



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Fahey and Members of the City Council

THROUGH: Geoff Dolan, City Manager *GD*

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

DATE: July 19, 2005

SUBJECT: Consideration of a Planning Commission Decision to Deny an Amendment to an Existing Use Permit for a Parking Reduction, Reconfiguration of a Drive-Through, and Relocation of a Trash Bin Enclosure Next to the Westerly Property Line, for the Commercial Center Including the Burger King Restaurant Located at 3001 and 3005 Sepulveda Boulevard (Manhattan Plaza, LLC)

RECOMMENDATION:

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

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

On May 4, 2005, the Community Development Department received an application requesting approval of an amendment to an existing Use Permit for the subject commercial site to allow the following: 1) a reduction in required parking for the existing commercial center from existing parking requirements, 2) redesign of the existing drive-through, and 3) relocation of the existing trash enclosure. The commercial center is located at 3001-3005 Sepulveda Boulevard along the Sepulveda Boulevard corridor within the Commercial General or "CG" zone. Because the applicant proposes a physical change to the site, which has parking implications, the Use Permit must be amended to address these changes.

On April 13, 1983, the Planning Commission approved a Use Permit (Resolution No. PC 83-12) to allow the construction of a commercial center which includes a restaurant (Burger King) with drive-through service. On July 18, 1984, the Planning Commission approved a Use Permit Amendment (Resolution No. PC 83-32), to allow the establishment of additional parking spaces for the commercial site. The 20 additional parking spaces were designed to accommodate additional parking for the adjoining commercial center and provide for an extended drive-thru access lane that would better serve the development and reduce potential vehicle impacts on site and in the general vicinity particularly to the adjacent residential properties to the west. Therefore, the entire commercial center including Burger King must comply with all of the conditions of the amended Use Permit that was granted in 1984.

In December, 1985, Edmund Bedrosian purchased the Center except for the two northerly lots (23 & 24). In November, 2004, the two northerly lots were sold to C.K. Song Properties, who have since requested a building permit to develop a medical building on the two lots. Staff will not issue a permit for these two lots because it would remove required parking for the commercial center and the drive-through for Burger King. Since the sale of the properties in November the current owner of the commercial site, Edmund Bedrosian, has leased the two lots to stay in compliance with the Use Permit approved in 1984. With the potential development of the two northerly Lots (23 & 24), the parking area would no longer be available for use thus rendering the commercial center nonconforming for required parking and therefore necessitating the filing of an amendment to Resolution No. PC 84-32.

DISCUSSION

Reduction in Parking

As mentioned above, in 1983 Resolution No. PC 83-12 allowed a restaurant with drive-through service and a separate commercial building for the subject site. Condition #11 of said Resolution states that the project would include a minimum of 48 parking spaces. In 1984 the Planning Commission approved an amendment (Resolution No. PC 84-32), to allow the installation of a new parking area on the adjoining properties to the north which provided 20 additional parking spaces which addressed vehicle related issues and nuisances to the adjoining neighbors.

In 1990, the Zoning Code (Title 10) was amended by Council which changed the parking standards for commercial districts. Based on the current parking standards for all the existing uses, 57 total parking spaces are required.

The Parking Demand Study submitted by the applicant states that due to the operating hours of the various businesses located throughout the commercial center, collectively, the parking demand is less than the current code requirement of 57 spaces. The study also indicates that there are a few peak hours that there is a shortage of parking and that the average parking demand is 36 spaces out of the 48 required spaces. The City Traffic Engineer reviewed the Parking Demand Study and concluded that any deficiency in parking is unacceptable as it will have an adverse impact on the adjacent residential properties to the west.

Drive Through

The proposed drive-through would be shortened and located as originally approved in 1983 (see site plan) and would accommodate queuing for the drive-up service. The applicant contends that there are seldom 5 cars queuing at any one time through the drive-through and that it only occurs during the lunch peak hours. The Parking Demand Study commissioned by the applicant indicates that for most of the day the drive-through lane is not operating in full capacity and that the turning radiuses are adequate and consistent with the Use Permit approval granted in 1983.

The City Traffic Engineer has also analyzed the drive-through location and has concluded that the drive-through lane needs to be at least 10 feet wide with outside turning radius of at least 28 feet because this condition may not be met at the drive-through exit next to the proposed trash enclosure. Additionally, the length of the drive-through lane needs to meet the City Code requirement of five cars, regardless of current usage. The type of fast-food restaurant may change in the future, which may increase peak queue length and impact parking lot access.

Trash Enclosure

With the proposed physical changes to the site the existing trash enclosure currently located at the northeast corner of the property would need to be relocated. The applicant has proposed relocating the enclosure to the original location along the westerly property line between the commercial building and the Burger King Building (see attached site plan). The applicant believes that this location is appropriate for accessibility for all tenants of the site. Furthermore, the applicant believes that the location would not create a nuisance to the adjoining neighbors, would provide a closer proximity for sewer line hook-up as required by Public Works, would not sacrifice additional parking, and would not interfere with traffic flow.

Staff believes that to propose the trash area in the same location as was approved in 1983 has the potential to create additional nuisances of noise and odor to the adjacent residential neighbors as the trash enclosure size requirements have changed significantly.

Planning Commission Discussion

At the June 22, 2005 Planning Commission meeting the Commission voted (5-0-0) to deny the Use Permit Amendment. With the denial the Commission prohibited relocating the trash enclosure to the westerly property line adjacent to the residential properties due to concerns raised regarding noise and odor. At this meeting several property owners spoke against the proposal particularly with the proposed location of the trash enclosure between the existing buildings at the westerly property line.

ALTERNATIVE

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

- Attachments:
- A. Resolution No. PC 05-09 (available electronically)
 - B. Excerpt from the Planning Commission Minutes, dated 6/22/05 (available electronically)
 - C. Planning Commission Report and attachments, dated 6/22/05 (available electronically)

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

RESOLUTION NO. PC 05-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY MANHATTAN BEACH DENYING A USE PERMIT AMENDMENT FOR A PARKING REDUCTION, RECONFIGURATION OF A DRIVE-THROUGH AND RELOCATION OF A TRASH ENCLOSURE NEXT TO THE WESTERLY PROPERTY LINE, FOR THE COMMERCIAL CENTER INCLUDING THE BURGER KING RESTAURANT AT 3001 AND 3005 SEPULVEDA BOULEVARD (Manhattan Plaza, LLC)

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 considered an application for a Use Permit Amendment at the subject site on the property legally described as Lots 16, 17, 18, 19, 20, 21 and 22, Block 30, Tract No. 1638, located at 3001 and 3005 Sepulveda Boulevard.
- B. The applicant for the subject project is Edmund Bedrosian, Managing Member of Manhattan Plaza, LLC.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Use Permit Amendment at its regular meeting of June 22, 2005. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. On April 13, 1983, the Planning Commission approved a Use Permit (Resolution No. PC 83-12) to allow the construction of a 7,900 square foot commercial center which includes a restaurant (Burger King) with drive-through service. Condition #11 of said Resolution states that the project would provide a minimum of 48 parking spaces, which includes two disabled spaces and 15 compact spaces. On July 18, 1984, the Planning Commission approved a Use Permit Amendment (Resolution No. PC 84-32) to allow the use of two adjacent lots to the north (Lots 23 & 24) for the establishment of an additional 20 parking spaces for the commercial site and a reconfiguration of the Burger King drive-through to address vehicle related issues and nuisances to the adjoining neighbors.
- E. The property is located within Area District II and is zoned CG Commercial General. The surrounding properties to the north, east and south are similarly zoned. The properties to the west are zoned single family residential.
- F. The General Plan designation for the property is General Commercial.
- G. The Use Permit application is a request to allow 1) a reduction of required parking for the existing commercial center from existing parking requirements, 2) redesign of an existing drive-through, and 3) relocation of an existing trash enclosure next to the westerly property line. The applicants request is to allow the existing commercial center and Burger King restaurant to continue to operate with 48 parking spaces, as approved in the entitlement granted in 1983 as part of Resolution No. PC 83-12, which is not in conformance with the 1984, Resolution No. PC 84-32 and current parking code requirement.
- H. The sale of the northerly lots (23 & 24) of the commercial center, where 20 parking spaces and the drive-through approved in 1984 are located, and the potential development of the lots, would render the commercial center nonconforming for parking as the parking would no longer be available and therefore necessitates the filing of an amendment to Resolution No. PC 84-32.



- I. In 1990, the Zoning Code (Title 10) was adopted by the City Council which changed the parking standards for commercial districts. Based on the current parking standards for all the existing uses, 57 total parking spaces would need to be provided, therefore with the deletion of 20 parking spaces approved in 1984 located on lots 23 and 24 the site would be deficient by 9 parking spaces (57 required spaces - 48 existing spaces = -9 spaces) based on current parking standards.
- J. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is not in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. With the sale and potential development of the two northerly lots (23 & 24), the parking area would not longer be available for use and thus render the commercial center nonconforming for 9 required parking spaces.
 - b) The proposed changes to the parking for the entire commercial site and the proposed conditions under which it would be operated or maintained would be inconsistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investments in areas of the City and recognizes the need for a variety of commercial development types. The deficiency in parking would be detrimental to the public health, safety, and welfare of persons residing or working on the project site or in the adjacent neighborhood of such use; and would be detrimental to properties or improvements in the vicinity or to the general welfare of the City. Old parking requirements approved 22 years ago should not apply to a current application based on current findings in the parking demand study which shows that the reduced parking is not adequate to meet the demands on the site.
 - c) The proposal would not comply with specific conditions required for the proposed use in the district in which it would be located. Any deficiency in parking would have an adverse impact because the only nearby available public parking is on residential streets to the west. Furthermore, the current code required parking supply for general retail and fast-food restaurants uses must be maintained to provide sufficient parking when future tenants change, since there may be no discretionary action to guarantee adequate parking supply.
 - d) The proposed change in use would have adverse impacts to nearby residents or commercial properties as they relate to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demand exceeding the capacity of public services and facilities which cannot be mitigated. The peak demand for parking would exceed the proposed demand by 29% which has impacts to adjacent neighborhood and adjoining commercial properties. The proposed project changes would not provide the required on-site parking spaces and would create an additional demand for public services and facilities which cannot be mitigated.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Use Permit Amendment.

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 determination 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 full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **June 22, 2005** and that said Resolution was adopted by the following vote:

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

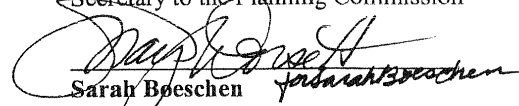
NOES:

ABSTAIN:

ABSENT:



RICHARD THOMPSON
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary

D R A F T C I T Y O F M A N H A T T A N B E A C H D R A F T
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
JUNE 22, 2005

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, June 22, 2005, at 6:30 p.m. in the City Council Chambers, City Hall, 1400 Highland
3 Avenue.

4
5 **ROLL CALL**

6
7 Chairperson Savikas called the meeting to order.

- 8
- 9 Members Present: Schlager, Simon, Lesser, Bohner, Chairperson Savikas
- 10 Members Absent: None
- 11 Staff: Richard Thompson, Director of Community Development
- 12 Daniel Moreno, Associate Planner
- 13 Sarah Boesch, Recording Secretary
- 14

15 Chairperson Savikas introduced new Planning Commissioners Bob Bohner, David Lesser, and
16 Jim Schlager and welcomed them to the Commission.

17
18 **APPROVAL OF MINUTES** May 25, 2005

19
20 Commissioner Simon requested that Page 6, line 15 of the May 25 minutes be revised to read:
21 "He said that because there is a permitted capacity for events of 200 people, he does not feel
22 allowing 99 people without a Temporary Use Permit is a significant change."

23
24 A motion was MADE and SECONDED (Simon/Savikas) to **APPROVE** the minutes of May 25,
25 2005, as amended.

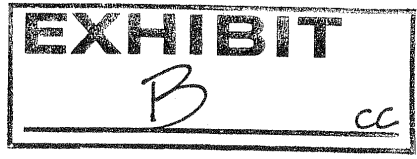
- 26
- 27 AYES: Simon, Chairperson Savikas
- 28 NOES: None
- 29 ABSENT: None
- 30 ABSTAIN: Schlager, Lesser, Bohner
- 31

32 Director Thompson pointed out that Commissioners Schlager, Lesser and Bohner are abstaining
33 from voting on approval of the minutes because they were not present at the May 25 meeting.

34
35 **AUDIENCE PARTICIPATION** None

36
37 **BUSINESS ITEMS** None.

