

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



Filed: 5/11/2007  
180th Day: N/A  
Staff: Charles Posner - LB  
Staff Report: 3/20/2008  
Hearing Date: April 9, 2008  
Commission Action:

# W17b

**STAFF REPORT: MATERIAL AMENDMENT**

**AMENDMENT NUMBER:** 5-07-166-A1 (Amending Permit P-80-6669)

**APPLICANT:** Carol Anderson

**AGENT:** Louis Skelton

**PROJECT LOCATION:** 1000 Manhattan Avenue, City of Manhattan Beach.

**ORIGINAL PROJECT DESCRIPTION, APPROVED MAY 19, 1980:**

Coastal Development Permit P-80-6669 was granted to Carol Anderson for a second floor office/storage addition of 1,407 square feet to an existing retail store with no on-site parking.

**AMENDMENT DESCRIPTION:**

Remove second floor use limitation (office/storage use only) imposed by Coastal Development Permit P-80-6669 in order to allow the permittee to apply to the City for a change of use for the second floor of a two-story commercial structure from office/storage to retail, personal service or other use consistent with the City of Manhattan Beach Local Coastal Program (LCP), provided that the permittee continues to provide the six off-site parking spaces required by the underlying coastal development permit. Also, remove deed restriction which limits the use of second floor to only storage and office space [Los Angeles County Instrument No. 80-804608, recorded August 20, 1980].

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending that the Commission **APPROVE** the permit amendment request which would delete Special Condition A.2 of Coastal Development Permit P-80-6669 and allow the permittee to extinguish the recorded deed restriction that limits the use of the second floor of the building to storage and office use only. No development or change in use is proposed or approved by this permit amendment. The permittee must obtain a local coastal development permit from the City for the beauty salon (or any use other than office/storage) that currently occupies the second floor. The special conditions of this permit amendment require the permittee to obtain a local coastal development permit from the City of Manhattan Beach, pursuant to the certified LCP (and provide any required additional parking), for any change of use or expansion beyond that approved by Coastal Development Permit P-80-6669. **See Page Three for the motion to carry out the staff recommendation.** The permittee agrees with the staff recommendation.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Manhattan Beach certified Local Coastal Program (LCP), 5/12/1995.
2. Coastal Development Permit P-80-6669 (Carol Anderson), 5/19/1980.
3. Los Angeles County Recorders Office Instrument No. 80-804608, 8/20/1980.

**STAFF NOTE:**

The property subject to this permit amendment request is situated within the geographic area where the Commission in 1995 granted the City of Manhattan Beach coastal development permit issuing authority pursuant to the certified City of Manhattan Beach Local Coastal Program (LCP). The coastal development permit subject to this permit amendment request was approved by the Commission in 1980, prior to the certification of the City of Manhattan Beach LCP. The Commission retains jurisdiction over any permit amendment request that proposes to delete a condition imposed by a Commission-approved coastal development permit. Therefore, since the permittee is requesting to delete a special condition that was imposed by the Commission in 1980, this permit amendment request must be acted on by the Commission. Approval of the permit amendment request (to delete the second floor use limitation), as conditioned, will allow the City to process any future coastal development permit applications for the property, consistent with the standards set forth in the certified LCP. The standard of review for the permit amendment request and future coastal development permits is the certified City of Manhattan Beach LCP.

**PROCEDURAL NOTE:**

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director determined on July 31, 2007 that the permit amendment was immaterial. The Executive Director reported this determination to the Commission at its August 8, 2007 meeting in San Francisco. Within the ten working-day period during which any person could object to the immaterial amendment request (August 1 – August 14, 2007), the South Coast District Office received four letters of objection (See Exhibit #5). Because of the objections, staff is referring this permit amendment request for Commission action. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166]. The changed circumstance that enabled the permittee to request the permit amendment is the Commission's 1995 certification of the City's LCP.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

**MOTION:** *"I move that the Commission approve the proposed amendment to Coastal Development Permit P-80-6669 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**I. Resolution for Approval of Permit Amendment**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**II. Special Conditions of Permit Amendment**

**Note:** The following Special Conditions supersede and replace the conditions of Coastal Development Permit P-80-6669 (Exhibit #4).

**1. Parking Requirement of Coastal Development Permit P-80-6669**

The permittee shall continue to provide the six off-site parking spaces originally required by Coastal Development Permit P-80-6669. Prior to issuance of the coastal development permit amendment, the permittee shall provide evidence, for the review and approval of the Executive Director, which demonstrates that the permittee has leased (for at least five years) or purchased six off-site parking spaces for the use of the tenants and customers of the building. The six required off-site parking spaces shall be located within one thousand feet (1000') of the site.

**2. Expansion of Use or Change of Use**

The permittee shall obtain a local coastal development permit from the City of Manhattan Beach prior to legalizing any change of use (e.g., the existing beauty salon) or any expansion of the commercial floor area beyond that approved by Coastal Development Permit P-80-6669. The permittee shall provide adequate parking for any intensification of use (beyond the intensity approved by Coastal Development Permit P-80-6669), consistent with the parking requirements set forth in Chapter A.64 of the certified City of Manhattan Beach Local Coastal Program (LCP).

### **III. Findings and Declarations**

The Commission hereby finds and declares:

#### **A. Amendment Description and Background**

The permittee has requested that the Commission amend its permit in order to allow the second floor of the existing building to be occupied by other uses permitted by the certified City of Manhattan Beach Local Coastal Program (LCP). A beauty salon currently occupies part of the second floor in apparent violation of the terms of Coastal Development Permit P-80-6669. The existing beauty salon occupies approximately seven hundred square feet of the second floor, with the remainder being used as storage.

In order to accomplish the permittee's request, the permit amendment would delete Special Condition A.2 of Coastal Development Permit P-80-6669, and allow the permittee to extinguish the recorded deed restriction that limits the use of the second floor to storage and office use only.

Special Condition A.2 of Coastal Development Permit P-80-6669 (Exhibit #4) states:

- A. **PRIOR TO ISSUANCE OF PERMIT**, the applicant shall: 2). submit a deed restriction for recording that limits the use of the loft space to storage use only, plus office space.

No development or change in use is proposed or approved by this permit amendment. The permittee must still obtain a local coastal development permit from the City for the beauty salon that currently occupies the second floor (or any use other than office/storage). The special conditions of this permit amendment require the permittee to obtain a local coastal development permit from the City of Manhattan Beach (pursuant to the certified LCP) and provide any required additional parking for any change of use or expansion beyond that approved by Coastal Development Permit P-80-6669.

The existing two-story commercial building is located downtown in a busy pedestrian oriented commercial area on the east (inland) side of Manhattan Avenue (Exhibit #3). The immediate downtown neighborhood is comprised of one and two-story commercial buildings. Public parking for the downtown commercial area is provided primarily by City-owned parking lots.

On May 19, 1980, the South Coast Regional Commission approved Coastal Development Permit P-80-6669 for:

Second floor office/storage addition of 1,407 square feet to an existing retail store with no on-site parking at 1000 Manhattan Avenue, in Manhattan Beach.

