



# 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:

November 8, 2006

SUBJECT:

Consideration of Planning Commission Approval of a Use Permit to Allow a Bank

Use with Drive-Up Service, and a Sign Exception for an Existing Commercial

Center at 3001-3005 Sepulveda Boulevard

## **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:**

The existing commercial center is located at 3001-3005 Sepulveda Boulevard along the Sepulveda Boulevard corridor within the Commercial General or "CG" zone. This center contains two separate structures, one of which housed the former Burger King restaurant, with the remaining structure containing seven uses; Domino's Pizza, All City Computers, Kai Sushi, Lido Bakery, Village Shoe Repair, Olympic Cleaners and Fifth Element Beauty Salon. The original 1983 approved plan required 48 parking spaces, a refuse enclosure along the westerly property line between the retail/office building and the 2,300 square foot Burger King building, and a drive-up service lane.

At the July 12, 2006 Planning Commission meeting staff presented a proposal which consist of an amendment to an existing Use Permit and Sign Exception for the subject commercial site to allow the following: 1) establish a new bank use with drive-up service within the existing Burger King building, and 2) exceed the maximum allowable sign area. Because the applicant proposes a new bank use with drive-up service the existing entitlement must be amended to address this change including a Sign Exception for proposed signage which will exceed maximum allowable sign area. This entitlement replaces any previous Use Permit approvals granted for the subject site.

The proposed bank use is a permitted use in the CG (General Commercial) zone and conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, site landscaping and trash area. The primary issue with the subject application was proposed signage.

#### **Parking**

Based on the current parking standards for all the existing and proposed uses, 35 total parking spaces are required as follows:

Existing Uses	Leasable Area	Required Parking
Domino's Pizza	1,008 sq. ft./200	5 spaces
All City Computers	684 sq. ft./200	4 spaces
Kai Sushi	684 sq. ft./200	4 spaces
Lido Bakery	900 sq. ft./200	5 spaces
Village Shoe Repair	576 sq. ft./300	2 spaces
Olympic Cleaners	1,224 sq. ft./300	4 spaces
Beauty Salon	784 sq. ft.300	3 spaces
Proposed Use		_
Bay Cities Bank	2,377 sq. ft./300	8 spaces
		35 spaces

In 1983 the parking standards allowed the commercial center to provide compact spaces with a minimum parking width of 7.5'. As part of this Use Permit Amendment, and in order to provide more accessible parking spaces, staff has added a condition which requires that these spaces meet the minimum large space width of 8.5'. With the restripping of these spaces the site would provide a total of 46 spaces or a surplus of 11 spaces for all existing/proposed uses.

## Signage

Pursuant to MBMC Section 10.72.050, Permitted Signs, Commercial in Area Districts I and II, the maximum amount of signage allowed for the subject property is based on two square feet per one linear foot of property frontage. In this case, the property frontage (Sepulveda Boulevard) is 275 feet in length; therefore 550 square feet of total signage would be permitted for the seven existing businesses and the new proposed bank use.

The site currently contains an "abandoned" 10' x 10' pole sign cabinet with a lower secondary 2' by 8' sign cabinet formerly used by the former Burger King business and located at the Sepulveda Boulevard entrance. The applicant proposes to maintain the double sided sign to maximize business identification for the bank use but will reduce the cabinet to 8' x 10' and eliminate the lower secondary sign. This illuminated pole sign would not exceed the 30 foot height limit as permitted by code.

Pursuant to MBMC Section 10.72.050, Permitted Signs, the maximum pole sign area for commercial properties located in Area District I an II is 0.5 square feet in lieu of 1 square feet of wall/awning/monument sign area. Pole signage is counted twice (per sign face) towards sign area. In this case the proposed pole sign cabinet is 8' x 10' in size or 80 square feet in area so it would contain 320 square feet of countable square footage.

In addition to requesting approval to retain the existing pole sign the applicant also initially proposed a new wall sign, a monument sign and directional sign. The proposed 2'-10" high x 16'-2" wide illuminated wall sign would be placed on the easterly facing wall of the proposed bank use and would contain 46 square feet of bank name and logo; the proposed double sided 6'

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high x 6' wide illuminated monument sign (subsequently withdrawn), would have to be located at the corner of 30<sup>th</sup> Street and Sepulveda Boulevard; the proposed double sided 3' wide x 2' high directional sign would be located at the existing Sepulveda Boulevard entrance and contain 12 square feet of sign area. A total of 450 square feet of new sign area is proposed for the site.

At the Planning Commission meeting of October 11, 2006, the Commission voted (5-0-0) to approve the subject application. At this meeting there were two property owners whose properties abut the subject site that spoke in favor of the project but had concerns with noise with the drive-through teller window and vehicles. Based on this concern, the Planning Commission added a condition that requires the applicant to provide "sound" panels to help reduce the noise levels to the property owners to the west of the subject site.

The Planning Commission approved the requested new sign areas including the pole sign, directional sign and wall sign. The applicant withdrew the request for the corner sign located at the corner of 30<sup>th</sup> Street and Sepulveda Boulevard.

Attached for Councils review is the Planning Commission report and minutes for the meeting it was considered.

Attachments: A. Resolution No. PC 06-14 (available electronically)

B. Planning Commission Minutes, Report, attachments and plans, dated 7/12/06 (available electronically except plans)

cc: Edmund Bedrosian, Property Owner

BayCitiesBankCCMemo 11-8-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT TO ALLOW A BANK USE WITH DRIVE-UP SERVICE, AND A SIGN EXCEPTION FOR SIGN AREA, FOR AN EXISTING COMMERCIAL CENTER AT 3001-3005 SEPULVEDA BOULEVARD

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

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

- A. The Planning Commission of the City of Manhattan Beach considered applications for a Use Permit and Sign Exception for the property legally described as portions of lots 16 through 22, Block 30, Tract No. 1638, located at 3001-3005 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant for the subject project is MRCA Design Group, and owner of the property is Edmund Bedrosian, Managing Member.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Use Permit and Sign Exception at their regular meeting of October 11, 2006. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned CG Commercial General. The surrounding land uses to the north, east and south are similarly zoned; the properties to the west are zoned single-family residential.
- G. The General Plan designation for the property is General Commercial.
- H. The Use Permit and the Sign Exception is to allow 1) a new bank use with drive-up service, and 2) exceed the maximum allowable sign area.
- I. 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 purposes of the district in which the site is located as a bank use is a permitted use in the CG (General Commercial) zone.
  - b) The location of the proposed bank use and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. 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 commercial/neighborhood uses: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. There is no proposed building square footage increase for either of the two existing structures, however, an extensive interior remodel will be required for the building formerly occupied by the restaurant use.



- c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed bank use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, site landscaping and trash area.
- d) The proposed bank use would not adversely impact nearby residential or commercial 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 bank use replaces a fast-food restaurant.
- J. Based upon MBMC Section 10.72.020, relating to the Sign Exception application for the subject site, the following findings are hereby made:
  - 1. The proposed sign exception would not be detrimental to the surrounding commercial and residential developments located to the north, south and west. The proposed 8' high x 10' wide pole sign, previously abandoned, would be located adjacent to Sepulveda Boulevard and reduced in size; the proposed 2'-10" high x 16'-2" wall sign would be located on the easterly building wall facing Sepulveda Boulevard away from the residential properties to the west; the proposed 2' high x 3' wide directional sign is small in size and located at the existing entry driveway on Sepulveda Boulevard. Additionally, because of the location of the signs, adverse impact of light sources would be minimized to the adjacent residential development to the west.
  - 2. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property.
  - 3. The proposed sign exception is consistent with the legislative intent of the Sign Ordinance because they provide business identification and maintain the attractiveness and orderliness of the City's appearance.
- K. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- L. This Resolution, upon its effectiveness, constitutes the Use Permit and Sign Program for the subject property.

