



Agenda Item #: 06/0418.14

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Ward and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager *GD*

**FROM:** Richard Thompson, Director of Community Development  
Eric Haaland, Associate Planner *[Signature]*

**DATE:** April 18, 2006

**SUBJECT:** Consideration of Planning Commission Approval of a Use Permit, Coastal Development Permit, and Vesting Tentative Tract Map No. 065187 to Allow Construction of a 34-Unit Commercial Condominium Project for Office and Retail Use, for the Property Located at 1300 Highland Avenue.

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### RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission, and accept its recommendation to accept the proposed property dedication for the provision of public parking. Formal acceptance of the dedication would occur at a future date.

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### DISCUSSION:

The Planning Commission, at its regular meeting of March 29, 2006, **APPROVED** (4-0, 1 absent) a 34-unit commercial condominium project that includes a new 2-story building, 15 underground parking spaces, an airspace subdivision, a property dedication, and 34 downtown parking permits. The existing restaurant building and surface parking lot on the site would be demolished and replaced with a 14,980 square foot building occupying the entire multiple-lot site. The project is intended for individual ownership of office and retail spaces and common (association) ownership of a parking garage, courtyard, restrooms, and other typical common areas. The project's ground floor spaces facing the abutting streets are to contain retail and similar pedestrian oriented businesses. All vehicle and service access would be taken from the rear abutting alley preserving the adjacent public street parking and pedestrian environment. A dedication of land and easement area at the rear of the site is also proposed to provide 3 new public parking spaces adjacent to the alley (Crest Dr./Civic Center).

The project was found to be in conformance with the City's requirements including: height, floor area, setbacks, parking, and landscaping. It was acknowledged that the subject property exists as two legally independent parcels and could be developed separately without any parking or discretionary review. Project issues addressed by the Planning Commission include the

following:

Parking: The Commission determined that the project would satisfy zoning code requirements and the project parking demand study with a combination of proposed on-site parking, dedication of area for 3 new public parking spaces, and maintenance of 34 downtown parking permits. The parking study found that the project would demand less parking than the previous restaurant use of the site, and that peak demand (mid-day on weekdays) would require as many as 19 off-site parking spaces.

Building Bulk: The building includes modulation, spacing, and architectural details consistent with neighboring development and the Downtown Design Guidelines. The Planning Commission focused attention on the portion of the building adjacent to Highland Avenue and ultimately determined that further modulation or design details for this area were not necessary.

Tenant Space Sizes: The approval limits merging of the small (300+ sq. ft.) office spaces to 2 units in order to maintain the small/local business character intended by the applicant and analyzed by the project parking study.

Retail Use: Condition number 17 of the resolution approved by the Planning Commission requires that the 10 ground floor units that abut Highland Avenue and 13<sup>th</sup> Street include a mixture of retail and personal services uses; general office use is not permitted in these units. Uses determined to be similar to retail (e.g. furniture stores, food and beverage sales) and personal services (e.g. travel agencies, real estate sales) by the Community Development Director may also be permitted to occupy these units. A minimum of 4 units must be occupied by retail or similar uses. Eating and drinking establishment, personal improvement services (e.g. fitness studios, tutoring), and medical office uses (including massage, chiropractor, psychologist, etc.) are not permitted.

Landscaping: The Planning Commission directed that the originally proposed landscaping be enhanced and that the mature palm tree existing on the site be preserved for the project.

Public Comments: Some input was received stating traffic concerns, and that the site could be used for other projects. The Commission responded that the proposal represented a substantial decrease in traffic generation compared to the existing restaurant use, and that the proposed use was consistent with all plans and regulations applicable to the Downtown area.

The attached resolution approving the project includes standard conditions as well as project specific requirements not discussed above including: utility pole/wire undergrounding, property dedication prior to building permit, and prohibition of employee street parking and on-site parking fees. Staff reports and draft minutes excerpts from the Planning Commission's proceedings are also attached to this report for reference.

#### **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 06-4  
P.C. Minutes excerpts, dated 2/22/06 & 3/29/06  
P.C. Staff Report, dated 2/22/06 & 3/29/06  
Plans (separate/NAE)

(NAE) – not available electronically

c: Nick Schaar, Applicant  
Elizabeth Srou, Applicant Rep.  
KAA Design Group, Architect  
Starr Design Group, Architect

**RESOLUTION NO. PC 06-04**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT, VESTING TENTATIVE MAP 065187, AND COASTAL PERMIT FOR DEMOLITION OF AN EXISTING RESTAURANT BUILDING AND CONSTRUCTION OF A NEW OFFICE AND RETAIL BUILDING ON THE PROPERTY LOCATED AT 1300 HIGHLAND AVENUE (1300 Highland L.P.)**

**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 public hearings on February 22, and March 29, 2006, received testimony, and considered an application for a use permit, vesting tentative tract map No. 065187, and coastal development permit to allow demolition of a restaurant building for construction of a proposed 14,000 square foot office and retail building containing 34 condominium units on the property located at 1300 Highland Avenue in the City of Manhattan Beach.
- B. The existing legal description of the overall site is Lots 5, 6, 7, 8 & vacated Crest Drive, Block 94, Manhattan Beach Division No. 2.
- C. The applicant for the subject project is 1300 Highland L.P./Nick Schaar the owner of the property.
- D. An Initial Environmental Study was prepared in compliance with the provisions of the California Environmental Quality Act. Based upon this study it was determined that the project is not an action involving any significant impacts upon the environment, and a Negative Declaration was prepared and is hereby adopted.
- 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 III and is zoned CD, Commercial Downtown. The use is permitted by the zoning code and is appropriate as conditioned for the downtown commercial area. The surrounding private land uses consist of CD and PS (Public and Semipublic).
- G. The General Plan designation for the property is Downtown Commercial. The General Plan encourages commercial development such as this that provides for small businesses, which serve city residents.
- H. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- I. The project includes 34 commercial condominium units for individual sale. The zoning code requires 15 parking spaces based on the proposal to dedicate approximately 662 square feet of land area to the city for use toward public parking. The project parking study estimates a peak demand of 38 spaces and proposes downtown parking permits be required to address demand exceeding the 15-space on-site parking supply.
- J. Project approval is dependent upon the City Council's acceptance of the proposed property dedication. The Planning Commission recommends that the City Council accept the land and easement dedication because public benefit will be gained by adding public parking spaces to the civic center parking facilities.
- K. Approval of the commercial 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

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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 area, is consistent with Downtown Design Guidelines, appropriately addresses parking demand, and is in compliance with all applicable regulations as detailed in the project staff report.

- L. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the Manhattan Beach Local Coastal Program.
- M. 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.
- N. The project is consistent with the policies of the Manhattan Beach Local Coastal Program, specifically Policies I.C. 7 & 8, and , II.A. 2 & 3, as follows:
- The proposed development takes vehicular access from an alley (Crest Drive), so as not to conflict with pedestrian traffic;
  - The proposed development preserves adjacent on-street parking by taking all vehicular access from Crest Drive.
  - The proposed structure preserves a 2-story building scale and is consistent with the applicable 26' height limit as required by the Local Coastal Program-Implementation Plan.
  - The project provides appropriate commercial orientation to the pedestrian.
- O. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
- Section 30212 (a) (2): The proposed structures do not impact public access to the shoreline, adequate public access is provided and shall be maintained along adjacent streets.
  - Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- P. This Resolution, upon its effectiveness, constitutes the Use Permit and Coastal Development Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit, Vesting Tentative Tract Map 065187 and Coastal Development Permit application for a commercial building subject to the following conditions (\*indicates a site specific condition):

**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 March 29, 2006. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. A construction 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.

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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. On-site utilities shall be screened from view. All adjacent utility poles and wires located north of 13<sup>th</sup> Street shall be eliminated and shall be undergrounded to the appropriate remaining pole as determined by 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. The size and location of trees planted shall be consistent with those shown on plans approved by the Planning Commission. The existing palm tree at the northwest corner of the site shall be relocated to a location on or adjacent to the site as required by the Community Development Department.
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. A covered enclosure(s) with adequate capacity for both trash and recycling for all building tenants shall be constructed for this site. This trash enclosure must be constructed with a concrete, asphalt, or similar base and must have drainage to the sanitary sewer system. The enclosure must be constructed so that it is screened from public view. The enclosure is subject to specifications and approval of the Public Works Department, Community Development Department, and the City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
9. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system. Mop sinks, maintenance areas, and trash area drainage shall be provided as required by the Public Works Department.
10. \* The project shall maintain compliance with the city's storm water pollution requirements as specified by the city's Building Official. Enclosed parking area drains shall also be connected to oil water separators and the sanitary sewer system as required by the Public Works Department and Los Angeles County Sanitation Districts.
11. 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.
12. \* All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced as required by the Public Works Department. The adjacent 13<sup>th</sup> Street sidewalk shall be replaced as required by the Public Works Department.
13. A property line clean out shall be installed as required by the Department of Public Works.

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14. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
15. Project parking requirements are dependent upon the proposed property dedication. The dedication shall be completed prior to occupancy.
16. \* The project final tract map shall be recorded prior to occupancy. Property and easement dedications proposed in the tentative tract map shall be accepted by the City Council prior to building permit issuance.

**Commercial Operational Restrictions**

17. \* The facility shall include a maximum of 24 units with general office use, which shall not include any street-fronting ground floor units. The 10 ground floor units that abut Highland Avenue and 13<sup>th</sup> Street shall include a mixture of retail and personal services uses. Uses determined to be similar to retail (e.g. furniture stores, food & beverage sales) and personal services (e.g. travel agencies, real estate sales) by the Community Development Director may also be permitted to occupy these units. A minimum of 4 units shall be occupied by retail or similar uses. Eating and drinking establishment, personal improvement services (e.g. fitness studios, tutoring), and medical office uses (including massage, chiropractor, psychologist, etc.) shall not be permitted.
18. \* A maximum of 2 general office units may be combined, connected, or used together. Merging of units used for retail or personal services shall not be restricted.
19. \* The facility shall maintain 15 on-site parking spaces as proposed. The parking spaces shall be owned and maintained by the condominium owners association for use of facility owners/employees on a first-come first-serve basis. Allocation or designation of parking spaces for any specific owner/tenant/employee use shall be prohibited. No fees shall be charged for owner/employee use of the on-site parking. A system signaling vehicles approaching the on-site parking garage of available parking capacity shall be provided and maintained as determined to be appropriate by the city's Traffic Engineer in order to prevent entry when no spaces are available.
20. \* The project shall permanently provide a total of 34 downtown parking permits for use by each condominium unit. The condominium owners association shall be responsible for purchasing, maintaining, and distributing permits to unit owners. Project CC&R's shall document said responsibility. Verification of permit maintenance shall occur at all business license and permit issuances for the site or other intervals determined to be appropriate by the Community Development Department. Late payments shall be assessed penalty fees as determined by the Finance Department.
21. \* The owners association shall be responsible for all maintenance and repair of portions of the project directly adjacent to the dedicated public parking areas. The association shall cooperate with the city regarding maintenance and operational issues as determined to be appropriate by the Public Works Department.
22. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
23. 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.
24. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.

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25. \* Parking shall be provided in conformance with the Manhattan Beach Municipal Code and the project traffic and parking analysis. On-site parking spaces shall not be sold, labeled or otherwise restricted for use by any individual tenant of the project. Gates or other obstructions to commercial parking areas shall be subject to the approval of the Community Development Department.
26. \* The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Owners and employees must park on-site or other off-street parking facilities subject to Community Development Department approval. As a minimum, the owners of the building/units shall include prohibitions against employee parking on local streets in any CC&R's, leases, and/or rental agreements.
27. \* All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. Signs visible off-site shall be limited to retail and personal services units. A sign program shall be submitted to the Community Development Department for review and approval prior to occupancy.
28. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
29. Any outside sound or amplification system or equipment is prohibited.

**Procedural**

30. \* Parking, trash, courtyard, maintenance, landscape and other common areas located within the public right of way shall be owned and maintained by the project owner's association.
31. \* 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 designated by the City Engineer.
32. \* The final tract map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy .
33. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
34. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
35. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
  - a. a completed application and application fee as established by the City's Fee Resolution;
  - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. a copy of the original permit showing that it has not expired.
36. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all



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future owners and possessors of the subject property to the terms and conditions.

- 37. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.
- 38. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
- 39. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 40. 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.
- 41. 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.
- 42. 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.

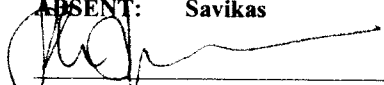
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of March 29, 2006 and that said Resolution was adopted by the following vote:

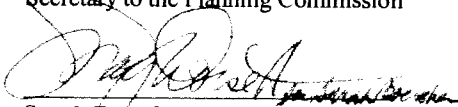
**AYES:** Bohner, Lesser, Schlager,  
Chairman Simon

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Savikas

  
 \_\_\_\_\_  
**RICHARD THOMPSON,**  
 Secretary to the Planning Commission

  
 \_\_\_\_\_  
**Sarah Boeschen,**  
 Recording Secretary

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1 pedestrian environment which helps all businesses downtown. She indicated that there are  
2 frequent requests for individual office space in the downtown area, and there is a shortage of  
3 office space for individuals.

4

5 **BUSINESS ITEMS**

6

7 **PUBLIC HEARINGS**

8

9 **06/0222.1 Consideration of a USE PERMIT, COASTAL DEVELOPMENT PERMIT**  
10 **and Vesting Tentative TRACT MAP 065187 to Allow Construction of a 34-**  
11 **Unit Commercial Condominium Project for Office and Retail Use at 1300**  
12 **Highland Avenue**

13

14 Associate Planner Haaland summarized the staff report. He stated that the proposal is for a two  
15 story building with 34 commercial condominium units. He indicated that the units would be  
16 individually owned and would be just over 300 square feet each. He indicated that in addition to  
17 office use, five units on the lower level fronting onto Highland would be devoted to retail and  
18 two units fronting onto 13<sup>th</sup> Street would be devoted to transitional retail. He commented that  
19 transitional retail is an office/service use that is more public/consumer oriented than a more  
20 administrative type of office use. He stated that 15 underground parking spaces are proposed on  
21 site. He said that 15 spaces are required by the Code under the 1:1 parking exemption for the  
22 downtown area. He indicated that the proposal would be eligible for that parking exemption if  
23 the applicant's proposal to dedicate a portion of the site to the City. He said that the site is  
24 currently slightly larger than the threshold of 10,000 square feet for allowing the exemption, and  
25 the property being over 10,000 would have a 34 rather than a 15 space requirement. He stated  
26 that a parking study was submitted by the applicant, which found that the traffic trip generation  
27 would be less than the existing restaurant on the site. He indicated that parking consultant  
28 determined that the peak demand for the subject development would be 38 spaces during mid day  
29 on weekdays, and the previous restaurant use had a peak demand of 41 spaces on weekends and  
30 evenings. He said that the parking study proposes that a City merchant parking permit be  
31 required for each tenant in order to meet the peak demand. He said that it is recommended that  
32 the on site spaces not be assigned or restricted to specific occupants and that the occupants obtain  
33 merchant parking permits to allow them to park off site when the underground spaces are  
34 occupied. He indicated that the area proposed to be dedicated to the City is an area of  
35 approximately 662 square feet at the east rear portion of the site adjacent to Crest Drive. He  
36 indicated that the area would widen Crest Drive and some additional easement areas offered by  
37 the applicant would provide for three new public parking spaces.

38

39 Associate Planner Haaland indicated that the design of the project is for a two story continuous  
40 solid front elevation, and the Commission may wish to consider whether there should be further

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1 articulation. He stated that the north side of the building located near Highland Avenue adjacent  
 2 to the library property line is not able to have any windows, and the Commission may wish to  
 3 consider if this location was visually appropriate. He said that this location is an entry point to  
 4 the downtown commercial area. He reminded the Commission that there is a desire to have retail  
 5 use at the ground level. He stated that the Highland ground floor frontage of the proposed  
 6 development would be devoted to retail use. He said that two units along 13<sup>th</sup> Street are  
 7 proposed for transitional retail uses, which would be businesses that are consumer oriented but  
 8 not necessarily merchandise shops. He commented that staff received one e-mail expressing a  
 9 concern regarding the size of the project and the number of units. He said that the unit areas are  
 10 unusually small, and the traffic and parking study expects the project to result in a lower intensity  
 11 than the previous restaurant use. He said that staff is recommending the Commission comment  
 12 on whether they feel the right of way dedication is appropriate; whether the proposed parking is  
 13 adequate as to Code; whether the building bulk is acceptable; and whether the retail use is  
 14 adequate as proposed.

15  
 16 Associate Planner Haaland commented that in supporting the project, the Commission must  
 17 make a determination that the project will not be detrimental and that it is compatible with the  
 18 surrounding area. He said that this is the first project that has included a street dedication to the  
 19 City as proposed.

20  
 21 Traffic Engineer Erik Zandvliet stated that the existing driveway on 13<sup>th</sup> Street to the east of the  
 22 subject site will remain in place in addition to the soon-to-be-completed Civic Center driveway,  
 23 both of which will access surface parking of approximately eight spaces located between them.

24  
 25 Director Thompson commented that the driveway configuration was determined to be the best  
 26 option considering the challenges of incorporating the loading area for the library, access into the  
 27 public parking for the City Hall, and access to the subject site.

28  
 29 Traffic Engineer Zandvliet commented that it is necessary to back into the library loading zone,  
 30 and circulating around the loading area prevents cars from having to back out onto the street.

31  
 32 Chairman Simon opened the public hearing.

33  
 34 **Grant Kirkpatrick**, the architect for the project, stated that the project is designed to provide a  
 35 village like character. He said that there is a demand for small office spaces downtown where  
 36 people can work and avoid distractions at home. He commented that the units are not large and  
 37 are intended for sole practitioners who want a work environment close to the downtown area. He  
 38 indicated that there has already been interest by many people to purchase the units. He said that  
 39 the units on the bottom level that front Highland Avenue would be specifically for boutique  
 40 retailers. He commented that there is a great demand in the downtown area for smaller retail

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1 businesses, and there are many residents who wish to open a small retail shop. He said that they  
 2 recognize that the site is a gateway to the Metlox site and downtown. He indicated that the scale  
 3 of the project was determined in conformance with the guidelines of the General Plan and  
 4 Downtown Strategic Plan. He commented that the project is essentially five smaller buildings  
 5 designed to provide a village atmosphere and replicate the other smaller urban scale development  
 6 in the downtown area. He said that the development provides an outdoor atmosphere that  
 7 encourages interaction between the owners. He stated that the dedication of land to the City  
 8 allows for the parking as proposed and for the viability of such a project. He pointed out that the  
 9 proposal is less intensive than the current use and than the previous proposal for an office  
 10 building at the rear of the site along with the restaurant use. He pointed out that the peak use  
 11 would be weekdays, which is the opposite of the remainder of the downtown area. He indicated  
 12 that the proposal meets the objective of the Downtown Strategic Plan to preserve the small town  
 13 character; to enhance the pedestrian orientation of the downtown area; and to protect and  
 14 encourage the streetscape amenities. He said that the owners of the units will demand a viable  
 15 project, and they will be local residents. He said that the proposal is not for a conventional office  
 16 building, but they do not want a restriction from two offices being combined. He suggested  
 17 possibly including a restriction against combining any more than three units.

18  
 19 In response to a question from Commissioner Bohner, **Mr. Kirkpatrick** indicated that the size of  
 20 the retail units on the bottom level would be the same as the other office units of the  
 21 development. He said that it is possible that because the units are small, it is possible that  
 22 someone would want to combine two or three of the units for a retail use.

23  
 24 Commissioner Bohner asked whether a determination has been made whether allowing merchant  
 25 permits for the proposed development would displace any other parking in the downtown area.

26  
 27 In response to a question from Commissioner Bohner, Director Thompson commented that a  
 28 downtown parking analysis is scheduled to occur in December after the public safety facility is  
 29 completed. He indicated that after all of the parking has been provided, a study will be  
 30 conducted to determine the overall demand. He indicated that the Metlox parking structure has  
 31 provided an additional 200 surplus parking spaces to the downtown area.

32  
 33 Commissioner Bohner commented that the peak parking demand for the proposed use would be  
 34 different from the main peak hours of the downtown area, which would help to accommodate the  
 35 parking demand for the project.