Special Condition B of the coastal development permit requires the permittee to obtain six off-site parking spaces to serve the approved second floor development (Exhibit #4). The Commission's findings for its 1980 approval of Coastal Development Permit P-80-6669 state that the existing two-story, 2,888 square foot retail building was deficient in parking by thirteen parking spaces (before the addition to the second floor), and that the proposed 1,407 square

foot addition to the building would require that an addition six parking spaces be provided, or the building would be deficient in parking by nineteen parking spaces. With the required provision of the six off-site parking spaces, the Commission found that the impact of the proposed second floor addition would be adequately mitigated.

On August 20, 1980, the applicant recorded the deed restriction required by Special Condition A.2 of Coastal Development Permit P-80-6669 (Los Angeles County Instrument No. 80-804608). Coastal Development Permit P-80-6669 was issued on August 22, 1980.

Pursuant to the Commission's certification of the City of Manhattan Beach LCP in 1995, the City of Manhattan Beach has permitting jurisdiction for the project area, including the site. The City, however, does not have jurisdiction over the 1980 coastal development permit that is the subject of this permit amendment request. Only the Commission can delete a condition of a Commission-approved permit as requested.

In 2005, the permittee applied to the City of Manhattan Beach (which currently issues coastal development permits pursuant to the City's certified LCP) for approval of wine tasting in the ground floor retail store and the installation of a new ground floor bathroom. In 2007, the City approved the requested local coastal development permit for the proposed wine tasting on the ground floor, but discovered during the process that the second floor of the commercial structure was being used as a beauty salon in apparent violation of the terms of Coastal Development Permit P-80-6669. The City has required the permittee to obtain Commission authorization to remove the second floor use limitation (so that the City can issue a local coastal development permit for the existing second floor beauty salon), or to restore the second floor to a use that is consistent with the terms of Coastal Development Permit P-80-6669 (i.e. office and storage). The permittee has requested this permit amendment to expand the list of uses that are allowed to occupy the second floor of the commercial structure to those uses permitted by the City's certified LCP.

## **B. Coastal Access/Parking**

The primary issue raised by the permit amendment request is the building's lack of on-site parking and its impact to coastal access. The certified City of Manhattan Beach LCP contains specific policies that apply to all development located within the City's coastal zone. All development approved within the City's coastal zone must comply with the policies of the certified Manhattan Beach LCP. The following LCP policies are relevant to this permit amendment request:

**POLICY I.C.4:** The City shall ensure that future residential and commercial development provides the parking necessary to meet the standards set forth in Section A.64 of Chapter 2 of the Implementation Plan, except that residential parking requirements shall not be reduced for units less than 550 square feet.

**POLICY I.C.6:** The City shall require existing residential and commercial buildings to comply with parking standards set forth in Section A.64 of Chapter 2 of the Implementation Plan upon substantial remodeling or expansion, as defined in Sections A.64.020 and A.68.030 of Chapter 2 of the Implementation

Plan except that residential parking requirements shall not be reduced for units less than 550 square.

**POLICY II.1:** Control development within the Manhattan Beach coastal zone.

**POLICY II.A.5:** Commercial development eligible to participate in off-site parking and in lieu fee parking programs under Sections A.64.050 and A.64.060 of Chapter 2 of the Implementation Plan shall participate only if parking spaces required by Section A.64 of Chapter 2 of the Implementation Plan do not exceed the available parking supply.

**POLICY II.A.7:** Permit mixed residential/commercial uses on available, suitable commercial sites.

When the Commission in 1980 approved Coastal Development Permit P-80-6669 for the second floor addition, it was proposed only as a storage area and office space with six off-site parking spaces. The Commission's findings supporting the approval of Coastal Development Permit P-80-6669 state that the project's impact on the City's public parking supply was the issue, but that the provision of the six off-site parking spaces would adequately mitigate the project's impact on coastal access. The findings do not support or explain the permit's condition that limits the use of the second floor to only office and storage, given the fact that other commercial uses have similar parking demands as general office uses.

According to the Commission's parking standards contained in the Interpretive Guidelines for Los Angeles County (1980), general office uses must provide parking at the rate of one space per 250 square feet (1:250), which is the same as the parking requirement for personal service uses like beauty salons (1:250). General retail uses are required to provide parking at the rate of one space per 225 square feet (1:225), and professional offices are required to provide parking at the rate of one space per 150 square feet (1:150).

The parking standards contained in Section A.64.030 of the certified City of Manhattan Beach LCP require that parking be provided at the following rates:

Office – Business/Professional	one space per 300 square feet (1:300)
Office – Medical/Dental	one space per 200 square feet (1:200)
Personal service uses (beauty salons)	one space per 300 square feet (1:300)
General retail uses (<5,000 sq. ft.)	one space per 200 square feet (1:200)

The six parking spaces required for the 1,407 square foot second floor addition in 1980 equals one parking space per each 234.5 square feet ( $1,407/6=234.5$ ), which is more than the certified LCP currently requires for personal service uses (beauty salons) and professional office uses (one space per 300 sq. ft.), but less than that required for general retail and medical offices (one space per 200 sq. ft.).

Therefore, the permittee's request to amend the coastal development permit to allow for other second floor uses (e.g., retail, personal service) can be approved without causing an additional parking deficit should the City approve a local coastal development permit for a lower intensity use like a beauty salon (provided that the permittee continues to provide the six off-site parking

spaces required by Coastal Development Permit P-80-6669).<sup>1</sup> In the event that the permittee requests a local coastal development permit from the City for a more intense use on the second floor (e.g., restaurant, medical office, retail, etc.), then the permittee shall be required by the local coastal development permit to provide additional parking for any intensification of use beyond the intensity approved by Coastal Development Permit P-80-6669, consistent with the parking requirements set forth in Chapter A.64 of the certified City of Manhattan Beach LCP.

Special Condition One of the permit amendment requires that the permittee continue to provide the six off-site spaces required by Coastal Development Permit P-80-6669. Special Condition Two of the permit amendment requires that the permittee shall obtain a local coastal development permit from the City of Manhattan Beach prior to legalizing any change of use (e.g., the existing beauty salon) or any expansion of the commercial floor area beyond that approved by Coastal Development Permit P-80-6669, and that the permittee shall provide adequate parking for any intensification of use (beyond the intensity approved by Coastal Development Permit P-80-6669), consistent with the parking requirements set forth in Chapter A.64 of the certified City of Manhattan Beach LCP. Therefore, as conditioned, the permit amendment is consistent with the policies of the certified City of Manhattan Beach LCP as it will result in any adverse impacts to public access or other coastal resources

### **C. Objectors' Assertions (Exhibits #5&6)**

The objection letters call for a detailed parking analysis and assert that the proposed permit amendment would allow an increase in the intensity of use of the building (e.g., by allowing a restaurant or other use with high parking demands) without requiring any additional parking, but that is not what the permit amendment would allow. The permit amendment would remove the current limit on the use of the second floor, but it also replaces that restriction with a new requirement that any second floor use must provide adequate parking for any intensification of use (beyond the intensity approved by Coastal Development Permit P-80-6669), consistent with the parking requirements set forth in Chapter A.64 of the certified City of Manhattan Beach LCP. That means that any use of the second floor building would be subject to the parking requirements of the City of Manhattan Beach LCP, as would be any new use being proposed within any building in the City. It is the City that would then conduct a parking analysis to determine if a proposed use meets the parking requirements of its zoning code (i.e., LCP). As required by Coastal Development Permit P-80-6669, six parking spaces are the minimum number of parking spaces required for the second floor uses (Special Condition One). These six required off-site parking spaces shall continue to be provided by the permittee as originally required. All required off-site parking shall be located within one thousand feet of the site pursuant to Section A64.020.F of the certified LCP.

