



Agenda Item # _____

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
Rosemary Lackow, Senior Planner

DATE: May 3, 2005

SUBJECT: Consideration of Planning Commission Decision to Approve Request for a One-Year Time Extension for a Master Use Permit and Coastal Development Permit for the Property Located at 1100 Manhattan Avenue (Ristani)

RECOMMENDATION:

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

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

The proposed project consists of the demolition of the existing 3,100 square foot single-story retail building and the construction of a new two-story 8,147 square foot multiple tenant commercial building. Approximately 4,543 square feet of retail space is proposed to be located at the ground floor and 3,603 square feet of general office space at the second floor. The project will comply with applicable downtown parking requirements.

The project Use Permit and Coastal Development Permit were initially approved by the Planning Commission for a two-year period on July 10, 2002. The Planning Commission granted a one-year time extension on July 14, 2004. The applicant has completed plan-check and is ready to begin construction. The applicant has stated that he may not be able to start work prior to July 14, 2005, however, because legal action has become necessary to evict a building tenant.

At its regular meeting of April 13, 2005 the Planning Commission **APPROVED** (3-0, one absent) the applicant's request for a second and final one-year extension of the subject project's Use Permit and Coastal Development Permit. The Planning Commission based their decision on the finding that no changes in regulations or other circumstances have occurred that would have affected the original July 10, 2002 project approval.

The Zoning Ordinance permits extending a use permit for a maximum of two years provided the original findings adopted by the Planning Commission remain valid. The use permit and coastal permit extension process does not involve a public hearing or special public notification. No comments or testimony was received from the public regarding the requested time extension.

ALTERNATIVES:

Other than the staff recommendation, the City Council may:

1. **REMOVE** this item from the Consent Calendar; **DISCUSS** the decision of the Planning Commission, and direct staff as deemed appropriate.

Attachments:

Applicant letter to Council
PC Minutes excerpt, 4/13/05
PC Staff Report, dated 4/13/05

c: Peter Ristani, Applicant
Larry Peha, Project Architect
William Little, Project Contractor

April 26, 2005

City of Manhattan Beach
1400 Highland Ave.
Manhattan Beach, Ca. 90266
Attn. : City Council

Re: Use Permit Resolution of Approval # 02-20
Job Address: 1100 Manhattan Ave.

I would like to request a second one year extension of the Use Permit for the above Commercial Project. I request that the extension start on or before July 14, 2005. An extension of the already issued Building Permit has already been granted.

This extension is necessitated by the fact that a tenant in the existing Commercial Building refuses to vacate his space according to the terms of his existing lease. This situation will need to be remedied by legal action. The time needed to evict said tenant has prevented me from starting the project by the use permit deadline. The process of eviction has been initiated and unfortunately we can not count on that process being completed by July 14, 2005. I recognized and acknowledged that this is the final extension which can be granted on this project.


Thank You for Your Kind Consideration

Pete Ristani
712 Manhattan Ave
Manhattan Beach, Ca 90266
310-376-4952

BUSINESS ITEMS

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

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

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

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

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

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

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

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

AYES: Kuch, Savikas, Chairman O'Connor
NOES: None
ABSENT: Simon
ABSTAIN: None

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

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Rosemary Lackow, Senior Planner

DATE: April 13, 2005

SUBJECT: Request for a One-Year Time Extension of a Master Use Permit and Coastal Development Permit For Property Located at 1100 Manhattan Avenue (Ristani)

RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** the requested one-year time extension.

APPLICANT/PROPERTY OWNER

Peter Ristani
712 Manhattan Avenue
Manhattan Beach, CA 90266

BACKGROUND

On July 10, 2002, the Planning Commission adopted Resolution No. PC 02-20 (3-0-0-2 Commissioners Kuch and Kirkpatrick absent), approving a Master Use Permit and Coastal Development Permit for a new commercial building located at 1100 Manhattan Avenue within the Downtown Commercial zone. The approved projects consists of a new two-story structure containing approximately 4,500 square feet of retail space and 3,600 square feet of general office space with six on-site parking spaces. This approval was initially valid for two-years, with an expiration date of July 10, 2004.

Pursuant to MBMC 10.84.090.E, an applicant may renew a use permit by requesting a twelve-month extension prior to the expiration of project, with a maximum of two extensions. The purpose of this policy is to provide a reasonable time frame after initial approval for an applicant to implement a development project, while giving the City opportunities to check for any subsequent code changes that may invalidate the project findings.

On July 14, 2004 the Planning Commission granted a request from the applicant for a one-year time extension that will expire on July 11, 2005. On March 21, 2005 the applicant submitted a second and final request for a one-year time extension (copy attached).

DISCUSSION

If the applicant's request is approved, the life of the subject Master Use Permit and Coastal Development Permit will be extended to July 10, 2006. Substantial construction or an additional extension request must occur prior to that expiration date to maintain the existing project approval. The applicant has an approved building permit, but at this time requests additional time to vacate a tenant.

In order to grant the extension, the Planning Commission must determine that the original project findings remain valid. The following is a summary of the Commission's findings when it approved the project in 2002:

- A. The proposed project is located in the Downtown Commercial (CD) district. The project encompasses a mix of retail and office uses which will provide services to a wide variety of visitors to the Downtown area. The proposed multi-tenant commercial building is in accord with objectives of this title, and the purpose of the district in which it is located since the project is consistent with Section A.16.010 of the Manhattan Beach LCP which states that the district is intended to provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the Downtown area, as well as accommodate a broad range of community businesses and to serve beach visitors.
- B. The project is consistent with the Downtown Design Guidelines, in that: 1) the retail portion of the building will be at the first floor, at approximately the same elevation of the existing sidewalk on Manhattan Avenue; 2) the on-site parking will be provided at the rear, taking access from an alley and will not remove any convenient public parking at the front or side; and 3) the building design features articulation and architectural modulation through use of variable setbacks, recessed windows, open deck space, entryways and planter areas. In particular, pursuant to condition number one of Planning Commission Resolution PC 02-20, a recessed planter area has been added to the south facing wall to further break up the massing of the building.
- C. 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. The proposed project is a multi-tenant retail and office building with no outdoor amplified sound or restaurant use. The project is consistent with General Plan in that its architectural design will provide visual interest to the streetscape and will be appropriate for the Downtown environment.
- D. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- E. The new building 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.

Since the initial approval, and first time extension, there have been no changes to the zoning or other or regulations, requirements or circumstances that would invalidate the Planning Commission's findings and therefore Staff recommends that the Planning Commission grant the requested extension.