36  
 37 Traffic Engineer Zandvliet indicated that the new development replacing the restaurant would  
 38 have less parking demand. He said that in addition, 200 parking spaces have been provided for  
 39 the downtown area in the Metlox parking structure. He said that the excess parking demand  
 40 resulting from the development can be absorbed by using the Metlox structure.

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1  
2 Commissioner Bohner said that a cap of combining more than two units seems reasonable and  
3 would not change the use and parking. He indicated that combining any more than two of the  
4 units would result in a change in the nature of the development.

5  
6 **Mr. Kirkpatrick** said that they chose to design smaller units rather than having units of varying  
7 sizes in order to maintain a village type of atmosphere. He said that it is not their intent to  
8 provide for several of the offices to be combined; however, that they would not want to preclude  
9 someone from purchasing and combining two units. He pointed out that the parking demand is  
10 based on square footage and would not change regardless of the configuration and number of the  
11 units.

12  
13 Director Thompson indicated that the parking requirement is based on square footage and would  
14 be the same regardless of the number of units. He indicated, however, that there is a potential for  
15 a greater density with larger offices that have more employees, which could be a factor in  
16 considering a parking reduction.

17  
18 Traffic Engineer Zandvliet commented that a change in the nature of the square footage on the  
19 site would change the parking demand as analyzed in the project parking study. He said that the  
20 City's requirement for parking would remain the same with any change in configuration of the  
21 space provided that the nature of the development does not change from office use.

22  
23 Director Thompson indicated that staff could examine possible restrictions if the Commission  
24 has a concern with the potential of combining units changing the density of the use.

25  
26 Commissioner Schlager said that not providing a cap on combining units would change the  
27 character of the project from a village atmosphere and would lose the intent. He said that  
28 combining more than two units would have a negative impact.

29  
30 In response to a question from Commissioner Savikas, Associate Planner Haaland indicated that  
31 staff's understanding is that the City merchant parking permits are available in the quantity that  
32 would be necessary to accommodate the project. He pointed out that the permits are issued by  
33 the Finance Department to tenants when they receive a business license. He indicated that it is  
34 proposed that the project would be conditioned that each tenant would need to obtain a permit.

35  
36 In response to a question from Commissioner Savikas, Traffic Engineer Zandvliet indicated that  
37 at this time the on-street parking along 13<sup>th</sup> Street is proposed to remain and would not be  
38 impacted by the project. He commented, however, that on street parking is not necessarily  
39 guaranteed to remain in the future.

40

**PLANNING COMMISSION MINUTES**

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1 In response to a question from Commissioner Lesser, Director Thompson commented that  
2 currently there is adequate of parking on the lower level of the Metlox structure to accommodate  
3 merchant parking permits.

4  
5 In response to a question from Commissioner Lesser, **Mr. Kirkpatrick** said that the project  
6 would most likely not be viable if it were reduced to the extent of having a requirement for 15  
7 spaces without the parking reduction. He said that it would not be possible to build a second  
8 level of parking and provide the necessary circulation and maneuverability for the cars.

9  
10 Director Thompson indicated that the Commission may wish to consider that the parking become  
11 available for downtown parking on the weekends. He stated that if the Commission agrees with  
12 the merchant permits, it would be made a condition of approval.

13  
14 In response to a question from Commissioner Schlager, **Brent Stroyke**, representing the  
15 applicant, stated that the owners would more than likely utilize the units themselves rather than  
16 rent them out based on market lease rates. He indicated that the building would be owned jointly  
17 by an association of the unit owners, and they would pay dues to maintain the property and  
18 parking area. He indicated that the owners would control the underground parking; however, it  
19 would be a violation of the CC&Rs to lease out the parking spaces.

20  
21 Director Thompson commented that the Commission may wish to consider imposing a condition  
22 that the parking during off hours may become available to the valet downtown parking program.  
23 He indicated that if there was support by the Commission, a condition could be included  
24 requiring that at least one merchant permit be maintained per unit.

25  
26 Associate Planner Haaland pointed out that it was a suggestion of the parking study that it be a  
27 condition that a merchant permit be obtained for each unit, and it is not a Code requirement if the  
28 site is eligible for the 1 to 1 exemption.

29  
30 Chairman Simon commented that there may be a problem of being in compliance with the Use  
31 Permit in the future if the owners are required to obtain a merchant permit and they become  
32 unavailable.

33  
34 In response to a question from Commissioner Lesser, **Mr. Kirkpatrick** indicated that they are  
35 prohibited by the Uniform Building Code regulation from continuing the glass along the northern  
36 side of the building adjacent to the library.

37  
38 In response to a question from Commissioner Savikas, **Mr. Kirkpatrick** indicated that he is not  
39 aware of any trees that would be required to be removed to accommodate the project. He  
40 commented that they are proposing a number of trees in their courtyard main entry. He indicated

**PLANNING COMMISSION MINUTES**

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1 that the existing trees near the northwest corner of the site are on the library property.

2  
3 Commissioner Simon indicated that he would like for the northern wall to include more  
4 articulation.

5  
6 **Bill Eisen**, a resident of the 3500 block of Crest Drive, said that he has received several inquiries  
7 as to whether there are plans to use the subject site to expand the library. He commented that the  
8 current library is less than half of the square footage recommended by the American Library  
9 Association for a city the size of Manhattan Beach. He said that the City definitely has a need for  
10 expanded library service.

11  
12 **Doug McDonald**, a resident of the 500 block of 26<sup>th</sup> Street, indicated that the proposed use is a  
13 waste of a very valuable asset for the City. He said that 300 square feet is appropriate for a home  
14 office, and there is a home office provision within the Code. He said that there is very little  
15 office space downtown. He said that 300 square feet was decided to maximize sale price and not  
16 to provide the greatest utility to the community. He indicated that the current parking  
17 requirement for office space is for 3 parking spaces per 1,000 square feet, and the applicant is  
18 proposing 1 space per 1,000 square feet. He stated that the project would be viable with  
19 additional parking, and a second parking level is entirely viable. He said that unassigned parking  
20 would lead to congestion by people having to turn around in the lot when they are unable to find  
21 a parking space. He stated that the retail units should be larger, and 300 square feet for retail  
22 stores is probably not appropriate for the area that is the gateway to the downtown. He said that  
23 the units that front on 13<sup>th</sup> Street provide an excellent opportunity to extend the retail area  
24 directly to the amphitheatre at the Metlox site and provide a pedestrian friendly open area. He  
25 commented that **Carol Rowe** wants retail along 13<sup>th</sup> Street as well as along Highland Avenue.

26  
27 **Mr. Kirkpatrick** commented that burdening the project with requiring only retail for the units  
28 along 13<sup>th</sup> Street would be overly restrictive. He indicated that currently there are no retail uses  
29 along 13<sup>th</sup> Street and it has not been determined whether they would be viable. He said that the  
30 units do have the physical ability to become retail as well as a business entity.

31  
32 **Mr. Stroyke** said that the project is built by locals and for locals.

33  
34 Chairman Simon closed the public hearing.

35  
36 Commissioner Lesser commented that he leases an executive suite within the City that is about  
37 325 square feet. He said that his largest concern is with the dedication of land to the City and the  
38 parking exemption. He commented that there could be a public benefit in having limited parking  
39 by encouraging other means of arriving downtown. He said that office suites have multiple  
40 different users with varying hours. He indicated that because people do work at differing hours,

**PLANNING COMMISSION MINUTES**

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1 some owners may be precluded from using their suites if the parking spaces are used during off  
 2 hours for the downtown valet program. He asked whether it may be possible for the applicant to  
 3 make the project viable if the dedication were not permitted. He said that it is important to allow  
 4 the owners to allow their businesses to grow within limits. He stated that he might accept as  
 5 many as three units to be combined in order to allow flexibility. He commented, however, that  
 6 he recognizes that there may potentially be parking issues in allowing the units to combine with  
 7 additional support staff also using the offices. He said that he has concerns with the architectural  
 8 treatment of the north wall of the project and along Highland Avenue. He said that the structure  
 9 would be very large and would be very close to the property line.

10  
 11 Commissioner Savikas stated that she would want to maximize the retail use on the lower level.  
 12 She indicated that the flow of shopping and retail use can come from Metlox down 13<sup>th</sup> Street to  
 13 the property, and the units along 13<sup>th</sup> Street would be more conducive for retail use. She  
 14 commented that she would want to be guaranteed parking space if she were to purchase such a  
 15 unit. She stated that she would like for dedicated parking to be included with the ownership of  
 16 the units to prevent competition for parking spaces, which could help to maintain a village  
 17 atmosphere. She said that she has not heard of the option for expanding the library, and she  
 18 would have to explore such an option further.

19  
 20 Commissioner Schlager indicated that he does not have a concern with the parking as proposed.  
 21 He commented that a sensor could be used at the entrance of the parking garage to indicate when  
 22 the lot was full to prevent a circulation problem of cars backing out because there are no  
 23 available spaces. He said that providing parking spaces to the owners is a concern of the  
 24 developer in making the project viable and is not an issue before the Commission. He indicated  
 25 that he would like for the bulk on the north side of the building to be reconfigured. He stated that  
 26 the existing buildings to the south of the subject site will be gone in the future, and 13<sup>th</sup> Street  
 27 will become a viable retail area. He said that having great retail shops will be successful in  
 28 attracting people to the area. He commented that he would like to see more retail on the ground  
 29 floor. He indicated that the viability of selling retail space based on the per square foot cost  
 30 relative to other retail space within the City is not an issue before the Commission. He said that  
 31 he likes the idea of maintaining the village theme, and he would support allowing the  
 32 combination of a maximum of two units. He said that while releasing of the units to tenants  
 33 would not make sense in the current market, it is possible that it could change in the future.

34  
 35 Commissioner Bohner said that he feels the dedication is appropriate to allow the parking  
 36 exemption. He indicated that the parking demand for the proposed use can be controlled by  
 37 using parking in the Metlox structure and by the fact that the peak demand for the project will be  
 38 during hours when downtown parking is not as intense. He pointed out that not more than about  
 39 34 people would want to use the structure at any one time, and they would be able to use the  
 40 Metlox parking structure with merchant parking permits. He said that there is a need for such a



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1 use, and it would help to increase the mix of types of businesses in the downtown area. He  
 2 commented that he would agree with the statement of the architect that the project is in character  
 3 with the beach atmosphere of the downtown area. He said that he is sure that the concern  
 4 regarding the bulk of the north elevation can be resolved. He stated that he is satisfied with  
 5 staff's input that there is space dedicated for any future expansion of the library apart from the  
 6 subject property. He indicated that he would support allowing no more than two units to be  
 7 combined, as he feels allowing any more to be merged would change the nature of the project.  
 8 He said that seven units on the bottom level dedicated for retail use is sufficient. He indicated  
 9 that the focus of the development is primarily for office space, and he would not want to  
 10 overburden the project by expanding the requirement for retail. He commented that the  
 11 development of the ground level toward retail is a business decision of the applicant and not a  
 12 consideration of the Commission. He indicated that overall he feels it is a great project and that  
 13 it would be a benefit to the downtown area.

14  
 15 Chairman Simon commented that his main concern is regarding parking. He said that he does  
 16 not support the threshold of 10,000 square feet for allowing a parking exemption, and he has  
 17 previously brought up the issue of whether such a threshold is appropriate. He indicated that it  
 18 does make sense to have centralized parking downtown, as every business is not able to provide  
 19 all of their parking on site. He indicated that there has been the assumption that the downtown  
 20 public parking is sufficient to accommodate excess parking for businesses under 10,000 square  
 21 feet, and such an assumption has been made for a long time in granting approvals without any  
 22 specific studies being done. He indicated that it was decided to conduct an overall study of the  
 23 downtown parking once the Metlox site was completed; however, it is still premature for such a  
 24 study. He indicated that the subject proposal is also relying on the same assumption that there  
 25 will be adequate downtown public parking to accommodate it, which he is not certain is correct.  
 26 He commented that the dedication of land to the City to reduce it to under 10,000 square feet  
 27 provides the opportunity to consider parking. He indicated that the suggestion of a requirement  
 28 that the occupants obtain merchant permits is a reasonable compromise because it does guarantee  
 29 that they are contributing toward a solution for parking. He said that a sensor at the entrance to  
 30 the underground parking would be effective most of the time in indicating to occupants whether  
 31 to enter the structure. He stated that he is uncomfortable with purchasing a unit without being  
 32 guaranteed a parking spot, although he is certain that the owners would be made aware of the  
 33 parking before purchasing a unit. He said that he is more comfortable with the parking because  
 34 the Metlox structure is next to the subject site, and he would have a greater concern if the  
 35 additional parking were located three blocks from the property. He said that he would have a  
 36 concern that in the future the owners would start charging for the allocating the spaces as an  
 37 additional source of income, and he would want to be certain that it remains clear that the spaces  
 38 cannot be allocated and that no signage can be posted restricting the parking. He said that there  
 39 is no specific information regarding the effect of combining the units in terms of traffic. He  
 40 indicated that he would lean toward placing a restriction of combining any more than three units.

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1 He stated that he feels some restriction should be placed on combining of the units.  
2  
3 Commissioners Schlager indicated that he is not concerned with combining the units becoming  
4 an issue with parking but rather as an issue of changing the nature of the project.  
5  
6 Commissioner Bohner commented that combining any more than two units risks changing the  
7 nature of the project from a neighborhood type of development.  
8  
9 Director Thompson said that staff's understanding is that the Commissioners are generally in  
10 support of the project; that they support limiting merging to two units; that they generally support  
11 the dedication in exchange for the three public parking spaces; that they support the unit owners  
12 being required to obtain merchant parking permits; and that they would like for the architect to  
13 look at adding further articulation to the north elevation. He indicated that staff will work at  
14 developing a condition regarding to clarify the type of transitional retail uses that would possibly  
15 front along 13<sup>th</sup> Street.  
16  
17 Commissioner Schlager indicated that the idea of a village atmosphere is to provide a sense of  
18 community, which also encompasses retail.  
19  
20 Commissioner Savikas commented that she would like for the design of office spaces being  
21 located over retail uses to be included throughout the entire project.  
22  
23 In response to a question from Commissioner Savikas, Director Thompson commented that the  
24 Chamber of Commerce did not provide input on the project.  
25  
26 Commissioner Bohner said that it would be helpful for the Commission to have some feedback  
27 from the Chamber of Commerce regarding retail development along 13<sup>th</sup> Street frontage.  
28  
29 Commissioner Savikas commented that the issue of trees is a big concern in the City, and she has  
30 a question regarding the application of the Tree Ordinance to commercial properties.  
31  
32 Director Thompson indicated that provisions for the protection of the trees that are planned for  
33 the project can be included in the conditions.  
34  
35 Chairman Simon requested that the applicant provide a landscape plan at the next hearing.  
36  
37 Commissioner Schlager requested that more information be provided regarding whether there are  
38 any trees that would need to be removed or trimmed for the project, as well as specifically the  
39 type and amount of landscaping that would be provided.  
40

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1 The Commissioners agreed to continue the hearing to a special meeting of March 29, 2006, when  
2 a quorum would be available to attend, as many of the Commissioners will be out of town and  
3 unavailable to attend on March 22.

4  
5 A motion was MADE and SECONDED (Bohner/Schlager) to **CONTINUE** the issue of a USE  
6 PERMIT, COASTAL DEVELOPMENT PERMIT and Vesting Tentative TRACT MAP 065187  
7 to allow construction of a 34-unit commercial condominium project for office and retail use at  
8 1300 Highland Avenue to March 29, 2006.

9  
10 AYES: Bohner, Lesser, Schlager, Savikas, Chairperson Simon  
11 NOES: None  
12 ABSENT: None  
13 ABSTAIN: None

14  
15 **DIRECTOR'S ITEMS** None

16  
17 **PLANNING COMMISSION ITEMS**

18  
19 **TENTATIVE AGENDA: March 8, 2006**

20  
21 **ADJOURNMENT**

22  
23 The meeting of the Planning Commission was **ADJOURNED** at 9:05 p.m. in the City Council  
24 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, March 8, 2006, at 6:30 p.m. in the  
25 same chambers.

26  
27  
28 \_\_\_\_\_  
29 RICHARD THOMPSON  
Secretary to the Planning Commission

26  
27  
28 \_\_\_\_\_  
29 SARAH BOESCHEN  
Recording Secretary

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AT 8:55 a 5 minute recess was taken.

**PUBLIC HEARINGS**

**06/0222.1-1 Consideration of a USE PERMIT, COASTAL DEVELOPMENT PERMIT and VESTING TENTATIVE TRACT MAP 065187 to Allow Construction of a 34-Unit Commercial Condominium Project for Office and Retail Use at 1300 Highland Avenue**

Associate Planner Haaland summarized the staff report. He commented that the Commission previously considered the issue at the February 22 meeting and requested more information regarding the design of the north elevation of the building adjacent to Highland Avenue and regarding landscaping for the site. He indicated that staff has provided a draft Resolution of approval with language addressing other issues raised by the Commission. He said that the applicant has provided plans which provide further clarification of the landscaping. He commented that the existing palm tree at the northwest corner of the site is proposed to be relocated to the courtyard adjacent to 13<sup>th</sup> Street. He indicated that the applicant has provided a photo simulation of the wall on the north of the site adjacent to the library property line. He said that the draft Resolution includes a requirement that no more than two of the office units may be merged. He indicated that the Resolution also includes a condition that the ten ground floor units facing Highland and 13<sup>th</sup> Street include non-administrative office uses; that a minimum of four of the ground units include a retail use; and that the remaining six lower units may become personal service uses or transitional retail uses. He commented that personal service uses include such businesses as drycleaners, copy services, and beauty salons. He indicated that transitional retail includes office types of uses that are more commonly utilized by the public such as travel agencies and real estate offices. He indicated that a condition is also included that the owners association purchase the 34 required merchant parking permits and distribute them to the individual unit owners. He said that there is also a condition included that the utility poles to the north of the site be removed and that the utilities for the project be placed underground to the nearest adjacent pole south of the site. He commented that the draft Resolution also includes the required findings for approval of the project and a recommendation that the City Council approve the proposed land dedication to the City.

**Grant Kirkpatrick**, the project architect, stated that they have submitted a photo simulation of the project view southbound on Highland Avenue, which they feel demonstrates that the concerns regarding bulk are being addressed. He said that they agree with all of the findings and conditions placed on the project. He commented that they have also provided Commissioner Savikas with the additional information that has been submitted, and he is not certain whether she has related any new concerns to staff.

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1  
2 **Carol Wahlberg**, stated that there are residents in the periphery of the area who are not aware of  
3 the project that would have concerns with the density, and she does not feel that a notice of 500  
4 feet of the site is sufficient to reach the surrounding residential area.

5  
6 Director Thompson pointed out that the project was also noticed in the Beach Reporter as  
7 required.

8  
9 **Ms. Wahlberg** said that the traffic in the downtown is already an issue that would be made  
10 worse by the proposal. She said that she has a concern with the type of shop that would locate in  
11 the lower level units, and she feels there are already too many small personal service uses in the  
12 downtown such as nail and hair salons.

13  
14 **Mr. Kirkpatrick** stated that the traffic study that was commissioned for the project points out  
15 that the traffic impact from the use will be significantly less than the previous restaurant use.

16  
17 Director Thompson commented that representatives of the Downtown Merchants Association  
18 have expressed that the first level of the project should include pedestrian serving types of uses.

19  
20 Commissioner Schlager commented that the applicant has done a fine job with the design and in  
21 responding to the conditions of the Commission at the last hearing including traffic. He  
22 commented that the Metlox parking structure includes 462 parking spaces that were not present  
23 in the past, and additional parking will also become available once the community center is  
24 completed. He stated that one of the conditions is that the lower level be oriented toward retail  
25 uses, which is the goal of the City for the downtown area in order to support business. He said  
26 that the project will be a great addition to the downtown.

