



Agenda Item #: 06/1019.16

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
Eric Haaland, Associate Planner

DATE: October 17, 2006

SUBJECT: Consideration of a Use Permit and Vesting Tentative Parcel Map No. 67106, to allow Construction of a Mixed Use Building with Office Space, 3 Residential Condominium Units, and Underground Parking on the Property Located at 838 Manhattan Beach Boulevard.

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of September 27, 2006, **APPROVED** (4-0, 1 absent) a use permit to construct a mixed use condominium building with 1,196 square feet of commercial space and 3 residential units. The commercial space was approved for general office, and personal services uses.

The submitted plans show an existing mixed use site to be redeveloped with a single 2-story building over subterranean parking, with similar uses to be owned separately in a condominium subdivision. The corner site would take most access from Manhattan Beach Boulevard in addition to one disabled person parking space and residential pedestrian guest access from John Street. The proposed commercial space occupies the corner street level portion of the site and the residential units are located behind and above that space observing all residential setback and height requirements. The overall appearance of the project is modern style featuring inverted roof pitches and green/lawn roofs at the upper level providing open space to the residential units.

The project is in conformance with all of the City's requirements including height, floor area, setbacks, open space, landscaping and parking.

The Planning Commission was generally supportive of the project's mixed use concept, unique design, and green roof element. The Commission heard testimony from residential neighbors

design, and green roof element. The Commission heard testimony from residential neighbors primarily concerned with street parking and construction damage. The applicant and neighbors were given an opportunity to discuss the project with each other informally, which eased some concerns. The Planning Commission felt that construction would be controlled by appropriate engineering and inspection procedures, and that street parking would not be impacted since adequate parking would be provided and project employees would be prohibited from parking on surrounding streets. These parking conditions are typically not true of the older commercial development in the area. One neighbor spoke in support of the project.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission, and direct that a public hearing be scheduled.

Attachments:

Resolution No. PC 06-12
P.C. Minutes excerpt, dated 9/27/06
P.C. Staff Report, dated 9/27/06
Plans (separate/NAE)

(NAE) – not available electronically

C: Charles Weaver, Applicant
Michael Bihn, Applicant Rep.
Steve Lazar, Applicant Rep.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT FOR CONSTRUCTION OF A NEW MIXED USE BUILDING ON THE PROPERTY LOCATED AT 838 MANHATTAN BEACH BOULEVARD (Weaver)

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on September 27, 2006, received testimony, and considered an application for a use permit and vesting tentative parcel map 67106 for construction of a proposed 7,214 square foot mixed use building to include 1 commercial condominium unit and 3 residential condominium units on the property located at 838 Manhattan Beach Boulevard in the City of Manhattan Beach.
- B. The existing legal description of the site is Lot 6, Block 1, Tract No. 3393.
- C. The applicant for the subject project is Charles Weaver, the owner of the property.
- D. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15303 and 15332 based on staff's determination that the project is a small infill development within an urbanized area.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District I and is zoned CL, Commercial Local. The use is permitted by the zoning code and is appropriate as conditioned for the local commercial area. The surrounding private land uses consist of CL and RS (Residential Single Family).
- G. The General Plan designation for the property is Local Commercial. The General Plan encourages commercial development such as this that provides for small businesses, which serve city residents.
- H. Approval of the commercial and residential use project, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since the project is compatible with the surrounding neighborhood and in compliance with all applicable regulations as detailed in the project staff report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Vesting Tentative Parcel Map 67106 application for a commercial and residential condominium building, subject to the following conditions (*indicates a site specific condition):

RESOLUTION NO. PC 06-12

Site Preparation / Construction

1. * The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on September 27, 2006. Any other 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 all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. 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.
7. 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.
8. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
9. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. A corner cut-off sidewalk dedication at the Manhattan Beach Boulevard and John Street intersection, shall be provided prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
13. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

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Condominium Conditions

14. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
 - a. John Street with Manhattan Beach Blvd.
 - b. Poinsettia Avenue with Manhattan Beach Blvd.
 - c. John Street with 11th Street.
 - d. Poinsettia Avenue with 11th Street
15. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
16. Vesting Tentative Parcel Map No. 67135 shall be approved for an initial period of 3 years with the option of future extensions. The final map shall be recorded prior to condominium occupancy.

Commercial Operational Restrictions

17. * The facility shall include 1,196 square feet of general office/personal services commercial space. Medical office use shall be prohibited.
18. The management of the facility shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
19. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
20. A covered trash and recycling enclosure(s), with adequate capacity shall be provided on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
21. * The site shall allow reciprocal vehicle access with adjacent properties for any future City approved project upon which a similar reciprocal access condition is imposed. Such access shall be through the site's parking lot and driveways. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
22. * Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial or guest parking areas shall be prohibited. Future parking lot modifications for the purposes of providing reciprocal access to a neighboring commercial property, and any parking requirement modifications that are warranted, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
23. * The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval. As a minimum, the owner of the building shall include prohibitions against employee parking on local streets in any lease and/or rental agreements.
24. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. The maximum amount of primary sign area permitted for the site shall be 44 square feet. A sign program shall be submitted to the Community Development Department for review and approval prior to sign permit issuance.

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- 25. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
- 26. Any outside sound or amplification system or equipment is prohibited.


Procedural

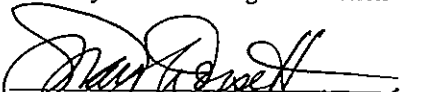
- 27. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 28. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
- 29. 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.
- 30. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 27, 2006 and that said Resolution was adopted by the following vote:

AYES: Cohen, Lesser, Powell,
Vice-Chairman Bohner
NOES: None
ABSTAIN: None
ABSENT: Schlager


RICHARD THOMPSON,
Secretary to the Planning Commission


Sarah Boeschen, *for Sarah Boeschen*
Recording Secretary

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1 requirements and provides additional usable open space. He said that he is in support of the
2 project.

3
4 Vice-Chairman Bohner said that the project meets the Code and Coastal Commission
5 requirements, including open space and setbacks. He commented that it would reduce bulk, and
6 he feels it will be a nice addition to the City. He indicated that he would support the project.

7
8 A motion was MADE and SECONDED (Lesser/Cohen) to **APPROVE** Coastal Development
9 Permit and Vesting Tentative Parcel Map No. 67135 to allow construction of two attached
10 condominium units at 3213 Manhattan Avenue

- 11
- 12 AYES: Cohen, Lesser, Powell, Vice-Chairman Bohner
- 13 NOES: None
- 14 ABSENT: Chairman Schlager
- 15 ABSTAIN: None

16
17 Senior Planner Jester explained the 15-day appeal period and stated that the item will be placed
18 on the City Council's Consent Calendar for their review on October 17, 2006.

19
20 **06/0927.2 Consideration of a Use Permit to Allow Construction of a Mixed-Use**
21 **Building With Office Space, Residential Units and Underground Parking**
22 **Facility at 838 Manhattan Beach Boulevard**

23
24 Associate Planner Haaland summarized the staff report. He stated that the proposal is for a 7,214
25 square foot two story building above subterranean parking. He stated that the uses include 1,196
26 square feet of commercial general office use and three residential units above and behind the
27 commercial space. He indicated that staff has determined that the project conforms with all
28 applicable Code requirements, including parking, height, setbacks, and landscaping. He
29 commented that it is a challenge with mixed use projects of commercial and residential units to
30 meet all applicable standards. He indicated that this would be the first new project built in
31 Manhattan Beach with a mix of commercial and residential condominium units, which is
32 becoming more common in other cities. He indicated that staff is recommending that the project
33 be approved.

