



# Staff Report

## City of Manhattan Beach

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

**THROUGH:** Geoff Dolan, City Manager

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

**DATE:** May 3, 2005

**SUBJECT:** Consideration of a Planning Commission Decision to Approve an Amendment to a Master Use Permit to Allow the Remodel of an Existing Bakery/Café to Include the Addition of a New Outdoor Seating Area for the Property Located at 1808 North Sepulveda Boulevard (Manhattan Beach Bagel Company)

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**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 February 16, 2005 the Community Development Department received an application requesting approval of a Master Use Permit Amendment to allow an interior/exterior remodel of an existing bakery/restaurant which includes the redesign and upgrade of the approved outdoor seating area. The project is located at 1808 North Sepulveda Boulevard within the Commercial General or "CG" zone. Because the applicant proposes new additional building area and expansion and relocation of the outdoor dining area, which has parking implications, the original entitlement granted in 1994 must be amended to address this change.

The existing bakery/restaurant use opened in 1993 and was expanded into the adjacent tenant space (formerly Video Archives) in 1994. The proposed remodel will be in concert with the overall façade remodel of Building "A" as the property owner plans to do a major renovation of the entire shopping center

The redesigned outdoor seating area, which will be located adjacent to the building, will encompass approximately 250 square feet of dining area and contain seven tables with fourteen seats. The previous approved outdoor dining area included approximately 212 square feet with eight tables and sixteen chairs. Adjacent to the dining area will be a reconfigured 4 foot-wide walkway fronted by a 6-foot wide low level planter area. The new outdoor seating area, walkway and planter area, would extend onto two existing parking spaces.

The main issues regarding to the subject application are parking and vehicle circulation which are discussed below.

**Parking**

In May of 2000 the Planning Commission granted a 15% site wide parking reduction based on the finding that the existing parking area could accommodate the expected demand with the varying peak patterns of different uses. The zoning code provides a 15% parking reduction for large multi-tenant commercial centers based on the probability that the different tenant mixes would have different peak parking demand times. The current reduction approved in May 2000 based on the different tenant mix allows for 175 spaces in lieu of 208 required. The revised parking plan submitted as part of this amendment provides 177 parking spaces.

With the proposed new interior building area of 70 square feet the new countable gross floor area would increase by 108 square feet, and 1 additional parking space would be required for the project. With this additional parking space and the approved 15% parking reduction the site would be required to provide 176 total parking spaces and 177 would be provided.

**Circulation**

With the proposed outdoor dining area being extended into the parking area, concerns were raised by staff as to whether vehicle visibility would be compromised as traffic traveled westerly on the adjacent one-way driveway between Building A and D. The new patio dining area, which would abut against the building, would be surrounded by a perimeter 30” high planter and open trellis above. Adjacent to the dining area will be a 4-foot walkway (designed for disabled accessibility) and a 6-foot wide ground level planter with a circular corner curb. All of these features will help ensure that proper visibility and circulation will be maintained for vehicles traveling westerly and turning right from the one-way access road. With this design staff does not foresee any future circulation problems for the proposed improvements.

At the April 13, 2005 Planning Commission meeting the Commission voted (3-0-1) to approve the Master Use Permit Amendment. At this meeting no one spoke in favor or in opposition to the proposal.

**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 05-06 (available electronically)  
B. Planning Commission Minutes, Report and attachments, dated 4/13/05, except plans (available electronically)

cc: Nick Brown, Property Owner  
Michael Keegan, Applicant/Business Owner

**RESOLUTION NO. PC 05-06**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AMENDMENT TO ALLOW AN INTERIOR/ EXTERIOR REMODEL AND REDESIGN OF AN EXISTING OUTDOOR DINING AREA FOR THE EXISTING BAKERY/RESTAURANT LOCATED AT 1808 SEPULVEDA BOULEVARD (Manhattan Beach Bagel Company)**

**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 master use permit amendment to allow an interior/exterior remodel and redesign of an existing outdoor dining area for the existing bakery/restaurant at the subject site, on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1808 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/ tenant for the subject project is Michael Keegan.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit Amendment at its regular meeting of April 13, 2005. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction at its regular meeting of May 10, 2000 (PC 00-12). Subsequently the Planning Commission previously approved a Master Use Permit Amendment to allow a drive-up teller use for the existing bank facility on May 8, 2002 (PC 02-15) which is currently the governing Resolution for the entire commercial site.
- E. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- F. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of general commercial to the north, west, and south; and single-family residential to the east.
- H. The General Plan designation for the property is General Commercial.
- I. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
  - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. The deletion of two parking spaces and the proposed increase in outdoor dining area and building area would meet the required parking and would be in compliance with the Planning Commissions parking reduction approved in May 2000. The proposed business changes would still be based on the site's sharing of parking by multiple commercial tenants, and utilization study of low parking demand.
  - b) The proposed upgrade of the bakery/restaurant use and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. This project would not be

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detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

- c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed interior/exterior remodel is in concert with the overall façade remodel of Building “A” as part of the property owners overall remodel of the entire shopping center. The proposed change is reflective of the upgrade of the commercial center in order to improve the look and create a more attractive business.
- d) The proposed use would not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. The proposed work would not have an impact to the existing residential neighborhood to the east and adjoining commercial properties as all the building improvements would be contained at the front of the building. The proposed project improvements would provide the required on-site parking and not create an additional demand for public services and facilities which cannot be mitigated.

- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- K. This Resolution, upon its effectiveness, incorporates previous approvals and constitutes the Master Use Permit and Sign Program for the subject property.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject master use permit amendment application subject to the following conditions:

*Site Wide Conditions*

- 1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals (PC 02-15, PC 01-02, PC 00-12, PC 94-19, PC 93-6, PC 93-5 and PC 93-4).
- 2. The project shall be operated in substantial compliance with the submitted plans as approved by the Planning Commission on May 10, 2000 (Master Use Permit and Sign Program and April 13, 2005 (Master Use Permit Amendment). Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 3. The subject site shall be limited to 6,801 square feet of total restaurant space, 14,772 square feet of total retail space, 826 square feet of total personal improvement service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total Dance/Music studio space, 3,204 square feet of total office space and 7,400 square feet of banking use. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Future applications to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses are permitted uses in the zoning district, do not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project, subject to approval by the Director of Community Development.
- 4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking

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of construction related vehicles.

5. Covered trash enclosure(s), with adequate capacity shall be maintained on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be maintained as required by the Public Works Department.
6. The site shall maintain reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Prior to the issuance of a building permit for the subject amendment, the approved parking lot re-stripping shall be completed and field inspected by staff.
9. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.
10. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
11. Any outside sound or amplification system or equipment is prohibited.
12. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
13. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
14. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
15. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
16. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
17. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design

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shall be subject to the approval of the Public Works and Community Development Departments.

18. The property owner shall maintain an irrigation system within existing landscaped areas on the entire site, and shall maintain landscaping in the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
19. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
20. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
21. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
22. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

*Banking Facility (Building D)*

23. Security measures, including but not limited to cameras and lighting, shall be included in the design of the subject project subject to approval by the City of Manhattan Beach Police Department.
24. The hours of operation shall be limited from 5:00 a.m. – 10:00 p.m. for the subject building. The drive-up teller shall be limited to the typical banking hours of 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. on Saturdays. The ATM machines may be permitted to operate 24 hours.
25. The existing bakery/restaurant building contains 3,655 square feet of area. With the subject proposal of adding 70 square feet of new building storefront area and 38 square feet of additional outdoor dining area, the total gross floor area for calculating the parking requirement will consist of 3,975 square feet.

*Restaurant Use (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard*

26. A-frame or sidewalk signs and painted window signs shall be prohibited.
27. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
28. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on April 13, 2005.
29. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.

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30. There shall be no alcohol served at the restaurant.
31. Live entertainment shall be strictly prohibited in the business.
32. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
33. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

*Restaurant (Rubio's) – 2000 Sepulveda Boulevard*

34. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
35. A maximum of four video games shall be permitted.
36. The sale of beer and wine shall be solely in conjunction with the serving of food in a bona fide restaurant.

*Site-Wide Sign Program*

37. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D may be retained as approved by Planning Commission on May 8, 2002. No alterations shall be allowed which increase the sign's square footage or height. In lieu of the pole sign for building D, a monument sign may be installed at the front of the building so long as the dimensions of the sign do not exceed 6 feet in height and 8 feet in length. All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings. All rear facing signs for all buildings shall be non-illuminated.

*Procedural Requirements*

38. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
39. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
40. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
41. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California

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Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

- 42. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **April 13, 2005** and that said Resolution was adopted by the following vote:

**AYES: Savikas, Kuch, Chairman O'Connor**

**NOES:**

**ABSTAIN:**

**ABSENT: Simon**

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

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



**D R A F T      CITY OF MANHATTAN BEACH      D R A F T**  
**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION**  
**APRIL 13, 2005**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, April 13, 2005, at 6:40 p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 **ROLL CALL**

6  
7 Chairman O'Connor called the meeting to order.