27  
28 Commissioner Lesser stated that he is concerned with the dedication of land that would allow the  
29 project to have a requirement of only 15 on site spaces. He commented that he is troubled that a  
30 dedication can be viewed as a means of working around parking requirements. He said,  
31 however, that the applicant has agreed to maintain 34 merchant parking permits that would  
32 satisfy the maximum anticipated use of the project as outlined in the parking study. He said that  
33 the maximum use would also be during weekdays, as opposed to the previous restaurant use  
34 which generated a greater demand during evenings and weekends. He commented that the  
35 project would provide a good mix of the type of retail that could attract volume but would not  
36 have as high of a density as a restaurant. He said that the site is in close proximity to the Metlox  
37 parking structure where there is an ample supply of parking. He said that the he is concerned  
38 regarding the existing parking regulations which provide a parking requirement of 15 spaces for  
39 buildings up to 10,000 square feet and 34 spaces for buildings over 10,000 square feet. He  
40 indicated that he does not feel a threshold that generates such a large increase is appropriate, and

**PLANNING COMMISSION MINUTES**

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1 he would welcome a broader review of the parking standards in the Code. He said that the  
2 proposal is for a two story structure without any setback at Highland Avenue and at the north end  
3 of the site, and he shares the concerns of the residents regarding bulk. He stated, however, that  
4 the plans do show articulation and a design element that would add to the site.

5  
6 Commissioner Bohner commented that he feels the concerns that were expressed by the  
7 Commission at the previous hearing have been addressed by the applicant, and they have worked  
8 with staff to meet the issues that have been raised.

9  
10 Chairman Simon said that he is pleased with the photograph that depicts the appearance of the  
11 north elevation of the structure, which is much more presentable than the previous drawings. He  
12 commented that he is pleased with the language of Condition 18 on page 4 of the draft  
13 Resolution which specifies that only two general office units may be combined connected or used  
14 together. He suggested that language be added to the second sentence of Condition 19 be  
15 changed to state "The parking spaces shall be owned and maintained by the condominium  
16 owners association for use of the facility owners/employees on a first-come first serve basis with  
17 no charges being imposed for the parking spaces." He indicated that the intent is for the  
18 occupants and employees of the building to first utilize all of the on site spaces before parking  
19 elsewhere, and employees would choose to park on the street rather than in the garage spaces if  
20 charges are imposed. He stated that he also supports the language included in Condition 26  
21 prohibiting employees from parking on the surrounding streets. He commented that he would  
22 assume that the City would enforce the condition if it were not being followed. He indicated that  
23 it is important for the owners of the units to be aware that employees are not to park on the  
24 adjacent streets. He indicated that he supports the project.

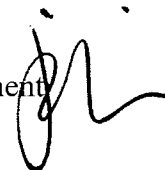

25  
26 Director Thompson pointed out that the subject proposal would create less of an impact on  
27 parking than other proposals that could be approved administratively by staff.

28  
29 Chairman Simon closed the public hearing.

30  
31 A motion was MADE and SECONDED (Schlager/Bohner) to **APPROVE** USE PERMIT,  
32 COASTAL DEVELOPMENT PERMIT and VESTING TENTATIVE TRACT MAP 065187 to  
33 Allow Construction of a 34-Unit Commercial Condominium Project for Office and Retail Use at  
34 1300 Highland Avenue with the condition that language be included in Condition 19 to state:  
35 "The parking spaces shall be owned and maintained by the condominium owners association for  
36 use of the facility owners/employees on a first-come first serve basis with no charge imposed."

- 37  
38 AYES: Bohner, Lesser, Schlager, Chairman Simon  
39 NOES: None  
40 ABSENT: Savikas

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

**TO:** Planning Commission  
**FROM:** Richard Thompson, Director of Community Development   
**BY:** Eric Haaland, Associate Planner   
**DATE:** February 22, 2006  
**SUBJECT:** Consideration of a Use Permit, Coastal Development Permit, and Vesting Tentative Tract Map No. 065187 to Allow Construction of a 34-Unit Commercial Condominium Project for Office and Retail Use at 1300 Highland Avenue.

**RECOMMENDATION**

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

**APPLICANT/OWNER**

1300 Highland L.P./Nick Schaar  
800 Manhattan Beach Blvd. Ste. 204  
Manhattan Beach, CA 90266

**BACKGROUND**

The subject site is presently occupied by an existing vacant restaurant building and a surface parking lot. Parking has never been required for the site since it has never exceeded any thresholds of the City's Downtown parking exemptions. The proposed office and retail uses are permitted in the CD zone; however, since the building exceeds 5,000 square feet, a use permit is required (Section 10.16.020(B)). The site is located within the coastal zone; therefore the project requires approval of a Coastal Development Permit. The proposed subdivision of office area into 34 individually owned spaces requires Planning Commission approval of a tentative tract map. A proposed dedication of property towards the rear alley (Crest Drive) would require City Council acceptance at a future date during final tract approval.

**PROJECT OVERVIEW****LOCATION**

Location	1300 Highland Ave. at the northeast corner of 13 <sup>th</sup> St. and Highland. (See Site Location Map).
Legal Description	Lots 5,6,7, 8 & vacated Crest Drive, Block 94, Manhattan Beach Division No. 2
Area District	III

**LAND USE**

General Plan Zoning	DowntownCommercial CD, Commercial Downtown	
Land Use	Existing 4,694 sq. ft. restaurant	Proposed 14,273 sq. ft. office/retail space
Neighboring Zoning/Land Uses	North South (across 13 <sup>th</sup> St.) East (across Crest Drive) West (across Highland Ave)	PS/Civic Center CD/Residential & Com'l PS/Civic Center CD/Uncle Bill's Restaurant

**PROJECT DETAILS**

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	9,987 sq. ft. (after dedication)	2,700 sq. ft. min
Building Floor Area:	14,273 sq. ft.	14,980 sq. ft. max
Height	26 ft.	26 ft. max.
Setbacks		
Front	0 ft.	0 ft.
Rear	0 ft.	0 ft.
Corner side	0 ft.	0 ft.
Interior side	0 ft.	0 ft.
Parking:	15 spaces (*)	15 Spaces (*)
Vehicle Access	Crest Drive (alley)	N/A (no street parking lost)

(\*) – Proposed project after dedication of 665 sq. ft. of property requires 15 parking spaces based on downtown exemption for sites less than 10,000 sq. ft. in area. Three public parking spaces result from proposed dedication. Project without dedication requires 34 spaces based on downtown exemption for sites greater than 10,000 sq. ft.



## DISCUSSION

The submitted plans show a site with an existing restaurant building and parking lot to be demolished, and developed with a 2-story building, open courtyards/hallways, 3 public parking spaces, and one private driveway. The project driveway takes access from Crest Drive (alley) only, serving all below-grade private parking. Primary pedestrian entries are provided at the Highland Avenue and 13<sup>th</sup> Street sidewalks, and secondary entries are provided from parking areas. The building frontages include two levels of office/retail space and open courtyards along 13<sup>th</sup> Street. On-site parking, storage closets, and supplemental restrooms are provided completely below street level. All vehicle and trash access is taken from the abutting rear alley.

The project is designed with an office condominium concept intending individual ownership of small office spaces. The building floor plans show 34 independently accessible tenant spaces each less than 325 square feet in area. These small spaces are expected to serve local self-employed persons as out-of-home offices and investment equity. Minimal numbers of support employees are expected based on the small unit sizes, and the applicant has agreed to a prohibition of merging any of the proposed office spaces. The applicant has allocated the 5 ground floor units facing Highland Avenue for retail use, in recognition of the desire to maintain an interactive pedestrian orientation consistent with the downtown area (General Plan Policy LU-7.4). Three of the five ground floor spaces facing 13<sup>th</sup> Street have been allocated for “transitional” retail/office uses for the same reason.

The project conforms to the city’s requirements for use, height, and floor area. No setbacks or landscaping are required in the CD zone. Minimal building setbacks and landscaping are provided, which is consistent with most downtown development. The project issues that warrant discussion include parking, building bulk, retail use, and public input.

### Parking:

The project proposes a relatively unusual method to comply with parking requirements. A combination of on-site/underground parking, dedication of property to the city, and provision of 3 new public parking spaces is proposed to address zoning code parking requirements; and city merchant parking permits are proposed to address additional estimated peak parking demand.

The zoning code results in two different parking requirements for the project depending on the acceptance of the proposed dedication of property to the city located adjacent to Crest Drive. Based on the downtown parking exemption, the code requires only **15 parking spaces** (for the 4,273 square feet of floor area exceeding the 1:1 ratio - see calculation on plans) for the building on the proposed 9,987 square-foot site. The same building on the existing 10,660 square-foot site requires **34 parking spaces** (for the 9,273 square feet of floor area exceeding 5,000 square feet). The exemption provided by the code is substantially less for sites larger than 10,000 square feet. The applicable code language reads as follows:

**Section 10.64.050 Reduced parking for certain districts and uses.**

A. CD District. The following parking requirements shall apply to nonresidential uses:

1. Building Sites equal to or less than 10,000 Sq. Ft. If the FAF is less than 1:1, no parking is required; if the FAF exceeds 1:1, only the excess floor area over the 1:1 ratio shall be considered in determining the required parking prescribed by Section 10.64.030.

2. Building Sites greater than 10,000 Sq. Ft. The amount of required parking shall be determined by first excluding 5,000 square feet from the buildable floor area and then calculating the number of spaces prescribed by Section 10.64.030.

The applicant's proposal is to reduce the size of the site to be eligible for the larger "1:1" exemption (A1 above). The justification for this would be the city's receipt of the 662 square feet of property to supplement the adjacent Civic Center parking area. In addition to the complete dedication of a 10' strip of land, the submitted tentative tract map includes an easement over enough additional private area to locate 3 public parking spaces between the existing alley roadway and the proposed building. If this proposal is found to be appropriate, the provided 15 on-site parking spaces would satisfy the project's entire code parking requirement. The Planning Commission's approval of this proposal would act as a recommendation to the City Council to accept the dedication in the public interest during its future review of the final tract map of the project (MBMC 11.12.050 (C)).

If the proposed dedication of property is not determined to be appropriate, the smaller parking exemption (A2 above) is applicable to the remaining 10,657 square-foot site. In this case the code parking requirement would be 34 spaces (see attached calculation worksheet). The applicant's proposal to require each tenant within the building to maintain at least one merchant parking permit (in addition to the on-site parking) would satisfy the zoning requirement for off-site/in-lieu parking. The applicable code language regarding this is as follows (LCP zoning section excerpted here since it differs from corresponding municipal code section):

**A.64.060. Parking in-lieu payments.**

Within designated parking districts established by the City Council and shown on the map on the following page, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the City prior to issuance of a building permit or a certificate of occupancy if no permit is required. The fee shall be to provide public off-street parking in the vicinity of the use. The City shall not be obligated to accept a fee for more than 20 spaces, and then only with express approval by the City Council, based on a finding that adequate parking supply exists in the district structures to accommodate such additional parking spaces, and that the tendered payment represents the actual cost of construction of new parking spaces.

In establishing parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

The following limitations apply:

1. Businesses may lease up to two spaces in the oversubscription program to meet City parking requirements.
2. A business may lease up to five total spaces in the oversubscription program, if available, but only two of the spaces may be used to meet required parking.

Staff understands that sufficient quantities of city oversubscription program parking permits are available to the project.

In addition to the zoning code parking calculations discussed above, the applicant has provided the attached Traffic and Parking Analysis completed by a private consultant. The included parking demand analysis estimated a peak parking demand for the proposed development to be 38 spaces. The study suggests that it is appropriate to require tenants to have merchant parking permits (or other off-site parking) to satisfy parking demand when it exceeds the on-site supply. Peak parking demand for the office use would be on weekdays in contrast to the downtown's overall peak weekend demand.

The provided Traffic and Parking Study has been reviewed by the city's Traffic Engineer, who has indicated general agreement with its findings. Additional notable points contained in the study include the following:

1. Vehicle trips generated from the proposed project would be less than half of those generated by the previous restaurant use on the site.
2. Peak parking demand for the proposed project would be 3 spaces less than peak demand for the previous restaurant use. The peak demand for the proposed office use would also better avoid overall downtown peak weekend demand times compared to the restaurant use.
3. The proposed underground parking should be restricted to tenant/employee parking on a first-come, first-serve basis to maximize use of those spaces. A sensor-linked indicator at the entrance should be provided to discourage vehicle entry when all parking is full.

#### Building Bulk:

The proposed building is at the maximum 26 foot height limit and 1.5 floor area ratio for the CD zone, however the project design includes substantial attention to aesthetics. The underground parking, rear alley driveway/trash, and sidewalk oriented storefronts enhance the downtown pedestrian atmosphere in consistency with the Downtown Design Guidelines. The building facades include variation and architectural details for visual interest, and building mass relief is provided at courtyard and hallway openings along the 13<sup>th</sup> Street frontage.

Staff has discussed potential locations to provide additional building setbacks or other

bulk mitigation along the Highland Avenue frontage and north facing wall of the building. The proposed Highland Avenue building elevation is a generally continuous 2-story façade which the Planning Commission may feel should be somewhat more modulated. The north facing wall near Highland Avenue abuts the property line shared with the Civic Center Library. Windows in this wall would be desirable however the Building Code does not permit windows directly abutting a neighboring property line such as this. The Planning Commission may wish to discuss any aesthetic concerns of a solid wall for this fairly prominent location.

#### Retail Use:

The applicant proposes typical retail use on the ground floor of the project along Highland Avenue, which is appropriate at a prominent pedestrian location such as this. Staff had suggested that retail use was also desirable along 13<sup>th</sup> Street due to the new Metlox and Civic Center projects, however the applicant believes that 13<sup>th</sup> Street will not experience enough traffic/prominence to support retail businesses. As an alternative, the applicant has proposed that 3 of the ground floor units fronting on 13<sup>th</sup> Street be designated for “transitional” retail/office use (see applicant definition attached). These businesses would be a subset of the office classification that tends to interest or interact with a broader group of consumers than more administrative businesses.

#### 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 one response from an owner of a neighboring property with traffic and parking concerns for the large quantity of units (34) involved in the project. As discussed above, the provided traffic and parking study found that traffic generation and parking demand will decrease compared to the previous restaurant use on the site. The small sizes of the units, which increases the quantity, is expected to result in lower intensity than larger more conventional spaces.

### **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the attached initial study has been prepared for the subject project, which determines that the project will not have any significant impacts upon the environment with appropriate conditions and mitigation, and that a negative declaration could be filed. The most sensitive environmental issues related to this project are traffic and parking, therefore, the submitted traffic analysis was required. This analysis and the city traffic engineer’s review of the project determined that a significant impact would not occur based on accepted thresholds of significance. Since no significant impacts are anticipated, an Environmental Impact Report is not required.

**CONCLUSION**

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

1. Determine whether the proposed dedication of property and easement area to the city to supplement Civic Center public parking appropriately serves the public interest, and determine to forward a corresponding recommendation to the City Council.
2. Determine whether the applicant’s proposal of 15 on-site parking spaces and one city oversubscription parking permit per tenant is adequate based on the code analysis provided above and the project parking study submitted.
3. Determine whether the proposed building design is appropriate and consistent with Downtown Design Guidelines encouraging building modulation and architectural interest, with specific attention to the Highland Avenue frontage and solid wall abutting the northerly property line.
4. Determine whether the proposed “transitional retail’ use of 3 tenant spaces fronting on 13<sup>th</sup> Street is appropriate and consistent with the General Plan Policy encouraging ground floor retail use in the downtown area.
5. Determine whether the project is in conformance with the Local Coastal Program, and the findings required by zoning code section 10.84.060 to approve the subject use permit including the following:
  1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;
  2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or 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;
  3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and
  4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

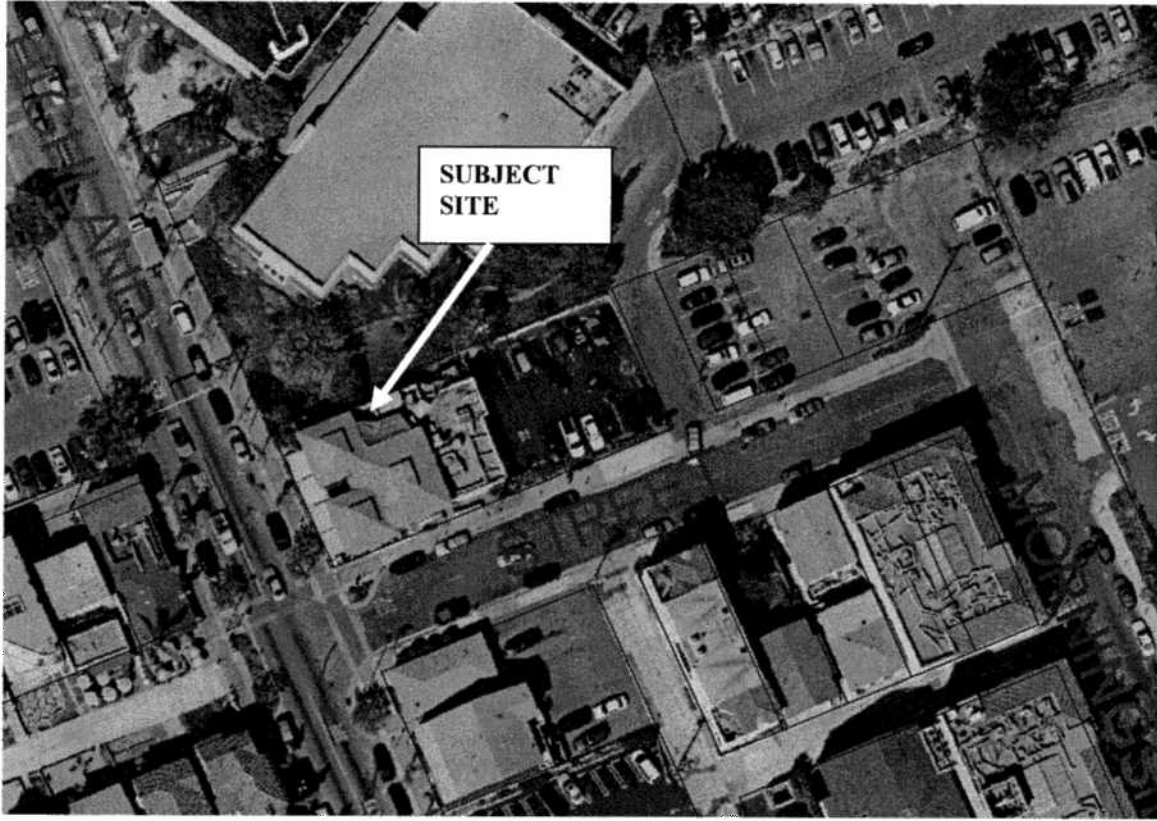
Attachments:

- A. Site Location Map
  - B. Applicant Material
  - C. Initial Study
  - D. Traffic/Parking Study
  - E. Parking Worksheet
  - F. General Plan excerpt
  - G. Dtn. Design Guidelines excerpt
  - H. Public Input  
Plans (separate - NAE)
- (NAE = not available electronically)

c: Nick Schaar, Applicant  
Elizabeth Srou, Applicant Rep.  
KAA Design Group, Architect  
Starr Design Group, Architect

# Vicinity Map

1300 Highland Avenue



ATTACHMENT TO APPLICATION FOR LAMAR WORKLOFTS  
1300 Highland Avenue  
Environmental Questionnaire  
November 2005

Project Site Area – The existing site is 10,657 sf in size, including Lots 5, 6 & 7, vacated portion of Crest Drive, and a residual portion of Lot 8. The residual portion of Lot 8 (approximately 670 sf), situated adjacent to the current location of Crest Drive, will be dedicated to the City and will be used to accommodate public parking.

Off-street Parking – The site development plan incorporates 15 private on-site parking spaces located in the basement level garage. The proposed development also incorporates three metered public spaces utilizing the dedication area as well as a portion of the private site development area. One of these spaces could easily be used as a vehicle loading space to be shared with neighboring businesses, including the adjacent public library.

Noise Levels - During the course of construction, normal construction noise will occur, however, the short-term construction activity noise levels would not represent an unusual circumstance in an urban environment and would not be greater than for other similar construction projects in the area. All construction will be subject to the City’s noise regulations that limit hours of construction activity. In addition, given the length of time it takes to obtain project approval and secure a demolition and building permit, the new construction activity will not conflict with construction activity associated with the Metlox development as that construction project will be nearly complete. Although there is ambient noise emanating from Highland Avenue traffic and the normal activity generated from the active commerce in the area, the level will be significantly reduced for occupants of the new development with the use of construction measures such as dual glazed windows and building insulation.

