuance of a permit
24 subject to agreement between the school and church and approval of staff.

25 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** a Use Permit for
26 construction of a two-story youth center/assembly hall, establish a site-wide parking requirement
27 and variance for a new elevator shaft/bell tower which would exceed the 30-foot height limit at 303
28 Peck Avenue with the condition that Item 3 under Section 2 of the draft Resolution be revised as
29 indicated; with the condition that the existing trees be required to be preserved; and with the
30 condition that preparatory non-invasive items will be allowed prior to the issuance of a permit
31 subject to agreement between the school and church and approval of staff.

32
33 AYES: Bohner, Cohen, Lesser, Powell, Chairman Schlager
34 NOES: None
35 ABSENT: None
36 ABSTAIN: None
37

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1 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
2 the City Council's Consent Calendar for their review on December 5, 2006.

3 AT 8:50 a 10 minute recess was taken.

4 ~~06/1025.42~~ ~~Consideration of a ZONING CODE AMENDMENT and LOCAL COASTAL~~
5 ~~PROGRAM AMENDMENT Regarding the City Council 2005-2007 Work~~
6 ~~Plan Item to Address Mansionization in Residential Zones~~

7 Director Thompson recommended that the public hearing be closed and tabled. He commented that
8 the Council expressed a preference for the entire issue to be considered at one time rather than in
9 separate components. He indicated that the Mansionization Committee has planned to be finished
10 with consideration of the issue in January, and the item would then be brought before the
11 Commission at a hearing most likely in February.

12 A motion was MADE and SECONDED (Schlager/Lesser) to CLOSE the public hearing and
13 TABLE the issue of a Zoning Code Amendment and Local Coastal Program Amendment
14 regarding the City Council 2005-2007 Work Plan Item to address mansionization in residential
15 zones

- 16
17 AYES: Bohner, Cohen, Lesser, Powell, Chairman Schlager
18 NOES: None
19 ABSENT: None
20 ABSTAIN: None

21
22 Director Thompson pointed out that the item will be renoticed when it is brought back before the
23 Commission probably in February.

24
25 8. PUBLIC HEARINGS, NEW

26 **06/1115.3 Consideration of a VARIANCE for Construction of a Deck Approximately**
27 **11.5 Feet in Height, Within the Rear Yard Setback at 1908 Magnolia Avenue**

28
29 Associate Planner Haaland summarized the staff report. He said that the proposal is to approve
30 an existing rear yard deck detached from the main structure which is 11.5 feet in height and
31 approximately 600 square feet in area. He stated that the deck is attached to a separate existing
32 accessory structure for a garage and guest quarters building on the site. He indicated that the
33 request is to allow a setback for the deck of 5 feet from the rear property line, and the actual
34 required rear yard setback is 16.6 feet. He pointed out that the Zoning Code limits accessory
35 structure decks that are located within rear yards to a height of 2.5 feet from local grade. He
36 ~~commented that a previously existing rear deck on the site that was much smaller was approved~~

Condition ____

All on-road and off-road diesel vehicles operating in association with demolition or construction activities shall be prohibited from idling during school hours except to perform the work functions for which the vehicle was designed or for safety reasons as set forth in Title 13 California Code of Regulations Section 2485(d).

Condition ____

The operation of cement trucks and other diesel vehicles in association with demolition or construction activities during school hours shall be restricted to no more than one hour per day. The pouring of cement for the building foundation and other activities that require multi-hour operation of diesel vehicles shall take place during non-school hours.

Condition ____

The use of portable engines for demolition or construction activities shall be prohibited unless required because of safety reasons.



AIRBORNE TOXIC CONTROL MEASURE (ATCM) TO LIMIT DIESEL-FUELED COMMERCIAL MOTOR VEHICLE IDLING

Adopt new section 2485 within Chapter 10 - Mobile Source Operational Controls, Article 1 - Motor Vehicles, Division 3. Air Resources Board, title 13, California Code of Regulations to read as follows:

Section 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

(a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles.