Again, the permit amendment itself does not authorize any specific use on the second floor. The City will regulate the type of commercial use (and floor area) that is permitted in the building through the local coastal development permit process (Special Condition Two), but the requirement of the underlying coastal development permit to provide the six off-site parking spaces runs with the land.

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<sup>1</sup> The permittee has provided evidence, in a letter from the City of Manhattan Beach dated October 16, 2006, that six parking spaces have been assigned in a City parking lot to serve the development at 1000 Manhattan Avenue.

**D. Local Coastal Program**

The City of Manhattan Beach LCP was effectively certified on May 12, 1995. As conditioned, the permit amendment is consistent with the certified LCP for the area. Approval of the permit amendment will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

**E. California Environmental Quality Act (CEQA)**

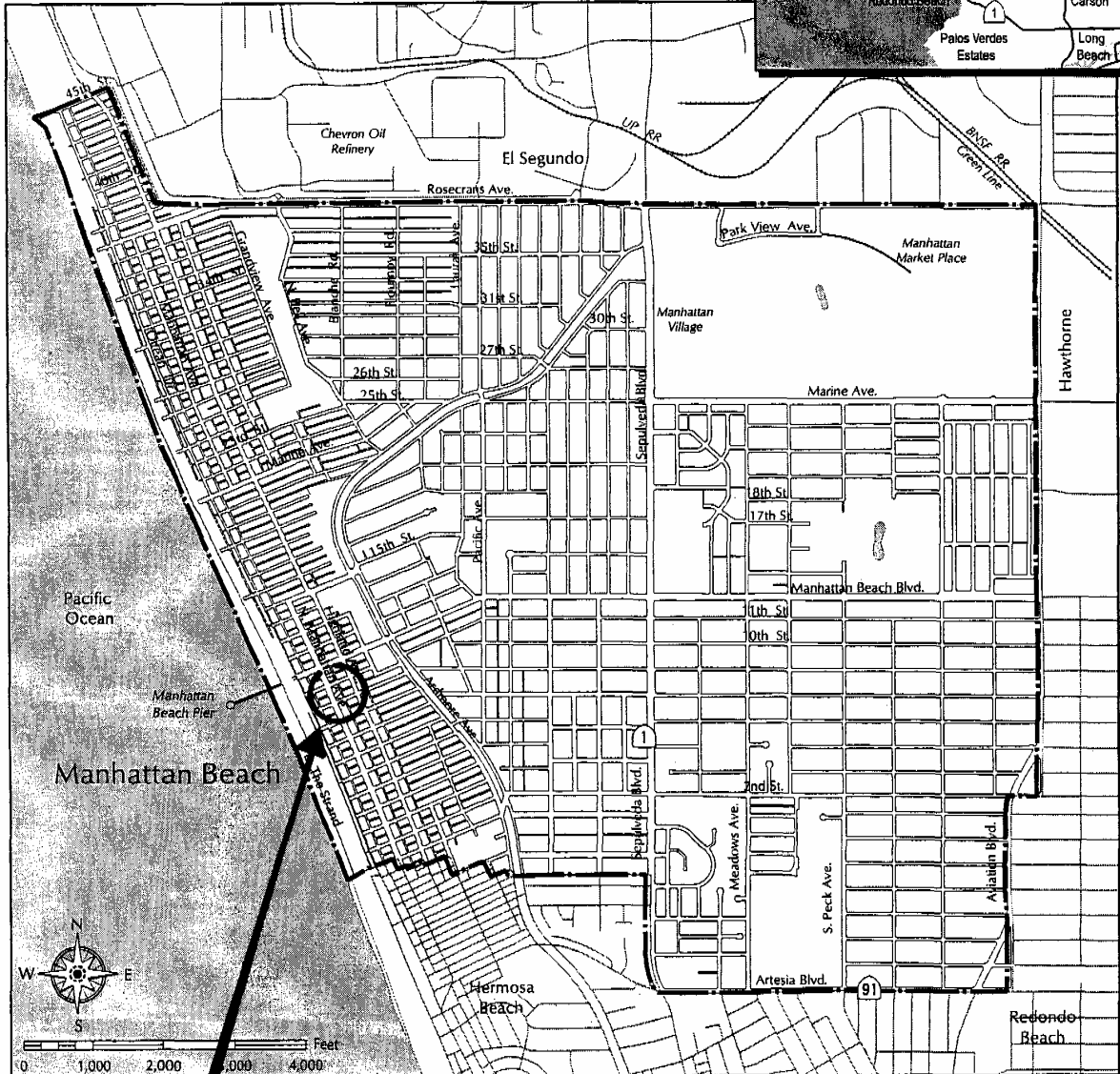
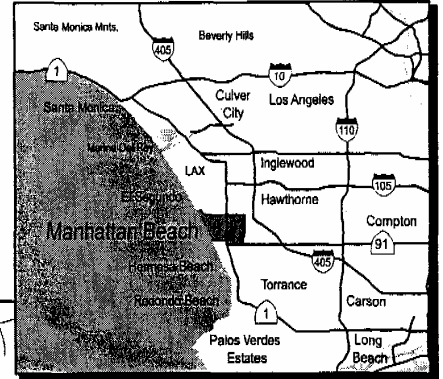
There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the permit amendment request, as submitted, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**F. Unpermitted Development**

Prior to applying for this permit amendment, a second floor beauty salon has been operating in apparent violation of the terms of Coastal Development Permit P-80-6669. Although unpermitted development has taken place prior to Commission action on this permit amendment request, consideration of the application by the Commission is based solely upon the policies and standards set forth by the certified City of Manhattan Beach LCP. Commission action on this permit amendment request does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit or permit amendment.