Pattern, scale & character of general area – The proposed development will not change the over-all character of the Downtown. The use is consistent with the kinds of uses permitted in the Downtown, and the physical build-out maintains a small, well-articulated relationship with the street and surrounding environs. By creating separate buildings, in contrast to a large edifice, the design promotes an inviting visual and pedestrian relationship with the street and pedestrian character of the Downtown. In fact, the new offices and retail opportunities will be a benefit as when occupied & prospering, they will capitalize on services offered throughout the surrounding Downtown. The retail and transitional retail businesses will contribute to the economic depth of the Downtown and the business owners located in the office suites will add to a healthy pedestrian base throughout the normal workweek.

Solid Waste & Litter – The project will temporarily generate a substantial amount of solid waste & litter during the normal course of demolition and construction, however, the disposition of waste and control of dust, surface run-off and debris will be subject to local construction regulations.



Municipal Services - The project site is located in a highly urbanized and developed area, and will marginally change the need for municipal services. All services necessary to support the proposed uses are already necessary for the operation of commercial uses in the area and readily available from existing resources and facilities well established for the Downtown. In addition, any impact will be partially off-set by various City required fees imposed on new construction, business license fees and revenue taxes.

Fuel Consumption – The proposed development does not contain any characteristics based on its location, nature or size that would significantly affect natural resources nor would it result in an unusual pattern of energy consumption. Energy requirements to meet basic operational needs of this relatively small commercial development (heating, cooling, lighting) will not create a substantial demand nor result in the need for new energy sources. In addition, the design and construction must comply with current energy code requirements that seek to minimize energy consumption levels for new buildings.

The *Revised Traffic and Parking Analysis for the Proposed 1300 Highland Avenue Commercial Condominium Project*, dated September 30, 2005, concluded that the “.....proposed project would generate a net reduction in vehicle trips when compared to the existing restaurant use on the project site.” The analysis further concluded “...the proposed project is forecast to result in lower parking demand..... when compared to the existing restaurant use on the project site”. Therefore, it is anticipated that the proposed development will have no impact on fossil fuel consumption as a result of vehicle usage.

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ATTACHMENT TO USE PERMIT APPLICATION FOR *LAMAR WORKLOFTS*  
1300 Highland Avenue  
November 2005

1. The office/retail complex is in accord with the objectives and purposes of the Downtown District in that:

- The new commercial development, with its combination of office and retail users & clientele, will contribute to a broad range of high quality commercial uses anticipated by the Downtown Strategic Plan and the Downtown Commercial Zone, as well as by the community.
- New business investment such as proposed will help strengthen the traditional Downtown commercial sector and provide a business environment to meet contemporary needs.
- By offering an alternative work environment to local residents who already work outside the traditional workplace, the new complex will expand local business development opportunities that compliment the surrounding commercial/residential community without placing a significant demand on the local or regional infrastructure.

2. The location and operation of the office/retail complex will be consistent with the General Plan and will not be detrimental to the public health, safety or welfare of persons residing or working in the area, and will not be detrimental to properties or improvements in the vicinity.

- The proposed use is consistent with the types of uses permitted by right or with a conditional use permit in the Downtown zone. The site development incorporates all development standards and land use regulations as set forth in the Zoning Code and Local Coastal Plan which seek compatibility between various uses
- All business activity will take place within an enclosed building and there is a distinct separation of vehicle and pedestrian access to the complex.
- The General Plan Goals and Policies for the Downtown Zone specifically address the issue of encouraging the type of business that
  - blends in with the small town village character
  - enhances the downtown as a focus of community activity and embraces the pedestrian orientation
  - enhances the economic viability of the Downtown community

The proposed development responds to all of those goals and standards and thus promotes a compatible and positive relationship with the surrounding neighborhood.

3. The proposed office/retail complex is a permitted use for the Downtown Commercial sector and will comply with all applicable provisions and standards.

4. The proposed business complex will not create adverse impacts or be adversely impacted by nearby properties nor create demands exceeding the capacity of public services and facilities in place for the area.

- The proposed use is intended to attract local users and capitalize on the surrounding commercial and nearby residential neighborhoods. The business owners and patrons will rely on the many services and amenities existing throughout the Downtown and will generate and utilize the successful and very active, year-round pedestrian orientation of the Downtown.
- The traffic and parking analysis prepared for the proposed development concluded that the intended use would result in a net reduction in traffic demands and parking needs when compared to the existing restaurant use on the site.
  - The analysis noted there was appropriate separation between vehicular and pedestrian access to the complex
  - The analysis recommended a parking management plan that would help facilitate resolution of any perceived parking conflicts –
    - Open, first-come, first-serve use of the private spaces
    - Utilization of public parking permits as a requirement for owner/tenants
    - Appropriate signing and information re: parking availability and location

The proposed use is intended and designed to attract local residents and responds to the needs and patterns of contemporary lifestyle and business environment.

The proposed use offers a demand pattern that compliments the existing Downtown character by combining the benefits of weekday/off peak support of adjacent and surrounding retail with very low impact on the infrastructure during traditional peak weekend and evening usage.

As stated, the proposed use will not result in any offensive impacts relating to noise, odors, security or personal safety nor will it result in any significant change in need for municipal services or generate a need for new services.

ATTACHMENT TO CONDITIONAL USE PERMIT  
*LaMAR WORKLOFTS*  
January 26, 2006

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*This correspondence is submitted as an addendum to the plans and application for Conditional Use Permit, Coastal Permit and VTTM 65187. It is intended to address the concept of "transitional retail" and also to confirm the location of the lot area to be dedicated to the City and the easement area to be granted to the City for public parking purposes. A revised copy of VTTM 65187, dated 1/24/06, delineating the dedication area and the easement area is attached hereto.*

Historically, the "Downtown Commercial" designation implies a commercial sector that encourages active pedestrian uses catering to the Manhattan Beach community and the lively Downtown business and visitor community. This is accomplished by providing for a wide variety of business operations, including retail, food service, personal service and office uses. In addition, design standards that encourage pedestrian interface and that promote a comfortable relationship with the street and pedestrian orientation contribute to a successful business climate. As the new Metlox development emerges along with the new Civic Center expansion, the Downtown Village environment will experience both a physical growth and a welcome enhancement of the business district.

With its strategic location, the proposed *LaMar Worklofts* is situated within the environs of the civic center complex, with its municipal services, public library and public parking and plaza and public parking immediately adjacent. It is also within the overall environs of the new Metlox plaza. With its strategic location and commercial dynamics, the *LaMar Worklofts* not only responds to a rapidly changing work environment, but provides an opportunity for business growth that is complimentary to these surroundings and that responds to the community desire to maintain a small town "village" atmosphere. Specifically, the proposal:

Provides for a variety of commercial uses and all the amenities needed for the successful operation of those businesses

Provides a physical character that reflects a pedestrian orientation incorporating design elements contributing directly to the pedestrian orientation and goal to provide an active retail business environment at the street level:

- Pedestrian oriented retail sales and services at street level (on both Highland Avenue and 13<sup>th</sup> Street)
- Location of non-pedestrian oriented uses at second level, interior & east side of "campus"
- Entrances to pedestrian oriented uses facing the public right-of-way
- Street level display windows incorporating clear, non-reflective glass, facing the public right-of-way

The proposal incorporates both a traditional retail sales use and a “transitional” retail service use, in addition to the professional office use. There will be no food service, personal improvement services or medical/dental uses within the proposed development.

The transitional retail designation is consumer oriented and incorporates the sale of retail services rather than the sale of retail goods. It generally refers to a business that deals with the public but does not utilize a cash register format and would include such businesses as travel, insurance, real estate or mortgage broker, graphics artist, interior decorator and related uses. The “transitional” retail is a composite of retail use with a focus on consumer goods, and office use with a focus on consumer services. The transitional retail would meet the parking criteria for office –professional (1:300) use. The critical aspect of such a business is that it is able to maintain similar development standards that are critical to retail sales and which standards promote an activated and inviting relationship with the street such as:

- Location at street level oriented to pedestrian path of travel
- Entrances oriented to public right-of-way
- Open exposed store front with street facing windows incorporating clear, non-reflective glass and that remains uncovered
- Daytime business hours that generally coincide with traditional retail operation

These development standards can be incorporated in the zoning code and also in the management documents for the condominium owners’ association (Covenants, Conditions & Restrictions-CC&R’s). The CC&R’s are a recorded document and all owners and the Owners’ Association are responsible for the enforcement of the provisions.

The attached VTTM 65187 delineates the 10’ wide portion of the subject property abutting Crest Drive that is to be dedicated to the City. The area will help widen Crest Drive and provide permanent public parking. Three public spaces are to be created utilizing the dedication area and the easement area at grade level adjacent to Crest Drive on both sides of the driveway entrance to private parking for the *LaMar Worklofts*.

The three newly created public spaces will be located adjacent to other public parking scheduled as part of the Civic Center development. These spaces will be controlled by the City and will be easily accessed from the public right-of-way. Upon approval of the proposed development, the dedication documents and the easement documents will be prepared for City Attorney approval and eventually recorded as part of the permanent record of the LA County Recorder.

Site Parking Calculation Worksheet  
 (Quantities are square feet unless otherwise noted)

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Site/Project: 1300 Highland - Work Lofts (without dedication)

Existing Site Parking Requirement(A)  
 (if existing facility is to remain & project < 50%)

Use	Quantity	Requirement		Spaces Required
Retail		/ 200 per space	=	0 spaces
Personal Serv.		/ 300 per space	=	0 spaces
Office, General		/ 300 per space	=	0 spaces
Office, Medical		/ 200 per space	=	0 spaces
Restaurant, sit	(Total (A )	from sit -down	wksht.)	0 spaces
Restaurant, take		/ 75 per space	=	0 spaces
Electronic Games		/ 400 per space	=	0 spaces
Other-		/ 1 per space	=	0 spaces
Other-		/ 1 per space	=	0 spaces
Total(A):				0 spaces

Proposed Parking Requirement(B):

Use	Quantity	Requirement		Spaces Required
Retail	2486	/ 200 per space	=	12.43 spaces
Personal Serv.		/ 300 per space	=	0 spaces
Office, General	11786	/ 300 per space	=	39.286667 spaces
Office, Medical		/ 200 per space	=	0 spaces
Restaurant, sit	(Total (B )	from sit -down	wksht.)	0 spaces
Restaurant, take		/ 75 per space	=	0 spaces
Electronic Games		/ 400 per space	=	0 spaces
Other-		/ 1 per space	=	0 spaces
Other-		/ 1 per space	=	0 spaces
Total(B):				51.716667 spaces

Parking Exclusions/Exemptions

Type of Exclusion: Downtown 1 to 1 FAR Exemption

Existing Site Floor Area 1 - Excludable Area 0 = Countable Area 1 = % of Total(A) 1

Proposed Site Floor Area 14,273 - Excludable Area 5000 = Countable Area 9273 = % of Total(B) 0.6496882

Total(A) 0 x %'age(A) 1 = Net Reqt.(A) 0

Total(B) 51.716667 x %'age(B) 0.6496882 = Net Reqt.(B) 34

Net Requirement for Proposed Project

Net Reqt.(B) 34 - Net Reqt.(A) 0 = Project Requirement 34

of a block east of Aviation Boulevard and north of Matthews Avenue) has been designated Local Commercial as part of this General Plan, with mixed residential/commercial development being a permitted use via the discretionary review process.

## A Vibrant Downtown

Downtown Manhattan Beach is the focal point of our community, offering services and activities for our residents and visitors. Continued development and enhancement of this walkable village requires coordinated planning efforts to address issues relating to economic diversity, parking, traffic congestion and safety, and development character.

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**Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.**

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Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

**Policy Discussion**

The Civic Center/Metlox development will offer additional amenities to the Downtown, including a gateway to the Downtown, a new Public Safety Facility, public open space, public parking, and an appropriate mix of local-serving uses designed and integrated to reflect the existing unique small-scale development patterns, strengthening the vitality of the Downtown environment. As part of this General Plan, a portion of the Civic Center/Metlox site is designated Public Facilities, and a portion is designated Downtown Commercial to reflect the intended uses of these properties and to reflect the 13<sup>th</sup> Street extension.

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Policy LU-7.2: Encourage the use of the Downtown Design Guidelines to improve the Downtown’s visual identification as a unique commercial area.

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Policy LU-7.3: Support pedestrian-oriented improvements to increase accessibility in and around Downtown.

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Policy LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on

Downtown streets, and consider providing zoning regulations that support these uses.

A vibrant downtown must promote and encourage interactions among its users. Ground-floor street-front commercial spaces in the Downtown should be occupied by uses that create interesting storefronts, promote foot traffic, and generate customers. Office uses that do not offer storefront activities should be discouraged.




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Policy LU-7.5: Support the efforts of business improvement districts (BIDs) to enhance and improve Downtown.

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Policy LU-7.6: Recognize the unique qualities of mixed-use development, and balance the needs of both commercial and residential uses.

A theme raised during the development of the Downtown Strategic Action Plan and the General Plan is the importance of a "balanced" mix of uses in Downtown Manhattan Beach. The desired mix includes residential and commercial.



As part of this General Plan, a cluster of properties in the vicinity of 11<sup>th</sup> Street has been designated High Density Residential to reflect development trends and the community desire to provide for residential uses in the Downtown.

Furthermore, the Downtown Commercial designation allows residential development consistent with the High Density Residential category. One method of establishing a residential and commercial balance in Downtown is to encourage mixed-use development. This type of development allows retail commercial uses on the ground floor and residential usage above the commercial tenants. The City's Zoning Code recognizes and provides standards for the construction of such development. These standards may need to be revisited to ensure they address the community needs.

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Policy LU-7.7: Encourage a future public use other than parking in the lower Pier Parking Lot.

Consistent with the Downtown Strategic Plan, the City envisions a future public use other than parking in the lower parking lot, provided that no negative impact on parking in the Downtown is expected. If parking is eliminated from the lower lot, additional parking may be accommodated as new levels in reconstructed beach parking lots.





## 1. Site Design



### 1.1

Buildings on primary street frontages should be located immediately adjacent to sidewalks, except for areas that may be set back to accommodate outdoor dining, and other uses that are publicly accessible;

### 1.2

The first occupiable floor of non-residential development should be located at the sidewalk's general elevation;



### 1.3

Driveways should be located on alley frontages in order to conserve existing on-street parking.

**2. Design Compatibility with Neighboring Development**

**2.1**

Compatibility with neighboring development should be given strong consideration in the design of new structures. The relationship between existing and new development should demonstrate contextual consistency and attempt to create positive relationships.

The degree to which existing development should be considered will depend upon the following characteristics:



- 1. Architectural quality of existing development; and,
- 2. Estimated tenure of existing development.

**2.2**

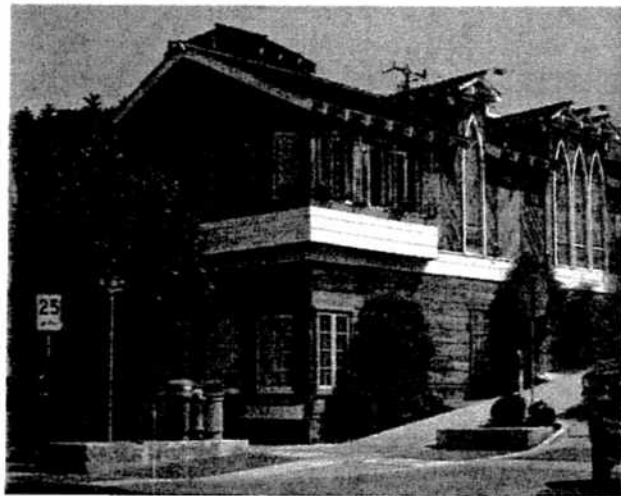
New development should compliment adjacent structures. Architectural diversity is encouraged, however common elements should be recognized. Elements, such as wall heights, eaves, parapets, awnings, entryways, and / or window styles could be adjusted to compliment adjacent development.

**3. Architectural Elements / Features**

**3.1** Building elevations should be modulated through offset planes and masses, recessed or projecting windows and balconies, and extension of rooflines as shown in this example.

**3.2** Second floors of a building should be modulated to reduce impacts on the streets and adjacent properties through vertical setbacks, arcades and terraces, and differentiation of building mass.

**3.3** Second and higher floors of buildings should incorporate architecturally interesting elements such as recessed or well-defined window planters.



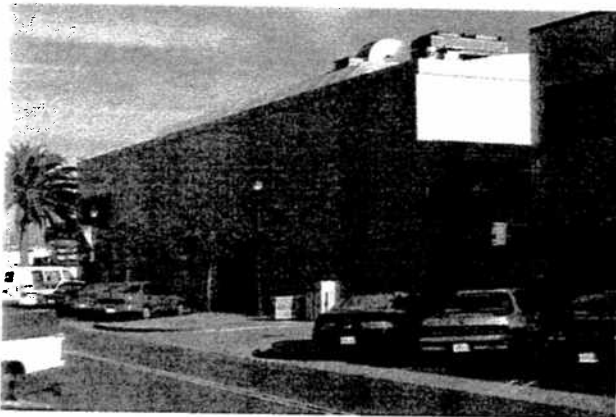
**3.4** Changes in exterior materials should occur only in conjunction with changes in the building plane.

**4. Pedestrian Activity**

**4.1** On larger width lots the inclusion of public plazas and courtyards can extend the continuity of pedestrian activity internally.

**4.2**

Well-defined entries at street-facing building elevations should be used to facilitate public access.



**4.3**

Long blank walls that lack pedestrian and visual interest along street frontages should be avoided. Planting areas, balconies, terraces, awnings, windows and other elements should be incorporated to break up street frontage facades.



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# ENVIRONMENTAL CHECKLIST FORM

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

## PROJECT INFORMATION

Project Title: Use Permit for a 14,273 square foot office and retail building.  
Project Location: 1300 Highland Ave.  
Project Description: Demolish Restaurant and Construct Approximately 14,273 Square Foot Office/Retail Condominium Building.

### Lead Agency

Name: City of Manhattan Beach, Community Development Dept.  
Address: 1400 Highland Avenue, Manhattan Beach, CA 90266  
Contact: Eric Haaland, Associate Planner, (310) 802-5504

### Applicant

Name: 1300 Highland L.P.  
Address: 800 Manhattan Beach Blvd. Ste. 204, Manhattan Beach, 90266  
Contact: Srour & Associates, KAA Design Group

Other agencies whose approval is required:

## LAND USE DESIGNATIONS

General Plan: Downtown Commercial  
Local Coastal Program: Downtown Commercial  
Area District: III  
Zoning: CD

Surrounding Land Uses and Setting: Civic Center/Library to the north and east. Restaurant to the west. Office and residential use to the south. The environmental setting is urban developed land with flat topography and no natural features. A grid pattern of arterial streets provides primary circulation for the area.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |                            |                          |                           |                          |                          |                          |
|----------------------------|--------------------------|---------------------------|--------------------------|--------------------------|--------------------------|
| Land Use and Planning      | <input type="checkbox"/> | Biological Resources      | <input type="checkbox"/> | Aesthetics               | <input type="checkbox"/> |
| Population and Housing     | <input type="checkbox"/> | Energy/Mineral Resources  | <input type="checkbox"/> | Cultural Resources       | <input type="checkbox"/> |
| Geological Problems        | <input type="checkbox"/> | Hazards                   | <input type="checkbox"/> | Recreation               | <input type="checkbox"/> |
| Water                      | <input type="checkbox"/> | Noise                     | <input type="checkbox"/> | Mandatory                | <input type="checkbox"/> |
| Air Quality                | <input type="checkbox"/> | Public Services           | <input type="checkbox"/> | Findings of Significance | <input type="checkbox"/> |
| Transportation/Circulation | <input type="checkbox"/> | Utilities/Service Systems | <input type="checkbox"/> |                          |                          |

**DETERMINATION** (to be completed by the Lead Agency)

On the basis of this initial evaluation:

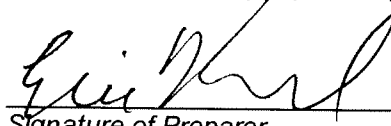
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the proposed project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated". An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

  
\_\_\_\_\_  
Signature of Preparer

2/1/2006  
Date

Eric Haaland, Associate Planner  
Printed Name

Richard Thompson, Director of Community Development  
Prepared For

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**ENVIRONMENTAL IMPACTS**

1. Earth. Will the proposal result in:

- a. Unstable earth conditions or in changes in geological substructures?
- b. Disruptions, displacements, compaction or over covering of the soil?
- c. Change in topography or ground surface relief features?
- d. The destruction, covering or modification of any unique geologic or physical features?
- e. Any increase in wind or water erosion of soils, either on or off the site?
- f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?
- g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

**DISCUSSION: The subject site is completely graded and occupied by buildings and paved surface. No significant topography changes other than excavation for the building's underground parking are proposed for the project. Required shoring and soils analysis pursuant to city standards will be completed prior to excavation. Changes to the geological substructure, soil, or drainage are otherwise not anticipated. The existing subject property is primarily covered with impervious material. Although all of southern California is identified as a seismically active region, there are no known geologic hazards, including faults, present at the project site.**

2. Air. Will the proposal result in:

- a. Substantial air emissions or deterioration of ambient air quality?
- b. The creation of objectionable odors?
- c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?