34
35 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that
36 an example of a commercial use that might impact residences in a mixed-use project is a more
37 intensive use such as a restaurant or bar. He commented that staff feels the small scale low
38 intensity commercial office use proposed for this project located in a non-retail area would not
39 have a detrimental impact on the residential units. He indicated that the most difficult finding
40 typically is that the proposed use is not detrimental to the surrounding area, and conditions can be

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1 made as determined appropriate to ensure that the proposed use would be compatible.

2
3 In response to a question from Commissioner Cohen, Associate Planner Haaland said that the
4 Use Permit could condition the office spaces to general office only, and exclude personal service
5 uses. He pointed out that a medical office use would not be permitted because there would not
6 be sufficient parking as proposed.

7
8 In response to a question from Commissioner Powell, Associate Planner Haaland stated that the
9 property would remain zoned CL if the project is approved, and such zoning does allow for
10 residential uses with a Use Permit.

11
12 In response to a question from Commissioner Powell, Associate Planner Haaland indicated that
13 the proposed conditions do not require the sign plan to return to the Commission for review,
14 which is normal for smaller projects. He commented that some multi-tenant larger projects with
15 specific concerns regarding signage have received subsequent review by the Commission, but it
16 is not proposed in this case. He indicated that it was felt appropriate that the amount of sign area
17 be in proportion with the amount of commercial space on the site rather than the entire site.

18
19 In response to a question from Commissioner Powell, Associate Planner Haaland indicated that it
20 would be the responsibility of the condominium owners to enforce the conditions regarding
21 parking of residents and office tenants in their designated spaces, and the City enforces Use
22 Permit conditions.

23
24 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that a
25 code enforcement action could be brought if complaints are received regarding violations of the
26 Use Permit condition prohibiting parking on the neighboring streets.

27
28 **Anthony Poon**, the project architect, indicated that they are excited about the unique design and
29 the combination of mixed use. He commented that mixed use projects have been very successful
30 in other areas of the country and in Europe. He indicated that the "green roof" would be a fully
31 landscaped useable deck area located over the commercial unit and parking. He commented that
32 the living roof serves as a green space for the residential units and is beneficial for the
33 environment in conserving energy and retaining storm water.

34
35 Commissioner Cohen commented that she is very enthusiastic regarding the environmental and
36 aesthetic qualities aspects of the project and would like further details regarding the "green roof".

37
38 **Brian Bethem**, project team, indicated that the "green roof" provides storm water retention;
39 reduces the temperature of the surrounding area; and provides oxygen to the air. He said that
40 cities such as Los Angeles are attempting to provide incentives for incorporating such "green

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1 roofs" throughout the City. He commented that no studies of green roofs have been done in
2 Southern California because there are very few such roofs. He indicated that they can lower the
3 costs of heating and cooling for the units.
4

5 In response to question from Commissioner Powell, **Mr. Bethem** stated that all of the rain water
6 on the site can be retained in normal circumstances and as much as 80 percent of the water can be
7 retained in a large storm. He indicated that the retained water is kept on the property and used to
8 irrigate the landscaping.
9

10 In response to question from Commissioner Powell, **Steve Lazar**, project team, stated that an
11 architectural concrete block would be placed by the store front at the intersection of Manhattan
12 Beach Boulevard and John Street which would block a car that was out of control before it could
13 drive through the offices, and a similar architectural block could be done to protect the posts by
14 the entrance to the underground parking. He said that such a block would stop a car before it
15 reaches the structure.
16

17 In response to question from Commissioner Powell, **Mr. Lazar** stated that there would be foliage
18 on the perimeter of the property that would block noise from Manhattan Beach Boulevard traffic
19 from the residential units.
20

21 In response to a question from Commissioner Powell, **Mr. Poon** stated that non structural glass
22 would be used on the building, and there is a separate structure to support the roof along the
23 glass. He stated that the roof is the signature feature of the project, and they designed the roof to
24 be reminiscent of the City's culture; like a folded beach chair or the waves. He said that they
25 wanted the glass to also have a more interesting design with angles rather than just a plain
26 commercial look. He stated that they are planning to use a ceramic frit which that would be
27 nontransparent at the bottom to provide privacy and transition to clear glass towards the middle
28 to provide more natural light.
29

30 Senior Planner Jester commented that mixed use projects are very popular throughout the
31 country, and projects where the commercial uses are low intensity do not create conflicts with the
32 residential uses. She pointed out that there are building code requirements for noise attenuation
33 between different types of uses, and residential condominium units have strict noise attenuation
34 requirements.
35

36 Vice-Chairman Bohner opened the public hearing.
37

38 **Brenton Kirk**, a resident of the 1100 block of John Street, indicated that they did not receive
39 notice of the project. He commented that the back of their home abuts the back of the subject
40 property and has a swimming pool, and he asked whether the City would require the developer to

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1 place a bond in the event damage is done to their property from the construction of the proposed
2 subterranean parking. He indicated that he has heard about mitigation for parking and sound
3 buffering for the proposed condominiums but not for the adjacent property owners. He stated
4 that the cars that currently park on the adjacent street are employees of the surrounding medical
5 uses. He commented that they have called the City regarding enforcing parking for the medical
6 building in the appropriate lot; however, it is still not policed. He indicated that there are no
7 elevations which demonstrate the view of the proposed structure from their home to the south.
8 He commented that the living area of the proposed residential units would be 15 feet above their
9 property and would look into their rear yard.

10
11 **Joe Touch**, a resident of the 1100 block of John Street, stated that the information on-line had
12 very poor quality photographs and lacked the north elevation of the project. He stated that he
13 would like to know the view that the residents of the proposed units would have into the
14 neighboring yards. He pointed out that the height of the proposed structure will be well above
15 the existing neighboring structures. He indicated that he is concerned with the employees and
16 visitors of the proposed commercial units parking on the street rather than in the subterranean lot.

17
18 **Mr. Kirk** stated that the only other 30 foot structure on Manhattan Beach Boulevard that is not
19 towering over the neighboring residential properties is the medical office building across from
20 the subject property, and it is located approximately 80 feet from the residences.

21
22 **Steve Lazar** stated that the height of the proposed building and the height permitted by Code on
23 11th Street is a total difference of 4 feet. He stated that most of the height of the structure results
24 from the volume of the roof, which is pitched. He indicated that the proposed structure would be
25 setback 11 feet to the rear property line, and there is an additional setback to the neighboring
26 structure of approximately 15 feet. He indicated that placing a structural bond on the swimming
27 pool would not possible because of the distance from the proposed construction. He stated that
28 the occupants of the proposed structure would not be able to look down onto the neighboring
29 properties.

30
31 In response to question from Commissioner Lesser, **Mr. Lazar** indicated that shoring must be
32 done to a specified structural analysis by an engineer. He said that he is not aware of any shoring
33 that has failed in the City in his 15 years in construction. He said that they would be willing for
34 an analysis of **Mr. Kirk's** pool to be done before the project is begun, and any damage to the
35 pool after the construction not present in the original analysis would be covered by their
36 insurance. He indicated that any buffering beyond a 6 foot fence between the subject property
37 and neighboring lots would require the consent of the neighbors. He said that they would be
38 willing to place a buffer of landscaping above 6 feet if the neighbors were in agreement.

39
40 **Mr. Poon** described the architectural drawings of the proposed structure. He pointed out that

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1 although the roof reaches a height of 26 feet at certain points, the average height would be
2 approximately 22 feet.

3
4 Commissioner Powell commented that when construction was being done to a home near his
5 property where a basement was being constructed, the developer was required by the City to
6 change from using a pile driver to a vibrator after complaints were received from the adjacent
7 homes from the use of the pile driver. He indicated that the vibrator was a great improvement to
8 the pile driver. He suggested that the use of a vibrator be required, as it is the least intrusive
9 method of construction.