(b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes:

- (1) California-based vehicles; and
 - (2) Non-California-based vehicles.
- (c) Requirements.

On or after February 1, 2005, the driver of any vehicle subject to this section:

- (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and
- (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

(d) Exceptions.

Subsection (c) does not apply for the period or periods during which

- (1) a bus is idling for
 - (A) up to 10.0 minutes prior to passenger boarding, or
 - (B) when passengers are onboard;
- (2) idling of the primary diesel engine is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth. This provision does not apply when operating within 100 feet of a restricted area;
- (3) idling when the vehicle must remain motionless due to traffic conditions, an official traffic control device, or an official traffic control signal over which the driver has no control, or at the direction of a peace officer, or operating a diesel-fueled APS at the direction of a peace officer;
- (4) idling when the vehicle is queuing that at all times is beyond 100 feet from any restricted area;

- (5) idling of the primary engine or operating a diesel-fueled APS when forced to remain motionless due to immediate adverse weather conditions affecting the safe operation of the vehicle or due to mechanical difficulties over which the driver has no control;
- (6) idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification;
- (7) idling of the primary engine or operating a diesel-fueled APS is mandatory for testing, servicing, repairing, or diagnostic purposes;
- (8) idling when positioning or providing a power source for equipment or operations, other than transporting passengers or propulsion, which involve a power take off or equivalent mechanism and is powered by the primary engine for:
 - (A) controlling cargo temperature, operating a lift, crane, pump, drill, hoist, mixer (such as a ready mix concrete truck), or other auxiliary equipment;
 - (B) providing mechanical extension to perform work functions for which the vehicle was designed and where substitute alternate means to idling are not reasonably available; or
 - (C) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;
- (9) idling of the primary engine or operating a diesel-fueled APS when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
- (10) idling of the primary engine or operating a diesel-fueled APS by authorized emergency vehicles while in the course of providing services for which the vehicle is designed;
- (11) idling of military tactical vehicles during periods of training; and
- (12) idling when operating equipment such as a wheelchair or people assisted lift as prescribed by the Americans with Disabilities Act;

(e) Relationship to Other Law.

Nothing in this section allows idling in violation of other applicable law, including, but not limited to:

- (1) California Vehicle Code Section 22515;
- (2) Title 13, Section 2480, California Code of Regulations;
- (3) California Health and Safety Code Section 40720; or
- (4) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.

(f) Enforcement. This section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

(g) Penalties. For violations of subsection (c)(1) or (c)(2), the driver of a subject vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties as specified in the Health and Safety Code and the Vehicle Code.

(h) Definitions.

The following definitions apply to this section:

- (1) "Authorized emergency vehicle" is as defined in Vehicle Code Section 165.
- (2) "Auxiliary power system" or "APS" means any device that provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab, or sleeper berth as an alternative to idling the primary diesel engine.
- (3) "Bus" means any vehicle defined in Title 13, California Code of Regulations, Section 2480, subsections (h) (13)-(16), inclusive or as defined in the Vehicle Code Section 233.
- (4) "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck or bus with a gross vehicle weight rating of 10,001 pounds or more, except the following:
 - (A) a zero emission vehicle; or
 - (B) a pickup truck as defined in Vehicle Code Section 471.
- (5) "Driver" is as defined in Vehicle Code Section 305.
- (6) "Gross vehicle weight rating" is as defined in Vehicle Code Section 350.
- (7) "Highway" is as defined in Vehicle Code Section 360.
- (8) "Idling" means the vehicle engine is running at any location while the vehicle is stationary.
- (9) "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (10) "Official traffic control device" is as defined in Vehicle Code Section 440.
- (11) "Official traffic control signal" is as defined in Vehicle Code Section 445.
- (12) "Owner" is as defined in Vehicle Code Section 460.
- (13) "Primary diesel engine" means the diesel-fueled engine used for vehicle propulsion.
- (14) "Queuing" means (A) through (C)
 - (A) the intermittent starting and stopping of a vehicle;
 - (B) while the driver, in the normal course of doing business, is waiting to perform work or a service; and
 - (C) when shutting the vehicle engine off would impede the progress of the queue and is not practicable.
 - (D) Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.
- (15) "Restricted area" means any real property zoned for individual or multifamily housing units that has one or more of such units on it.
- (16) "Safety or health emergency" means:
 - (A) a sudden, urgent, or usually unforeseen, occurrence; or
 - (B) a foreseeable occurrence relative to a medical or physiological condition.
- (17) "Sleeper berth" is as defined in Title 13, California Code of Regulations, Section 1265.
- (18) "Vehicle" is as defined in the Vehicle Code Section 670.

