

1 RESOLUTION NO. PC 17-01

2 RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION ADOPTING A  
3 MITIGATED NEGATIVE DECLARATION AND APPROVING A MASTER USE PERMIT  
4 FOR ESTABLISHMENT OF A BANK AND GROCERY STORE WITH ON-SITE DINING,  
5 ALCOHOL SALES AND TASTING, REDUCED PARKING, AND A SIGN PROGRAM AT  
6 707 NORTH SEPULVEDA BOULEVARD AND OFF-SITE PARKING AT 801 NORTH  
7 SEPULVEDA BOULEVARD (Paragon Commercial Group)

8 THE MANHATTAN BEACH PLANNING COMMISSION HEREBY RESOLVES, FINDS AND  
9 DETERMINES AS FOLLOWS:

10 SECTION 1. Paragon Commercial Group ("Applicant") has submitted an application for a  
11 Master Use Permit for the property located at 707 and 801 North Sepulveda Boulevard. The legal  
12 description of the site is Portions of Lots 1-28, Block 119, and Lot 22, Block 14, of Tract No. 142, of Maps  
13 in the office of the Los Angeles County Recorder. The Applicant seeks all the necessary entitlements for:  
14 (i) a 27,900 square foot specialty grocery store, including on-sale and off-sale alcohol sales and  
15 instructional tastings, with incidental hot and cold prepared food offerings and incidental seating areas  
16 (145 square-foot indoor incidental seating area and 503 square-foot incidental outdoor patio seating  
17 area), (ii) a 6,684 square foot bank building; (iii) associated business identification signage; (iv) a surface  
18 parking lot on the primary project site; and (v) a surface parking lot for employee use on the auxiliary  
19 employee parking site (collectively, the "Project"). The proposed tenants are Gelson's Market and First  
20 Republic Bank.

21 SECTION 2. The proposed uses—grocery store and bank—are permitted uses in the CG  
22 zone. Manhattan Beach Municipal Code (MBMC) Section 10.84.105 requires a Master Use Permit for the  
23 establishment of any new multiple-tenant commercial use in the CG zone with floor area exceeding 5,000  
24 square feet, or a site area exceeding 10,000 square feet. The proposal exceeds both thresholds. MBMC  
25 Section 10.16.020 requires a Use Permit for on-site eating and drinking and alcohol sales/service. MBMC  
26 Section 10.64.050(B) requires a Use Permit for reduced parking. Pursuant to MBMC Section 10.84.105, a  
27 separate use permit is not required for such uses identified within the scope of this Master Use Permit. In  
28 addition, MBMC Section 10.72.060 requires an approved sign program for any multiple tenant site.

29 SECTION 3. The Project has been environmentally reviewed pursuant to the provisions of the  
30 California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA")), and the  
31 State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.). An initial study  
32 was prepared pursuant to State CEQA Guideline § 15025 (a). The initial study identified potentially  
33 significant effects in five environmental impact categories: Biological Resources, Cultural Resources,  
34 Hazards & Hazardous Materials, Geology/Soils, and Noise. In the first four categories, the potential  
35 environmental effects generally relate to the potential discovery of unanticipated resources and hazards, but  
36 also to known asbestos in an existing building to be demolished. In the noise category, potential impacts  
37 relate to short-term construction noise that may increase ambient noise levels above applicable thresholds in  
38 the surrounding area. For each potential impact, the initial study and the City determined that revisions to the  
39 Project, which would be imposed as mitigation measures, reduce potential impacts to less than significant.  
40 For example, construction noise in the surrounding area is reduced through restrictions on construction  
41 activities and a requirement to erect a noise barrier. Based on the information contained in the initial study,  
42 the City concluded that the Project could have a significant effect on the environment, but that implementation  
43 of mitigation measures would reduce such impacts to a less than significant level.

44 SECTION 4. Based upon this determination, a Draft Initial Study and Mitigated Negative  
45 Declaration ("IS/MND") was prepared in accordance with CEQA Section 21080 (c) and Section 15070 of the  
46 State CEQA Guidelines. The Draft IS/MND was circulated to public agencies, interested organizations, and  
47 individuals for review from July 21, 2016 through August 22, 2016. Comments were submitted on the Draft  
48 IS/MND during the public review period, via email and other written correspondence. Although there is no  
49 legal requirement to do so, responses to each of the comments were prepared. A Final Mitigated Negative  
50 Declaration ("Final MND") has been prepared, which includes the Draft IS/MND documentation, the  
51 comments received in response to the Notice of Intent to Adopt a Mitigated Negative Declaration, responses  
52 to those comments, and an explanation of certain revisions to the Project and to the environmental  
53 documentation in response to the public comments. A Mitigation and Monitoring and Reporting Program has  
54 also been prepared.