<u>Section 2.</u> The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject use permit, sign exception applications subject to the following conditions:

#### Site Wide Conditions

- 1. The project shall be operated in substantial compliance with the submitted site plan as approved by the Planning Commission on October 11, 2006. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 2. 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 building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
- 3. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. The subject site provides 46 parking spaces which includes two disabled spaces and 15 compact spaces. Five (5) queuing spaces shall be provided for drive-up service for the new bank use. A minimum of forty-six (46) parking spaces shall be provided and maintained on site. Parking spaces shall not be labeled or otherwise restricted for use by any individual. The existing compact spaces located adjacent to the southerly building shall be re-stripped with a minimum width of 8.5'.

- 4. The amount of parking stalls provided shall limit the types of uses that can be established on the property.
- 5. Employees shall be prohibited from parking on the surrounding public streets. All employees shall park on-site during working hours.
- 6. Any exterior speakers shall not create a nuisance to the adjoining residential neighbors. Exterior music shall be prohibited.
- In order to reduce noise emanating from the proposed drive-up teller at the westerly side
  of the structure, the applicant shall provide "sound" panels on the existing westerly
  wall.
- 8. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
- 9. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
- 10. A mop sink must be installed and shown on the plumbing plan.
- 11. 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. (MBMC 5.84.060 and 5.84.090).
- 12. 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. Drawing 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.
- 13. Commercial establishments are required, by Municipal Code Section 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.
- 14. Water meter 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. 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.
- 16. Any new storm water, nuisance water, etc. and drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
- 17. 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 shall provide a profile (elevation plan) which shows the percent of driveway slope.

- 18. If the water meter is replaced, it must be purchased from the City and must have a traffic lid if the box is located in the driveway.
- 19. Backflow preverters for fire and domestic water services must be installed per Public Works Department requirements.
- 20. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic.
- 21. Security and sign illumination for the site shall be provided in conformance with Municipal Code requirements including glare prevention design, specifically to the residential neighborhood to the west.
- 22. Separate plans are required for changes to existing fire sprinklers or fire alarm systems. These plans shall be submitted for review and permit from the Fire Department prior to issuance of any building permits.
- 23. All proposed rooftop mechanical equipment shall be screened from view from the public right-of-way.

#### Landscaping

- 24. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval prior to the issuance of any building permits. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments. Separate plans shall be submitted to the Planning Division for review and permit prior to the issuance of any building permits.
- 25. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.

#### Sign Area

- 25. A-frame or sidewalk signs shall be prohibited.
- 26. No temporary signs (banners) shall be erected on the property without City permit and approval.
- 27. The proposed business signage (location and square footage) shall be developed in substantial compliance with the plans as approved by the Planning Commission on October 11, 2006. Separate plans shall be submitted for review and permit prior to the issuance of a building permit.
- 28. The maximum wall sign area permitted for the seven (7) existing tenants at the southerly two story structure shall be 285 square feet. New sign area for the new bank use shall include an 8' x 10' pole sign (which shall not exceed the permitted 30 foot height limit); a 2'-10" x 16'-2" wall sign including logo and text; and a 2' x 3' directional sign. Staff will work with the property owner to allow up to 25% of each tenants storefront to be used as secondary signage. The proposed 6' high x 6' wide monument sign located at the corner of 30th Street and Sepulveda Boulevard was denied by the Planning Commission.

#### Hours of Operation

29. The hours of operation for the bank use shall be as follows: Monday – Thursday, 9:00 a.m. – 5:00 p.m.; Friday, 9:00 a.m. – 6:00 p.m.; Saturday, 9:00 a.m. – 1:00 p.m.

#### Procedural Requirements

- This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
- 31. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 32. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
- 33. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
- 34. 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.
- 35. All previous land use entitlements are hereby rescinded, including but not limited to Resolutions Nos. PC 83-12, 84-32 and 05-09.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **October 11, 2006** and that said Resolution was adopted by the following vote:

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

NOES:

ABSTAIN:

ICHARD THOMPSON,

retary to the Rlanning Commission

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the response to a comment from Commissioner Powell, Director Thompson pointed out the coolers that include the alcohol could be locked after hours preventing alcohol sales while the convenience store remained open.

Commissioner Powell said that he would be in agreement to allowing the convenience store to operate until 2:00 a.m. and restricting alcohol sales to midnight.

Commissioner Cohen said that she does not have a concern with the retail operation being open until midnight or 2:00 a.m. but would want alcohol sales to be restricted to 10:00 p.m.

Chairman Schlager indicated that he would support allowing operation of the mini-mart until 2:00 a.m. with alcohol sales being restricted to midnight.

A motion was MADE and SECONDED (Bobber/Powell) to APPROVE a USE PERMIT to allow the remodel of an existing service station to include a 24-hour convenience store with beer and wine sales at 3633 North Sepulveda Boulevard with the conditions that operation of the gasoline fuel pumps shall be permitted 24 hours daily; that operation of the mini-mart shall permitted between 6:00 a.m. until 2:00 a.m. daily, with alcohol sales being prohibited between midnight and 6:00 a.m. daily

21 AYES:

Bohne, Lesser, Powell, Chairman Schlager

22 NOES:

Cohen

23 ABSENT:

ABSTAIN

None None

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

# **PUBLIC HEARINGS, NEW**

06/10/11.2 Consideration of a USE PERMIT AMENDMENT to Allow a Bank Use With Drive-Up Service, and a SIGN EXCEPTION for an Existing Commercial Center at 3001-3005 North Sepulveda Boulevard

Associate Planner Moreno summarized the staff report. He indicated that the proposal is for a new bank use with drive-up service at an existing commercial building. He commented that the proposed use is permitted in the CG zone and is conforming regarding buildable floor area; building height; setbacks; parking; landscaping; and the trash enclosure. He indicated that the primary issue with the proposal is with the sign plan. He commented that all of the uses in the subject center including the proposed bank would have a parking requirement of 35 parking



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spaces, and there are a total of 46 parking spaces proposed. He indicated that there is a condition requiring the existing compact parking spaces be widened to 8 ½ feet. He commented that the City's Traffic Engineer has determined that the existing Burger King drive-through window would be appropriate for use by the proposed bank as a teller window. He commented that there is a high wall which helps to buffer noise from the center to the residences to the west.

Associate Planner Moreno said that the Sign Ordinance allows 2 square feet of sign area per 1 linear foot of frontage of property, or 550 square feet of sign area for the subject center. He indicated that the existing permitted wall signs on the building to the south total 285 square feet and the total existing non-permitted window signs total approximately 110 square feet. He indicated that the proposal is to reestablish the former Burger King pole sign to include removal of the bottom cabinet and reduction of the top to 8' by 10'. He indicated that the current Sign Ordinance discourages pole signs by counting square footage of such signs twice, which results in a total of 320 square feet for the proposed pole sign. He said that a 46 square foot illuminated wall sign; a 12 square foot directional sign located below the pole sign; and a monument sign are also proposed. He indicated that staff supports the proposed pole sign, directional sign, and wall sign. He stated that staff does not support the monument sign because it would exacerbate the square footage of signage. He said that the existing signage for the southerly building encompasses between 65 and 75 percent of the store fronts. He indicated that staff is recommending approval of the Use Permit Amendment to allow the bank use and the Sign Plan except for the monument sign based on the conditions in the draft Resolution.

In response to a question from Commissioner Lesser, Associate Planner Moreno said that the pole sign does constitute an abandoned sign pursuant to Section 10.72.030 the Code, as it has been unused for longer than 90 days. He said that if approved, a condition should be included authorizing the sign.

