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RESOLUTION NO. PC 13-11

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A PLANNED DEVELOPMENT PERMIT AMENDMENT FOR AN EXISTING 78,000 SQUARE FOOT GENERAL OFFICE BUILDING TO ALLOW PERSONAL IMPROVEMENT SERVICES INCLUDING INSTRUCTIONAL/ EDUCATIONAL USE WITH A PARKING REDUCTION ON THE PROPERTY LOCATED AT 3601 AVIATION BOULEVARD (Continental Rosecrans Aviation LP)

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 and received testimony on August 28, 2013; and considered an application for a Planned Development Permit Amendment and a revised parking reduction to allow up to 12,568 square feet of personal improvement services uses on the subject property, which is legally described as a portion of Section 19, Township 3 south, Range 14 west; located at 3601 Aviation Boulevard in the City of Manhattan Beach.
- B. The applicant for the subject project is Continental Rosecrans Aviation LP, the owner of the property.
- C. The property is located within Area District II and is zoned PD, Planned Development. The surrounding private land uses consist of mid-rise office, retail, hotel, and industrial uses.
- D. The General Plan designation for the property is Manhattan Village.
- E. The subject property was originally developed as a general office building under Resolution No. PC 84-22. Modifications to the development under Resolution No. PC 05-18 included dedication of land toward Rosecrans Avenue for a multi-agency traffic improvement project and reduced on-site parking.
- F. The subject application results from a proposed tutoring/education tenant wishing to occupy a portion of the 12,568 square feet space proposed for conversion in the building currently limited to general office use only.
- G. The applicant submitted a parking study verifying that the proposal shall not create a parking deficiency for the existing 73,080 square foot office building with 12,568 square feet of personal improvement services use. The study projects peak demand for the building, used as proposed, to be 191 parking spaces, while 201 parking spaces shall remain.
- H. Pursuant to the California Environmental Quality Act (CEQA), and the Manhattan Beach CEQA Guidelines, the subject project has been determined to be exempt (Class 1) as minor development to an existing facility per Section 15301 of CEQA
- I. 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.
- J. The Planning Commission made findings required to approve the PD Plan Amendment pursuant to MBMC Section 10.32.060 as follows:
  - 1. The PD Plan Amendment is consistent with the adopted Land Use Element of the General Plan and other applicable policies and is compatible with surrounding development;
  - 2. The PD Plan Amendment will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the Plan were not approved, in that the commercial building's viability and functionality will be increased without a

detriment to parking availability;

3. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the PD Plan as established by the original project approval; and
  4. The PD Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.
- K. The project is compatible with surrounding development as a mid-rise office development with adequate on-site parking, setbacks, and landscaping similar to neighboring office and retail development.
- L. 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, in that the commercial use is compatible with the area and parking supplies are adequate, as evidenced by making the required parking reduction findings as follows:
1. The parking demand will be less than the requirement calculated with the code-specified parking ratios as the submitted parking study concludes based on commercial tenants with varied peak parking demands sharing a common parking supply; and
  2. The probable long-term occupancy of the building, based on its design, will not generate additional parking demand beyond quantities anticipated by the parking study since the use permit will limit uses on the site.
- M. This Resolution, upon its effectiveness, supercedes and replaces Resolution No. PC 05-18, and constitutes the Planned Development Permit for the subject property.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Planned Development Permit Amendment and parking reduction application subject to the following conditions (\*indicates a site specific condition):

1. \* The current project shall be constructed in substantial compliance with the submitted plans, project description, and parking analysis, as reviewed by the Planning Commission on August 28, 2013. The existing development shall conform to plans (excepting the 2005 property dedication) previously approved by the Planning Commission pursuant to Resolution No. PC 84-22. Any substantial deviation from the approved plans, project description, or parking analysis must be reviewed and approved by the Planning Commission.
2. \* The subject office building shall be limited to general office use, and a maximum of 12,568 square feet of personal improvement services use. Medical office use is prohibited.
3. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building 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.
4. 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. Existing utility poles and lines adjacent to the site must be placed underground pursuant to the requirements of Public Works.

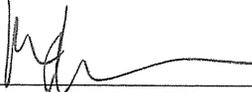
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- 5. \* Parking shall be provided in conformance with the current Manhattan Beach Municipal Code, except that the automobile parking requirement is reduced to 201 parking spaces based on site uses and submitted parking demand analysis dated June 7, 2013. A minimum of ten bicycle parking spaces shall be provided on the site. A maximum of 37 parking spaces may be labeled or otherwise restricted for use by any individual tenant of the project unless additional restricted spaces are approved by the Community Development Director.
- 6. \* All new signs and sign changes shall be in compliance with the City's Sign Code. A sign program identifying allocation and restrictions of signs shall be submitted to and approved by the Community Development Department prior to the installation of any additional signs on the property.
- 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. \* Any future site landscaping plans shall utilize drought tolerant native plants and shall be submitted for review and approval. 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, 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.
- 9. Energy efficient security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
- 10. A trash enclosure(s), with adequate capacity shall be provided on the site subject to the timing, specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
- 11. Applicant shall defend, indemnify, and hold 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") free and harmless from and against any and all claims (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 August 28, 2013 and that said Resolution was adopted by the following vote:

**AYES:** Andreani, Gross, Ortmann,  
Paralusz, Chairman Conaway  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

  
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**RICHARD THOMPSON,**  
Secretary to the Planning Commission

  
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**Rosemary Lackow,** *Rosemary*  
Recording Secretary *Lackow*