The relevant minutes and staff reports (without attachments) to the Planning Commission and City Council from 2002, are attached for reference

ATTACHMENTS

Request for Extension
Resolution PC 02-20
PC Minutes: 7/14/04, 7/10/02
PC Report 7/10/02
CC Minutes 8/06/02 (no attachments)
Plans (Side and Front Elevations)

c: Peter Ristani, Applicant
Larry Peja, Project Architect
Bill Little, Hollitt Construction

RESOLUTION NO. PC 02-20

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MANHATTAN BEACH
APPROVING A MASTER USE PERMIT AND
COASTAL DEVELOPMENT PERMIT FOR
CONSTRUCTION OF A TWO-STORY 8,147 SQUARE
FOOT MULTIPLE TENANT COMMERCIAL
BUILDING AT 1100 MANHATTAN AVENUE
(RISTANI)**

**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. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on July 10, 2002, to consider an application for a Master Use Permit and Coastal Development Permit to allow construction of a two-story retail and office building at 1100 Manhattan Avenue (Lots 5 & 6, Block 67, Manhattan Beach Division #2).
- B. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- C. The applicant for the subject project is Peter Ristani, property owner.
- D. The public hearing was advertised pursuant to applicable law, testimony was invited and received on July 10, 2002.
- E. An Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), finding that the proposed project will not have a significant adverse impact upon the environment. Based upon this Initial Study, a Negative Declaration was prepared.
- F. This Resolution, upon its effectiveness, constitutes both a Master Use Permit and Coastal Development Permit for the subject project.
- G. The property is located within Area District III and is zoned CD, Downtown Commercial. The surrounding private land uses are zoned CD and consist of commercial to the north, west, and south; and residential to the east and south.
- H. The General Plan and Local Coastal Program/Land Use Plan designation for the property is Downtown Commercial.
- I. The project is consistent with the coastal policies of the Manhattan Beach Local Coastal Program, specifically Policies I.A.1 and II.A.2, as follows:
 - The proposed project would not obstruct any of the vertical, or any of the 45 horizontal access ways to the shore.
 - The proposed project is two stories and meets the maximum height requirements.
- J. Pursuant to Section A.84.060 of the Manhattan Beach Local Coastal Program, the following findings for the Use Permit are made:
 1. The proposed project is located in the Downtown Commercial (CD) district. The project encompasses a mix of retail and office uses which will provide services to a wide variety of visitors to the Downtown area. The proposed multi-tenant commercial building is in accord with objectives of this title, and

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the purpose of the district in which it is located since the project is consistent with Section A.16.010 of the Manhattan Beach LCP which states that the district is intended to provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the Downtown area, as well as accommodate a broad range of community businesses and to serve beach visitors.

The project is consistent with the Downtown Design Guidelines, specifically guidelines 1.2, 1.3, 3.1, 3.2, and 4.3, as follows:

- The proposed retail portion of the building (first floor) will sit at the approximate elevation of the existing sidewalk on Manhattan Avenue.
 - The six proposed on-site parking spaces will take access from the adjacent alley, Bayview Drive. The project will not remove any existing off-site parking along 11th Street or Manhattan Avenue.
 - The design of the proposed development provides a great deal of articulation through variable setbacks at the first and second floor and recessed windows at the first floor.
 - The proposal provides recessed building walls at the second floor and the incorporation of a second floor open deck for approximately two-thirds of the building width.
 - The building provides architectural modulation with the incorporation of awnings, recessed windows and entryways at the first floor, planter areas at the second floor deck, and varying setbacks from the property line.
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. The proposed project is a multi-tenant retail and office building with no outdoor amplified sound or restaurant use.

The project is consistent with General Plan goals 1, 5, and 6, as follows:

- The proposed project will maintain the small-town atmosphere through the use of architectural modulation that helps reduce the size and bulk of the building and provide visual interest to the streetscape.
 - The proposed project will meet the intended purpose of the “CD” zoning designation, as well as provide a commercial product appropriate for the Downtown environment.
 - The proposed design adds character and visual interest to the Downtown and is consistent with the Manhattan Beach Downtown Design Guidelines.
3. The proposed uses will comply with all applicable provisions of the “CD” zone, and the required notice, hearing and findings for the Master Use Permit and Coastal Development Permit.
4. The proposed uses will not adversely impact nor be adversely impacted by nearby properties. The proposed project includes a mix of retail and office uses serving Downtown residents and visitors. The project includes the incorporation of the required number of parking spaces for the proposal. There is no expected demand anticipated which would exceed the capacity of public services and facilities.

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Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the Master Use Permit and Coastal Development Permit application subject to the following conditions:

Site Preparation/Construction

1. The applicant shall modify the existing plans to include additional articulation along 11th Street (e.g. an architectural feature, addition landscaping, etc.), subject to approval of the Community Development Department.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction-related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval of the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off into the public right-of-way or surrounding development. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design. Proposed exterior lighting shall be shown on the plans and subject to approval of the Community Development Department.
9. The fire hose connection valve shall be screened from off-site views to the extent reasonably possible.
10. Wheel stops shall be installed for each parking stall as required by the Community Development Department.
11. A property line clean out shall be installed as required by the Department of Public Works.
12. Backwater valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.

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13. The sidewalk and parkway area between the sidewalk and curb must be replaced along 11th Street from the west property line to the east property line, subject to the requirements of the Public Works Department.
14. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.

Operational Characteristics

15. The subject site shall include 8,147 square feet of commercial space. Commercial uses shall be limited to retail, food and beverage sales on the ground floor, and general office uses on the second floor. Eating and drinking establishment uses shall be prohibited.
16. Parking shall be provided in conformance with the current Manhattan Beach Municipal Code. Commercial parking spaces shall not be labeled or otherwise restricted for use by any individual tenant of the project. Gates or other obstructions to commercial parking areas shall be prohibited.
17. Noise emanating from the establishment shall be in compliance with the Municipal Noise Ordinance.
18. The management of the property shall police the property and all areas adjacent to the business during hours of operation to keep it free of litter and debris.
19. No refuse generated at the subject site shall be located in the public right-of-way for storage or pick-up.
20. A covered trash enclosure, with adequate capacity for refuse and recycling, shall be provided on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
21. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated awnings shall be prohibited. A sign program shall be submitted to the Community Development Department for review and approval prior to occupancy.
22. Commercial hours of operation shall be limited to 6 am to 11 pm daily. Delivery and pick-up hours shall be limited to 7:30 am to 6 pm daily.
23. Any outside sound or amplification system or equipment is prohibited.
24. Operations shall comply with all South Coast Air Quality Management District Regulations and shall not transmit excessive emissions or odors across property lines.
25. 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.
26. The management of the facility shall police the property and all areas immediately adjacent to the businesses during the hours of operation to keep it free of litter.
27. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
28. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.

