



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Aldinger and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Eric Haaland, Associate Planner

**DATE:** December 4, 2007

**SUBJECT:** Consideration of Planning Commission Approval of a Variances, Coastal Development Permits, a Use Permit, and Vesting Tentative Tract Map No. 68805, for a 2-Lot, 5-Unit Condominium Project on the Property Located at 4320 Highland Avenue and 4321 Crest Drive.

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**RECOMMENDATION:**

Staff recommends that the City Council receive and file the decision of the Planning Commission approving the project subject to certain conditions.

**FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

**DISCUSSION:**

The Planning Commission, at its regular meeting of November 14, 2007, **APPROVED** (3-1, 1 abstention) a variance and other entitlements allowing condominium development on a parcel that currently consists of 2 original street-to-alley lots, and would be reconfigured to be 2 corner lots without the required rear alley vehicle access. The resulting sites would have adequate vehicle access for 5 condominium units due to their corner side access and greater than typical lot widths, but the zoning code specifically prohibits condominiums in this situation in Area District IV (El Porto) for no apparent reason. The project would otherwise comply with all applicable zoning regulations.

The Commission found that the proposed condominium development was appropriate for the following additional reasons:

- The steep slope over the non-typical length of the property, and its odd shape cause exceptional development difficulties.
- A lower than permitted density is proposed (9 units permitted).
- Individual condominium unit ownership is desirable.
- The proposal provides an opportunity to replace and add street parking adjacent to the site.

- It is appropriate to allow the same corner lot vehicle access exception in El Porto as provided for the remaining coastal area as previously approved by the City Council.

The Planning Commission received some questions and comments from a project neighbor at the public hearing, and two messages with general concerns for traffic and granting of code exceptions, but felt that the project was appropriate and consistent with recent development in the surrounding area. One Commissioner voted against the project variance feeling that the physical difficulties present on the property were not exceptional.

**ALTERNATIVES:**

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission, and direct that the item be scheduled for a future meeting.

Attachments:

Resolution No. PC 07-16  
P.C. Minutes excerpts, dated 10/24/07 & 11/14/07  
P.C. Staff Reports, dated 10/24/07 & 11/14/07  
Project plans (separate)

cc: Highland Crest LLC, Applicant  
Elizabeth Srour, Applicant Rep.  
Michael Lee, Architect  
Jim Arndt, Public Works Director

**RESOLUTION NO. PC 07-16**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING VARIANCES, COASTAL DEVELOPMENT PERMITS, A USE PERMIT, AND VESTING TENTATIVE TRACT MAP NO. 68805 FOR CONSTRUCTION OF 5 RESIDENTIAL CONDOMINIUM UNITS ON TWO SEPARATE PROPERTIES LOCATED AT 4320 HIGHLAND AVENUE & 4321 CREST DRIVE (Crest Highland 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 October 24, 2007, received testimony, and considered an application for variances, coastal development permits, a use permit, and tentative tract map to allow demolition of a single-family residence for construction of a three-unit condominium project on property located at 4320 Highland Avenue, and a two-unit condominium project on property located at 4321 Crest Drive, in the City of Manhattan Beach.
- B. The existing legal description of the overall site is Lots 1 & 2, Block 13, Tract No. 4103. The proposed legal descriptions are: 4320 Highland Avenue – Lot 2, Tract 68805; 4321 Crest Drive – Lot 1, Tract 68805.
- C. The applicant for both projects is Crest Highland LLC the owner of the property.
- D. The property is located within Area District IV and is zoned RH, High Density Residential. The uses for each lot are permitted by the zoning code, with the exception of the lack of rear vehicle access potential, and are appropriate as conditioned for the high density residential area. The surrounding private land uses consist of residential and El Segundo industrial uses.
- E. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301.
- 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 General Plan designation for the property is High Density Residential. The project is consistent with the General Plan including specific policies including the following:
  - Policy LU-1.2: Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape.
  - Policy LU-2.2: Preserve and encourage private open space on residential lots citywide.
  - Housing Policy 2.1: The City will ensure that new residential development is compatible with surrounding residential development.
  - Housing Policy 3.3: The City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program.
- H. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- I. Approval of the residential condominium projects, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or

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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 since the project is compatible with the surrounding neighborhood and in compliance with all applicable regulations except vehicle access potential, however, adequate access and parking is provided, as detailed in the project staff report.

