

ATTACHMENT B

RESOLUTION NO. 5203

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A PLANNED DEVELOPMENT PROJECT TO ALLOW THE ADAPTIVE RE-USE OF A PORTION OF AN EXISTING INDUSTRIAL BUILDING FOR GENERAL COMMERCIAL PURPOSES, AND TO ALLOW THE CONTINUED UTILIZATION OF EXISTING INDUSTRIAL BUILDINGS ON SITE FOR INDUSTRIAL USE FOR THE PROPERTY LOCATED AT 1700 ROSECRANS AVENUE IN THE CITY OF MANHATTAN BEACH (CONTINENTAL DEVELOPMENT CORPORATION)

WHEREAS, pursuant to applicable law, the Planning Commission of the City of Manhattan Beach, California, conducted a public hearing at the request of the property owner (Continental Development Corporation), to consider the proposed amendment to Chapter 10.01.020 B (Zoning Map) of Title 10 of the City of Manhattan Beach Municipal Code for the property legally described as follows and located at 1700 Rosecrans Avenue:

- 1) A portion of the north half of the northeast quarter of the northeast quarter of Section 19, Township 3 South, Range 14 west, in the City of Manhattan Beach, County of Los Angeles, State of California, being also known as the north quarter of Lot 1 as shown upon partition of the lands of Redondo Land Company, Rancho Sausal, Redondo, known as Recorder's file map No. 140, in the office of the County Recorder; and,
- 2) A portion of parcel 2 of that real property situated in the City of Manhattan Beach, County of Los Angeles, State of California shown on a map entitled "Record of Survey in the City of Manhattan Beach, State of California" which map was filed in the office of the Recorder of the County of Los Angeles on March 27, 1967 in Book 83 of Records of Survey at pages 53 and 54, the same being a portion of Section 19, Township 3, South, Range 14 West, San Bernardino Base and Meridian.

WHEREAS, Section 10.32.060 of the Manhattan Beach Municipal Code requires that a proposed reclassification to a "PD" (Planned Development) Zoning District be accompanied by a "PD" plan; and,

WHEREAS, the applicant has submitted a "PD" Plan for approval; and,

WHEREAS, the applicant for the Planned Development is

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2 the Continental Development Corporation, owners of the subject  
3 property; and,

4 WHEREAS, a public hearing was advertised pursuant to  
5 applicable law, testimony was invited at said hearing; and,

6 WHEREAS, the Planning Commission at the hearing of  
7 October 25, 1995 voted to indefinitely continue the hearing on the  
8 application; and,

9 WHEREAS, the Planning Commission's decision effectively  
10 constitutes a denial without prejudice of the application; and,

11 WHEREAS, within the time period allowed by law, on  
12 October 31, 1995, there was filed with the City Council of the  
13 City of Manhattan Beach, California, an appeal of the Planning  
14 Commission's decision to indefinitely continue an application for  
15 a proposed Planned Development Project for the property located at  
16 1700 Rosecrans Avenue; and

17 WHEREAS, the purpose of the proposed Planned Development  
18 is to provide for the underlying zoning designation to accommodate  
19 a request to allow the re-use of a 36,000 square foot portion of  
20 an existing industrial building for general retail use, and to  
21 allow for the continued industrial use of the remaining 22,000  
22 square foot portion of this existing building; and

23 WHEREAS, the purpose of the proposed Planned Development  
24 is to further provide for the underlying zoning designation to  
25 allow the continued industrial use of the existing 36,000 square  
26 foot and 30,000 square foot industrial buildings; and,

27 WHEREAS, a Mitigated Negative Declaration was prepared  
28 for the proposal to address the potential environmental impacts  
29 which might result from approval of the proposal, and has been  
30 circulated and filed, pursuant to the California Environmental  
31 Quality Act (CEQA) and the City of Manhattan Beach CEQA

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2 Guidelines. Based upon the analyses it was determined, that  
3 subject to recommended mitigation measures, there will be no  
4 significant environmental impacts associated with the project;  
5 and,

6 WHEREAS, the Mitigated Negative Declaration has been  
7 filed and previously approved in conjunction with a related  
8 (General Plan Amendment) application, pursuant to the California  
9 Environmental Quality Act (CEQA) and the City of Manhattan Beach  
10 CEQA Guidelines; and,

