

RESOLUTION NO. PC 14-11

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
MANHATTAN BEACH APPROVING A USE PERMIT TO ALLOW A NEW  
DAY CARE AT 1114-1116 22<sup>nd</sup> STREET (CHALK PRE-SCHOOL)

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 pursuant to applicable law on September 10, 2014, and the matter was continued to September 24, 2014 to consider an application for a Use Permit for the property legally described as 1114-1116 22<sup>nd</sup> Street, Portion of Lots 6 and 7, Section 19, Township 3 South Range 14 West in the City of Manhattan Beach.
- B. Said public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant is Patrick Killen, project architect for the subject site representing CHALK Pre-School.
- D. The applicant requests approval to allow a new day care pre-school use at 1114-1116 22<sup>nd</sup> Street. Specifically, the project proposal is to remodel and reuse 6,371 square feet of an existing one-story building and a 1,840 square foot separate building at the rear of the site, a 7,363 square feet outdoor playground, and a parking lot of 17 spaces on a 22,455 square feet lot. The proposed hours of operation will be 7am to 6pm Monday through Friday.
- E. The Planning Commission finds that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- F. The subject project as proposed was found to be in accordance per CEQA (California Environmental Quality Act) Guidelines and is exempt as an in-Fill Development Project per Class 32, Section 15332.
- G. The site is located in Area District II and is zoned CG, (General Commercial). The subject site is currently developed with a one-story multi-tenant commercial building. There is an existing one-story building located at the southwest of the site in the existing rear parking lot that will be developed as day care use also. The surrounding area is developed with a mix of commercial, offices, bank, retail, restaurant, and residential uses to the north, east, west and south of the site. There are commercial uses to the North (across 22<sup>nd</sup> Street), Walgreens Pharmacy, further north is the Manhattan Village Mall. Single family residential uses are developed to the east (across Cedar Avenue) and northeast (across 22<sup>nd</sup> Street), as well as to the southeast. Commercial uses are developed directly to the west, UCLA Radiology Center and further west across Sepulveda Boulevard there are restaurants, offices, a jewelry store, car rental agency, hair salon and a variety of retail uses, to the south, there is Manhattan Bread and Bagel Center, Rubios, Citizens Bank and other offices.

- H. Pursuant to MBMC 10.84.60.A, findings are hereby made:
- a. The proposed location of the use is near a concentration of a mix of local commercial serving businesses along Sepulveda Boulevard, is in accord with the objectives of the General Commercial Zoning District which seeks to provide sites for businesses serving the daily needs of nearby residential areas, incorporating standards that prevent significant adverse impacts on adjoining residential uses.
  - b. The project site is classified General Commercial in the General Plan, which is intended for a wide range of businesses/uses. The project is a new day care school and is consistent with the goals and policies of the Land Use and Infrastructure Element of the General Plan, including the following:
    - LU-2.1: Develop landscaping standards for commercial areas that unify and humanize each district.
    - LU-2.4: Support appropriate stormwater pollution mitigation measures.
    - LU-3.1: Continue to encourage quality design in all new construction.
    - LU-5.2: Work with all commercial property owners bordering residential areas to mitigate impacts and use appropriate landscaping and buffering of residential neighborhoods.
    - 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.
    - I-4.2: Carefully review commercial development proposals with regard to planned ingress/egress, and enforce restrictions as approved.
    - I-4.3: Encourage provision of on-site parking for employees.
    - I-4.4: Ensure that required parking and loading spaces are available and maintained for parking.
    - I-5: Reduce the adverse parking and traffic impacts that schools create on surrounding residential neighborhoods.
    - I-5.2: Work with the school district and private schools to improve pedestrian and bicycle safety around schools.
    - I-5.5: Work with the school district and private schools to address high traffic volumes during the morning and afternoon peak school hours, and improve drop-off and pick-up circulation.
  - c. The proposed use will comply with all applicable provisions of the Manhattan Beach Zoning Ordinance, including noticing and public hearing requirements.
  - d. The proposed use will not adversely impact nor be adversely impacted by nearby properties or create demands exceeding the capacity of public services and facilities that cannot be mitigated. Potential impacts may include but not necessarily be limited to: traffic, parking, and noise. The addition of a day care pre-school at 1114-1116 22<sup>nd</sup> Street will not exacerbate parking problems in the immediate area because a new on-site parking lot of seventeen vehicles for loading and unloading of students will be provided with the project. There is existing public parking on 22<sup>nd</sup> Street, on both sides of the street in front of the subject site, west of Cedar Avenue and also on the west side of Cedar Avenue, at the rear of the site, which will also be available for loading and unloading during peak hours. Also, the new day care pre-school will have minimal impact on traffic since the volume of traffic for the pre-school is a minimal percentage of the total traffic volume on 22<sup>nd</sup> Street and Cedar Avenue. The project will have minimal impact on noise since the

1 building was designed to lessen any impacts on the surrounding residences, such as the  
2 type of material used on the outdoor playground for acoustical benefit and classrooms at  
3 the rear with walls and landscape buffer along the perimeter of the property.