- J. The projects shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the Manhattan Beach Local Coastal Program.
- K. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- L. The Planning Commission made the following findings with respect to the condominium rear vehicle access Variance applications:
1. The special circumstances applicable to these properties are their steep slopes, odd shape due to Highland Avenue's curvature, large widths, corner locations and lower than typical density compared to the permitted and surrounding El Porto properties.
  2. The relief may be granted without substantial detriment to the public good as: the proposed developments would provide conforming condominium parking with less than typical driveway disruption to abutting streets due to the sites' width and corner side access, the development would conform to all other applicable standards, and the resulting total dwelling density would be lower than the 9 units permitted for this overall property.
  3. Granting the request is consistent with the intent of the zoning code/LCP and will not constitute a grant of special privilege because the project will be able to comply with all other applicable standards, including parking, and will include a lower than permitted density while increasing home ownership opportunities for the area.
- M. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically Policies II. B. 1, 2, & 3, as follows:
- The proposed structures are consistent with the building scale in the coastal zone neighborhood and comply with the applicable standards of the Local Coastal Program-Implementation Plan;
  - The proposed structures are consistent with the residential bulk control as established by the development standards of the Local Coastal Program-Implementation Plan;
  - The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program-Implementation Plan.
- N. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
- Section 30212 (a) (2): The proposed structures do not impact public access to the shoreline, adequate public access is provided and shall be maintained along adjacent streets.
  - Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- O. This Resolution, upon its effectiveness, constitutes the Variance and Coastal Development Permit for the subject two-unit condominium development on Lot 1 of Tract 68805 (4321

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Crest Drive), and the Variance, Use Permit, and Coastal Development Permit for the subject three-unit development on Lot 2 of Tract 68805 (4320 Highland Avenue).

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Variances, Coastal Development Permits, a Use Permit, and Vesting Tentative Tract Map 68805 for 5 condominium units subject to the following conditions (\*indicates a site specific condition):

1. The projects shall be constructed and operated in substantial compliance with the submitted plans as reviewed by the Planning Commission on October 24, 2007.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
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.
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. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. 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.
7. 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.
8. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
9. Water and sewer laterals shall be provided as required by the Director of Public Works. A property line clean out is required for each sewer lateral. Water and sewer line modifications and upgrades within the public right-of-way shall be provided as required by the Public Works Department.
10. 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.
11. 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.
12. Project driveways and other items shall be modified, if necessary, to allow for the provision

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of maximized on-street parking, loading, and traffic conditions.

13. \* The existing 44<sup>th</sup> Street curb shall be relocated by the applicant prior to building final if it is determined by the Community Development and Public Works Departments that new street parking spaces are feasible and appropriate. All improvements and modifications within the public right of way shall be in conformance with Public Works Department requirements.
14. \* On-site guest parking spaces shall be designated and marked as determined to be appropriate by the Community Development Director.
15. Landscaped areas located within the public right of way shall be maintained by the project homeowner's association.
16. The projects shall conform to Section 10.52.110, Residential condominium standards, of the Manhattan Beach Municipal Code.
17. \* The projects' final tract map or a lot line adjustment implementing the property lines proposed for the sites shall be recorded subject to the review and approval of the Community Development Department prior to issuance of building permits.
18. 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. Highland Avenue with 44<sup>th</sup> Street
  - b. Highland Avenue with Shell Street
  - c. Crest Drive with 44<sup>th</sup> Street
  - d. Crest Drive with Shell Street
18. The final tract map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy .
19. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
20. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
21. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
  - a. a completed application and application fee as established by the City's Fee Resolution;
  - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. a copy of the original permit showing that it has not expired.
22. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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23. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.
24. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
25. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
26. These project approvals shall lapse three years after the date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
27. 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.
28. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, 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 November 14, 2007 and that said Resolution was adopted by the following vote:

**AYES: Lesser, Powell,  
Chairman Bohner**  
**NOES: Seville-Jones**  
**ABSTAIN: Schlager**  
**ABSENT: None**

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

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**Sarah Boeschen,**  
Recording Secretary



1 NOES: None  
2 ABSENT: Schlager  
3 ABSTAIN: None  
4

5 Director Thompson explained the 15-day appeal period and stated that the item will be placed on  
6 the City Council's Consent Calendar for their meeting of November 20, 2007.  
7