**DISCUSSION: Preparation of the site could result in short-term exhaust emissions from construction vehicles and dust from temporarily exposed soil. However, significant short-term effects will be avoided through required soil watering, compliance with applicable**

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South Coast Air Quality Management District regulations, and use of emission sensitive equipment practices. The proposed office/retail use is not anticipated to generate a significant amount of emissions, and should be less than the existing restaurant use being eliminated from the site. The proposed project is anticipated to produce 176 vehicle trips per day (LLG report 9/30/06), which is a significant decrease of vehicle traffic from the previous restaurant use (478 trips) of the site. The development is expected to draw business owners and employees locally from a housing rich urbanized area resulting in shorter than average vehicle trip distances. Long term mobile air emission pollutants are not associated with administrative office use, and are not expected to impact the environment. The project is below the daily threshold of potential significance for air quality for small office land uses pursuant to Table 6-2 of the SCAQMD handbook.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. Water. Will the proposal result in:  |                          |                          |                          |                                     |
| a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Alterations to the course or flow of flood waters?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Change in the amount of surface water in any water body?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Alteration of the direction or rate of flow of ground waters?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Substantial reduction in the amount of water otherwise available for public water supplies?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Exposure of people or property to water related hazards such as flooding or tidal waves?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Significant changes in the temperature, flow, or chemical content of surface thermal springs?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**DISCUSSION:** There is no adjacent sensitive body of water that will be affected by the project. The Pacific Ocean will continue to receive storm water run-off without a change or affect on the water body. The proposed project will not significantly increase the amount of impervious ground coverage at the site and therefore will not increase absorption rates. Project vehicle areas, in contrast to the existing development, shall be protected from storm water exposure. Storm waters will still flow into local storm drains. Compliance with the Public Works Department's guidelines for refuse bins and drainage shall assist in prevention of any adverse alteration of surface water quality. The project would not result in topographical alterations or increase in run-off at the site and therefore the direction and rate of flow of ground water will remain unchanged. There will be no significant demand for water generated by the office and retail uses and therefore, there will be no impact on any local aquifer. The City generally experiences only local ponding associated with severe rain



	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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storms. The proposed project will not exacerbate flooding conditions at the subject site or in the surrounding area. There are no surface springs in the surrounding area.

4. Plant Life. Will the proposal result in:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Reduction of the numbers of any unique, rare or endangered species of plants?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Reduction in acreage of any agricultural crop?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**DISCUSSION:** The existing site contains no native plants or agricultural use. Typical landscaping materials are proposed.

5. Animal Life. Will the proposal result in:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Reduction of the numbers of any unique, rare or endangered species of animals?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Introduction of new species of animal into an area, or result in a barrier to the migration or movement of animals?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Deterioration to existing fish or wildlife habitat?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**DISCUSSION:** There are no known animals existing at the site, nor are any proposed or resulting from the development. There are no identified unique, rare, or endangered species on the site or in the surrounding area. No new species of animals will be introduced by the proposed project. There are no fish or wildlife habitat in the area of the project site.

6. Noise. Will the proposal result in:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Increases in existing noise levels?         | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Exposures of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**DISCUSSION:** There will be a short-term increase in noise levels during construction of the office building. This is a short-term impact that is regulated by applicable City codes and ordinances that limit construction hours. The office and retail use would be well contained within the building and is not expected to generate any exterior noise. Parking areas are also contained within the building. Mechanical equipment is primarily located within the building or on the roof not oriented

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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toward noise sensitive uses. Noise generation from commercial operations and parking are expected to decrease compared to the previous restaurant use.

7. Light and Glare.

- a. Will the proposal produce new light or glare?

**DISCUSSION: No private exterior parking or other security oriented areas are proposed. All exterior lighting will be required to be directed and shielded to eliminate any glare potential as required by City codes. New indirect light will be produced by the project primarily in the form of interior space lighting transmitting through windows. Such light is typically not a concern but will be minimized through required lighting efficiency design.**

8. Land Use.

- a. Will the proposal result in a substantial alteration of the present or planned land use of an area?

**DISCUSSION: The proposed office/retail use is consistent with the Commercial Downtown zone and nearby uses.**

9. Natural Resources. Will the proposal result in:

- a. Increase in the rate of use of any natural resources?
- b. Substantial depletion of any nonrenewable natural resources?

**DISCUSSION: The project will not result in the loss of open space and will not utilize significant amounts of non-renewable resources. Other than use of normal construction materials and plantings, no other significant amount of resources will be used as a result of the project.**

10. Risk of Upset. Will the proposal involve:

- a. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?
- b. Possible interference with an emergency response plan or an emergency evacuation plan?

**DISCUSSION: There is nothing associated with this general office project that would result in the release of hazardous materials or create a risk of explosion. Additionally, the project will not alter any access ways or interfere with emergency response/evacuation plans.**

11. Population.

	Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- a. Will the proposal alter the location, distribution density, or growth rate of the human population of an area?

**DISCUSSION: No residential dwellings would be created, removed or needed by the proposed project, nor would the project employ a significant amount of people that would change the location, density, or growth rate of the human population of the area.**

12. Housing.

- a. Will the proposal affect existing housing, or create a demand for additional housing?

**DISCUSSION: The proposed project would not affect existing housing units or generate demand for housing. The site has never been designated or intended for residential use, therefore the project does not eliminate any presumed housing opportunities.**

13. Transportation/Circulation. Will the proposal result in:

- a. Generation of substantial additional vehicular movement?
- b. Effects on existing parking facilities, or demand for new parking?
- c. Substantial impact upon existing transportation systems?
- d. Alterations to present patterns of circulation or movement of people and/or goods?
- e. Alterations to waterborne, rail or air traffic?
- f. Increase in traffic hazards to motor vehicles, bicycles or pedestrians?

**DISCUSSION: No aspect of the proposal would impede or create a change to existing patterns of circulation or movement of people or goods. Access to the site and surrounding properties would remain unaffected by the subject proposal. There are no waterborne, rail, or air traffic trips on or through the site. The approximately 19 maximum vehicle trips generated by the project at peak hours will not have a significant effect on traffic of adjacent streets. The attached analysis from the project traffic consultant indicates that traffic generated by the proposed use would be substantially less than the previous restaurant use in all respects. On-site parking access will be comparable to the existing facility using a public alley at the rear of the site. Demand for parking in the area has previously been a concern and demand regularly exceeds supply on peak beach use days, however, the attached LLG parking analysis indicates generally less parking demand for the proposed use than the previous restaurant use. Peak parking demand for the project is also expected to avoid weekends, when peak beach use often occurs. The project is proposed to provide adequate parking to its users with a combination of on-site and off-site parking that is consistent with the city's Downtown parking regulations. The project also proposes to dedicate property/easements for 3 new public parking spaces at the rear of the site. The overall vehicle and pedestrian circulation design for the project has been reviewed by the City's Traffic Engineer and found to be appropriate.**

	Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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14. Public Services: Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- a. Fire protection?
- b. Police protection?
- c. Schools?
- d. Parks or other recreational facilities?
- e. Maintenance of public facilities, including roads?
- f. Other governmental services?

**DISCUSSION:** The subject location is already served by the City's public services. It is not anticipated the new use would require additional service. It is not anticipated the new use would create any additional or new demand for police protection by the Manhattan Beach Police Department. The proposed project would not generate a significant increase in population nor consequential student population in the City and, therefore, no new schools would be required. There will be no impact on the maintenance of the road system since traffic generation will not increase. The project is located in an existing urban environment, it is not expected that other governmental services would be impacted by the proposed development.

15. Energy. Will the proposal result in:

- a. Use of substantial amounts of fuel or energy?
- b. Substantial increase in demand upon existing sources or energy, or require the development of new sources of energy?

**DISCUSSION:** It is not anticipated that the proposed use would generate any significant impacts on fuel energy consumption. Most energy usage will be in the form of cooling and lighting which will be designed and operated with attention to efficiency. Lighting useage during non-peak periods shall be minimized. Therefore, it is not anticipated that the proposed use would generate any significant impacts on existing sources of energy or require new sources

16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- a. Power or natural gas?
- b. Communications systems?
- c. Water?
- d. Sewer or septic tanks?
- e. Storm water drainage?
- f. Solid waste and disposal?

**DISCUSSION:** The project would not create a new demand for electricity or natural gas as the site is already served by power and gas companies. Access to communication infrastructure is already

Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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provided for by existing communication carriers. The site is currently served by the municipal water system. The project site is connected to the City's sewer network. The new building is not anticipated to create a significant demand upon the existing systems. The existing non-pervious development has been at this location for several years with no demonstrable impacts upon existing storm water drainage. It is anticipated that the proposed project will reduce run-off by increasing pervious surfaces somewhat. It is not anticipated that the proposed replacement project will generate any significant amounts of existing solid waste relative to the surrounding residential and commercial uses.

17. Human Health. Will the proposal result in:

- a. Creation of any health hazard or potential health hazard (excluding mental health)?
- b. Exposure of people to potential health hazards?

**DISCUSSION:** No aspect of the proposed project would create, or cause to be created, any potential or actual health hazards. Possible soil contamination from previous automotive use on the site shall be reviewed, and remediation shall be required, if necessary, by the city's Fire and Building Departments.

18. Aesthetics.

- a. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

**DISCUSSION:** No public visual corridors or scenic views will be obstructed by the proposed development. The building size and height is in conformance with the 26-foot height limit, and 1.5 floor area ratio of the city's CD zone. The building size is consistent with others in the surrounding area.

19. Recreation.

- a. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

**DISCUSSION:** The project will not affect existing recreational opportunities. Increased parking supply, and reduced parking demand compared to existing restaurant use should slightly improve parking opportunities for beach users.

20. Cultural Resources.

	Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Will the proposal restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION: The site has been commercially developed for several years. No archaeological sites were discovered when it was previously developed. There are no local, state or federally designated sites in the area of the site. There are no prehistoric or historic buildings, structures, or objects on the site. There are no objects which represent unique ethnic cultural values on the site. No religious or sacred uses currently occupy the site, nor are any proposed.**

21. Mandatory Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definite period of time while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Does the project have environmental effects which all cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**DISCUSSION: The proposed project does not have the potential to degrade the quality of the physical environment including the reduction of fish and wildlife habitats. The project is located within an urban environment with no known sensitive habitats. The project does not contain short term goals that are being realized to the disadvantage of long term**

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Potentially Significant Impact	Potentially Significantly Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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environmental goals. The project does not contain aspects which are individually or cumulatively significant. No aspect of this project would result in environmental effects that would cause substantial adverse effects on humans, either directly, or indirectly.

**CITY OF MANHATTAN BEACH  
PROPOSED NEGATIVE DECLARATION**

In accordance with the California Environmental Quality Act of 1970, as amended, and the City of Manhattan Beach CEQA Guidelines, the Community Development Department after conducting an Initial Study found that the following project would not have a significant effect on the environment and has instructed that this Negative Declaration be prepared.

1. **Project Title:** La Mar Worklofts Office/Retail Condominium Building
2. **Project Location:** 1300 Highland Ave.
3. **Project Description:** Demolish Restaurant and Construct Approximately 14,273 Square Foot Office/Retail Condominium Building.
4. **Support Findings:** Based upon the Initial Study, which is attached hereto and made a part hereof, it is the finding of the Community Development Department that the above mentioned project is not an action involving any significant environmental effects.

Prepared by the Community Development Department on February 1, 2006

  
Richard Thompson, Director of Community Development





September 30, 2005

Mr. Richard Thompson  
Director of Community Development  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, California 90266

Engineers & Planners  
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Parking

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LLG REFERENCE: 1-053582-1

**SUBJECT: Revised Traffic and Parking Analysis for the Proposed 1300  
Highland Avenue Commercial Condominium Project  
City of Manhattan Beach, California**

Pasadena  
Costa Mesa  
San Diego  
Las Vegas

Dear Mr. Thompson:

This revised letter report has been prepared to summarize the proposed project description and the corresponding parking and trip generation evaluation for the La Mar Work Lofts project to be located at 1300 Highland Avenue in the City of Manhattan Beach, California. As you know, this traffic and parking evaluation was required as part of the entitlement process for the proposed commercial condominium project. Accordingly, this evaluation has been prepared to provide a full description of the existing site and proposed project land use components, project site access and circulation, project parking, and existing site and proposed project trip generation forecasts.

As you will recall from your meeting last month with the project team, questions and concerns were expressed regarding project land use components, parking, and site access and circulation. This revised letter report is intended to provide clarifications to those questions and concerns, and to provide an overview of changes to this analysis that was prepared as a result of the meeting.

Briefly, it is concluded that the proposed project would generate a net reduction in vehicle trips when compared to the existing restaurant use on the project site. Based on this comparison, it is forecast that the proposed project will result in a net reduction of 27 trips and 22 trips for the AM and PM peak hours, respectively, as well as a net reduction of 302 trips on a daily basis during a typical weekday. In addition, the proposed project is forecast to result in lower parking demand (i.e., demand for approximately 3 fewer spaces) when compared to the existing restaurant use on the project site.

Philip M. Linscott, PE (1924-2000)  
Jack M. Greenspan, PE  
William A. Law, PE (Ret.)  
Paul W. Wilkinson, PE  
John P. Keating, PE  
David S. Shender, PE  
John A. Boorman, PE  
Clare M. Look-Jaeger, PE  
Richard E. Barretto, PE

Mr. Richard Thompson  
City of Manhattan Beach  
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The traffic and parking evaluation consisted of documenting existing conditions at the site, providing an overview of the proposed project land use components and anticipated operations, and preparing both Code parking and parking demand analyses. The evaluation also included preparation of the proposed project and existing site trip generation and parking demand forecasts, as well as review of the proposed project site access and circulation scheme.

**PROJECT DESCRIPTION**

Schaar Homes seeks to obtain entitlements to construct a commercial condominium project in the Downtown area of the City of Manhattan, California. The project site is located at 1300 Highland Avenue in the Downtown area of Manhattan Beach. The proposed project site is generally bounded by City Hall to the north, 13<sup>th</sup> Street to the south, Crest Drive and existing commercial development to the east, and Highland Avenue to the west. The location of the project site and the general vicinity are displayed in *Figure A*.

**Existing Project Site**

The existing project site is currently occupied by a two-story, sit-down restaurant (Good Stuff Restaurant) with surface parking spaces provided at the rear of the building along the 13<sup>th</sup> Street and Crest Drive property frontages. The existing Good Stuff Restaurant includes a total of approximately 4,694 square feet of building floor area, and is open for breakfast, lunch and dinner. A total seating area of 2,067 square feet is provided at the restaurant, including 1,387 square feet of interior seating area and 680 square feet of exterior seating area. This building and the surface parking spaces will be removed in order to accommodate the proposed 1300 Highland Avenue commercial condominium project.

Access to the existing site is provided via a single driveway on Crest Drive which is accessed via 13<sup>th</sup> Street. Crest Drive is a discontinuous alleyway that provides access to City of Manhattan Beach parking facilities. A total of 14 parking spaces is currently provided on the site, including one Americans with Disabilities Act (ADA) handicap accessible space. The parking spaces provided at the rear of the building are directly accessed from the internal circulation drive aisle.

**Proposed Project Description**

The proposed project consists of a commercial condominium type land use with a total of 34 for-sale units. The target market for buyers will be local residents who operate businesses within the Manhattan area and/or work out of their homes. It is anticipated that the office condominium units will be marketed to non-medical professional/business tenants (sole proprietors) who are receptive to the benefits that owning versus leasing office space provides. Similarly, it is expected that the retail condominium units will be

Mr. Richard Thompson  
City of Manhattan Beach  
September 30, 2005  
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targeted to small retail operators who are commonly located in the local beach communities. In addition, it is expected that the local resident business professional will welcome the opportunity to buy property in the Downtown Manhattan Beach area without the expense of purchasing land, while benefitting from significant tax advantages, building equity, property appreciation, etc., as well as being located in a prime business location.

The proposed project consists of the development of a commercial condominium building at 1300 Highland Avenue in the Downtown area of the City of Manhattan Beach. A total of 34 for-sale units will be provided within the building, including 27 office condominium units and 7 retail condominium units. The retail condominium units will be located ground floor along the Highland Avenue property frontage and wrap around to the 13<sup>th</sup> Street property frontage. Based on discussions with City staff, 2 of the retail condominium units may be utilized by "transitional" retail uses (e.g., real estate office, etc.). The office condominium units will be located on the ground floor and second floor of the building. Additionally, ancillary storage space will be provided within the subterranean parking level.

The proposed 1300 Highland Avenue project will contain approximately 12,345 square feet of floor area in two above grade building levels, along with roughly 1,448 square feet ancillary storage space in the parking level. The proposed project is planned to provide the following components:

- Office Condominiums: 27 units in approximately 9,856 square feet
- Retail Condominiums: 7 units in approximately 2,489 square feet
- Ancillary Storage: approximately 1,448 square feet

The ground floor conceptual plan for the 1300 Highland Avenue project is illustrated in **Figure B**. Construction of the proposed project is planned to begin in year 2006 with occupancy in the year 2007.

Access to the proposed project site is planned to be provided via a single driveway located on Crest Drive, north of 13<sup>th</sup> Street. This driveway will provide access to and from the internal site drive aisle and project parking spaces. A total of 17 parking spaces is planned to be provided as part of the proposed 1300 Highland Avenue project (i.e., 14 spaces below grade and three spaces at grade). Further discussions of the site access and project parking are provided in following sections of this report.

It should be noted that no food service type land uses are planned to be allowed within the proposed project. Further, the condominium units are planned to be for-sale on an individual basis and it is not anticipated that they will be combined to create larger, more typical office and retail spaces. It should be noted that the proposed commercial condominium building has been set back ten feet from the easterly property line (i.e., along Crest Drive) in order to address City of Manhattan Beach staff concerns regarding

sight distance. The sight distance concerns related to vehicles entering and exiting the proposed site driveway, vehicles approaching the driveway, and pedestrians walking along the sidewalk along the north side of 13<sup>th</sup> Street at Crest Drive. The modification of the proposed project building is anticipated to adequately address vehicular and pedestrian sight distance issues along the easterly property frontage. Additionally, the land area included in the ten-foot setback will be dedicated to the City of Manhattan Beach. Finally, ADA access throughout the building and to the shared bathroom facilities will be provided via elevators.

### **SITE ACCESS AND CIRCULATION**

The site access and internal circulation scheme for the proposed 1300 Highland Avenue project is presented in *Figure B* and the parking level conceptual plan shown in *Figure C*. Vehicular access to the project site will be provided via a single driveway located on Crest Drive, north of 13<sup>th</sup> Street. Brief descriptions of the existing and proposed project site driveways are provided in the following subsections.

#### **Existing Site Access**

Access to the existing site is provided via one driveway on Crest Drive, north of 13<sup>th</sup> Street. A brief description of the existing project site driveways is provided in the following paragraph.

- *Existing Site Driveway*  
This driveway is located roughly mid-way along the easterly property frontage of the site. The existing site driveway is on the west side of Crest Drive, north of 13<sup>th</sup> Street. Crest Drive is a discontinuous alleyway that provides access to City of Manhattan Beach parking. Full access turning movements (i.e., left-turn and right-turn ingress and egress turning movements) can be accommodated at the existing site driveway. However, as Crest Drive terminates to the north of the project site, access to the surface parking lot is accommodated via northbound left-turn ingress movements and eastbound right-turn movements. This driveway provides access to the 14 parking spaces currently provided on the site.