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Procedural

29. The project shall be constructed and operated in substantial compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
30. Any questions of intent or interpretation of any conditions will be resolved by the Planning Commission.
31. The Community Development Department staff shall be allowed to inspect the site and the development during construction at any time, subject to 24-hour advance notice.
32. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
33. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
34. The Coastal Development Permit and Master Use Permit shall be approved for a period of two years after the date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
35. The project shall comply with all Congestion Management Program (CMP) requirements.
36. Right-of-Way Encroachment Permits shall be required for any projection into the public right-of-way.
37. Pursuant to Public Resources Code Section 21089(b) and Fish and Game Code Section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
38. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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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 July 10, 2002 and that said Resolution was adopted by the following vote:

AYES: Montgomery, Simon, Ward

NOES:

ABSTAIN:

ABSENT: Kirkpatrick, Kuch

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

**CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
JULY 14, 2004**

A regular meeting of the Planning Commission of the City of Manhattan Beach was held on Wednesday, July 14, 2004, at 6:40 p.m. in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROLL CALL

Chairman Montgomery called the meeting to order.

Members Present:	O'Connor, Savikas, Simon, Chairman Montgomery
Members Absent:	Kuch
Staff:	Richard Thompson, Director of Community Development Laurie Jester, Senior Planner Rosemary Lackow, Senior Planner Daniel Moreno, Associate Planner Jaime Ustin, Planning Intern Sarah Boeschen, Recording Secretary

APPROVAL OF MINUTES June 9, 2004

A motion was MADE and SECONDED (Simon/O'Connor) to **APPROVE** the minutes of June 9, 2004.

AYES:	O'Connor, Savikas, Simon, Chairman Montgomery
NOES:	None
ABSENT:	Kuch
ABSTAIN:	None

AUDIENCE PARTICIPATION

Director Thompson introduced Alex Plascencia, who has recently joined the Planning Department as an Assistant Planner.

BUSINESS ITEMS

A. Request for a One-Year Time Extension for a Master Use Permit and Coastal Development Permit to Allow an 8,147 Square Foot Commercial Building on the Property Located at 1100 Manhattan Avenue

Director Thompson said that the project was previously approved by the Planning Commission in July of 2002 for a two-story development consisting of 4,500 square foot of retail and 3,600 feet of office space. He stated that the project was in full compliance with the Codes at the time it was approved and no changes to the code have occurred. He

indicated that the approval is going to expire, and the applicant is requesting a one year time extension.

Commissioner Simon commented that there was previously discussion by the Commission regarding the establishment of criteria for granting of extensions. He noted that this request gives the City an opportunity to determine whether the Code requirements have changed since the time the project was recently approved, and in this case the project does still comply with Code requirements.

Commissioner O'Connor requested clarification regarding the length of the wall along 11th Street being broken up with planters. He said that it seemed to him to be a reasonable request of the applicant, and he was not clear if there is assurance that the issue would be addressed.

Commissioner Simon commented that on page 3 of the staff report the reference of the meeting of the City Council on August 6, 2004, actually should refer to August 6, 2003.

Larry Peha, the architect for the project, addressed Commissioner O'Connor's question and indicated that there are stairs off of 11th Street that lead to the upper level, and there is proposed to be a planter area on the underside of the stairs and this will break up the mass of that elevation. He indicated that they are very close to pulling permits for the project.

In response to a question from Commissioner O'Connor, **Mr. Peha** said that they will most likely not need to come back for another one-year and final allowable extension because they will probably be in the building process at that point. He said that the issues that resulted in the project delays have been resolved.

Commissioner Savikas commented that it has been determined that the project findings remain valid, and she would support granting the extension.

A motion was MADE and SECONDED (Savikas/Simon) to **APPROVE** a request for a one-year time extension for a master use permit and Coastal Development Permit to allow an 8,147 square foot commercial building on the property located at 1100 Manhattan Avenue

AYES: O'Connor, Savikas, Simon, Chairman Montgomery
NOES: None
ABSENT: Kuch
ABSTAIN: None

Director Thompson stated that the project will be placed on the City Council Consent Calendar for their meeting of August 3, 2004.

Planning Commission Meeting 7/10/02
Minutes Excerpt: 1100 Manhattan Avenue

PUBLIC HEARINGS (NEW)

02/0710.1 MASTER USE PERMIT and COASTAL DEVELOPMENT PERMIT for Construction of a New 8,147 Square Foot Multi-Tenant Commercial Building at 1100 Manhattan Avenue (Ristani)

Director Thompson commented that staff has been working closely with the applicant for a year in revising the plans, and two major design changes have been made to the original project.

Assistant Planner Brandi Hicks summarized the staff report. She said that the proposed development is for a two story multi-tenant commercial development in the downtown area. She showed pictures of the subject site and adjacent properties. She said that parking would be provided at the rear of the property and would be accessed off of Bayview Drive. She commented that six parking spaces would be provided for the development, which meets the Code requirement. She commented that the applicant has worked with staff to arrive at a design which is pedestrian oriented and incorporates many of the elements of the Downtown Design Guidelines. She said that staff has included a condition in the draft Resolution requiring additional articulation, architectural features, or landscaping to the side of the building adjacent to 11th Street. She said that the project meets the requirements of the Code, Local Coastal Program and General Plan, and staff is recommending approval of the project.

Chairman Ward opened the public hearing.

Cheryl Vargo, representing the applicant, said that there would be a significant rear setback separating the project with the residences to the east because the parking would be located at the rear of the property. She indicated that there are options for incorporating elements to further articulate the side of the building. She indicated that the proposed types of uses are for retail and general office uses, and no restaurants are proposed. She commented that the project would meet the parking requirements of the Code. She said that they support the proposed conditions.

Don McPherson said that he supports the project, and he is pleased that no restaurant uses or alcohol service is being requested. He requested that Condition 1 under “Site Preparation/Construction” require additional landscaping on the side wall along 11th Street. He said that without landscaping, the wall of the structure would be very visible to the adjacent residences to the east of the site.

Bill Eisen stated that the project would include 5000 additional square foot of commercial space with no increase in parking. He said that the increased parking demand would impact coastal access and the parking demand for the downtown area. He inquired as to why 6,639 square feet of the structure is being excluded from the parking requirement. He commented that he feels the project would further exacerbate the problem of the parking shortage in the downtown area.

Ms. Vargo suggested that a planter with vining plants could be placed along the easterly portion of the side of the building. She commented that the side of the structure is actually not very long, but appears blank because of the amount of articulation at the front of the building.

Chairman Ward closed the public hearing.