Authority: Sections 39600, 39601, 39614(b)(6)(A), 39658, 39667, 43000.5(d), 43013(b), 43013(h), 43018(b), and 43018(c), Health and Safety Code; and Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist. (1975) [14 Cal.3d.411].

Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3, 42402, 42402.1, 42402.2, 42402.3, 42403.5, 42410, 43013, 43018, Health and Safety Code; Sections 305, 336,

350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, 27153, 40001, 40001(b)(5), Vehicle Code; and Sections 1201, 1900, 1962, 2480, Title 13, California Code of Regulations.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MAYWOOD
RESTRICTING IDLING BY CERTAIN
DIESEL TRUCKS AND EQUIPMENT**

WHEREAS, air pollution is a major public health concern in California. Air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life, and constitutes a nuisance; and

WHEREAS, exhaust from diesel engines (both on-road and off-road) is a substantial source of ozone precursors in the Los Angeles area. Diesel exhaust is also a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases, and constitute a nuisance in the Los Angeles area and the City of Maywood. Although new engines have become cleaner due to improved emission control technologies, the slow turnover in their inventory and the number of miles/hours these vehicles idle each year is hindering progress in improving regional air quality; and

WHEREAS, the City of Maywood and other local jurisdictions can play an important role in improving air quality in the area by limiting the amount of time engines are allowed to idle. Local municipalities have the responsibility to lead the effort to improve air quality by adopting ordinances that are cost effective in reducing ozone precursor emissions and toxic air contaminants; and

WHEREAS, a study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency indicated that a typical 1980s – 2001 model year truck operating on diesel fuel emits 144 grams per hour of nitrogen oxide and 8224 grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel while idling; and

WHEREAS, under this Chapter, a limitation on engine idling of certain diesel engines is established by the City of Maywood in order to discourage the idling of engines in the City.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD
DOES ORDAIN AS FOLLOWS:**

Section 1. Chapter is hereby added to Article __ of Title __ of the Maywood Municipal Code, to read as follows:

Sec. _-_-01. CHAPTER TITLE.

This Chapter shall be known as the Maywood Anti-Idling Clean Air Act.

Sec. _ _ _02. DEFINITIONS

- (a) "Driver" means any person who drives, operates, or is in actual physical control of a vehicle.
- (b) "Emergency" means a sudden, urgent, usually unforeseen, occurrence.
- (c) "Equipment Operator" means any person who is in actual physical control of a piece of off-road equipment.
- (d) "Gross Vehicle Weight Rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.
- (e) "Heavy-Duty Vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating greater than 14,000 pounds.
- (f) "Idling" means the engine is running while the vehicle is stationary or the piece of offroad equipment is not performing work.
- (g) " Medium-Duty Vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating of 6,001 – 14,000 pounds.
- (h) "Official Traffic Control Device" means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.
- (i) "Official Traffic Control Signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.
- (j) "Off-Road Equipment" means all non-road equipment with a horsepower rating of 50 or greater.
- (k) "Transport Refrigeration Unit" or "TRU" means a refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo. A TRU is a piece of off-road equipment regardless of its horsepower rating.
- (l) "Vehicle" means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.
- (m) "Vehicle / Equipment Owner" means the registered owner, lessee, licensee, or bailee of any heavy- or medium-duty vehicle or piece of off-road equipment who operates or directs the operation of any such vehicle or equipment on either a for-hire or not-for-hire basis.