Russell Keldor, representing the applicant, said that they are withdrawing the request for the monument sign.

Chairman Schlager opened the public hearing.

Chris Projemedes said that his main concern is noise from the drive-through teller, which could spill over to his home. He said that was not clear as to whether the drive through would only be a teller during banking hours or a 24 hour ATM machine which would result in more of an impact with traffic noise. He indicated that he would like further information regarding the location and hours of the ATM machine. He said that his preference would be to eliminate the drive through teller. He commented that the area with the drive through window is located directly behind his bathroom, and he would be able to hear the noise.

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David Wilson, representing the applicant, the ATM would be on the easterly side of the building next to the current door frame and would operate 24 hours. He indicated that the drive through would only be open during the business hours of the bank. He commented that the window would be designed to minimize noise. He pointed out that the bank would only have one window where transactions would be conducted and would generate less noise than the previous fast food drive through window.

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Andrew Kim, indicated that he also has a concern with the noise level from the drive-through window. He commented that there are noise issues from the engines of automobiles and people talking or playing music in their cars. He said that he hopes the bank will alert their customers to be courteous regarding the noise level. He commented that the wall between the bank and residents is not a very effective buffer, and he would be able to hear noise from his property. He commented that he does prefer the proposed bank use to the previous fast food use.

 Associate Planner Moreno pointed out that Condition 6 in the draft Resolution indicates that any exterior speakers shall not create a nuisance to the adjoining residential neighbors, and such issues would also be governed under the Noise Ordinance. He commented that Condition 7 states that the management of the property shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.

Mr. Keldor indicated that sound panels can be placed on the adjacent wall to also mitigate noise.

Chairman Schlager closed the public hearing.

Commissioner Bohner indicated that the main issue of the project is regarding the signage. He said that exceptions exist in this case to allow the pole sign. He indicated that he does not find the sign would have a detrimental impact to the neighborhood and agrees it is needed because of the topography and landscaping which reduce visibility from Sepulveda Boulevard. He commented that the owner would not be able to effectively advertise the center without the pole sign. He said that the wall sign that would be located on the easterly wall would face Sepulveda Boulevard and away from residences to the west. He commented that the directional sign would be small and located at the existing entry on Sepulveda Boulevard. He indicated that allowing the Sign Exception would be consistent with the legislative intent of the Code in this case. He indicated that the operation of the bank would be during hours when most residents are not at home. He also indicated that the ATM would be located on the westerly side of the property away from residences, and sound panels on the adjacent wall would help to buffer noise. He stated that the proposal would be an improvement to the existing site in terms of the impact to the residents of the previous use, and he would support the project.

Commissioner Cohen said that she is pleased that the bank is replacing the previous fast food

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- 1 establishment and feels it will enhance the quality of life of the neighborhood. She indicated that
- 2 she is pleased that the applicant is willing to install sound panels on the existing concrete wall.
- She stated that she feels the pole sign meets the general intent of the Sign Ordinance. She said 3
- 4 that the exception can be made due to the issues of topography and landscaping issues which
- 5 reduce visibility of the site from Sepulveda Boulevard, and the signage as proposed would not be
- detrimental to the adjacent area. She commented that she supports the project. 6

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- Commissioner Lesser said that the site is an appropriate location for the project and he supports the proposal. He said that the application for the pole sign satisfies the requirements for an exception because of the topography of the site, and the new building being constructed to the north of the property would limit the view of the structure for southbound traffic on Manhattan Beach Boulevard. He pointed out that the project includes sufficient parking; the hours of the use would be limited; and the concerns of the neighbors would be addressed by adding a sound
- 13 14 barrier on the adjacent wall.

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Commissioner Powell said that he concurs with the comments of the other Commissioners and commends the applicant for the resourcefulness of converting a previous fast food use to a bank within the same footprint. He commented, however, that he would have preferred to see more detailed plans. He indicated that he was not concerned with the pole sign but rather with the large number of signs. He said, however, that he is satisfied with the signage as proposed with the elimination of the monument sign to reduce the square footage. He indicated that the proposal would be an improvement to the previous fast food restaurant and the currently vacant lot. He indicated that he supports the project.

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Chairman Schlager indicated that he concurs with the comments of the other Commissioners. He stated that the project does meet all of the criteria to allow the Sign Exception given the proximity to a major commercial corridor.

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In response to a comment from Commissioner Lesser, Director Thompson said that staff will clarify the issue in the Resolution of the pole sign being permitted although it has not been used for longer than 90 days and would be considered an abandoned sign. He indicated that the Resolution will also be revised to reflect the withdrawal of the request for the monument sign by the applicant.

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35 Commissioner Cohen commented that the word "intend" should be changed to "intent" on page 2, item J(3) of the Resolution. 36

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- 38 A motion was MADE and SECONDED (Lesser/Bohner) to APPROVE a Use Permit 39 Amendment to allow a bank use with drive-up service, and a sign exception for an existing
- commercial center at 3001-3005 North Sepulveda Boulevard with the conditions that the 40

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- 1 proposal would not include the removal of the monument sign as originally proposed; that sound
- 2 paneling be required to be placed on the adjacent retaining wall; and that it be reflected that the
- 3 pole sign has not been abandoned and will be approved based upon the action of the
- 4 Commission.

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

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- Director Thompson explained the 15-day appeal period and stated that the item will be placed on the City Council's Consent Calendar for their review on November 8, 2006.
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#### **DIRECTOR'S ITEMS**

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- **PLANNING COMMISSION ITEMS**
- 18 Commissioner Lesser commented that the Commissioners received an e-mail from a resident 19 regarding a project at 2310 Palm Avenue not being in compliance with the City Code.

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22 23 Director Thompson commented that this issue of the 2310 Palm Avenue project is regarding a patio being constructed in the rear yard in violation of the required 8 foot rear yard setback that was approved with the plans. He stated that the inspector or the project has been notified, and the situation will be corrected.

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Commissioner Lesser congratulated Commissioner Bohner on the success of the Hometown Fair.

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In response to a question from Compassioner Cohen, Director Thompson said that the Commissioners have been signed up for the ethics training which will take place on November 14, 2006, from 5:00 to 7:00 p.m. in Hermosa Beach.

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TENTATIVE AGENDA: October 25, 2006

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A. Zoning Code Amendment and LCP Amendment Regarding City Council 2005-2007 Work Plan Item to Address Mansionization in Residential Zones

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B. Use Permit for Construction of a Two Story Youth Center/Assembly Hall, Establish Site-Wide Parking Requirement, and a Variance for a New Elevator Shaft/Bell Tower Exceeding the 30 Foot Height Requirement at 303 South Peck Avenue

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# CITY OF MANHATTAN BEACH COMMUNITY DEVELOPMENT DEPARTMENT

TO:

Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM:

Daniel A. Moreno, Associate Planner

DATE:

October 11, 2006

**SUBJECT:** 

Consideration of a Use Permit Amendment to Allow a Bank Use with Drive-Up Service, and a Sign Exception for an Existing Commercial

Center at 3001-3005 Sepulveda Boulevard

RECOMMENDATION

Staff recommends that the Planning Commission CONDUCT the Public Hearing and ADOPT the attached 'draft' Resolution APPROVING the subject request.

**APPLICANT** 

MRCA Design Group

P.O. Box 946

Manhattan Beach, Ca. 90266

PROPERTY OWNER

Manhattan Plaza, LLC

Edmund Bedrosian, Managing Member

600 S. San Rafael Avenue

Pasadena, Ca. 91105

PROJECT OVERVIEW

LOCATION

Location:

3001-3005 Sepulveda Boulevard, located on the west side

of Sepulveda Boulevard between 30th Street and 33rd Street

(see site location map, Exhibit B)

Legal Description:

Portion of lots 16 through 22, Block 30, Tract No. 1638

LAND USE

General Plan:

General Commercial

Zoning:

CG (General Commercial)

Land Use:

Existing

Proposed/Existing

Commercial No change

Neighboring Zoning/Uses:

North,

(CG) General Commercial

(Two story medical building)

East, across Sep. Blvd.

