

1 RESOLUTION NO. PC 12-07

2 RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT, PARKING
4 DEMAND STUDY, AND SIGN EXCEPTION (EXCLUDING LED SIGN) FOR A
5 REMODEL AND MODIFICATION TO AN EXISTING RELIGIOUS ASSEMBLY
6 FACILITY ON THE PROPERTY LOCATED AT 1829 SEPULVEDA
7 BOULEVARD (Congregation Tikvat Jacob)

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

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

- 12 A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on October 24,
13 2012, considered an application for a use permit amendment, parking demand study, and Sign
14 Exception for a Remodel and Modification to an Existing Religious Assembly Facility on the property
15 legally described as Lots 1, 2, 33 & 34, Block 49, Tract 1638 located at 1829 Sepulveda Boulevard in
16 the City of Manhattan Beach.
- 17 B. The application was filed on June 21, 2012. The applicant for the subject project is Congregation
18 Tikvat Jacob, the property owner.
- 19 C. The project is Categorically Exempt from the requirements of CEQA pursuant to Sections 15303 and
20 15332, since the project involves remodeling of existing facilities and minor infill development within
21 an urbanized area.
- 22 D. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as
23 defined in Section 711.2 of the Fish and Game Code.
- 24 E. The property is located within Area District II and is zoned CG Commercial General, and RS D-6
25 Single-Family Residential. The surrounding private land uses consist of retail, restaurant, hotel, office,
26 and single-family residences.
- 27 F. The subject property is 17,974 square feet in area. The proposed total building size is 13,181 square
28 feet.
- 29 G. Use Permit approval is required for the application since it includes requests for additional religious
30 assembly area, and general day-care use, pursuant to Section 10.16.020 of the Municipal Code .
- 31 H. The Planning Commission made findings with respect to the subject use permit application as follows:
- 32 1. The proposed location of the use is in accord with the objectives of this title, and the purpose of
the district in which it is located since the project is in the General Commercial zone consistent
with Section 10.16.010 of the Manhattan Beach Zoning Code which states that the district is
intended to provide a full range of retail and service businesses. The existing and proposed use
would be serving residents of the surrounding area, and is adequately buffered from residential
uses.
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, since the small assembly area
enlargement does not exceed parking or traffic thresholds, and the proposed day-care use will
alternate with the primary assembly use,

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, since the proposed location of the use and the proposed conditions under which it will be operated or maintained is consistent with the General Plan, since the project site is classified as General Commercial which allows for businesses serving the needs of nearby residential areas.
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 aesthetic, or create demands exceeding the capacity of public services and facilities which cannot be mitigated. Since the existing site is already developed and used as a religious facility, the less intensive day-care use will not adversely impact nearby properties as conditioned, and as analyzed in the City Traffic Engineer's review. The new use will comply with the City's Code requirements and conditions have been placed in this resolution to ensure any impacts do not affect the surrounding residences and neighborhood. It is not anticipated that the proposed new use will exceed the capacity of public services and facilities, as conditioned.
5. A parking reduction pursuant to Section 10.84.010 of the Zoning Code is incorporated into this Use Permit approval pursuant to findings as follows:
 - A. The spaces provided on the site will be available in adequate quantities when the assembly, education, and day-care uses requiring the spaces are in operation; and
 - B. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided as detailed in the project parking demand study.
- I. Approval of the sign exception, subject to the conditions below: will not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located since the signs are consistent with commercial signage for the area and shall be restricted from obtrusive lighting or motion, is necessary for reasonable use of the subject property since the signs can effectively provide information to church members and the community, and is consistent with the intent of the City's sign code in that the signs will not be obtrusive to the neighbors or public and do not result in large quantities of sign area for the site considering its large area and quantity of street frontage; as detailed in the project staff report.
- J. The General Plan designations for the property are General Commercial and Mixed-Use Commercial. 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 of the General Plan as summarized below:

Policy LU.3.5: Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.

Policy LU-5.7: Recognize the unique qualities of mixed use areas, and balance the needs of both the residential and commercial uses.