8  
9 Members Present:                   Kuch, Savikas, Chairman O'Connor  
10 Members Absent:                   Simon  
11 Staff:                               Richard Thompson, Director of Community Development  
12                                       Rosemary Lackow, Senior Planner  
13                                       Daniel Moreno, Associate Planner  
14                                       Juan Price, Maintenance Superintendent  
15                                       Sarah Boeschen, Recording Secretary  
16

17 **COMMENDATION PRESENTATION TO RICHARD MONTGOMERY**

18  
19 Chairman O'Connor congratulated Richard Montgomery on being appointed to the City Council  
20 and presented him with a plaque in appreciation of his service on the Planning Commission.

21  
22 Commissioners Savikas and Kuch also congratulated Richard Montgomery on his election to the  
23 Council and thanked him for his service on the Commission and in the community.

24  
25 Richard Montgomery thanked Director Thompson, staff and the Commissioners for all of their  
26 dedication and hard work.

27  
28 **APPROVAL OF MINUTES**                   March 23, 2005

29  
30 Chairman O'Connor requested that page 3, line 23 should read "Joe Devine, a resident of the 300  
31 block of Kuhn Drive, stated that ~~said that~~ . . ."

32  
33 Chairman O'Connor requested that page 8, line 4 be revised to state: "He said that he is not  
34 sure of the harm of including the same requirements for medium and high density lots in Area  
35 Districts I and II as those proposed in Area Districts III and IV."

36  
37 Chairman O'Connor requested that on page 8, line 26 and 32, the spelling be corrected to "Mr.  
38 Osterhout."

39  
40 Chairman O'Connor requested that page 9, line 3 be revised to read: "Director Thompson  
41 commented that the argument can also be made that the proposed restrictions are a method of  
42 discouraging further reduction in density . . ."

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1  
2 Chairman O'Connor requested that page 9, line 34 be revised to read: “. . . however he is not  
3 particularly impressed with the differences between the amount that is currently permitted and  
4 the amount that would be permitted under the proposed new guidelines of 70 percent. He  
5 indicated that he would have expected to see a greater difference between the proposal and the  
6 current permitted maximum BFA.”

7  
8 Chairman O'Connor requested that page 10, line 12 be revised to read: He commented that ~~that~~  
9 he also would not discourage considering 50 percent of allowable BFA for larger lots.”

10  
11 A motion was MADE and SECONDED (Kuch/O'Connor) to **APPROVE** the minutes of March  
12 23, 2005, as amended.

- 13  
14 AYES: Kuch, Chairman O'Connor  
15 NOES: None  
16 ABSENT: Simon  
17 ABSTAIN: Savikas

18  
19 **AUDIENCE PARTICIPATION** None

20  
21 **BUSINESS ITEMS**

22  
23 **A. Request for a One-Year Time Extension of a Master Use Permit and Coastal**  
24 **Development Permit for Property Located at 1100 Manhattan Avenue (Ristani)**

25  
26 Director Thompson said that the request is for a one year time extension to a Master Use Permit  
27 that was originally approved for the project. He indicated that the Code has not changed since  
28 the original approval, and the project is consistent with the City's current Codes and policies.  
29 He indicated that staff is recommending approval of the extension. He commented that it is the  
30 last extension available to the applicant before being required to reapply for a new Use Permit.

31  
32 **Bill Little**, representing the applicant and project contractor, said that they may not be able to  
33 begin construction before the deadline of the Use Permit because of pending legal action against  
34 a tenant in the existing building who refuses to give up his lease. He pointed out that the delay  
35 has been beyond the control of the applicant.

36  
37 In response to a question from Chairman O'Connor, **Mr. Little** indicated that once the legal  
38 issue is resolved, they have a schedule of a year to 14 months of actual construction.

39  
40 In response to a question from Commissioner Savikas, Director Thompson indicated that this is  
41 the second request for an extension by the applicant, which is permitted by Code.

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1  
2 Chairman O'Connor stated that the primary purpose of offering the opportunity for review by the  
3 Commission for one-year extension requests is to assure that Codes have not been changed since  
4 the original approval. He said that such reviews do allow the Commission an opportunity to  
5 require that the project meet the new Codes.

6  
7 The Commissioners commented that they support staff's recommendation to grant the extension.

8  
9 A motion was MADE and SECONDED (Savikas/Kuch) to **APPROVE** a request for a one-year  
10 time extension of a Master Use Permit and Coastal Development Permit for property located at  
11 1100 Manhattan Avenue

- 12  
13 AYES: Kuch, Savikas, Chairman O'Connor  
14 NOES: None  
15 ABSENT: Simon  
16 ABSTAIN: None

17  
18 Director Thompson indicated that the item will be placed on the City Council's Consent  
19 Calendar for their review on May 3, 2005.

20  
21 **B. Appeal of an Administrative Decision to Deny a Tree Permit Requesting Approval**  
22 **to Remove a Tree at 809 Duncan Place**

23  
24 Associate Planner Moreno summarized the staff report. He said that the City Council adopted a  
25 Tree Preservation Ordinance in August of 1993, which originally applied only to the Tree  
26 Section. He indicated that the Ordinance applied to trees of a diameter of 12 inches or greater  
27 located in the front yard setback. He commented that the Ordinance was originally enacted as a  
28 removal/replacement regulation rather than a preservation regulation. He said that the Council  
29 voted to expand the Ordinance to apply to all of Area Districts I and II in May of 2003. He said  
30 that basically all projects require a survey which identifies the diameter and location of trees. He  
31 stated that the applicant will work with staff during the design phase of projects to address  
32 concerns regarding the removal of any healthy tree and in determining whether a tree permit  
33 application is required. He indicated that if a tree is dead, unhealthy or unsafe, staff would  
34 consider allowing removal. He said that if a tree needs to be protected, fencing is required  
35 around the drip line to avoid any harm to the root system during construction.

36  
37 Associate Planner Moreno said that a building permit was issued in July of 2003 for a first and  
38 second story remodel of the subject property, and the survey taken indicated that there was an  
39 existing 36 inch diameter Eucalyptus tree located within the 20 foot front yard setback. He  
40 stated that there was a verbal request by the applicant in the fall of 2003 for removal of the  
41 subject tree, and they were informed that their request was denied and that the tree is protected

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1 under the Ordinance. He commented that the applicant submitted a letter from their arborist in  
2 December of 2004 stating that the trenching for utilities between the retaining wall on the  
3 adjoining property and the tree would be detrimental to the health of the tree. He said that on  
4 February 2, 2005, an e-mail was sent by staff to the contractor stating that the tree could not be  
5 removed based on the information submitted to the City. He commented that the applicant's  
6 contractor submitted a letter on February 23, 2005, again requesting removal of the tree. He  
7 stated that a tree permit application was submitted on February 28, 2005, and it was suggested by  
8 staff at that time that the applicants provide a comprehensive arborist report. He indicated that  
9 an appeal was filed on March 2, 2005. He said that an arborist report was submitted from  
10 Neighborhood Consulting Arborist on April 6, 2005, requesting that the tree be removed. He  
11 said that the City's Arborist has not had sufficient time to provide a written report before the  
12 staff report was completed; however, he did conclude that the submitted tree assessment report  
13 draws a reasonable conclusion. He said that staff is recommending approval of the request  
14 subject to review and approval of an appropriate mature replacement tree being provided. He  
15 indicated that property owners within 500 feet of the site were noticed, and two letters and one  
16 phone call were received regarding the application supporting removal of the tree.

17  
18 In response to a question from Commissioner Savikas, Associate Planner Moreno indicated that  
19 staff received no input from neighbors in support of retaining the tree. He indicated that staff's  
20 concern with trimming the tree is regarding the method used and the harm it may have on the  
21 tree.

22  
23 In response to a question from Commissioner Kuch, Associate Planner Moreno said that there  
24 are concerns with the tree undermining the retaining wall on the adjacent property. He said that  
25 staff was previously unaware of the health of the tree before the submitting of the second report  
26 by the applicants' arborist, which was submitted late last week..

27  
28 Director Thompson indicated that staff agreed that there might be a safety issue and decided to  
29 change their opinion that the tree should be retained based on the report from the applicants'  
30 arborist and the opinion of the City's arborist. He commented that staff's main concerns are the  
31 safety issues as pointed out in the arborist's report, and staff would have granted the tree permit  
32 originally if all of the information had been submitted at the time it was filed. He stated that  
33 staff considered whether or not to withdraw the item for consideration by the Commission after  
34 the determination was made that all requirements for granting a permit were satisfied; however,  
35 they decided that the hearing should take place since it had already been noticed.

36  
37 In response to a comment from Commissioner Savikas, Director Thompson commented that the  
38 applicants originally had no intention of removing the tree, and it was only much later in the  
39 process that it was identified that they were interested in its removal. He said that the building  
40 permit was issued with staff believing that the tree would remain.

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1 In response to a question from Chairman O'Connor, Director Thompson indicated that the  
2 applicant was advised at the beginning of the process that a tree permit would be required if they  
3 wished to remove the tree.