38
39 **PUBLIC HEARINGS**



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1 **02/412.1 Consideration of an Amendment to Existing Use Permit for a Commercial**
2 **Center to Allow a Parking Reduction, Reconfiguration of a Drive-Through,**
3 **and Relocation of a Trash Bin Enclosure, for the Burger King Restaurant at**
4 **3001 and 3005 North Sepulveda Boulevard (Manhattan Plaza, LLC)**
5

6 Associate Planner Moreno summarized the staff report. He stated that the Commissioners have
7 been provided with a letter dated June 20 from C.K. Song Properties; an e-mail dated June 16
8 from the current property owner; an e-mail dated June 22 from neighbors regarding parking; an
9 updated memo from the City's Traffic Engineer dated June 21; and an updated copy of the draft
10 Resolution which staff received after the report was completed. He indicated that the request is
11 for a Use Permit Amendment for a reduction in parking; a redesign of the existing drive-through;
12 and a relocation of the trash area for the Burger King restaurant on Sepulveda Boulevard. He
13 stated that the original approval allowed the construction of a commercial center with two
14 separate buildings and the Burger King. He indicated that the original parking requirement was
15 for 48 spaces, and 20 additional spaces were added in 1984. He stated that the parking standards
16 were changed in 1990 based on the current Zoning requirements. He indicated that the site
17 currently requires 57 parking spaces, and 48 are proposed to be provided. He said that the
18 applicant provided a parking study which states that the parking demand during certain hours is
19 less than the current Code requirement of 57 spaces and that there are a few peak hours where
20 there is a shortage of parking. He indicated that the Traffic Engineer has stated that there is
21 adequate parking during most of the day with the shared use of the tenants; however there is a
22 demand during certain peak hours which would exceed the proposed supply. He indicated that
23 the Traffic Engineer feels any deficit is unacceptable because the only nearby parking is on
24 residential streets to the west. He said that parking standards must be maintained to provide
25 sufficient parking for when tenants change in the Center.
26

27 Associate Planner Moreno indicated that the drive-through lane is proposed to be shortened and
28 would still accommodate drive-through service. He indicated that the applicant contends that
29 there are seldom five cars queued in the drive-through line. He said that recommended
30 conditions of the Traffic Engineer are that the drive-through lane shall be at least 10 feet wide;
31 the outside turning radius shall be 28 feet; and the length of the drive-through lane shall
32 accommodate five cars. He said that the site may change uses in the future which may increase
33 peak queuing length and impact parking lot access. He stated that the applicant feels locating the
34 trash enclosure in the proposed location between the two structures would not create a nuisance
35 to neighbors; would provide a closer proximity to the sewer line hookup as required by the
36 Public Works Department; would not sacrifice additional parking; and would not interfere with
37 traffic flow. He said that staff feels the proposed trash enclosure location has the potential to
38 create a nuisance to neighbors and would reduce the turning radius for vehicles to exit to the
39 drive-through.
40

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1 Associate Planner Moreno indicated that the parking demand exceeds the parking supply as
2 proposed and may have an adverse impact to the commercial site and surrounding residential
3 area. He commented that staff received two telephone calls from residents inquiring regarding
4 the proposal and an e-mail regarding concerns with the proposed location of the trash enclosure.
5 He commented that staff is proposing a change to the Resolution to allow staff the flexibility to
6 approve a new location of the trash enclosure.

7
8 In response to a question from Commissioner Lesser, Associate Planner Moreno said that a
9 reduction to a parking requirement may be granted if it can be demonstrated that parking can be
10 shared for a site based on the type and hours of operation of the uses.

11
12 Commissioner Simon said that there was not analysis included in the parking study to justify a
13 reduction in parking based on the types of uses in the center.

14
15 In response to a question from Commissioner Bohner, Associate Planner Moreno said that the
16 traffic study typically looks at the peak hours of operation, and two days is sufficient to provide
17 enough information to determine hat the parking demand is.

18
19 In response to a question from Commissioner Schlager, Associate Planner Moreno indicated that
20 he is not aware of complaints from the adjacent residents regarding people parking for the center
21 in the adjacent neighborhood..

22
23 Commissioner Schlager said that the proposed location of the trash bin does appear quite close to
24 the drive-through exit, and expressed safety concerns with collection of trash and of employees
25 delivering trash to the bin.

26
27 Associate Planner Moreno commented that employees go through the front of the building to
28 deposit trash into the bin rather than the side of the structure adjacent to the drive-through.

29
30 Commissioner Bohner said that he remembers seeing materials from the applicant stating that the
31 typical time for trash pickup is 1:00 p.m., which is the peak time of use for the drive-through.

32
33 Commissioner Schlager commented that the Commission would want to confirm the hours of
34 trash collection before they approved the proposed location of the trash bin.

35
36 In response to a question from Commissioner Simon, Associate Planner Moreno said that there
37 was a lease agreement in 1984 between the owner of the subject property and the owner of the
38 two lots to the north to provide additional parking for the Burger King. He said that there was
39 not a requirement with the City regarding the length of the lease agreement.

40

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1 In response to a question from Commissioner Bohner, Associate Planner Moreno commented
2 that an application has been submitted for a medical building on the two adjacent properties.

3
4 Chairperson Savikas opened the public hearing.

5
6 **Ed Bedrosian**, the applicant, indicated that the previous property owner leased the two adjacent
7 properties with the intention of expanding the Burger King. He stated that parking demand
8 studies typically consist of two or three days of analysis, and the counting of vehicles was done
9 during peak hours. He said that the traffic count showed that there was typically one to two cars
10 in the drive-through at peak times between 11:00 a.m. and 2:00 p.m. He said that there are
11 currently two 4 cubic yard trash enclosures on the site, and one is typically empty. He indicated
12 that the trash enclosure could be reduced to one 4 yard bin and could be moved over to give more
13 space for the drive-through. He pointed out that it would be easier to tie the trash enclosure with
14 the sewer at the proposed location because the sewer line is located between the two structures.
15 He indicated that at least some of the tenants would need to walk across the parking lot to the
16 trash bin regardless of its location, and the current location probably creates the greatest safety
17 hazard because more tenants have to walk across the entire parking lot. He said that the bin
18 would be separated from the drive-through lane in the proposed location. He commented that the
19 trash enclosure is inspected frequently by the Health Department and by representatives from the
20 franchises to ensure it is clean and well maintained. He said that the height of the trash bin area
21 would be no taller than the existing fence.

22
23 In response to a question from Commissioner Bohner, **Mr. Bedrosian** indicated that trash is
24 picked up daily between 1:30 p.m. and 2:00 p.m.

25
26 In response to a question from Commissioner Simon, **Mr. Bedrosian** said that approximately
27 eight cars can queue in the drive-through lane from the point of the window. He pointed out that
28 any future business on the site would have to be approved. He stated that Burger King's lease
29 expires in December; however, there are no plans for changing the use for the site.

30
31 Commissioner Schlager stated that cars are overflowing in the queue and parking has been
32 relatively full when driven past the site at different times during the day. He commented that he
33 is concerned with the site becoming like a shopping mall that will increase the impact of traffic.

34
35 **Mr. Bedrosian** said that the study shows that the center is typically 75 percent utilized.

36
37 Commissioner Schlager stated that the City has grown in the last 20 years and continues to grow,
38 and people will park wherever is available because there is inadequate parking elsewhere. He
39 said that he wants to be sure that the amount of parking that is approved will not negatively
40 impact parking for neighboring residential and commercial properties.

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1
2 **Mr. Bedrosian** indicated that people will not utilize the center if on site parking is insufficient
3 because it is inconvenient to attempt to park in the adjacent area and walk to the center.

4
5 In response to a question from Chairperson Savikas Savikas, **Mr. Bedrosian** indicated that Mr.
6 Bredeson, the previous owner of the Burger King, owned the two adjacent lots and later sold
7 them to Mr. Song.

8
9 In response to a question from Chairperson Savikas, Director Thompson indicated that there are
10 standards and minimum requirements for the size of trash bins that are established by the Public
11 Works Department, and staff will work with applicants if there are limited areas to accommodate
12 the bins. He stated that there is a requirement that water run off from washing the trash bin be
13 directed down the sewer line rather than storm drains.

14
15 In response to a question from Commissioner Lesser, Director Thompson said that there is no
16 grandfathering of parking requirements in this case. He indicated that a Use Permit was
17 originally granted in 1983 and an amendment granted a year later, and the original entitlement
18 was invalidated once the Amendment was granted.

19
20 In response to a question from Commissioner Lesser Director Thompson stated that a parking
21 reduction can be approved by the Commission if it is demonstrated with a parking demand study
22 that there is adequate parking on site. He indicated that the parking study did not justify approval
23 of a reduction in this case.

24
25 Chairperson Savikas opened the public hearing.

26
27 **Raymond Seto**, representing Dr. and Ms. Song, the owners of the adjacent lots, stated that they
28 sent a letter to the City in support because they would like to see the continued use of the center.
29 He also indicated that there is a legal issue as to whether his clients have a right or interest in the
30 Conditional Use Permit. He commented that his clients own the two adjacent lots to which the
31 CUP was originally granted, and they would have an interest as well if the CUP runs with the
32 land. He stated that they have applied for a building permit to construct a medical office building
33 in compliance with existing zoning, and they have been informed by City staff that they will not
34 be issued permits as long as the Burger King is in operation. He said that there currently is a
35 month to month agreement with **Mr. Bedrosian**. He stated that they are concerned that staff
36 originally indicated they could not get permits while Burger King operates, and now staff appears
37 to be requiring them to make the property available to lease to the applicant. He stated that if the
38 CUP is not approved, his clients have a contractual right to compel the applicant to shut down
39 the Burger King and to exercise dominion over their property by erecting a fence around their
40 property.

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1
2 In response to a question from Commissioner Bohner, **Mr. Seto** stated that all parking for a
3 medical office use would be on the ground floor of the proposed structure.
4

5 **Chris Prodromides**, a resident of the 3000 block of Oak Avenue, indicated that the local
6 businesses and residents will suffer if the proposal is approved. He commented that the proposed
7 reduction in parking from 68 to 57 spaces has been labeled as unacceptable by measure of the
8 traffic analysis. He said that the reduction in parking would have a negative impact on the
9 residents with patrons being forced to find parking in the adjacent streets and would hinder the
10 other businesses within the plaza. He indicated that the drive-through lane must have sufficient
11 capacity for five cars, and he would expect that the drive-through would be removed with any
12 less. He stated that the proposed parking configuration would provide a single inlet so that traffic
13 must travel in two directions to enter and exit while avoiding the drive-through queue. He stated
14 that the proposed configuration would make it more difficult to park in the few remaining spaces
15 which are close to the shortened drive-through lane. He stated that the proposed relocation of the
16 trash enclosure would result in negative impacts to the neighbors with odors and potential health
17 hazards of trash including rodents and insects. He also commented that trash pickup is noisy and
18 would damage the shared cinderblock wall. He also indicated that there is not sufficient space
19 for the trash enclosure at the proposed location. He commented that the hours of operation of the
20 restaurant are in violation of the original Use Permit. He stated that the permit allows hours from
21 7:00 a.m. seven days a week, and the restaurant currently opens at 6:30 a.m. to 10:00 p.m.
22 Monday through Saturday. He also indicated that the Use Permit restricts use of the microphone
23 on the menu board after 10:00 p.m.; however the drive-through is currently open until 11:00 p.m.
24 Monday through Thursday. He stated that he wants action to be taken to enforce the hours of
25 operation established by the Use Permit.
26

27 In response to a question from Commissioner Schlager, **Mr. Seto** said that the first indication
28 that there was an issue with Planning Department issuing a permit for the two lots was two
29 weeks prior to his clients closing of escrow. He stated that the seller put it in writing that he
30 would close the Burger King. He said that they also asked Mr. Bredeson to represent that he was
31 not aware of any agreements or claims by any parties that the parking lot would need to remain
32 open to service the Burger King, and he represented that there were not. He indicated that they
33 were then informed by Planning staff that there were several claims made regarding the use of
34 the parking.
35

36 Director Thompson said that all parties were aware at the time of selling of the property, of the
37 restrictions on the properties. He stated that staff was aware of the situation and the
38 complications, and staff notified all parties concerned of the implications and the restrictions on
39 the property. He indicated that it was clear that a building would not be permitted to be built on a
40 required parking lot and that the parking would still need to be provided to Burger King. He