11 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF  
12 MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND,  
13 DETERMINE, AND ORDER AS FOLLOWS:

14 SECTION 1. That the City Council does hereby make  
15 the following findings:

- 16 1. The applicant appealed the decision of the Planning  
17 Commission, rendered on October 25, 1995 by minute  
18 resolution, which continued the hearing on the application  
pending certification of the Project Environmental Impact  
Report (EIR).
- 19 2. The action of the Planning Commission is an indefinite  
20 continuation of the hearing, which effectively constitutes a  
Denial Without Prejudice of the project application.
- 21 3. The City Council held a duly noticed public hearing on the  
22 appeal on November 21, 1995.
- 23 4. The applicant requests approval of a Planned Development  
24 Project to allow the re-use of a 36,000 square foot portion  
25 of an existing industrial building for general retail use,  
26 and to allow for the continued industrial use of the  
remaining 22,000 square foot portion of this existing  
building; and, to further to allow the continued industrial  
use of the existing 36,000 square foot and 30,000 square foot  
industrial buildings on site.
- 27 5. The City Council has considered an amendment to the General  
28 Plan Land Use Element and Land Use Policy Map redesignating  
the subject site from "Industrial" to "Manhattan Village  
Commercial".
- 29 6. The City Council has considered a Zone Change for the subject  
30 site from "Industrial Park" (IP) to "Planned Development"  
31 (PD) consistent with the requirements of Section 10.32.060 of  
the Manhattan Beach Municipal Code.

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- 7. The Planned Development is consistent with the goals and policies of the City of Manhattan Beach General Plan, specifically Goal 8 of the Land Use Element which encourages high quality commercial and industrial development along Rosecrans Avenue between Sepulveda and Aviation Boulevards.
- 8. The Planned Development will allow the re-use of a vacant industrial building for General Commercial purposes, and will enhance the site design of the subject property.
- 9. The proposed use of the site is compatible with surrounding development which includes general commercial, service commercial, office, and industrial usage.
- 10. The proposed utilization of the site will not exceed the capacity to provide adequate public services, emergency vehicle access, or utility provision.

SECTION 2. That the City Council does hereby approve the subject Planned Development Project to allow the following: re-use of a 36,000 square foot portion of an existing industrial building (Building No. 65) for general retail use; allow the continued industrial use of the remaining 22,000 square foot portion of this existing building (Building No. 65); and, to allow the continued industrial use of the remaining two (2) industrial buildings (Building Nos. 66 and 67) on the site, for the property located at 1700 Rosecrans Avenue subject to the following conditions:

**LAND USE / ENTITLEMENTS**

- 1. The applicant (Continental Development Corporation) shall pay their "fair share" of the cost of any off-site improvements deemed necessary by the City to mitigate cumulative impacts associated with the TRW, Inc. / Continental Development Corp. / Manhattan Beach Holding Company Planned Development. The allocation of "fair share" responsibility for each of the subject property owner(s) shall be determined by the City. Contingent upon certification of the Environmental Impact Report (Case No. 8-95, SCH. No. 95081010), and adoption of the TRW, Inc. / Continental Development Corporation / Manhattan Beach Holding Company Planned Development, no building permits shall be issued for any development projects implementing the Planned Development until such "fair share" costs have been provided to the satisfaction of the City. **(Environmental Mitigation)**
- 2. Future industrial uses proposed for Buildings Nos. 65, 66, and 67 shall be limited to those types of activities as defined in Section 10.08.060 D "Industry, Research and Development", and Section 10.08.050 V "Research and

Development Services" of the City's Municipal Code. Such activities within Buildings 66, 67, and the non-retail portion of Building 65 shall be, in the opinion of the Community Development Director, reasonably compatible with the adjacent retail use of Building No. 65. **(Environmental Mitigation)**

3. Any proposed industrial usage, including research and development service usage, of Buildings Nos. 65, 66, and 67 shall be subject to the review and determination of the City's Community Development Director and Fire Chief. The Community Development Director shall have the authority to prohibit any such uses as may be deemed objectionable for the reasons of production of offensive odors, dust, noise, or vibration. The City's Fire Chief shall have the authority to prohibit any such uses as may be deemed objectionable for the reasons of the storage of hazardous materials. **(Environmental Mitigation)**

4. An amendment to the Planned Development will be required for any new industrial or accessory use, major addition or alteration to an existing use, that involves the manufacture, storage, handling, or processing of hazardous substances in sufficient quantities that would require permit as hazardous chemicals under the Uniform Fire Code adopted by the City. Hazardous substances in container sizes of 10 gallons or less that are stored or maintained for the purposes of retail or wholesale sales are exempt from this requirement. **(Environmental Mitigation)**

**SITE REQUIREMENTS**

5. A Traffic Management Plan shall be submitted in conjunction with the building plans, to be approved by the Police and Public Works Departments prior to issuance of the building and / or demolition 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.