In response to a question from Commissioner Montgomery, Assistant Planner Hicks indicated that the parking spaces would be available to the public. She said that a condition has been included to prohibit the parking lot from being gated and to prohibit the spaces from being designated for tenant use only.

Director Thompson said that the parking was not grandfathered in for the project, and the project fully conforms to the Code. He indicated that the exemption is because of the size of the lot.

In response to a question from Commissioner Montgomery, Assistant Planner Hicks said that restaurant uses would be prohibited within the development.

Commissioner Simon stated that he agrees that the project would increase the downtown parking demand; however, he recognizes that it does meet the requirements of the Code. He commented that the Code presumes that sufficient centralized parking would be provided for the downtown area. He indicated that he did not believe that sufficient parking for the downtown area is being provided, even with consideration of the proposed Metlox parking structure. He said that the downtown parking demand continues to increase, particularly with the continuing trend of structures being rebuilt with more square footage and with no additional on-site parking being provided. He commended staff and the developer for working closely together on the project, which he feels has resulted in a much improved design. He said that he feels staff can work with the applicant to mitigate the concern regarding the appearance of the side wall.

Chairman Ward indicated that he supports the project, and his only concern is with the massing of the side wall; however, he feels confident that elements can be incorporated to

break up the massing. He said that he would support a requirement for additional landscaping along the side wall along with a requirement that it be properly irrigated and maintained.

Commissioner Montgomery commented that there is a public parking lot one block north of the site on Bayview Drive. He said that he agrees with **Mr. McPherson's** comments regarding the side wall. He said that he supports the project.

A motion was MADE and SECONDED (Simon/Montgomery) to **APPROVE** Master Use Permit and Coastal Development Permit for construction of a new 8,147 square foot multi-tenant commercial building at 1100 Manhattan Avenue

AYES: Montgomery, Simon, Chairman Ward
NOES: None
ABSENT: Kirkpatrick, Kuch
ABSTAIN: None

Director Thompson explained the 15-day appeal period and stated that the item will be placed on the City Council's Consent Calendar for their meeting of August 6, 2002.



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Fahey and Members of the City Council

THROUGH: Geoff Dolan, City Manager *GD*

FROM: Richard Thompson, Director of Community Development *RT*
Brandi Hicks, Assistant Planner

DATE: August 6, 2002

SUBJECT: Consideration of a Master Use Permit and Coastal Development Permit for Construction of a Two-Story 8,147 Square Foot Multiple Tenant Commercial Building at 1100 Manhattan Avenue

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 March 20, 2002, the Community Development Department received an application requesting approval of a Master Use Permit and Coastal Development Permit for the construction of a new multiple tenant commercial building located at the northeast corner of Manhattan Avenue and 11th Street. The project is located at 1100 Manhattan Avenue within the Downtown Commercial or "CD" zone. Multiple tenant commercial projects greater than 5,000 square feet require the approval of a Master Use Permit. Additionally, since the project site is located in the City's Coastal Zone, approval of a Coastal Development Permit is required.

At their regularly scheduled meeting of July 10, 2002, the Planning Commission conducted a public hearing on the subject application. Following public testimony, the Planning Commission **ADOPTED** Resolution No. PC 02-20 (3-0-0) approving the subject application.

DISCUSSION:

The proposed project includes the demolition of the existing 3,100 square foot single-story retail building and the construction of a new two-story 8,147 square foot multiple tenant commercial building. The applicant is proposing approximately 4,543 square feet of retail space at the ground floor and 3,603 square feet of general office space at the second floor. The proposal also includes six on-site parking spaces and a refuse containment enclosure (to accommodate trash and recycling) both with access from Bayview Drive.

The applicant has worked closely with Staff to provide a design that incorporates many of the key elements of the Downtown Design Guidelines and a great deal of articulation with varying setbacks, open decks, awning projections, recessed windows, and landscaping. This differentiation of building mass helps reduce the bulk of the building at the street front. Staff does have some concerns however, with the 11th Street side elevation and has therefore included a condition requiring some additional articulation along this side to help provide some building relief. The Planning Commission agreed that minor changes in the design of the building could help improve the aesthetics of this side, and could be addressed by Staff through the plan check process.

Following testimony from the applicant at the July 10, 2002 public hearing, there were two speakers from the audience. The first of these spoke in favor of the project with the proposed conditions of approval requiring additional articulation at the 11th Street side elevation. The second speaker spoke in opposition to the project expressing concern regarding the number of parking spaces proposed and the potential impact to parking facilities in the downtown area.

While sensitive to the concerns of the opponent, the Planning Commission acknowledged that although there is an existing problem with parking in the downtown area, the subject application is meeting the parking requirements dictated by the Zoning Code. The Planning Commission supported the Master Use Permit based on the following findings:

- The project is consistent with the Downtown Commercial zoning district, the Manhattan Beach Local Coastal Plan, and the Downtown Design Guidelines.
- The project is consistent with the Manhattan Beach General Plan.
- The proposed multi-tenant retail and general office building poses no detrimental effects to the public health, safety, or welfare as the site is currently developed with retail and the proposed project does not include restaurant uses or outdoor amplified sound.
- The project will not adversely impact nearby properties as the proposal is located within a developed area, includes the required number of parking spaces, and is not expected to exceed the capacity of public services and facilities.

ALTERNATIVES:

The alternatives to the staff recommendation include:

- **APPEAL** the decision of the Planning Commission and schedule the subject item for a public hearing.

Attachments: A. Resolution No. PC 02-20
B. Draft Planning Commission Minutes excerpts; 7/10/02
C. Planning Commission Report and attachments; 7/10/02
D. Development Plans (Not available in electronic form)

cc: Peter Ristani, Applicant
Cheryl Vargo, Representative

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Brandi Hicks, Assistant Planner

DATE: July 10, 2002

SUBJECT: Master Use Permit and Coastal Development Permit for Construction of a Two-Story 8,147 Square Foot Multiple Tenant Commercial Building at 1100 Manhattan Avenue (Ristani)

RECOMMENDATION

Staff recommends that the Planning Commission **ADOPT** the attached resolution **APPROVING** the subject project.