4 **SECTION 2.** The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject  
5 use permit subject to the following conditions:

6 **Construction/Implementation**

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- 8 1. The project shall be built in substantial conformance with the plans and project description as  
9 submitted to and approved by the Planning Commission on September 10, 2014. Any  
10 substantial deviation from the approved plans and project description requires review and  
11 approval from the Director of Community Development and the determination if Planning  
12 Commission review and approval is required.
  - 13 2. Landscaping shall be provided consistent with code requirements, including drought tolerant  
14 mature landscaping with box sized trees to buffer adjacent uses and shade the parking lot.  
15 Specifically, along the south, east and west property line landscaping shall be provided to  
16 provide a sound buffer to the adjacent residential properties and shade trees throughout the  
17 parking lot. A low water use irrigation system shall be installed and maintained in all new  
18 planting areas. Plans must be submitted for review and approval by the Community  
19 Development Department.
  - 20 3. The applicant shall provide an on-site trash, recycling and mop sink area, subject to the  
21 approval from Public Works, Community Development, and Waste Management. The  
22 designated area shall be screened from public view and constructed within the building  
23 structure. Trash and recycling pick up to be conducted during non-peak times, not between  
24 7-9:30am and 3-5:30pm and shall be accessible from 22<sup>nd</sup> Street.

25 **Operational Conditions**

- 26
- 27 4. The maximum number of students shall be 118. The intent of this provision is to minimize  
28 parking and traffic impacts resulting from the day care operation.
  - 29 5. Special activities or events shall be limited to a maximum of 3 per year outside of regular  
30 operating hours. The applicant shall submit an Event Plan for each event describing the event  
31 details and provisions for adequate off-site parking to be approved by the City.
  - 32 6. The applicant shall maintain 17 parking spaces based on the code required, 1 space per 7  
children, with a maximum of 118 students.

**Traffic Conditions**

7. The applicant shall prepare and maintain a Traffic Operations and Management Plan (TOMP) as summarized in the Traffic Study to be followed by faculty, staff, students and parents/guardian. The TOMP shall be submitted to the Community Development Department at the beginning of each school enrollment period or more often at the City's discretion. The Plan shall include information on parking operations, site access and circulation, and pre-school student drop-off/pick-up operation. The plan shall provide for regular notification and reminders to all who frequent the site of the parking, loading/unloading and other Use Permit requirements.

8. No bus, van or other school vehicle shall be stored on-site unless approved by the Community Development Director.
9. All parking areas shall be unreserved, open and available for employees and visitors during school hours. The public parking spaces on the west side of Cedar Avenue may be used for loading and unloading of students and the parking spaces on both sides of 22<sup>nd</sup> Street, west of Cedar Avenue may be used by teachers and staff. School-related vehicles should not park, drop-off or pick up students along 22<sup>nd</sup> Street or Cedar Avenue unless parking lot is full. A parking lot plan shall be reviewed and approved by the City Traffic Engineer.
10. The project, including the parking lot shall comply with Standard Urban Stormwater Mitigation Plan as required by Building and Safety.

**Procedural**

11. In accordance with Section 10.84.090 of the Manhattan Beach Municipal Code, the subject use permit shall expire two years after the date of approval, unless implemented, or extended.
12. All provisions of the use permit are subject to review by the Community Development Department 6 months after occupancy and annually thereafter.
13. At any time in the future the Planning Commission or City Council may review the use permit or the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
14. Pursuant to Public Resources Code section 21089 (b) and Fish and Game Code Section 711.4 (c) as applicable, the project is not operative, vested or final until required filing fees are paid.
15. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of Use Permit.
16. The applicant agrees as a condition of approval of this project to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach in defending any legal action brought against the City within 90 days after the city's final approval, other than one by the Applicant, challenging the approval of the project or any action or failure to act by the City relating to the environmental review process pursuant to the California Environmental Quality Act. In the event such a legal action is filed against the City, the City shall estimate its expenses for the litigation. 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.

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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.

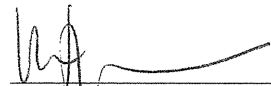
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 24, 2014 and that said Resolution was adopted by the following vote:

**AYES: Andreani, Bordokas, Conaway, Hersman,  
Chairperson Ortman**

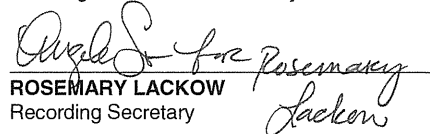
**NOES: None**

**ABSTAIN: None**

**ABSENT: None**



**RICHARD THOMPSON**  
Planning Commission Secretary

  
**ROSEMARY LACKOW**  
Recording Secretary