8 **07/0926.1-2 Consideration of a Use Permit and Coastal Development Permit for**  
9 **Proposed Construction of a New Mixed-Use Building, to Include Three**  
10 **Residential Apartment Units and One Professional Office Suite, at 229 12<sup>th</sup>**  
11 **Street**  
12

13 Director Thompson stated that the item is continued from the meeting of September 26, 2007,  
14 during which the Commission raised a number of issues regarding the proposal. He stated that  
15 staff has not received any revised plans or additional information since the last hearing and is  
16 recommending the item be tabled. He said that the item would be renoticed when it is  
17 rescheduled once further information is received from the applicant.  
18

19 A motion was MADE and SECONDED (Seville-Jones/Lesser) to **TABLE** consideration of a  
20 Use Permit and Coastal Development Permit for Proposed Construction of a New Mixed-Use  
21 Building, to Include Three Residential Apartment Units and One Professional Office Suite, at  
22 229 12<sup>th</sup> Street  
23

24 AYES: Lesser, Powell, Seville-Jones, Chairman Bohner  
25 NOES: None  
26 ABSENT: Schlager  
27 ABSTAIN: None  
28

29 At 8:30, a 10 minute recess was taken.  
30

31 **PUBLIC HEARINGS (NEW)**  
32

33 **07/0926.1-2 Consideration of Variances, Coastal Development Permits, a Use Permit, and**  
34 **Vesting Tentative Tract Map 668805 for a Proposed Two-Lot Five Unit**  
35 **Condominium Project at 4320 Highland Avenue and 4321 Crest Drive**  
36

37 Commissioner Powell indicated that he served on the Cultural Arts Commission with the wife of  
38 the project applicant and is also acquainted with the project architect. He said that he feels he  
39 can be impartial in considering the issue.  
40

41 Associate Planner Haaland summarized the staff report. He indicated that the proposal is to

1 approve condominium development for two reconfigured lots without rear alley access in Area  
2 District IV where such access is required. He said that the project is in compliance with Code  
3 standards other than for providing rear vehicle access. He said that the subject project does  
4 provide adequate access because of the size of the corner site and design of the lots. He stated  
5 that there are some exceptions for corner lots provided in other portions of the City but not for  
6 Area District IV. He commented that a Variance was approved by the Commission for another  
7 project with similar circumstances, and there was support for allowing such an exception in Area  
8 District IV. He said that there is adequate vehicle access to accommodate the required parking  
9 for the development. He stated that the density of the development as proposed is less than  
10 would be allowed for apartment units. He stated that a driveway is proposed on Highland  
11 Avenue at the front of the site which includes street parking, and it is important that street  
12 parking be preserved when possible. He said that at least one parking space would be lost as a  
13 result of the proposal due to the proposed driveway on Highland Avenue, which is appropriately  
14 located as determined by the Traffic Engineer. He stated that the applicant should be required to  
15 preserve the two remaining street parking spaces to the extent possible. He stated that there is an  
16 option of widening the 44<sup>th</sup> Street roadway which appears to allow for some new street parking  
17 where it presently is not permitted.

18  
19 Commissioner Lesser asked regarding the intent of Code Section 10.52.110 which states that all  
20 residential condominiums newly constructed or converted located in Area Districts III and IV  
21 shall have vehicular access from both the front and rear property lines.

22  
23 Associate Planner Haaland indicated that the Code section primarily assumes that standard lots  
24 would be used for condominium projects in the beach area and that the lots need front and rear  
25 access for such development to be viable.

26  
27 In response to a question from Commissioner Powell, Associate Planner Haaland said that the lot  
28 re-configuration is not subject to the current moratorium for lot mergers.

29  
30 Commissioner Seville-Jones asked regarding consideration of the proposed five unit  
31 condominium development as opposed to nine apartment units in terms of the requirements of  
32 the City's Housing Element in allowing renters to have an opportunity to live in the City.

33  
34 Associate Planner Haaland said that the goal of having more owner-occupied properties is  
35 usually in contrast to encouraging rental housing. He said that the Commission has previously  
36 expressed in the past that it is more desirable to have more owner-occupied properties.

37  
38 Director Thompson commented that staff feels that providing opportunities for ownership and  
39 rentals are both important. He said that there is a State requirement that each city provide  
40 additional units to their housing stock regardless if it is rental or ownership. He said that the  
41 subject proposal would increase but not maximize density for the property and would be creating

1 opportunities for ownership which is identified in the Housing Element as being important.