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1 commented that Use Permit requirements run with the land. He said that staff feels their
2 interpretation is most favorable to Dr. and Ms. Song, as they would be granted permits provided
3 Burger King is closed.
4

5 **Hank Scheinberg**, 3000 block of Oak Avenue, said that the location of the proposed trash bin is
6 next to his residence. He stated that they understood commercial properties were abutting when
7 they bought their property; however, having a trash bin six feet from his home would greatly add
8 to noise and disturb the contentment of the neighborhood.
9

10 **Mr. Bedrosian** said that the trash bin would be enclosed; would not smell; would be kept clean;
11 and would be regularly inspected. He commented that he has hired a tree trimming service to
12 maintain the landscaping, which helps prevent rodents from infesting the trash bin. He said that
13 placing the bin along Sepulveda Boulevard is that it results in the general public using it to
14 deposit trash and it is unattractive.
15

16 Chairperson Savikas closed the public hearing.
17

18 In response to a question from Commissioner Lesser, Director Thompson said that the issue
19 under consideration by the Commission is the reduction in parking and the relocation of the trash
20 enclosure.
21

22 Commissioner Bohner stated that his concern is that the applicant is admitting that there are
23 several hours during the day that there is a deficit on parking and that people would park to use
24 the center in residential areas. He said that there is a reason for parking requirements,
25 particularly when it is admitted that parking would be an issue. He said that there is nothing in
26 the proposal that attempts to mitigate the parking deficit. He commented that there were four
27 cars queued in the drive-through at 8:30 p.m. when he visited the Burger King last Saturday
28 night, and the proposed location of the trash bin could create a hazard for cars exiting. He
29 commented that he also sympathizes with the trash bin being located so close to **Mr.**
30 **Scheinberg's** property, and some of the trash could spill over to his property or into the drive-
31 through lane.
32

33 Commissioner Schlager stated that he must adhere to the original rules imposed on the property.
34 He stated that he does not believe the amount of parking spaces that would be provided as
35 proposed would be adequate given the current conditions. He said that he also does not believe
36 that a future business on the site would have adequate parking. He commented that the middle of
37 the afternoon is not a convenient time for trash collection at the proposed location of the bin. He
38 indicated that he also sympathizes with Mr. Scheinberg and would not want a trash bin so close
39 to his home. He said that he would be inclined to deny the applicant's request.
40

PLANNING COMMISSION MINUTES

June 22, 2005

Page 8

1 Commissioner Lesser commented that he agrees with the comments of the other Commissioners.
 2 He stated that the Commission is limited to the issue before them, and he does not feel he can
 3 question staff's findings in this case. He said that the Code requirements are such that there is
 4 not a justification for reducing the parking requirements. He stated that he shares the concerns
 5 for staff regarding the space for exiting the drive-through and does not feel the parking study has
 6 sufficiently demonstrated that queuing would not be an issue. He said that he would follow the
 7 recommendation of staff.

8
 9 Commissioner Simon commented that if it is determined that the parking requirement reduction
 10 should not be permitted then there is no issue as changing the drive-through because Burger King
 11 would either have to close or retain their existing layout. He said that the trash enclosure needs
 12 to be relocated whether the existing business stays or a new business moves into the site, and he
 13 would hope that the applicant would not have to come back before the Commission only to
 14 relocate the trash enclosure. He commended Mr. and Ms. Song for waiting to see the outcome
 15 before taking further action. He said, however, that the issue of the adjoining properties
 16 entitlements is not before the Commission. He indicated that no demonstration has been made
 17 that a parking reduction would allow the property to comply with the intent of the Code or that it
 18 would be feasible. He said that he would support allowing staff the ability to approve a new
 19 location for the trash enclosure.

20
 21 Director Thompson pointed out that staff amended the draft Resolution to give the residents
 22 assurance that a trash enclosure is not approved adjacent to the western property line and to allow
 23 staff the ability to relocate the bin in another area more appropriately located nearer to Sepulveda
 24 Boulevard.

25
 26 Chairperson Savikas stated that the absence of any representative from Burger King makes it
 27 obvious that they are selling off the parking and access to their business. She suggested that the
 28 month to month lease between Mr. and Ms. Song and the applicant be maintained until
 29 December when Burger King's lease expires. She said that she is not comfortable making a
 30 decision regarding the trash enclosure because of the uncertainty of whether Burger King will
 31 remain.

32
 33 A motion was MADE and SECONDED (Bohner, Schlager) to **APPROVE** the draft Resolution
 34 attached to the Staff Report to **DENY** an Amendment to Existing Use Permit for a commercial
 35 center to allow a parking reduction, reconfiguration of a drive-through, and relocation of a trash
 36 bin enclosure, for the Burger King restaurant at 3001 and 3005 North Sepulveda Boulevard

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

PLANNING COMMISSION MINUTES

June 22, 2005

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1 ABSTAIN: None

2

3 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
4 the City Council's Consent Calendar for their review on July 19, 2005.

5

6 **DIRECTOR'S ITEMS** None

7

8 **PLANNING COMMISSION ITEMS**

9

10 **Possible City Council Work Plan Items for 2005-2006**

11

12 Commissioners Lesser Bohner and Schlager said that they will defer to the City Council to listen
13 to their proposals for the Work Plan at the meeting scheduled for June 24, 2005.

14

15 Commissioner Schlager stated that parking has been and will continue to be an issue in the City,
16 and there must be solutions to address the problem. He commented that he has seen the methods
17 used by other cities including paying large fees for parking and permits, and the parking in
18 Manhattan Beach is much more liberal. He indicated that it will be interesting to see the results
19 of the new Metlox parking. He said that he would like to see the City more proactive by
0 redirecting the parking. He suggested the possibility of increasing parking meters in high density
21 areas.

22

23 Commissioner Bohner commented that the Metlox parking lot has been opened for
24 approximately a year, and there are not many people who are utilizing it. He said that people are
25 not aware of the lot with all of the adjacent construction activity, and it should be publicized
26 more effectively. He also pointed out that a portion of the parking for the new public safety
27 facility will also be available to the public.

28

29 Director Thompson said that the City Council is aware that parking needs to be addressed and
30 has decided to wait until the Metlox project is finished in December of 2006 for an updated
31 evaluation of the parking supply and demand.

32

33 Commissioner Schlager said that redirecting traffic to get drivers to park in other areas by using
34 appropriate signage; increasing metered parking in impacted areas; and using permitting are
35 important. He commented permitting allows the City the ability to monitor and receive revenues
36 for overages on the number of vehicles allowed per resident and allows residents the ability to
37 park in specific areas during certain hours where non-residents would not be permitted to park.
38 He also suggested the possibility of using some of the revenue from permitting to add levels to
39 the existing parking structures such as at Culiacan Park and on Manhattan Beach Boulevard to
40 increase the parking supply.

PLANNING COMMISSION MINUTES

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Page 10

1
2 Director Thompson indicated that parking issues in general are the jurisdiction of the City
3 Council and the Parking and Public Improvements Commission. He stated that the Planning
4 Commission will consider parking issues mainly in conjunction with the parking requirements
5 for the downtown area and regarding the parking requirements for new businesses.

6
7 Director Thompson indicated that staff has included as items for consideration on the work plan
8 the Tree Protection Ordinance; lot mergers; an update regarding minor exceptions for small
9 homes; the storm water retention on private property and the downtown farmers market.

10
11 In response to a question from Commissioner Lesser, Director Thompson indicated that the Bulk
12 Volume Ordinance will not automatically be placed on the work plan. He said that staff will
13 continue to monitor the impact of the Ordinance and possibly wait another year before further
14 review.

15
16 **TENTATIVE AGENDA: July 13, 2005**

17
18 **ADJOURNMENT**

19
20 The meeting of the Planning Commission was **ADJOURNED** at 8:40 p.m. in the City Council
21 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, July 13, 2005, at 6:30 p.m. in the
22 same chambers.

23
24
25 _____
26 RICHARD THOMPSON
Secretary to the Planning Commission

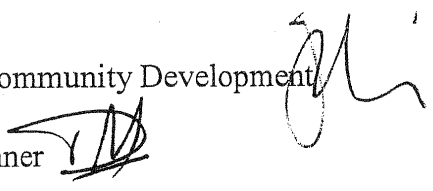
SARAH BOESCHEN
Recording Secretary

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Daniel A. Moreno, Associate Planner



DATE: June 22, 2005

SUBJECT: Consideration of an Amendment to an Existing Use Permit for a Commercial Center to Allow a Parking Reduction, Reconfiguration of a Drive-Through and Relocation of a Trash Bin Enclosure, for the Burger King Restaurant at 3001 and 3005 Sepulveda Boulevard (Manhattan Plaza, LLC)

RECOMMENDATION

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

APPLICANT/PROPERTY OWNER

Manhattan Plaza, LLC
Edmund Bedrosian, Managing Member
600 S. San Rafael Avenue
Pasadena, Ca. 91105

BACKGROUND

On May 4, 2005, the Community Development Department received an application requesting approval of an amendment to an existing Use Permit for the subject commercial site to allow the following: 1) a reduction in required parking for the existing commercial center from existing parking requirements, 2) redesign of the existing drive-through, and 3) relocation of the existing trash enclosure. The commercial center is located at 3001-3005 Sepulveda Boulevard along the Sepulveda Boulevard corridor within the Commercial General or "CG" zone. Because the applicant proposes a physical change to the site, which has parking implications, the Use Permit must be amended to address these changes.

On April 13, 1983, the Planning Commission approved a Use Permit (Resolution No. PC 83-12 attached Exhibit B) to allow the construction of a 7,900 square foot commercial center which includes a restaurant (Burger King) with drive-through service, which was



subsequently amended in 1984. Therefore, the entire commercial center including Burger King must comply with all of the conditions of the amended Use Permit that was granted in 1984. The Burger King building, as physically measure by the applicant, contains 2,377 square feet.

The commercial center encompasses two separate structures, one of which houses the Burger King restaurant, with the remaining structure containing eight uses; Domino's Pizza, Simple Software, Kamiyama Kai Sushi, Vista Optical, Lido Bakery, Village Shoe Repair and Olympic Cleaners and Douglas Edward Hair Salon. The original approved plan allowed for 48 parking spaces, a refuse enclosure along the westerly property line between the retail/office building and the Burger King building, and a drive-up service lane for Burger King.

On July 18, 1984, the Planning Commission approved a Use Permit Amendment (Resolution No. PC 83-32 Exhibit C), to allow the establishment of additional parking spaces for the commercial site. With forecasted growth in mind, the previous owners (B & G Development) leased two adjoining properties to the north, thus allowing the owners to not only add parking but to also relocate the trash enclosure to the northeast corner of the property and extend the Burger King drive-through lane to accommodate more vehicles. The 20 additional parking spaces were designed to accommodate additional parking for the adjoining commercial center and provide for an extended drive-thru access lane that would better serve the development and reduce potential vehicle impacts on site and in the general vicinity particularly to the adjacent residential properties to the west.

In December, 1985, Edmund Bedrosian purchased the Center except for the two northerly lots (23 & 24). In November, 2004, the two northerly lots were sold to C.K. Song Properties, who have since requested a building permit to develop a medical building on the two lots. Staff will not issue a permit for these two lots because it would remove required parking for the commercial center and the drive-through for Burger King. Since the sale of the properties in November the current owner of the commercial site, Edmund Bedrosian, has leased the two lots to stay in compliance with the Use Permit approved in 1984.

With the potential development of the two northerly Lots (23 & 24), the parking area would no longer be available for use thus rendering the commercial center nonconforming for required parking and therefore necessitating the filing of an amendment to Resolution No. PC 84-32.

DISCUSSION

Reduction in Parking

As mentioned above, in 1983 approved Resolution No. PC 83-12 allowed a restaurant with drive-through service and a separate 6,000 square foot commercial building for the

subject site. Condition #11 of said Resolution states that the project would include a minimum of 48 parking spaces, which includes two disabled parking spaces and 15 compact spaces. In 1984 the Planning Commission approved an amendment (Resolution No. PC 84-32), to allow the installation of a new parking area on the adjoining properties to the north which provided 20 additional parking spaces which addressed vehicle related issues and nuisances to the adjoining neighbors.

In 1990, the Zoning Code (Title 10) was amended by Council which changed the parking standards for commercial districts. Based on the current parking standards for all the existing uses, 57 total parking spaces are required.

The Parking Demand Study submitted by the applicant (Exhibit D) states that due to the operating hours of the various business located throughout the commercial center, collectively, the parking demand is less than the current code requirement of 57 spaces. The study also indicates that there are a few peak hours that there is a shortage of parking and that the average parking demand is 36 spaces out of the 48 required spaces.