Regional Map

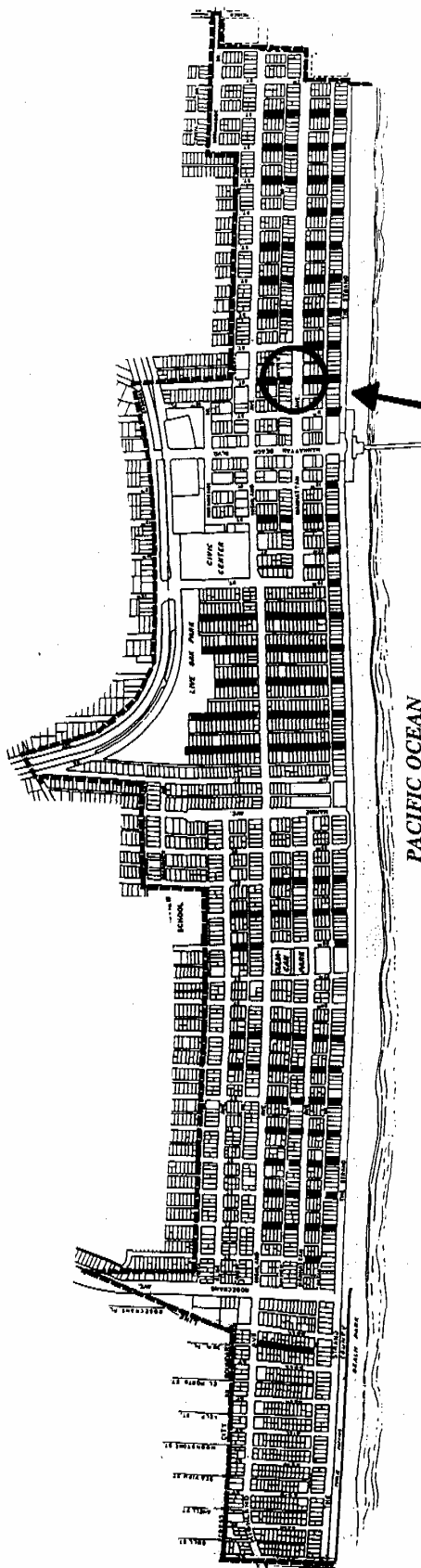


Site: 1000 Manhattan Avenue

COASTAL COMMISSION  
5-07-166-A1

EXHIBIT # 1

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Legend  
 - - - Coastal Zone Boundaries  
 1 Walk Streets



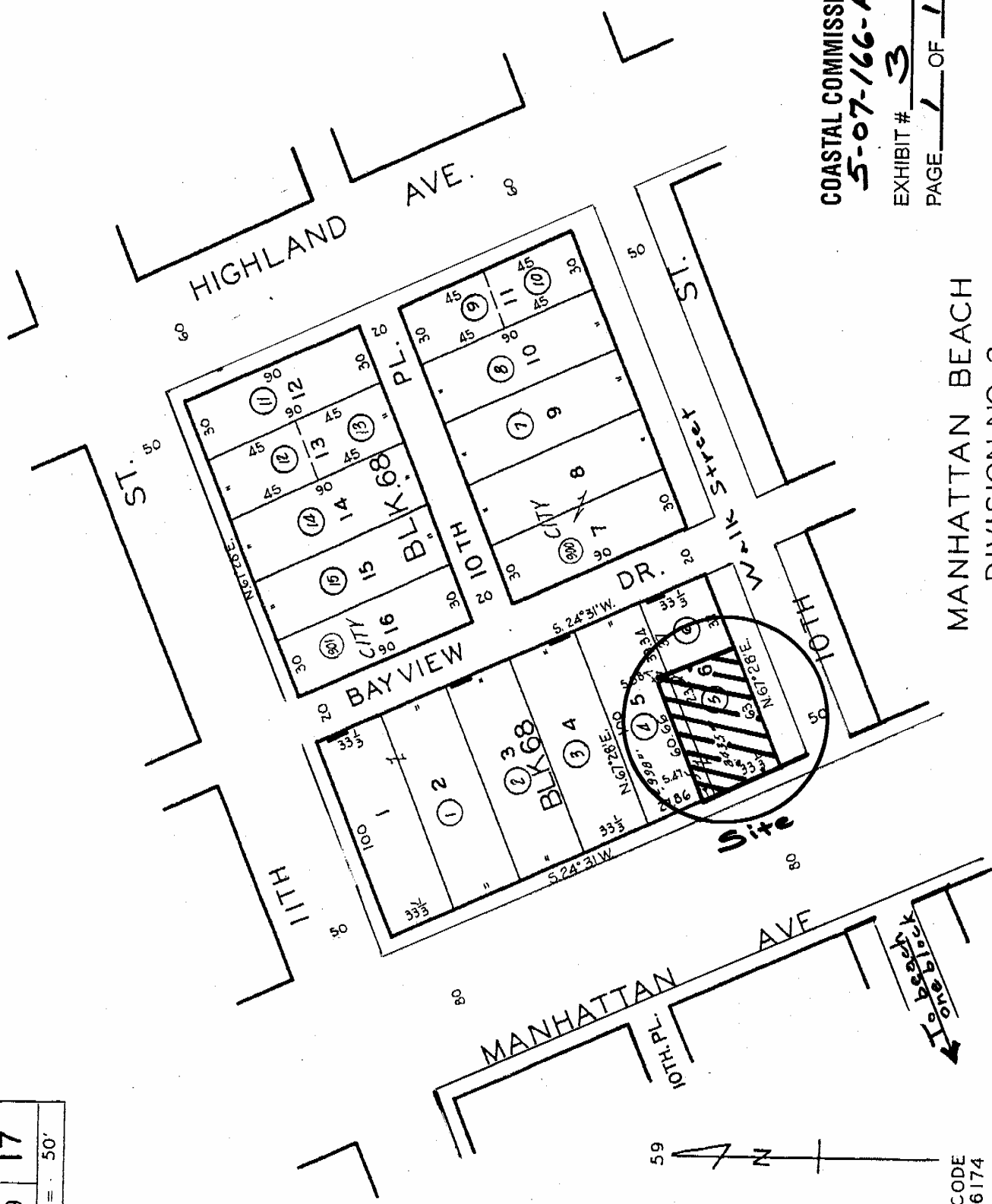
Scale

Site: 1000 Manhattan Avenue

Map III-2  
 Coastal Access  
 City of Manhattan Beach Local Coastal Plan

Source: City of Manhattan Beach, 1994

4179 | 17  
 SCALE 1" = 50'



COASTAL COMMISSION  
 5-07-166-A1  
 EXHIBIT # 3  
 PAGE 1 OF 1

MANHATTAN BEACH  
 DIVISION NO. 2

59 N  
 CODE 6174

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION666 E OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450LONG BEACH, CALIFORNIA 90801  
(213) 590-5071 (714) 846-0648

FILE COPY



## COASTAL DEVELOPMENT PERMIT

Permit Type: ☐ Administrative ☒ Standard ☐ EmergencyApplication Number: P-80-6669Name of Applicant: Mrs. Richard Anderson1216 Zumaya, Palos Verdes Estates, CADevelopment Location: 1000 Manhattan AvenueManhattan Beach, CA

Development Description: Second floor office/storage addition of 1407 sq.  
ft. to an existing retail store with no on-site parking at 1000 Manhattan  
Avenue, in Manhattan Beach.

I. Whereas, at a public hearing, held on May 19, 1980at Torrance by a vote of unanimous 5-0,

the Commission hereby grants, subject to condition/s, a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions: A. Prior to issuance of permit,, the applicant shall:

1. Submit revised plans for approval wherein the proposed building height  
is no higher than five (5) feet above the existing structure.
2. Submit a deed restriction for recording that limits the use of the  
loft space to storage use only, plus the office space.
3. Submit revised plans for approval delineating the office space.

B. The applicant shall, prior to occupancy, submit evidence that six  
off-site parking places that meet Commission requirements have been

EXHIBIT # 4PAGE 1 OF 2

obtained for applicant's use.