(CC) Community Commercial

(Manhattan Village Mall)

EXHIBIT

Bounn, autobb bo Su	(OO) Contrar Commi		
	(Auto Check Center)		
West,	(RS) Single Family Residential		
	(One/Two story SFR	)	
·		,	
Parking:	Existing	<b>Required</b>	
	48 spaces	35 spaces	
Hours of Operation:	Monday - Thursday	9:00 a.m. – 5:00 p.m.	
(Bay Cities Bank)	Friday -	9:00 a.m 6:00 p.m.	
	Saturday -	9:00 a.m 1:00 p.m.	
Parcel Size:	29,700 sq. ft. (275' x	108')	
Property Frontage:	275'	·	
Sign Area:	Existing (wall)	Existing (window)	<b>Allowed</b>
	(w/permit)	(w/o permit)	550 sq. ft.
Domino 's Pizza	40 sq. ft.	4 sq. ft.	(all uses)
All City Computers	35 sq. ft.	30 sq. ft.	
Kai Sushi	35 sq. ft.	3 sq. ft.	
Lido Bakery	45 sq. ft	9 sq. ft.	
Village Shoe Repair	30 sq. ft.	4 sq. ft.	
Olympic Cleaners	65 sq. ft.	60 sq. ft.	
Fifth Element Beauty Salon	35 sq. ft.		
Total Existing: 2	285 sq. ft.	110  sq. ft. = 395  sq. ft.	
Sign Area:	Proposed		
Bay Cities Bank			
Pole Sign	320 sq. ft.		
Wall	46 sq. ft.		
3.6	70 0		

(CG) General Commercial

Total Sign Area:

Monument

Directional

South, across 30<sup>th</sup> St.

845 sq. ft. minus 550 sq. ft. (permitted) = 295 sq. ft. over

#### **ENVIRONMENTAL DETERMINATION**

Total Proposed 450 sq. ft.

Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.

72 sq. ft.

12 sq. ft.

#### **BACKGROUND**

On July 22, 2006, the Community Development Department received an application requesting approval of an amendment to an existing Use Permit (MBMC Section 10.16.020) and Sign Exception (MBMC Section 10.72.080) for the subject commercial site to allow the following: 1) establish a new bank use with drive-up service, and 2) exceed the maximum allowable sign area. Because the applicant proposes a new bank use with drive-up service the existing entitlement must be amended to address this change including a Sign Exception for proposed signage which will exceed maximum allowable

sign area. This entitlement would replace any previous Use Permit approvals granted for the subject site.

The existing commercial center is located at 3001-3005 Sepulveda Boulevard along the Sepulveda Boulevard corridor within the Commercial General or "CG" zone. This center contains two separate structures, one of which housed the former Burger King restaurant, with the remaining structure containing seven uses; Domino's Pizza, All City Computers, Kai Sushi, Lido Bakery, Village Shoe Repair, Olympic Cleaners and Fifth Element Beauty Salon. The original approved plan required 48 parking spaces, a refuse enclosure along the westerly property line between the retail/office building and the 2,300 square foot Burger King building, and a drive-up service lane.

On April 13, 1983, the Planning Commission approved a Use Permit (Resolution No. PC 83-12 attached Exhibit C) to allow the construction of a 7,400 square foot commercial center which includes a restaurant (Burger King) with drive-through service. On July 18, 1984, the Planning Commission approved a Use Permit Amendment (Resolution No. PC 83-32, Exhibit D) to allow the establishment of additional 20 additional parking spaces for the commercial center to reduce potential vehicle impacts on the site.

In December, 1985, Edmund Bedrosian purchased the Center except for the two northerly lots (23 & 24). In November, 2004, the two northerly lots were sold to C.K. Song Properties, who has since received a building permit to develop a medical building on the two lots. With the potential development of the two northerly Lots (23 & 24), the parking area was no longer available for restaurant use thus rendering the commercial center nonconforming for required parking and therefore necessitated the filing of an amendment to Resolution No. PC 84-32.

On May 4, 2005, the Community Development Department received an application requesting approval of an amendment to an existing Use Permit for the subject commercial site to allow: 1) a reduction in required parking for the existing commercial center from existing parking requirements, 2) redesign of the existing drive-through, and 3) relocation of the existing trash enclosure. Because the applicant proposed a physical change to the site, which has parking implications, a Use Permit amendment was required to address those changes.

At the June 22, 2005 Planning Commission meeting, after taking public testimony from the applicant and the public, the Commission voted (5-0-0) to deny the Use Permit Amendment to reestablish the restaurant use with reduced parking. At the time, the applicant had not proposed any other use to replace the former restaurant, and it was determined that any use change for the site would require the filing of a new Use Permit Amendment.

## **DISCUSSION**

The submitted site plan shows a commercial site that is comprised of two structures surrounded by parking and landscaping contained in a 108' x 275' lot. The existing uses are bounded by commercial uses to the north, east and west, with residential uses to the west. Vehicle access is provided via two driveways on 30<sup>th</sup> Street and Sepulveda Boulevard. There is no proposed building square footage increase for either of the two existing structures, however, an extensive interior remodel will be required for the building formerly occupied by the restaurant use.

The proposed bank use is a permitted use in the CG (General Commercial) zone and conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, site landscaping and trash area. The primary issue with the subject application is proposed signage.

#### Parking

As mentioned above, in 1983 approved Resolution No. PC 83-12 allowed a restaurant with drive-through service and a separate 5,100 square foot commercial building for the subject site. Condition #11 of the Resolution required that the project provide a minimum of 48 parking spaces, which includes two disabled parking spaces and 15 compact spaces.

In 1990, the Zoning Code (Title 10) was amended by Council which changed the parking standards for commercial districts. Based on the current parking standards for all the existing and proposed uses, 35 total parking spaces are required as follows:

Existing Uses	Leasable Area	Required Parking
Domino's Pizza	1,008 sq. ft./200	5 spaces
All City Computers	684 sq. ft./200	4 spaces
Kai Sushi	684 sq. ft./200	4 spaces
Lido Bakery	900 sq. ft./200	5 spaces
Village Shoe Repair	576 sq. ft./300	2 spaces
Olympic Cleaners	1,224 sq. ft./300	4 spaces
Beauty Salon	784 sq. ft.300	3 spaces
Proposed Use		
Bay Cities Bank	2,377 sq. ft./300	8 spaces
		35 spaces

In 1983 the parking standards allowed the commercial center to provide compact spaces with a minimum parking width of 7.5'. As part of this Use Permit Amendment, and in order to provide more accessible parking spaces, staff has added a condition which requires that these spaces meet the minimum large space width of 8.5'. With the restripping of these spaces the site would provide a total of 46 spaces or a surplus of 11 spaces for all existing/proposed uses.

# Drive Through

In addition to a change in use from a restaurant to a bank MBMC Section 10.16.020 requires a Use Permit approval for the proposed drive-up service. The proposed drive-through would be restored and located as originally approved in 1983 (see site plan) and would accommodate queuing for 5 cars per teller as required by MBMC Section 10.64.030, Required Off Street Parking. The City Traffic Engineer has reviewed the turning radiuses for the existing drive through area and has indicated that the queuing area is still adequate to meet current requirements.

