



**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
SUPPLEMENTAL MEMORANDUM TO
ITEM G, MARCH 24, 2021 PLANNING COMMISSION STAFF REPORT**

DATE: March 23, 2021

TO: Planning Commission

FROM: Carrie Tai, AICP, Director of Community Development

THROUGH: Talyn Mirzakhian, Planning Manager

BY: Ted Faturos, Associate Planner

SUBJECT: Correction to Staff Report and Draft Resolution for Item G, March 24, 2021 Planning Commission Item Regarding a Proposed Coastal Development Permit and Use Permit to Allow the Expansion of an Existing Retail Sales Use, Resulting in a Retail Sales Use with 3,637 Square Feet of Sales Floor Area Located at 1113-1121 Manhattan Avenue; and Adoption of an Environmental Determination in Accordance with the California Environmental Quality Act (Skechers USA, Inc.)

The staff report and draft resolution associated with Item G on the Planning Commission's March 24, 2021 agenda stated that the proposed draft resolution approving a Coastal Development Permit and Use Permit would replace the site's existing Use Permit, Resolution No. 17-0065.

Upon further consideration, staff recommends, if approved by the Planning Commission, that the subject Coastal Development Permit and Use Permit serve as an independent entitlement that would coexist alongside the site's existing entitlements. The Draft Resolution has been revised accordingly and is provided as Attachment A. Specifically, Condition of Approval No. 4 in the Draft Resolution has been revised to state "This entitlement shall govern site operations in conjunction with the site's prior entitlements, which include City Council Resolution No. 17-0065, granting approval of a Use Permit, and City Council Resolution No. 5136, granting approval of signage."

Attachment:

A. Revised Draft Resolution No. PC 21-

Attachment A

RESOLUTION NO. PC 21-

RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION APPROVING A COASTAL DEVELOPMENT PERMIT AND A USE PERMIT FOR THE EXPANSION OF AN EXISTING RETAIL SALES USE, RESULTING IN A RETAIL SALES USE WITH 3,637 SQUARE FEET OF SALES FLOOR AREA; AT 1113 - 1121 MANHATTAN AVENUE (SKECHERS USA, INC)

THE MANHATTAN BEACH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Skechers USA, Inc (“Applicant”) has applied for a Coastal Development Permit and a Use Permit to expand an existing retail sales use (1115 – 1121 Manhattan Avenue) into the adjacent vacant tenant space (1113 Manhattan Avenue), resulting in a tenant space with 3,637 square feet of sales floor area (the “Project”), located at 1113 – 1121 Manhattan Avenue (the “site”). The property is jointly owned by Roy C. Troeger and the Troeger Grand Avenue Trust (the “Owner”).

SECTION 2. On November 15, 1994, the Manhattan Beach City Council adopted City Council Resolution No. 5136, granting approval of signage for the site.

SECTION 3. On June 12, 2017, the Manhattan Beach City Council adopted City Council Resolution No. 17-0065, granting a Use Permit for the expansion of an existing retail space that would result in a retail space over 1,600 square feet of buildable floor area. A Use permit was required for the project under Interim Ordinance No. 16-0009-U and its subsequent extensions.

SECTION 4. On March 10, 2021, the Planning Commission conducted a duly noticed public hearing to consider the project, and the Planning Commission continued the public hearing to the March 24, 2021 Planning Commission meeting, during which the Planning Commission provided an opportunity for the public to provide evidence and testimony at the public hearing.

SECTION 5. Section A.96.040 of the City’s LCP requires a Coastal Development Permit for any “development”, with Section A.96.030 (I) of the City’s LCP defining the term “development” to include “change in the density or intensity of use of land...”.

