

RESOLUTION NO. PC 16-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT FOR CONSTRUCTION OF A NEW MIXED USE BUILDING AT 1762 MANHATTAN BEACH BOULEVARD (MANHATTAN BEACH PLASTIC SURGERY PROPERTIES, LLC)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on July 27, 2016, pursuant to applicable law, and considered an application for a use permit for demolition of the existing building on the site and construction of a 4,406 square foot mixed use building to include a 1,835 square-foot medical office, a 2,434 square foot single family residence and 137 square feet of stair and circulation area on the property located at 1762 Manhattan Beach Boulevard in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The existing legal description of the site is Lot 1 in Block 2 of Redondo Villa Tract No. 3 of Map Recorded in Book 10 Page 185, of the Los Angeles County Recorder.
- D. The applicant for the subject project is Manhattan Beach Plastic Surgeries Properties, LLC, the owner of the property.
- E. Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt, pursuant to Sections 15332 based on staff's determination that the project is an infill development within an urbanized area.
- 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 CL, Commercial Local. The use is permitted by the zoning code with a use permit. The surrounding properties consist of CL (Local Commercial – west), CG (General Commercial – east) and RS (Residential Single Family – north and south) zoning.
- H. The General Plan designation for the property is Local Commercial. The General Plan encourages new commercial development that enhances the community aesthetic and provides a variety of commercial development types. The project is consistent with the intent General Plan Goals and Policies.
- I. The Planning Commission made findings required to approve the Use Permit pursuant to MBMC Section 10.84.060 as follows:
 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.**

The purpose of the Local Commercial (CL) zoning district is to provide sites for businesses serving the daily needs of nearby residential areas while establishing development standards that prevent significant adverse effects on residential uses adjoining a CL district. The 4,406 square foot mixed use building will include a medical office, as well as a single family residence. The building will include landscaping, parking and open space all of which meet or exceed the

minimum requirements as required by the code. The medical use is proposed as a small, single-tenant medical office with minimal staff. All scheduling will be controlled by appointment with little unscheduled patient visits which will minimize impacts by visiting patrons. Lastly, the building will be well below the maximum allowed area of 5,070 square feet and increased setbacks will be provided throughout several areas 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 at 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 purpose of the Local Commercial General Plan Land Use Category is to provide areas for neighborhood-oriented, small-scale professional offices, retail businesses, and service activities that serve the local community. Permitted uses are generally characterized by those which generate low traffic volumes, have limited parking needs, and generally do not operate late hours. The maximum Floor Area Factor is one to one (1:1). Residential uses are permitted with discretionary review at densities consistent with the High Density Residential category.

The mixed use building will include a medical office, as well as a single family residence. The medical use is proposed as a small single-tenant medical office with minimal staff. All scheduling will be controlled by appointment with little unscheduled patient visits which will minimize impacts by visiting patrons. The building and business use will operate in a manner which is consistent with the intent of the Local Commercial Land Use Category and will not be detrimental to residents or the community.

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.**

The building will include landscaping, parking, open space and setbacks all of which meet or exceed the minimum development standards as required by the code. The proposed mixed use building (medical office and residence) is allowed within the Local Commercial (CL) zoning district with approval of use permit.

4. **The proposed use will not adversely impact or 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 project complies with all development standards and does not create demands which exceed the capacity of public services and facilities which cannot be mitigated, in that, the mixed use building is compatible with the area, parking supplies, setbacks, and landscaping. The medical use is proposed as a small medical office with minimal staff. Increased setbacks are provided along the second and third floor levels to the west and landscaping is provided throughout in order to minimize any potential impacts related to aesthetics and design of the building. Additionally, the project will comply with the 45 degree day light plane requirement which will reduce any potential impacts to the single family residence located directly to the south. The Traffic Engineer has reviewed the project and is satisfied that there are no parking impacts, with the proposed conditions. Other city departments have reviewed the project and are satisfied that any potential impacts will be addressed by the attached conditions of approval

- J. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit application for a new mixed use building, subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

1. The project shall be constructed and operated in substantial compliance with the submitted plans and project description as approved by the Planning Commission on July 27, 2016. Any rooftop solar panels may exceed the height limit by a maximum of six (6) inches. Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.
2. A Construction Management and Parking Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development, Police and Public Works Departments prior to issuance of permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and siting of construction related equipment (job site offices, trailers, materials etc.) 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. Final utility equipment locations and visual screening shall be subject to Community Development review and approval.
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. A site landscaping plan utilizing drought tolerant plants, including large-box-sized trees, 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. At least two street trees shall be retained or provided as the Public Works Department determines to be appropriate.
6. 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.
7. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
8. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
9. The back of driveway approach must be six inches higher than the flow line on the street. M.B.M.C. 9.76.030. Driveway slope shall not exceed 15% throughout the entire approach path. The difference in driveway slope shall not exceed 7.5 % between any two points within ten (10) feet along the driveway or the approach.
10. Any unused water or sanitary sewer laterals must be abandoned at the City main.
11. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
12. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil

clarifiers and other post construction water quality items may be required.

13. Energy efficient security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design. Interior lighting within the building shall be designed to limit unnecessary light visible to adjacent neighbors by use of screening, timing devices, motion sensors, and other available technology.
14. A Knox Box shall be installed at a designated location near the front of the structure for Fire Department access.