Policy LU-6.1: Support and encourage small businesses throughout the City.

Policy LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Policy LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

Policy I-2.7: Monitor and minimize traffic issues associated with construction activities.

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Policy I-3.4: Review development proposals to ensure potential adverse parking impacts are minimized or avoided.

Policy I-3.8: Monitor and minimize parking issues associated with construction activities.

Policy I-4.2: Carefully review commercial development proposals with regard to planned ingress/egress, and enforce restrictions as approved.

- K. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- L. The proposed electronic LED changeable copy sign is not approved due to concerns for visual disruption to traffic along Sepulveda Blvd. and the surrounding area.
- M. This Resolution is intended to regulate the subject religious assembly and related education and day-care uses of the site, and supersedes Resolution No. 97-11 . This Resolution also supersedes Resolution No. PC 97-53 as a Sign Exception approval, which portion can be amended separately from the Use Permit portion of the resolution through applicable Sign Code procedures.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit Amendment, Parking Demand Study, and Sign Exception application subject to the following conditions (*indicates a site specific condition):

Use Permit

- 1. The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on October 24, 2012. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
- 2.* The facility shall operate as a religious assembly facility with related instructional use, and state licensed general day-care use for a maximum of 28 children. Proof of State licensing shall be submitted to the City prior to operation of the expanded day-care use. Activity and event scheduling shall be consistent with the submitted parking/traffic analysis similar to the submitted typical weekly schedule as determined by the Community Development Director.
- 3.* Operation of the day-care facility shall be limited to 7am to 3pm, Monday through Friday, Infrequent special meetings and events shall be permitted subject to a schedule reviewed and approved by the Community Development Director.
- 4. A Construction Traffic Management and Staging Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development Department prior to issuance of building permits. The plan shall provide for the management of all construction related traffic and operation during all phases of construction, including delivery and storage of materials and parking of construction related vehicles.
- 5. 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.
- 6. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
- 7. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
- 8.* A 10 foot landscape buffer shall be provided adjacent to Oak Avenue to mitigate noise and aesthetic concerns to the surrounding neighborhood. A landscape plan, prepared by a licensed landscaped architect or other qualified person as required by state law, 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. A low pressure or drip irrigation system shall be installed in the landscaped areas. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Departments of Public Works and Community Development Department.

9. * Visibility of a driveway crossing a street property shall not be blocked between a height of 3 feet and 9 feet for a depth of 5 feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of 15 feet or at the nearest property line. A maximum 42" high wall shall be permitted within 20 feet of the westerly property line (Oak Avenue).
10. Plans shall incorporate sustainable building components into the building and site design as required by the Manhattan Beach Municipal Code.
11. Project driveway entrances shall be constructed, removed, or modified in conformance with the requirements of the Public Works Department.
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.
13. 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.
14. Sidewalks shall be replaced or repaired around the site as determined to be appropriate by the Public Works Department.
15. * Street trees shall be provided as determined to be appropriate by the Public Works Department. Existing on-site and adjacent trees shall be preserved and maintained as determined to be appropriate by the Community Development and Public Works Departments.
16. * Security lighting for the site and other exterior visible lighting shall be subject to Community Development review for glare prevention design and light containment.
17. Any exterior equipment shall be subject to the review of the Community Development Department for appropriate placement and screening.
- 18.* The facility shall remain in compliance with all Fire and Building occupancy requirements at all times. Plans for the proposed construction shall be stamped by a licensed Architect.
- 19.* The Public Works Department recommends the installation of a stormwater interceptor to catch all the runoff water that comes off of the property. If installed, the stormwater interceptor must be connected to the sanitary sewer system and installed with a rain switch to divert stormwater runoff to the storm drain system. The interceptor must be placed into a regular maintenance schedule and be inspected on a regular basis.
20. * Circulation and parking improvement design shall be subject to the review of the City's Traffic Engineer and Director of Community Development. The on-street loading zone adjacent to the site is subject to the requirements of the City's Traffic Engineer. A student loading area and management plan shall be submitted to the City Traffic Engineer for approval, and implemented on school days. All costs of installation and modification of the loading zone shall be paid for by the project facility operator.
21. * Adult supervision shall be provided along Oak Avenue and 19th Street during peak arrival and departure times to assist with the student pick-up and drop-off adjacent to all designated loading zones and access points. Peak times will be defined by the approved loading plan.