The City Traffic Engineer has also analyzed the parking demand and has reviewed the Parking Demand Study (Exhibit E) and provides the following comments:

1. The shared parking analysis states that there is adequate parking during most of the day. This also means that during three hours of each weekday (9:00 a.m., 11:00 a.m. and 12:00 p.m.) and three hours on Saturday (11:00 a.m., 12:00 p.m., and 2:00 p.m.), there is a deficit. Any deficit is unacceptable, because the only nearby available public parking is on residential streets to the west.
2. The analysis states that the typical daily peak demand is 62 spaces, which would exceed the proposed supply by 29%. This is unacceptable, and additional parking should be acquired possibly through parking agreements or construction of additional spaces.
3. The proposed parking deficit will have an adverse impact on the adjacent residential properties due to an increase in non-residential parking during peak periods.
4. The analysis made its findings based on the existing uses on the site; however, parking demand may increase if tenants change. Therefore, the code required parking supply for general retail and fast-food restaurant uses must be maintained to provide sufficient parking when tenants change, since there may be no discretionary action to guarantee adequate parking supply.

Drive Through

The proposed drive-through would be shortened and located as originally approved in 1983 (see site plan) and would accommodate queuing for the drive-up service. The applicant contends that there are seldom 5 cars queuing at any one time through the drive-through and that it only occurs during the lunch peak hours. The Parking Demand Study

3

(attached, Exhibit D) commissioned by the applicant indicates that for most of the day the drive-through lane is not operating in full capacity and that the turning radiuses are adequate and consistent with the Use Permit approval granted in 1983.

In a memo to staff dated May 17, 2005, the City Traffic Engineer has analyzed the proposal and has reviewed the Parking Demand Study (Exhibit E) and provides the following comments:

- 1. The analysis does not state the peak queue length (in cars or feet) of the drive-through lane at any one time; it provides the total number of cars during a one-hour period. The minimum length of the drive-through lane needed to accommodate the peak usage and potential overflow can not be determined from the information provided.
- 2. The length of the drive-through lane shall meet City Code requirement of five cars, regardless of current usage. The type of fast-food restaurant may change in the future, which may increase peak queue length and impact parking lot access.

Trash Enclosure

With the proposed physical changes to the site the existing trash enclosure currently located at the northeast corner of the property would need to be relocated. The applicant has proposed relocating the enclosure to the original location along the westerly property line between the commercial building and the Burger King Building (see attached site plan). The applicant believes that this location is appropriate for accessibility for all tenants of the site. Furthermore, the applicant believes that the location would not create a nuisance to the adjoining neighbors, would provide a closer proximity for sewer line hook-up as required by Public Works, would not sacrifice additional parking, and would not interfere with traffic flow.

Staff believes that to propose the trash area in the same location as was approved in 1983 has the potential to create nuisances to the adjacent residential neighbors as the trash enclosure size requirements have changed significantly.

Findings

In order to approve the subject application, the following findings must be made:

- 1. The proposed location of the use is in accord with the objectives of the zoning code 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 the zoning code, including any specific conditions required for the proposed use in the district in which it would be located.
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.

CONCLUSION

The applicant is requesting that approval be granted by the Planning Commission to allow the existing Burger King restaurant to operate with 48 parking spaces as approved in the entitlement granted in 1983 as part of Resolution No. PC 83-12. Staff points out to the Commission that commercial projects cannot revert back to outdated standards. What is critical is that the changes to the site must comply with all current development regulations particularly with parking requirements. The Parking Demand Analysis states that the peak parking demand is 62 spaces, which exceeds the proposed supply by 29%, which cannot be supported by staff. Staff believes that the parking deficit will have an adverse impact to the commercial site and surrounding residential area.

At this time, the applicant has not proposed any other uses for this site to replace the Burger King restaurant. However, any use changes for the site will require the filing of a new Use Permit Amendment. When a new amendment is submitted staff would also address other nonconforming issues for the site including signage and site landscaping.

PUBLIC COMMENTS

Staff has received two inquiries from the public seeking information and clarification of the subject proposal. An e-mail is attached from a neighbor adjacent to the project with concerns about the location of trash enclosure (attached, Exhibit F). No other comments were received from other departments regarding the subject application.

ALTERNATIVES

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

13

Attachments:

- Exhibit A - 'Draft' Resolution No. PC 05- (available electronically)
- Exhibit B – Vicinity Map
- Exhibit C - Resolution No. PC 83-12 (available electronically)
- Exhibit D - Resolution No. PC 84-32 (available electronically)
- Exhibit E - Parking Demand Study (available electronically)
- Exhibit F - City Traffic Engineer Memo, dated 5/17/05 (available electronically)
- Exhibit G – Applicants Project Narrative, dated 5/4/05
- Exhibit H - E-mail from Property Owner, dated 6/14/05 (available electronically)
- Exhibit I – Project Plans (available electronically)

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

BurgerKingPCRpt 6-22-05

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY MANHATTAN BEACH DENYING A USE PERMIT AMENDMENT FOR A PARKING REDUCTION, RECONFIGURATION OF A DRIVE-THROUGH AND RELOCATION OF A TRASH ENCLOSURE, FOR THE COMMERCIAL CENTER INCLUDING THE BURGER KING RESTAURANT AT 3001 AND 3005 SEPULVEDA BOULEVARD (Manhattan Plaza, LLC)

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 considered an application for a Use Permit Amendment at the subject site on the property legally described as Lots 16, 17, 18, 19, 20, 21 and 22, Block 30, Tract No. 1638, located at 3001 and 3005 Sepulveda Boulevard.
- B. The applicant for the subject project is Edmund Bedrosian, Managing Member of Manhattan Plaza, LLC.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Use Permit Amendment at its regular meeting of June 22, 2005. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. On April 13, 1983, the Planning Commission approved a Use Permit (Resolution No. PC 83-12) to allow the construction of a 7,900 square foot commercial center which includes a restaurant (Burger King) with drive-through service. Condition #11 of said Resolution states that the project would provide a minimum of 48 parking spaces, which includes two disabled spaces and 15 compact spaces. On July 18, 1984, the Planning Commission approved a Use Permit Amendment (Resolution No. PC 84-32) to allow the use of two adjacent lots to the north (Lots 23 & 24) for the establishment of an additional 20 parking spaces for the commercial site and a reconfiguration of the Burger King drive-through to address vehicle related issues and nuisances to the adjoining neighbors.
- E. The property is located within Area District II and is zoned CG Commercial General. The surrounding properties to the north, east and south are similarly zoned. The properties to the west are zoned single family residential.
- F. The General Plan designation for the property is General Commercial.
- G. The Use Permit application is a request to allow 1) a reduction of required parking for the existing commercial center from existing parking requirements, 2) redesign of an existing drive-through, and 3) relocation of an existing trash enclosure. The applicants request is to allow the existing commercial center and Burger King restaurant to continue to operate with 48 parking spaces, as approved in the entitlement granted in 1983 as part of Resolution No. PC 83-12, which is not in conformance with the 1984, Resolution No. PC 84-32 and current parking code requirement.
- H. The sale of the northerly lots (23 & 24) of the commercial center, where 20 parking spaces and the drive-through approved in 1984 are located, and the potential development of the lots, would render the commercial center nonconforming for parking as the parking would no longer be available and therefore necessitates the filing of an amendment to Resolution No. PC 84-32.

I. In 1990, the Zoning Code (Title 10) was adopted by the City Council which changed the parking standards for commercial districts. Based on the current parking standards for all the



'DRAFT' RESOLUTION NO. PC 05-

existing uses, 57 total parking spaces would need to be provided, therefore with the deletion of 20 parking spaces approved in 1984 located on lots 23 and 24 the site would be deficient by 9 parking spaces (57 required spaces - 48 existing spaces = -9 spaces) based on current parking standards.

- J. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
 - a) The proposed location of the use is not in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. With the sale and potential development of the two northerly lots (23 & 24), the parking area would not longer be available for use and thus render the commercial center nonconforming for 9 required parking spaces.
 - b) The proposed changes to the parking for the entire commercial site and the proposed conditions under which it would be operated or maintained would be inconsistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investments in areas of the City and recognizes the need for a variety of commercial development types. The deficiency in parking would be detrimental to the public health, safety, and welfare of persons residing or working on the project site or in the adjacent neighborhood of such use; and would be detrimental to properties or improvements in the vicinity or to the general welfare of the City. Old parking requirements approved 22 years ago should not apply to a current application based on current findings in the parking demand study which shows that the reduced parking is not adequate to meet the demands on the site.
 - c) The proposal would not comply with specific conditions required for the proposed use in the district in which it would be located. Any deficiency in parking would have an adverse impact because the only nearby available public parking is on residential streets to the west. Furthermore, the current code required parking supply for general retail and fast-food restaurants uses must be maintained to provide sufficient parking when future tenants change, since there may be no discretionary action to guarantee adequate parking supply.
 - d) The proposed change in use would have adverse impacts to nearby residents or commercial properties as they relate to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demand exceeding the capacity of public services and facilities which cannot be mitigated. The peak demand for parking would exceed the proposed demand by 29% which has impacts to adjacent neighborhood and adjoining commercial properties. The proposed project changes would not provide the required on-site parking spaces and would create an additional demand for public services and facilities which cannot be mitigated.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Use Permit Amendment.

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 determination 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 full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **June 22, 2005** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON

Secretary to the Planning Commission

Sarah Boeschen

Recording Secretary

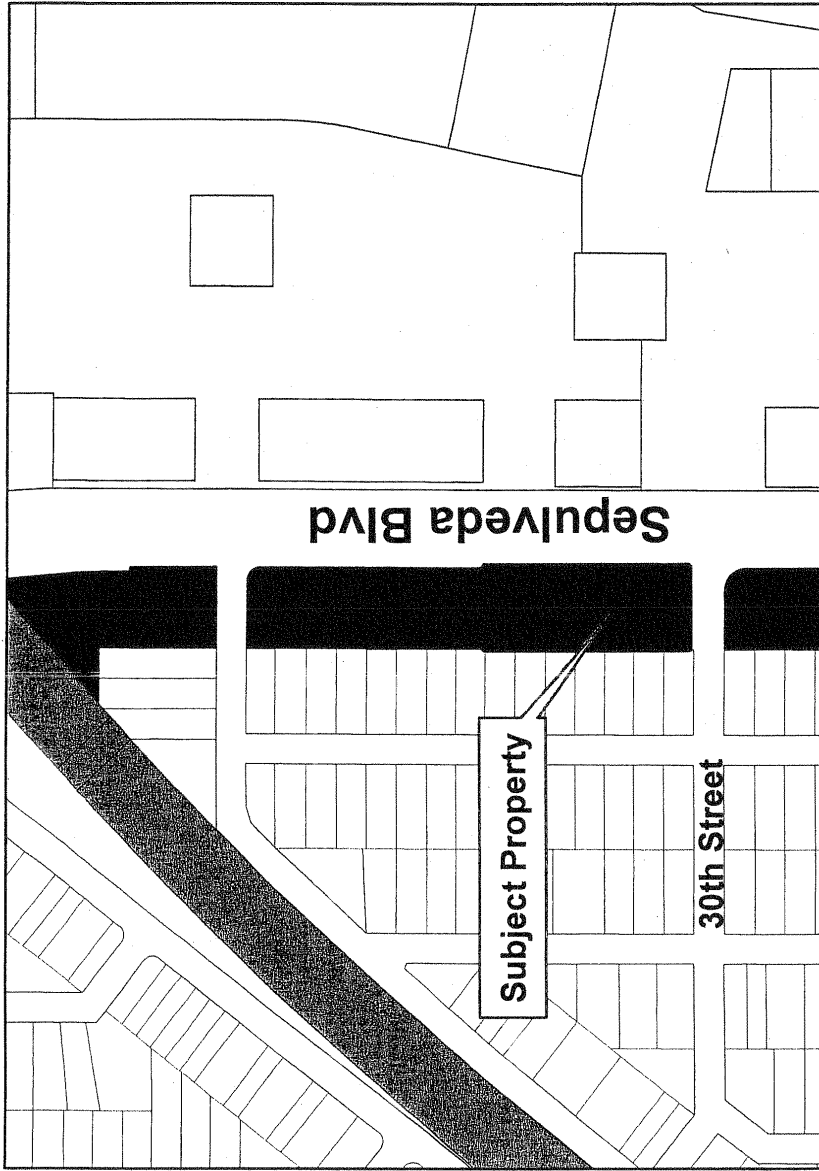
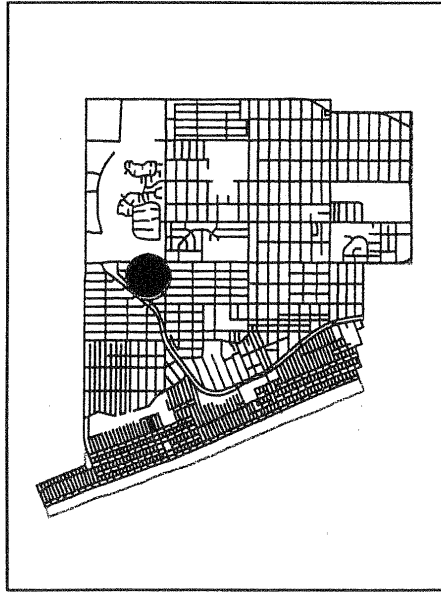
Vicinity Map