6. During the construction phases of the development, a daily clean-up program for the site shall occur, including the pick-up of all debris, utilizing an approved trash dumpster from the Right of Way Division.

**TRASH**

7. A trash enclosure(s), with adequate capacity for all site tenants, shall be provided on the site which is accessible from the exterior of the building for tenant trash disposal and City pick-up, subject to the specifications and approval of the Public Works and Community Development Departments, and the City's waste contractor.

8. A trash and recycling plan shall be approved by the Public Works and Community Development Departments. All trash receptacles shall be provided with lids that close tightly at all times. All trash and waste material shall be removed from around the receptacles on a daily basis.

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**UTILITIES AND LIGHTING**

- 9. The Southern California Gas Company shall be consulted and involved throughout the construction phase to ensure that underground pipelines are completely purged and monitored for residual gas prior to relocation, in accordance with applicable Public Utilities Commission (PUC) requirements and regulations. **(Environmental Mitigation)**
- 10. The applicant shall submit a parking lot lighting plan which identifies parking lot lights and any proposed decorative lighting. Outdoor parking lot lighting shall be designed in such a manner to avoid direct illumination onto an adjacent street. **(Environmental Mitigation)**

**SIGNS**

- 11. The applicant shall submit a comprehensive sign program, for the purposes of establishing uniform sign design guidelines for all uses and/or buildings on the site, for the review and approval of the Community Development Department.
- 12. The applicant shall obtain sign permits issued by the Community Development Department for all signs, including temporary and permanent signs erected on the site, consistent with the approved comprehensive sign program.
- 13. All outdoor illuminated signage shall comply with the provision of Section 10.72.060 of the Manhattan Beach Municipal Code regarding allowed illumination standards. **(Environmental Mitigation)**

**LANDSCAPING**

- 14. A site landscaping plan, including elevation drawings, prepared by a licensed Landscape Architect shall be submitted for review and approval concurrent with the Building Permit application. The applicant shall utilize drought tolerant materials wherever feasible based on water, light, drainage, and soil conditions. 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. **(Environmental Mitigation)**
- 15. All landscaped areas shall be provided with a permanent irrigation system that is capable of delivering the minimum volume of water required to sustain the plan growth after it has become established. All irrigation systems shall be placed on automatic timers. **(Environmental Mitigation)**

**CIRCULATION / PARKING**

- 16. Emergency vehicles will continue to have 24-hour unobstructed access to all buildings on the site from Rosecrans Avenue and Redondo Avenue. **(Environmental Mitigation)**
- 17. Passenger and delivery vehicles to the retail and/or office uses will have access from Rosecrans Avenue and Redondo

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Avenue but will have signs directing vehicles to parking and loading/delivery areas separate from the parking areas for Buildings 66 and 67. **(Environmental Mitigation)**

18. Passenger vehicles and delivery vehicles to the industrial uses that remain on the site after the introduction of retail and/or office uses will have access from Redondo Avenue only. **(Environmental Mitigation)**

19. City-required parking for retail and/or office uses will be separated from parking provided on-site for any industrial uses that remain on-site concurrent with retail and/or office uses. **(Environmental Mitigation)**

20. The applicant shall re-stripe north bound Redondo Avenue at Rosecrans Avenue to provide one (1) exclusive left turn lane, one (1) left / through lane, and one (1) right turn only lane. **(Environmental Mitigation)**

21. The applicant shall document the total parking requirement for the three buildings (Nos. 65, 66, and 67) and show the location of the parking spaces uses to satisfy the combined parking demand. This analysis shall demonstrate that the size and location of the intended parking areas are adequate and that parking spaces required for other nearby buildings are not displaced. **(Environmental Mitigation)**