10
11 Senior Planner Jester commented that whether a pile driver or drilling is used for shoring
12 depends on the location of the property, the type of soil and a number of other safety factors. She
13 indicated that drilling is done if allowable by the soil structure. She said that many developers
14 will go to adjacent properties prior to construction to document any existing damage and identify
15 any existing cracks or conditions before building is begun. She commented that the subject
16 property is quite a distance from **Mr. Kirk's** property, and there are very strict building
17 regulations for shoring. She said that staff is not familiar with the existing parking requirements
18 of the neighboring medical office use. She indicated that there would not be a condition
19 requiring that employees of the medical building park on site if it is an older project and there
20 was not a Use Permit. She indicated that staff would be willing to follow up with Code
21 Enforcement; however, it is possible that the medical office does not have an on-site parking
22 requirement.

23
24 In response to a question from Commissioner Cohen, Senior Planner Jester indicated that they
25 can not enforce patient parking on an existing site for a medical use if there is no Use Permit
26 requirement.

27
28 Commissioner Cohen suggested that future mixed use projects possibly have a residential permit
29 parking program similar to the area near Mira Costa High School in order to protect the residents
30 provided that commercial uses should be required to provide for adequate parking.

31
32 In response to question from Commissioner Lesser, Associate Planner Haaland stated that the
33 City's Traffic Engineer typically determines that a traffic study is necessary if the traffic expected
34 to be generated by the proposed use is substantially greater than the existing use. He indicated
35 that for the subject project the proposed use is substantially the same intensity as the existing use
36 and it is not expected that traffic generation would increase. He said that the project is in
37 compliance with the parking requirement of one parking space per 300 square feet of commercial
38 office space.

39
40 In response to a question from Commissioner Lesser, Associate Planner Haaland stated that

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1 notices that do not reach the correct destination are typically returned. He indicated that there is
2 a record of the mailing list; however, there is not written confirmation that each person received
3 the notice. He indicated that the standard noticing procedures were followed for this project of
4 mailing to property owners within 500 feet of the property and a notice in the Beach Reporter.

5
6 At 8:00 a 15 minute recess was taken.

7
8 Senior Planner Jester commented that Mr. Kirk and his wife are on the mailing list; however the
9 notice went to a post office box that Mr. Kirk indicated was outdated because the County
10 Assessor records had not been updated.

11
12 **Karen Fratis**, a resident of the 800 block of Manhattan Beach Boulevard, next door to the east
13 of the subject property, indicated that she is pleased that the corner is going to be developed, and
14 she is more excited after viewing the plans. She indicated that her building is at least 30 feet in
15 height. She indicated that she feels assured that her property will be walked to identify any
16 existing conditions, and she will at least be comfortable with the development of the
17 subterranean parking.

18
19 **Mr. Kirk** stated that he feels slightly more comfortable after viewing the plans; however, he still
20 has a concern with the construction of the underground parking damaging his swimming pool.
21 He pointed out that the foundation wall of the underground parking structure would be within 7
22 or 8 feet of the pool. He would like for a stipulation to be included for a third party to evaluate
23 the existing condition of his pool. He indicated that there are only three parking spaces for
24 approximately 1,200 square feet of office space, and the parking may not be sufficient for a use
25 such as a beauty shop.

26
27 **Mr. Touch** stated that most of his concerns have been addressed. He indicated that he also is
28 concerned with the on-street parking. He stated that he would encourage further review of
29 parking if the office uses would have more than two clients at one time.

30
31 Vice-Chair Bohner closed the public hearing.

32
33 In response to a question from Commissioner Powell, Senior Planner Jester stated that staff
34 would have a concern with setting a precedent of a condition of a third party examining the
35 swimming pool, particularly in this situation where the development is a significant distance
36 from the property line; in the beach area 3-story shoring right on the property line with structures
37 1 foot away is done on a regular basis..

38
39 Associate Planner Haaland said that the dispute resolution service is a community oriented
40 service that works with residents who are usually called upon after a dispute arises and the

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1 neighbors are unable to resolve it themselves. He indicated they may possibly be able to assist
2 the neighbor in advance of construction.

3
4 Vice-Chairman Bohner indicated that there would be an incentive by both the neighbors and
5 developer to cooperate in conducting a survey of the neighboring properties before construction,
6 and the developer would have an incentive for the neighbor to review the survey and express any
7 concerns in order to protect against litigation.

8
9 In response to a question from Commissioner Lesser, Senior Planner Jester stated that the
10 Commission could consider limiting the types of commercial uses to strictly general office if
11 there was a concern with parking for a personal service type of use such as a beauty salon. She
12 pointed out that a general office use could also possibly become successful and generate many
13 clients.

14
15 Commissioner Powell stated that he originally had concerns; however, he is in favor of the
16 project after seeing the mitigation measures of the applicant. He stated that the project meets all
17 of the Code requirements including parcel size, residential density, building floor area, height,
18 setbacks, and vehicle access. He stated that the project meets the objectives, guidelines and
19 policies of the General Plan. He commented that the concerns regarding parking would be
20 mitigated by enforcement. He indicated that he feels the mixed use aspect of the project is
21 appropriate and the architecture is attractive. He commented that he supports the concept of the
22 green roof. He said that he supports the project. He stated that he feels restricting personal
23 services uses from the commercial units would not greatly change the intensity, and he would be
24 more inclined not to include additional restrictions.

25
26 Commissioner Cohen stated that she is in favor of the proposal for mixed use, which is seen in
27 other cities and she feels is a good example for Manhattan Beach. She indicated that there are
28 transportation and environmental issues with people commuting to work, and mixed use
29 developments set a good example. She commented that she approves of the "green roof" both
30 environmentally and aesthetically. She indicated that the design of the structure is aesthetically
31 appealing and congruent with the City. She pointed out that the project exceeds the setback and
32 open space requirements and is significantly less than is permitted for the site. She stated that this
33 project would add parking and not evade the current parking requirements. She said that she
34 supports the project.

35
36 Commissioner Lesser stated that his largest concern was with the findings that are required in
37 determining that the proposed residential units are not detrimental to the subject commercial
38 units and that the occupants would not be detrimentally affected by the surrounding commercial
39 uses. He said that he feels the project meets the requirements for a Use Permit to build in the
40 area. He commented that he is also pleased with the aesthetics of the proposal and feels it would

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1 be an improvement to the existing structure. He pointed out that the existing building is also a
2 mixed use building. He said that the new aspect of the proposed development is the form of
3 ownership, which he feels could result in potential conflicts between the commercial owners and
4 residential owners in terms of improvements to the site. He commented that such concerns,
5 however, are beyond the scope of the subject review. He stated that he is in favor of the project.
6 He commented that he shares the concerns of the neighbor regarding parking; however, he feels
7 that the economic use and viability of the commercial spaces would potentially be limited by
8 restricting the type of commercial tenant. He stated that there are any number of different uses
9 that could produce more or fewer customers.

10
11 Vice-Chairman Bohner said that the subject site is located is a low density commercial area, and
12 he does not see a conflict with the residential and commercial uses. He indicated that the project
13 more than meets the Code requirements for setback and height. He said that he feels many
14 concerns of the neighbors have been addressed by the applicant. He indicated that it is in the
15 interest of both the developer and neighbors to work together to document the existing condition
16 of the neighboring properties before construction for their own protection. He said there are
17 conditions in the Use Permit restricting employees from parking on the adjacent streets that can
18 be enforced by the City against the owner and the tenants. He stated that he likes the concept of
19 the green roof environmentally and aesthetically. He stated that he would support the project.

20
21 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the Use Permit and
22 Parcel Map to allow construction of a mixed-use condominium building with office space,
23 residential units and underground parking facility at 838 Manhattan Beach Boulevard

24
25 AYES: Cohen, Lesser, Powell, Vice-Chairman Bohner
26 NOES: None
27 ABSENT: Chairman Schlager
28 ABSTAIN: None

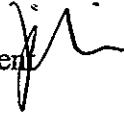
29
30 Senior Planner Jester explained the 15-day appeal period and stated that the item will be placed
31 on the City Council's Consent Calendar for their review on October 17, 2006.