Sec. _ _ _03. APPLICABILITY

There is hereby established an ordinance to be known as the Limitation on Engine Idling that applies to the operation of all diesel fueled vehicles regardless of gross vehicle weight rating, all heavy-duty vehicles regardless of fuel being used, all off-road dieselpowered equipment regardless of horsepower rating, and all off-road equipment regardless of fuel being used, except as provided in Section _ _ _05. Additionally, this ordinance applies to TRU engines as specified in Section _ _ _04 (c).

Sec. _-_-04. IDLING LIMITATION

(a) A driver of a vehicle:

(1) must turn off the engine upon stopping at a destination ; and (2) must not cause or allow an engine to idle at any location for:

- (i) more than five consecutive minutes; or
- (ii) a period or periods aggregating more than five minutes in any one-hour period.

(b) An equipment operator of an off-road piece of equipment not identified in (a) above:

(1) must not cause or allow an off-road piece of equipment to idle at any location for:

- (i) more than five consecutive minutes; or
- (ii) a period or periods aggregating more than five minutes in any one-hour period.

(c) An equipment operator of a TRU:

(1) must not cause or allow a TRU to operate within 1,000 feet of a residential area, public or private school or pre-school, church or park unless the cargo will be loaded or has been unloaded within 30 minutes.

(d) An owner of a vehicle, an off-road piece of equipment, or a TRU must ensure that:

(1) the vehicle driver or equipment operator, upon employment and at least once per year thereafter, is informed of the requirements in Section _-_-04 (a), (b) and (c), and of the consequences, under this section and the fleet owners terms of employment, of not complying with those requirements; and

(2) upon rental or lease of a vehicle or piece of equipment, written notification is provided of the requirements in Section _-_-04 (a), (b) and (c); and

(3) all complaints of non-compliance with, and enforcement actions related to, the requirements of Section 4 (a), (b) and (c) are reviewed and remedial action is taken as necessary; and

(4) records of Section _-_-04 (c)(1),(2) and (3) are kept for at least three years and made available or accessible to enforcement personnel within three business days of their request.

(e) A private property owner shall not allow a vehicle, an off-road piece of equipment or a TRU located on the owner's property to violate Sections _-_-04 (a), (b) and (c) respectively. A private property owner shall notify owners and operators of vehicles, off-road pieces of equipment, and TRUs entering the owner's private property of the requirements of this chapter.

Sec. _-_-05. EXEMPTIONS

This chapter does not apply to a vehicle or piece of equipment for the period or periods during which:

(a) idling is necessary while stopped:

- (1) for an official traffic control device;
- (2) for an official traffic control signal;
- (3) for traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone; or
- (4) at the direction of a peace officer;

(b) idling is necessary to ascertain that the vehicle and / or the off-road equipment is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;

(c) idling is necessary for testing, servicing, repairing, or diagnostic purposes;

(d) idling is necessary, for a period not to exceed three to five minutes or as recommended by the manufacturer to cool down a turbo-charged heavy-duty vehicle before turning the engine off;

(e) idling is necessary to accomplish work for which the vehicle / equipment was designed, other than transporting goods, for example: operating a lift, crane, pump, drill, hoist, ready mixed concrete mixer vehicle, or other auxiliary equipment other than a heater or air conditioner;

(f) idling is necessary to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;

(g) idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers;

- (i) The only exception for driver comfort would be a vehicle driver that is required to have rest time by law. In this case, the driver may only idle at a designated rest area or truck stop and will not idle within 1,000 feet of a residential, public or private school or pre-school, church or park.
- (ii) The only specific exception for passenger comfort would be a paratransit vehicle with a passenger on board with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature.

(h) idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle / equipment; or

(i) idling is necessary to operate equipment that runs intermittently.

Sec. _ _ _06. RELATIONSHIP TO OTHER LAWS

Nothing in this Chapter allows idling in excess of other applicable laws, including, but not limited to:

- (a) Title 13 California Code of Regulations section 1226;
- (b) Title 13 California Code of Regulations section 2480;
- (c) Vehicle Code section 22515; or
- (d) any local ordinance or requirement as stringent as, or more stringent than this

Chapter.