4  
5 **Joe Mulligan**, the applicant, said that the tree has only recently began to cause problems. He  
6 commented that they are not proposing an extremely large addition. He said that the tree has  
7 been weakened dramatically by an beetle called the psyllid lerp that has harmed many  
8 Eucalyptus trees in the City, and there was a question of many trees falling down and causing  
9 massive damage. He indicated that the tree begins to burn and char when it grows too close to a  
10 nearby power line, and Southern California Edison periodically sends out a tree company to trim  
11 the branches. He said that a tree limb fell and broke their garage door in August last year, and  
12 another branch fell and narrowly missed their neighbor's car.

13  
14 **Mr. Mulligan** indicated that they made a written request in September of 2003 stating that major  
15 limbs have fallen; that the tree was leaning; and that the roots are invading their sewer line. He  
16 indicated that they then spent \$400.00 and delivered a written arborist report in December of  
17 2003 that reiterated their reasons for removing the tree in further detail. He commented that they  
18 were told by staff in February of 2004 that there was no recollection of the tree permit  
19 application or an arborist report; however, the report was later found by staff. He said that they  
20 were then told by staff that a more detailed report was needed, and they then provided an  
21 additional report from their arborist. He said that the report indicates that the tree is not  
22 appropriate for the location and there is a potential for the tree to completely fail. He pointed out  
23 that he would be held liable if the tree falls on a neighboring property. He indicated that they  
24 would like to trench in order to place their utility lines underground, which the arborists have  
25 indicated would cause the tree to fall. He said that the suggestion previously made by staff for  
26 routing the underground lines around the tree would require an easement extending into their  
27 driveway, which would create additional liability for them. He commented that the City's  
28 arborist agrees with the conclusion of the arborist's report that the tree is a danger and there is a  
29 high probability of limb failure in the next six months.

30  
31 **Marie Mulligan** stated that she has a copy of the original application that they submitted for a  
32 tree permit dated September 27, 2004. She said that she was surprised in February of 2005 to be  
33 told by staff that there was no record of the application. She said that the reasons stated in the  
34 application were that the tree had become too large; it was leaning towards their neighbor's  
35 home; branches had fallen; and roots had invaded the sewer line.

36  
37 **Chairman O'Connor** commented that there is some confusion in the time line of events  
38 because the tree permit application is dated September 27, 2004 but was stamped as being  
39 received by the City on February 28, 2005.

40  
41 **Anthony O'Connor**, Blue Sky West, representing the applicant, indicated that the City did not

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1 ask for a fee when the original tree permit application was filed in September of 2004, and the  
2 fee was received in February of 2005. He commented that the Commission was sent a copy of  
3 the arborist's report. He stated that when he took over the project in September of 2004, he  
4 recognized that the tree was directly in the path of the area where the utilities would be placed  
5 underground. He said that there was some confusion for staff because the tree permit application  
6 originally stated concerns that the tree is a hazard, and he later raised additional concerns that  
7 retaining the tree would make it extremely difficult to underground the utilities. He indicated  
8 that they then finally submitted information stating all of their reasoning to staff.

9  
10 In response to a question from Chairman O'Connor, **Anthony O'Connor** said that an alternative  
11 path for undergrounding the utilities around the tree was discussed. He stated that it would not  
12 be feasible to route the underground lines and pole boxes for the utilities around the tree because  
13 of the many bends and curves that would be required. He indicated that they also would need to  
14 cut significantly into the roots of the tree in order to accommodate the trenching that would be  
15 required.

16  
17 **Armond Vardian**, a resident of the 800 block of Duncan Place, said that his home is directly  
18 west of the subject property and at a significantly lower elevation. He stated that the entire east  
19 side of his home including his bedroom is directly below the tree. He indicated that a branch  
20 previously has landed on his car that could have easily damaged it. He commented that there is a  
21 retaining wall that is directly adjacent to the tree which has several cracks resulting from the  
22 growth of the roots or the tree leaning. He said that his concern is safety from damage to the tree  
23 that might occur from wind.

24  
25 **Dick May**, a resident of the 800 block of Duncan Place, indicated that his property is across the  
26 street and east of the subject property, and his bathroom is within reach of the tree. He said that  
27 he also is concerned with the tree falling and would request that it be removed.

28  
29 In response to a question from Chairman O'Connor, **Mr. May** commented that a younger  
30 replacement tree would most likely be stronger and smaller than the subject tree.

31  
32 Commissioner Kuch said that he would support staff's recommendation.

33  
34 Commissioner Savikas commented that safety concerns were part of the reasoning behind the  
35 previous removal of several Eucalyptus trees along Rosecrans Avenue. She indicated that she  
36 would support staff's recommendation. She commented that she would like to see some  
37 compensation to the applicant for their fees if the City did originally misplace the application.

38  
39 Director Thompson commented that reimbursing fees is the jurisdiction of the City Council, and  
40 such refunds are typically not granted. He pointed out that fees that are imposed to cover the  
41 expenses incurred by staff. He indicated that he would not assume that staff made an error in

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1 this case; however, there was miscommunication between staff and the applicant. He  
2 commented that staff was working with the contractor and applicant to reach a solution before  
3 the actual filing of the fees and the tree permit application. He pointed out that the building  
4 permit was issued assuming that the tree would be preserved. He commented that staff's  
5 intentions is towards preserving trees. He indicated that staff was not provided with the required  
6 information to justify removing the tree until very late, and staff does agree with the applicant  
7 based on the arborist's report.

8  
9 Chairman O'Connor stated that he was originally opposed to removing the tree. He commented  
10 that he is a strong supporter of the newly revised Tree Ordinance and lobbied to make it even  
11 more restrictive. He said that there has been a significant deforestation throughout the City  
12 primarily resulting from spec builders clearing lots indiscriminately. He indicated that he did  
13 have questions regarding the chronology of events in this particular case. He commented that he  
14 asked for a copy of the tree permit that was omitted from the otherwise thorough staff report, and  
15 he is sympathetic to the applicant because of the omission by staff.

16  
17 In response to a question from Chairman O'Connor, **Mr. Mulligan** commented that they would  
18 request to replace the subject tree with one 48 inch box tree.

19  
20 Chairman O'Connor indicated that his understanding is that the Code requirement is for a tree  
21 that is removed be replaced with a 24 inch box tree. He stated that there was an original  
22 suggestion in the first arborist's report that suggested replacing the tree with two 24 inch box  
23 trees, and the second report suggested that it be replaced with two 48 inch box trees. He asked  
24 whether staff had a recommendation regarding an appropriate replacement.

25  
26 Juan Price, the City's maintenance superintendent, said that the general guideline is for a single  
27 tree that is removed to be replaced with a single tree. He commented that his opinion is that one  
28 replacement 48 inch box tree would be sufficient for the subject property, and the process of  
29 installing a tree that is any larger would become burdensome to the property owner.

30  
31 In response to a question from Commissioner Savikas, Director Thompson indicated that the  
32 City does have a list of types of appropriate types of replacement trees for the public right-of-  
33 way. He commented that staff usually provide several options when working with applicants,  
34 and a list is provided if requested. He said that staff typically discusses alternatives with the  
35 applicant to determine an appropriate replacement for the specific location. He indicated that  
36 any replacement tree does have to be approved by staff.

37  
38 **Anthony O'Connor** commented that there is a water main and utilities that will be placed near  
39 the area of the existing tree, and they have a concern with placing a 48 inch box replacement tree  
40 in the same location.

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1 Director Thompson said that staff is aware of the easements along the front of the property and  
2 will work with the applicant to find an appropriate location for a replacement tree that will not  
3 interfere with the utility lines.

4  
5 A motion was MADE and SECONDED (Savikas/Kuch) to **APPROVE** appeal of an  
6 administrative decision to deny a tree permit requesting approval to remove a tree at 809 Duncan  
7 Place conditional on replacing the subject tree with one 48 inch box tree.

- 8  
9 AYES: Kuch, Savikas, Chairman O'Connor  
10 NOES: None  
11 ABSENT: Simon  
12 ABSTAIN: None

13  
14 Director Thompson explained the 15 day appeal period and indicated that the item will be placed  
15 on the City Council's Consent Calendar for their review on May 3, 2005.

16  
17 **C. Appeal of an Administrative Decision to Deny a Tree Permit Requesting Approval**  
18 **to Remove a Tree at 1600 Chestnut Avenue**

19  
20 Director Thompson summarized the staff report and stated that the tree being requested to be  
21 removed is located on the property at 1600 Chestnut Avenue, which is adjacent to the property at  
22 1604 Chestnut Avenue proposed to be redeveloped. He said that the original tree permit  
23 application was submitted by the owner of the property on which the tree is located. He  
24 commented that alternatives to removing the tree include possibly changing the orientation of the  
25 proposed new home so that the driveway would be located on the opposite side of the property  
26 from the tree; having an arborist monitor the tree and evaluate the situation during construction;  
27 and incorporating the use of a bio barrier, structural soil, and grasscrete for the driveway. He  
28 indicated that the tree permit application was submitted in February of 2005 and was denied on  
29 March 9, 2005. He indicated that an appeal of staff's decision denying the tree permit  
30 application was filed by the owners of the property at 1604 Chestnut, and staff received new  
31 information on March 12, 2005 from their structural engineer that roots must be removed 2 to 3  
32 feet deep from the site. He indicated that after considering the situation and discussing it with  
33 the City's arborist, staff is recommending that building permits be granted for the construction  
34 with the understanding that a City arborist be present during demolition and grading to evaluate  
35 as the area is excavated around the tree in order for it to possibly be preserved. He indicated that  
36 without currently knowing the specifics of the root system underground, it is not possible to  
37 know the impact that the construction would have on the tree. He stated that staff's feeling is  
38 that the tree can be saved; however it would be permitted to be removed if it is found that it is  
39 not likely to survive the construction process. He indicated that if the tree did survive, the use of  
40 a bio barrier, grasscrete and structural soil could possibly be used. He said that staff feels the  
41 tree could survive a major trimming necessary to accommodate the new construction based on



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1 the evaluation of the City's arborist and maintenance supervisor.