3001-3005 Sepulveda Blvd

EXHIBIT

B

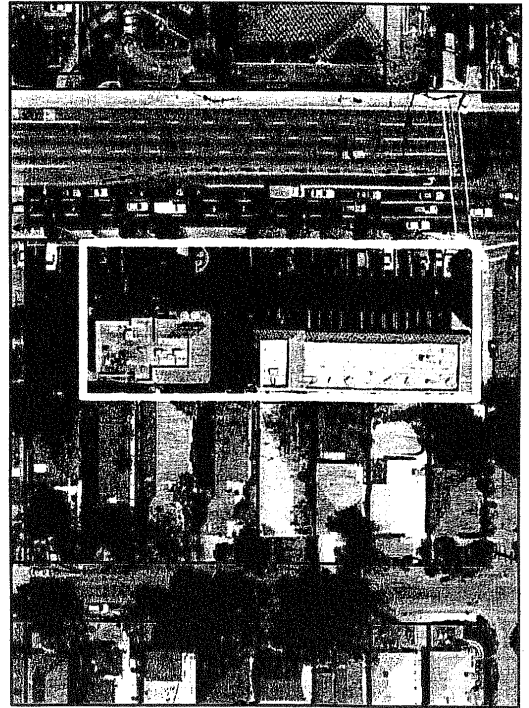
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- RS - Residential Single Family
- CC - Community Commercial
- CG - General Commercial
- OS - Open Space



13



13

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

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

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

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

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

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

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

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

EXHIBIT

13

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

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

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

13

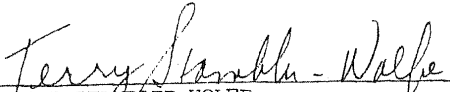
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of April 13, 1983, and that said Resolution was adopted by the following vote:

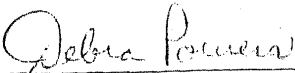
AYES: Commissioners Ackerman, Armistead, Barnes, Benard, Dennis, Maturko, Chairman Wachtfogel.

NOES: None.

ABSTAIN: None.

ABSENT: None.


TERRY STAMBLER-WOLFE
Secretary of the Planning Commission


Debra Powers
Recording Secretary

13

RESOLUTION NO. PC 84-32

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

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

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

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

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

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



13

RESOLUTION NO. PC 84-32
(Continued)

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

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

RESOLUTION NO. PC 84-32
(Continued)

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of July 18, 1983, and that said Resolution was adopted by the following vote:

AYES: Commissioners Collins, Cunningham, Graw, and Chairman Barnes

NOES: None

ABSENT: Commissioner Ackerman

ABSTAIN: None

Terry Stambler-Wolfe
TERRY STAMBLER-WOLFE
Secretary to the Planning Commission

Darlene Rotman
Darlene Rotman
Recording Secretary

MANHATTAN PLAZA CENTER PARKING DEMAND ANALYSIS

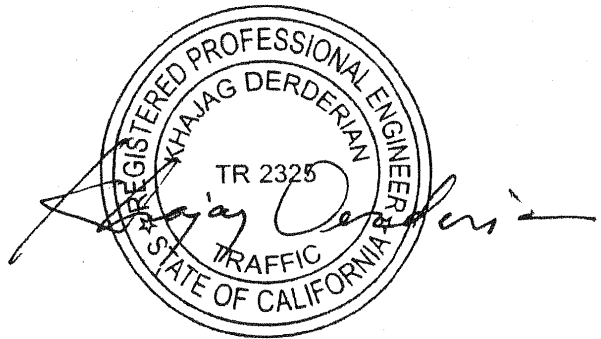
FINAL REPORT

Submitted to:

City of Manhattan Beach

Prepared for:

Mr. Ed Bedrosian
Manhattan Plaza, LLC.
600 S. San Rafael Ave.
Pasadena, CA 91105



Prepared by:

 Korve
Engineering
725 S Figueroa Street Suite 2350
Los Angeles, CA 90017
Phone: (213) 486-6578

June 13, 2005



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MANHATTAN PLAZA CENTER PARKING DEMAND STUDY

I. INTRODUCTION

This report presents a parking demand analysis for Manhattan Plaza Center, located on 3001 and 3005 Sepulveda Boulevard, in the City of Manhattan Beach, CA. A code analysis based on the City of Manhattan Beach Zoning Ordinance and an existing usage analysis based on field observed data have been prepared. This Study reflects the existing conditions and proposed changes.

II. BACKGROUND

Manhattan Plaza Center is 5860 SF retail center and a 2377 SF free standing fast food restaurant. The center was built in 1983 by the Burger King Franchisee on tract 1638, on lots 16 through 22. The plaza included 48 parking spaces in conformance of zoning code requirements of the time. In 1984 Burger King Franchisee purchased adjacent lots 23 and 24 of the same tract, and subsequently added more parking, extended the drive-through and relocated the trash enclosures on these newly purchased lots.

In 1985 the ownership of the Plaza was changed, as Mr. Bedrosian purchased the plaza excluding lots 23 and 24, these two lots remained under the ownership of Burger King Franchisee.

Recently Burger King Franchisee has sold lots 23 and 24, and therefore parking used for Burger King as well as the extended drive through will no longer be available for Burger King's or the rest of the plaza's use.

III. PROPOSED CHANGES

The current owner is requesting to relocate the trash enclosure to the original (1983) configuration, shorten the drive-thru to the originally designed and approved length, and operate the plaza with the originally approved number of parking spaces. This is all due to changes occurring as a result of the sale of lots 23 and 24.

IV. CURRENT CODE REQUIRED PARKING DEMANDS

The Manhattan Plaza Center was originally entitled in 1983 under different parking code requirements, which at the time required 48 spaces. Under current zoning requirements, without any expansion to the project, a total of 56.6 spaces would be required. Based on the existing on-site, secured parking supply of 64 spaces, including parking space on lots 23 and 24, a surplus of 7 spaces currently exist.

V. FUTURE PARKING DEMAND BASED ON ZONING ORDINANCE

Based on the City of Manhattan Beach Zoning ordinance, the Manhattan Plaza Center would require a total of 56.6 spaces. Currently The Plaza has 64 parking spaces available for use. With the loss of lots 23 and 24 the number of parking spaces will be reduced to 48 spaces, resulting in a deficit of 9 spaces, as summarized on Table 1.

VI. FUTURE PARKING NEEDS ANALYSIS BASED ON FIELD OBSERVATIONS

Although the 48 parking space provided fall short of the ordinance required 56.6 spaces, field observations of actual usage indicate that for much of the day less constraining conditions exist. This indicates that code requirements for this use may not be representative of actual operating conditions experienced in the field. Thus a detailed needs analysis was prepared to accurately reflect a realistic parking situation with the future changes to the Manhattan Plaza Center.

Baseline conditions were established by conducting parking occupancy counts on Tuesday, April 19, 2005 7:00 AM to 9:00 PM and also on Saturday, April 23, 2005 7:00 AM to 9:00 PM. During both of these days available parking spaces were counted at one hour increments. In addition, counts were made of cars going through the Burger King drive-thru and observations were made of non-plaza users parking on-site.

The results are summarized in Tables 2 and 3, and indicate that peak occupancy for weekday count occurred between the hours of 11:00 am and 12:00 pm with 62 stalls occupied. There were two other time periods in the day during which time number of parking spaces occupied exceeded 48 spaces, 9:00-10:00 am and 12:00-1:00 pm.

The peak occupancy for weekend count occurred between the hours of 1:00 pm and 2:00 pm with 57 stalls occupied. There were two other time periods in the day during which time number of parking spaces occupied exceeded 48 spaces, 11:00 am-12:00 pm and 12:00-1:00 pm.

For the fourteen hours observed throughout the day, an average parking occupancy rate of 72% was observed for the weekday and 74% was observed for the weekend.

The maximum number of cars passing through the restaurant drive-thru for both weekday and weekend study periods occurred between the hours of 12:00-1:00 pm. With 63 cars observed during the weekday and 52 cars during the weekend peak periods.

In order to determine the maximum number of cars queued to be serviced, two subsequent visits were made to the site. The visits were made on Saturday, June 11, 2005 and Monday, June 13, 2005. During these visits observations of cars in queue were made and recorded for the extended peak periods of the restaurant between the hours of 11:00 am and 4:00pm. It was noted that in majority of the instances there was

only one car in the queue and the maximum number of cars in the queue at any point in time was three.

Another observation made on the field was that of non-plaza users parking their vehicles and venturing across the street to patronize other businesses. The total number of vehicles for such activities at times accounted for 10% of parked spaces.

VII. CONCLUSION

As shown on Table 2, the existing plaza uses and the future reduction in area are observed to generate a peak parking occupancy of 62 spaces.

The provided supply of 48 spaces will result in a deficit of 14 spaces when compared to actual demands and a deficit of 9 spaces when compared to code required parking spaces. However, an analysis of the average usage for the entire study period, which was calculated to be 74%, indicates that 36 spaces are required to meet the majority of the day's demand.

The spaces provided will be adequate for most cases, but will fall short of demand during certain periods of the day.

Table 1 – Code Required Parking

Tenant/Classification	Area (S.F.)	Required Parking/(1/# S.F. GLA)	Required Parking Spaces
Domino's Pizza/Retail	1008	1/200	5.0
Simply Software/Retail	684	1/200	3.4
Kamiyama Sushi/Retail	684	1/200	3.4
Lido Bakery/Retail	900	1/200	4.5
Village Shoe Repair/Personal Services	576	1/300	1.9
Olympic Cleaners/Personal Services	1224	1/300	4.1
Douglas Edwards Hair Salon/ Personal Services	784	1/300	2.6
Burger King/Restaurant with take-out service	2377	1/75	31.7
TOTAL	8237		56.6

Table 2 – Field Observed Occupancy Counts, Tuesday, April 19, 2005**

Time	Number of Spaces occupied by Tenant Generated Cars	Number of Spaces occupied by outside users	Total Number of Parking Spaces Occupied	Number of Cars Passing Through Burger King drive-thru	Maximum number of cars (in drive-thru) observed waiting for service during a given period of time **	% Occupied*
7:00-8:00am	11	3	14	20	-	22
8:00-9:00am	24	3	27	25	-	56
9:00-10:00am	46	3	49	16	-	102
10:00-11:am	34	4	38	8	-	79
11:00am-12:00pm	58	4	62	8	2	129
12:00-1:00pm	52	1	53	63	3	110
1:00-2:00pm	37	1	38	35	2	79
2:00-3:00pm	33	1	34	27	3	71
3:00-4:00pm	39	1	40	20	2	83
4:00-5:00pm	35	2	37	14	-	77
5:00-6:00pm	40	1	41	21	-	86
6:00-7:00pm	23	0	23	8	-	48
7:00-8:00pm	21	0	21	15	-	44
8:00-9:00pm	13	0	13	9	-	27

* Percentage is based on 48 spaces available in the proposed/reduced configuration.

** Follow-up study was conducted to observe maximum number of cars in queue during the restaurant's peak periods on Saturday June 11 and Monday June 13, 2005.