32
33 **DIRECTOR'S ITEMS**

34
35 Senior Planner Jester stated that open space and setback requirements for new construction in
36 order to address the issue of Mansionization will be discussed at the Mansionization Committee
37 meeting of October 19, 2006. She stated that proposed Code Amendments with the
38 Mansionization Committees recommendations addressing lot mergers, accessory structures on
39 adjacent parcels, and methods to encourage the retention of smaller homes will be discussed at
40 the Planning Commission meeting of October 25, 2006. She commented that there is an article

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner 

DATE: September 27, 2006

SUBJECT: Consideration of a Use Permit and Vesting Tentative Parcel Map No. 67106, to allow Construction of a Mixed Use Building with Office Space, 3 Residential Condominium Units, and Underground Parking on the Property Located at 838 Manhattan Beach Boulevard.(Weaver)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** the attached resolution approving the project subject to certain conditions.

APPLICANT/OWNER

Charles Weaver
PO Box 128
Manhattan Beach, CA 90267

BACKGROUND

The subject site presently consists of a commercially zoned corner lot with 4 buildings occupied by office use and apartment units. The project is proposed to include a single 3-level building with subterranean parking, one commercial office unit and 3 residential units. A vesting tentative parcel map is proposed to subdivide the property into separate ownership of each of those units. Section 10.16.020 of the city's zoning code requires use permit approval for the proposed residential use in a commercial zone, and section 10.12.020 requires use permit approval for the proposed condominium subdivision.

PROJECT OVERVIEW

LOCATION

Location	838 Manhattan Beach Blvd. at the southeast corner of MBB and John St.. (See Site Location Map).
Legal Description	Lot 6, Block 1, Tract No. 3393.
Area District	I

LAND USE

General Plan Zoning	Local Commercial CL, Commercial Local	
Land Use	Existing 810 sq. ft. office space & 3 apartments	Proposed 1,196 sq. ft. office space & 3 residential units totaling 6,018 sq. ft.
Neighboring Zoning/Land Uses	North (across MBB) South East West (across Highland)	CL/Medical Office Bldg. RS/Single Family Res. CL/Triplex CL/Office Building

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	7,869 sq. ft. (75'x103')	4,000 sq. ft. min
Residential Density:	1 unit / 2,623 sq. ft. lot area	1 unit / 1000 sq. ft. lot area max.
Building Floor Area:	7,214 sq. ft.	7,869 sq. ft. max
Height	30 ft.	30 ft. max.
Setbacks		
Commercial	Varies: 0 – 8 ft. @ street p/l's	None
Residential		
Front	27 ft.	20 ft.
Rear	11 ft.	11 ft.
Corner side	5 ft.	5 ft.
Interior side	5 ft.	5 ft.
Parking:	13 spaces	13 Spaces
Vehicle Access	1 MBB driveway 1 John St. dwy. (disabled only)	N/A

DISCUSSION

The submitted plans show an existing mixed use site to be redeveloped with a single 2-story building over subterranean parking with similar uses to be owned separately in a condominium subdivision. The corner site would contain a 7,214 square foot building including a 1,196 square foot commercial office space, 3 residential units, and primarily subterranean parking. One disabled parking space is proposed at street level (John St.) near the southwest corner of the site. Pedestrian access would be taken from Manhattan Beach Boulevard and John Street, and the primary driveway accesses Manhattan Beach Boulevard.

The proposed mixed use building would generally replace the existing uses on the property with substantially increased residential floor area. All parking related to this building would be contained within/under the building. Three commercial parking spaces, and 9 residential spaces would be located in the subterranean garage. Stairs for residents are provided in private garages, and one stairway accessing the public sidewalk is provided for commercial users and residential guests. The one required commercial disabled person parking space uses the John Street sidewalk for access. The visible building frontages include ground level commercial space, patio, and parking; and an upper level of residential dwellings with outdoor decks.

The project conforms to the city's requirements for use, height, floor area, setbacks, parking, landscaping, and open space. The commercial portion of the project is subject to the CL regulations. The residential units are subject to the RH (residential) development standards except that the overall project floor area ratio for the mixed use site must conform to the more restrictive CL requirement. The project issues that warrant discussion include the following: residential use, mixed use condominiums, and project design.

Residential Use:

The CL zone allows for residential use in those commercial areas, subject to use permit approval. The Planning Commission must determine that the proposed residential units are not detrimental to the subject commercial area, and that the residential occupants of the units would not be detrimentally affected by the surrounding commercial uses. Residential use occupies the majority of the development, although the commercial portion is at the most prominent location adjacent to the MBB/John intersection. This is a generally desirable mixed use design with a commercial/residential proportion consistent with the existing site and recent mixed use projects in the city. The overall design concept appears consistent with the purpose of the Local Commercial district (MBMC 10.16.010) by providing small scale commercial use along Manhattan Beach Boulevard and compatible residential use adjacent to the abutting single family residential district.

Staff also believes that the proposed apartment and condominium occupants would not be detrimentally affected by the uses in the commercial area, since it is of relatively low intensity, and it includes and abuts residential uses.

Mixed Use Condominiums:

Staff is unaware of any existing mixed use condominium developments in Manhattan Beach. One such project at 3312 Highland Avenue was approved in 1999 but was not constructed. The proposed owners association comprised of 3 residential owners and 1 commercial owner may have different cooperative dynamics than a typical residential homeowners association. Mixed commercial and residential condominium projects are more common in some surrounding cities.

More traditional, non-condominium, mixed use developments are common throughout the city including many older developments on Manhattan Beach Boulevard, and recent projects at the intersection of Marine and Highland Avenues. Commercial-only condominium proposals are becoming common as well, including a recent project approved at 1300 Highland Avenue. A recent project at Aviation Boulevard and 2nd Street (Manhattan Pointe) also included residential condominiums deliberately abutting commercial buildings providing a mixed use appearance.

Project Design:

The project design is in conformance with all applicable regulations including the 1.0 floor area ratio (7,869 sq. ft. max.) of the CL zone. Inland RH districts permit floor area ratios up to 1.2. The residential portions of the project observe all residential height and setback requirements. The overall appearance of the project is modern style featuring inverted roof pitches and green/lawn roofs at the upper level providing open space to the residential units.

The project plans do not provide any sign information. A standard condition prohibiting pole signs is recommended as well as a condition prohibiting internally illuminated signs in recognition of the lower intensity commercial character of this area. Staff also suggests that allowable sign area for the office space be limited to 44 square feet in consistency with the frontage of the space.

Additional design related requirements imposed by the attached resolution include, a corner sidewalk dedication, parking structure refinements, and potential driveway sharing with a future neighboring project.

Public Input:

A public notice for the project was mailed to property owners within 500 feet of the site and published in the Beach Reporter newspaper. Staff has received no responses to the project hearing notice

ENVIRONMENTAL DETERMINATION

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15303 and 15332 based on staff's determination that the project is a small infill development within an urbanized area.

CONCLUSION

Staff recommends that the Planning Commission accept public hearing testimony, discuss the project issues, and adopt the attached resolution approving the project subject to certain conditions.

Attachments:

- A. Resolution No. PC 06-
- B. Site Location Map
- C. Applicant description (NAE)
- D. Previous project approval (NAE)
Plans (separate - NAE)

(NAE = not available electronically)

c: Charles Weaver, Applicant
Michael Bihn, Applicant Rep.
Steve Lazar, Applicant Rep.