2  
3 In response to a question from Commissioner Savikas, Director Thompson said that it would be  
4 possible to use grasscrete for the driveway which would allow water to penetrate through the  
5 surface. He stated that the appellants have concerns that the roots could harm the foundation of  
6 the proposed home regardless of whether the orientation is changed. He stated, however, that  
7 staff feels that there are alternatives such as the bio barrier that would prevent any damage.

8  
9 **Mr. Price** indicated that a bio barrier is a product that has embedded polymers with a herbicide,  
10 and the dissolving of the polymer creates a vapor barrier that eliminates root intrusion. He said  
11 that there has been some success with the use of the product in the City. He indicated that the  
12 barrier could be placed along the property line and along any utility lines or other areas to be  
13 protected against root intrusion.

14  
15 **Abe Chorbajian**, the architect for the project, said that their proposal meets all City Code  
16 requirements. He stated that the structural engineer hired by the applicants is very experienced.  
17 He stated that much more than the driveway of the new home would be impacted by the tree, as  
18 60 percent of the drip line is located over the construction area. He commented that the  
19 structural engineer has indicated that roots must be removed to 2 ½ to 3 feet below grade in  
20 order to avoid settlement resulting from deteriorating roots. He said that he would not have  
21 confidence that a bio barrier would be effective in preventing roots from intruding under the  
22 home. He commented that it took a great deal of time to arrive at the design of the proposed  
23 home, and it cannot simply be reconfigured. He indicated that it would not be possible to walk  
24 on the tile roof of the proposed home in order to trim the tree. He indicated that any pipes and  
25 utility lines placed underground would also be jeopardized by the roots. He pointed out that staff  
26 did not comment regarding the issue when the plans were originally submitted for plan check.  
27 He indicated that the existing home is uninhabitable because demolition has already been started,  
28 which has resulted in a large financial loss to the applicant.

29  
30 **Steve Zukotynski**, the appellant, said that he previously sent a letter to the Commissioners on  
31 March 14, 2005. He provided a letter with signatures of 43 of his neighbors in support of  
32 removing the tree. He indicated that a survey clearly depicting the subject pine tree was  
33 submitted to the City in December of 2003. He stated that he spoke to Don Boudreau on August  
34 20, 2004, who agreed that the tree should be removed. He said that Mr. Boudreau suggested he  
35 approach his neighbor to discuss having it removed or alternatively that he prune the branches,  
36 remove the roots, and put in a barrier to prevent the roots from spreading. He indicated that plan  
37 check was then completed in November of 2004, and the plans were stamped as being ready for  
38 issuing of the building permit. He said that he then contacted two arborists who refused to dig  
39 up the roots and install the tree root barrier so close to such a large mature tree because they  
40 feared it could fall. He stated that **Marilyn Beaumont**, the owner of the property on which the  
41 tree is located, also consulted an arborist and agreed that the tree could become a danger and

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1 needed to be removed. He said that **Ms. Beaumont** then submitted an application for a tree  
2 permit. He indicated that they began the demolition process during that time believing that the  
3 building permits would be issued, and it was not until after he requested a final pre-demolition  
4 inspection that he discovered on his own that the property was red tagged by the City. He said  
5 that he went on the advise of staff to have the tree removed or cut, and now his home is  
6 uninhabitable. He indicated that he has taken a great deal of time to demonstrate the damage the  
7 tree has caused to his home, but staff continues to downplay the impact of the tree.

8  
9 **Mr. Zukotynski** indicated that the tree roots have generated sufficient force to cause cracks in  
10 his foundation that is concrete footing 2 feet thick and 1 foot wide. He commented that the  
11 City's arborist wrote in his report that stone pines are a species of tree that frequently fall, and  
12 there have been several instances of pine trees in the Los Angeles area that have fallen and  
13 injured or killed people. He commented that the City's arborist acknowledged that the trunks  
14 hanging over his property and his neighbor's property weigh thousands of pounds. He said that  
15 the retaining wall adjacent to the tree is deteriorating and needs replacing. He commented that  
16 their structural engineer is credentialed to perform plan check in many cities. He said that case  
17 histories in the literature regarding bio barriers indicate that it is not to control large mature trees  
18 but rather to define a space for young trees to grow. He indicated that other tree permits have  
19 been granted in the City because of roots causing damage to driveways and lawns or because of  
20 branches being located too close to the roof line of a home. He indicated that the subject tree not  
21 only damaged his driveway and home but also poses a safety hazard to his family and neighbors.  
22 He said that the tree would touch the roof of his new home, which would create a fire hazard.  
23 He pointed out that it would be more dangerous to remove a destabilized tree than when it is  
24 living and still has firm roots.

25  
26 **Chi Tran**, the appellant, said that trees do not only damage foundations because of the roots  
27 intruding but also because the roots will soak up all of the available moisture in the area around  
28 the tree during very dry years causing the ground to shrink and the foundation to shift. She  
29 indicated that the last few years have been dry, which has resulted in the tree causing more  
30 damage to their home. She indicated that there are large cracks that run the entire length of the  
31 foundation of their home. She indicated that she chose to buy the property knowing that the tree  
32 was next door but did not realize the damage that it would cause. She said that the tree is not  
33 appropriate for the location. She commented that the retaining wall adjacent to the tree is  
34 damaged and could collapse. She stated that a bio barrier cannot be used in this case because  
35 cutting the roots of a large tree to such a great extent would cause the tree to fall. She  
36 commented that it cannot be guaranteed that bio barrier will be completely effective, and it may  
37 be necessary to spray herbicide on both sides of the barrier, which could kill the tree roots. She  
38 commented that the tree roots would damage the foundation even if the orientation of the home  
39 were changed.

40  
41 Director Thompson said that staff does not lie to the public nor to applicants who process their

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1 applications. He pointed out that plans were never approved for the project, and his  
2 understanding is that the applicants were well aware of the issue regarding the tree before the  
3 application was filed. He said that Don Boudreau would never indicate to the applicants that the  
4 tree needed to be removed. He indicated that the owner of the property where the tree is located  
5 would prefer alternatives be used to save the tree, and there is no evidence of any damage to her  
6 home.

7  
8 Commissioner Kuch indicated that he has had the utmost trust in staff in the six years he has  
9 served on the Commission, and this is the first instance he has heard of someone accusing any of  
10 them of lying. He said that he is aware of the time that staff invests in projects, and he is  
11 surprised to hear such testimony.

12  
13 **Roger Hartman**, a resident of Manhattan Beach, said that the tree is very imposing. He pointed  
14 out that removing the tree is agreeable to the owners of both properties, and a replacement tree  
15 would be provided.

16  
17 **Martha Andreani**, a resident of the 100 block 10<sup>th</sup> Street, said that she is a proponent of the  
18 Tree Ordinance. She commented that she would consider existing trees on or adjacent to a  
19 property before purchasing it. She stated that she supports the work that has been done by staff  
20 and stated that trees will survive with roots being trimmed and branches cut.

21  
22 **Don McPherson** said that he has never known Don Boudreau to lie. He indicated that his  
23 understanding is that the applicant and developer were previously aware of the tree, and he feels  
24 the proposed structure should have been designed to fit the property.

25  
26 **Marilyn Beaumont**, the applicant, said that she applied for the tree permit in order to  
27 accommodate her neighbor and to remove a potential hazard. She said that she would like for  
28 alternatives to be used to retain the tree if possible; however she would accommodate the  
29 applicants if necessary. She commented that staff has been very accommodating to her.

30  
31 In response to a question from Commissioner Savikas, **Ms. Beaumont** stated that she has lived  
32 in her home for 22 years and has not had any damage to her home from the tree.

33  
34 Commissioner Kuch stated that there are alternatives to removing the tree, and staff has outlined  
35 a clear step by step process for attempting to retain it. He said that he is not certain he believes  
36 the statements by the applicant regarding the ineffectiveness of root barriers. He said that he has  
37 used root barriers on some of the most obtrusive trees, and they have been very effective. He  
38 indicated that he is not convinced that the concrete cracks on **Mr. Zukotynski's** property are  
39 necessarily due to the roots of the tree. He indicated that he has not heard sufficient evidence to  
40 convince him that the tree should be removed.

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1 Commissioner Savikas indicated that she is comfortable with the approach included with staff's  
2 recommendation for an arborist to evaluate the situation as grading and demolition for the new  
3 project occurs.