#### Trash Enclosure

In 1983 a refuse enclosure was approved and located along the westerly property line between the retail/office building and the 2,300 square foot building (formerly Burger King). Through the years the trash enclosure had been relocated to the northeast corner of the property (adjacent to Sepulveda Boulevard). The property owner had proposed relocating the enclosure to the original location because he believed that this location was more accessible for all the tenants of the site. At the 2005 public hearing concerns were raised by the adjoining residential neighbors to the west that reestablishing the original location created additional nuisances, specifically because the trash enclosure size requirements have changed significantly through the years. At this hearing the Planning Commission denied the relocation of the trash enclosure to the westerly property line adjacent to the residential properties due to concerns raised regarding noise and odor.

In May of 2006, the property owner received a building permit to construct and locate the trash enclosure at the northeast corner of the property which meets current city trash enclosure requirements.

#### Signage

Pursuant to MBMC Section 10.72.050, Permitted Signs, Commercial in Area Districts I and II, the maximum amount of signage allowed for the subject property is based on two square foot per one linear foot of property frontage. In this case, the property frontage (Sepulveda Boulevard) is 275 feet in length; therefore 550 square feet of total signage would be permitted for the seven existing businesses and the new proposed bank use.

The existing 5,100 square foot building located at the southerly end of the property (3001 Sepulveda Boulevard) currently has seven businesses that contain a total of 285 square feet of permitted wall sign area (see breakdown on Project Data of this report). These same businesses also contain approximately 110 square feet of secondary window signage that have not received city review and approval. The total sign area for this building is 395 square feet.

The site currently contains an "abandoned" 10' x 10' pole sign cabinet with a lower secondary 2' by 8' sign cabinet formerly used by the former Burger King business and located at the Sepulveda Boulevard entrance. The applicant proposes to maintain a double sided sign to maximize business identification for the bank use but will reduce the

cabinet to 8' x 10' and eliminate the lower secondary sign. This illuminated pole sign would not exceed the 30 foot height limit as permitted by code.

Pursuant to MBMC Section 10.72.050, Permitted Signs, the maximum pole sign area for commercial properties located in Area District I an II is 0.5 square feet in lieu of 1 square feet of wall/awning/monument sign area. Pole signage is counted twice (per sign face) towards sign area. In this case the proposed pole sign cabinet is 8' x 10' in size or 80 square feet in area so it would contain 320 square feet of countable square footage.

In addition to requesting approval to retain the existing pole sign the applicant also proposes a new wall sign, a monument sign and directional sign. The proposed 2'-10" high x 16'-2" wide illuminated wall sign would be placed on the easterly facing wall of the proposed bank use and would contain 46 square feet of bank name and logo; the proposed double sided 6' high x 6' wide illuminated monument sign, would be located at the corner of 30<sup>th</sup> Street and Sepulveda Boulevard, and provide business identification for all the existing/proposed uses and contain 72 square feet of sign area; the proposed double sided 3' wide x 2' high directional sign would be located at the existing Sepulveda Boulevard entrance and contain 12 square feet of sign area. A total of 450 square feet of new sign area is proposed for the site.

The property owner has submitted a letter (attached, Exhibit E) which states that all existing secondary signs located on the building at 3001 Sepulveda Boulevard not approved by the city will be removed as part of the Use Permit amendment approval. The property owner has ensured staff that compliance would be met prior to final building approval for the Bay Cities Bank interior tenant improvement.

With the existing sign area of 285 square feet and the proposed sign area of 450 square the site would contain a total sign area of 735 square feet which is 185 square feet over the maximum allowable (735 - 550 = 185 sq. ft.).

## Sign Exception Findings

In order to approve a sign exception, the Planning Commission must make the following findings per MBMC Section 10.72.080:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located.
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonable in the use or enjoyment of their property.
- C. The proposed sign exception is consistent with legislative intent of the Sign Ordinance.

In granting any such exceptions, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to protect the public health, safety, and general welfare.

# Staff Determination

In 1983 the former restaurant use received approval to construct a 10' x 10' pole sign that meet the then sign ordinance requirements. In 1996 an amendment was adopted to the sign ordinance which discourages poles signs by counting each sign face twice, therefore increasing the sign area of the proposed 8' x 10' by an additional 160 square feet. Without this additional square footage the proposed sign area would still be over the permitted sign area but certainly closer to the maximum allowable. The applicant has indicated to staff that the pole sign is needed in order for the proposed business to retain business identification from both south and north bound traffic on Sepulveda Boulevard due to the topography on Sepulveda Boulevard, the landscaping trees on the private property and the new trash enclosure on the northeast corner of the property. The proposed pole sign would be located adjacent to Sepulveda Boulevard away from the residential properties to the west. Staff supports not only the reuse of this pole sign but the wall sign and directional sign for business identification.

As part of the Use Permit amendment application, the current tenants of the site have requested that the applicant propose a new 6' high x 6' wide monument sign at the corner of 30<sup>th</sup> Street and Sepulveda Boulevard. The request for additional signage by the tenants is intended to improve business identification and provide entrance instructions for the complex.

Staff does not support the proposed monument sign as the proposal exacerbates the sign area for the site. Staff believes that the existing tenant wall signs are already large in size and clearly identify those businesses adequately.

Staff supports approval of the proposed signage, except for the monument sign for the following reasons:

- 1. Based on the proposed bank use, the proposed sign area would not be detrimental to the surrounding commercial and residential developments located to the north, south and west. The proposed pole sign would be located adjacent to Sepulveda Boulevard and reduced in size. The proposed wall sign would be located on the easterly wall facing Sepulveda Boulevard away from the residential properties to the west. The proposed directional sign is small in size and located at the existing entry on Sepulveda Boulevard. These signs would not have an adverse impact with regards to light sources due their proposed location. Staff will work with the property owner to allow up to 25% of each tenants storefront to be used as secondary signage.
- 2. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property.
- 3. The proposed sign exception is consistent with the legislative intend of the Sign Ordinance, because they provide business identification and maintain the attractiveness and orderliness of the City's appearance.

#### **Public Comments**

Staff has not received any phone calls or correspondence from the public seeking information or clarification of the subject proposal.

#### RECOMMENDATION

It is recommended that the Planning Commission APPROVE the subject Use Permit Amendment to allow a bank use with drive-up service and a Sign Exception in accordance with the finding in the attached 'draft' Resolution.

#### **ALTERNATIVES**

- 1. **APPROVE** the subject Use Permit Amendment and Sign Exception applications, and **ADOPT** the attached 'draft' Resolution.
- 2. **APPROVE** the subject Use Permit Amendment and Sign Exception applications, and **ADOPT** the attached 'draft' Resolution, as modified by the Planning Commission.
- 3. **DENY** the subject Use Permit Amendment and Sign Exception applications, based on appropriate legal findings and **DIRECT** Staff accordingly.

#### Attachments:

Exhibit A - 'Draft' Resolution No. PC 06- (available electronically)

Exhibit B – Vicinity Map

Exhibit C - Resolution No. PC 83-12 (available electronically)

Exhibit D - Resolution No. PC 84-32 (available electronically)

Exhibit E – Letter from Property Owner, dated 10/3/06 (available electronically)

Exhibit F – Project Site Plan (not available electronically)

cc: Edmund Bedrosian, Applicant/Owner, Managing Member, Manhattan Plaza, LLC

BayCitiesBankRpt 10-11-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT TO ALLOW A BANK USE WITH DRIVE-UP SERVICE, AND A SIGN EXCEPTION FOR SIGN AREA, FOR AN EXISTING COMMERCIAL CENTER AT 3001-3005 SEPULVEDA BOULEVARD

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

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

- A. The Planning Commission of the City of Manhattan Beach considered applications for a Use Permit and Sign Exception for the property legally described as portions of lots 16 through 22, Block 30, Tract No. 1638, located at 3001-3005 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant for the subject project is MRCA Design Group, and owner of the property is Edmund Bedrosian, Managing Member.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Use Permit and Sign Exception at their regular meeting of October 11, 2006. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District II and is zoned CG Commercial General. The surrounding land uses to the north, east and south are similarly zoned; the properties to the west are zoned single-family residential.
- G. The General Plan designation for the property is General Commercial.
- H. The Use Permit Amendment and the Sign Exception is to allow 1) a new bank use with driveup service, and 2) exceed the maximum allowable sign area.
- I. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit Amendment 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 purposes of the district in which the site is located as a bank use is a permitted use in the CG (General Commercial) zone.
  - b) The location of the proposed bank use and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. 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 commercial/neighborhood uses: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. There is no proposed building square footage increase for either of the two existing structures, however, an extensive interior remodel will be required for the building formerly occupied by the restaurant use.