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT FOR
CONSTRUCTION OF A NEW MIXED USE BUILDING ON THE
PROPERTY LOCATED AT 838 MANHATTAN BEACH BOULEVARD
(Weaver)**

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on September 27, 2006, received testimony, and considered an application for a use permit and vesting tentative parcel map 67106 for construction of a proposed 7,214 square foot mixed use building to include 1 commercial condominium unit and 3 residential condominium units on the property located at 838 Manhattan Beach Boulevard in the City of Manhattan Beach.
- B. The existing legal description of the site is Lot 6, Block 1, Tract No. 3393.
- C. The applicant for the subject project is Charles Weaver, the owner of the property.
- D. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15303 and 15332 based on staff's determination that the project is a small infill development within an urbanized area.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District I and is zoned CL, Commercial Local. The use is permitted by the zoning code and is appropriate as conditioned for the local commercial area. The surrounding private land uses consist of CL and RS (Residential Single Family).
- G. The General Plan designation for the property is Local Commercial. The General Plan encourages commercial development such as this that provides for small businesses, which serve city residents.
- H. Approval of the commercial and residential use project, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since the project is compatible with the surrounding neighborhood and in compliance with all applicable regulations as detailed in the project staff report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Vesting Tentative Parcel Map 67106 application for a commercial and residential condominium building, subject to the following conditions (*indicates a site specific condition):

RESOLUTION NO. PC 06-

Site Preparation / Construction

1. * The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on September 27, 2006. Any other 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 all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. 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.
7. 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.
8. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
9. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. A corner cut-off sidewalk dedication at the Manhattan Beach Boulevard and John Street intersection, shall be provided prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
13. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

RESOLUTION NO. PC 06-

Condominium Conditions

14. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
 - a. John Street with Manhattan Beach Blvd.
 - b. Poinsettia Avenue with Manhattan Beach Blvd.
 - c. John Street with 11th Street.
 - d. Poinsettia Avenue with 11th Street
15. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
16. Vesting Tentative Parcel Map No. 67135 shall be approved for an initial period of 3 years with the option of future extensions. The final map shall be recorded prior to condominium occupancy.

Commercial Operational Restrictions

17. * The facility shall include 1,196 square feet of general office/personal services commercial space. Medical office use shall be prohibited.
18. The management of the facility shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
19. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
20. A covered trash and recycling enclosure(s), with adequate capacity shall be provided on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
21. * The site shall allow reciprocal vehicle access with adjacent properties for any future City approved project upon which a similar reciprocal access condition is imposed. Such access shall be through the site's parking lot and driveways. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
22. * Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial or guest parking areas shall be prohibited. Future parking lot modifications for the purposes of providing reciprocal access to a neighboring commercial property, and any parking requirement modifications that are warranted, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
23. * The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval. As a minimum, the owner of the building shall include prohibitions against employee parking on local streets in any lease and/or rental agreements.
24. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. The maximum amount of primary sign area permitted for the site shall be 44 square feet. A sign program shall be submitted to the Community Development Department for review and approval prior to sign permit issuance.

RESOLUTION NO. PC 06-

25. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
26. Any outside sound or amplification system or equipment is prohibited.

Procedural

27. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
28. 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.
29. 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.
30. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 27, 2006 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

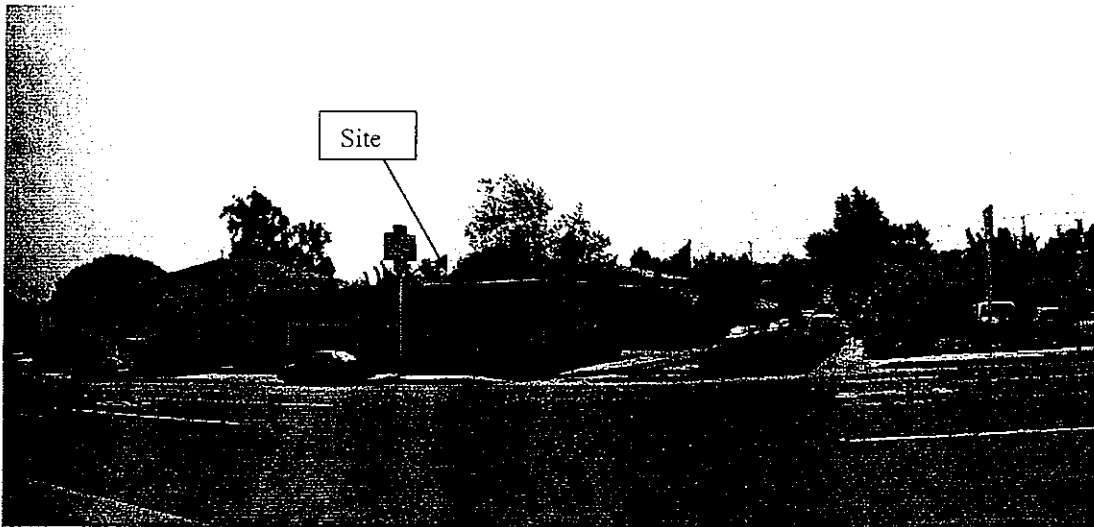
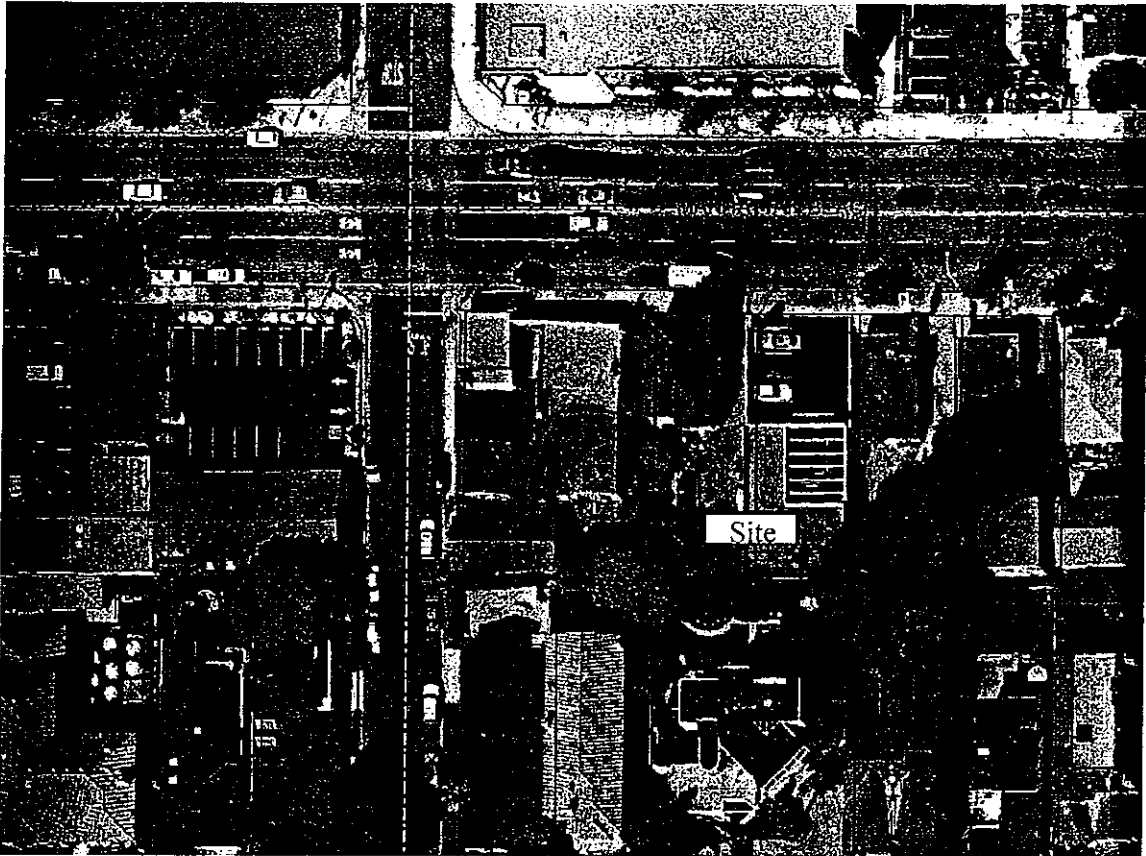
RICHARD THOMPSON,
Secretary to the Planning Commission