APPLICANT/PROPERTY OWNER

Peter Ristani
712 Manhattan Avenue
Manhattan Beach, CA 90266

APPLICANT'S REPRESENTATIVE

Cheryl Vargo
5147 W. Rosecrans Avenue
Hawthorne, CA 90250

PROJECT OVERVIEW

LOCATION

<u>Location</u>	1100 Manhattan Avenue at the northeast corner of Manhattan Avenue and 11 th Street (See Vicinity Map).
<u>Legal Description</u>	Lots 5 & 6, Block 67, Manhattan Beach Division #2
<u>Area District</u>	III

LAND USE

<u>General Plan</u>	Downtown Commercial	
<u>Zoning</u>	CD, Downtown Commercial	
<u>Land Use</u>	<u>Existing</u>	<u>Proposed</u>
	3,100 sq. ft. of retail	4,543 sq. ft. of retail
		3,603 sq. ft. of general office

Neighboring Zoning/Land Uses

North	CD/Commercial
South (across 11 th St.)	CD/Commercial and Residential
East (across Bayview Dr.)	CD/Residential
West (across Manhattan Ave.)	CD/Commercial

PROJECT DETAILS

	<u>Proposed</u>	<u>Required/Allowed</u>
Parcel Size:	6,639 sq. ft.	N/A
Building Floor Area:	8,147 sq. ft.	9,958.5 sq. ft.
Height:	26 ft.	26 ft.
Parking:	6 spaces	6 spaces
Vehicle Access:	Off Bayview Drive (rear)	N/A

BACKGROUND

In 1991, the property owner of 1100 Manhattan Avenue, Peter Ristani, obtained the necessary permits to demolish the existing one-story commercial building and construct a new two-story commercial building. This project was never completed however, and permits have since expired. The site still consists of a single-story commercial building which is currently occupied by two retail stores (Toy Jungle and Athena Bikini and Boutique).

On March 20, 2002, the Community Development Department received an application for this property requesting approval of a Master Use Permit and Coastal Development Permit to allow the demolition of the existing building and the construction of a new multi-tenant commercial building, containing approximately 4,543 square feet of retail space and 3,603 square feet of office space. Staff has worked with the property owner for several months regarding design options. Preliminary approval has been obtained from other City departments including Public Works, Fire, Traffic Engineering, and Building and Safety. The plans submitted with the subject application reflect the changes recommended by City Staff.

Multiple tenant commercial projects greater than 5,000 square feet require approval of a master use permit. The project site is also located in the City's Coastal Zone and is subject to the permit requirements of the Manhattan Beach Local Coastal Program.

DISCUSSION

The project site consists of two standard 30' x 90' street-to-alley lots. The site is bounded by Manhattan Avenue at the front, Bayview Drive at the rear, and 11th Street at the south side. The subject lot slopes up approximately 12 feet from Manhattan Avenue to Bayview Drive. The applicant is proposing to construct a two-story commercial structure with a mix of retail space at the ground floor and general office space at the second floor. The project conforms to the city's requirements for use, height, floor area, setbacks, and parking.

Building Design

The design of the building provides an articulated frontage with varying setbacks to the retail space at the ground floor and the open deck above, and an increased setback that varies from zero to 18 feet from the front property line at the second floor. This differentiation of building mass reduces the bulk of the building at the street front. The small scale and finish details (e.g. wood siding) of the building enhance the small town village feeling and charm associated with the downtown area. Due to the slope of the lot, the building will appear to be a single-story building from Bayview Drive, further reducing the potential impacts to the residential properties to the east.

While the building frontage along Manhattan Avenue has a great deal of articulation and vertical relief, Staff has concerns with the long stretch of wood siding along 11th Street that provides little articulation or landscaping. The building line along 11th Street provides some modulation between the first and second story by incorporating the additional setback at the second story, but lacks the visual interest proposed along Manhattan Avenue. Minor changes in the design of the building to incorporate an architectural feature or provide additional landscaping could help improve the aesthetics of this side. A condition has been added to the draft Resolution to require some additional articulation along 11th Street.

Parking

For lots in the Downtown Commercial district, parking is required for the building floor area that exceeds a floor area to lot area ratio of 1:1. The applicant is proposing to construct 8,147 square feet of floor area which is 1,508 square feet greater than the lot area. Based on this excess floor area and the proposed uses (retail and office), six parking spaces are required.

The applicant is proposing a total of six on-site parking spaces with access off Bayview Drive. The parking area will be at the level of the second story office suites and have direct access to the interior of the second story, the proposed second story deck, and stairways to the ground floor. The project will not eliminate any existing off-site parking spaces.

Refuse

Refuse containment enclosure for the subject proposal is located adjacent to the parking area at the rear of the property and is accessible from Bayview Drive. The size and location of the trash enclosure appears to adequately meet the needs of the proposed uses. Working with Staff, the applicant has provided a screened refuse area for both trash and recycling containers.

Signage

Although signage was not addressed with the submitted application, the architectural drawings show the general type of signage proposed. The plan shows pedestrian-scale tenant

identification wall and awning signage for the retail stores at the ground floor only. All signage will be required to comply with the Zoning Code. In addition to these requirements, a condition has been added requiring the applicant to provide a sign program to be approved by the Community Development Department. The sign program should integrate the concepts of the Downtown Design Guidelines.

Fire Code Compliance

The entire project will be fully sprinklered. The required fire hose connections will be screened from off-site views and located on private property. A condition has been added to the draft Resolution to require the connection to be screened or otherwise blended into the architecture of the structure.

Public Input

All property owners within 500 feet of the project site have received notice of the public hearing. To date, Staff has not received any response to the notice.

ENVIRONMENTAL DETERMINATION

An Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA), as amended by the City of Manhattan Beach CEQA Guidelines, finding that the proposed project will not have a significant adverse impact upon the environment. Based upon this Initial Study, a Negative Declaration has been prepared.

REQUIRED FINDINGS

Use Permit

Section A.84.060 (A) of the Manhattan Beach LCP, provides the findings that are necessary to approve a Use Permit. Staff believes all findings can be met as follows:

- 1. The proposed location of the use is in accord with the objectives of this title and the purpose of the district in which the site is located;*

The proposed project is located in the Downtown Commercial (CD) district. The project encompasses a mix of retail and office uses which will provide services to a wide variety of visitors to the Downtown area. The proposed multi-tenant commercial building is in accord with objectives of this title, and the purpose of the district in which it is located since the project is consistent with Section A.16.010 of the Manhattan Beach LCP which states that the district is intended to provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the Downtown area, as well as accommodate a broad range of community businesses and to serve beach visitors.

In November 1996 as part of the Strategic Plan, the City Council initiated the development of the Downtown Design Guidelines. The guidelines are intended to reflect the desired village

character of Downtown Manhattan Beach. Specifically, the project is consistent with the following guidelines:

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

The proposed retail portion of the building (first floor) will be at the approximate elevation of the existing sidewalk on Manhattan Avenue.

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

The six proposed on-site parking spaces will take access from the adjacent alley, Bayview Drive. The project will not remove any existing off-site parking spaces along 11th Street or Manhattan Avenue.

3.1 Building elevations should be modulated through offset planes and masses, recessed or projecting windows and balconies, and extension of rooflines.