Sec. _ _ _07. PENALTIES

(a) For each violation of Sections _ _ _04(a), (b) or (c), a driver of a vehicle, or an operator of offroad piece of equipment or TRU is subject to a minimum civil penalty of two hundred dollars (\$200) and to criminal penalties to the maximum extent provided by law.

(b) For each violation of Section _ _ _04 (d), an owner of a vehicle, off-road piece of equipment or TRU is subject to a minimum civil penalty of two hundred dollars (\$200) and to criminal penalties to the maximum extent provided by law.

(c) For each violation of Sections _ _ _04(a), (b) or (c), a private property owner is subject to a minimum civil penalty of two hundred dollars (\$200) and to criminal penalties to the maximum extent provided by law.

Sec. _ _ _08. ENFORCEMENT

(a) This chapter may be enforced by the City of Maywood Building and Planning Department's Code Enforcement Officers, the California Air Resources Board, the South Coast Air Quality Management District (SCAQMD), or by any peace officer with the jurisdiction.

(b) The City of Maywood may, by written agreement, determine how penalties collected through enforcing this chapter are distributed to the enforcing agency or City of Maywood department.

Section 2. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED by the Maywood City Council on this ____ day of _____, 2006.

By: _____
Thomas Martin
Mayor

ATTEST:

By: _____
Erika Navarro
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF MAYWOOD)

I, ERIKA NAVARRO, City Clerk of the City of Maywood, do hereby certify that the foregoing ordinance, being Ordinance No. _____, was duly passed by the City Council of the City of Maywood, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the ___ day of _____, 2006, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

AYES:

NAYES:

ABSENT:

Erika Navarro
City Clerk
City of Maywood



City of Maywood

4319 East Slauson Avenue • Maywood, California 90270
Tel: (323) 562-5000 • Fax (323) 773-2806

STAFF REPORT

TO: Mayor and City Council
FROM: Cary S. Reisman, City Attorney
RE: Diesel Idling Ordinance
DATE: April 25, 2006

The attached Ordinance would establish a prohibition on the idling of on-and off-road diesel engines when the vehicle is not moving or when the off-road equipment is not performing work for a period of time greater than five minutes in any one-hour period. It would impact diesel trucks of 14,000 pounds or larger, as well as heavy equipment diesel engines of 50 horsepower or greater, and TRUs (diesel powered refrigeration units).

The Ordinance would hold diesel engine operators to stricter standards than those imposed by the California Air Resources Board (ARB). While both the ARB regulation and the proposed Maywood ordinance limit idling by on-road, heavy-duty diesel engines to 5 minutes, the Maywood ordinance also imposes the idling limit on off-road engines of 50 horsepower or greater, and prohibits the idling of TRUs within 1,000 feet of a residence or public or private school or pre-school, church or park, unless loading or unloading, and requires property owners who allow such units to park on their premises to notify their drivers/operators about the rule. The ordinance will apply to any diesel engine operating in the City of Maywood, whether or not it is based here.

Mayor Pro Tem Aguirre and I have been in contact with officials from the SCAQMD, and they encouraged the adoption of such an ordinance. They are working on a model ordinance, but had no timetable for adoption. The attached ordinance is based upon one that Sacramento area cities and counties have adopted at the urging of the Sacramento Metropolitan AQMD.

Concerns by some that ordinances like the proposed one would impinge upon an area of law that is pre-empted by Federal or State law were definitively answered by the California Attorney General in opinion 87 Op. Atty Gen. Cal. 96 (2004), which concluded:

Diesel Idling Ordinance
April 25, 2006
Page 2

A city may enact an ordinance restricting vehicle engine idling for the purpose of controlling or mitigating vehicle emissions if (1) the city has been delegated authority to do so by an air pollution control district or by an air quality management district, (2) the ordinance imposes more stringent engine idling requirements than imposed by such district and is otherwise authorized by law, or (3) the ordinance seeks to abate a nuisance.