RESOLUTION NO. PC 06-

Sarah Boeschen,
Recording Secretary

838 Manhattan Beach Blvd.

Vicinity Map



Weaver Dwellings
836-838 Manhattan Beach Blvd.
Manhattan Beach, CA 90266

Project Narrative

The Weaver family is proposing to redevelop their property at 836-838 Manhattan Beach Blvd. with a low profile mixed use structure. The design includes 1196 sq. ft. of office space and three attached homes of 2639 sq. ft., 1835 sq. ft., and 1544 sq. ft. Currently the site has a mix of buildings built in 1940s including two office spaces of approximately 810 sq. ft. total and three residential buildings of 1505 sq. ft., 706 sq. ft., and 405 sq. ft. Recognizing the prominent location on Manhattan Beach Blvd., the project aims to be a model development for the City of Manhattan Beach, California, and the Nation. The Weaver Dwellings incorporate a "living roof" into the arrangement and design of the development. The "living roof" or "green roof" not only has many personal benefits, but more importantly, enormous public and social benefits. Because the site is at a connection of an important commercial corridor and a residential neighborhood, the mixed use development is designed to respect those arrangements, and further enhance their relationship. The new office space is arranged on the corner of Manhattan Beach Blvd. and John St. with the majority of its frontage on Manhattan Beach Blvd. All vehicular access, except handicapped parking, is on Manhattan Beach Blvd. at the furthest point from the John St. intersection to insure safety. The residential units are arranged as row homes on John St. to respond to the neighboring residential zone, and respond to the nearby commercial and urban street. The assembly of homes in this manner also provides the most efficiency and privacy between units.

The Weaver proposal satisfies the use permit approval requirements by:

1. Balancing on site uses to minimize conflicts between them, and by buffering the commercial use from the existing residential uses to the south on John St through site proximity, arrangement, landscaping, and detailing.
2. Satisfying the General Plan by creating local business opportunities that are buffered from residential areas. Thereby integrating the new project with existing surrounding uses to enhance and improve the area, not to be detrimental to the public health safety or welfare of the city, its properties, improvements, or persons residing or working on or near the site.
3. Complying with all zoning requirements and fulfilling the intent of the CL zone, as the site will be developed for local business use while buffering the existing residences to the south.
4. Positively impacting the development of Manhattan Beach. The proposal is a landmark, responsible development to include a "living roof", vehicular access from Manhattan Beach Blvd. to ample subterranean parking with direct private access to all residential units, no production of unusual noise, vibrations, odors, and does not present any security or personal safety risks. The proposal is a relatively small increase of existing site conditions, to create a very minimal demand on the capacity of public services and facilities.

The building's design is utilizes an angular roof profile, reminiscent of folded beach chairs, reflecting the community's costal nature and further reducing the bulk of the building's appearance. The folded quality is also repeated on the commercial frontage to soften the façade to the streetscape. Generous windows and continuous clerestory allow natural daylight to illuminate the interior spaces. The "living roof" of first story residential and commercial spaces allow residents to

enjoy outdoor living on all levels of living, while providing a huge benefit to the city and their neighbors.

The "living roof" is generally a system of structure, waterproofing, root barrier, drainage, growing medium, and landscaping. The public benefits are endless, including:

1. Sound insulation and attenuation. The soil plants and trapped layer of air reduce sound waves caused by neighbors, traffic, machinery, etc. for residents, and for the streetscape. The system can reduce sound by 50 decibels.
2. Economic benefits by reducing the amount of energy and infrastructure used with increased storm water retention.
3. Improved air quality through filtration of airborne particulates, carbon dioxide/oxygen exchange, temperature regulation, and smog reduction.
4. Storm water retention providing less need for irrigation, less demand on the city's infrastructure, and less ocean pollution.
5. Preservation and reconstruction of habitat and biodiversity.
6. The system can contribute as much as 15 points to a LEED certified project.

The Weaver family believes this proposed redevelopment of their property is a chance to responsibly contribute to the City of Manhattan Beach, its people, and environment. It will encourage and contribute to the existing commercial corridor on Manhattan Beach Blvd. with a small office space integrated with a green roof and residential dwellings. It will act as a buffer to the residential neighborhood nearby, start to restore the area's ecology, and enhance the area and value of neighboring properties.