SECTION 5. On February 8, 2017, the Planning Commission conducted a duly noticed public hearing to consider the Project. The hearing was continued until March 22, 2017. Evidence, both written and oral, was presented to the Commission. All persons wishing to address the Commission regarding the Project were given an opportunity to do so at the public hearing. Representatives of Paragon and other persons spoke in favor of the Project. Representatives of Manhattan Beach Residents for Responsible Development and other persons spoke in opposition to the Project. The record of the hearing indicates the following:

A. The Project is proposed for two parcels in the General Commercial Zone (CG) with a General Plan designation of "General Commercial." The primary site occupies almost an entire block and contains a vacant auto dealership/repair shop comprised of two primary buildings totaling 38,107 square feet of floor area (707 North Sepulveda Boulevard). A single-lot parcel with a vacant 2,242 square-foot automotive building (801 North Sepulveda Boulevard) to the north of the primary site is proposed for employee parking. The Applicant proposes to: (1) retain and modify the main building for grocery store use on the primary site; (2) demolish the smaller building near the corner of Sepulveda Boulevard and 8th Street; and (3) construct a 6,684 square foot bank building near the corner of Sepulveda and 6th Street. A total of 34,584 square feet of floor area is proposed. In addition, the Applicant has applied for: off-site alcohol sales and on-site alcohol sales and service, including tastings, and reduced parking based upon a parking analysis for the Project.

B. Manhattan Beach Municipal Code (MBMC) Section 10.84.105 requires a Master Use Permit for the establishment of any new multiple-tenant commercial use in the CG zone with floor area exceeding 5,000 square feet, or a site area exceeding 10,000 square feet. The Project exceeds both of these thresholds. To approve the Master Use Permit, the Planning Commission must make the use permit findings listed in MBMC Section 10.84.060. The Project's Master Use Permit includes the following conditionally permitted uses: (i) on-site eating and drinking and alcohol sales/service under MBMC Section 10.16.020, and (ii) reduced parking under MBMC Section 10.64.050(B). In addition, MBMC Section 10.72.060 requires an approved sign program for any multiple tenant site.

C. MBMC Section 10.84.060 provides that to approve a use permit, the Commission must find as follows:

1. The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.
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 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.
3. The proposed use will comply with the provisions of the Zoning Code, including any specific condition required for the proposed use in the district in which it would be located.
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.

SECTION 6. Based upon the facts contained in the record, including those stated in Sections 1-6 of this Resolution and pursuant to MBMC Chapter 10.84 and state law, the Planning Commission hereby finds:

A. With respect to the Master Use Permit:

1. The property is located within Area District I and is zoned CG (Commercial General). The proposed commercial uses are permitted by the zoning code and

are appropriate as conditioned for the general commercial area. The surrounding Manhattan Beach properties consist of CG (General Commercial) to the east, south, and north and RS (Residential Single-Family) to the west. The proposed location of the Project (Sepulveda Boulevard) is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located because Sepulveda is a main commercial thoroughfare and is within a commercial district where a grocery store and bank will complement a full range of retail and service businesses suitable for Manhattan Beach.

2. The General Plan designation for the property is GC (General Commercial). The General Plan encourages commercial development that serves City residents and the regional market. The Project is thus consistent with the General Plan designation for the property.

Further, the Project supports and achieves the following specific Goals and Policies in the General Plan: (i) Goal LU-1 and Policy LU-1.2 in that its scale and architectural features reduce bulk and maintain the City's small-town atmosphere; (ii) Goal LU-3 and Policy LU-3.1 in that its design and architectural features achieve a strong, positive community aesthetic; (iii) Policy LU-5.1 in that landscaping and setbacks provide a buffer and separation from nearby residences; (iv) Policy LU-6.2 in that it further diversifies the City's tax base; (v) Goal LU-6 and Policy LU-6.3 in that it is a commercial project in a commercial area and helps maintain the viability of the Sepulveda commercial corridor; and (vi) Policy LU-8-2 in that the Project would upgrade and remodel existing buildings to meet business needs.

The proposed location of the use and the proposed conditions under which it would be operated and maintained will not be detrimental to the public health, safety or welfare of persons residing or working on the Project site or in the surrounding area because Municipal Code requirements and conditions of approval below address lighting, security, safety, aesthetics, landscaping, hours of operation and parking. The Project will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, in that the site and area already support commercial use, and parking supplies are adequate.

3. The proposed uses will comply with the provisions of the Zoning Code, including any specific condition required for the proposed use in the district in which it would be located, since it will conform to Municipal Code requirements and Use Permit conditions.

4. The proposed uses are compatible with surrounding uses and will not adversely impact, or be adversely impacted by, nearby properties. The proposed commercial uses are compatible with the area because Sepulveda Boulevard is, and is intended to be, a commercial thoroughfare. The building has substantial setbacks/landscaping, and buffer walls for compatibility with the surrounding commercial and residential uses.

As shown in the environmental documentation, Sepulveda Boulevard and other nearby streets can accommodate the anticipated traffic generated by the uses. Parking supplies are adequate for the proposed uses. The proposed uses will not generate vibration or odors, and will not adversely impact the security and personal safety of residents or aesthetics. The Project will not create demands exceeding the capacity of public services and facilities.

