

RESOLUTION NO. PC 17-02

**RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION APPROVING
A USE PERMIT ALLOWING THE EXPANSION OF AN EXISTING RETAIL USE THAT
WOULD RESULT IN A RETAIL SPACE OVER 1,600 SQUARE FEET OF BUILDABLE
FLOOR AREA LOCATED AT 1115, 1117, 1121 MANHATTAN AVENUE (SKECHERS
USA, INC)**

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

SECTION 1. The Planning Commission hereby makes the following findings:

- A. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on March 29, 2017, to consider a request submitted by Skechers USA, Inc for a use permit for the expansion of an existing retail use that would result in a retail space over 1,600 square feet of Buildable Floor Area for a total of 4,829 square feet of Buildable Floor Area.
- B. On July 5th, 2016, the City Council passed the Downtown Interim Zoning Ordinance (IZO) 16-0009-U, subsequently extended by IZO 16-0013-U, requiring a use permit for any new retail space exceeding 1,600 square feet of Buildable Floor Area (BFA).
- C. The subject property located at 1115, 1117, 1121 Manhattan Avenue is legally described as Lots 12 and 13, Block 12, Manhattan Beach Division #2.
- D. The subject property is located in Area District III and is zoned CD, Downtown Commercial. The properties to the north, east, and south are also zoned CD, Downtown Commercial. The property to the west is zoned PS, Public and Semi-Public. The subject property is classified Downtown Commercial in the Manhattan Beach General Plan.
- E. The applicant for the use permit is Skechers USA, Inc.
- F. The subject property is located in a multi-tenant commercial center, which include Mangiamo Ristorante & Bar (128 Manhattan Beach Boulevard), and a vacant tenant space (1113 Manhattan Avenue) formerly occupied by Lucky Brand Jeans.
- G. The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines because it is a minor alteration within an existing facility and will not significantly expand any use.
- H. 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.
- I. Pursuant to the City's Local Coastal Program, A.96.050, a Coastal Development Permit is not required for the proposed project since the proposed work is a tenant improvement in an existing commercial building that does not change the use or intensity of the structure.
- J. Pursuant to Section 10.84.060 the following findings are made with respect to the subject Use Permit:

1. The proposed location of the use is in accord with the objectives of this title and the purpose of the district in which the site is location;

Skechers is a retail sales use, and retail sales is one of the key uses that make up any thriving downtown commercial district. Skechers expanded retail footprint would complement existing Downtown Manhattan Beach retailers.

2. **The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;**

The proposed expansion of the retail sale of shoes and related sportswear poses no detrimental effects to the public health, safety, or welfare of persons residing or working on the proposed project site, or to the adjacent or neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare.

The proposed location of the use and the proposed conditions under which it will be operated or maintained will be consistent with the General Plan, since the project site is classified as Downtown Commercial which allows for a diverse mix of complementary commercial uses. Specifically, the project is consistent with the following Goals of the General Plan, as well as other Goals and Policies as stated in the draft Resolution:

Goal LU-3: Achieve a strong, positive community aesthetic.

Goal LU-5: Encourage high quality, appropriate private investment in commercial areas of Manhattan Beach.

Goal LU-7: Continue to support and encourage the viability of Downtown area of Manhattan Beach.

3. **The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and**

The proposed expansion of an existing commercial retail use is determined to be in compliance with applicable provisions of the (CD) Downtown Commercial zone, and the required notice, hearing and findings for the Use Permit.

4. **The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.**

Skechers proposed retail expansion will not adversely impact neighboring properties, as the space that Skechers is expanding into is already a retail use (interior design services and furniture sales), and thus does not constitute an intensification of use. Skechers has made a good faith effort to mitigate the aesthetic impacts of their enlarged space by providing three different façade treatments on the Manhattan Avenue frontage. Skechers unique design for the Manhattan Avenue frontage visually breaks up the single façade into what looks like three separate and distinct storefronts, insuring that the village-like scale and rhythm of existing Downtown businesses is maintained.

- K. Pursuant to Downtown Interim Zoning Ordinance City Council Ordinance 16-0013-U, the following findings are made with respect to the subject Use Permit:

1. **The proposed use will maintain and enhance the residential quality of life for the Manhattan Beach community.**

The expanded Skechers store will not impact the residential quality of life, as there is no intensification of use considering that the proposed expanded retail use is replacing an existing retail use. The use will provide a broader range of products for Manhattan Beach residents. Furthermore, the building is more than 150 feet away from the nearest residential property.