2  
3 Commissioner Seville-Jones said that she is not clear on whether peculiar and exceptional  
4 circumstances can be determined in this case other than possibly the topography of the site.

5  
6 Associate Planner Haaland commented that the applicable section of the Code that is being  
7 considered is related to providing adequate parking access, and the proposal clearly does provide  
8 sufficient access.

9  
10 Commissioner Seville-Jones indicated that the Commission needs to make a finding that there  
11 are peculiar and exceptional circumstances in order to allow an exception to the Code, and she is  
12 not certain of such circumstances for this case that suggest an exception should be granted.

13  
14 Commissioner Lesser said that the Commission is not expressly being asked to evaluate the  
15 Housing Element, and he has a question regarding in what instances it is appropriate for it to be  
16 considered in the Commission making their decisions.

17  
18 Director Thompson pointed out that the Commission has an obligation to make a finding for  
19 each project that it is in conformance with the General Plan, which includes the Housing  
20 Element as one of its chapters.

21  
22 Commissioner Lesser said that a potentially relevant issue in this case is providing rental  
23 property as opposed to ownership, which is difficult in Manhattan Beach where there is less  
24 rental properties because of the fair market value of the land.

25  
26 Director Thompson indicated that the subject proposal for condominium units is not in violation  
27 of the General Plan, and the General Plan does identify goals and policies that are consistent  
28 with encouraging home ownership.

29  
30 **Elizabeth Srour**, representing the applicant, said that the topography of the site makes it  
31 difficult to be developed conventionally, which forms the basis for the Variance application  
32 relating to access onto the site. She stated that they believe the findings can be made for  
33 granting the Variance. She indicated that the proposal meets the goal of providing safe and  
34 adequate vehicular access to each of the units. She said that there is a very steep slope on the  
35 property as well as a cross-slope, which makes the site very difficult to develop in compliance  
36 with the Code requirements. She commented that Highland Avenue curves at the location which  
37 also is a constraint on the development of the property. She pointed out that the proposal is for  
38 a three unit residential condominium project and a two unit condominium project which are each  
39 separate entities. She stated that the proposal meets or exceeds all of the applicable standards for  
40 residential development in the area. She said that the logical use of the property is to reorient the  
41 lots in a north south fashion. She indicated that almost every lot in the El Porto area east of

1 Highland Avenue has been split in half because of the sloping configuration, and the proposal  
2 does not conflict with the surrounding configuration of the lots. She pointed out that no vehicles  
3 would back out onto Highland Avenue. She stated that the proposal would increase public  
4 parking. She commented that one public parking space would be removed from Highland  
5 Avenue as a result of the proposal, but there is potential for it to be relocated on 44<sup>th</sup> Street. She  
6 commented that although the Code requires vehicular access from the front and rear, it does not  
7 stipulate that parking must be provided from the front or rear.

8  
9 **Michael Lee**, the project architect, stated that it is very difficult to design a second story at the  
10 high end of the lot because of the length of the lots and the slope. He said that they are  
11 requesting to reconfigure the lots to more effectively use the natural aspects of the site. He  
12 pointed out that the proposed building would be lower than the existing home on the site. He  
13 indicated that they are not asking for a reduction in any standards. He commented that they are  
14 proposing fewer units than would be permitted, as well as a larger setback on the south side. He  
15 also pointed out that they are proposing two separate structures, and the properties could be  
16 joined and developed with one large single structure. He indicated that the proposal would result  
17 in no cars backing out onto Highland Avenue. He commented that they would also provide up to  
18 three parking spaces on 44<sup>th</sup> Street and are only proposing to eliminate one space on Highland  
19 Avenue.

20  
21 In response to a question from Commissioner Seville-Jones, **Mr. Lee** indicated that the building  
22 would need to be lowered by 5 feet if the Variance were denied, which would not allow for the  
23 second story in the rear. He said that the subject Code requirement for the Variance request does  
24 not take into account the topography of the site.

25  
26 Chairman Bohner opened the public hearing.

27  
28 **Rob Tocarn**, a resident of the 300 block of 44<sup>th</sup> Street, stated that he is also representing his  
29 downstairs neighbor and two other tenants in the area who were unable to attend the meeting.  
30 He asked regarding the difference between merging the lots and the proposed lot reconfiguration.  
31 He commented that the proposal appears to be one large development.