EXISTING SITE LOOKING SOUTH EAST



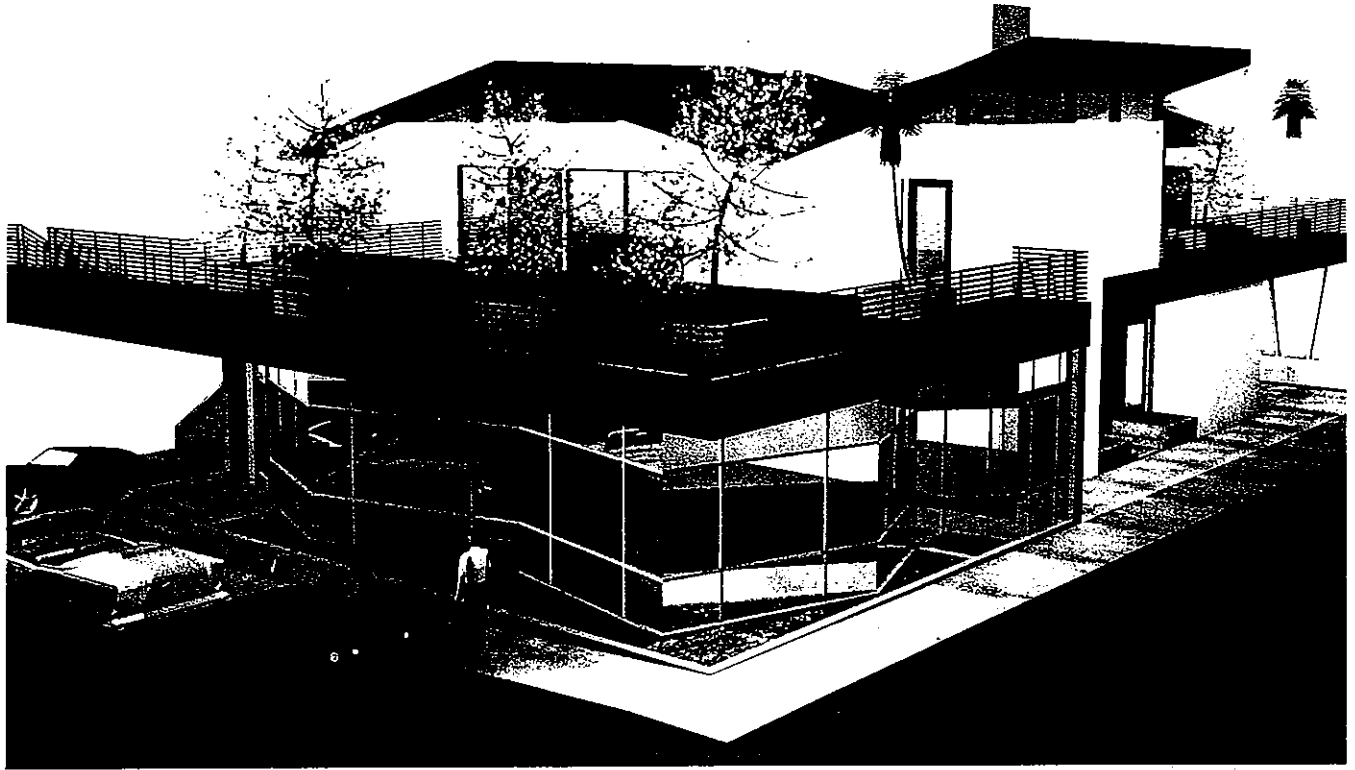
EXISTING SITE LOOKING SOUTH WEST



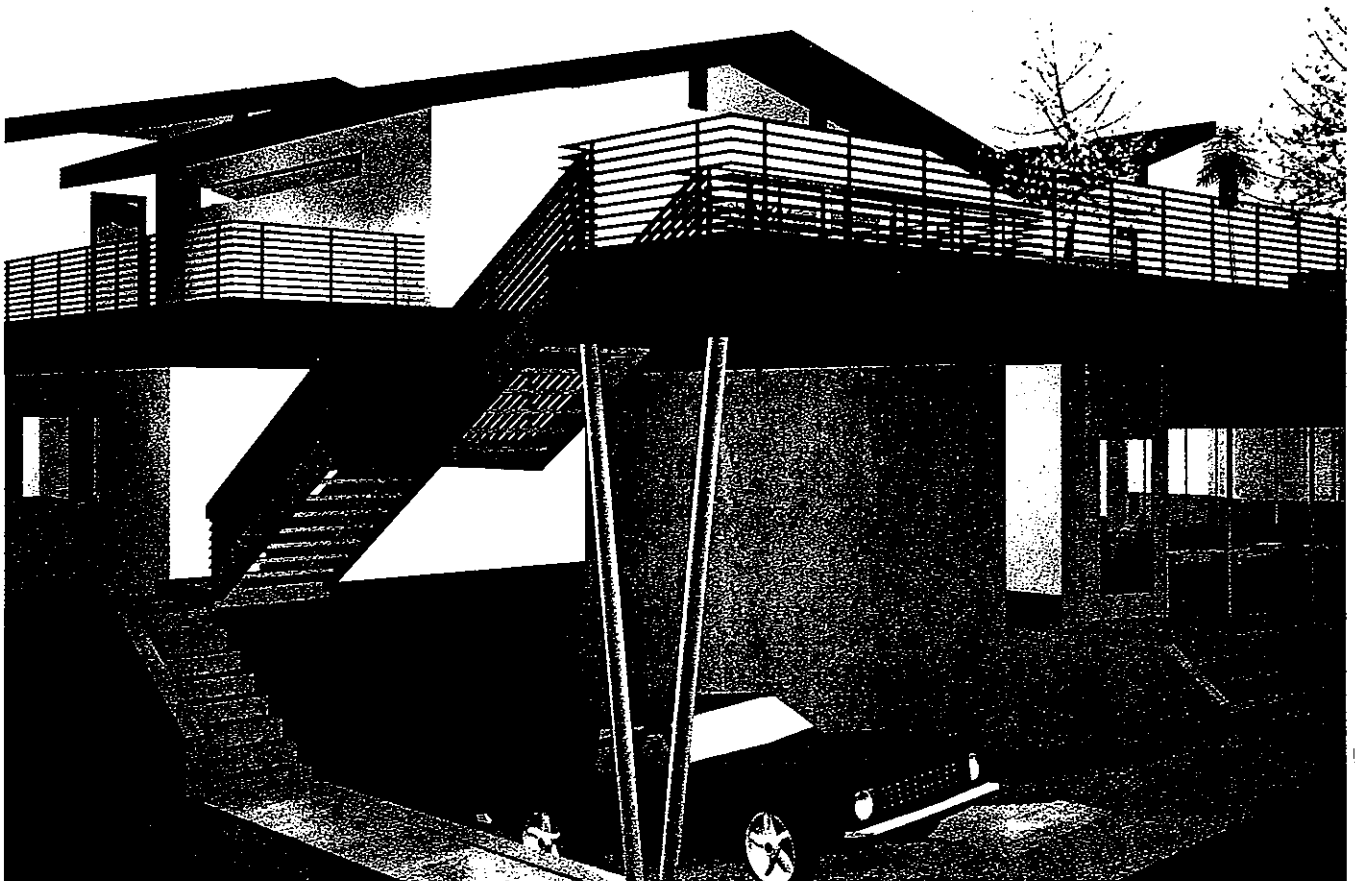
EXISTING SITE LOOKING EAST ACROSS JOHN ST.



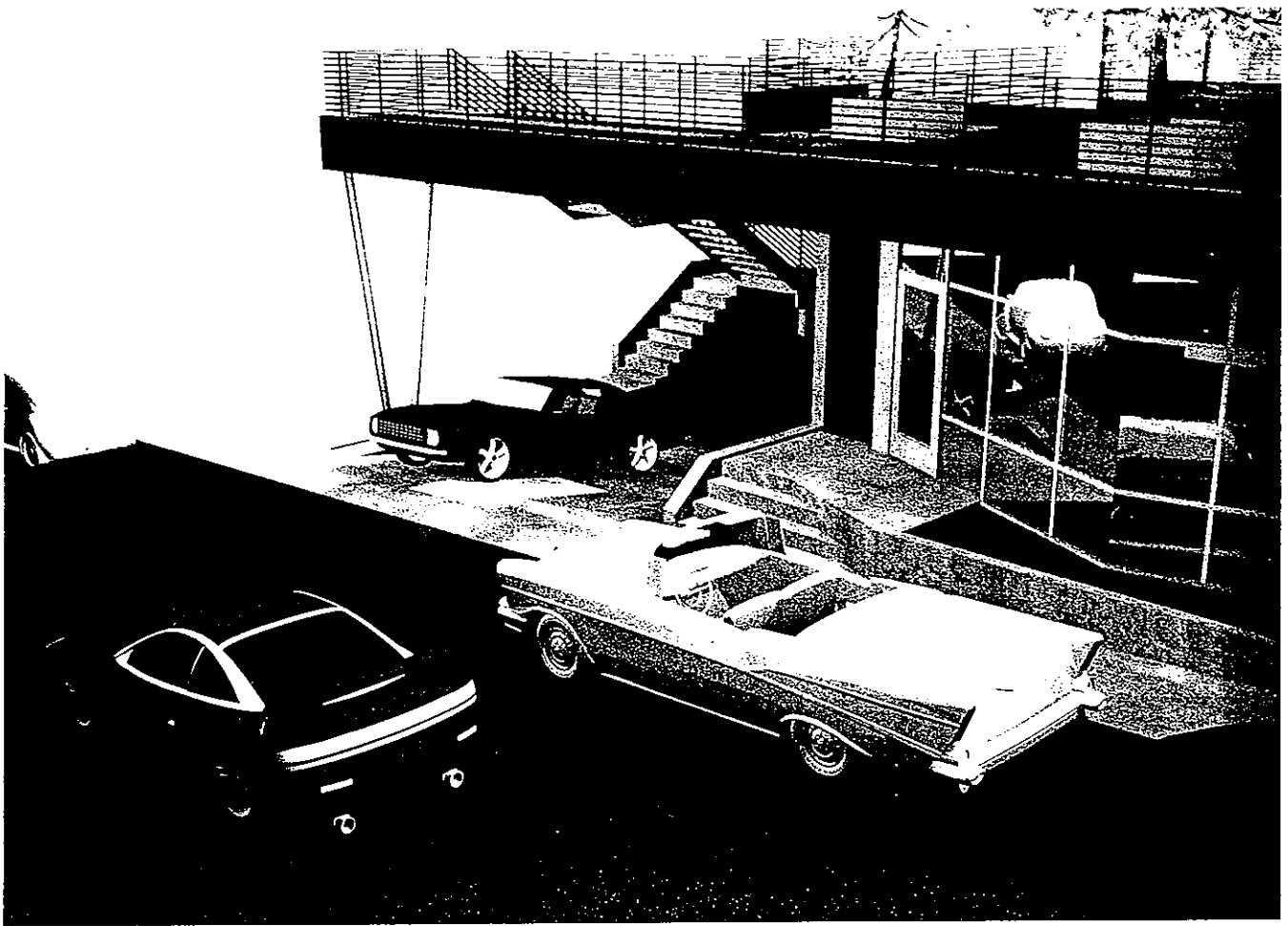
LOOKING NORTH ON JOHN ST. FROM 11TH ST.



