

RESOLUTION NO. PC 18-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A MASTER USE PERMIT AND TENTATIVE TRACT MAP FOR CONSTRUCTION OF A NEW MULTI-STORY MIXED USE BUILDING AT 1701 AND 1707 ARTESIA BOULEVARD (1701 ARTESIA, LLC)

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 on May 23, 2018, pursuant to applicable law, and considered an application for a Master Use Permit, Tentative Tract Map No. 082049 for demolition of the existing buildings on the site and construction of a 13,408.3 square foot mixed-use building to include a 2,888 square-foot medical office space and nine residential condominiums on the property located at 1701 and 1707 Artesia Boulevard in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The existing legal description of the site is Lot 22 and 23 in Block 108 of Redondo Villa Tract B of Maps Recorded in Book 11 Page 110 and 111, of the Los Angeles County Recorder.
- D. The applicant for the subject project is Nagy Bahoum, Obelisk Architects and the owner is 101 Artesia, LLC.
- E. Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt, pursuant to Sections 15332 based on staff's determination that the project is an infill development within an urbanized area.
- F. 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.
- G. The property is located within Area District I and is zoned CL, Local Commercial. The use is permitted by the zoning code with a use permit. The surrounding properties consist of RH (High-Density Residential – west), CL (Local Commercial– east), RS (Residential Single Family – north) and R-1A/RMD (Residential – south: Redondo Beach) zoning.
- H. The General Plan designation for the property is Local Commercial. The General Plan encourages new commercial development that enhances the community aesthetic and provides a variety of commercial development types. The project is consistent with the intent of the General Plan Goals and Policies.
- I. The Planning Commission made findings required to approve the Use Permit pursuant to MBMC Section 10.84.060 as follows:
 - 1. **The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.**

The purpose of the Local Commercial (CL) zoning district is to provide sites for businesses serving the daily needs of nearby residential areas while establishing development standards that prevent significant adverse effects on residential uses adjoining a CL district. The mixed use building will include a medical office, as well as nine residential condominium units. The building will include landscaping, parking and open space all of which meet or exceed the minimum requirements as required by the code. The medical use is anticipated as a single-tenant medical office. Lastly, the buildable floor area will be the maximum allowed area of 13,408.3 square feet and will include increased setbacks that will be provided throughout several areas of the building.

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 at 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 purpose of the Local Commercial General Plan Land Use Category is to provide areas for neighborhood-oriented, small-scale professional offices, retail businesses, and service activities that serve the local community. Permitted uses are generally characterized by those which generate low traffic volumes, have limited parking needs, and generally do not operate late hours. The maximum Floor Area Factor is one to one (1:1). Residential mixed uses are permitted with discretionary review at densities consistent with the High Density Residential category.

The mixed-use building will include at least one medical office, as well as nine residential condominium units. The medical use is anticipated as a single-tenant medical office. The building and business use will operate in a manner which is consistent with the intent of the Local Commercial Land Use Category and will not be detrimental to residents or the community.

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.**

The building will include landscaping, parking, open space and setbacks all of which meet or exceed the minimum development standards as required by the code. The proposed mixed-use building (medical office and residential condominiums) is allowed within the Local Commercial (CL) zoning district with approval of use permit.

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.**

The proposed project complies with all development standards and does not create demands which exceed the capacity of public services and facilities which cannot be mitigated, in that, the mixed-use building is compatible with the area, parking supplies, setbacks, and landscaping. The medical use is anticipated as a single tenant medical office. Increased setbacks are provided throughout the building in order to minimize any potential impacts related to aesthetics and design of the building. Additionally, the project will comply with the 45-degree day light plane requirement which will reduce bulk and privacy effects upon the single-family residences located directly to the north. The Traffic Engineer has reviewed the project's traffic and parking design. Other city departments have reviewed the project and are satisfied that any potential impacts will be addressed by the attached conditions of approval.