- 1 22.* The project shall provide a minimum of 32 on-site vehicle parking spaces (22 in tandem
2 configuration) which includes 20 standard spaces, 2 disabled access spaces and 10 small
3 spaces.
- 4 23.* The parking area shall not be utilized for outdoor activities associated with either religious
5 assembly or religious education, except the specified day care outdoor play area.
- 6 24.* The facility operator shall provide valet parking service and/or off-site parking when more than
7 32 vehicles (capacity of parking lot) are anticipated, to mitigate concerns regarding the
8 ingressing and egressing of vehicles from the subject site. A valet and off-site parking
9 management plan shall be submitted to the City Traffic Engineer for approval, and implemented at
10 those functions.
- 11 25.* Temporary use of 12 parking spaces for day care outdoor play area shall be permitted in
12 conformance with the submitted plans, parking analysis, and other applicable regulations.
- 13 26.* A gate or other obstructive device shall be provided at the project's Oak Avenue driveway, as
14 required by the Oak Avenue Overlay requirements, subject to design approval by the
15 Community Development Department. Said obstructive device shall be engaged between
16 10:00 p.m. and 6:00 a.m. nightly.
- 17 27.* Deliveries shall be limited to off-peak traffic or child drop-off hours as determined by the City's
18 Traffic Engineer.
- 19 28. The management of the facility shall police the property and all areas immediately adjacent to the
20 business during the hours of operation to manage traffic/parking, address security concerns, and
21 keep it free of litter.
- 22 29. A covered trash enclosure(s), with adequate capacity shall be provided and available on the site
23 subject to the specifications and approval of the Public Works Department, Community
24 Development Department, and City's waste contractor.
- 25 30.* The facility operator shall prohibit employees from parking personal vehicles on the surrounding
26 public streets. Employees must park on-site or be transported to the site from other off-street
27 parking facilities subject to Community Development Department approval. Prior to building permit
28 issuance, a written employee parking program shall be submitted for Community Development
29 Department approval.
- 30 31.* All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated
31 awnings or other architectural elements shall be prohibited.
- 32 32.* Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any
outside sound or amplification system or equipment is prohibited.
- 33 33. No discharge of construction wastewater, building materials, debris, or sediment from the site is
permitted.

Sign Exception

- 34.* Signs for the site shall be in conformance with the plans reviewed by the Planning Commission on
October 24, 2012, except that the changeable copy sign shall continue to be a non-electronic
manually operated sign as previously approved, with no new electronic LED sign. The total sign
area on the site shall not exceed 102 square feet. All signs shall be wall signs entirely within 12
inches of the attached wall surface except the existing projecting sign, and proposed canopy sign
at the rear.
- 35. All wires and cables shall be installed within related structures or 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. No rough components or finishes shall be visibly exposed.

- 36. * All signs shall be non-illuminated except the existing single-faced projecting sign, and the non-electronic changeable copy sign.
- 37. * The changeable copy sign shall consist of manually changed vinyl or similar lettering limited to information regarding Congregation Tikvat Jacob and Manhattan Beach community activities, events and programs. Commercial, personal, instructional, or entertainment oriented content shall be prohibited.

Procedural

- 38. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
- 39. This Use Permit and Sign Exception shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
- 40. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
- 41. The applicant agrees, as a condition of approval of this project, to pay 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.

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 October 24, 2012 and that said Resolution was adopted by the following vote:

AYES:	Conaway, Gross, Ortmann, Paraluz, Chairperson Andreani
NOES:	None
ABSTAIN:	None
ABSENT:	None


RICHARD THOMPSON,
 Secretary to the Planning Commission


Sarah Bosch,
 Recording Secretary *Sarah Bosch*