Commercial Operational Restrictions

15. The facility shall include a 1,835 square foot, single-tenant, medical office or other use with a parking demand not to exceed the medical office parking requirement (1 stall per 200 square feet) and 2,434 square foot single family residence, as shown by the project plans.
16. The hours of operation for the medical office use shall be limited to 8:00am to 6:00pm daily.
17. A covered trash and recycling enclosure(s), with adequate capacity 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 lightweight aluminum ramp for rolling the trash and recycle bins over the existing curb on Harkness Street must be provided. A trash and recycling plan shall be provided as required by the Public Works Department.
18. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. Sign plans shall be submitted to the Community Development Department for review and approval prior to building permit issuance.
19. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
20. Any outside sound or amplification system or equipment is prohibited.

Traffic and Parking

21. The project shall include a total of eleven (11) paved and striped parking stalls within the lower floor level of the three level mixed use building. A total of two (2) stalls will be reserved for the single family residence and a maximum of four (4) compact commercial parking stalls shall be allowed as part of the project.
22. Parking (including bicycle parking) shall be provided in conformance with the current Manhattan Beach Municipal Code. Parking spaces shall be marked and signed as required by the Community Development Department. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals with the exception of the two residential parking spaces reserved for the dwelling unit. Gates or other obstructions to parking areas shall be subject to Community Development Director approval, and shall remain open during the business hours of operation. A proximity sensor RFID gate control and key pad code controlled ingress must be provided at any gate when closed. The RFID control must be provided to all employees/residents and shall activate the gate without requiring the approaching vehicle to stop at the driveway. Automatic exiting using vehicle detection must be provided when vehicles leave the gated area. Future parking lot modifications and any parking requirement modifications that are warranted, shall be subject to approval of the City Traffic Engineer.
23. The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. As a minimum, the owner of the building shall include prohibitions against employee parking on local streets in any lease and/or rental agreements.
24. All two-way driveways and approaches shall be as wide as the aisle it serves. The driveway

- 1 approach must be at least 20 feet wide (W=20'), not including approach wings.
- 2 25. Parking stall cross-slope shall not exceed five percent.
- 3 26. Doors, gates and staircases shall not swing into a vehicle aisle or public sidewalk.
- 4 27. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind
- 5 the ultimate property line when exiting the parking areas without walls, columns or landscaping
- 6 over 36 inches high. (MBMC 10.64.150)
- 7 28. All parking spaces adjacent to a vertical obstruction, except columns, must be at least one foot
- 8 wider than a standard space.
- 9 29. Wheel stops are necessary for all parking spaces inside a parking lot or structure except those
- 10 spaces abutting a masonry wall or protected by a 6-inch high curb. (MBMC 10.64.100D)
- 11 30. Disabled parking must comply with current standards. One or more van size spaces may be
- 12 required in parking lot with sufficient height clearance. See 2013 CBC Chapter 11B, Division II
- 13 and other ADA requirements.
- 14 31. Provide height clearance signs and clearance warning bar for parking structure at entrance.
- 15 32. All compact spaces shall be labeled with signs and stencil markings at the back of each space.
- 16 33. The parking area shall be signed and marked to the satisfaction of the City Traffic Engineer.
- 17 34. A 15-foot radius corner dedication shall be provided to the City at the southwest corner of
- 18 Manhattan Beach Boulevard and Harkness Street as formed by the existing property lines.
- 19 Submit plans and dedication for construction of the public sidewalk and pedestrian ramp on this
- 20 corner to City standards to the City Traffic Engineer with submittal of plans to plan check and
- 21 complete construction prior to final approval and Certificate of Occupancy. Show proposed right
- 22 of way dedication on all plans.
- 23 35. A sidewalk easement shall be provided to the City at the proposed driveway on Harkness Street
- 24 to provide an accessible sidewalk behind the approach. Submit plans and easement
- 25 documentation for construction of the public sidewalk to City standards to the City Traffic
- 26 Engineer with submittal of plans to plan check and complete construction prior to final approval
- 27 and Certificate of Occupancy. Show proposed sidewalk easement on all plans.

20 Procedural

- 21 36. This Resolution shall become effective when all time limits for appeals have been exhausted as
- 22 provided in MBMC Section 10.100.010.
- 23 37. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions
- 24 within 30 days of approval of the Use Permit.
- 25 38. This Use Permit shall lapse two years after its date of approval, unless implemented or extended
- 26 pursuant to 10.84.090 of the Municipal Code.
- 27 39. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section
- 28 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
- 29 40. Applicant shall defend, indemnify, and hold the City, its elected officials, officers, employees,
- 30 volunteers, agents, and those City agents serving as independent contractors in the role of City
- 31 officials (collectively "Indemnitees") free and harmless from and against any and all claims
- 32 (including, without limitation, claims for bodily injury, death, or damage to property), demands,
- obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties,

liabilities, costs, and expenses (including, without limitation, attorneys' fees, consequential damages, disbursements, and court costs) of every kind and nature whatsoever (individually, a "Claim," collectively, "Claims"), in any manner arising out of or incident to: (i) this approval and related entitlements, (ii) the City's environmental review of this project, (iii) any construction related to this approval, or (iv) the use of the property that is the subject of this approval. 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 arising out of or incident to this approval, any construction related to this approval, or the use of the property that is the subject of this approval. The City shall have the right to select counsel of its choice. 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. Applicant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Applicant or Indemnitees. This indemnity shall apply to all Claims and liability regardless of whether any insurance policies are applicable. Nothing in this Section shall be construed to require 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 permit, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of July 27, 2016 and that said Resolution was adopted by the following vote:

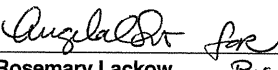
AYES: Chairperson Hersman, Conaway, Apostol, Bordokas.

NOES: None.

ABSTAIN: None.

ABSENT: Ortmann.


MARISA LUNDSTEDT,
 Secretary to the Planning Commission


Rosemary Lackow,
 Recording Secretary *Rosemary Lackow*