4  
5 Chairman O'Connor commented that said that there has been significant effort focused on  
6 addressing this particular tree and defining manners by which it may be protected. He indicated  
7 that the preservation of trees is a fairly subjective topic, and the City has framed an Ordinance  
8 granting the Community Development Director administrative responsibility for making very  
9 difficult judgments. He commented that this proposal is exactly why the proposal was recently  
10 upgraded. He indicated that the subject tree is a significant addition to the neighborhood, and  
11 great lengths should be given to protect it. He said that he would support monitoring under the  
12 supervision of an arborist to preserve the tree if possible. He commented that he does not  
13 believe the tree permit application would have been filed if the information that has now been  
14 provided was known originally.

15  
16 A motion was MADE and SECONDED (Kuch/Savikas) to **DENY** appeal of an administrative  
17 decision to deny a tree permit requesting approval to remove a tree at 1600 Chestnut Avenue

18  
19 AYES: Kuch, Savikas, Chairman O'Connor  
20 NOES: None  
21 ABSENT: Simon  
22 ABSTAIN: None

23  
24 Director Thompson said that staff's understanding is that the Commissioners support their  
25 recommendation that the applicants proceed with the development, provided they trim the tree  
26 and proceed with demolition and grading under the supervision of a City arborist. He indicated  
27 that if the arborists determines that the tree is unlikely to survive, then staff would approve  
28 replacement. He indicated that staff would follow the arborists' recommendation if the tree  
29 survives to further protect the tree roots from intruding onto the project site.

30  
31 In response to a question from Commissioner Savikas, Director Thompson stated that staff  
32 would negotiate placing a 48 inch box tree on both the project site and **Ms. Beaumont's**  
33 property if it is determined that the tree needs to be replaced. He pointed out that all of the costs  
34 associated with retaining the tree would occur would be at the cost of the project proponent.

35  
36 Commissioner Kuch commented that he feels staff's plan is systematic and appropriate for the  
37 situation.

38  
39 Chairman O'Connor suggested that the City should consider the arborists' opinion and make a  
40 judgment rather than simply following the arborists' opinion.

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1 A motion was MADE and SECONDED (Savikas/Kuch) that the subject tree be preserved with  
2 the tree being trimmed as recommended by the City's arborist and with demolition of the house  
3 and grading to occur under the supervision of the City's Arborist. Two appropriate replacement  
4 trees will be approved by City staff if a determination is made by the arborist that the tree is  
5 unlikely to survive, and the project proponent will follow the recommendation of the arborist if  
6 the tree is preserved. All costs associated with preserving the tree will be incurred by the project  
7 proponent.

8  
9 Director Thompson explained the 15 day appeal period and indicated that the item will be placed  
10 on the City Council's Consent Calendar for their review on May 3, 2005.

11  
12 At 9:35 a 20 minute break was taken.

13  
14 AYES: Kuch, Savikas, Chairman O'Connor

15 NOES: None

16 ABSENT: Simon

17 ABSTAIN: None

### 18 19 PUBLIC HEARINGS

#### 20 21 **05/0413.1 Amendment to Master Use Permit to Allow the Remodel of an Existing** 22 **Bakery/Café to Include the Addition of a New Outdoor Seating Area,** 23 **Located at 1808 North Sepulveda Boulevard (Manhattan Beach Bagel** 24 **Company)**

25 Assistant Planner Moreno summarized the staff report. He indicated that the proposal is for an  
26 interior/exterior remodel of an existing bakery restaurant which includes an upgrade to the  
27 outdoor seating area. He indicated that the outdoor seating area would encompass 250 square  
28 feet; would include 7 tables and 14 chairs; and would require a reconfiguration of the sidewalk.  
29 He stated that the proposed interior changes would include replacement of the counters,  
30 customer service equipment, and furniture. He commented that the issues that have been  
31 identified by staff are regarding parking and circulation. He indicated that the current parking  
32 reduction allows for 175 parking spaces based on the mix of tenants in the center. He indicated  
33 that based on the amount of additional square footage that is proposed, the applicant would be  
34 required to include one additional parking space. He commented that a new parking restriping  
35 plan has been submitted for the site, which would provide 177 parking spaces and would  
36 accommodate all required disabled access spaces. He said that the expansion would replace two  
37 existing parking spaces in front of the building, and a concern was raised regarding visibility for  
38 drivers exiting an existing driveway for the adjacent building. He said that staff feels that the  
39 issue of visibility and circulation will be minimized based on the proposed design of the  
40 structure, sidewalk, and planters. He said that staff finds the design is appropriate, complies with  
41 Zoning regulations regarding the reduction of parking, and is recommending approval.

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1  
2 **Michael Keegan**, the applicant, indicated that they are looking forward to remodeling the center.  
3 He commented that they have made changes to allow for handicapped access as requested by  
4 staff. He indicated that they feel the request would be a benefit to the site, and they are hoping  
5 for approval.

6  
7 Chairman O'Connor opened the public hearing.

8  
9 There being no members of the audience wishing to speak, Chairman O'Connor closed the  
10 public hearing.

11  
12 Commissioner Kuch said that the proposal is an improvement to the articulation and appearance  
13 of the building, and it will be a benefit for the applicant.

14  
15 Commissioner Savikas said that the proposal will add to the community and improve the  
16 appearance along Sepulveda Boulevard.

17  
18 In response to a question from Commissioner Savikas, **Mr. Keegan** said that construction would  
19 take approximately 60 to 90 days in the front and 60 to 90 days in the rear of the building.

20  
21 Chairman O'Connor stated that he is also pleased with the proposed improvements to the ramp at  
22 the rear of the property along with the improvements to the front. He indicated that he is also  
23 pleased that the proposal has not raised any contention and is for an applicant who has been a  
24 benefit to the community and has established a thriving business.

25  
26 A motion was MADE and SECONDED (Kuch/Savikas) to **APPROVE** Amendment to Master  
27 Use Permit to allow the remodel of an existing bakery/café to include the addition of a new  
28 outdoor seating area, located at 1808 North Sepulveda Boulevard

29  
30 AYES: Kuch, Savikas, Chairman O'Connor  
31 NOES: None  
32 ABSENT: Simon  
33 ABSTAIN: None

34  
35 Director Thompson explained the 15 day appeal period and indicated that the item will be placed  
36 on the City Council's Consent Calendar for their review on May 3, 2005.

37  
38 **DIRECTOR'S ITEMS**

39  
40 Director Thompson indicated that Assistant Planner Don Boudreau recently left Manhattan  
41 Beach for a position with the City of Hawaiian Gardens and commended him on his work for the

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1 City during the past five years.

2

3 **PLANNING COMMISSION ITEMS**      None

4

5 **TENTATIVE AGENDA: April 27, 2005**

6

7 A.      Zoning Code Amendment and Local Coastal Program Amendment Regarding Residential  
8              Lot Mergers (Continued)

9

10 **ADJOURNMENT**

11

12 The meeting of the Planning Commission was **ADJOURNED** at 10:15 p.m. in the City Council  
13 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, April 27, 2005, at 6:30 p.m. in the  
14 same chambers.

15

16

17 \_\_\_\_\_  
18 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:** April 13, 2005

**SUBJECT:** Master Use Permit Amendment to Allow an Interior/Exterior Remodel and Redesign of an Existing Outdoor Dining Area, for the Existing Bakery/Restaurant Located at 1808 Sepulveda Boulevard (Manhattan Beach Bagel Company)

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **APPROVE** the subject request.

**APPLICANT/TENANT**

Michael Keegan  
1808 Sepulveda Boulevard  
Manhattan Beach, Ca. 90266

**PROPERTY OWNER**

Leahy Associates LLC  
8929 Wilshire Boulevard, Suite 400  
Beverly Hills, Ca. 90211

**BACKGROUND**

On February 16, 2005 the Community Development Department received an application requesting approval of a Master Use Permit Amendment to allow an interior/exterior remodel of an existing bakery/restaurant which includes the redesign and upgrade of the approved outdoor seating area. The project is located at 1808 Sepulveda Boulevard within the Commercial General or "CG" zone. Because the applicant proposes new additional building area and expansion and relocation of the outdoor dining area, which has parking implications, the original entitlement granted in 1994 must be amended to address this change.

On January 13, 1993, the Planning Commission approved a Use Permit to allow the establishment of a Bagel/Restaurant at the commercial center located at 1812 Sepulveda Boulevard (PC 93-6). Subsequent approvals include: 1) On January 13, 1993 the Planning Commission approved a site-wide Use Permit for an existing 245 acre, mixed-use commercial center, 2) On June 22, 1994 the Planning Commission approved a Master Use Permit Amendment to allow a bakery/restaurant expansion and parking reduction



(PC 94-19), 3) On May 10, 2000 the Planning Commission approved a Master Use Permit, Sign Program Amendment and a 15% Parking Reduction for the entire commercial site to allow the conversion of a vacant building (formerly Coast Savings) to retail/office use and the merger of two contiguous parcels into one commercial center (PC 00-12), 4) On January 10, 2001 the Planning Commission approved a Master Use Permit Amendment approving a private fitness club (Personal Service Use) for the former bank building (PC 01-02) (never implemented) and, 5) On May 8, 2002 the Planning Commission approved a Master Use Permit Amendment to allow a drive-up teller use for the existing bank facility (PC-02-15).