#### **Proposed Project Site Access**

The site access and internal circulation scheme for the proposed 1300 Highland Avenue project is presented in *Figure B*. Vehicular access to the project site will be provided via a single site driveway that will be located in essentially the same location as the existing site driveway. A brief description of the proposed project site driveway is provided in the following paragraph.



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- *Proposed Site Driveway*  
This driveway is located roughly mid-way along the easterly property frontage of the site in essentially the same location as the existing site driveway. Full access turning movements (i.e., left-turn and right-turn ingress and egress turning movements) can be accommodated at the existing site driveway. However, as Crest Drive terminates to the north of the project site, access to the subterranean parking level will be accommodated via northbound left-turn ingress movements and eastbound right-turn movements. This driveway will provide access to the 14 parking spaces planned provided in the subterranean parking level. The proposed site driveway will be constructed to City of Manhattan Beach standards.

As previously noted, the proposed commercial condominium building has been set back ten feet from the easterly property line (i.e., along Crest Drive) in order to address City of Manhattan Beach staff concerns regarding sight distance. The sight distance concerns related to for vehicles entering and exiting the proposed site driveway, vehicles approaching the driveway, and pedestrians walking along the sidewalk on the north side of 13<sup>th</sup> Street at Crest Drive. The modification of the proposed project building is anticipated to adequately address vehicular and pedestrian sight distance issues along the easterly property frontage.

Based on initial comments received from City staff, the driveway ramp has been modified to provide an effective width of 22 feet. This complies with Section 10.64.140.B (Driveway widths and clearances) of Chapter 10.64, which states that driveways shall be 20 feet in width, plus an additional one foot (1 foot) of clearance on each side, for two-way driveways serving a non-residential use with 15 or more spaces. This driveway configuration will also address concerns regarding sight distance at the *bottom of the ramp*.

**PROJECT TRAFFIC GENERATION**

Traffic volumes expected to be generated by the 1300 Highland Avenue project were estimated for the weekday commuter AM and PM peak hours, as well as over a 24-hour daily period, using trip generation rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 7th Edition, 2003. Additional details of the proposed project trip generation forecast are summarized below.

Proposed Project Trip Generation Forecast

ITE Land Use Code 710 (General Office Building) trip generation average rates based on the number of employees was utilized in the project trip generation forecast for the office condominium land use component. For purposes of the project trip generation forecast, it was assumed for the proposed project that one owner/employee will occupy each unit. This approach is consistent with the *Trip Generation* manual, which indicates that the most reliable forecast of trips for most land uses can be calculated based on

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occupancy figures (e.g., based on the number of employees for office buildings, or based on the number of students for schools, etc.). It should be noted that the basis for the number of employees per unit is based on the average unit size of approximately 365 square feet (i.e., 9,856 square feet  $\div$  27 units = 365 square feet) for the proposed project, excluding the ancillary storage space.

It is important to note that many of the office condominium tenants are expected to reside locally. Therefore, while alternative modes of transportation are expected to be utilized in order to provide a conservative forecast of potential trip generation, ITE General Office Building rates were utilized with no further adjustments.

Traffic volumes expected to be generated by the retail condominium land use component was forecast based upon rates per thousand gross leasable square feet of building area provided. Specifically, trip generation average rates provided in the *Trip Generation* manual under ITE Land Use Code 820 (Shopping Center) were used to forecast traffic volumes for the approximately 2,489 square feet of retail space to be included as part of the proposed project.

In addition to the trip generation forecast for the proposed project (which is essentially an estimate of the number of vehicles that could be expected to enter and exit the site access points), a forecast was made of likely pass-by trips that could be anticipated at the site for the retail condominium land use component. Pass-by trips are made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. Pass-by adjustments have been applied to the AM and PM peak hour traffic volume forecasts, as well as to the daily traffic volume forecasts, for the retail condominium land use component of the proposed project.

#### Existing Site Use Trip Generation Forecast

Traffic volumes expected to be generated by the existing restaurant use on the site were also forecast for the weekday AM and PM peak hours, and over a 24-hour period. Traffic volumes expected to be generated by the existing restaurant use were forecast based upon rates per thousand gross square feet of building area provided. Specifically, trip generation average rates provided in the *Trip Generation* manual under ITE Land Use Code 932 (High-Turnover [Sit-Down] Restaurant) were used to forecast traffic volumes for the existing restaurant on the project site. Additionally, pass-by adjustments have been applied to the AM and PM peak hour traffic volume forecasts, as well as to the daily traffic volume forecasts, for the existing restaurant use on the project site.

### **Project Trip Generation Summary**

The proposed 1300 Highland Avenue project trip generation forecast is summarized in *Table A*. As presented in *Table A*, the proposed project is expected to result in a net reduction of 27 vehicle trips (9 fewer inbound trips and 18 fewer outbound trips) during the AM peak hour. During the PM peak hour, the proposed project is expected to result in a net reduction of 22 vehicle trips (20 fewer inbound trips and 2 fewer outbound trips). Over a 24-hour period, the proposed project is forecast to result in a net reduction of 302 daily trip ends during a typical weekday (approximately 151 fewer inbound trips and 151 fewer outbound trips).

### **PROJECT PARKING**

This section summarizes the review of the project's parking requirements according to the City of Manhattan Beach Municipal Code requirements, the proposed parking supply and the forecast parking demand, as well as discussion of the summary plan for any identified parking deficiency.

#### **City of Manhattan Beach Code Parking Requirement**

In accordance with Manhattan Beach Municipal Code requirements, a total of 14 parking spaces is required for the 1300 Highland Avenue project. The City of Manhattan Beach Municipal Code requirements for office, retail and storage land uses is set forth in Chapter 10.64, Off-Street Parking and Loading Regulations. Section 10.64.030 of Chapter 10.64 sets forth the following Code parking requirements:

- Offices - Business and Professional:  
One (1.0) space per 300 square feet
- Retail Sales Not Listed Under Another Use Classification:  
One (1.0) space per each 200 square feet for first 5,000 square feet

In addition to the above parking requirements, the City Municipal Code allows for reduced parking for certain districts and uses based on the size of the building sites and floor-area factor, or FAF<sup>1</sup>. As indicated in Section 10.64.050.A.1 of Chapter 10.64, the following parking requirements shall apply to non-residential uses located in the Central District and with building sites equal to or less than 10,000 square feet:

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<sup>1</sup> The measure of intensity that Manhattan Beach has adopted is the *floor-area factor*. The FAF describes the relationship between the total square footage of development on a lot and the area of that lot. The FAF is determined by dividing the gross floor area of all buildings on a lot by the land area of that lot.



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- If the FAF is less than 1:1, no parking is required;
- If the FAF exceeds 1:1, only the excess floor area over the 1:1 ratio shall be considered in determining the required parking prescribed in Section 10.64.030.

The proposed 1300 Highland Avenue project is located within the Central District of Manhattan Beach and the project building site is less than 10,000 square feet in size. As such, the net Code-required parking is 14 spaces for the proposed project. It should be noted that the net Code parking requirement for the project is dependent on acceptance of the land dedication as described above (see the Proposed Project Description subsection above). The calculations for the project's Code parking requirement are shown below:

- Office/General Site Floor Area = 11,304 SF
  - ▶ 9,856 SF Office Space + 1,448 SF General Space = 11,304 SF
- Retail Site Floor Area = 2,489 SF

Proposed Parking Requirement

- Total Retail Space:                    2,489 SF ÷ 200 SF =                    12.445 Spaces
- Total Office/General Space: 11,304 ÷ 300 SF =                    37.680 Spaces
- Total Code Required Parking:                    50.125 Spaces

Parking Exclusions/Exemptions

- Proposed Site Floor Area = 13,793 SF
  - ▶ 11,304 SF Office/General Space + 2,489 SF Retail Space = 13,793 SF
- 13,793 SF Site Floor Area - 10,000 SF Excludable Area = 3,793 SF
  - ▶ 3,793 SF Countable Area ÷ 13,793 SF = 0.2749946 of Total Area

Net Parking Requirement for Proposed Project

- 50.125 Total Required × 0.2749946 % of Total = 14 Spaces Required



### **Proposed Parking Supply**

A total of 17 parking spaces is planned to be provided as part of the proposed 1300 Highland Avenue project, including 16 standard parking spaces and one (1) ADA handicap accessible parking space. Of the on-site parking supply, 14 project spaces (including the ADA space) will be provided in one subterranean parking level and three public spaces will be provided at the ground floor level along the east side of the building (i.e., adjacent to Crest Drive). Thus, a total of 14 project-only spaces will be provided for the proposed project. All of the parking spaces to be provided in the subterranean parking level will be reserved for tenant parking only in order to effectively utilize the spaces. As the City of Manhattan Beach Code parking requirement for the project totals 14 spaces and the planned project-only parking supply totals 14 spaces, the project parking satisfies the Code parking requirement for the proposed commercial condominium units.

As part of the total parking supply, the project will provide a minimum of one (1) ADA handicap accessible space. This complies with current American with Disabilities Act requirement of a minimum of one (1) handicap accessible space for parking facilities with 1 to 25 spaces.

### **Forecast 1300 Highland Avenue Project Parking Demand Analysis**

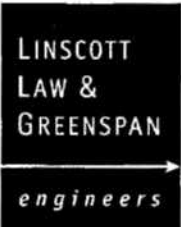
In order to evaluate the adequacy of the planned parking supply to meet the anticipated parking demand expected to be generated by the proposed project, a parking demand analysis was prepared. The analysis is based on a combination of recognized sources including parking data provided in the Institute of Transportation Engineers' (ITE) *Parking Generation, 3<sup>rd</sup> Edition* (2004), a forecast of anticipated office condominium parking demand, and on the Urban Land Institute (ULI) shared parking methodology.

The approach for the project parking demand analysis utilizes the shared parking methodology outlined in the ULI's *Shared Parking* document (1983). This methodology recognizes the fact that different land uses peak at different times of a day and/or days of the week. In this case for example, the retail land use component can share parking with the office land uses because the peak parking demand for these uses occur at different times.

### **Office Condominium Use Parking Demand**

As previously discussed, the proposed project includes an office condominium type land use component with a total of 27 for-sale units. Based on discussions with the project development team, the target market for buyers will be local residents who operate businesses within the Manhattan Beach area and/or work out of their homes. It is anticipated that the office condominium units will be marketed to non-medical professional/business tenants (sole proprietors) who are receptive to the benefits that

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owning versus leasing office space provides. As these characteristics are atypical of general office uses, a parking demand model was developed for the office condominium land use component.

In order to develop a parking demand rate applicable for the proposed 1300 Highland Avenue project, a profile was formulated for the office tenants and expected travel modes based on the proposed land use and anticipated unit ownership characteristics. The following assumptions have been incorporated in order to provide a conservative forecast of the parking required for the proposed project:

- Buyers typically will be local resident non-medical professional/business tenants (sole proprietors)
- 90 percent peak occupancy (i.e., not all office occupants will be present at the same time)
- Few visitors, if any, are expected on-site
- 15 percent of occupants will utilize alternative modes of travel such as walking, bicycling, and ridesharing

Based on the assumptions set forth above, the peak parking demand for the office component is forecast to be 27 spaces. The parking demand calculation is as follows:

- Tenant Spaces  
27 [Units] × 0.90 [Occupancy] = 24.3 × 0.85 [15% Alt. Mode] = 21 Spaces
- Visitor Spaces  
Plus visitor spaces at 1.0 visitor space per 5 units; 27 [Units] ÷ 5 = 5 Spaces
- Total Demand 26 Spaces
- Office Condominium Parking Rate  
Parking Ratio = 26 [Total Spaces] ÷ 27 [Units] = 1.0 Space/Unit (rounded on a per unit basis)

Therefore, it is forecast that the proposed office condominium parking demand is one (1.0) parking space per office unit.

Proposed Project Shared Parking Demand Analysis

The shared parking analysis prepared for the proposed 1300 Highland Avenue project was based on weekday and weekend hourly parking accumulation percentages provided in ULI's *Shared Parking*. All of the land use components were assumed to operate at 100 percent of capacity and no reduction in the shared parking demand was assumed to account for monthly variations. Additionally, no internal capture was applied to account for the mixed-use development in that different land uses attract a portion of each other's

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trip generation (i.e., trips made internal to the site between land uses), thus resulting in lower parking demand.

The weekday and weekend shared parking demand analyses for the proposed project are presented in *Tables B and C*, respectively. As shown in *Table B*, the weekday peak parking demand for the proposed project is forecast at 38 spaces using the ULI shared parking methodology. Based on this shared parking analysis, it is forecast that the planned project parking supply will be deficient to meet weekday peak parking demand by roughly 24 spaces. As presented in *Table C*, the weekend peak parking demand for the proposed project is forecast at 29 spaces using the ULI shared parking methodology. Based on this shared parking analysis, it is forecast that the planned parking supply will be deficient to meet peak weekend demand by approximately 15 spaces.

Existing Use Parking Demand Analysis

A parking demand analysis was also prepared for the existing restaurant use on the project site for comparison purposes. The analysis is based on a combination of recognized sources including parking data provided in the *ITE Parking Generation, 3<sup>rd</sup> Edition* (2004) and ULI's *Shared Parking* documents, as well as the City Code parking requirement for the existing restaurant use.

Based on the City Code parking rate of one (1.0) space per 50 square feet of seating area, a total of 41 spaces (2,067 SF ÷ 50 SF = 41 spaces) is required for the existing restaurant use that includes a total of 2,067 square feet of seating area. As indicated in *Table D*, the weekday and weekend day peak parking demand for the proposed project is forecast at 41 spaces using the ULI hourly parking accumulation data. Based on this parking demand analysis, it is concluded that the existing parking supply of 14 spaces is deficient to meet peak parking demand by roughly 27 spaces.

On a comparative basis, the parking requirement for the proposed project is 26 spaces fewer than the requirement for the existing restaurant use (41 spaces - 14 spaces = 27 spaces less). Further, the peak parking demand forecast for the proposed project is 3 spaces fewer than the demand for the existing restaurant use (41 spaces - 38 spaces = 3 spaces less).

**Summary Plan for Identified Project Parking Deficiency**

All 14 subterranean parking spaces to be provided on-site will be restricted and signed only for tenant parking. A parking management plan for the proposed project will be prepared to address the forecast parking demand deficit. A summary of the preliminary elements that may be included in the plan is presented below:

- Signing will be placed at the entrance to the driveway ramp that on-site parking is reserved for tenants, and that retail patrons/visitors shall park at other nearby public (e.g., the new City parking structure) and/or private parking facilities.
- Owners of the commercial condominium units will notify visitors that parking is available in the nearby public and/or private parking facilities.
- Tenant/Owner Parking:
  - ▶ All of the parking spaces to be provided in the subterranean parking level will be reserved for tenant parking only on a first-come, first serve basis in order to effectively utilize the spaces.
  - ▶ All owners/tenants will be required to purchase at least one (1) parking permit for a space in other nearby public (e.g., the new City parking structure) and/or private parking facilities.
  - ▶ If applicable equipment is available, an indicator will be installed at the entrance to the parking ramp to inform owners/tenants whether spaces area available in the subterranean parking level.
- Transit/Parking Kiosk: A transportation kiosk will be provided in a centrally located public place within the project site. This kiosk will contain information regarding nearby transit routes, alternative transportation modes, and available parking facilities near the site.
- Patron/Visitor Parking: Retail patrons and other visitors to the site will be directed to park in other nearby public (e.g., the new City parking structure) and/or private parking facilities.

## SUMMARY

- The proposed project consists of the development of a commercial condominium building with a total of 34 for-sale units, including 27 office condominium units and 7 retail condominium units.
- It is concluded that the proposed project would generate a net reduction in vehicle trips when compared to the existing restaurant use on the project site. Based on this comparison, it is forecast that the proposed project will result in a net reduction of 27 trips and 22 trips for the AM and PM peak hours, respectively, as well as a net reduction of 302 trips on a daily basis during a typical weekday.
- The proposed project is forecast to result in lower parking demand (i.e., demand for approximately 3 fewer spaces) when compared to the existing restaurant use on the project site.

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- The proposed project has been modified to address concerns related to sight distance at the site driveway and ramp as well as at the adjacent sidewalk along 13<sup>th</sup> Street, and design of the subterranean parking spaces.
- The proposed project will provide an on-site American with Disabilities Act handicap accessible space and ADA access throughout the building.
- The proposed parking supply will satisfy the Code parking requirement for the proposed commercial condominium units, however, the supply will be deficient to meet the forecast peak parking demand.
- It is recommended that a parking management plan be prepared and implemented for the proposed project.

We appreciate the opportunity to submit this traffic and parking evaluation for the proposed 1300 Highland Avenue project. Please call if you have any questions or comments regarding this analysis.

Very truly yours,  
**LINSOTT, LAW & GREENSPAN, ENGINEERS**

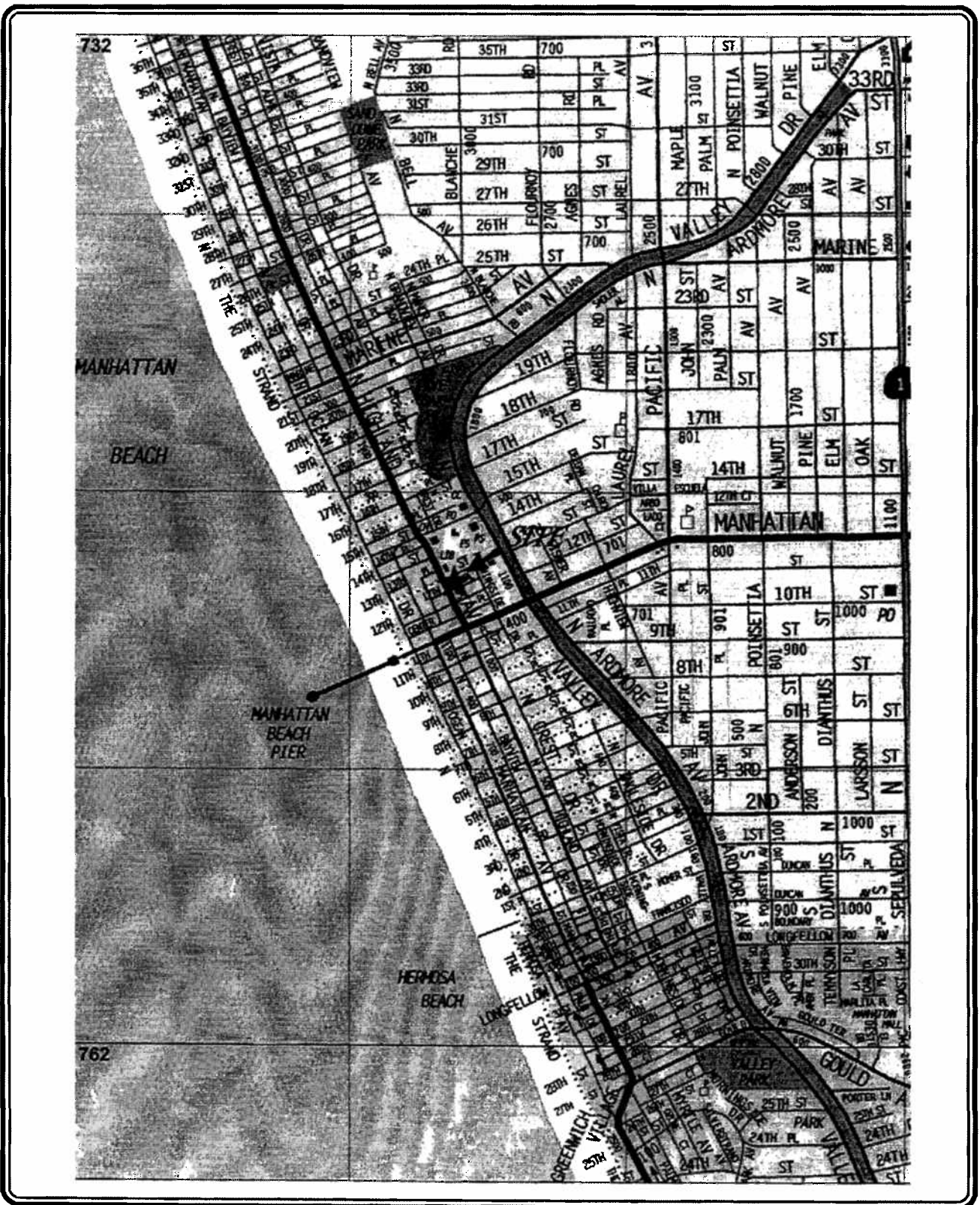
A handwritten signature in cursive script that reads "Clare Look - Jaeger".