2. **The proposed use would preserve and enhance the safe, attractive, pedestrian-friendly small town atmosphere and a sound economy.**

The proposed project helps preserve the Downtown's small town atmosphere by employing a thoughtful design that complements the existing scale of neighboring storefronts and buildings. The proposed project's design is clean, attractive, and pedestrian oriented. Furthermore, the proposed project contributes to the Downtown's sound economy by having a proven, successful business expand their footprint in order meet the needs of their customers.

3. **The proposed use is consistent with the Downtown Design Guidelines.**

The proposed use is consistent with the 1998 Downtown Design Guidelines (Exhibit D), and makes a strong effort to meet or exceed the Design Guidelines found in the Downtown Specific Plan. The proposed store has pedestrian-oriented facades with attractive architectural features, including two well-defined store entries. As mentioned above, the proposed project's Manhattan Avenue façade has been broken up into three distinct styles that make the larger store look like three smaller stores, helping to maintain the existing rhythm of smaller store fronts and a village feel.

The proposed space's Manhattan Avenue facade exceeds the minimum 70% transparency requirement, and Skechers has agreed to provide elements of visual interest on the Manhattan Beach Boulevard façade which is not meeting the minimum 60% minimum transparency requirement.

4. **The proposed use will contribute to a balance of mix of uses, which serves the needs of both local and nonlocal populations.**

Skechers has maintained a retail presence in Downtown Manhattan Beach since June 1995, and the proposed expansion will continue to insure that the Downtown has a strong mix of retailers in a climate where retailers are shrinking their footprints or closing stores all together. Skechers is one of the few stores in the Downtown that is primarily focused on selling shoes, and Skechers sells a tremendous variety of shoes at several different price points that appeal to wide cross section of local and non-local customers.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject application subject to the following conditions:

Operational

1. The project shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on March 29, 2017. Any substantial deviation from the approved plans or project description shall require approval from the Planning Commission. A reconfiguring of the expanded tenant space's sales floor area that does not result in a net gain of sales floor area will not be considered a substantial deviation from the approved plans and project description, and will not require approval of the Planning Commission.
2. In the event that the business known as Skechers should vacate the premises, the tenant space at 1115, 1117, and 1121 Manhattan Avenue may be occupied by another similar use, and retain the benefits of this Use Permit, if upon its review, the Department of Community Development determines that the replacement use has the same use characteristics as Skechers.
3. Skechers will be required to maintain three separate façade treatments along its 70 foot Manhattan Avenue frontage in order to give the impression of three separate, distinct storefronts. Each façade along Manhattan Avenue shall have a unique architectural style that will help establish a rhythm that fits into the small town scale of existing Downtown businesses.

4. Skechers shall submit plans for a local public art piece that provides visual interest on the large, blank Manhattan Beach Boulevard façade, subject to review of the Cultural Arts Commission and to the satisfaction of the Director of Community Development consistent with the design guidelines of the Downtown Specific Plan.
5. Televisions or similar electronic displays used for marketing purposes shall not be allowed to be displayed in store windows.

Building Department

6. All work shall comply with the California Codes which includes: 2016 Uniform Building Code, 2016 Uniform Mechanical Code, 2016 Uniform Plumbing Code and 2016 Electrical Code.

Procedural

7. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
8. This Use Permit shall lapse two years after its date of approval, unless implemented or renewed pursuant to 10.84.090 of the Municipal Code.
9. The applicant/business owner shall cooperate with the Department of the Community Development in its conduct of periodic reviews for compliance of conditions of approval.
10. Pursuant to Public Resources Code Section 21089 (b) and the Fish and Game Code Section 711.4 (c), the project is not operative, vested, or final until the requiring filing fees are paid.
11. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of Use Permit.
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.
13. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* Skechers 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. Skechers 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 Skechers of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify Skechers of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, Skechers 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. Skechers 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 Skechers 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. Skechers shall deposit that amount with the City or enter into an agreement with the City to pay such expenses as they become due.

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on March 29, 2017 and that the Resolution was adopted by the following vote:

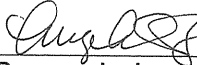
AYES: Bordokas, Conaway, Vice-Chair Ortmann

NOES: None

ABSTAIN: Apostle

ABSENT: None


Anne McIntosh
Secretary to the Planning Commission


Rosemary Lackow
Recording Secretary


Rosemary Lackow