- c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed bank use conforms to the City's requirement as it relates to buildable floor area, building height, setbacks, parking, site landscaping and trash area.
- d) The proposed bank use would not adversely impact nearby residential or commercial 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 bank use replaces a fast-food restaurant.
- J. Based upon MBMC Section 10.72.020, relating to the Sign Exception application for the subject site, the following findings are hereby made:
  - 1. The proposed sign exception would not be detrimental to the surrounding commercial and residential developments located to the north, south and west. The proposed 8' high x 10' wide pole sign would be located adjacent to Sepulveda Boulevard and reduced in size; the proposed 2'-10" high x 16'-2" wall sign would be located on the easterly building wall facing Sepulveda Boulevard away from the residential properties to the west; the proposed 2' high x 3' wide directional sign is small in size and located at the existing entry driveway on Sepulveda Boulevard. Additionally, because of the location of the signs, adverse impact of light sources would be minimized to the adjacent residential development to the west.
  - 2. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property.
  - 3. The proposed sign exception is consistent with the legislative intend of the Sign Ordinance because they provide business identification and maintain the attractiveness and orderliness of the City's appearance.
- K. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- This Resolution, upon its effectiveness, constitutes the Use Permit and Sign Program for the subject property.

<u>Section 2.</u> The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject use permit, sign exception applications subject to the following conditions:

#### Site Wide Conditions

- 1. The project shall be operated in substantial compliance with the submitted site plan as approved by the Planning Commission on October 11, 2006. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 2. 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 building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
- 3. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. The subject site provides 46 parking spaces which includes two disabled spaces and 15 compact spaces. Five (5) queuing spaces shall be provided for drive-up service for the new bank use. A minimum of forty-six (46) parking spaces shall be provided and maintained on site. Parking spaces shall not be labeled or otherwise restricted for use by any individual. The existing compact spaces located adjacent to the southerly building shall be re-stripped with a minimum width of 8.5'.

- 4. The amount of parking stalls provided shall limit the types of uses that can be established on the property.
- Employees shall be prohibited from parking on the surrounding public streets. All
  employees shall park on-site during working hours.
- 6. Any exterior speakers shall not create a nuisance to the adjoining residential neighbors. Exterior music shall be prohibited.
- 7. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
- The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
- 9. A mop sink must be installed and shown on the plumbing plan.
- 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. (MBMC 5.84.060 and 5.84.090).
- 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. Drawing 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.
- 12. Commercial establishments are required, by Municipal Code Section 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.
- 13. Water meter shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
- 14. 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.
- 15. Any new storm water, nuisance water, etc. and drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
- 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 shall provide a profile (elevation plan) which shows the percent of driveway slope.
- 17. If the water meter is replaced, it must be purchased from the City and must have a traffic lid if the box is located in the driveway.
- 18. Backflow preverters for fire and domestic water services must be installed per Public Works Department requirements.

- 19. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic.
- 20. Security and sign illumination for the site shall be provided in conformance with Municipal Code requirements including glare prevention design, specifically to the residential neighborhood to the west.
- 21. Separate plans are required for changes to existing fire sprinklers or fire alarm systems.

  These plans shall be submitted for review and permit from the Fire Department prior to issuance of any building permits.
- 22. All proposed rooftop mechanical equipment shall be screened from view from the public right-of-way.

#### Landscaping

- 23. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval prior to the issuance of any building permits. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments. Separate plans shall be submitted to the Planning Division for review and permit prior to the issuance of any building permits.
- 24. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.

#### Sign Area

- 25. A-frame or sidewalk signs and shall be prohibited.
- 26. No temporary signs (banners) shall be erected on the property without City permit and approval.
- 27. The proposed business signage (location and square footage) shall be developed in substantial compliance with the plans as approved by the Planning Commission on October 11, 2006. Separate plans shall be submitted for review and permit prior to the issuance of a building permit.
- 28. The maximum wall sign area permitted for the seven (7) existing tenants at the southerly two story structure shall be 285 square feet. New sign area for the new bank use shall include an 8' x 10' pole sign (which shall not exceed the permitted 30 foot height limit); a 2'-10" x 16'-2" wall sign including logo and text; and a 2' x 3' directional sign. Staff will work with the property owner to allow up to 25% of each tenants storefront to be used as secondary signage.

#### Hours of Operation

29. The hours of operation for the bank use shall be as follows: Monday – Thursday, 9:00 a.m. – 5:00 p.m.; Friday, 9:00 a.m. – 6:00 p.m.; Saturday, 9:00 a.m. – 1:00 p.m.

#### Procedural Requirements

- This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
- 31. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 32. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
- 33. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
- 34. 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.
- 35. All previous land use entitlements are hereby rescinded, including but not limited to Resolutions Nos. PC 83-12, 84-32 and 05-09.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **October 11, 2006** and that said Resolution was adopted by the following vote:

AYES:

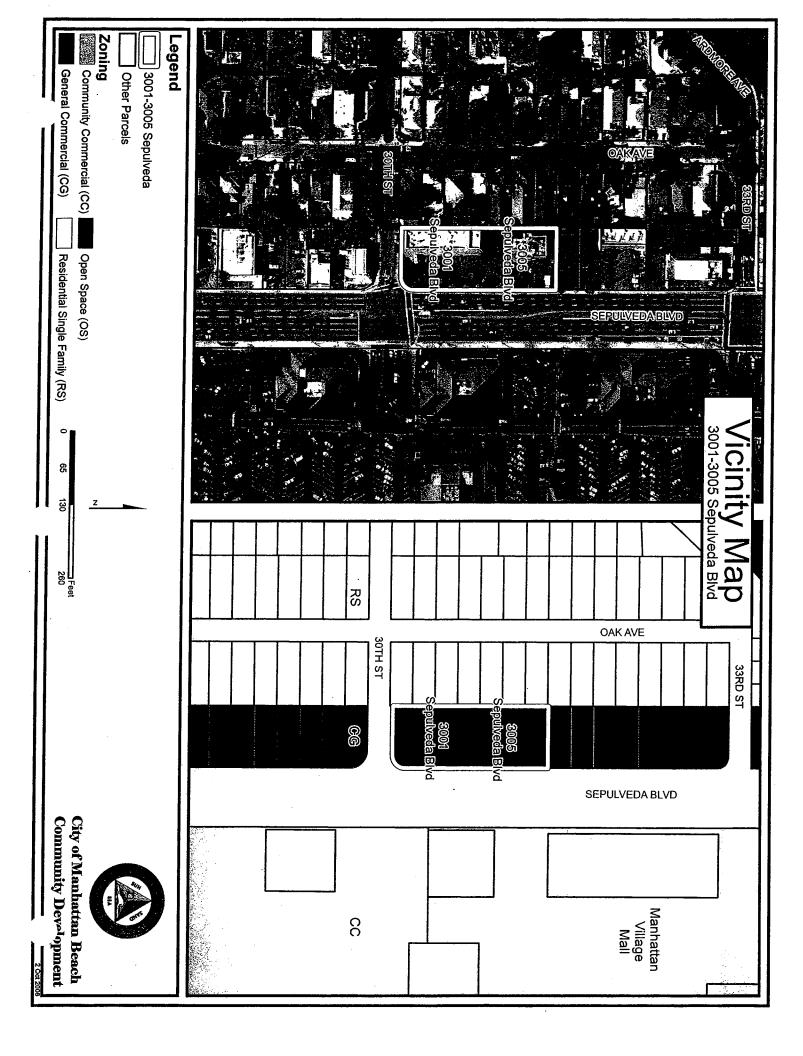
NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON, Secretary to the Planning Commission