SECTION 6. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) based on staff’s determination that the proposed expansion of the existing retail sales use will be in a building under 10,000 square feet of Buildable Floor Area (BFA), is located in an urbanized area, does not involve significant amounts of hazardous substances, is located in an area where all necessary public services and facilities are available, and is located in an area where the surrounding area is not environmentally sensitive. Pursuant to State CEQA Guidelines Section 15300.2 (Exceptions), there is no reasonable possibility that the activity will have a significant impact on the environment because there are no unusual circumstances in this situation. The Project will neither individually nor cumulatively have an adverse effect on wildlife resources, as defined in Fish and Game Code Section 711.2.

SECTION 7. The record of the public hearing indicates:

A. The legal description of the site is: Lots 12, 13, & 14, Block 12, Manhattan Beach Division No. 2, in the City of Manhattan Beach, County of Los Angeles. The site is located in Area District III and is zoned CD, Downtown Commercial. The site is also located in the Appealable Area of the Coastal Zone. The surrounding properties are zoned CD to the North (across Manhattan Beach Boulevard), CD to the South (across 11th Place), CD to the East (across Manhattan Avenue), and CD to the West.

B. The use is permitted in the CD District subject to a Use Permit per MBMC Section 10.16.020 and LCP Section A.16.020, and is in compliance with the City’s General Plan land use designation of Downtown Commercial. The General Plan designation for the property is Downtown Commercial. The General Plan encourages businesses in the Downtown Commercial land use category that offer “services and activities to our residents and visitors.”

C. The use is located along the commercial portion of Manhattan Avenue and Manhattan Beach Boulevard in Downtown Manhattan Beach, with the surrounding businesses having similar operating characteristics. Any potential impacts associated with Skechers’ use are minimized by the physical distance between the use’s location and most residents in nearby blocks; with Manhattan Avenue, 11th Place, Manhattan Beach Boulevard, and other commercial structures providing physical separation between Skechers and many neighboring structures.

D. The applicant has requested a Coastal Development Permit and Use Permit to allow for the expansion of their existing retail sales use into the adjacent vacant tenant space, resulting in a retail space with 6,453 square feet of buildable floor area and 3,637 square feet of sales floor area located at 1113-1121 Manhattan Avenue.

E. The project is specifically consistent with General Plan Policies as follows:

LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

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

The project helps further the General Plan policies identified above, as the expanded retail store will contribute to a critical mass of retailers needed to sustain Downtown Manhattan Beach as a retail destination for local shoppers and visitors alike.

SECTION 8. Based upon substantial evidence in the record, and pursuant to Manhattan Beach Municipal Code Section 10.84.060, the Planning Commission hereby finds:

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

Skechers is a retail use located in the CD Downtown Commercial district. The Municipal Code's stated purpose for the CD Downtown Commercial zone is that the "district is intended to accommodate a broad range of community businesses and to serve beach visitors." Retail stores like Skechers provide goods which can be purchased by both residents and visitors.

The proposed location of the project (Manhattan Avenue in the CD district) is in accord with the objectives of MBMC's Planning and Zoning and the purposes of the district in which the site is located because Manhattan Avenue is a commercial thoroughfare within the CD commercial district where the use will complement a full range of retail and service businesses suitable for Manhattan Beach.

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.

Skechers' retail sales use is a commercial use consistent with the General Plan's Downtown Commercial land use designation of the subject and neighboring properties. The proposed use is compatible with neighboring uses, as the neighboring lots are also developed with commercial uses, many of which are retail sales uses. Any potential impacts associated with Skechers' retail sales use are minimized by the physical distance between the use's location and residents in nearby blocks, with Manhattan Avenue, 11th Place, Manhattan Beach Boulevard, and other commercial structures providing physical separation between Skechers and many neighboring structures. The General Plan encourages a "vibrant downtown" that offers "services and activities for residents and visitors", and Skechers is part of the downtown commercial mix of businesses that help create a dynamic and interesting Downtown. Skechers' retail sales use is consistent with the overall goal of the district to provide goods and services to residents and visitors.