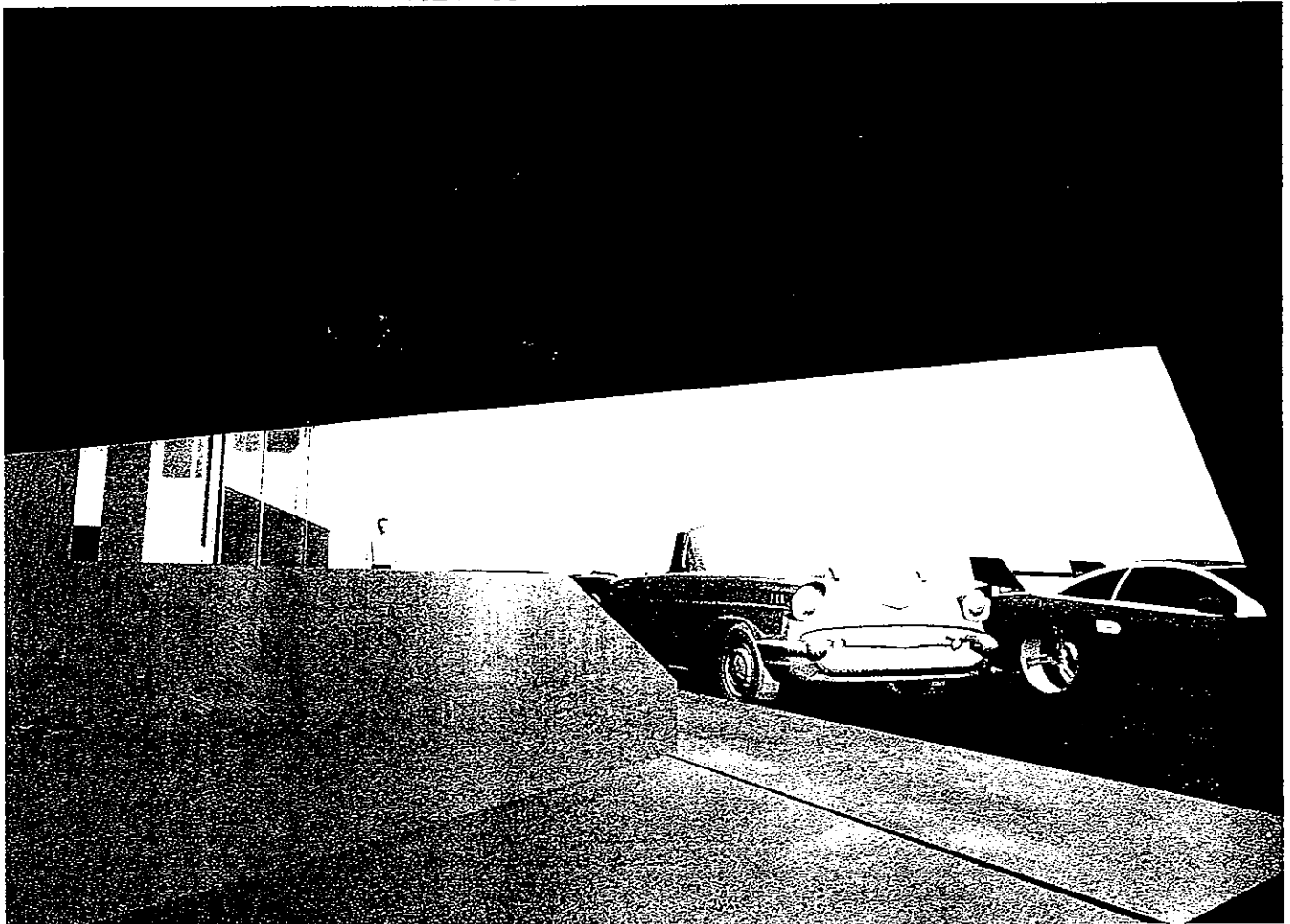
PROPOSED LOOKING SOUTH EAST



PROPOSED LOOKING SOUTHWEST



VIEW OF PROPOSED GARAGE EXIT



VIEW FROM PROPOSED GARAGE EXIT

RESOLUTION NO. PC 06-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT FOR
CONSTRUCTION OF A NEW MIXED USE BUILDING ON THE
PROPERTY LOCATED AT 838 MANHATTAN BEACH BOULEVARD
(Weaver)**

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on September 27, 2006, received testimony, and considered an application for a use permit and vesting tentative parcel map 67106 for construction of a proposed 7,214 square foot mixed use building to include 1 commercial condominium unit and 3 residential condominium units on the property located at 838 Manhattan Beach Boulevard in the City of Manhattan Beach.
- B. The existing legal description of the site is Lot 6, Block 1, Tract No. 3393.
- C. The applicant for the subject project is Charles Weaver, the owner of the property.
- D. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15303 and 15332 based on staff's determination that the project is a small infill development within an urbanized area.
- E. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The property is located within Area District I and is zoned CL, Commercial Local. The use is permitted by the zoning code and is appropriate as conditioned for the local commercial area. The surrounding private land uses consist of CL and RS (Residential Single Family).
- G. The General Plan designation for the property is Local Commercial. The General Plan encourages commercial development such as this that provides for small businesses, which serve city residents.
- H. Approval of the commercial and residential use project, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since the project is compatible with the surrounding neighborhood and in compliance with all applicable regulations as detailed in the project staff report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Vesting Tentative Parcel Map 67106 application for a commercial and residential condominium building, subject to the following conditions (*indicates a site specific condition):

RESOLUTION NO. PC 06-

Site Preparation / Construction

1. * The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on September 27, 2006. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
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3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. 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.
7. 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.
8. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
9. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. A corner cut-off sidewalk dedication at the Manhattan Beach Boulevard and John Street intersection, shall be provided prior to issuance of project building permits, subject to the review and procedures of the Public Works Department.
13. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

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Condominium Conditions

14. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
 - a. John Street with Manhattan Beach Blvd.
 - b. Poinsettia Avenue with Manhattan Beach Blvd.
 - c. John Street with 11th Street.
 - d. Poinsettia Avenue with 11th Street
15. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
16. Vesting Tentative Parcel Map No. 67135 shall be approved for an initial period of 3 years with the option of future extensions. The final map shall be recorded prior to condominium occupancy.

Commercial Operational Restrictions

17. * The facility shall include 1,196 square feet of general office/personal services commercial space. Medical office use shall be prohibited.
18. The management of the facility shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
19. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
20. A covered trash and recycling enclosure(s), with adequate capacity shall be provided on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
21. * The site shall allow reciprocal vehicle access with adjacent properties for any future City approved project upon which a similar reciprocal access condition is imposed. Such access shall be through the site's parking lot and driveways. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
22. * Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial or guest parking areas shall be prohibited. Future parking lot modifications for the purposes of providing reciprocal access to a neighboring commercial property, and any parking requirement modifications that are warranted, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
23. * The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Employees must park on-site or be transported to the site from other off-street parking facilities subject to Community Development Department approval. As a minimum, the owner of the building shall include prohibitions against employee parking on local streets in any lease and/or rental agreements.
24. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. The maximum amount of primary sign area permitted for the site shall be 44 square feet. A sign program shall be submitted to the Community Development Department for review and approval prior to sign permit issuance.

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- 25. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
- 26. Any outside sound or amplification system or equipment is prohibited.

Procedural

- 27. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 28. 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.
- 29. 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.
- 30. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 27, 2006 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

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Sarah Boeschen,
Recording Secretary