The design of the proposed development provides a great deal of articulation through variable setbacks at the first and second floor and recessed windows at the first floor.

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

The proposal provides recessed building walls at the second floor and the incorporation of a second floor open deck for approximately two-thirds of the building width.

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

The front of the building along Manhattan Avenue provides architectural modulation with the incorporation of awnings, recessed windows and entryways at the first floor, planter areas at the second floor deck, and varying setbacks from the property line. The 11th Street frontage also provides some articulation with the incorporation of an awning, recessed window, and additional setback at the second story. A condition has been added however, to require additional articulation along this side of the building.

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;

The project, as proposed, poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or in or adjacent to the neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city. The site is currently developed with retail. The proposed project is a multi-tenant retail and office building with no outdoor amplified sound or restaurant use.

The General Plan of the City of Manhattan Beach poses certain goals and policies, which reflect the expectations and wishes of the City, with respect to land uses. Specifically, the project is consistent with the following Goals and Policies of the General Plan:

Goal 1: Maintain the low profile development and small town atmosphere of Manhattan Beach.

The proposed project will maintain the small-town atmosphere through the use of architectural modulation that helps reduce the size and bulk of the building and provide visual interest to the streetscape.

Goal 5: Encourage high quality, appropriate private investment in commercial areas of Manhattan Beach.

The proposed project will meet the intended purpose of the “CD” zoning designation, is consistent with the Downtown Design Guidelines, and will provide a commercial product appropriate for the Downtown environment.

Goal 6: Continue to support and encourage the viability of the “Downtown” area of Manhattan Beach.

The proposed design adds character and visual interest to the Downtown.

- 3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and*

The proposed uses will comply with all applicable provisions of the “CD” zone, and the required notice, hearing and findings for the Master Use Permit and Coastal Development Permit.

- 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 proposed uses will not adversely impact nor be adversely impacted by nearby properties. The proposed project includes a mix of retail and office uses serving Downtown residents and visitors. The project includes the incorporation of the required number of parking spaces for the proposal. There is no expected demand that would exceed the capacity of public services and facilities.

Coastal Development Permit

Written findings are required for all decisions on Coastal Development Permits. Such findings must demonstrate that the project, as described in the application and accompanying material, or as modified by any conditions of approval, conforms with the certified Manhattan Beach LCP.

1. The project is consistent with the coastal policies of the Manhattan Beach Local Coastal Program as follows:

I.A.1, Access Policy: The City shall maintain the existing vertical and horizontal access ways in the City of Manhattan Beach.

The proposed project would not obstruct any of the vertical, or any of the 45 horizontal access ways to the shore.

II.A.2, Commercial Policy: Preserve the predominant existing commercial building scale of one and two stories, by limiting any future development to a 2-story maximum, with a 30' height limitation as required by Sections A.04.030, A.16.030, and A.60.050 of Chapter 2 of the Implementation Plan.

The proposed project is two stories and meets the maximum height requirements.

CONCLUSION

The applicant has gone through major design changes while working with Staff to incorporate many elements that help create a pedestrian-scale multi-tenant building. Staff does, however, have concerns with the long span of wood siding along 11th Street and has therefore included a condition that will require the incorporation of an architectural feature or planter area adjacent to the sidewalk to help provide some visual relief.

Staff has reviewed the conceptual plans for the project and finds that the proposed project will comply with the City's Municipal Code, General Plan, and Local Coastal Plan. Furthermore, the project successfully incorporates key elements of the Downtown Design Guidelines.

ATTACHMENTS

Exhibit A: Vicinity Map

Exhibit B: Negative Declaration and Initial Study

Exhibit C: Applicant's Project Description and Findings

Exhibit D: Plans (Full Size)

c: Peter Ristani, Applicant
Cheryl Vargo, Representative

In response to questions about timing, City Manager Dolan stated this item will be studied and a recommendation brought back before Council in the near future.

ITEMS REMOVED FROM THE CONSENT CALENDAR

02/0806.16 Consideration of a Master Use Permit and Coastal Development Permit for Construction of a Two-Story 8,147 Square Foot Multiple Tenant Commercial Building at 1100 Manhattan Avenue

Bill Eisen stated that he pulled this item because of congestion on Manhattan Avenue, noting that it is very difficult to find a parking space any time of the day and added that the intensification of use and restaurant space in the City has tripled in the past five years. He reviewed the Planning Commission's approval of an additional 5,000 sq. ft. of commercial space on the site with only 6 parking spaces and that it was stated at the Planning Commission meeting, if the project were built to code, *not withstanding the CD zoning district*, it would require 34 parking spaces. He commented on the trend of replacing old single-story buildings with two-story structures, which only exacerbates the parking problem, and added that he does not believe the negative declaration addresses the issue of the serious negative impact on street parking.

Pointing out that the project meets the current zoning code, Mayor Pro Tem Napolitano asked Mr. Eisen if his request is that the code be changed, to which Mr. Eisen responded in the affirmative, noting that there will soon be a greater demand for parking than the City will be able to accommodate.

There were no further comments from the public.

In response to Councilmember Aldinger's question regarding how the parking requirements are determined, Community Development Director Richard Thompson said it is pro-rated based on the mix of uses in the building.

Mayor Pro Tem Napolitano commented that it is always a concern when downtown buildings are torn down because, generally, new buildings are invariably larger than what is torn down. He acknowledged that the City needs to allow for some growth, understanding the need for the property owner to maximize his profit to the extent practical, while also attempting to maintain the village atmosphere of downtown and keeping the character intact. He also agreed that parking needs to be addressed in the code but that the property owner shouldn't be penalized before the code is changed.

MOTION: Mayor Pro Tem Napolitano moved to receive and file the report. The motion was seconded by Councilmember Wilson and passed by the following unanimous roll call vote:

Ayes: Dougher, Napolitano, Aldinger, Wilson and Mayor Fahey.
Noes: None.
Absent: None.
Abstain: None.