Condition/s Met On 8/22/80 By JLR jlr

- II. This permit may not be assigned to another person except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
- IV. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent/s authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- V. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VI. Issued on behalf of the South Coast Regional Commission on 8/22/80, 1980

Karl P. Henderson for  
M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number P-80-6669 and have accepted its contents.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
COASTAL COMMISSION  
(Signature) 5-07-166-A1

EXHIBIT # 4  
PAGE 2 OF 2

Donald McPherson  
1014 First St  
Manhattan Beach CA 90266

Voice: 310-372-2774  
FAX: 310-372-2539  
DMcPhersonLA@earthlink.net

8 August 2007

Charles Posner  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach CA 90802

Subject: Objection to Amendment 5-07-166-A1, 1000 Manhattan Ave, Manhattan Beach

Dear Mr. Posner,

I own the residential building at 1001 Bayview Drive, adjacent on the east to the subject property. I object to the amendment as proposed, because it allows significant increase in intensity of use, such as a restaurant, without any additional parking, in violation of the Manhattan Beach Municipal Code and the Local Coastal Plan.

The amendment makes a major, not a minor, change to the intensity of use, contrary to the coastal permit approved in 1980. Furthermore, the Notice dated 31 July 2007 provides no substantiation for the Coastal Commission to make such an increase in intensity without any offsetting mitigation of impact, as required by law.

The analysis in the Notice contains errors, such as applying Los Angeles County parking standards rather than Manhattan Beach Municipal Code requirements, as stipulated in the Local Coastal Plan (LCP.) The analysis significantly underestimates the currently designated office area when compared to analysis provided by City staff in the Staff Report 05/0215.15 dated 15 Feb 2005 for the wine tasting use permit.

The Notice also overlooks that the building owner in the past apparently has unlawfully used the so-called storage area for both residential and office use, and presumably will lease that additional 1419 SF area for retail, without adding seven parking places as required by code at one space per 200 SF.

The findings for the proposed amendment must contain a detailed analysis of parking requirements based on building permit drawings and include the seventh parking place required for wine tasting, as per the wine tasting use permit, Resolution No 5966, 1 Mar 2005.

I would support modification of the coastal permit and deed restriction to permit retail as well as office use of the entire second floor, but only in accordance with parking requirements stipulated in the LCP, and look forward to speaking with you on this matter in the near future.



Donald McPherson

Cy via email: R Thompson (City of Manhattan Beach), F Woocher (Strumwasser & Woocher),  
neighborhood residents

CoastalCommission2.docx

5-07-166-A1

08:28:26

EXHIBIT # 5  
PAGE 1 OF 4

Kathleen G. Smith  
121 Tenth Street  
Manhattan Beach, CA 90266

August 8, 2007

**VIA E-MAIL**

Charles Posner  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach, CA 90802

Re: Objection to Amendment 5-07-166-A1, 1000 Manhattan Avenue, Manhattan Beach, CA

Dear Mr. Posner:

I own the residence located at 121 10<sup>th</sup> Street, Manhattan Beach which is located on the walk street extending next to the subject property but on the opposite side of Manhattan Avenue. I object to the amendment, as proposed, for the same reasons that Mr. McPherson has objected to the amendment, particularly since it allows a significant increase in the intensity of use, such as a restaurant, without mitigating the impact of such a change.

I would support modification of the coastal permit and deed restriction to permit retail as well as office use of the second floor only if it is clear that the space cannot be used as a restaurant, wine tasting facility or bar and the parking requirements stipulated in the Local Coastal Plan are also required.

Very truly yours,



Kathleen G. Smith

cc: D. McPherson (via e-mail)

**COASTAL COMMISSION**

**5-07-166-A1**

EXHIBIT # 5

PAGE 2 OF 4

**Chuck Posner**

**From:** Martha Andreani [mandreani@scpie.com]  
**Sent:** Thursday, August 09, 2007 1:01 PM  
**To:** Chuck Posner  
**Subject:** Opposition to Coastal Permit P-80-6669 Amendment

**RECEIVED**  
South Coast Region

AUG 9 2007

CALIFORNIA  
COASTAL COMMISSION

9 August 2007

Charles Posner  
California Coastal Commission  
200 OceanGate, Suite 1000  
Long Beach, CA 90802

RE: Coastal Development Permit No. P-80-6669 -- Objection to Amendment 5-07-166-A1  
1000 Manhattan Avenue, Manhattan Beach, CA 90266 (County of Los Angeles)

Dear Mr. Posner:

I am a resident of "Downtown" Manhattan Beach, living across the street and down the hill (west) of the subject address. As you probably know, "Downtown" Manhattan Beach surrounds the municipal pier, and is a vibrant residential and commercial area within the city. While there are many fine attributes to the "Downtown", there is a significant parking problem, for residents and visitors alike. I strongly object to the amendment as proposed, as it permits a significant increase in intensity of the use of the building at 1000 Manhattan Avenue (such as a restaurant) without requiring any additional parking. I believe this amendment is in violation of the Manhattan Beach Municipal Code and the Local Coastal Plan.

The amendment makes a major, not a minor change to the intensity of use, contrary to the coastal permit approved in 1980. Additionally, the Notice dated 31 July 2007 provides no justification for the Coastal Commission to make such an increase in intensity without any offsetting mitigation of impact, as required by law. The analysis in the Notice makes an error in applying Los Angeles County parking standards rather than the Manhattan Beach Municipal Code parking standard requirements. The analysis underestimates the currently designated office area when compared to analysis provided by Manhattan Beach in the city's staff report 05/0215.15, dated 15 February 2007 for the wine tasting use permit at the 1000 Manhattan Avenue address (Bacchus Wine Made Simple). The Notice also makes no mention that the building owner has used the so-called "storage area" for both residential and office use in the past, and will now use the 1419 square foot area for "retail" without adding seven parking places as required by code at 1 parking space per 200 square feet.

I would support modification of the coastal permit and deed restriction to permit retail as well as office use of the entire second floor of the building, but only if in compliance with parking requirements stipulated in the LCP. The findings for the proposed amendment should contain a detailed analysis of parking requirements, based on building permit drawings and include the seventh parking space required for wine tasting, as per the wine tasting use permit, Resolution No. 5966, dated 1 March 2005.

Thank you for bringing these important points regarding parking to the attention of the Commissioners for their further evaluation of this project.

Sincerely,

Martha L. Andreani  
117 - 10<sup>th</sup> Street  
Manhattan Beach, CA 90266

**COASTAL COMMISSION**

5-07-166-A1

EXHIBIT # 5

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8/9/2007



August 9, 2007

Charles Posner  
California Coastal Commission  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach CA 90802-4302

RE: Proposed Amendment 5-07-166-A1 for 1000 Manhattan Ave, Manhattan Beach

Dear Mr. Posner

I own the four-unit residential apartment building at 919 Bayview Drive, directly across 10<sup>th</sup> St from the Bacchus wine store on the subject property. I also own the retail properties on the south side of 10<sup>th</sup> St, across from the subject property, as listed at the end of my letter.

My tenants provided me with a copy of your public notice to amend the coastal permit, a change that I vehemently oppose. Four nearly ten years, I and other nearby property owners have successfully fought off attempts by the 1000 Manhattan Ave owner to develop alcohol-based businesses in their retail building.