B. In addition to the Master Use Permit findings above, the Commission hereby makes additional findings with respect to the proposed alcohol sales and service. Three types of alcohol uses are proposed for the market: (i) traditional grocery store alcohol sales (off-sale beer, wine and liquor), (ii) alcohol beverage tasting in a limited designated area (promoting off-sale purchases), and (iii) on-site consumption (on-sale of beer and wine in the indoor and outdoor restaurant area only). The sale and

service of alcohol is a conditionally permitted use that may be subject to conditions of approval to mitigate any potential adverse effects.

1. Traditional off-sale grocery store alcohol has typically not raised concerns in the City. The Police Department has not identified concerns resulting from its experience with stores in the City providing alcohol tasting. However, unregulated alcohol tasting could create adverse impacts. Accordingly, this Resolution contains specific conditions to regulate alcohol tasting.
2. On-site consumption in dining/bar areas typically generates the most concern for alcohol-licensed establishments in the City. The Project includes 12 dining seats inside, including an interior sushi/wine service counter, and 16 dining seats outside, all located near the northeast corner of the market building. This location is oriented toward the entry and parking area, and is also adjacent to 8th Street, with a landscape buffer separation. While the proposed outdoor dining area has some exposure to residential neighbors, grocery store eating and drinking areas such as this typically do not generate alcohol related problems. Nevertheless, unregulated alcohol tasting could create adverse impacts. Accordingly, this Resolution contains specific conditions to regulate alcohol tasting.

C. Under MBMC Section 10.64.050(B), the Commission may approve a reduction in the number of parking spaces to less than the number specified in the schedules in MBMC Section 10.64.030. The Commission hereby makes the following findings with respect to the proposed parking reduction for the Project:

1. Reducing parking requirements is appropriate because the parking demand generated by the Project will be less than the requirement in Schedule A of MBMC Section 10.64.030 and the probable long-term occupancy of the buildings, based on their designs, will not generate additional parking demand.
2. The probable long-term occupancy of the buildings, based on their design, will not generate additional parking demand beyond quantities anticipated by the parking study because the use permit will limit the uses on the site to those proposed and analyzed in the study.

D. Under MBMC Chapter 10.72.060, a sign program must be consistent with the regulations of Chapter 10.72 and meet the Code's purpose of establishing uniform sign design guidelines and sign area allocations for all uses on the site. The Commission here by makes the following findings with respect to the Project's proposed sign program:

1. As conditioned, the Applicant's sign program is consistent with the regulations of MBMC Chapter 10.72 and meets the Code's purpose of establishing uniform sign design guidelines and sign area allocations for all uses on the site. Project signs primarily include tenant identification wall signs, and one large pole sign. The pole sign would somewhat replicate the existing auto dealership pole sign, located slightly to the south within the landscape area abutting Sepulveda Boulevard. The below conditions of approval prohibit excessive lighting for sign purposes.

SECTION 7. The Planning Commission has considered the Final MND, along with all comments received and the responses to the comments that are contained in the Final MND. The Planning Commission finds, in its independent judgment after considering all relevant evidence in the record of proceedings for the Project, including without limitation the information set forth in the Final MND, that there is not substantial evidence supporting a fair argument that the Project may actually produce any significant environmental impacts that cannot be mitigated to a less than significant level through implementation of those mitigation measures identified in the Final MND. Therefore, the Planning Commission finds that the Project will not have a significant environmental effect. The Planning Commission further finds that the Final MND reflects the Commission's independent judgment and analysis.

**SECTION 8.** Based upon the foregoing, and after considering all of the evidence in the record, the Planning Commission hereby adopts the Final MND and the Mitigation Monitoring and Reporting Program for the Proposed Project, and approves (a) a Master Use Permit for a 27,900 square foot specialty grocery store, including on-sale and off-sale alcohol sales and instructional tastings, with incidental hot and cold prepared food offerings and incidental seating areas (145 square-foot indoor incidental seating area and 503 square-foot incidental outdoor patio seating area), a 6,684 square foot bank building, a surface parking lot on the primary Project site; a surface parking lot for employee use on the auxiliary employee parking site and reduced parking; and (b) a Sign Program, subject to the following conditions:

1. The Project shall be in substantial conformance with the plans and Project description submitted to, and approved by, the Planning Commission on February 8, 2017. Applicant shall submit a final plan incorporating all of the refinements, modifications, and conditions approved in this resolution within 30 days of the date of approval of this Resolution. The Director of Community Development ("Director" hereinafter) shall determine whether any deviation from the approved project is substantial which requires an amendment to the Master Use Permit or any other discretionary entitlements. Any substantial deviation from the approved plans or Project description shall require approval from the Planning Commission.
2. The developer and operator(s) of the Project shall comply with the Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit A, and each mitigation measure set forth therein.
3. The Applicant shall pay all costs and fees incurred by the City in connection with the Project: (a) in ensuring that the conditions of approval are complied with, as well as monitoring of the mitigation measures in the adopted Mitigation Monitoring and Reporting Program attached to this Resolution as Exhibit A; (b) in the processing of Project-related permits and applications, including time spent by City staff and legal staff to process and review all necessary permits, applications, and land use entitlements, and the preparation of this Agreement and the Consultant Services Agreements; (c) the costs of staff review of Owner submittals and the costs of Consultants retained by City in connection with the Project.