AUDIENCE PARTICIPATION

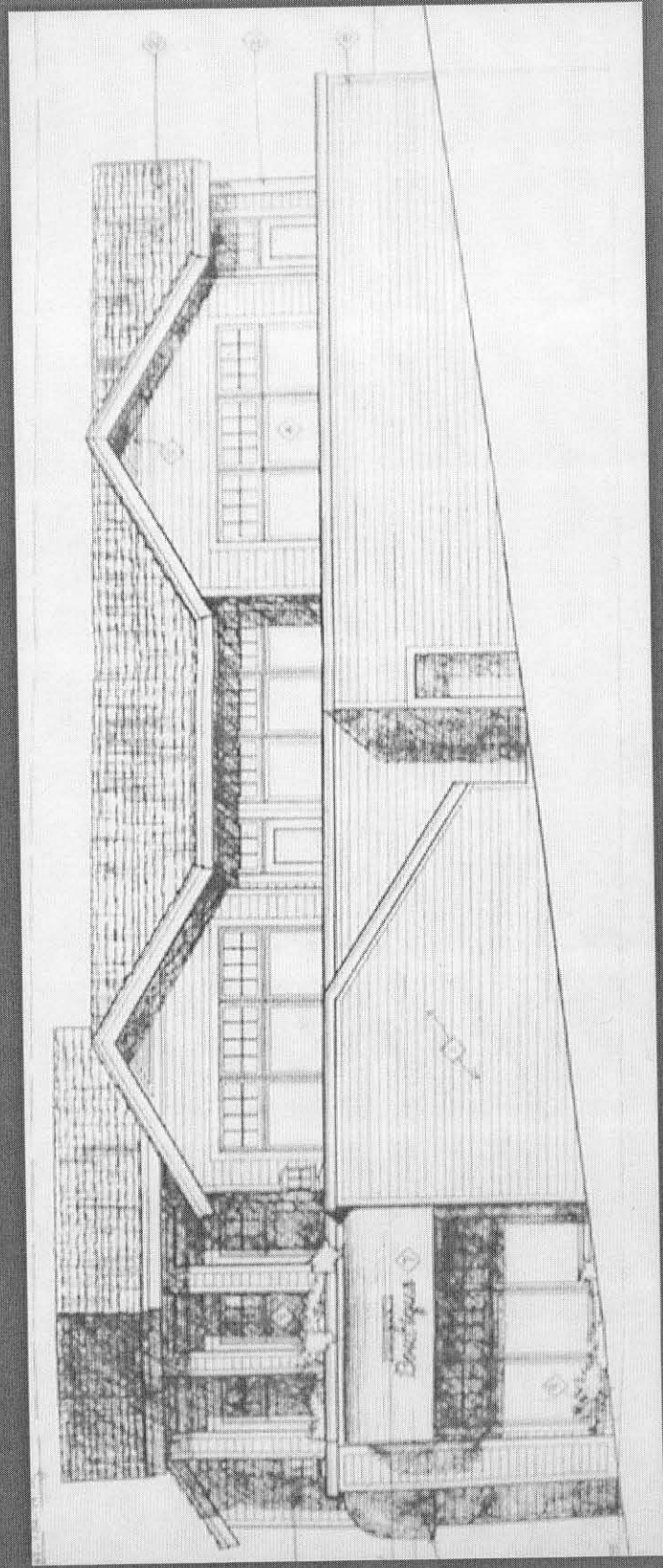
02/0806.27 Viet Ngo Re City Council Minutes of July 16, 2002

Viet Ngo, Manhattan Beach resident, stated that he had submitted a requested correction of his testimony from the City Council meeting of July 16, 2002, noting the ongoing practice to produce inaccurate records of his testimony. He said since the Council approved the minutes as prepared, he believes the action violates California Penal Code section 324, as noted in his letter of August 6, 2002, which states that every person guilty of preparing any false or ante-dated book, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding or inquiry whatever, authorized by law, is guilty of a felony. He requested the Manhattan Beach Police Department to investigate the actions of staff, the Planning Commission and City Council as he believes this is a serious matter and they continue to violate California Penal Code Section 324.

CITY MANAGER REPORT(S)