Your permit amendment proposes to change the use from 'office/storage to retail, personal use or other use consistent with City of Manhattan Beach zoning code.' The all-inclusive vague term, '...other use...' equates to changing the use to 'restaurants, bars, live music, dancing, and other uses consistent with the municipal code,' a far more intense operation than the beauty parlor currently fronting on Manhattan Ave, albeit in violation of the coastal permit. The Coastal Commission approval in May 1980 certainly had the intention of prohibiting such intensification.

Furthermore, your proposed changes do not require any additional parking to expand 'approximately 700 square feet' of office space into over 2000 SF of retail space on the second floor, a use that according to the city code requires 30% more parking per unit area than offices.

As owner and manager of 919 Bayview Dr, as well as other commercial properties listed below across 10<sup>th</sup> St from the subject property, and being fed up with intensification at the beach, I oppose the proposed amendment. I am satisfied with the unlawful beauty parlor and will support whatever minor changes needed to make that legal, provided the property meets parking requirements as per City municipal code. Unlike many commercial property owners in the area, I comply with City and Coastal Commission regulations, regardless of cost.

Yours truly,



Edward Stevens  
Stevens-Baker LLC  
36101 Bob Hope Dr, E-5, PMB 116  
Rancho Mirage, CA 92270-2006  
Owner/Manager of 919 Bayview Dr, 916-920 Manhattan Ave, 206 10<sup>th</sup> St

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**Donald McPherson**  
1014 First St  
Manhattan Beach CA 90266

Voice: 310-372-2774  
FAX: 310-372-2539  
DMcPhersonLA@earthlink.net

11 December 2007

**RECEIVED**  
South Coast Region

DEC 13 2007

Charles Posner  
California Coastal Commission  
200 OceanGate, Suite 1000  
Long Beach CA 90802

CALIFORNIA  
COASTAL COMMISSION


Subject: Complaint re Coastal Permit P-80-6669, 1000 Manhattan Ave, Manhattan Beach

On 30-Nov-07, I emailed you a preliminary version of the attached complaint. I send via certified mail and email the attached final complaint.

The alleged violations also involve permits issued by the City of Manhattan Beach for the subject property, so I have filed the complaint with them. Additionally, I have discussed the complaint with city officials.

You have informed me of the intent to schedule the public hearing for Amendment Request No. 5-07-166-A1 at the January 9-11 meeting of the Coastal Commission in the Los Angeles area.

I request that you postpone the public hearing until the city can complete their assessment of my complaint.



Donald McPherson

Copy via Email:

R. Thompson, Director of Community Development, City of Manhattan Beach  
E. Haaland, Community Development, City of Manhattan Beach  
J. Harris, Code Enforcement Officer, City of Manhattan Beach (also hand delivered)  
Objectors of Record  
D Abramson, Reed & Davidson  
D Reed, Reed & Davidson

**COASTAL COMMISSION**  
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Possible Permit and Filing Violations  
1000 Manhattan Ave, Manhattan Beach CA 90266

- Coastal Permit No. P-80-6669 (29-May-80)
- City Building Permit (22-Aug-80)
- City Bacchus Wine-Tasting Use Permit (Resolution 5966, 15-Feb05)
- Coastal Amendment Request No. 5-07-166-A1 (11-May-07)

Submitted by: Donald McPherson, 1014 1<sup>st</sup> St Manhattan Beach CA 90266

**Introduction**

This complaint describes possible violations of the title coastal permit and city permits. Only the Coastal Program and the City of Manhattan Beach can determine whether any of these alleged violations actually occurred.

Such determinations will depend upon interpretations of state and city law, regulations, policies and practices, as well as the establishment of all the facts, far beyond the scope of this complaint.

The alleged violations are based on the administrative record, those documents on file at the coastal program office in Long Beach and at the city, and on my observations of operations since development began in 1980 of the existing building at 1000 Manhattan Ave.

The substantiation of the allegations provided below in this complaint may well prove erroneous, depending on discovery of new information or on interpretations by official agencies that differ from mine regarding state and city law.

Below, the complaint lists eight possible violations, and then for each, provides the evidence that led to the conclusion that the apparent violation might have occurred.

I have filed this complaint with both the coastal program and the city, because all eight violations, except No. 6, apply to both coastal and city permits.

**Possible Violations**

1. The tenant Aqua Salon appears to have encroached with a reception foyer and what resembles a massage or skin treatment room into the easternmost 1672 square-feet of the 2nd floor, an area restricted for storage use only by the 29-May-80 Coastal Permit No. P-80-6669 (coastal permit.)
2. Both the coastal permit and the 22-Aug-80 city building permit (building permit) restrict the westernmost 425 square-feet of the 2<sup>nd</sup> floor to office use only, whereas the tenant of that area, Aqua Salon, appears to constitute a Personal Services use.
3. During the 1980 process to obtain the coastal permit and the building permit, it appears the current owner filed different floor plans with the coastal program and with the city. Consequently, the 2<sup>nd</sup> floor of the building, as built, materially differs from what the Commission approved on 29-May-80.

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4. From observations and discussions with top-floor tenants since construction of the existing building in 1980, I believe the owners might have used the aforementioned storage area for office and residential purposes. Consequently, the storage space might include unapproved improvements in possible violation of the coastal development and building permits, a determination that only officials can make by inspecting the entire storage area.
5. Amendment Request No. 5-07-166-A1 does not address any of the above possible violations of the floor plan approved by the Commission in 1980.
6. Condition 13 of the city wine-tasting use permit requires on-site trash storage, whereas the tenants store their trash on a portion of Lot 6 apparently not included in the site and must trespass on my property to deposit trash and to place it on Bayview Dr for pickup.
7. The building owner may not have maintained the six off-site parking spaces required by the coastal permit during the timeframe 1980 until 2006, a determination possible only by examination of city records or proof provided by the owner.
8. The property owner currently apparently does not comply with requirements for off-site parking: six spaces required by the coastal permit and one space required by the use permit approved 15-Feb-05 by the city council for wine tasting on the ground floor.

#### **Description of Possible Violations**

##### **1. Apparent encroachment of Aqua Salon into the storage-use area**

On 27-Nov-07, I visited Aqua Salon to coordinate with owner Kathy Snyder my desire to have the coastal permit amended to legitimize the use of her salon. (I still have that goal.) Ms Snyder could not meet with me, but I left a message to have her call.

I noticed that the corridor through the designated storage-use area leading from the southeast entrance along the building south wall to the office area had been significantly enlarged to create a reception foyer at the west end. Through an open door in the north wall of the foyer, I observed what resembled a treatment room, including a padded table.

These rooms combined occupy a space of roughly 200 square-feet, apparently encroaching into the area identified as storage-use only by the coastal permit. The corridor leading to the reception desk includes shelves of beauty products for sale, a use that would constitute another 50 square feet, for a total encroachment of approximately 250 square feet into the storage area.

Exhibit A shows a photograph of the 2<sup>nd</sup>-floor plan on file at the Long Beach coastal program office, as part of the administrative record for the 29-May-80 coastal permit. The plan view clearly depicts the westernmost 12.5'x33.5' partition comprising the approximately 420 square-foot office-use area. Equally apparent, the drawing depicts the 1672 square-foot storage-use area as the easternmost 38'x44' portion.