- J. This Resolution, upon its effectiveness, constitutes the Master Use Permit and Tract Map approval for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Master Use Permit, Tentative Tract Map application for a new mixed use building, subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

1. The project shall be constructed and operated in substantial compliance with the submitted plans and project description as approved by the Planning Commission on May 23, 2018. Any rooftop solar panels may exceed the height limit by a maximum of six (6) inches. Any substantial deviation from the approved plans and project description must be reviewed and approved by the Planning Commission.

2. A Construction Management and Parking Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development, Police and Public Works Departments prior to issuance of permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and siting of construction related equipment (job site offices, trailers, materials etc.) and parking of construction related vehicles.
3. 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.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. A site landscaping plan utilizing drought tolerant plants, including large-box-sized trees, shall be submitted for review and approval concurrent with the building permit application and shall comply with all applicable requirements as required by Title 10 of the MBMC. 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. The street trees shall be retained or provided as the Public Works Department determines to be appropriate.
6. 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.
7. 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.
8. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
9. The back of driveway approach must be six inches higher than the flow line on the street. M.B.M.C. 9.76.030. Driveway slope shall not exceed 15% throughout the entire approach path. The difference in driveway slope shall not exceed 7.5 % between any two points within ten (10) feet along the driveway or the approach.
10. Any unused water or sanitary sewer laterals must be abandoned at the City main.
11. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
12. 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.
13. Energy efficient security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design. Interior lighting within the building shall be designed to limit unnecessary light visible to adjacent neighbors by use of screening, timing devices, motion sensors, and other available technology.
14. A Knox Box shall be installed at a designated location near the front of the structure for Fire Department access.

Commercial Operational Restrictions

15. The facility shall include a 2,888 square foot, medical office or other permitted use with a parking demand not to exceed the medical office parking requirement (1 stall per 200 square feet) and nine (9) residential condominium units, as shown by the project plans.
16. 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.
17. All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. Sign plans shall be submitted to the Community Development Department for review and approval prior to building permit issuance.
18. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
19. Any outside sound or amplification system or equipment is prohibited.

Traffic and Parking

20. The project shall include a total of forty-three (43) paved and striped parking stalls as part of the project. A total of twenty-seven (27) stalls will be reserved for the nine residential condominiums and a minimum of fourteen (14) commercial parking stalls shall be provided as part of the commercial component of the project. All required parking shall be maintained for appropriate use at all times.
21. The facility operator shall prohibit employees from parking personal vehicles on the surrounding public streets. As a minimum, the owner of the building shall include prohibitions against employee parking on local streets in any lease and/or rental agreements.
22. All parking spaces adjacent to a vertical obstruction, except columns, must be at least one foot wider than a standard space.
23. The parking area shall be signed and marked to the satisfaction of the City Traffic Engineer.
24. Parking stall cross-slope shall not exceed 5%. ADA parking stall cross-slope shall not exceed 2%.
25. The northerly driveway approach on Redondo Avenue shall be at least 20 feet wide. The driveway approach on Artesia Boulevard shall be at least 22 feet wide.
26. All raised landscaping planters along the property frontages shall begin or end perpendicular to the lower portion of the driveway wings.
27. All driveways shall remain clear of all obstructions to provide proper vehicle maneuvering at all times.
28. Doors shall not exit directly onto a vehicle aisle or street without a landing.
29. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind the ultimate property line when exiting the parking areas without walls, columns or landscaping over 36 inches high, tree trunks excepted. (MBMC 10.64.150) All planters next to driveways must conform to this requirement.
30. Provide a 15' unobstructed triangle of sight visibility on the site corner of Artesia Boulevard and Redondo Avenue behind the property line extensions without walls, columns or landscaping over 36 inches high, tree trunks excepted. (MBMC 3.40.010)
31. All commercial parking spaces shall remain unrestricted for all users during business hours.