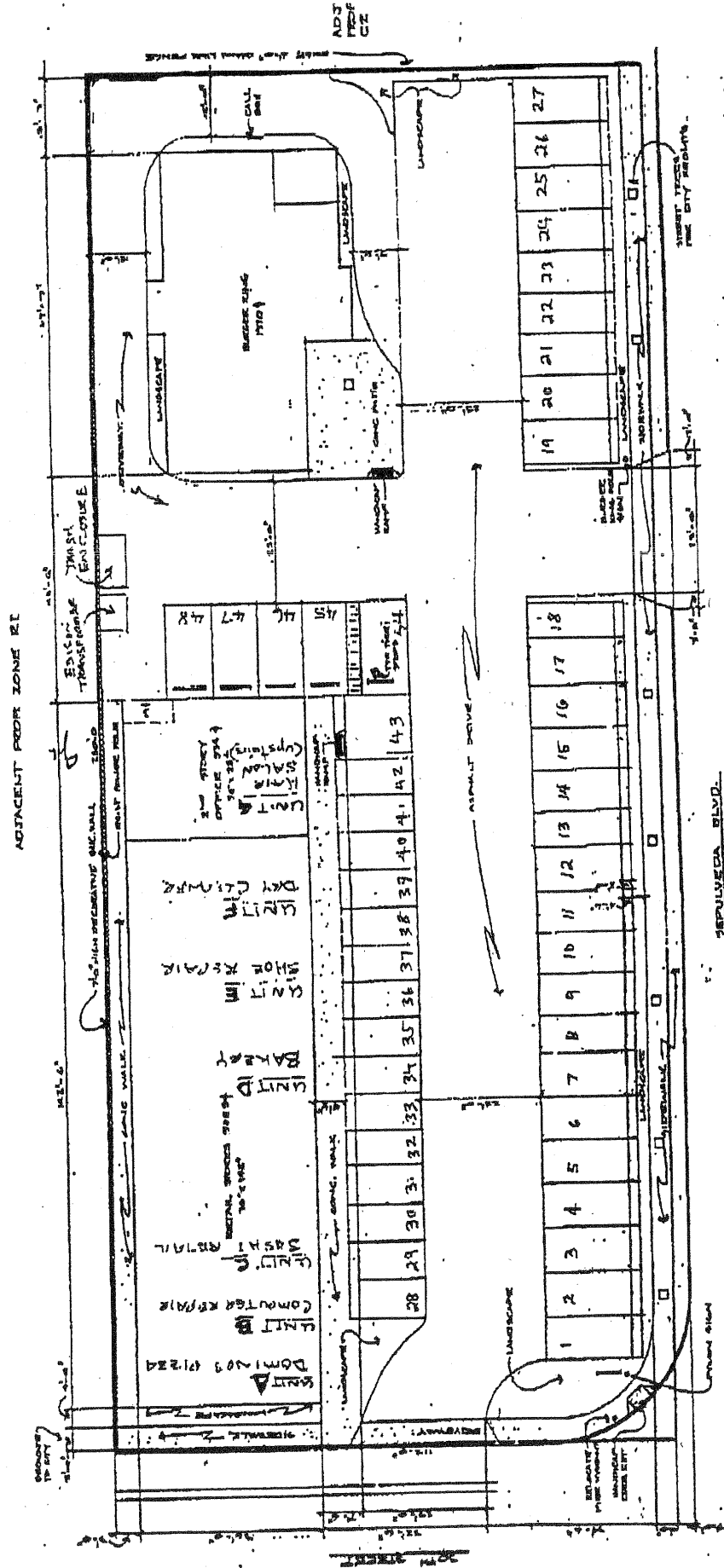
Table 3 – Field Observed Occupancy Counts, Saturday, April 26, 2005**

<i>Time</i>	<i>Number of Spaces occupied by Tenant Generated Cars</i>	<i>Number of Spaces occupied by outside users</i>	<i>Total Number of Parking Spaces Occupied</i>	<i>Number of Cars Passing Through Burger King drive-thru</i>	<i>Maximum number of cars (in drive-thru) observed waiting for service during a given period of time**</i>	<i>% Occupied*</i>
7:00-8:00am	5	0	5	14	-	10
8:00-9:00am	13	0	13	18	-	27
9:00-10:00am	30	0	30	20	-	63
10:00-11:am	40	0	40	13	-	83
11:00am-12:00pm	51	0	51	30	3	106
12:00-1:00pm	55	0	55	52	2	115
1:00-2:00pm	57	0	57	44	3	119
2:00-3:00pm	41	0	41	39	1	85
3:00-4:00pm	43	0	43	23	2	89
4:00-5:00pm	35	1	36	15	-	75
5:00-6:00pm	33	1	34	8	-	71
6:00-7:00pm	40	1	41	14	-	85
7:00-8:00pm	32	0	32	17	-	67
8:00-9:00pm	21	0	21	11	-	44

*Percentage is based on 48 spaces available in the proposed/reduced configuration.

** Follow-up study was conducted to observe maximum number of cars in queue during the restaurant's peak periods on Saturday June 11 and Monday June 13, 2005.

APPENDIX A
Site Plan



* CONFIGURATION
 UNDER ORIGINAL USE
 CONDITIONAL USE
 PERMIT PC 83-12

SITE PLAN
 ZELMER & SONS, INC.

LANDSCAPE AREA
 PLANTING AREA: 11,000 sq. ft.
 1" x 1" - 1833 sq. ft.
 2" x 2" - 1833 sq. ft.
 4" x 4" - 1833 sq. ft.
 TOTALS: 5466

SPACING REQUIREMENTS
 REQUIRED SPACES:
 1" x 1" SPACING: 1000 - 254
 2" x 2" SPACING: 1000 - 254
 4" x 4" SPACING: 1000 - 197
 TOTALS: 254

GENERAL DESCRIPTION
 LOTS 19, 20, 21, 22, 23, 24, 25, 26, 27
 BLUES TO TRACT 1618

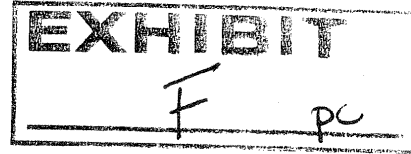
TOTAL SUPPLIES: 46
 (1840) HANGAR: 2
 (1840) COMPACT: 19
 (1840) HANGAR: 2

CITY OF MANHATTAN BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Daniel Moreno, Associate Planner

FROM: Erik Zandvliet, Traffic Engineer



DATE: May 17, 2005

SUBJECT: Amendment to Existing Conditional Use Permits
Manhattan Plaza/Burger King
3001-3005 N. Sepulveda Boulevard
Site Plan Review

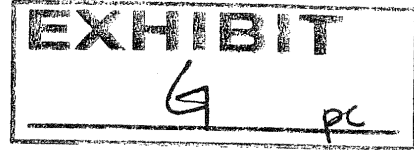
The owner of the existing shopping center and fast food restaurant property at 3001 and 3005 N. Sepulveda Boulevard is requesting an amendment to the existing CUP to reduce the amount of parking related to the sale of an adjacent parcel for future development. This will result in the reduction in the parking supply from 64 spaces to 48 spaces. The current zoning code requires 57? parking spaces. When it was first developed, the old zoning code required 48 spaces. A review of the site plan and Parking Demand Analysis dated May 3, 2005 has been made. The following comments have been prepared to address traffic engineering concerns:

1. The shared parking analysis states that there is adequate parking during most of the day. This also means that during three hours of each weekday (9am, 11am and 12pm) and three hours on Saturday (11am, 12pm, and 2pm), there is a deficit. Any deficit is unacceptable, because the only other nearby available public parking is on residential streets to the west.
2. The analysis states that the typical daily peak demand is 62 spaces, which would exceed the proposed supply by 29%. This is unacceptable, and additional parking should be acquired, possibly through parking agreements or construction of additional spaces.
3. The proposed parking deficit will have an adverse impact on the adjacent residential properties due to an increase in non-resident parking during peak periods.
4. The analysis made its findings based on the existing uses on the site, however, parking demand may increase if tenants change. Therefore, the code required parking supply for general retail and fast-food restaurant uses must be maintained to provide sufficient parking when tenants change, since there may be no discretionary action to guarantee adequate parking supply.
5. The old parking requirements as approved 22 years ago in CUP 83-12 should not apply to the current application based on the current findings in the parking demand analysis as well as updated driver habits reflected in newer codes and technical studies (ITE Parking Generation, ULI, etc.)
6. The drive-thru lane shall be at least 10 feet wide with turn radii of at least 28 feet. (condition met).

7. The analysis does not state the peak queue length (in cars or feet) of the drive-thru lane at any one time, rather, it provided the total number of cars during a one-hour period. The minimum length of the drive-thru lane needed to accommodate the peak usage and potential overflow can not be determined from this information.
8. The length of the drive-thru lane shall meet the City Code of five cars, regardless of current usage. The type of fast-food restaurant may change in the future, which may increase peak queue length and impact parking lot access.
9. An accessible walkway must be provided between the main doors of the fast food restaurant and public sidewalk (See ADA requirements).
10. The parking demand analysis shall be signed by a registered traffic engineer or civil engineer.

May 4, 2005

TO: Planning Department, City of Manhattan Beach

FROM: Manhattan Plaza, LLC
Edmund Bedrosian, Managing Member

SUBJECT: Amendment to CUP 84-32 to allow relocation of trash enclosure back to its original location (CUP 83-12), to allow shortening of the drive-through back to the original configuration and to allow for reduced parking requirement based on the collective use of eight tenants, and results of current Parking Demand Study.

APPLICANT (Owner)

Manhattan Plaza, LLC
Edmund Bedrosian, Managing Member
600 S. San Rafael Ave.
Pasadena, CA 91105

In April, 1983 the Planning Commission of the City of Manhattan Beach passed Resolution No. 83-12, approving a Conditional Use Permit for the commercial center and restaurant that was built at 3001-3005 Sepulveda Blvd., Manhattan Beach. The property is legally described as lots 16, 17, 18, 19, 20, 21 and 22, block 30 Tract No. 1638 in the City of Manhattan Beach. The approval was to construct a retail/office building and separately a Burger King restaurant with a drive-up service on those seven lots. The approved plan allowed for 48 parking spaces, a refuse enclosure along the westerly property line between the retail/office building and the Burger King building, with a 7 foot high concrete block wall buffering it from the adjacent residential neighbors, and a drive-up service lane per the plan. In 1983 B & G Development (Chris Bredesen & Greg George) built the subject Center as the builder/owners of the Center and also the franchisees of the Burger King business. At that time there was almost no competition from other fast food restaurants in the area---they had not been built yet. The business looked promising and so they projected constant volume growth and entertained thoughts of expanding by adding a second story and by acquiring a catering truck like In-n-Out has.

With this forecasted growth in mind, the owners B & G Development (Chris Bredesen & Greg George) leased the adjacent lots 23 and 24 and requested an amendment to the CUP 83-12 allowing them to add additional parking spaces, relocate the trash enclosure to the far corner of the leased property facing Sepulveda Blvd., and extend the drive-through lane to accommodate more vehicles. This request was granted in July, 1984 as Resolution No. PC 84-32. With the passage of time the Sepulveda corridor and nearby areas became inundated with nearly every brand of fast food restaurant you can name. Instead of business volume growing every year---it declined. Volume today is much less than in 1984. Soon after leasing the two adjacent lots (23 & 24), the Burger King franchisee Chris Bredesen of B & G Development purchased the two lots and has held them per the dictates of the amended CUP 84-32.

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In December, 1985 I (Edmund Bedrosian) purchased the Center from B&G Development (Chris Bredesen and Greg George). The Center consisted of the commercial/office building and the Burger King building all of which are located on lots 16 through 22 and approved as CUP 83-12. Mr. Bredesen kept the adjacent two lots (23 and 24, the subject lots for the CUP Amendment 84-32) for himself.

In November, 2004, Mr. Bredesen sold the two adjacent lots (23 and 24) to C.K. Song Properties, who are now applying for a building permit to erect a medical building on the two lots (23 and 24). Currently, I have been leasing the two lots from C. K. Song so that the Center stays in conformance with CUP 84-32.