32  
33 Director Thompson said that there are currently two lots which are proposed to be reoriented.  
34 He said that the lots would remain separate after development.

35  
36 **Mr. Tocarn** commented that there are constantly traffic accidents along Highland Avenue at the  
37 subject location, and he hopes that safety is taken into account when considering traffic at the  
38 location and access to the site. He also asked regarding the impact of the height of the proposed  
39 building to the properties on the other side of 44<sup>th</sup> Street. He also asked regarding the required  
40 time for the project to be completed if it is approved.

1 Director Thompson commented that the project is within the height requirements of the Code.  
2 He indicated that projects typically must begin construction within three years of approval, and  
3 there are limitations on the dates which the permits are valid. He commented that typically  
4 projects are completed within 1 ½ to 2 years.

5  
6 Chairman Bohner commented that the owner has an incentive to complete construction in order  
7 to sell the units as soon as possible.

8  
9 **Mr. Tocarn** commented that several properties in the area currently are under construction  
10 which generates a great deal of noise. He indicated that several of the adjacent residents work  
11 from home and have a concern with the noise resulting from ongoing construction.

12  
13 Chairman Bohner closed the public hearing.

14  
15 Commissioner Powell stated that he feels the architecture is outstanding; the project is in  
16 conformity with residential density requirements; the BFA is less than the maximum permitted;  
17 and it conforms to requirements for height, setback and parking. He said that the subject  
18 property has a steep slope from the back to the front of the lot as well as cross sloping, and the  
19 shape of the lot is irregular because of the curve of Highland Avenue. He said that he feels the  
20 design is aesthetically pleasing and does not appear bulky. He stated that up to nine apartment  
21 units could have been built on the site, and the proposal would be an improvement to the current  
22 condition. He commented that the vehicular access that would be provided for the development  
23 would be safer and would not require cars to back out onto Highland Avenue. He said that he is  
24 not certain of the reason for the subject Code section having different requirements for vehicular  
25 access in Area Districts III and IV. He said that when the legislative intent is unclear and the  
26 proposal appears to be the most desirable for the lot, it should not be denied on a technicality.  
27 He commented that a similar Variance request was previously approved. He indicated that the  
28 architectural design is outstanding; great care was taken in being sensitive to the neighborhood;  
29 there are no properties behind the subject site where the views would be impacted; and there was  
30 noticing of the project. He said that he feels the project would be a benefit to the neighborhood,  
31 and he would be in favor of approving the project.

32  
33 Commissioner Lesser indicated that a strong case has been made for granting the Variance. He  
34 said that he is not certain why Area District IV should be treated differently in the Code section  
35 than other areas of the City. He said that he also can make the findings for granting the Variance  
36 request. He stated that the most difficult finding is whether there are special circumstances for  
37 granting of the Variance. He said that the question in this instance is whether there is  
38 exceptional topography on the site, and he can make that determination due to the limitation of  
39 the lot and the lot line patterns. He said that he can support the project and does not feel it would  
40 result in a detriment to the public good. He pointed out that the property could be built out with  
41 up to nine units and is proposed to be developed with five. He said that he also is convinced by

1 the comments of the City's Traffic Engineer regarding the improvement to vehicular access. He  
2 indicated that he also does not feel the project would be granting a special privilege to the  
3 applicant because of the existing lot pattern in the area. He said that he would support the  
4 proposal.

5  
6 Commissioner Seville-Jones said that she feels the project is well designed but cannot make the  
7 finding for peculiar and exceptional difficulty. She indicated that she understands all of the  
8 arguments regarding the advantages of the proposed design, but she does not feel she can make  
9 the finding for peculiar and exceptional circumstances in applying the standard that is before the  
10 Commission. She commented that there are other lots in the area that have been developed. She  
11 stated that the fact that the design of the project is beautiful does not necessarily mean that other  
12 attractive designs could not be done. She said that if the difficulty for approving the project is  
13 because of a Code section that is felt should not apply, then the issue of whether or not the Code  
14 section should apply needs to be addressed rather than using a Variance.