The project is specifically consistent with General Plan Policies as follows:

LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

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

The project helps further the General Plan policies identified above, as the expanded retail store will contribute to a critical mass of retailers needed to sustain Downtown Manhattan Beach as a retail destination for local shoppers and visitors alike.

3. **The proposed use will comply with the provisions of the City’s Planning and Zoning Title, including any specific condition required for the proposed use in the district in which it would be located.**

The proposed 3,637 square-foot retail use is a conditionally permitting use in the CD zoning district. Furthermore, associated project plans are in compliance with applicable governing regulations in Municipal Code Title 10 (Planning and Zoning).

4. **The use will not adversely impact or be adversely impacted by nearby properties.**

The use is located on the commercial portion of Manhattan Avenue and Manhattan Beach Boulevard in Downtown Manhattan Beach, with surrounding businesses exhibiting similar operating characteristics. Any potential impacts associated with Skechers’ use are minimized by the physical distance between the use’s location and most residents in nearby blocks, with Manhattan Avenue, 11th Place, Manhattan Beach Boulevard, and by other commercial structures providing physical separation between Skechers and many neighboring structures. The retail sales will not create demands exceeding the capacity of public services and facilities.

SECTION 9. Based upon substantial evidence in the record, and pursuant to Manhattan Beach Local Coastal Program Section A.94.150, the Planning Commission hereby finds:

1. **All decisions on Coastal Development Permits shall be accompanied by written findings: [13096] A. That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program;**

The property is located within Area District III and is zoned Downtown Commercial (CD). The General Plan and Local Coastal Program/Land Use Plan designation for the property is Downtown Commercial, which accommodates “a mix of commercial businesses... with a focus on pedestrian-oriented commercial businesses that serve Manhattan Beach residents. Visitor-oriented uses are limited to low-intensity businesses providing goods and services primarily to beachgoers”. The neighboring properties are also developed with commercial uses. The proposed retail sales use is a permitted use in the CD zoning district and is in compliance with the City’s General Plan land use designation of Downtown Commercial; as such, the project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, and it will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The project is consistent with the policies and implementation measures of the Manhattan Beach Local Coastal Program, specifically Policies I.A.1, I.A.4, I.C.6, II.A.2, II.A.3, as follows:

Policy I.A.1: The City shall maintain the existing vertical and horizontal access ways in the Manhattan Beach Coastal Zone. The proposed project would not obstruct any of the vertical and horizontal access ways to the beach, as the project remains entirely on private property.

Policy i.A.4: The City shall maintain the use of commercial alleys as secondary accessways. The proposed project would not interfere with the use of 11th Place, a commercial alley, as a secondary accessway, as the project remains entirely on private property.

Policy I.C.6: The City shall require existing residential and commercial buildings to comply with parking standards set forth in Section A.64 of Chapter 2 of the Implementation Plan upon substantial remodeling or expansion, as defined in Sections A.64.020 and A.68.030 of Chapter 2 of the Implementation Plan except that residential parking requirements shall not be reduced for units less than 550 square feet. The project will provide sufficient parking per Section A.64.030 of the City’s LCP as the entitlement contained in the resolution requires the tenant to maintain one Bi-Annual Commercial Parking Permit.

Policy II.A.2: 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 would preserve the existing two-story commercial building.

Policy II.A.3: Encourage the maintenance of commercial area orientation to the pedestrian. The proposed project maintains the building’s orientation towards the pedestrian, with large windows facing pedestrians walking along Manhattan Avenue.

2. As proposed and conditioned, the project meets Part (B) of the required findings for the reasons described below:

Pursuant to Section 30212(a)(2) of the Public Resources Code, the proposed use does not impact public access to the shoreline. Adequate public access is provided and shall be maintained along Manhattan Avenue, Manhattan Beach Boulevard, and 11th Place. Furthermore, the project does not create any barriers along Manhattan Avenue, Manhattan Beach Boulevard, and 11th Place that prevent public access to the coast.