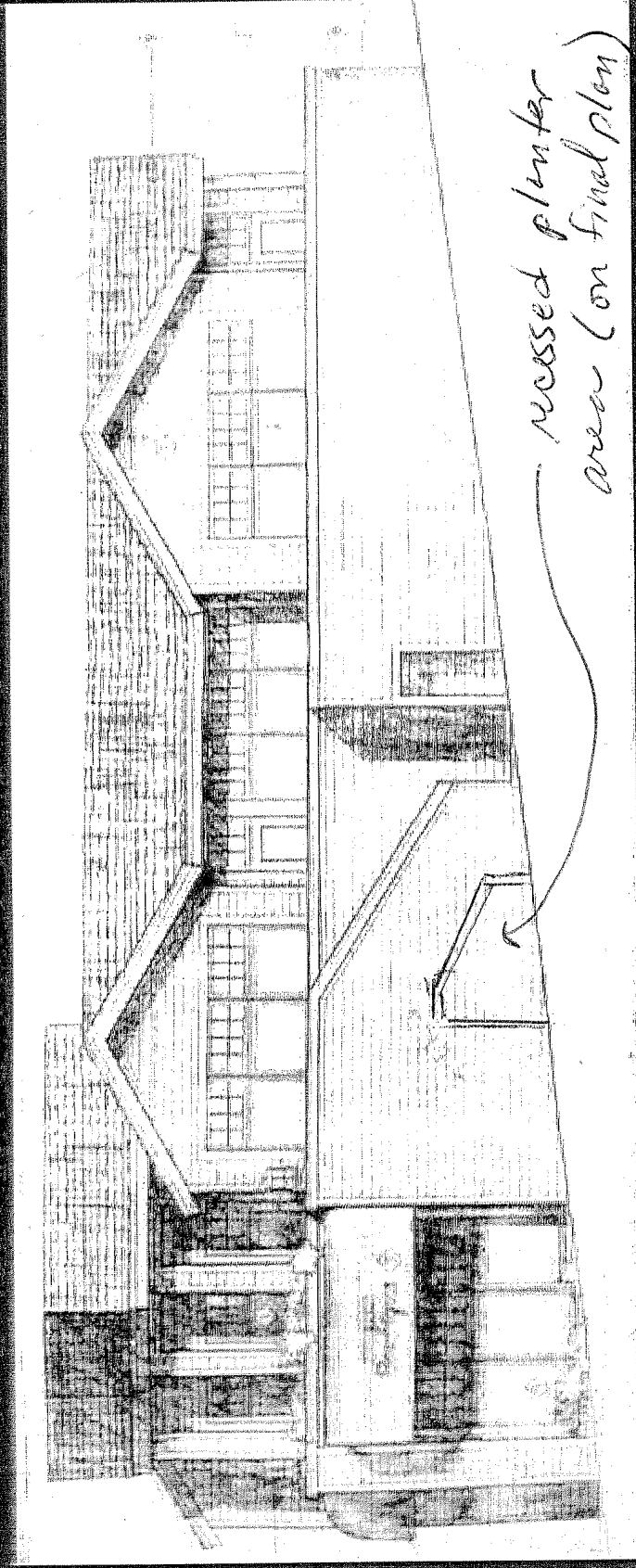
City Council 8/6/02

Proposed Development



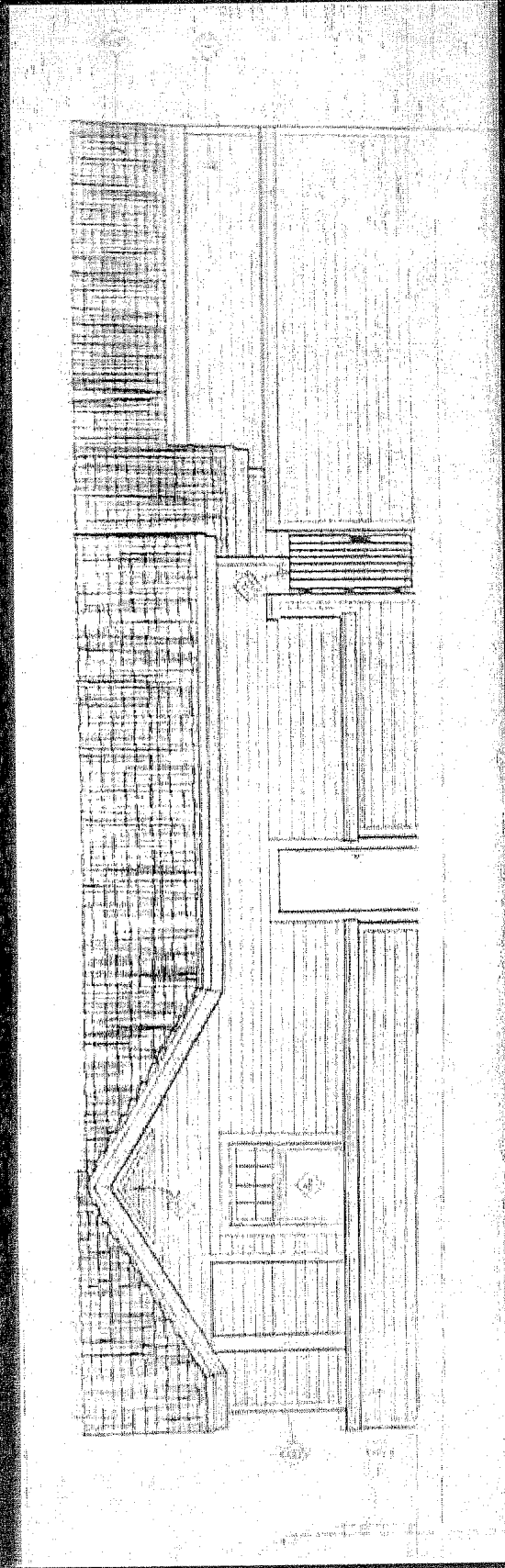
Side Elevation

Proposed Development



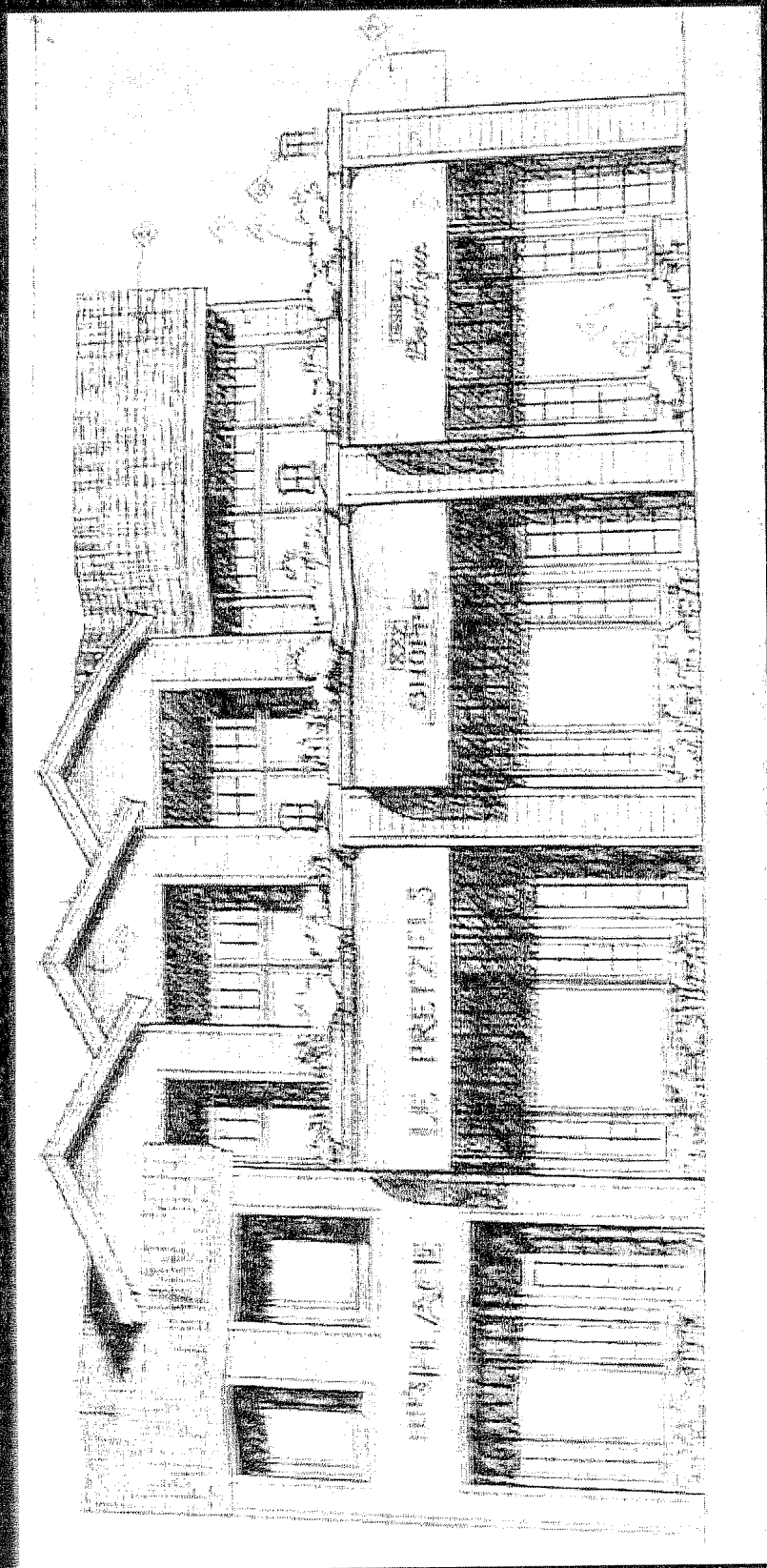
Side Elevation

Proposed Development



Rear Elevation

Proposed Development



Front Elevation