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Exhibit B shows the top-floor plan view of the building permit approved by the city 22-Aug-80. This city-permit floor plan postdates the coastal permit. The Exhibit B copy came from the owner's request to amend their coastal permit, filed 11-May-07 with the coastal program. No other instance of this floor plan exists in the administrative record on file at the Long Beach office of the coastal program. The drawing does exist on microfilm No. 119456 for 1000 Manhattan Ave at Community Development in city hall.

Exhibit B differs from Exhibit A by partitioning the storage-use area to create the five-foot corridor on the south side of the top floor. In terms of use designation, however, this corridor belongs in the storage-use area stipulated by the coastal permit.

Exhibit B shows that the corridor ends at the wall demarking the south-side outside balcony. From my casual glance, the reception foyer and adjoining room appeared to lie east of the demarcation between the office-use area and storage-use-area. Both spaces appeared to encroach on the north side of the original partition that created the corridor in the storage-use area.

Exhibit C includes a thick black-lined rectangle at the end of the corridor, indicating where I would locate the roughly 250 square-feet of the apparent encroachment violation in the storage-use area created by the reception foyer and attached room.

2. Use violation of westernmost partition restricted by the coastal permit for office use only.

The complaint includes this violation for completeness. Many documents in the administrative record verify the existence of this nonconforming use of the office area.

3. Apparently, different floor plans filed with coastal program and with city in 1980.

The as-built 2<sup>nd</sup> floor at 1000 Manhattan Ave differs materially from the floor plan approved by the Commission in 1980, by having a five-foot corridor along the south wall leading from the southeast entrance to the office area.

After receiving approval for the coastal permit 29-May-80, the owners filed with the city on 18-June-80 an application for a building permit proposing a 2<sup>nd</sup>-floor plan with the aforementioned corridor not approved by the Commission.

This application exists on microfilm No. 119456 in the 1000 Manhattan Ave file at the city. The administrative record at the coastal program does not contain the building permit floor plans, except an annotated version in the 11-May-07 amendment application.

Condition 3 in the 1980 coastal permit required the owners to delineate the office area for approval by coastal staff. On 22-Aug-80, the owners received approval from the city for the building permit. On the same day, they filed a drawing showing the 2<sup>nd</sup>-floor as approved earlier by the Commission, but materially differing from the floor plan approved by the city, which includes the aforementioned corridor wall.

From observations since 1980, described next, I believe the owners may have made unallowed improvements in the storage area, on the north side of the corridor wall. That area appears unavailable for inspection, because of locked doors.

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4. Possible unapproved improvements to storage-use area.

In 1999, I spoke with an employee of the top-floor tenant regarding the work done there. He responded that they developed software to correct Y2K errors in computer programs.

Approximately midway down the corridor shown in Exhibit B, the building owners have installed a door into the storage area, not shown on the city-permit plan view. When I spoke to the employee in 1999, that door to the storage-use area stood open, revealing desks with at least one person working there.

On multiple occasions, I have observed the owners moving residential furniture into and out of the top floor. I have spoken with a person, whom I presumed lived there for a year or more, and also observed that person entering and leaving the top floor during times not usually considered normal working hours.

Perhaps, an inspection of the entire storage-use area might disclose unapproved improvements necessary for office and residential use.

5. Amendment request fails to include nonconformance with coastal permit 2<sup>nd</sup>-floor plan.

Amendment Request No. 5-07-166-A1 does not address the possible three nonconforming improvements to the 2<sup>nd</sup>-floor: (1) salon encroachment into storage area, (2) south corridor not improved by coastal permit, and (3) suspected improvements to storage area behind the south corridor wall.

6. Apparent violation of trash storage condition in wine-tasting permit. (City issue only.)

This apparent violation applies to the city only, not the coastal program. The city use permit for wine-tasting requires trash stored on site. Resolution 5966, Condition 13 (15-Feb-07.) The tenants at 1000 Manhattan Ave store trash on a concrete pad cater-corner to the site, on a portion of Lot 6, Block 68, Manhattan Beach Tract as per recorded in Book 1, Page 49 of Maps. This pad does not appear to constitute part of the site governed by the city use permit. Consequently, trash does not get stored on site, as required.

Furthermore, the tenants must trespass on my property to deposit trash and to move it onto Bayview Dr for weekly pickup.

7. Possible violation of coastal permit requirement to maintain six off-site parking spaces.

The earliest evidence of six parking permits occurs in a 16-Oct-06 letter found in the coastal program administrative record, written by city employee Linda Boice to Bacchus owner Ron Miranda that the city had assigned six spaces to 1000 Manhattan Ave.

According to my recollection, at the 15-Feb-05 appeal hearing on Bacchus wine tasting, city staff commented that two parking permits existed. A transcript of that hearing currently in progress will disclose the statement actually made in testimony.

Without further evidence of six parking permits issued throughout 1980-2006, presumably a violation of the requirement might have occurred.

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Property apparently does not comply with off-site parking requirements.

The coastal permit requires six off-site parking spaces. The wine-tasting use permit approved 15-Feb-05, Resolution 5966, requires one off-site space, for a total of seven.

According to a 10-May-07 city letter from Steve Charelian, submitted to the coastal program by the building owner as part of the 11-May-07 amendment request, 1000 Manhattan Ave has only six off-site parking permits.

Consequently, it would appear that 1000 Manhattan Ave complies with either the coastal permit or with the wine-tasting use permit regarding parking requirements, but never both at the same time.