**NOISE**

22. All construction related activity will comply with the provisions of the City's Noise Ordinance (Ordinance No. 1875). Hours of construction shall be limited to the following: 7:30 am - 6:00 pm, Monday thru Friday; 9:00 am - 6:00 pm, Saturday; and, 10:00 am - 4:00 pm, Sunday. **(Environmental Mitigation)**

23. Noise emanating from the property shall be within the limitations prescribed by the City's Noise Ordinance.

**FIRE AND SAFETY**

24. Paint, insulation, coatings and other products causing air particulate emission should be applied according to manufacturer's specifications and applicable Occupational Safety and Health Administration (OSHA) regulations. **(Environmental Mitigation)**

25. All labor related activities shall be conducted in compliance with the California State Labor Code relating to the handling of hazardous materials and/or waste (per OSHA and California Title 22). **(Environmental Mitigation)**

26. Equipment fuels should be stored and handled according to the City's Fire Department regulations to minimize the potential for spills, leaks, and fires. **(Environmental Mitigation)**

27. If Underground Storage Tanks (UST's) are encountered during excavation, area excavation shall be immediately halted, the City Fire Department shall be contacted immediately, and appropriate UST removal procedures must be followed.

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(Environmental Mitigation)

PROCEDURAL

- 28. The Planned Development shall not become effective until the effective date of the General Plan Amendment redesignating the site from "Industrial" to "Manhattan Village Commercial".
- 29. The Planned Development shall become effective on the same date as the Ordinance creating the "Planned Development" (PD) zoning district.
- 30. The project shall be developed and operated in substantial conformance with the plans and related documents as submitted to the Community Development Department on March 15, 1995.
- 31. The applicant agrees, as a condition of approval of this Planned Development, 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 of the project, other than one by the Applicant, challenging the approval of this 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 and Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
- 32. The Planned Development may be reviewed at the discretion of the Community Development Department for compliance.
- 33. The Planned Development shall expire 2 years after the effective date unless a building permit has been issued and a vesting right established.
- 34. At any time in the future, the Planning Commission or City Council may review the Planned Development Resolution for the purposes of revocation or modification. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.

SECTION 3. The City Council hereby certifies the accompanying environmental assessment, including a Mitigated Negative Declaration, for the proposed General Plan Amendment, Zoning Map Amendment, and Planned Development Project.

SECTION 4. Pursuant to Government Code Section 65907 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



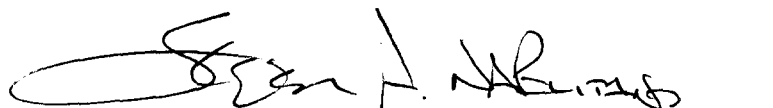
determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action of proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. 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.

SECTION 5. This resolution shall not become effective prior to the effective date of the General Plan Amendment redesignating the site from "Industrial" to "Manhattan Village Commercial"; and, shall become effective on the same date as the Ordinance creating the "Planned Development" (PD) zoning district.


SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution; shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED, and ADOPTED this 21st day of November, 1995.

Ayes: Lilligren, Barnes, Jones, Cunningham, Mayor Napolitano  
Noes: None  
Absent: None  
Abstain: None

  
\_\_\_\_\_  
Mayor, City of Manhattan Beach,  
California

ATTEST:

  
\_\_\_\_\_  
City Clerk

1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) SS.  
3 CITY OF MANHATTAN BEACH )

4 I, WIN UNDERHILL, City Clerk of the City of Manhattan  
5 Beach, California, do hereby certify that the whole number of  
6 members of the City Council of said City is five; that the  
7 foregoing resolution, being Resolution No. 5203, was duly and  
8 regularly introduced before and adopted by the City Council of  
9 said City at a regular meeting of said Council, duly and regularly  
10 held on the 21st day of November, 1995, and that the same was so  
11 passed and adopted by the following vote, to wit:

- 12 Ayes: Lilligren, Barnes, Jones, Cunningham, Mayor Napolitano  
13 Noes: None  
14 Absent: None  
15 Abstain: None

16 IN WITNESS WHEREOF, I have hereunto subscribed my name  
17 and affixed the official seal of said City this 28th day of  
18 November, 1995.

19 Win Underhill  
20 City Clerk of the City of  
21 Manhattan Beach, California

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23 (SEAL)  
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