If approved, this Master Use Permit Amendment will replace the previous site Master Use Permit Amendment, which includes the Sign Program and parking reduction approved on May 10, 2000 (Resolution No. PC 00-12) and subsequent amendment Resolution No. PC 02-15 (see Exhibit D). This amendment also includes all pertinent conditions of approval from the following entitlements: PC 94-19, PC 93-6, PC 93-5, and 93-4.

## **DISCUSSION**

The submitted plans show a commercial site that is comprised of four separate buildings surrounded by parking and landscaping. The existing bakery/restaurant is located at the south end of Building “A” adjacent to Sepulveda Boulevard. The commercial site is bounded by Sepulveda Boulevard to the west, 18<sup>th</sup> Street to the South and Cedar Avenue to the east, with vehicle and pedestrian access taken from these streets.

The existing bakery/restaurant use officially opened its doors in 1993 and was expanded into the adjacent tenant space (formerly Video Archives) in 1994. The proposed remodel will be in concert with the overall façade remodel of Building “A” as the property owner plans to do a major renovation of the entire shopping center. It is because of this change that the bagel/restaurant owner decided to make the building and business changes to reflect the remodel upgrade of the commercial center.

The redesigned outdoor seating area, which will be located adjacent to the building, will encompass approximately 250 square feet of dining area and contain seven tables with fourteen seats. The previous approved outdoor dining area included approximately 212 square feet with tables and chairs. Adjacent to the dining area will be a reconfigured 4 foot-wide walkway fronted by a 6-foot wide low level planter area (see attached floor plan, Sheet A1.1). The new outdoor seating area, walkway and planter area, which would extend onto two existing parking spaces, are proposed to improve the overall look of the shopping center by upgrading and improving the barren look of that corner of the building. The applicant believes that with the new improved outdoor seating area it will create a more inviting and attractive business.

Additionally, the front building façade adjacent to the entry area would be redesigned to include approximately 70 square feet of new building area. The proposed interior

changes will consist of the replacement of all counters, customer service equipment and furniture.

The main issues regarding to the subject application are parking and vehicle circulation which are discussed below.

### ***Parking***

In reviewing the 1994 approved building expansion plan, staff discovered a discrepancy in the amount of building area square footage reflected on the approved plans and the total building area addressed in the staff report. The applicant, as part of this application, has re-measured the building area to correctly reflect the existing building area (see attached Project Summary, Sheet A0.1). The existing building area of 3,456 is important in determining correctly the amount of required parking for the entire site.

As mentioned earlier, in May of 2000 the Planning Commission granted a 15% site wide parking reduction based on the finding that the existing parking area could accommodate the expected demand with the varying peak patterns of different uses. The zoning code provides a 15% parking reduction for large multi-tenant commercial centers based on the probability that the different tenant mixes would have different peak parking demand times. This common reduction for parking for this commercial center was appropriate due to the large number of different tenants' in the development which have different peak parking demands. The current reduction approved in May 2000 based on the different tenant mix allows for 175 spaces in lieu of 208 required. The revised parking plan submitted as part of this amendment provides 177 parking spaces (see attached parking plan T-1.0)

The subject bakery/restaurant use, which is defined as an "Eating and Drinking Establishment" with take-our service, has a parking ration of 1/75 of gross floor area. In 1994, the approved outdoor seating plan consisted of approximately 212 square feet. The proposed outdoor seating area would contain approximately 250 square feet which increases the seating area by 38 square feet. With the proposed new interior building area of 70 square feet the new countable gross floor area would increase by 108 square feet, and therefore, based on the parking ratio of 1/75 of gross floor area, 1 additional parking space would be required for the project. With this additional parking space and the approved 15% parking reduction the site would be required to provide 176 total parking spaces and 177 would be provided. Therefore, with the deletion of two parking spaces and the proposed increase in outdoor dining and building areas, the required parking would be in compliance with the Planning Commissions parking reduction approved in May 2000.

### ***Circulation***

With the proposed outdoor dining area being extending into the parking area, concerns were raised by staff as to whether vehicle visibility would be compromised as traffic traveled westerly on the adjacent one-way driveway between Building A and D. The new patio dining area, which would abut against the building, would be surrounded by a perimeter 30” high planter and open trellis above. Adjacent to the dining area will be a 4-foot walkway (designed for disabled accessibility) and a 6-foot wide ground level planter with a circular corner curb. All of these features will help ensure that proper visibility and circulation will be maintained for vehicles traveling westerly and turning right from the one-way access road. With this design staff does not foresee any future circulation problems for the proposed improvements.

## **ENVIRONMENTAL REVIEW**

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

## **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.

The attached resolution addresses all of the required findings.

## **PUBLIC COMMENTS**

Staff has not received any inquiries from the public seeking information and clarification of the subject proposal. No other comments were received from other department regarding the subject application.

## **CONCLUSION**

Staff has reviewed the conceptual plans for the project, finding that the change in design is an appropriate and will comply with applicable Zoning regulations as well as previous approvals on the site. Staff recommends that the Planning Commission adopt the attached “draft” resolution, thereby approving the project.

## **ALTERNATIVES**

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

### Attachments:

- Exhibit A - ‘Draft’ Resolution No. 05- (available electronically)
- Exhibit B - Site Location Map
- Exhibit C - PC Resolution 02-15
- Exhibit D - Conceptual Plans

cc: Nick Brown, Property Owner  
Michael Keegan, Applicant

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AMENDMENT TO ALLOW AN INTERIOR/ EXTERIOR REMODEL AND REDESIGN OF AN EXISTING OUTDOOR DINING AREA FOR THE EXISTING BAKERY/RESTAURANT LOCATED AT 1808 SEPULVEDA BOULEVARD (Manhattan Beach Bagel Company)**

**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 master use permit amendment to allow an interior/exterior remodel and redesign of an existing outdoor dining area for the existing bakery/restaurant at the subject site, on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1808 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/ tenant for the subject project is Michael Keegan.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit Amendment at its regular meeting of April 13, 2005. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction at its regular meeting of May 10, 2000 (PC 00-12). Subsequently the Planning Commission previously approved a Master Use Permit Amendment to allow a drive-up teller use for the existing bank facility on May 8, 2002 (PC 02-15) which is currently the governing Resolution for the entire commercial site.
- E. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- F. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of general commercial to the north, west, and south; and single-family residential to the east.
- H. The General Plan designation for the property is General Commercial.
- I. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
  - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. The deletion of two parking spaces and the proposed increase in outdoor dining area and building area would meet the required parking and would be in compliance with the Planning Commissions parking reduction approved in May 2000. The proposed business changes would still be based on the site's sharing of parking by multiple commercial tenants, and utilization study of low parking demand.
  - b) The proposed upgrade of the bakery/restaurant use and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. This project would not be

detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use: and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

- c) The project would comply with specific conditions required for the proposed use in the district in which it would be located. The proposed interior/exterior remodel is in concert with the overall façade remodel of Building "A" as part of the property owners overall remodel of the entire shopping center. The proposed change is reflective of the upgrade of the commercial center in order to improve the look and create a more attractive business.
- d) The proposed use would not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. The proposed work would not have an impact to the existing residential neighborhood to the east and adjoining commercial properties as all the building improvements would be contained at the front of the building. The proposed project improvements would provide the required on-site parking and not create an additional demand for public services and facilities which cannot be mitigated.

J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.

K. This Resolution, upon its effectiveness, incorporates previous approvals and constitutes the Master Use Permit and Sign Program for the subject property.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject master use permit amendment application subject to the following conditions:

*Site Wide Conditions*

1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals (PC 02-15, PC 01-02, PC 00-12, PC 94-19, PC 93-6, PC 93-5 and PC 93-4).
2. The project shall be operated in substantial compliance with the submitted plans as approved by the Planning Commission on May 10, 2000 (Master Use Permit and Sign Program and April 13, 2005 (Master Use Permit Amendment). Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
3. The subject site shall be limited to 6,801 square feet of total restaurant space, 14,772 square feet of total retail space, 826 square feet of total personal improvement service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total Dance/Music studio space, 3,204 square feet of total office space and 7,400 square feet of banking use. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Future applications to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses are permitted uses in the zoning district, do not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project, subject to approval by the Director of Community Development.
4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.

5. Covered trash enclosure(s), with adequate capacity shall be maintained on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be maintained as required by the Public Works Department.
6. The site shall maintain reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Prior to the issuance of a building permit for the subject amendment, the approved parking lot re-stripping shall be completed and field inspected by staff.
9. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.
10. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
11. Any outside sound or amplification system or equipment is prohibited.
12. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
13. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
14. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
15. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
16. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
17. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.

18. The property owner shall maintain an irrigation system within existing landscaped areas on the entire site, and shall maintain landscaping in the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
19. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
20. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
21. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
22. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

*Banking Facility (Building D)*

23. Security measures, including but not limited to cameras and lighting, shall be included in the design of the subject project subject to approval by the City of Manhattan Beach Police Department.
24. The hours of operation shall be limited from 5:00 a.m. – 10:00 p.m. for the subject building. The drive-up teller shall be limited to the typical banking hours of 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. on Saturdays. The ATM machines may be permitted to operate 24 hours.
25. The existing bakery/restaurant building contains 3,655 square feet of area. With the subject proposal of adding 70 square feet of new building storefront area and 38 square feet of additional outdoor dining area, the total gross floor area for calculating the parking requirement will consist of 3,975 square feet.