Clare M. Look-Jaeger, P.E.  
Principal  
California Registration C45324

Kevin C. Jaeger  
Senior Transportation Planner

KCJ/CLJ:ci

c: Mr. Eric Haaland, City of Manhattan Beach  
Mr. Eric Zandvliet, Willdan Associates/City of Manhattan Beach  
Nick Schaar, Schaar Homes  
Mr. Jonathan Starr, Starr Design Group  
Mr. Erik Lang, KAA Design Group



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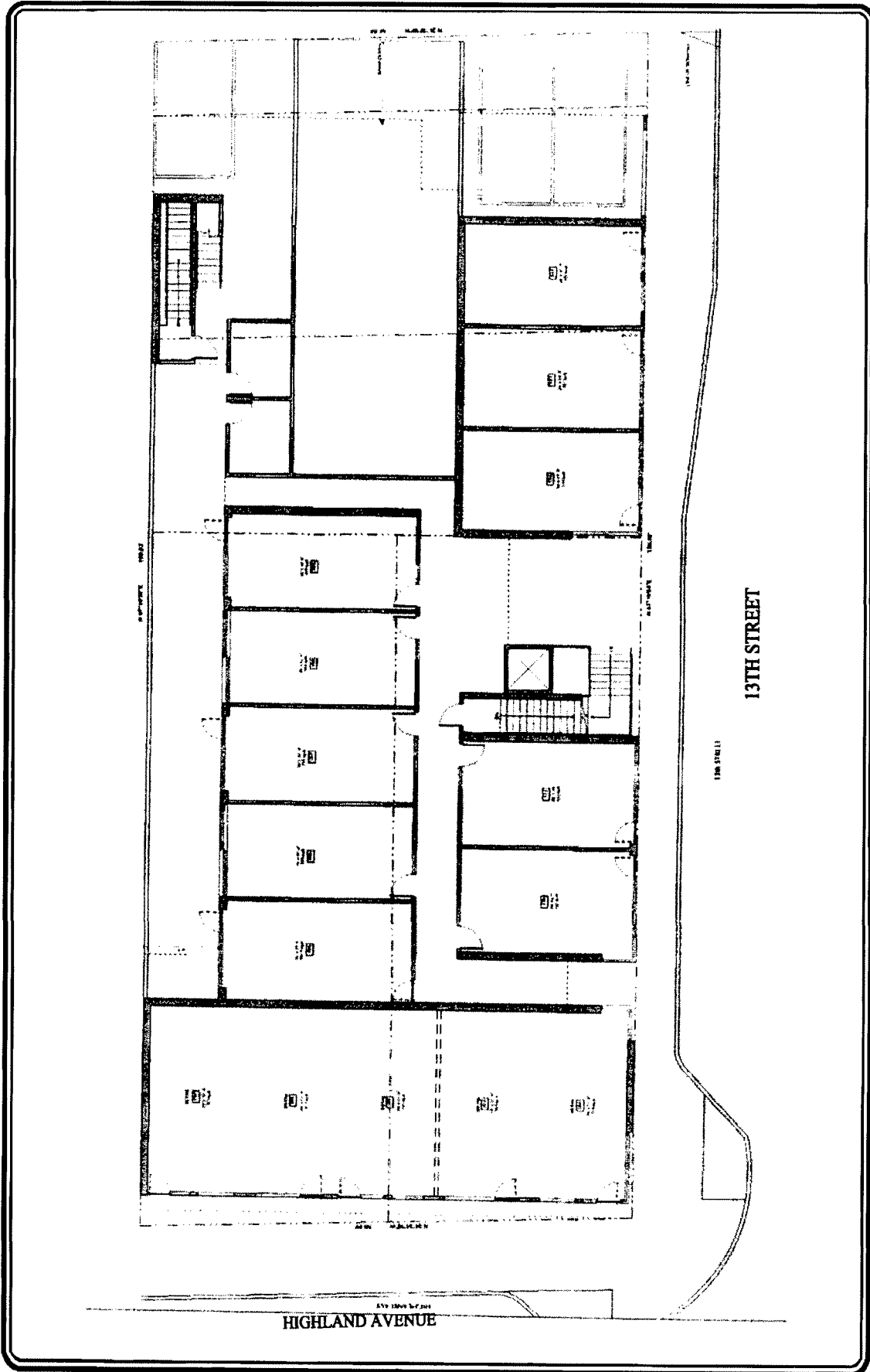
MAP SOURCE: THOMAS BROS. GUIDE

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# FIGURE A VICINITY MAP

LINSCOTT, LAW & GREENSPAN, engineers

1300 HIGHLAND AVENUE PROJECT



SOURCE: KAA DESIGN GROUP INC.



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# FIGURE B GROUND FLOOR CONCEPTUAL PLAN

1300 HIGHLAND AVENUE PROJECT



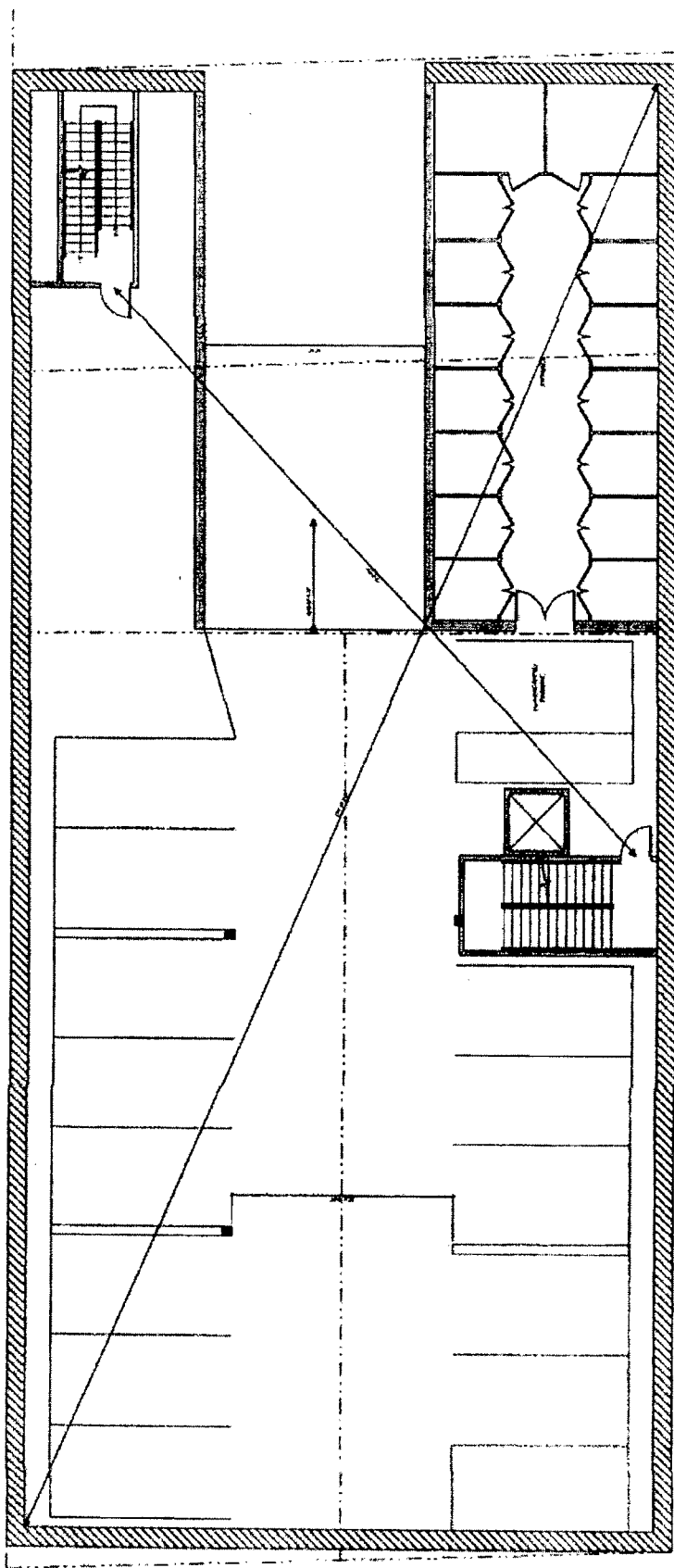
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LINSCOTT, LAW & GREENSPAN, engineers

# FIGURE C PARKING LEVEL CONCEPTUAL PLAN

1300 HIGHLAND AVENUE PROJECT





**Table A**  
**PROJECT TRIP GENERATION SUMMARY [1]**  
**1300 Highland Avenue Project**

30-Sep-2005

LAND USE	SIZE	DAILY TRIP ENDS [2] VOLUMES	AM PEAK HOUR VOLUMES [2]			PM PEAK HOUR VOLUMES [2]		
			IN	OUT	TOTAL	IN	OUT	TOTAL
<b>Proposed Project</b>								
Office Condominium [3]	27 Employees	90	11	2	13	2	10	12
Retail Condominium [4] Less 20% Pass-by [5]	2,489 GLSF	107 (21)	2 0	1 0	3 0	4 (1)	5 (1)	9 (2)
<b>Subtotal Proposed</b>		<b>176</b>	<b>13</b>	<b>3</b>	<b>16</b>	<b>5</b>	<b>14</b>	<b>19</b>
<b>Less Existing Use</b>								
Restaurant [6] Less 20% Pass-by [5]	4,694 GSF	(597) 119	(28) 6	(26) 5	(54) 11	(31) 6	(20) 4	(51) 10
<b>Subtotal Existing</b>		<b>(478)</b>	<b>(22)</b>	<b>(21)</b>	<b>(43)</b>	<b>(25)</b>	<b>(16)</b>	<b>(41)</b>
<b>NET CHANGE</b>		<b>(302)</b>	<b>(9)</b>	<b>(18)</b>	<b>(27)</b>	<b>(20)</b>	<b>(2)</b>	<b>(22)</b>

[1] Source: ITE "Trip Generation", 7th Edition, 2003.

[2] Trips are one-way traffic movements, entering or leaving.

[3] ITE Land Use Code 710 (General Office Building) trip generation average rates for number of employees. For purposes of the trip generation forecast, it was assumed for the proposed project that there is one employee per unit. This approach is consistent with the "Trip Generation" manual, which indicates that the most reliable forecast of trips for most land uses can be calculated based on occupancy figures (e.g., based on the number of employees for office buildings, or based on the number of students for schools). It should be noted that the basis for the number of employees per unit is based on the average unit size of approximately 365 square feet (i.e., 9,856 sf / 27 units = 365 square feet) for the proposed project.

[4] ITE Land Use Code 820 (Shopping Center) trip generation average rates.

[5] Pass-by trips include traffic passing the site on an adjacent street with direct access to the land use.

[6] ITE Land Use Code 932 (High-Turnover [Sit-Down] Restaurant) trip generation average rates.

**Table B  
WEEKDAY SHARED PARKING DEMAND ANALYSIS [1]  
1300 Highland Avenue Project**

LAND USE	RETAIL		GENERAL OFFICE				SHARED PARKING DEMAND		
	SIZE	0.0 KSF	2,489 SF	27.0 Units	0 DU				
PKG RATE	0.0 /KSF	1.0 /200 SF	1.0 /Unit	1.0 /Unit	0.0 /DU				
GROSS SPACES [2]	0 SPC	12 SPC	27 SPC	27 SPC	0 SPC				
TIME OF DAY	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC	
6:00 AM	0%	0	0%	0	3%	1	0%	0	1
7:00 AM	0%	0	8%	1	20%	5	0%	0	6
8:00 AM	0%	0	18%	2	63%	17	0%	0	19
9:00 AM	0%	0	42%	5	93%	25	0%	0	30
10:00 AM	0%	0	68%	8	100%	27	0%	0	35
11:00 AM	0%	0	87%	10	100%	27	0%	0	37
NOON	0%	0	97%	12	90%	24	0%	0	36
1:00 PM	0%	0	100%	12	90%	24	0%	0	36
2:00 PM	0%	0	97%	12	97%	26	0%	0	38
3:00 PM	0%	0	95%	11	93%	25	0%	0	36
4:00 PM	0%	0	87%	10	77%	21	0%	0	31
5:00 PM	0%	0	79%	9	47%	13	0%	0	22
6:00 PM	0%	0	82%	10	23%	6	0%	0	16
7:00 PM	0%	0	89%	11	7%	2	0%	0	13
8:00 PM	0%	0	87%	10	7%	2	0%	0	12
9:00 PM	0%	0	61%	7	3%	1	0%	0	8
10:00 PM	0%	0	32%	4	3%	1	0%	0	5
11:00 PM	0%	0	13%	2	0%	0	0%	0	2
MIDNIGHT	0%	0	0%	0	0%	0	0%	0	0
<b>PARKING NEED WITH SHARED USE</b>							<b>38</b>		

**NOTES:**

- [1] Based on weekday hourly parking accumulation percentages provided in "Shared Parking," ULI-The Urban Land Institute, 1983.
- [2] Parking rate for retail land use based on City of Manhattan Beach Code parking requirements. The parking rate for the office condominium land use based on the the forecast parking demand on a per unit basis.



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**Table C**  
**WEEKEND SHARED PARKING DEMAND ANALYSIS [1]**  
**1300 Highland Avenue Project**

LAND USE	RETAIL		GENERAL OFFICE		DU		SHARED PARKING DEMAND		
	SIZE	PKG RATE	SIZE	PKG RATE	SIZE	PKG RATE			
0.0 KSF	0.0 /KSF	2,489 SF	1.0 /200 SF	27.0 Units	1.0 /Unit	0 DU	0.0 /DU		
<b>GROSS SPACES [2]</b>	<b>0 SPC</b>	<b>12 SPC</b>	<b>27 SPC</b>	<b>27 SPC</b>	<b>0 SPC</b>	<b>0 SPC</b>	<b>0 SPC</b>		
TIME OF DAY	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC	
6:00 AM	0%	0	0%	0	0%	0	0%	0	0
7:00 AM	0%	0	3%	0	14%	4	0%	0	4
8:00 AM	0%	0	10%	1	42%	11	0%	0	12
9:00 AM	0%	0	30%	4	56%	15	0%	0	19
10:00 AM	0%	0	45%	5	56%	15	0%	0	20
11:00 AM	0%	0	73%	9	70%	19	0%	0	28
NOON	0%	0	85%	10	70%	19	0%	0	29
1:00 PM	0%	0	95%	11	56%	15	0%	0	26
2:00 PM	0%	0	100%	12	42%	11	0%	0	23
3:00 PM	0%	0	100%	12	28%	8	0%	0	20
4:00 PM	0%	0	90%	11	28%	8	0%	0	19
5:00 PM	0%	0	75%	9	14%	4	0%	0	13
6:00 PM	0%	0	65%	8	14%	4	0%	0	12
7:00 PM	0%	0	60%	7	14%	4	0%	0	11
8:00 PM	0%	0	55%	7	14%	4	0%	0	11
9:00 PM	0%	0	40%	5	0%	0	0%	0	5
10:00 PM	0%	0	38%	5	0%	0	0%	0	5
11:00 PM	0%	0	13%	2	0%	0	0%	0	2
MIDNIGHT	0%	0	0%	0	0%	0	0%	0	0
<b>PARKING NEED WITH SHARED USE</b>							<b>29</b>		

- NOTES:**
- [1] Based on weekday hourly parking accumulation percentages provided in "Shared Parking," ULI-The Urban Land Institute, 1983. It should be noted that the General Office hourly accumulation percentages were adjusted to reflect anticipated occupancy patterns on a Saturday.
  - [2] Parking rate for retail land use based on City of Manhattan Beach Code parking requirements. The parking rate for the office condominium land use based on the the forecast parking demand on a per unit basis.

**Table D  
PARKING DEMAND ANALYSIS [1]  
EXISTING SITE RESTAURANT USE  
1300 Highland Avenue Project**

LAND USE	WEEKDAY ANALYSIS				WEEKEND ANALYSIS			
	RESTAURANT				RESTAURANT			
SIZE	2,067	KSF	0.0	KSF	2,067	KSF	0	DU
PKG RATE	1.0	/50 KSF	0.0	/KSF	1.0	/50 KSF	0.0	/DU
GROSS SPACES [2]	41	SPC	0	SPC	41	SPC	0	SPC
TIME OF DAY	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC	% OF PEAK	# OF SPC
6:00 AM	0%	0	0%	0	0%	0	0%	0
7:00 AM	2%	1	0%	0	2%	1	0%	0
8:00 AM	5%	2	0%	0	3%	1	0%	0
9:00 AM	10%	4	0%	0	6%	2	0%	0
10:00 AM	20%	8	0%	0	8%	3	0%	0
11:00 AM	30%	12	0%	0	10%	4	0%	0
NOON	50%	21	0%	0	30%	12	0%	0
1:00 PM	70%	29	0%	0	45%	18	0%	0
2:00 PM	60%	25	0%	0	45%	18	0%	0
3:00 PM	60%	25	0%	0	45%	18	0%	0
4:00 PM	50%	21	0%	0	45%	18	0%	0
5:00 PM	70%	29	0%	0	60%	25	0%	0
6:00 PM	90%	37	0%	0	90%	37	0%	0
7:00 PM	100%	41	0%	0	95%	39	0%	0
8:00 PM	100%	41	0%	0	100%	41	0%	0
9:00 PM	100%	41	0%	0	100%	41	0%	0
10:00 PM	90%	37	0%	0	95%	39	0%	0
11:00 PM	70%	29	0%	0	85%	35	0%	0
MIDNIGHT	50%	21	0%	0	70%	29	0%	0

**NOTES:**

[1] Based on weekday hourly parking accumulation percentages provided in "Shared Parking," ULI-The Urban Land Institute, 1983. The existing site square footage is based on a total of 2,067 square feet of seating area, including 1,387 square feet of interior seating area and 680 square feet of exterior seating area.

[2] Parking rate for retail land use based on City of Manhattan Beach Code parking requirements.

Eric Haaland

14

**From:** kezirian@speakeasy.net  
**Sent:** Wednesday, February 15, 2006 10:32 PM  
**To:** ehaaland@citymb.info  
**Subject:** Comments for staff report at 1300 Highland Avenue

Re: Application of 1300 Highland, L.P.

I received notification today of the application for 34 condominium units for office and retail use. I am replying by email so that my comments will be included in the staff report.

I am the owner of 228 13th Street, a 3-family residence located across the street from the proposed development. I have resided at this location for 7 years and am familiar with the neighborhood and recent developments in this area. On a personal note, I took a position out of state with my company last year and temporarily moved from the area, but plan to return to the area in the near future.

I am surprised and dismayed that the planning department would approve so many units (34 office and retail sites) on such a small property, and declare the project to be exempt from CEQA requirements. The intense property usage at the Metlox development, while benefiting the city has stressed the traffic and parking for the residents. Additional 34 commercial spaces will exasperate an overly-stressed situation. I know the new development will contain parking spaces. Visitors to these offices and retail spaces will undoubtedly compete for parking at the Metlox site and the few street spaces in the area.

I recommend that planning reject this application. They should encourage (or force actually) the developer to consider a less intense development of these parcels. I think that fewer, larger spaces will in the long-run prove financially beneficial to the developers and mindful of the resident owners in the community.

Michael Kezirian  
228 13th Street  
Manhattan Beach

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

**TO:** Planning Commission  
**FROM:** Richard Thompson, Director of Community Development *RT by RR*  
**BY:** Eric Haaland, Associate Planner *EH*  
**DATE:** March 29, 2006  
**SUBJECT:** Consideration of a Use Permit, Coastal Development Permit, and Vesting Tentative Tract Map No. 065187 to Allow Construction of a 34-Unit Commercial Condominium Project for Office and Retail Use at 1300 Highland Avenue.

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the continued Public Hearing, **APPROVE** the subject request, and **ADOPT** the proposed Resolution.