**Site Preparation/Construction**

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. Final utility equipment locations and visual screening shall be subject to Community Development review and approval.
5. Modifications and improvements to the site shall be in compliance with applicable requirements of the Building Division, Fire Department, Health Department, and State Department of Alcohol Beverage Control.
6. During demolition and construction on the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
7. A site landscaping and irrigation plan utilizing drought tolerant plants, including large-box-sized trees, shall be submitted for review and approval by the Community Development and Public Works Departments concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. Substantial tree buffers shall be provided along the property lines abutting/facing the neighboring residences. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause

any surface run-off. Landscaping and irrigation shall be installed per the approved plan prior to building final.

8. 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.
9. All defective, damaged, inadequate or substandard curb, gutter, street paving, sidewalk improvements, catch basins or similar public infrastructure shall be removed and replaced with standard improvements, subject to the review and approval of the Public Works Department. Adjacent sidewalks shall be installed or replaced with landscaping enhancements, and disabled access improvements as determined by the City's Traffic Engineer and Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. 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.

#### **Commercial Operational Restrictions**

12. The facility shall include bank, food and beverage sales, and eating and drinking establishment uses. Eating and drinking use shall only be permitted as a secondary component of a primary food and beverage sales use (grocery store) as shown on the approved plans and the project description.
13. Food and beverage sales and on-site eating and drinking shall be limited to operating hours of 7:00 a.m. to 10:00 p.m. daily.
14. The food and beverage sales tenant may conduct off-sale alcohol sales, on-sale beer and wine sales, and alcohol tasting provided no more than 15 percent of the area is devoted to alcohol display/drinking/tasting, and the tenant operates as a grocery store as determined by the Community Development Director. Entertainment, dancing, and alcohol licenses other than Type 21, Type 41, and Type 86, shall be prohibited. Alcohol consumption shall not be separated from the food and beverage operations beyond the extent required by Alcoholic Beverage Control. All activities associated with the alcohol tasting shall take place within the tasting area. Alcohol tastings shall be limited to the amounts specified in the ABC regulations for Type 86 license, and shall be subject to all other ABC regulations concerning Type 86 tastings. The design, location, and layout of the tasting area shall be subject to approval of the Community Development Director, shall be limited to 100 square feet, shall have no seating, furniture or fixtures, and shall be separated by a physical barrier from other store areas. The drink counter shall be the only level surface for placing glasses and other alcohol tasting items. Sampling shall be limited to patrons at least 21 years in age. Tastings shall be poured by store employees or the authorized licensee, or designated agents in accordance with ABC regulations. Only one tasting shall be provided to any person on any day. No special events, alcohol tastings parties or similar functions will be allowed in connection with the Type 86 license. No exterior signage for advertising alcohol tasting shall be permitted. Alcohol tasting shall be limited to 11 am to 9 pm daily.

15. Entertainment on the site shall be prohibited.
16. The management of the facility shall police the property and all areas immediately adjacent to the businesses on the site during the hours of operation to keep it free of litter.
17. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses. Security items or procedures shall be implemented and maintained on-site as determined to be appropriate by the Police Department.
18. 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 trash and recycling plan shall be provided as required by the Public Works Department and shall be implemented prior to building permit final and occupancy of the site.
19. All signs shall be in compliance with the City's Sign Code and submitted Sign Program for the Project. A final sign program shall be submitted to the Community Development Department for review and approval prior to sign permit issuance. Internally illuminated awnings or other architectural elements shall be prohibited. Signs shall be installed per the approved Program prior to building permit final and occupancy.
20. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance. Any outside sound or amplification system or equipment is prohibited.
21. A lighting plan, including a photometric study, shall be submitted for the surface parking lots and entire project site for approval by the Community Development and Police Departments. The Plan shall include energy efficient security lighting for the site. All outside site lighting shall be directed away from the public right-of-way and shall minimize spill-over onto the sidewalks and street. Shields and directional lighting shall be used where necessary to prevent spillover onto adjacent properties. (MBMC 10.64.170)

**Traffic and Parking**

22. The applicant shall maintain sufficient dedicated parking supply to provide a minimum of 135 parking spaces at all times, as shown on the approved plans and project description. The Director of Community Development shall determine whether any deviation from the Approved Plans and project description requires an amendment to the Master Use Permit or any other discretionary entitlements, and a written determination shall be made by the Community Development Director.
23. A Construction Management and Parking Plan (CMPP) shall be submitted by the applicant with the submittal of plans to plan check. The CMPP shall be reviewed and approved by the City, including but not limited to, the City Traffic Engineer, Planning, Fire, Police and Public Works, prior to permit issuance. The Plan shall include, but not be limited to, provisions for the management of all construction related traffic, parking, staging, materials delivery, materials storage, and buffering of noise and other disruptions. The Plan shall minimize construction related impacts to the surrounding neighborhood, and shall be implemented in accordance with the requirements of the Plan.