*Restaurant Use (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard*

26. A-frame or sidewalk signs and painted window signs shall be prohibited.
27. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
28. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on April 13, 2005.
29. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.
30. There shall be no alcohol served at the restaurant.
31. Live entertainment shall be strictly prohibited in the business.



32. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
33. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

*Restaurant (Rubio's) – 2000 Sepulveda Boulevard*

34. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
35. A maximum of four video games shall be permitted.
36. The sale of beer and wine shall be solely in conjunction with the serving of food in a bona fide restaurant.

*Site-Wide Sign Program*

37. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D may be retained as approved by Planning Commission on May 8, 2002. No alterations shall be allowed which increase the sign's square footage or height. In lieu of the pole sign for building D, a monument sign may be installed at the front of the building so long as the dimensions of the sign do not exceed 6 feet in height and 8 feet in length. All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings. All rear facing signs for all buildings shall be non-illuminated.

*Procedural Requirements*

38. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
39. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
40. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
41. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

- 42. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **April 13, 2005** and that said Resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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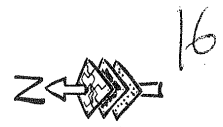
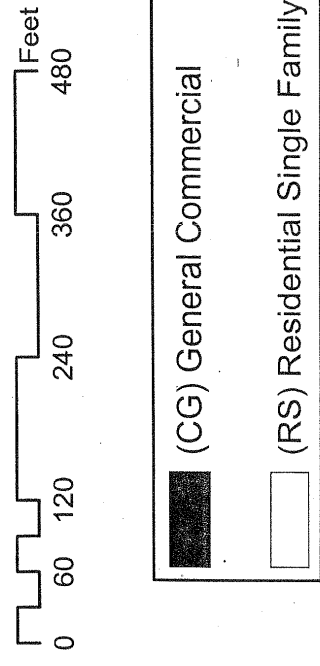
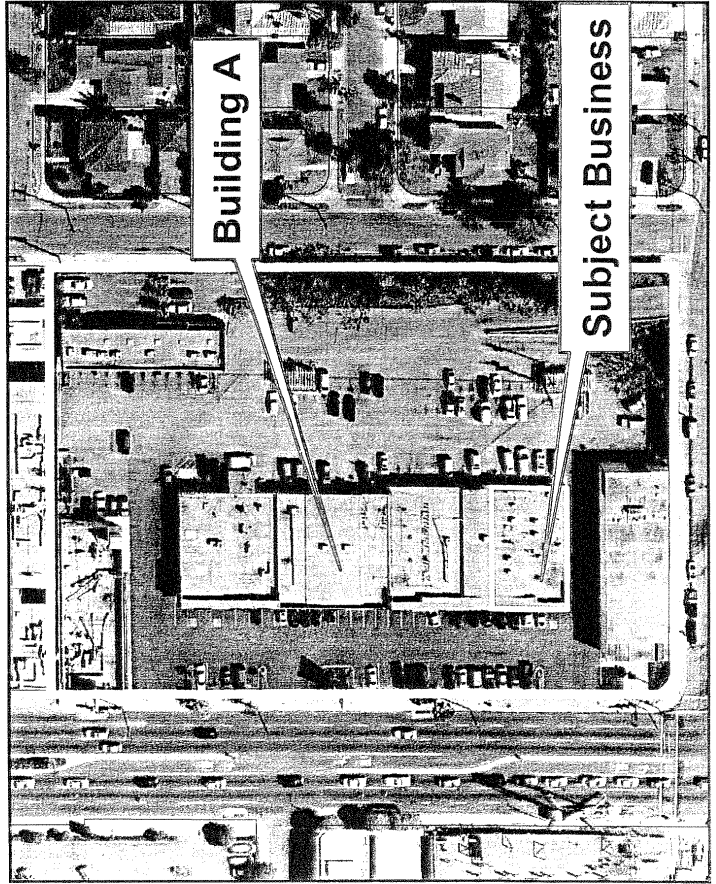
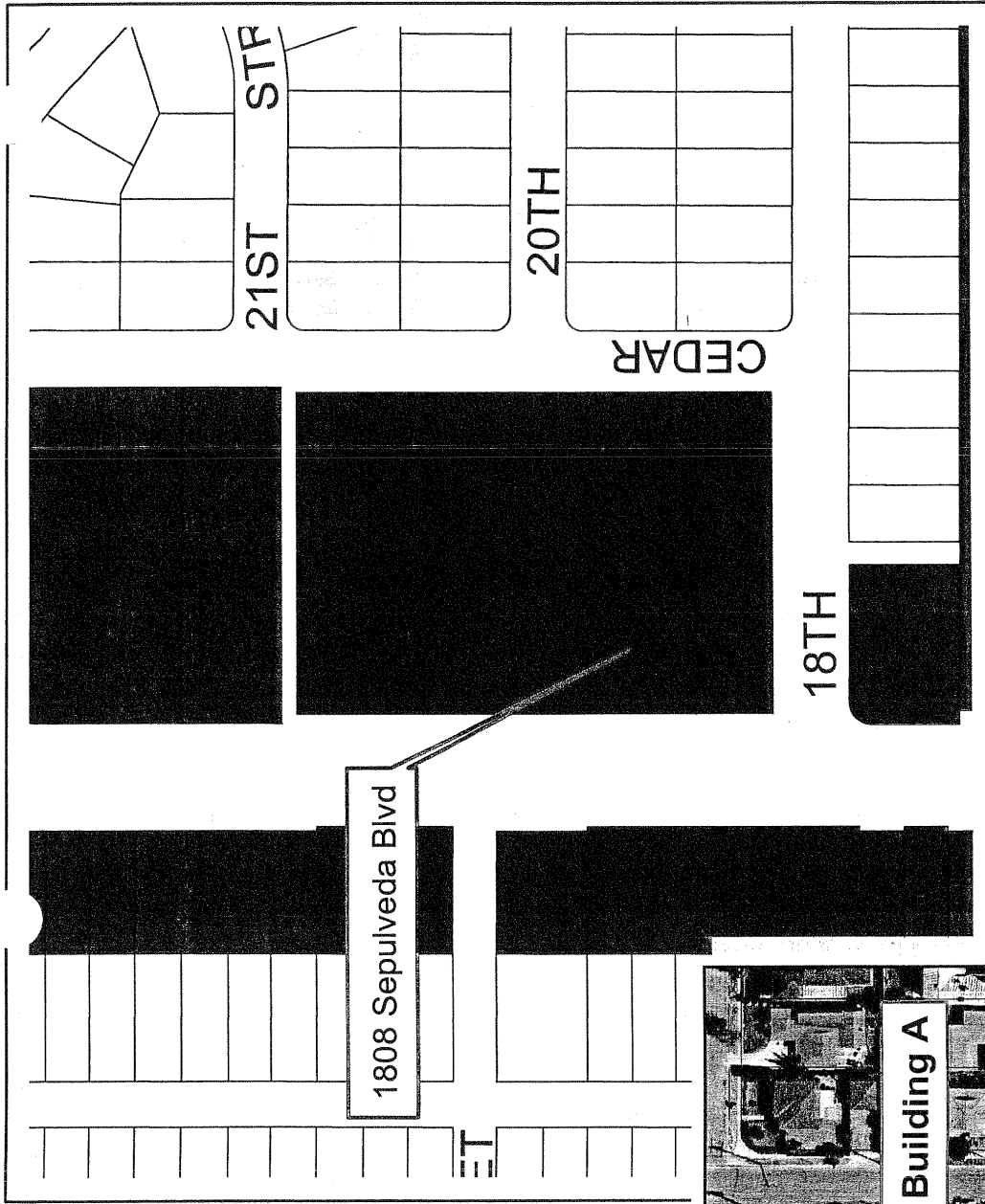
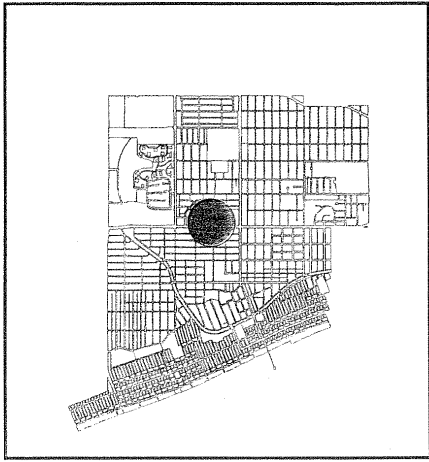
**RICHARD THOMPSON**  
Secretary to the Planning Commission

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**Sarah Boeschen**  
Recording Secretary

# Vicinity Map

## 1808 SEPULVEDA BLVD.



RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AMENDMENT TO ALLOW A NEW DRIVE-UP TELLER USE FOR A NEW BANKING FACILITY AT 1800 SEPULVEDA BOULEVARD (First Coastal Bank.)