**APPLICANT/OWNER**

1300 Highland L.P./Nick Schaar  
~~800 Manhattan Beach Blvd. Ste. 204~~  
~~Manhattan Beach, CA 90266~~

*643 Cypress Ave  
Hermosa Beach  
CA 90254*

**DISCUSSION**

At its regular meeting of February 22, 2006, the Planning Commission conducted the public hearing for the subject application, continued the public hearing, and directed staff and the applicant to return with additional information and a resolution for approval. The project includes a new 2-story building, 15 underground parking spaces, an airspace subdivision, a property dedication, and 34 downtown parking permits. The Commission tentatively determined that the project design and parking proposal was appropriate, subject to additional information regarding the northerly building elevation and trees/landscaping. Staff was directed to prepare a draft resolution addressing issues regarding the number of units that can be merged, minimum retail use, and parking management.

The applicant has provided the attached supplemental plans that include a block-scale site plan, landscape-highlighted floor plans, and a project photosimulation. The full-block site plan combines the proposed project with the updated civic center plan showing building,

parking, and landscaping relationships between the neighboring developments. The floor plans show previous and new planting locations in color graphics. The photosimulation provides a rendering of the proposed building within existing surrounding conditions from the northwest perspective that is a Commission concern.

The clarified/increased landscaping should benefit project aesthetics. Opportunities for additional small planters similar to those added in front of the northerly facing units appear feasible along the Highland and 13<sup>th</sup> Street frontages if the Planning Commission finds more landscaping to be appropriate. In response to a Commissioner question, a large palm tree is located at the northwest corner of the property, and a tall bird of paradise shrub is located along the south side of the property. The palm tree will be relocated to a new courtyard planter location.

The submitted photosimulation provides some perspective to address a concern regarding the visual solidness of a north facing wall that would be exposed to Highland Avenue. Windows would be desirable at this location; however, the wall must be spaced away from the library property line to accomplish this. The updated plans and photosimulation do not include any changes to the north wall design previously reviewed by the Planning Commission. If the provided photosimulation does not adequately address the Commission’s concerns, the applicant should be directed further.

The attached draft resolution includes typical and specific findings and conditions for approving a commercial use permit, condominium subdivision map, and coastal development permit. Resolution items that the Commission may wish to focus on include the following:

Unit Merger: Combining or merging of office units is limited to a maximum of two. Merging of retail spaces is not limited. The project parking study is based on the small unit concept for the office portion of the project, whereas the retail portion is calculated by square feet. The Commission had also expressed concern that merging multiple spaces would change the intent of the project which is for small local businesses.

Retail Use: All 10 ground floor units fronting on Highland Avenue and 13<sup>th</sup> Street are restricted from administrative office use. A minimum of 4 of those units are required to be retail use and the remaining 5 could be personal services or “transitional retail”. Downtown storefront spaces are typically occupied by a mix of retail and personal services (beauty salons, cleaners, etc.) uses, and the project parking analysis provides for only 7 units to be used at the higher retail parking demand level. The proposed condition provides the Community Development Director the ability to determine some office uses to be similar enough to personal services uses (travel agents, real estate offices etc.) on a case by case basis to incorporate the applicant’s request for “transitional retail” in some ground floor units. Uses that would not be permitted at all in the project include restaurant, instructional/training uses, medical office, and massage/spa businesses.

Parking Management: The project condominium owner’s association is required to maintain 34 downtown parking permits. Staff understands this to be a viable and preferred system for

payment and distribution of permits to unit owners/tenants rather than each unit purchasing them separately. A signal system is required to be installed to inform approaching drivers when the on-site parking garage is full so that they can proceed to their permit location (Lot M - lower level) with minimal difficulty.

Utility Poles: The adjacent utility poles located on the north side of the project are required to be removed.

Findings: Findings supporting approval of the project state: a recommendation to the city council to accept the proposed property and easement dedication based on the public benefit gained by adding public parking spaces to the civic center parking facilities, that the proposed parking strategy is appropriate, that the project will not be detrimental to the surrounding area or the public in general, and that the project is consistent with Downtown Design Guidelines, Coastal Program policies, General Plan policies, and Zoning requirements.

Attachments:

A. Resolution No. PC 06-  
Plans (separate - NAE)  
(NAE = not available electronically)

c: Nick Schaar, Applicant  
Elizabeth Srouf, Applicant Rep.  
KAA Design Group, Architect  
Starr Design Group, Architect



**RESOLUTION NO. PC 06-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT, VESTING TENTATIVE MAP 065187, AND COASTAL PERMIT FOR DEMOLITION OF AN EXISTING RESTAURANT BUILDING AND CONSTRUCTION OF A NEW OFFICE AND RETAIL BUILDING ON THE PROPERTY LOCATED AT 1300 HIGHLAND AVENUE (1300 Highland L.P.)**

**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 public hearings on February 22, and March 29, 2006, received testimony, and considered an application for a use permit, vesting tentative tract map No. 065187, and coastal development permit to allow demolition of a restaurant building for construction of a proposed 14,000 square foot office and retail building containing 34 condominium units on the property located at 1300 Highland Avenue in the City of Manhattan Beach.
- B. The existing legal description of the overall site is Lots 5, 6, 7, 8 & vacated Crest Drive, Block 94, Manhattan Beach Division No. 2.
- C. The applicant for the subject project is 1300 Highland L.P./Nick Schaar the owner of the property.
- D. An Initial Environmental Study was prepared in compliance with the provisions of the California Environmental Quality Act. Based upon this study it was determined that the project is not an action involving any significant impacts upon the environment, and a Negative Declaration was prepared and is hereby adopted.
- 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 III and is zoned CD, Commercial Downtown. The use is permitted by the zoning code and is appropriate as conditioned for the downtown commercial area. The surrounding private land uses consist of CD and PS (Public and Semipublic).
- G. The General Plan designation for the property is Downtown Commercial. The General Plan encourages commercial development such as this that provides for small businesses, which serve city residents.
- H. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- I. The project includes 34 commercial condominium units for individual sale. The zoning code requires 15 parking spaces based on the proposal to dedicate approximately 662 square feet of land area to the city for use toward public parking. The project parking study estimates a peak demand of 38 spaces and proposes downtown parking permits be required to address demand exceeding the 15-space on-site parking supply.
- J. Project approval is dependent upon the City Council's acceptance of the proposed property dedication. The Planning Commission recommends that the City Council accept the land and easement dedication because public benefit will be gained by adding public parking spaces to the civic center parking facilities.
- K. Approval of the commercial 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

**RESOLUTION NO. PC 06-**

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 area, is consistent with Downtown Design Guidelines, appropriately addresses parking demand, and is in compliance with all applicable regulations as detailed in the project staff report.

- L. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the Manhattan Beach Local Coastal Program.
- M. 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.
- N. The project is consistent with the policies of the Manhattan Beach Local Coastal Program, specifically Policies I.C. 7 & 8, and , II.A. 2 & 3, as follows:
  - The proposed development takes vehicular access from an alley (Crest Drive), so as not to conflict with pedestrian traffic;
  - The proposed development preserves adjacent on-street parking by taking all vehicular access from Crest Drive.
  - The proposed structure preserves a 2-story building scale and is consistent with the applicable 26' height limit as required by the Local Coastal Program-Implementation Plan.
  - The project provides appropriate commercial orientation to the pedestrian.
- O. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
  - Section 30212 (a) (2): The proposed structures do not impact public access to the shoreline, adequate public access is provided and shall be maintained along adjacent streets.
  - Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- P. This Resolution, upon its effectiveness, constitutes the Use Permit and Coastal Development Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit, Vesting Tentative Tract Map 065187 and Coastal Development Permit application for a commercial building subject to the following conditions (\*indicates a site specific condition):

**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 March 29, 2006. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 2. A construction 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.

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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. On-site utilities shall be screened from view. All adjacent utility poles and wires located north of 13<sup>th</sup> Street shall be eliminated and shall be undergrounded to the appropriate remaining pole as determined by 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. The size and location of trees planted shall be consistent with those shown on plans approved by the Planning Commission. The existing palm tree at the northwest corner of the site shall be relocated to a location on or adjacent to the site as required by the Community Development Department.
- 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. A covered enclosure(s) with adequate capacity for both trash and recycling for all building tenants shall be constructed for this site. This trash enclosure must be constructed with a concrete, asphalt, or similar base and must have drainage to the sanitary sewer system. The enclosure must be constructed so that it is screened from public view. The enclosure is subject to specifications and approval of the Public Works Department, Community Development Department, and the City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
- 9. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system. Mop sinks, maintenance areas, and trash area drainage shall be provided as required by the Public Works Department.
- 10. \* The project shall maintain compliance with the city's storm water pollution requirements as specified by the city's Building Official. Enclosed parking area drains shall also be connected to oil water separators and the sanitary sewer system as required by the Public Works Department and Los Angeles County Sanitation Districts.
- 11. 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.
- 12. \* All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced as required by the Public Works Department. The adjacent 13<sup>th</sup> Street sidewalk shall be replaced as required by the Public Works Department.
- 13. A property line clean out shall be installed as required by the Department of Public Works.

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- 14. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
- 15. Project parking requirements are dependent upon the proposed property dedication. The dedication shall be completed prior to occupancy.
- 16. \* The project final tract map shall be recorded prior to occupancy. Property and easement dedications proposed in the tentative tract map shall be accepted by the City Council prior to building permit issuance.

**Commercial Operational Restrictions**

- 17. \* The facility shall include a maximum of 24 units with general office use, which shall not include any street-fronting ground floor units. The 10 ground floor units that abut Highland Avenue and 13<sup>th</sup> Street shall include a mixture of retail and personal services uses. Uses determined to be similar to retail (e.g. furniture stores, food & beverage sales) and personal services (e.g. travel agencies, real estate sales) by the Community Development Director may also be permitted to occupy these units. A minimum of 4 units shall be occupied by retail or similar uses. Eating and drinking establishment, personal improvement services (e.g. fitness studios, tutoring), and medical office uses (including massage, chiropractor, psychologist, etc.) shall not be permitted.
- 18. \* A maximum of 2 general office units may be combined, connected, or used together. Merging of units used for retail or personal services shall not be restricted.
- 19. \* The facility shall maintain 15 on-site parking spaces as proposed. The parking spaces shall be owned and maintained by the condominium owners association for use of facility owners/employees on a first-come first-serve basis. Allocation or designation of parking spaces for any specific owner/tenant/employee use shall be prohibited. A system signaling vehicles approaching the on-site parking garage of available parking capacity shall be provided and maintained as determined to be appropriate by the city's Traffic Engineer in order to prevent entry when no spaces are available.
- 20. \* The project shall permanently provide a total of 34 downtown parking permits for use by each condominium unit. The condominium owners association shall be responsible for purchasing, maintaining, and distributing permits to unit owners. Project CC&R's shall document said responsibility. Verification of permit maintenance shall occur at all business license and permit issuances for the site or other intervals determined to be appropriate by the Community Development Department. Late payments shall be assessed penalty fees as determined by the Finance Department.
- 21. \* The owners association shall be responsible for all maintenance and repair of portions of the project directly adjacent to the dedicated public parking areas. The association shall cooperate with the city regarding maintenance and operational issues as determined to be appropriate by the Public Works Department.
- 22. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
- 23. 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.
- 24. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
- 25. \* Parking shall be provided in conformance with the Manhattan Beach Municipal Code and

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the project traffic and parking analysis. On-site parking spaces shall not be sold, labeled or otherwise restricted for use by any individual tenant of the project. Gates or other obstructions to commercial parking areas shall be subject to the approval of the Community Development Department.

- 26. \* The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Owners and employees must park on-site or 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.
- 27. \* All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. Signs visible off-site shall be limited to retail and personal services units. A sign program shall be submitted to the Community Development Department for review and approval prior to occupancy.
- 28. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
- 29. Any outside sound or amplification system or equipment is prohibited.

**Procedural**

- 30. \* Parking, trash, courtyard, maintenance, landscape and other common areas located within the public right of way shall be owned and maintained by the project owner's association.
- 31. \* 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 designated by the City Engineer.
- 32. \* The final tract map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy .
- 33. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
- 34. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
- 35. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
  - a. a completed application and application fee as established by the City's Fee Resolution;
  - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. a copy of the original permit showing that it has not expired.
- 36. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**RESOLUTION NO. PC 06-**

- 37. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.
- 38. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
- 39. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 40. 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.
- 41. 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.
- 42. 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 March 29, 2006 and that said Resolution was adopted by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
**RICHARD THOMPSON,**  
 Secretary to the Planning Commission

\_\_\_\_\_  
**Sarah Boesch,**  
 Recording Secretary

**RESOLUTION NO. PC 06-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT, VESTING TENTATIVE MAP 065187, AND COASTAL PERMIT FOR DEMOLITION OF AN EXISTING RESTAURANT BUILDING AND CONSTRUCTION OF A NEW OFFICE AND RETAIL BUILDING ON THE PROPERTY LOCATED AT 1300 HIGHLAND AVENUE (1300 Highland L.P.)**

**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 public hearings on February 22, and March 29, 2006, received testimony, and considered an application for a use permit, vesting tentative tract map No. 065187, and coastal development permit to allow demolition of a restaurant building for construction of a proposed 14,000 square foot office and retail building containing 34 condominium units on the property located at 1300 Highland Avenue in the City of Manhattan Beach.
- B. The existing legal description of the overall site is Lots 5, 6, 7, 8 & vacated Crest Drive, Block 94, Manhattan Beach Division No. 2.
- C. The applicant for the subject project is 1300 Highland L.P./Nick Schaar the owner of the property.
- D. An Initial Environmental Study was prepared in compliance with the provisions of the California Environmental Quality Act. Based upon this study it was determined that the project is not an action involving any significant impacts upon the environment, and a Negative Declaration was prepared and is hereby adopted.
- 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 III and is zoned CD, Commercial Downtown. The use is permitted by the zoning code and is appropriate as conditioned for the downtown commercial area. The surrounding private land uses consist of CD and PS (Public and Semipublic).
- G. The General Plan designation for the property is Downtown Commercial. The General Plan encourages commercial development such as this that provides for small businesses, which serve city residents.
- H. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- I. The project includes 34 commercial condominium units for individual sale. The zoning code requires 15 parking spaces based on the proposal to dedicate approximately 662 square feet of land area to the city for use toward public parking. The project parking study estimates a peak demand of 38 spaces and proposes downtown parking permits be required to address demand exceeding the 15-space on-site parking supply.
- J. Project approval is dependent upon the City Council's acceptance of the proposed property dedication. The Planning Commission recommends that the City Council accept the land and easement dedication because public benefit will be gained by adding public parking spaces to the civic center parking facilities.
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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 area, is consistent with Downtown Design Guidelines, appropriately addresses parking demand, and is in compliance with all applicable regulations as detailed in the project staff report.

- L. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the Manhattan Beach Local Coastal Program.
- M. 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.
- N. The project is consistent with the policies of the Manhattan Beach Local Coastal Program, specifically Policies I.C. 7 & 8, and , II.A. 2 & 3, as follows:
  - The proposed development takes vehicular access from an alley (Crest Drive), so as not to conflict with pedestrian traffic;
  - The proposed development preserves adjacent on-street parking by taking all vehicular access from Crest Drive.
  - The proposed structure preserves a 2-story building scale and is consistent with the applicable 26' height limit as required by the Local Coastal Program-Implementation Plan.
  - The project provides appropriate commercial orientation to the pedestrian.
- O. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
  - Section 30212 (a) (2): The proposed structures do not impact public access to the shoreline, adequate public access is provided and shall be maintained along adjacent streets.
  - Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
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Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit, Vesting Tentative Tract Map 065187 and Coastal Development Permit application for a commercial building subject to the following conditions (\*indicates a site specific condition):

**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 March 29, 2006. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 2. A construction 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.



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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. On-site utilities shall be screened from view. All adjacent utility poles and wires located north of 13<sup>th</sup> Street shall be eliminated and shall be undergrounded to the appropriate remaining pole as determined by 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. The size and location of trees planted shall be consistent with those shown on plans approved by the Planning Commission. The existing palm tree at the northwest corner of the site shall be relocated to a location on or adjacent to the site as required by the Community Development Department.
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. A covered enclosure(s) with adequate capacity for both trash and recycling for all building tenants shall be constructed for this site. This trash enclosure must be constructed with a concrete, asphalt, or similar base and must have drainage to the sanitary sewer system. The enclosure must be constructed so that it is screened from public view. The enclosure is subject to specifications and approval of the Public Works Department, Community Development Department, and the City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
9. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system. Mop sinks, maintenance areas, and trash area drainage shall be provided as required by the Public Works Department.
10. \* The project shall maintain compliance with the city's storm water pollution requirements as specified by the city's Building Official. Enclosed parking area drains shall also be connected to oil water separators and the sanitary sewer system as required by the Public Works Department and Los Angeles County Sanitation Districts.
11. 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.
12. \* All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced as required by the Public Works Department. The adjacent 13<sup>th</sup> Street sidewalk shall be replaced as required by the Public Works Department.
13. A property line clean out shall be installed as required by the Department of Public Works.

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- 14. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
- 15. Project parking requirements are dependent upon the proposed property dedication. The dedication shall be completed prior to occupancy.
- 16. \* The project final tract map shall be recorded prior to occupancy. Property and easement dedications proposed in the tentative tract map shall be accepted by the City Council prior to building permit issuance.

**Commercial Operational Restrictions**

- 17. \* The facility shall include a maximum of 24 units with general office use, which shall not include any street-fronting ground floor units. The 10 ground floor units that abut Highland Avenue and 13<sup>th</sup> Street shall include a mixture of retail and personal services uses. Uses determined to be similar to retail (e.g. furniture stores, food & beverage sales) and personal services (e.g. travel agencies, real estate sales) by the Community Development Director may also be permitted to occupy these units. A minimum of 4 units shall be occupied by retail or similar uses. Eating and drinking establishment, personal improvement services (e.g. fitness studios, tutoring), and medical office uses (including massage, chiropractor, psychologist, etc.) shall not be permitted.
- 18. \* A maximum of 2 general office units may be combined, connected, or used together. Merging of units used for retail or personal services shall not be restricted.
- 19. \* The facility shall maintain 15 on-site parking spaces as proposed. The parking spaces shall be owned and maintained by the condominium owners association for use of facility owners/employees on a first-come first-serve basis. Allocation or designation of parking spaces for any specific owner/tenant/employee use shall be prohibited. A system signaling vehicles approaching the on-site parking garage of available parking capacity shall be provided and maintained as determined to be appropriate by the city's Traffic Engineer in order to prevent entry when no spaces are available.
- 20. \* The project shall permanently provide a total of 34 downtown parking permits for use by each condominium unit. The condominium owners association shall be responsible for purchasing, maintaining, and distributing permits to unit owners. Project CC&R's shall document said responsibility. Verification of permit maintenance shall occur at all business license and permit issuances for the site or other intervals determined to be appropriate by the Community Development Department. Late payments shall be assessed penalty fees as determined by the Finance Department.
- 21. \* The owners association shall be responsible for all maintenance and repair of portions of the project directly adjacent to the dedicated public parking areas. The association shall cooperate with the city regarding maintenance and operational issues as determined to be appropriate by the Public Works Department.
- 22. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
- 23. 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.
- 24. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
- 25. \* Parking shall be provided in conformance with the Manhattan Beach Municipal Code and

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the project traffic and parking analysis. On-site parking spaces shall not be sold, labeled or otherwise restricted for use by any individual tenant of the project. Gates or other obstructions to commercial parking areas shall be subject to the approval of the Community Development Department.

- 26. \* The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. Owners and employees must park on-site or 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.
- 27. \* All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. Signs visible off-site shall be limited to retail and personal services units. A sign program shall be submitted to the Community Development Department for review and approval prior to occupancy.
- 28. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
- 29. Any outside sound or amplification system or equipment is prohibited.

**Procedural**

- 30. \* Parking, trash, courtyard, maintenance, landscape and other common areas located within the public right of way shall be owned and maintained by the project owner's association.
- 31. \* 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 designated by the City Engineer.
- 32. \* The final tract map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy .
- 33. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
- 34. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
- 35. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
  - a. a completed application and application fee as established by the City's Fee Resolution;
  - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. a copy of the original permit showing that it has not expired.
- 36. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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- 37. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.
- 38. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
- 39. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 40. 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.
- 41. 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.
- 42. 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 March 29, 2006 and that said Resolution was adopted by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

\_\_\_\_\_  
**RICHARD THOMPSON,**  
 Secretary to the Planning Commission

\_\_\_\_\_  
**Sarah Boesch,**  
 Recording Secretary