The appropriate motion would be to introduce Ordinance No. 06-525. The amendments will be adopted on second reading, which could occur on May 11, 2006, and will be effective thirty days later.

MANHATTAN BEACH COMMUNITY CHURCH

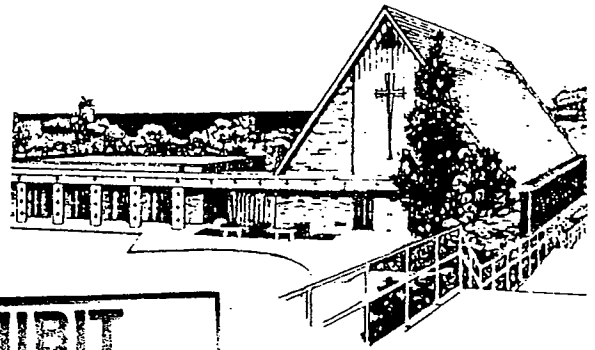
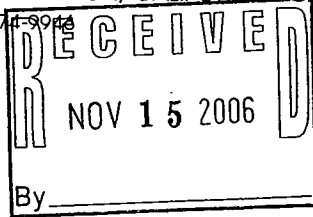
Congregational, Affiliated with the United Church of Christ

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Minister Emeritus
WENDELL L. MILLER, D.D.
Minister Emeritus
JAMES A. PETERSON, PH.D.
Minister Emeritus

Manhattan Beach Community Church YOUTH CENTER PROJECT

Who is MBCC?

For over 100 years, we have served the South Bay as a multi-denominational house of worship. Since 1957, we have been affiliated with the United Church of Christ, a diverse, world-wide body with the motto "that they all may be one." We conduct many charitable, cultural and worship activities, supporting a wide-ranging number of community programs, including 1736 House, Friends of the Family, Alcoholics Anonymous, to name a few, at no cost on a non-profit basis. You may already be familiar with our renown Youth Choir; what you may not know is that we have the largest Sunday School program in our Conference regularly serving the needs of over 200 children and young adults.

What is MBCC building next door to Montessori School?

When the building Montessori School uses for most of its operation was built in 1998, it displaced the education and meeting facility for our Middle and High School Youth. We have been trying to replace that facility ever since, and hope to get started soon. In addition, the demands of the Congregation and Community for our space have exceeded supply, so we have designed the building to include an 80-seat Memorial Hall to meet these space needs.

Where are you building the Youth Center?

The project will be built entirely on the parcel across the drive from the Montessori School facility. It will be located on the part of our Church property that is currently used jointly by Montessori School and MBCC as open area and playground, north of the "Community Hall" which Montessori School uses for such things as the "Spring Sing" and graduation ceremonies.

Will MBCC make sure our children are safe?

Absolutely. The safety of our children, Congregation and Community is and will be our number one concern during this project. We do not plan to start Youth Center construction until the new playground area is built and approved. Once in place, we believe that the new playground will be even safer than the existing location, since it will eliminate the need for children to cross the driveway to and from their play area. Also, all of the Montessori students will play on the same, secured area near their classrooms. In planning meetings between Montessori School and MBCC over the past several months, both parties have agreed that the new playground will result in a "win/win" better serving all persons using the Church property.

Will the construction present any danger to our children?

No. We have met with Montessori School to assure them that their concerns about safety – which we fully share – have been addressed. We have developed ways to minimize the noise, dust and traffic flow issues that may be associated with the project, and will require that prudent safety precautions, including the installation of appropriate construction barriers, are taken to protect Montessori School's students, staff and parents, as well as MBCC's members and others visiting the site. We plan to stage the project on the rear parking lot, away from Montessori School operations. We will be presenting our ideas to the Commission tonight, and hope to receive their approval. As always, MBCC will remain open to any further suggestions from our neighbors and City on how to maximize the safety of our Youth Center project.

We greatly appreciate your interest and support of the MBCC Youth Center facility.