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 master use permit amendment to allow a new drive-up teller for a new banking facility to replace an approved private fitness use at the subject site, on the property legally described as Portion of Lot 6, Section 19, Partition of Property formerly of The Redondo Land Co. located at 1800-2010 Sepulveda Boulevard in the City of Manhattan Beach.
- B. The applicant/ tenant for the subject project is First Coastal Bank.
- C. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed Master Use Permit Amendment at its regular meeting of May 8, 2002. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- D. The Planning Commission had previously approved a Master Use Permit, Sign Program Amendment and Parking Reduction at its regular meeting of May 10, 2000 (PC 00-12). Subsequently the Planning Commission previously approved a new fitness center at its regular meeting of January 10, 2001 (PC 01-02) which expires on 1/10/03.
- E. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 32) as infill development within an existing urbanized area per Section 15332 of CEQA.
- F. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The property is located within Area District I and is zoned CG Commercial General. The surrounding private land uses consist of general commercial to the north, west, and south; and single-family residential to the east.
- H. The General Plan designation for the property is General Commercial.
- I. Based upon State law, and MBMC Section 10.84.060, relating to the Use Permit application for the commercial center, the following findings are hereby made:
  - a) The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. A reduction of thirty-two commercial parking spaces is approved based on the site's sharing of parking by multiple commercial tenants, and utilization study of low parking demand.
  - b) The location of proposed mixed uses and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan, specifically, with Goal 5, Policy 5.1, which encourages high quality, appropriate private investment in areas of the City and recognizes the need for a variety of commercial development types. This project would not be detrimental to the public health, safety or welfare or persons residing or working on the proposed project site or in the adjacent neighborhood of such use; and would not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. No building enlargements are proposed as part of this application.

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- c) The project would comply with specific conditions required for the proposed use in the district in which it would be located.
  - d) The proposed use would not adversely impact nearby resident or commercial properties as they related to traffic, parking, noise, vibration, odors, personal safety, aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.
- J. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- K. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities
- L. This Resolution, upon its effectiveness, constitutes the Master Use Permit and Sign Program for the subject property.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject master use permit amendment application subject to the following conditions:

*Site Wide Conditions*

1. This Resolution includes all pertinent conditions of approval as specified in preceding Use Permits for the Manhattan Center and shall supersede previous Use Permit approvals ( PC 01-02, PC 00-12, PC 94-19, PC 93-6, PC 93-5, PC 93-4, BZA 82-4, BZA 71-40).
2. The project shall be operated in substantial compliance with the submitted plans as approved by the Planning Commission on May 10, 2000 (Master Use Permit and Sign Program and May 8, 2002 (Master Use Permit Amendment). Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
3. The subject site shall be limited to 6,496 square feet of total restaurant space, 8,500 square feet of total retail space, 7,247 square feet of total personal service space, 1,244 square feet of total food & beverage space, 2,310 square feet of total personal improvement space, 3,204 square feet of total office space and 7,400 square feet of banking use. The subject site received approval for a series of mixed uses with a parking requirement of 176 parking spaces. Future applications to establish new uses within the multiple tenant project shall not require an amendment of the Master Use Permit provided that the new uses are permitted uses in the zoning district, do not exceed the parking requirement approved for this site and conforms to the conditions imposed on the project, subject to approval by the Director of Community Development.
4. A Traffic Management Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
5. Covered trash enclosure(s), with adequate capacity shall be maintained on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be maintained as required by the Public Works Department.
6. The site shall maintain reciprocal vehicle access with the adjacent northerly property for any future City approved project upon which a similar reciprocal access condition is imposed. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access

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condition of the project.

7. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement may be reduced to 176 parking spaces based on site uses and submitted parking demand analysis (Linscott Law & Greenspan Engineers dated 2/15/00). Parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Future parking lot modifications for the purposes of providing reciprocal access to the neighboring commercial property, and any parking requirement modifications that are necessary, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
8. Employees shall be prohibited from parking on the surrounding public streets. As a minimum, the owner of the site shall include prohibitions against employee parking on local streets in any future lease and/or rental agreements excluding renewals.
9. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
10. Any outside sound or amplification system or equipment is prohibited.
11. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
12. Operations shall remain in compliance with all Fire and Building occupancy requirements at all times. The project shall conform to all disabled access requirements subject to the approval of the Building Official.
13. The management of the property shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
14. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
15. No wastewater shall be permitted to be discharged from the premises. Wastewater shall be discharged into the sanitary sewer system.
16. Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
17. The property owner shall maintain an irrigation system within existing landscaped areas on the entire site, and shall maintain landscaping in the parkway in the Cedar Avenue public right-of-way adjacent to the project site. The Cedar Avenue improvement shall include an irrigation system, and plans shall be submitted for review and approval by the Departments of Community Development and Public Works and Public Services Department.
18. Landscaping along the perimeter of the site shall be maintained such that there shall be no sight obstructions at driveway entrances.
19. The property owner shall maintain all security lighting facing the residential neighborhood(s) so that there shall be no glare to homes or vehicular traffic. Security lighting for the site shall be provided in conformance with Municipal Code requirements

including glare prevention design.

20. All curb, ramps, parking, walkways, etc. shall meet Title 24 of Disabled Access standards.
21. Fire Department will require that the access areas between Building A and B and Building A and D be painted as a "Fire Lane- No Parking". These access areas shall be maintained for Fire Department access at all times.

*Banking Facility (Building D)*

22. Security measures, including but not limited to cameras and lighting, shall be included in the design of the subject project subject to approval by the City of Manhattan Beach Police Department.
23. The hours of operation shall be limited from 5:00 a.m. – 10:00 p.m. for the subject building. The drive-up teller shall be limited to the typical banking hours of 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00p.m. on Saturdays. The ATM machines may be permitted to operate 24 hours.

*Restaurant Uses (Manhattan Bread Company)-1808-1812 Sepulveda Boulevard*

26. A-frame or sidewalk signs and painted window signs shall be prohibited.
27. The applicant shall place a business identification sign at the rear entrance (Manhattan Bread Company). The sign shall include copy to encourage entrance at the rear as well as the front. This sign shall not exceed an area of 9 square feet.
28. The proposed business shall be developed in substantial compliance with the plans as approved by the Planning Commission on June 22, 1994.
29. The hours of operation for the restaurant shall be 5:00 a.m. to 1:00 a.m. seven days a week.
30. There shall be no alcohol served at the restaurant.
31. Live entertainment shall be strictly prohibited in the business.
32. If deemed necessary by the Public Works Department or the Building Official, the applicant shall install a grease trap in the new tenant space.
33. Access requirement in front of the existing tables and chairs (for both the Manhattan Bagel Co. and Bread Co.) must be a minimum of 4' clear.

*Restaurant (Rubio's)*

34. The landscaped planter area adjacent to Rubio's Sepulveda Boulevard frontage shall be retained.
35. A maximum of four video games shall be permitted.
36. The sale of beer and wine shall be solely in conjunction with the serving of food in a bona fide restaurant.

*Site-Wide Sign Program*

37. Buildings A, B and C (1812-2010 Sepulveda Boulevard) shall be limited to a maximum of 860 square feet, which includes a maximum of 9 square feet of business identification for each tenant at the rear of Building A. Rear directional signs shall be limited to 8 square feet in area per tenant. Proposed building signs (on the south and east side of Building D-1800 Sepulveda Boulevard) identified on the approved sign plans (dated, 4/21/00) shall be incorporated into this sign program approval. No signs shall be permitted on the westerly façade of the building. The existing pole sign in front of Building D may be retained as approved by Planning Commission on May 8, 2002. No alterations shall be allowed which increase the sign's square footage or height. In lieu of the pole sign for building D, a monument sign may be installed at the front of the building so long as the dimensions of the sign do not exceed 6 feet in height and 8 feet in length. All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the subject permit issuance or occupancy. The sign program shall include a prohibition of future internally illuminated awnings. All rear facing signs for all buildings shall be non-illuminated.

*Procedural Requirements*

38. With the consolidation of the two contiguous commercial sites, the applicant shall record a "Certificate of Compliance" for merger of parcels with the Los Angeles County Recorder's Office prior to the issuance of any building permits. Permits may be issued prior to the completion of a "Certificate of Compliance" if the City receives a \$5,000 deposit to ensure completion. The deposit will be returned upon satisfaction of the requirement.
39. All provisions of the Master Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
40. This Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code
41. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 11.4(c), the project is not operative, vested or final until the required filing fees are paid.
42. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action brought against the City within 90 days after the City's final approval of the project, other than one by the Applicant, challenging the approval of this project, or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
43. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.



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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **May 8, 2002** and that said Resolution was adopted by the following vote:

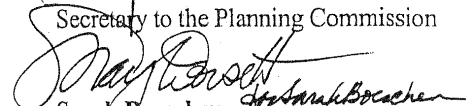
**AYES:** Chairman Ward, Kirkpatrick, Simon, Milam, Kuch

**NOES:**

**ABSTAIN:**

**ABSENT:**

  
**RICHARD THOMPSON**  
Secretary to the Planning Commission

  
Sarah Boeschen  
Recording Secretary