32. All vehicle gates shall remain open during business hours. Provide height clearance signs and clearance warning bar for subterranean parking area at entrance to each level. Key or code controlled ingress must be provided at any gate, including an intercom system connected to individual units if visitor/customer parking is allowed behind gate. Automatic exiting using vehicle detection must be provided when vehicles leave the gated area.
33. Each parking level driveway entrance shall be signed to indicate the designated parking areas for that level to the satisfaction of the City Traffic Engineer. The entrance to each patient/customer parking area shall be signed for customer parking. All private residential spaces, guest spaces and compact spaces shall be labeled with signs and stencil markings at the back of each space.
34. Wheel stops are required for all parking spaces inside a parking lot or structure except those spaces abutting a masonry wall or protected by a 6-inch high curb. A 2.5 foot overhang may be included in the stall length when calculating planters and walkway widths adjacent to parking stalls. (MBMC 10.64.100D)
35. Disabled parking must comply with current standards. One van size disabled space is required in the medical office parking area with sufficient height clearance. See CBC Chapter 11B, Div II and other ADA requirements.
36. An accessible walkway shall be provided between the main doors and public sidewalk.
37. All unused driveways shall be reconstructed with curb, gutter and sidewalk.
38. Provide and identify commercial loading area on site plan.
39. Bicycle parking shall be provided at a rate of five percent (5%) of all parking spaces. (MBMC 10.64.80)
40. A 4-foot wide Irrevocable Offer to Dedicate (IOD) for street purposes shall be provided along the entire length of Redondo Avenue for the future widening of the right-of-way.

Building and Safety

41. The project shall comply with the 2016 California Codes and City of Manhattan Beach Amendments.
42. Project shall comply with applicable Low Impact Development storm water regulations.
43. Building Commissioning plans and reports shall be included with the initial plan check submittal per CGBSC 5.410.2 and CEC 120.8.
44. Proposed medical development shall comply with accessibility requirements specific to medical uses including but not limited to: additional parking, loading zone, treatment rooms, etc.
45. Proposed residential development shall comply with accessibility requirements contained in CBC Chapter 1102A for covered multifamily dwellings and 1102A.3.2 for multistory dwelling units in buildings with elevators. These requirements may affect accessible routes, kitchen, and bathroom layouts.
46. Electric Vehicle Charging Spaces (EVCS) shall be provided per CGBSC 5.106.5.3. Per CBC 11B-208.1, EVCS shall not be considered as parking spaces.
47. Designated Parking for Clean Air Vehicles shall be provided per CGBSC 5.106.5.2.
48. Proposed development shall provide a roof Solar Zone per CEC 110.10.
49. Proposed non-residential development shall incorporate daylighting zones per CEnC 130.1.

50. Both long-term and short-term bicycle parking shall be provided. Bicycle parking facilities shall be convenient to the street and include covered, lockable enclosures or rooms, or lockers.
CGBSC 5.106.4.

Police Department Conditions

51. 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.
52. All internal stairwells shall be internally lit at all times.

Standard Parcel Map Conditions

53. Electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility pole(s) 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.
54. Each new condominium shall have separate water and sewer laterals as approved by the Director of Public Works.
55. A property line clean out is required for each unit.
56. Flat roof surfaces shall have pea gravel or comparable decorative treatments.
57. The project shall conform to Section 10.52.110, Residential condominium standards, of the Manhattan Beach Municipal Code.
58. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
 - a. Artesia Boulevard and Redondo Avenue
59. The subject tentative map shall be approved for an initial period of 3 years with the option of future extensions.
60. The final parcel map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy. The map shall bear the following certificates for City signature: Director of Finance; City Engineer; and Community Development Director.

Procedural

61. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.010.
62. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of the Use Permit.
63. This Master Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
64. 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.
65. 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 **May 23, 2018** and that said Resolution was adopted by the following vote:

- AYES:** Fournier, Burkhalter, Chair Apostol
- NOES:** None
- ABSTAIN:** None
- ABSENT:** Morton, Seville-Jones

/s/ Anne McIntosh
Anne McIntosh,
Secretary to the Planning Commission

/s/ Rosemary Lackow
Recording Secretary