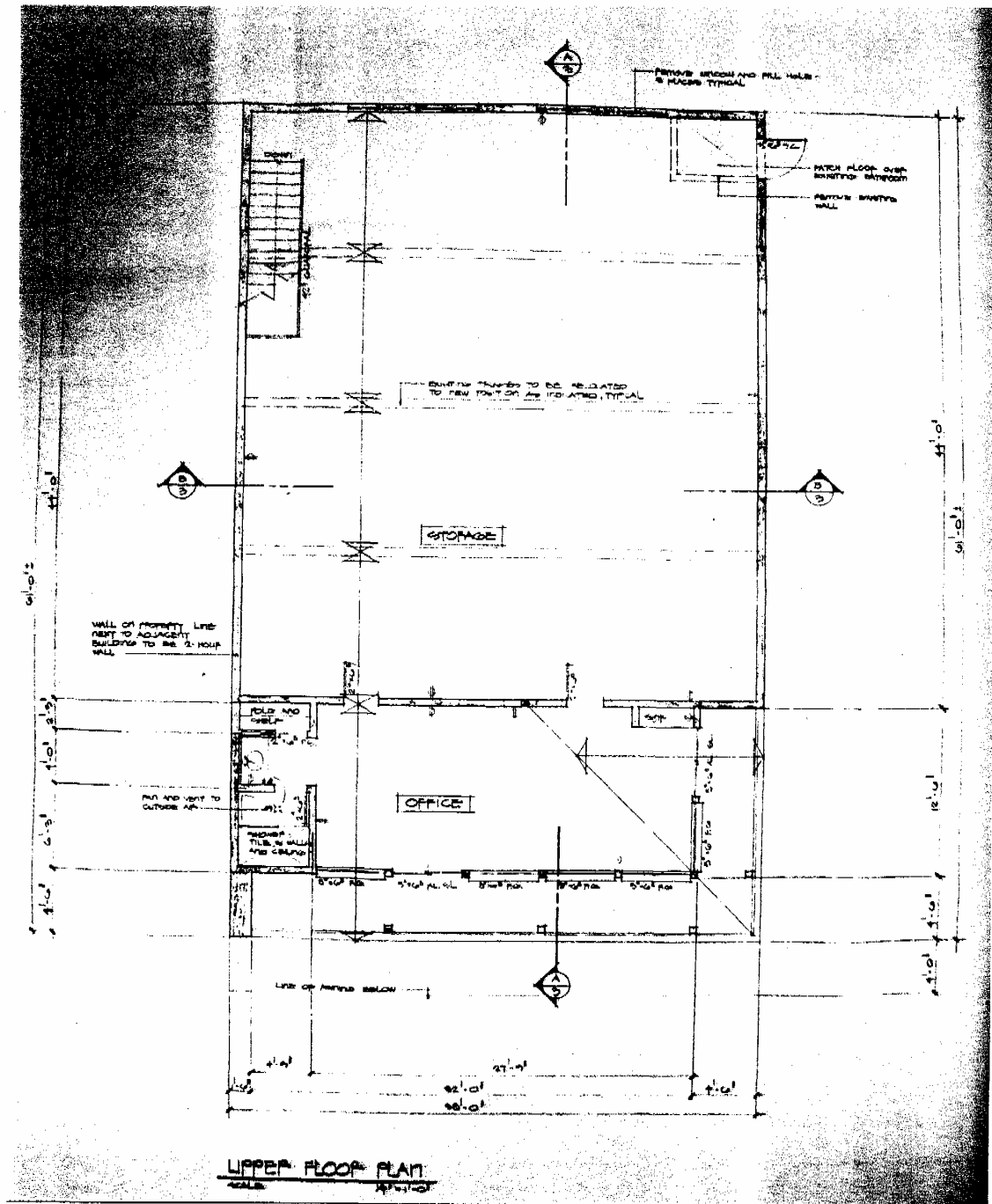
The above eight descriptions of possible violations of the coastal permit, the city building permit, and the wine-tasting use permit complete my complaint on the matter of compliance by 1000 Manhattan Ave with coastal program and city requirements.

**COASTAL COMMISSION**  
5-07-166-AJ

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## Exhibit A: 2nd Floor Plan View in Coastal Permit File

Basis for coastal permit partitioning  
into office-use and storage-use areas





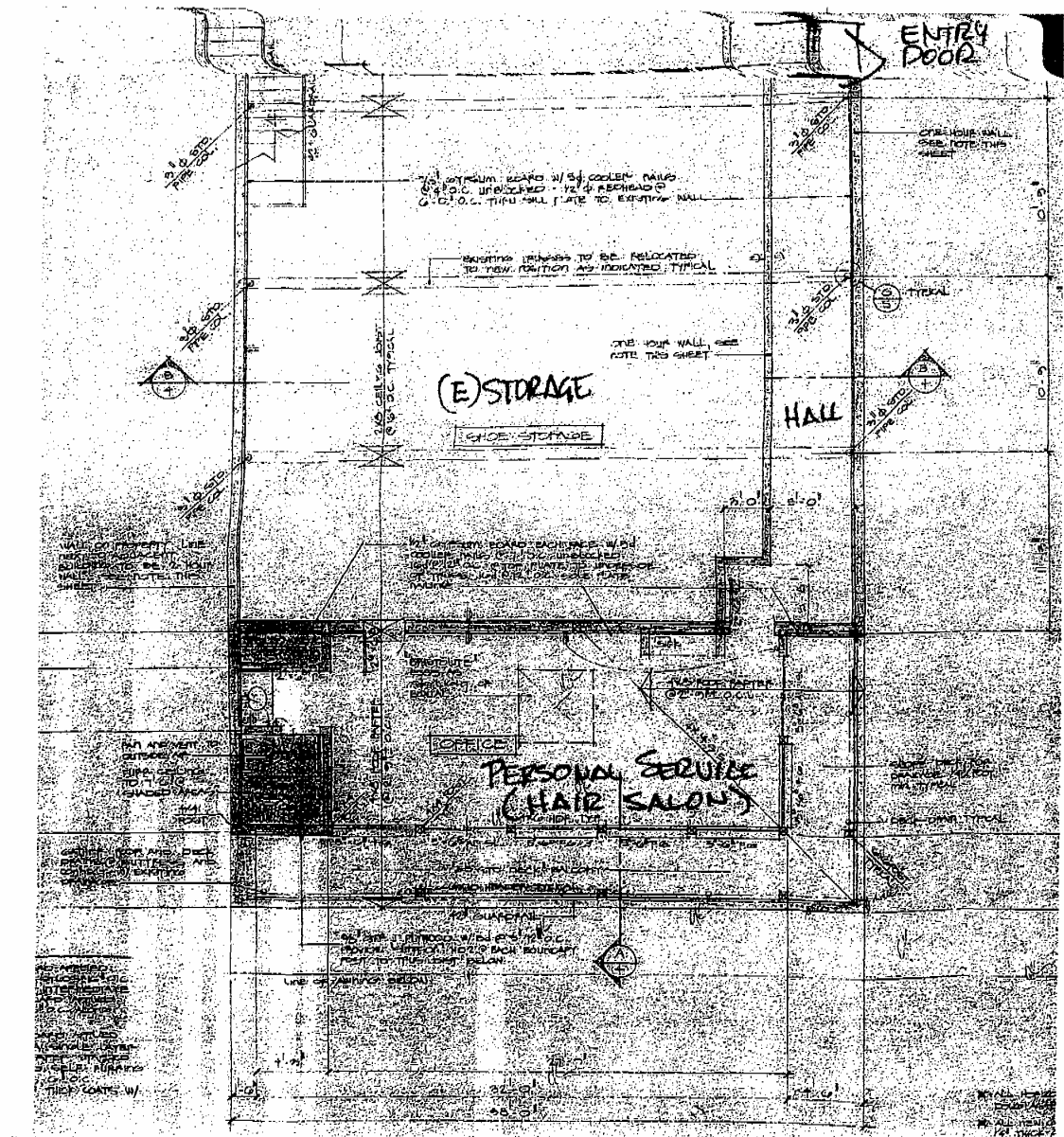
## Exhibit B: City-Permit Top-Floor Plan Noncompliant

Copy from amendment request filed 11-May-07  
at coastal program Long Beach office

Note: Handwritten comments  
added by building owner  
when applying for amendment,  
11-May-07

SECOND FLOOR

1000 MANHATTAN AVE  
MANHATTAN BEACH, CA



# Exhibit C: Possible Encroachment Location

Approximately 250-SF of retail display, reception foyer and adjoining room indicated by black-lined L-shape

Note: Handwritten comments added by building owner when applying for amendment, 11-May-07

SECOND FLOOR  
1000 MANHATTAN AVE  
MANHATTAN BEACH, CA