Sarah Boeschen, Recording Secretary



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A RESTAURANT WITH DRIVE-THROUGH SERVICE KNOWN AS THE BURGER KING IN CONJUNCTION WITH THE DEVELOPMENT OF A 6,000 SQUARE FOOT COMMERCIAL CENTER FOR THE PROPERTY LOCATED AT 3001 SEPULVEDA BOULEVARD (Bredesen and George)

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Conditional Use Permit for the property legally described as Lots 16, 17, 18, 19, 20, 21, and 22, Block 30, Tract No. 1638 in the City of Manhattan Beach; and,

WHEREAS, the applicants for said Conditional Use Permit are Chris Bredesen and Greg George, owners-in-escrow of the property; and,

WHEREAS, a public hearing was advertised to applicable law, testimony was invited and received; and,

WHEREAS, an Initial Study/Environmental Assessment was prepared and a Negative Declaration was filed in compliance with all respects with CEQA and the City of Manhattan Beach Guidelines, finding no significant environmental impact associated with this project; and,

WHEREAS, the Planning Commission understands the concern with regard to traffic in the area of this development and would encourage the appropriate municipal bodies to expeditiously investigate the restructuring of the intersection at 30th Street and Sepulveda Boulevard to facilitate left turns from 30th Street onto northbound Sepulveda Boulevard.

WHEREAS, the following findings were made with regard to this application:

- 1. The applicants request approval of a Conditional Use Permit to construct an approximate 7,900 square foot commercial center on property presently occupied by two vacant buildings at the northwest corner of Sepulveda Boulevard and 30th Street. The center will encompass two separate structures, one of which will house a Burger King Drive-Through Restaurant, while the remaining structure will include five separate retail lease areas and one second-story office area above the retail lease areas. All existing structures will be removed prior to the construction. The applicants will be the developers of the property and will also own and operate the Burger King franchise as well.
- The property is located in a C-2, General Commercial zone in Area District II of the City. It is approximately 29,700 square feet in size and encompasses six 40 by 108 lots and one 40 by 112 square foot lot.
- 3. The previous use of the property was restaurant and repair garage and is currently vacant. The existing structures are no longer in use. The property is surrounded on two sides by public streets and is adjacent to R-l residential to the west and C-2 zoned and commercially used property to the north.
- 4. The size of the uses breakdown is as follows:
  - (a) 1,970 square feet of restaurant area.
  - (b) 5,095 square feet of retail area.
  - (c) 835 square feet of office area.
  - The total square footage proposed for this site is 7,890 square feet.
- 5. A restaurant facility is proposed to have the hours of operation from 10 a.m. to 10:30 p.m. Sunday through Thursday, and 10 a.m. to 12 midnight Friday and Saturdays. There is no alcoholic service or entertainment proposed. The seating capacity of the restaurant is approximately 46 seats. The restaurant will be provided with drive-through capacity.



# RESOLUTION NO. PC 83-12 (Continued)

- 6. The commercial retail center shall incorporate four leasable areas of a size determined to be 1,026 square feet for a total of 4,104 square feet and one leasable area at 981 square feet.
- 7. The signs proposed exceed the 560 square foot limitation prescribed by Code by approximately 100 square feet.
- 8. The exterior architectural theme of the commercial center is of Spanish motif to include a textured stucco with heavy mortar mission tile roofs.
- 9. The property is situated directly across Sepulveda Boulevard from the Manhattan Village Mall and is directly adjacent to R-1, single-family residential and is a part of the area commonly known as the Tree Section.
- 10. The design of the structure is such that the entrances and focus of the buildings are oriented to the Sepulveda Boulevard frontage with the exception of the drive-through window. A 7-foot high block wall will be constructed to provide physical separation between the residential and commercial uses.
- 11. The project will include a minimum of 48 parking spaces, including two handicapped spaces as required by State law, which is in conformance with the City Parking Ordinances. Fifteen or approximately 30 percent of the total spaces are designed to meet compact car standards.
- 12. The minimum amount of parking stalls provided will limit the types of uses that can be established on the property in the future.
- 13. The 30th Street driveway is proposed for adequate site circulation. It is expected that this access point will be used primarily as an exit since the site is only accessible from traffic progressing southbound on Sepulveda Boulevard. Additionally, Caltrans has noted its intention not to allow a second driveway along Sepulveda Boulevard frontage.
- 14. The primary concern relating to noise is the possible generation of nuisances in the area and the impact on the adjoining residential properties. The applicants have designed the project so that the orientation is directed toward Sepulveda Boulevard and the majority of the parking area is buffered from the residential area by the proposed structures. In addition, the 7-foot high decorative block wall is proposed to be constructed along the contiguous property line at the rear of the subject property and at the residential properties. The proposed call box for the drive-through service to the northerly property line and is 35 feet away from the nearest residential property.
- 15. The proposal will include landscaped areas that exceed Code requirements by approximately 700 square feet. The majority of the landscaping will be provided along the perimeter of the site to provide aesthetic improvement of the parking area.
- 16. The proposed sign program will be compatible with the proposed project, however, the total amount of signs proposed for the property exceed the limitations by approximately 100 square feet. The signs should be modified to meet Code requirements for the total square footage permitted on the property.
- 17. The Public Works Department has requested that the portion of Lot 16 at the corner of 30th Street and Sepulveda Boulevard be dedicated to the City to provide for adequate right-of-way, curb, gutter, and sidewalk improvements.
- 18. The proposed uses are allowed in the C-2, General Commercial zone. The subject property, in which the center is to be developed, is part of the Sepulveda Commercial Corridor and is directly across the street from the Manhattan Village Mall. The proposal meets or exceeds all Code requirements and will provide a concept that will be compatible to the adjoining commercial and residential neighbors, and is oriented away from said residential areas. The circulation on the site should be adequate for the size and intensity of the development. Design for the project will limit the noise impact on the adjoining residential properties.

# RESOLUTION NO. PC 83-12 (Continued)

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby APPROVES the Conditional Use Permit subject to the following conditions:

- A refuse bin enclosure(s) shall be constructed pursuant to City standards and subject to the approval of the Sanitation Superintendent for future bin service by the Public Works Department.
- 2. The hours of operation of the restaurant shall not exceed 10:30 p.m., Sunday through Thursday, and 12 midnight Friday and Saturdays and will begin no earlier than 7:00 a.m., seven days a week.
- 3. The management of the restaurant shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
- 4. The business proprietor shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the subject business or in the immediate vicinity.
- 5. Any exterior speakers shall not create a nuisance to the adjoining residential properties.
- 6. No live entertainment shall be permitted within the restaurant.
- 7. All signing on the property shall conform to the Code requirements.
- 8. All uses on the site shall be conducted within the enclosed buildings
- All lighting provided on the site shall be installed so as not to create a nuisance to the adjoining residential properties.
- 10. The west and south elevations of the retail/office structure shall be modified to include roof overhang and other materials to alleviate the starkness of the elevations.
- 1. The Conditional Use Permit shall be reviewed annually.
- 12. Utilities serving the site shall be underground pursuant to City Ordinance.
- 13. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or verification of centerline ties at the intersections of Sepulveda Boulevard a with 30th Street, Oak Avenue with 30th Street, Oak Avenue with 33rd Street.
- 14. The applicants shall dedicate to the City of Manhattan Beach street easements on the Sepulveda Boulevard and 30th Street property frontages in accordance with the attached right-of-way map, specifically including a strip of land four feet in width along the Sepulveda Boulevard property frontage; a "corner cut-off" of radius 22 feet on the corner of Sepulveda Boulevard and 30th Street and a strip of land five feet in width on the 30th Street frontage.
- 15. 30th Street adjacent to the property shall be improved subject to the approval of the Public Works Department, generally including widening of the northerly side of the street. Construction of curb, gutter, sidewalk, handicapped corner ramp, asphalt pavement, and other related improvements.
- 16. Street trees of size, variety, number, and location subject to the approval of the Public Works Department shall be planted on the Sepulveda Boulevard and 30th Street property frontages; and a site landscaping plan shall be prepared for parking lot landscape improvements.
- 17. The use of the call box shall be restricted after 10:00 p.m.
- 18. The trash bin should be relocated to a more usable and less obtrusive location with regard to mitigating noise when the trash is picked up in the morning.
- 19. There shall be no right turn allowed onto 30th Street from the 30th Street access driveway.

# RESOLUTION NO. PC 83-12 (Continued)

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 April 13, 1983, and that said Resolution was adopted by the following vote:

AYES:

Commissioners Ackerman, Armistead, Barnes, Benard, Dennis, Maturko, Chairman Wachtfogel.

NOES:

None.

None.

ABSTAIN: None.

ABSENT:

TERRY STAMPLER-WOLFE

Secretary of the Planning Commission

Debra Powers

Recording Secretary

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW THE INSTALLATION OF A PARKING AREA TO BE UTILIZED IN CONJUNCTION WITH THE EXISTING RETAIL SHOPPING AREA, COMMONLY KNOWN AS THE BURGER KING DEVELOPMENT FOR THE PROPERTY LOCATED AT 3113 SEPULVEDA BOULEVARD (B. and G. Development)

WHEREAS, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law to consider an application for a Conditional Use Permit Amendment for the property legally described as Lots 23 and 24, Block 30, Tract No. 1638 in the City of Manhattan Beach; and,

WHEREAS, applicants for the Conditional Use Permit Amendment is B. and G. Development, lessees of the subject property; and,

WHEREAS, a public hearing was advertised pursuant to applicable law, testimony was invited and received; and,

WHEREAS, the following findings were made with regard to this application:

- The applicants request approval of a Conditional Use Permit Amendment to allow the installation of a new parking area on the adjoining parcel north of an existing commercial center, commonly known as the Burger King Development. The existing improvements containing the Pied Piper Pre-School will be removed from the property.
- 2. The Planning Commission, at its regular meeting of April 13, 1983, approved a Conditional Use Permit that allowed the construction of a restaurant with drive through service, commonly known as the Burger King, in conjunction with the development of a 6,000 square foot commercial center (Resolution No. PC 83-12).
- 3. The new 20-space parking lot will be designed to accommodate additional parking for the adjoining commercial center and will provide for an extended drive through access lane that will better serve the development and reduce potential vehicle conflicts on site and in the general vicinity.
- 4. The property is located in a C-2 (General Commercial) zone in Area District II of the City. It is approximately 8,640 square feet in size and encompasses two 40 by 108 foot lots.
- 5. The property will be buffered from the adjoining residential properties to the west by a construction of a seven foot block wall to be compatible with the design of the existing property line walls on the commercial center to the south.
- 6. The parking lot, as designed, is in conformance with all the current Code requirements for parking lot layout and will provide an additional 20 spaces for the accommodation of the commercial, which should lessen the impacts to the adjoining residential neighborhoods because of overflow parking in the area. However, modifications are required to provide the required landscaping to lessen noise, and vehicle related nuisances.
- 7. The commercial development, which contains the Burger King Restaurant operation, is in conformance with the conditions of Resolution No. PC 83-12. All pertinent conditions of approval from Resolution No. PC 83-12 shall be incorporated within this document.



# RESOLUTION NO. PC 84-32 (Continued)

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby APPROVES the Conditional Use Permit Amendment subject to the following conditions:

- A refuse bin enclosure(s) shall be constructed pursuant to City standards and subject to the approval of the Director of Public Services for future bin service.
- 2. The hours of operation of the restaurant shall not exceed 10:30 p.m., Sunday through Thursday, and 12 midnight Friday and Saturdays, and will begin no earlier than 7:00 a.m., seven days a week.
- The management of the restaurant shall police the property and all areas immediately adjacent to the business during the hours of operation to keep it free of litter.
- 4. The business proprietor shall provide adequate management and supervisory techniques to prevent loitering, unruliness, and boisterous activities of the patrons outside the subject business or in the immediate vicinity.
- Any exterior speakers shall not create a nuisance to the adjoining residential properties.
- 6. No live entertainment shall be permitted within the restaurant.
- 7. All signing on the property shall conform to the Code requirements.
- 8. All uses on the site shall be conducted within the enclosed buildings.
- 9. All lighting provided on the site shall be installed so as not to create a nuisance to the adjoining residential properties.
- 10. The Conditional Use Permit shall be reviewed annually.
- 11. Utilities serving the site shall be underground pursuant to City Ordinances.
- 12. There shall be no right turn allowed onto 30th Street from the 30th Street access driveway.
- 13. A complete site landscaping plan for the new parking area, which meets the minimum specifications required by Code, shall be submitted for approval in conjunction with the building permit application subject to the approval of the Community Development and Public Works Departments and shall be compatible with the existing landscaping areas within the existing commercial center.
- 14. The existing refuse enclosure, located along the westerly property line, shall be relocated to lessen the impacts to the adjoining residential areas, subject to the approval of the Community Development and Public Services Departments.
- 15. All commercial vehicles used by businesses within the commercial center shall be stored and loaded within the boundaries of the commercial property.
- 16. The layout of the additional parking area shall be constructed in general conformance with the plan as submitted on July 18, 1984.
- 17. The menu board shall be relocated to a location closer to the Burger King structure to allow for additional stacking of vehicles and lessen on-site vehicular conflicts.
- 18. Compact size vehicles will be allowed to be placed within the new parking area per Code requirements.

#### RESOLUTION NO. PC 84-32 (Continued)

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 July 18, 1983, and that said Resolution was adopted by the following vote:

AYES:

Commissioners Collins, Cunningham,

Graw, and Chairman Barnes

NOES:

None

ABSENT:

Commissioner Ackerman

ABSTAIN:

TERRY STAMBLER-WOLFE
Secretary to the Planning Commission

Darlene Rotman

Recording Secretary

To: Mr. Daniel Moreno
Associate Planner
City of Manhattan Beach
1400 Highland Ave
Manhattan Beach, CA 90266

From: Ed Bedrosian
Managing Member
Manhattan Plaza, LLC
3001-3005 Sepulveda Blvd.
Manhattan Beach, CA 90266

Subject: Signage Conformance Within the Commercial Center

This letter is to assure you that as it relates to the Use Permit Application process for Bay Cities National Bank, proposing to open their new Manhattan Beach branch at 3005 Sepulveda Blvd. (building #2 of the Center), I will request to all tenants of 3001 Sepulveda Blvd. (building #1 of the Center) that they adjust their secondary signage to be in conformance with the Manhattan Beach Planning Commission requirements, so that the total signage for 3001-3005 Sepulveda Blvd. will be acceptable to the City.

Most Sincerely

Ed Bedrosian

Managing Member

Manhattan Plaza, LLC

Phone: (626) 441-8250 Fax: (626) 441-8257