Now that lots 23 and 24 are planned to be redeveloped and are no longer available to the Center, it is necessary to request an amendment to the CUP 84-32 such that the trash enclosure be allowed to be moved back onto property owned by the Center (lots 16 through 22), That the drive-through be permitted to be shortened back to that allowed in CUP 83-12 and the parking spaces requirement be reduced to the 48 cars allowed in CUP 83-12. These three major items are discussed as follows:

1. Relocate Trash Enclosure--- the most natural place to relocate the trash enclosure is back to its original location prior to CUP 84-32. It was located along the westerly property line, buffered by a 7 foot wall and located between the commercial/office building and the Burger King building. This provides reasonable access by all tenants. Trash is picked up every day except Sunday and it is always picked up mid-day (around 1:00 PM) so there are no early morning trash pick-ups. There has never been a problem between the Center and its adjacent residential neighbors in regards to trash enclosure location or pick-up times. This location would provide more close proximity to the sewer line for that required hook-up. This could be accomplished without sacrificing a parking space. It would permit adequate clearances for passage on all sides and would not interfere with the drive-through lane. This location would also be the least noticeable from Sepulveda Blvd. An alternate, but less desirable location for the trash enclosure would be to place it on the far corner of lot 22, facing Sepulveda Blvd. This would entail the loss of 1 or maybe 2 parking spaces and would be more difficult to connect to the sewer. It would also be very noticeable on Sepulveda Blvd. Such a location also invites outsiders to come and leave their discards, which is the current experience inasmuch as the trash enclosure is now on the far corner of lot 24, facing Sepulveda Blvd.
2. Shorten the drive-through--- the shorter drive through approved in CUP 83-12 will accommodate queue space for 5 cars for drive-up service. It is very seldom that there are as many as 5 cars going through the drive-through at any one time. The only exception to this is sometimes at the lunch hour between 12:00 noon and 1:00PM when you could get as many as 5 cars in the drive-through lanes at any one time. The Parking Demand Study indicates that for most of the day the drive-through lane is not very busy. Turning radiuses are adequate with the original CUP 83-12 drive-through.

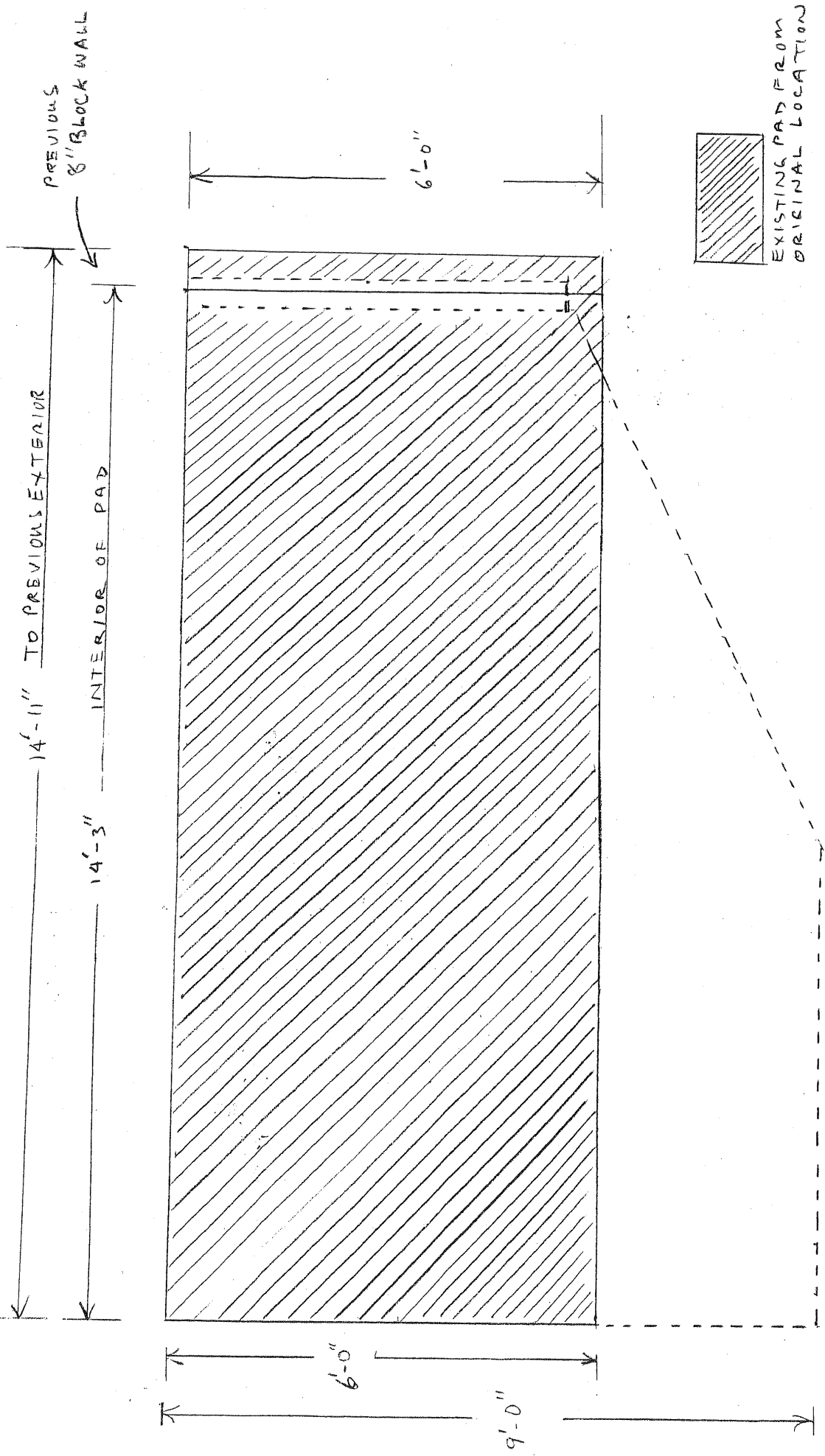
3. Reduced collective parking requirement---Due to the varied operating hours and varied busy times of the various business located at the Center, collectively, the parking demand is less than what the code requires. As the Parking Demand Study indicates, for most of the day, the Center averages about 36 parked cars out of the 48 spaces currently available under CUP 83-12. The study indicates that there are a few peak hours that there is a shortage of parking. It was also noted by the Parking Demand Study that approximately 10% of the parked cars were "poachers" who parked at the Center and then went next door or across the street to do business elsewhere. The Center is leased to 8 tenants who have different busy times and collectively it is shown by the Parking Demand Study that only 74% (36) of the available 48 spaces are required most of the time. In a dense community such as Manhattan Beach it is not possible to provide parking for all that choose to frequent any small commercial center at noon time when everyone is out and about. The commercial building has 4 retail tenants (1/200 sq. ft. req. parking) and 3 personal service tenants (1/300 sq. ft. Req. Parking). Dominos does not open until 11:00AM and is delivery only with a reduced staffing until evening time; Simply Software plus Computers is a computer repair business and has drop-off and pick-up clients at unscheduled times of the day and is not open on Saturday afternoons; Olympic Cleaners is busy in the early morning and the late afternoon; Village Shoe Repair has customers coming in at irregular hours during the day; Lido Bakery gets the bulk of its trade in the mid to late afternoon; Kamiyama Sushi is only open at lunch time and not again until after 4:00PM; Douglas Edwards hair salon is most busy in the evening time and on week-ends and is closed on Mondays. Burger King is most busy in the early morning, noon and at dinner time. Collectively, there is adequate parking within the original 48 parking spaces. The outside patio is to be eliminated.

The request here is to allow a fast food type restaurant such as the incumbent franchisee Burger King to be allowed to continue doing business on the originally set allowances of CUP 83-12. But it should not be unique to Burger King. The Burger King lease expires in December 2005. If permitted, they may choose to stay on as a tenant or not, in which case they may be replaced with a more trendy tenant such as Starbucks, which has a lighter parking and drive-through demand. Starbucks has expressed a desire to take over the location. Any number of other trendy food establishments may also want to take over the location but I have not yet tried to market the location until I can get a better reading from the City of Manhattan Beach as to what the City will allow. The drive-through feature is a significant attraction, but unfortunately, the drive-through feature increases the parking requirement irregardless of the food tenant type.

The proposed amendment to the amended CUP 84-32 merely requests that what has pretty much been the status quo for the past 21+ years be allowed to continue as such. When the Burger King franchisee added lots 23 and 24 as an enhancement for his business---it was just that---an enhancement---not a necessity. The Parking Demand Study shows that the Center functions just fine on the original 48 parking spaces. Nothing in this request for amended CUP will have any adverse impact on nearby properties, traffic, parking, noise, vibration, odors, resident security or personal safety. Moving the trash enclosure to the requested location will enhance aesthetics, rather than having the trash enclosure as a first impression on Sepulveda Blvd.

Manhattan Plaza Center
3001 and 3005 Sepulveda Blvd., Manhattan Beach, CA 90266

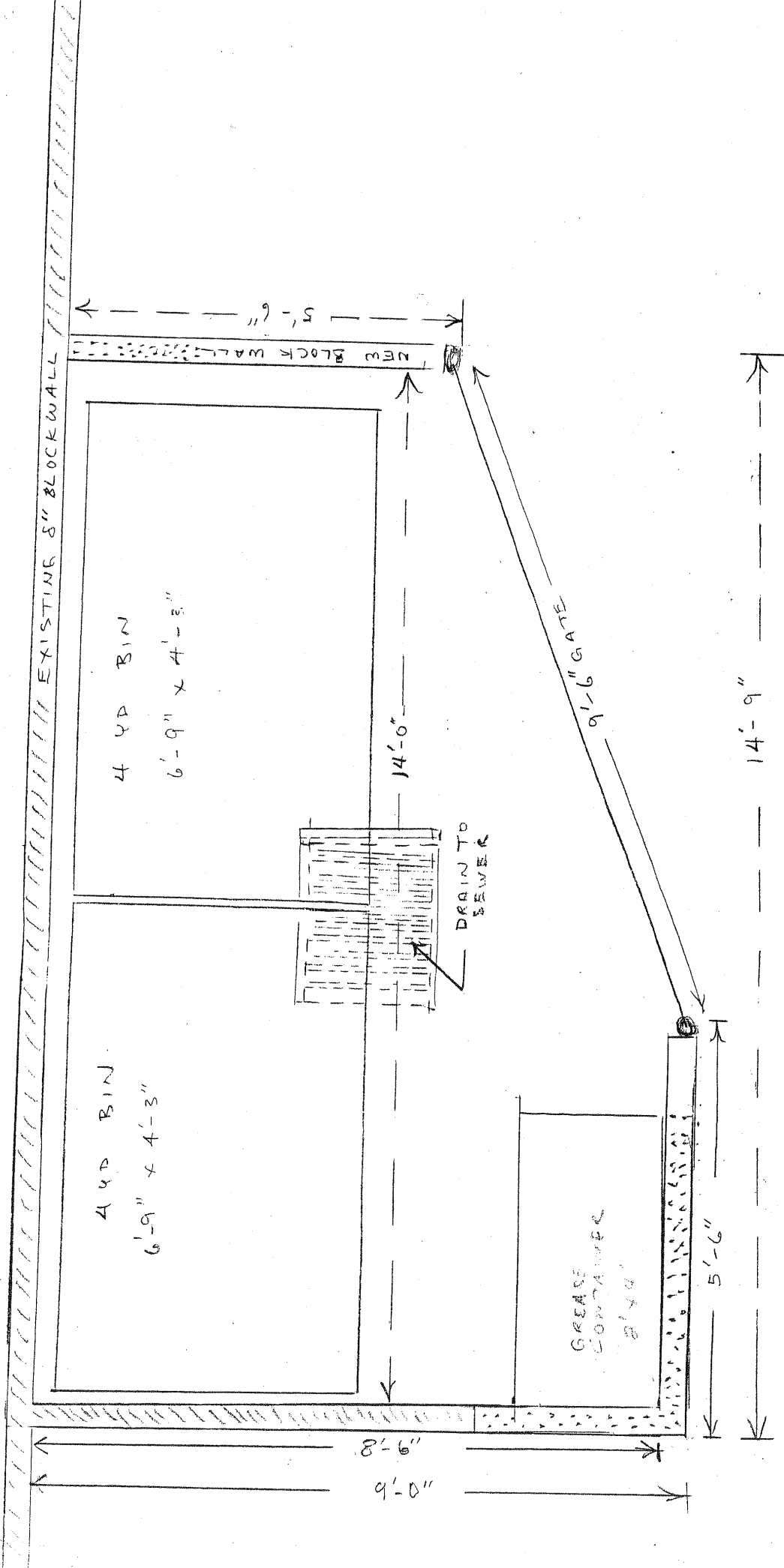
<u>Tenant</u>	<u>Suite No.</u>	<u>Classification</u>	<u>Required Parking</u>	<u>Sq. Feet</u>	<u>Required Spaces</u>	<u>Currently Existing</u>
Dominos Pizza	A	Retail	1/200	1,008	5.0	
Simply Software	B	Retail	1/200	684	3.4	
Kamiyama Sushi	C	Retail	1/200	684	3.4	
Lido Bakery	D	Retail	1/200	900	4.5	
Village Shoe Repair	E	Personal Service	1/300	576	1.9	
Olympic Cleaners	F	Personal Service	1/300	1,224	4.1	
Douglas Edwards Hair Salon (upstairs)	G	Personal Service	1/300	784	2.6	
Burger King		Restaurant with Take-Out Service	1/75	2,377	31.7	
Totals				<u>8,237</u>	<u>56.6</u>	<u>48</u>



ORIGINAL TRASH ENCLOSURE LAYOUT
 VS.
 REQUESTED TRASH ENCLOSURE LAYOUT
 3001-3005 SEVULVEA BLDG.