24. Prior to the first building permit final and occupancy, an Employee Parking Management Plan shall be submitted to the Traffic Engineering and Planning Divisions for City review and approval to minimize the potential for overflow parking into the surrounding neighborhood. The Plan shall include the recommendations included in the Traffic Impact and Parking Demand Study, within the Initial Study. Penalties and corrective measures for non-compliance shall be identified in the Plan. The Plan shall be approved prior to building final and occupancy, and shall be implemented immediately.
25. Deliveries and loading shall be limited to the hours between 7:00 a.m. and 1:30 p.m. Monday-Saturday with the exception of 2-axle delivery vans, which may deliver during regular business hours of 7:00 AM to 10:00 PM. No delivery vehicles shall be allowed to remain in the loading dock or on the property outside of business hours. No deliveries are permitted on Sundays.
26. All on-site and off-site improvement plans, shall be submitted to plan check, at the same times as the building plans. The plans shall be reviewed and approved by the City Traffic Engineer, Planning, Public Works, Police, Fire and Caltrans, where applicable, prior to the issuance of permits. The Project shall be fully constructed per the approved plans prior to issuance of a permit final and occupancy. The plans shall include, but not be limited to the following features:
  - a. All two-way driveways and approaches shall be as wide as the aisle they serve, not including approach wings or radii. The Sepulveda Boulevard driveway and widened shoulder shall be constructed per Caltrans standards.
  - b. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the driveway wings.
  - c. The driveway on Sepulveda Boulevard shall be restricted to Right Turn In/Right Turn Out and posted with signs and striping as directed by the City Traffic Engineer and Caltrans.
  - d. Outbound traffic at the driveway on 8<sup>th</sup> Street shall be restricted to Right Turn Out only and posted with signs and other design criteria as directed by the City Traffic Engineer.
  - e. All parking spaces in the main parking lot shall remain unrestricted for all users during business hours.
  - f. Parking stall cross-slope shall not exceed 5%.
  - g. Doors, gates, staircases, and similar improvements, shall not swing into a vehicle aisle or walkway.
  - h. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind the ultimate property line, after dedications, when exiting the parking areas without walls, columns, landscaping, or similar obstructions over 36 inches high. (MBMC 10.64.150)
  - i. All parking spaces adjacent to a vertical obstruction, except columns and obstructions adjacent to the front five feet (5') of a parking space, must be at least one foot wider than a standard space. (MBMC 10.64.100B)
  - j. Wheel stops shall be provided for all parking spaces except parallel spaces or those spaces abutting a masonry wall or protected by a 6-inch high curb. (MBMC 10.64.100.D)



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- k. At least two feet of additional aisle is required beyond the end of a dead end aisle to provide sufficient back-up space for vehicles in the last space of the aisle.
  - l. Disabled parking must comply with current standards including but not limited to ADA and the CBC, and one or more van size spaces may be required.
  - m. Construct new minimum 8-foot wide sidewalk along property frontages on the south side of 8<sup>th</sup> Street and north side of 6<sup>th</sup> Street.
  - n. Construct new 4-foot minimum wide sidewalk along the rear property frontage on the east side of Larsson Street.
  - o. Replace existing sidewalks with new 8-foot wide sidewalks and a 3-foot wide "furniture zone" to protect pedestrians on the west side of Sepulveda Boulevard along the property frontage.
  - p. All unused driveways and undeveloped property frontages shall be reconstructed with curb, gutter and sidewalk. Remove and replace existing driveway approaches to be reused in conformance with City and State standards.
  - q. All compact spaces shall be labeled with signs and stencil markings at the back of each space.
  - r. Bicycle parking shall be provided at a rate of 5% of all parking spaces. The bike parking shall be located as close as feasible to 8th Street with a clear path of travel. (MBMC 10.64.80)
  - s. The folding architectural screen walls adjacent to the loading dock shall remain closed at all times except when delivery trucks are entering or exiting the loading area.
  - t. All parking lots shall be signed and marked to the satisfaction of the City Traffic Engineer.
27. The applicant shall provide dedications as detailed below for ADA access, other improvements and to upgrade the area to current standards for pedestrian and vehicular circulation. The applicant shall submit plans for the improvements to the Public Works, Fire, Police and Community Development Departments, the City Traffic Engineer, and Caltrans, as applicable, for review and approval, with the submittal of the building plan check. All dedications shall be recorded and required improvements completed per the approved plans prior to the issuance of a building final and occupancy of the site.
- a. A street dedication shall be granted to Caltrans that includes the entire width of existing and proposed sidewalks and widened shoulder along the Sepulveda Boulevard frontage.
  - b. A triangular 25-foot corner cut-off dedication shall be provided to the City at the southwest corner of Sepulveda Boulevard and 8<sup>th</sup> Street as formed by the future property lines. The applicant shall construct a public sidewalk and pedestrian ramp on this corner to City and Caltrans, if applicable, standards or reimburse the City for the project if it is constructed by the City prior to project Construction. The applicant shall show the proposed right of way dedication on all plans.