Pursuant to Section 30221 of the Public Resources Code, present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property are already adequately provided for in the subject area. There are significant portions of Manhattan Beach's Coastal Zone that are zoned for commercial uses where commercial recreational activities can operate and serve visitors.

SECTION 10. Based upon the foregoing, the Planning Commission hereby **APPROVES** the Coastal Development Permit and Use Permit to allow the expansion of an existing retail store in the CD district subject to the following conditions:

General

1. The project shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on March 24, 2021 as conditioned. Any substantial deviation from the approved plans and project description, as conditioned, shall require review by the Community Development Director to determine if approval from the Planning Commission is required.
2. Any questions of intent or interpretation of any condition shall be reviewed by the Community Development Director to determine if Planning Commission review and action is required.
3. A Construction Management and Parking Plan (CMPP) shall be submitted by the Applicant with the submittal of plans to the Building Division. The CMPP shall be reviewed and approved by the City, including but not limited to, the City Traffic Engineer, Planning Division, Fire Department, Police Department and Public Works Department, prior to permit issuance. The CMPP shall include, but not be limited to, provisions for the management of all construction related traffic, parking, staging, materials delivery, materials storage, and buffering of noise and other disruptions. The CMPP shall minimize construction-related impacts to the surrounding neighborhood, and shall be implemented in accordance with the requirements of the plan.
4. This entitlement shall govern site operations in conjunction with the site's prior entitlements, which include City Council Resolution No. 17-0065, granting approval of a Use Permit, and City Council Resolution No. 5136, granting approval of signage.

Operation

5. The operator of the business shall maintain three separate façade treatments along its Manhattan Avenue frontage to appear from the exterior as three separate, distinct storefronts in order to maintain the small town scale and character of existing Downtown businesses.
6. The operator of the business shall maintain the public art piece on the northern façade of the structure.
7. Televisions or similar electronic displays used for marketing purposes shall not be displayed in store windows.
8. All tenant improvements shall comply with the California Codes which includes: 2019 Uniform Building Code, 2019 Uniform Mechanical Code, 2019 Uniform Plumbing Code and 2019 Electrical Code.
9. The operator of the business shall maintain one "Bi-Annual Commercial Parking" permits for use of their retail employees.
10. The Community Development Department staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.

Refuse

11. A trash enclosure with adequate capacity for different types of trash shall be maintained. The enclosure shall be subject to specifications and approval of the Public Works Department, Community Development Department, and the City's waste contractor.
12. The operator of the business shall arrange for special on-site pickup as often as necessary to ensure that the refuse area has adequate space to accommodate the needs of the subject business.
13. No refuse generated at the subject site shall be located in the Public Right-of-Way for storage or pickup, including the disposal of refuse in any refuse container established for public use.

Procedural

14. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the Owner, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the Owner shall submit the covenant, prepared and approved by the City, indicating its consent to the conditions of approval of this Resolution, and the City shall record the covenant with the Office of the County Clerk/Recorder of Los Angeles. Owner shall deliver the executed covenant, and all required recording and related fees, to the Department of Community Development within 30 days of the adoption of this Resolution. Notwithstanding the foregoing, the Community Development Director may, upon a request by Owner, grant an extension to the 30-day time limit. The project approval shall not become effective until recordation of the covenant.
15. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The Applicant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City's environmental review thereof. The Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the Applicant of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this Section shall be construed to require the Applicant to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 11. The Planning Commission's decision is based upon each of the totally independent and separate grounds stated herein, each of which stands alone as a sufficient basis for its decision.

SECTION 12. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Chapter 10.100 have expired.

SECTION 13. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the Applicant. The Secretary shall make this resolution readily available for public inspection.

SECTION 14. 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.

March 24, 2021

Planning Commission Chair

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on **March 24, 2021** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Carrie Tai, AICP,
Secretary to the Planning Commission

Rosemary Lackow,
Recording Secretary