SCALE: = 1/4" = 1'-0"

TRASH ENCLOSURE DETAIL
3001 - 3005 SEPULVEDA BLVD.



SCALE: 1/2" = 1'-0"

Daniel Moreno

From: Phat Tran
Sent: Monday, June 13, 2005 1:43 PM
To: Daniel Moreno
Subject: FW: Manhattan Plaza Project



Phat Tran
Network Administrator
City of Manhattan Beach, CA
www.citymb.info
310.802.5588

From: Emery, Beth (Space Technology) [mailto:beth.emery@ngc.com]
Sent: Monday, June 13, 2005 1:39 PM
To: Phat Tran; dmoreno@citymb.info
Cc: Harry_Emery@toyota.com
Subject: RE: Manhattan Plaza Project

Hello Daniel - Thanks for taking the time this morning to discuss this project. I drove by the site after we spoke, and came across something interesting. The "alternate" location for trash bins that they have cited in their plan (cement slab area adjacent to our property) is now utilized by an electric substation, a telephone, AND the sole stairway entrance to what is currently a hair salon. So, I'm concerned that their plan hasn't fully detailed what needs to be done.

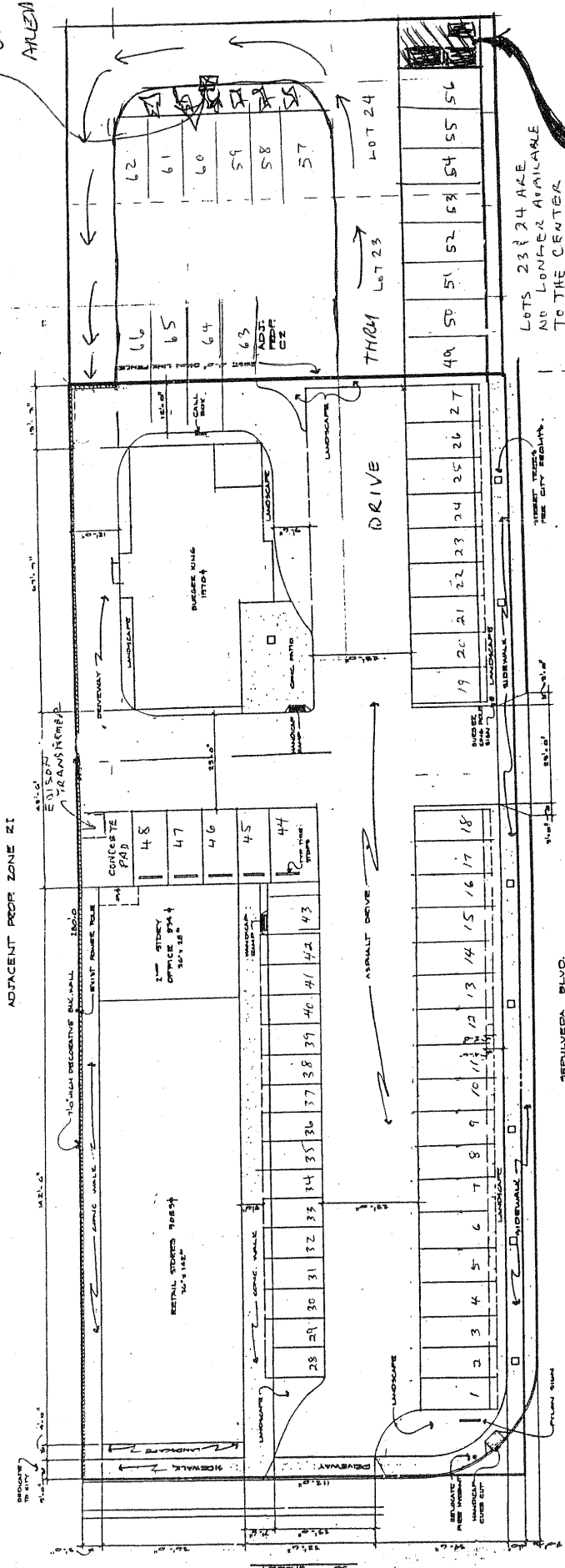
I would like to go ahead and voice my concern/request regarding this project:

I find relocating a trash dumpster from the current street-side location to the proposed neighbor-side location troubling. Given that the proposed location would require modification to accommodate the bin area, I would like to formally request that the location for the new trash bin area be located on the street side of the property, thus minimizing negative impact to nearby residents. As it stands today, trash is frequently "tossed" over the wall by patrons of BK. With the trash located adjacent to neighbors, this activity would increase, as would the smell, rodents, and flies associated with high traffic food garbage.

Thanks for considering my objections!

- Beth

EXISTING ORDER ARLEN



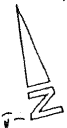
LOTS 23 & 24 ARE NO LONGER AVAILABLE TO THE CENTER

CURRENT LOCATION OF TRASH ENCLOSURE

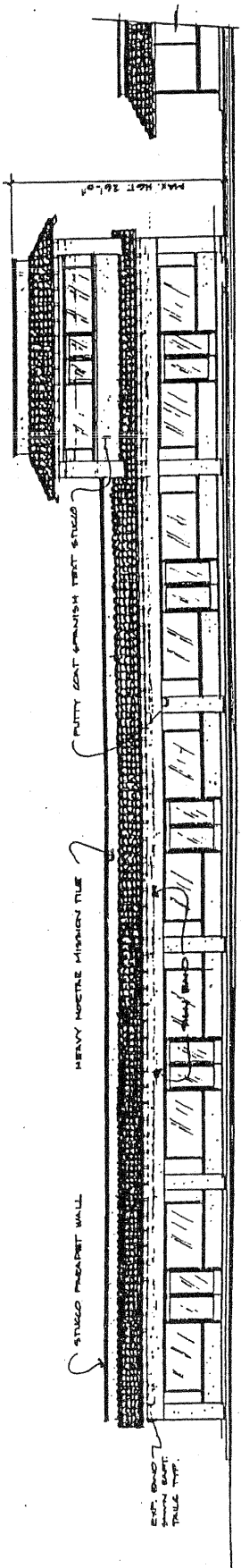
LANDSCAPE AREA
 172' x 1130' ROAD
 1130' x 1130' ROAD
 1130' x 1130' ROAD
 1130' x 1130' ROAD

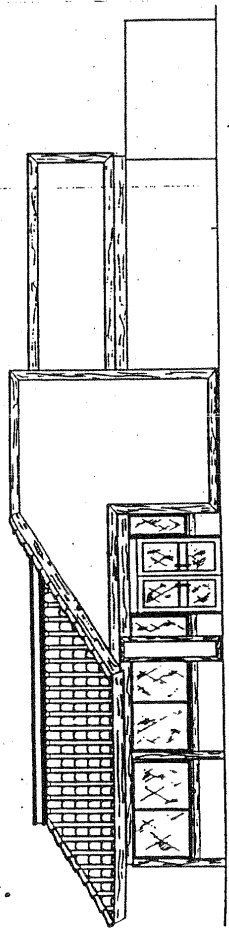
PARKING BREAKDOWN
 REQUIRED SPACES:
 RETAIL STORES 9000' x 200' = 25.4
 2ND STORY OFFICE 814' x 300' = 27.8
 BUSSEZ KING 1470' x 100' = 14.7
 SPACES SUPPLIED: 48
 (114) RETAIL (114) OFFICE (114) HANDICAP
 TOTAL SUPPLIED: 48

SITE PLAN
 SCALE: 1/8" = 1'-0"

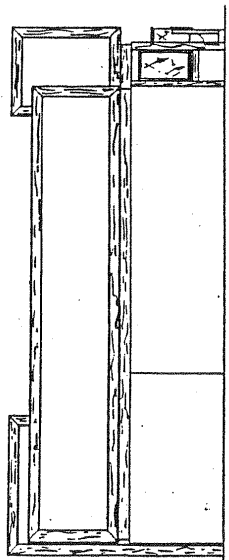


EXISTING SITE PLAN 2005

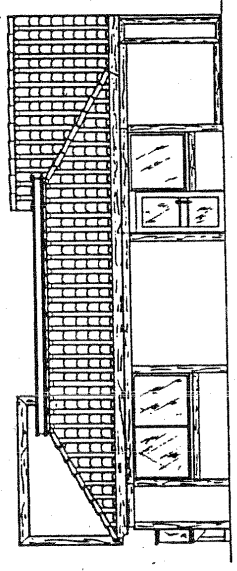




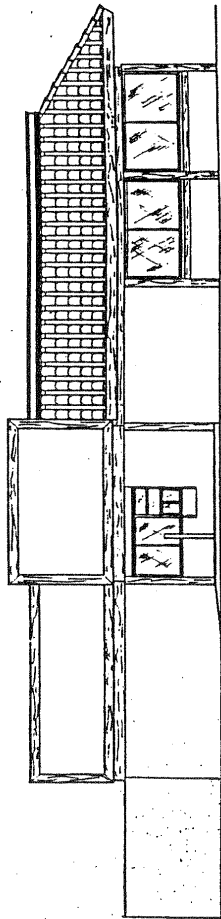
EAST ELEVATION



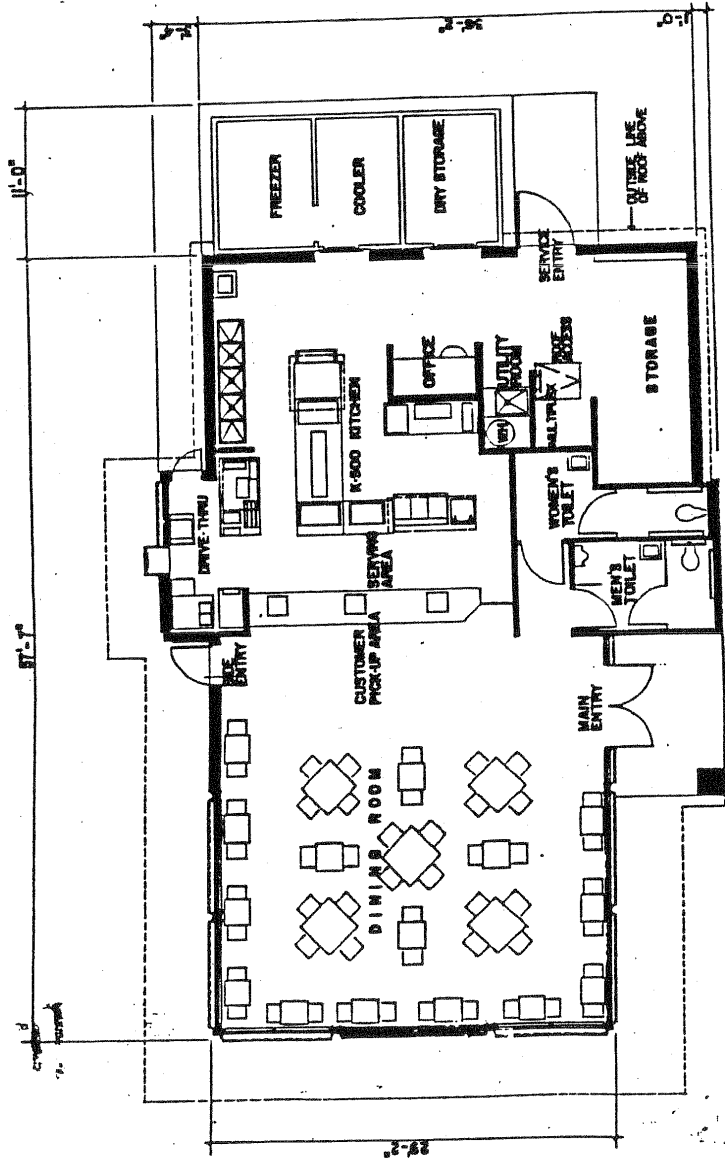
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



BK-50 FLOOR PLAN
 SCALE: 1/4" = 1'-0"

BURGER KING PLAN - NO CHANGE 7