- c. A triangular cut-off dedication shall be provided to the City at the northwest corner of Sepulveda Boulevard and 6<sup>th</sup> Street, as determined by the City Traffic Engineer. The applicant shall construct a public sidewalk and pedestrian ramp on this corner to City and Caltrans, if applicable, standards. The applicant shall show the proposed right of way dedication on all plans.
  - d. A triangular 10-foot corner cut-off dedication shall be provided to the City at the southeast corner of 8<sup>th</sup> and Larsson Street as formed by the future property lines. The applicant shall construct a public sidewalk and pedestrian ramp on this corner to City standards. The applicant shall show the proposed right of way dedication on all plans.
- 28. The applicant shall submit to the City a cost estimate for completion of all of the required off-site improvements, including but not limited to the traffic and public improvements, with the submittal of plans to plan check. If the City accepts the final cost estimate, the applicant shall provide a bond or other financial security, equal to 1.25 times the estimated cost of the improvements, acceptable to the satisfaction of the Finance Director, Director of Public Works and the City Attorney, prior to the issuance of building permits.
  - 29. The off-site parking lot portion of the Project shall allow reciprocal vehicle access through the parking lot and driveway with adjacent properties for any future approved project upon which a similar reciprocal access condition is imposed. Parking lot configuration shown on the approved plans shall be modified (at the expense of the Applicant) at the time of implementation of the reciprocal access, with no reduction in parking. Reciprocal access agreements shall be provided to the Community Development Department for review, and approval at the time of any such future project, and shall be recorded upon approval by the Community Development Director.
  - 30. There shall be no change to the land use or square footage of land uses on the site as described in the Parking Analysis unless the change receives prior written approval by the Community Development Director, who may require a supplemental parking study to determine whether there is a change in parking demand and whether sufficient parking will be provided.
  - 31. A new crosswalk with pedestrian ramps shall be constructed across 8th Street near the off-site employee parking lot located on the north side of the Street. "KEEP CLEAR" markings shall be installed on 8th Street at the driveways.
  - 32. The applicant shall construct or reimburse the City for the construction of high-visibility ladder-style crosswalks on all approaches at the intersections of:
    - a. Sepulveda Boulevard and 8<sup>th</sup> Street
    - b. 8<sup>th</sup> Street and Larsson Street, and
    - c. 6<sup>th</sup> Street and Larsson Street.
  - 33. The applicant shall construct a Class II bikeway on 8<sup>th</sup> Street along the property frontage.

**Procedural**

- 34. *Terms and Conditions are Perpetual; Recordation of Covenant.* The provisions, terms and conditions set forth herein are perpetual, and are binding on the Applicant, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the Applicant shall record a covenant indicating its consent to the conditions of approval of this Resolution with the Office of the County Clerk/Recorder of Los Angeles. The covenant is subject to review and approval by the City Attorney. APPLICANT shall deliver the executed covenant, and all required recording fees, to the Department of Community Development

within 30 days of the adoption of this Resolution. If APPLICANT fails to deliver the executed covenant within 30 days, this Resolution shall be null and void and of no further effect. Notwithstanding the foregoing, the Director may, upon a request by APPLICANT, grant an extension to the 30-day time limit.

35. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* APPLICANT shall defend, indemnify, and hold harmless 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") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City's environmental review thereof. 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. The City shall promptly notify APPLICANT of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify APPLICANT of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, APPLICANT shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. 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. 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 approval, the City shall estimate its expenses for the litigation. APPLICANT shall deposit that amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 9. The entitlements conferred by this Resolution shall lapse two years after the date of this resolution, unless the subject improvements are installed or the Applicant seeks an extension pursuant to Municipal Code Section 10.84.090.

SECTION 10. 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.

SECTION 11. The Planning Commission's decision is based upon each of the totally independent and separate grounds stated herein, each of which stands alone as a sufficient basis for its decision.

SECTION 12. The Secretary shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the applicant. The Secretary shall make this resolution readily available for public inspection.

SECTION 13. The Secretary to the Planning Commission shall certify to the adoption of this Resolution.

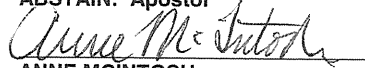
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of March 22, 2017, and that the Resolution was adopted by the following vote:

**AYES:** Conaway, Bordokas

**NOES:** Ortmann

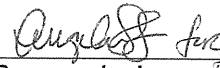
**ABSENT:** None

**ABSTAIN:** Apostol

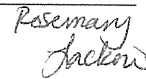


**ANNE MCINTOSH**

Secretary to the Planning Commission  
Interim Community Development Director



**Rosemary Lackow**  
Recording Secretary



**Manhattan Beach Gelson's Market Project Mitigation Monitoring and Reporting Program  
February 2017**

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Implementation, Responsibility &amp; Timing</b>	<b>Monitoring Responsibility</b>	<b>Verified Implementati on</b>
<b>Biological Resources</b>				
<b>BIO-1: The project site does contain trees, which could provide habitat for migratory birds.</b>	<b>Mitigation Measure BIO-1: Inhibition of Nesting</b>  All potential nesting substrate (e.g., bushes, trees, grasses, and other vegetation, as well as buildings) that are scheduled to be removed by the project should be removed prior to the start of the nesting season (e.g., prior to February 1). The purpose would be to preclude the initiation of nests on these substrates, and minimize the potential for delay of the project due to the presence of active nests.	Prior to February 1 <sup>st</sup> Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach
	<b>Mitigation Measure BIO-2: Nesting Bird Pre-Construction Surveys</b>  If any construction activities are to occur during the nesting bird season (February 1-August 31), then pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no nests shall be disturbed by project	February 1 <sup>st</sup> -August 31 <sup>th</sup> Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach

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<b>Impact</b>	<b>Mitigation Measure</b>	<b>Implementation, Responsibility &amp; Timing</b>	<b>Monitoring Responsibility</b>	<b>Verified Implementati on</b>
	<p>construction activities. These surveys shall be conducted no more than seven days prior to the initiation of construction activities in any given area; because construction may be phased, surveys shall be conducted prior to the commencement of each phase of construction. During each survey, the biologist shall inspect all potential nesting habitats (e.g., trees, shrubs, grasslands, and buildings) within the work area and within 250 feet of the work area for raptor nests and within 100 feet of the work area for nests of non-raptors.</p> <p>If an active nest (i.e., a nest with eggs or young, or any completed raptor nest attended by adults) is found close to work areas to be disturbed by these activities, the qualified biologist shall determine the extent of a disturbance-free buffer zone to be established around the nest (typically 250 feet for raptors and 50 to 100 feet for non-raptors), to ensure that no active nests of species protected by the MBTA and California Fish and</p>			

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	Game Code shall be disturbed during construction. In some circumstances, a qualified biologist, in consultation with the CDFW, can recommend that these buffers be modified based on topography, existing levels of disturbance, screening vegetation, and other factors.			
<b>Cultural Resources</b>				
<b>CR-1: Project excavation and construction could unearth unanticipated cultural resources.</b>	<b>CR-1: Unanticipated Archeological Resources</b> Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" shall be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the City of Manhattan Beach shall consult with a qualified archaeologist to assess the significance of the find. If	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach

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Impact	Mitigation Measure	Implementation, Responsibility & Timing	Monitoring Responsibility	Verified Implementation
	any find is determined to be significant, representatives of the City and the qualified archaeologist would meet to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.			
<b>CR-2: Project excavation and construction could unearth unanticipated paleontological resources.</b>	<b>Mitigation Measure CR-2: Unanticipated Paleontological Resources</b> The project proponent and the City shall notify a qualified paleontologist of unanticipated discoveries, made by construction personnel and subsequently document the discovery as needed. In the event of an unanticipated discovery of a possible fossil during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach



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	<p>examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.</p>			
<p><b>CR-3: Project excavation and construction could unearth undiscovered human remains.</b></p>	<p><b>Mitigation Measure CR-3: Discovery of Human Remains</b></p> <p>In the unlikely event of the discovery of human remains, CEQA Guidelines 15064.5 (e)(1) shall be followed, which is as follows:</p> <p>1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>(A) The Coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required, and</p> <p>(B) If the coroner determines the</p>	<p>During excavation, grading, and construction activities. Applicant/Construction Contractor</p>	<p>Applicant/Construction Contractor</p>	<p>City of Manhattan Beach</p>

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<b>Impact</b>	<b>Mitigation Measure</b>	<b>Implementation, Responsibility &amp; Timing</b>	<b>Monitoring Responsibility</b>	<b>Verified Implementati on</b>
	<p>remains to be Native American:</p> <ol style="list-style-type: none"> <li>1. The coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours.</li> <li>2. The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</li> </ol> <p>The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</p>			
<b>Geology and Soils</b>				
<b>BMP-GEO</b>	During construction, the construction contractor shall follow all site preparation recommendations included in the latest geotechnical report for the project including related to vegetation removal,	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach

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Impact	Mitigation Measure	Implementation, Responsibility & Timing	Monitoring Responsibility	Verified Implementation
	removal of existing and subsurface improvements and structures, excavations, slope grades, compaction, and site fills.			
<b>GEO-1: The project site is located in an area that could be subject to minor seismic related ground failure.</b>	<b>GEO-1: Geotechnical Plan Review</b> Prior to the issuance of grading and building permits, the City Engineer shall review all geotechnical reports, grading plans, and building plans for site preparation and grading, site drainage improvements, and design parameters for foundations, retaining walls, landscaped rooftop area, and pavement areas, to ensure that the recommendations in the Geotechnical Report have been properly incorporated into the project design. The City Engineer shall provide recommendations regarding the geotechnical design/feasibility that are to be incorporated as conditions of approval for the project, satisfied as part of the building permit/construction/grading permits for the project.	Prior to approval of grading and building permits/City of Manhattan Beach	City of Manhattan Beach	City of Manhattan Beach

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	<b>GEO-2: Geotechnical Plan Review</b> During construction, the City shall inspect, test (as needed), and approve all geotechnical aspects of project construction, including site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. A final inspection of site drainage improvements and excavations shall also be completed by the City to verify conformance with geotechnical recommendations.	Prior to approval of grading and building permits/City of Manhattan Beach	City of Manhattan Beach	City of Manhattan Beach
<b>Hazards and Hazardous Materials</b>				
<b>HH-1: Project excavation, grading, and construction activities could uncover previously unknown and undocumented contamination.</b>	<b>Mitigation Measure HH-1: Unknown and Undocumented Contamination</b> If previously unknown and undocumented hazardous materials are encountered during construction or accidentally released as a result of construction activities the following	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach

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	<p>procedures shall be implemented:</p> <ul style="list-style-type: none"><li>• A hazardous materials expert be on call in the event any unknown or undocumented hazardous materials are encountered during construction.</li><li>• If hazardous materials are encountered work shall stop immediately and the hazardous materials expert shall be brought in to assess risk and determine appropriate remediation. The hazardous materials expert shall identify the scope and immediacy of the problem.</li><li>• Coordination with the responsible agencies shall take place (Department of Toxic Substances Control, the Regional Water Quality Control Board, or the U.S. Environmental Protection Agency).</li><li>• The necessary investigation and remediation activities shall be conducted to resolve the situation before continuing construction work.</li></ul>			

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Impact	Mitigation Measure	Implementation, Responsibility & Timing	Monitoring Responsibility	Verified Implementation
	<p><b>Mitigation Measure HH-2: Asbestos Containing Materials</b></p> <p>Asbestos was detected in flooring materials. In order to prevent impacts to construction workers and the public the following procedures shall be implemented:</p> <ul style="list-style-type: none"> <li>• Developer shall notify employees and occupants regarding the presence and location of asbestos materials as required under California Health and Safety Code.</li> <li>• An abatement contractor shall remove asbestos materials prior to demolition, (refer to regulations regulated under California Title 8 1529, 29 CFR 1926.1101, South Coast Air Quality Management District (SCAQMD) Rule 1403 and other. Removal of lead shall be performed by lead-certified workers following 5-day California Dept. of Public Health (CDPH) notification, under Cal. Title 8 S1532.1. Contractor shall drum and profile all waste prior to transport and disposal.</li> </ul>	<p>During demolition construction activities. Applicant/Construction Contractor</p>	<p>Applicant/Construction Contractor</p>	<p>City of Manhattan Beach</p>

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	When profiling, Contractors shall not mix potential lead-containing waste with any other materials (e.g. paper suits).			
<b>Hydrology</b>				
<b>BMP-HYDRO</b>	<p>During construction, the construction contractor shall implement erosion and sedimentation controls, dewatering (nuisance-water removal), runoff controls, and construction equipment maintenance in compliance with the 2012 MS4 Discharge Permit that requires the City to condition development approvals with incorporation of specified stormwater controls.</p> <p>During project operation, the project owner shall be responsible for maintaining and repairing landscaping, building, and parking areas to maintain proper drainage, operation of water quality treatment features, and efficient conveyance of project site run-off to site drainage features.</p>	<p>During excavation, grading, and construction activities. Applicant/Construction Contractor</p>	Applicant/Construction Contractor	City of Manhattan Beach

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<b>Noise</b>				
<b>NOI-1: Project construction could result in exposure of persons to noise.</b>	<b>Mitigation Measure NOI-1:</b> A temporary, continuous sound barrier shall be erected along the perimeter of the project site. The barrier shall be at least 8 feet in height and constructed of materials achieving a Transmission Loss (TL) value of at least 20 dBA, such as ½ inch plywood.	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach
	<b>Mitigation Measure NOI-2:</b> Exterior noise-generating construction activities shall be limited to Monday through Friday from 7:30 A.M. to 6:00 P.M., and from 9:00 A.M. to 6 P.M. on Saturdays. No noise-generating exterior construction activities shall occur on Sundays or City-observed holidays.	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach
	<b>Mitigation Measure NOI-3:</b> Construction activities shall be scheduled so as to avoid operating several pieces of heavy equipment simultaneously when close to nearby sensitive uses, which causes high	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach



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	noise levels.			
	<b>Mitigation Measure NOI-4:</b> Noise-generating construction equipment shall be equipped with effective noise control devices; i.e., mufflers, lagging, and/or motor enclosures. All equipment shall be properly maintained to assure that no additional noise due to worn or improperly maintained parts would be generated.	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach
	<b>Mitigation Measure NOI-5:</b> Engine idling from construction equipment such as bulldozers and haul trucks shall be limited. Idling of haul trucks shall be limited to five (5) minutes at any given location as established by the South Coast Air Quality Management District.	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach
	<b>Mitigation Measure NOI-6:</b> Noise and groundborne vibration construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach

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	truck idling, staging) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.			
	<b>Mitigation Measure NOI-7:</b> Barriers such as, but not limited to, plywood structures or flexible sound control curtains shall be erected around on-site stationary equipment (e.g., compressors and generators) to minimize the amount of noise during construction on the nearby noise-sensitive uses.	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach
	<b>Mitigation Measure NOI-8:</b> The construction contractor or project applicant shall provide a construction site notice that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed	During excavation, grading, and construction activities. Applicant/Construction Contractor	Applicant/Construction Contractor	City of Manhattan Beach

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	by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.			