15  
16 Chairman Bohner said that he supports the project and can make the required findings to support  
17 the Variance request. He stated that strict application of the Code would greatly impact the  
18 development of the lot because of its slope and because of the curvature of Highland Avenue.  
19 He said that he feels the topography of the site is exceptional and constitutes a peculiar and  
20 exceptional difficulty and an undue hardship on the use of the property. He said that he does not  
21 feel the proposal would conflict with surrounding configurations of other projects and feels relief  
22 may be granted without substantial detriment to the public good. He stated that he does not feel  
23 granting the application would grant a special privilege inconsistent with limitations on other  
24 properties within the City. He commented that he is in favor of granting the Variance.

25  
26 A motion was MADE and SECONDED (Lesser/Powell) to direct staff to prepare a draft  
27 Resolution to **APPROVE** Variances, Coastal Development Permits, a Use Permit, and Vesting  
28 Tentative Tract Map 668805 for a Proposed Two-Lot Five Unit Condominium Project at 4320  
29 Highland Avenue and 4321 Crest Drive

30  
31 AYES: Lesser, Powell, Chairman Bohner  
32 NOES: Seville-Jones  
33 ABSENT: Schlager  
34 ABSTAIN: None

35  
36 **BUSINESS ITEMS**

37  
38 **A. Appeal of an Administrative Decision Denying a Driveway Vehicular Turntable for**  
39 **a New Duplex Development at 729 Manhattan Beach Boulevard**

40  
41 Assistant Planner Danna summarized the staff report. He indicated that the proposed design

1 **AUDIENCE PARTICIPATION** None

2  
3 **BUSINESS ITEMS**

4  
5 **A. Adopt Resolution of Approval for Variances, Coastal Development Permits, a Use**  
6 **Permit and Vesting Tentative Tract Map 68805 for a Proposed Two-Lot, Five Unit**  
7 **Condominium Project at 4320 Highland Avenue and 4321 Crest Drive (Continued**  
8 **from October 24, 2007)**

9  
10 Director Thompson said that a hearing was previously held regarding the item, and staff was  
11 directed to prepare a draft Resolution memorializing the decision of the Commission to approve  
12 the project. He indicated that the proposed Resolution is attached.

13  
14 Commissioner Powell suggested that one of the two commas be removed after the words  
15 “October 24” on page 1, section 1(a) line 2 of the draft Resolution. He suggested that page 2,  
16 item L-1 of the draft Resolution be revised to read: “The special circumstances applicable to  
17 these properties are their steep slopes, large widths, corner locations, ~~and~~ lower than typical  
18 density compared to the permitted and surrounding El Porto properties, and the irregular lot  
19 shape due to the curvature of Highland Avenue.”

20  
21 A motion was MADE and SECONDED (Lesser/Powell) to Adopt Resolution of Approval for  
22 Variances, Coastal Development Permits, a Use Permit and Vesting Tentative Tract Map 68805  
23 for a proposed two-lot, five unit condominium project at 4320 Highland Avenue and 4321 Crest  
24 Drive, as amended.

25  
26 AYES: Lesser, Powell, Chairman Bohner  
27 NOES: Seville-Jones  
28 ABSENT: None  
29 ABSTAIN: Commissioner Schlager

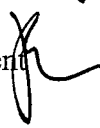
30  
31 **PUBLIC HEARINGS**


32  
33 **07/0725.4-3-2-1 Consideration of City Council 2005-2007 Work Plan Item to Address**  
34 **Mansionization in Residential Zones: 1) Increase Open Space and**  
35 **Setbacks; 2) Limit Lot Mergers; 3) Encourage the Retention of**  
36 **Existing Smaller Homes; 4) Allow Accessory Use of Adjacent**  
37 **Common Ownership Lots**

38  
39 Senior Planner Jester summarized the staff report. She said that staff is recommending that the  
40 front open space setback requirement be reduced from 8 percent to 6 percent for interior lots and  
41 remain at 8 percent for corner lots. She said that many architects and designers gave compelling

**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
MEMORANDUM**

**TO:** Planning Commission

**FROM:** Richard Thompson, Director of Community Development 

**BY:** Eric Haaland, Associate Planner 

**DATE:** October 24, 2007

**SUBJECT:** Consideration of Variances, Coastal Development Permits, a Use Permit, and Vesting Tentative Tract Map No. 68805, for a 2-Lot, 5-Unit Condominium Project on the Property Located at 4320 Highland Avenue and 4321 Crest Drive. (Crest Highland LLC)

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **DIRECT** staff as determined to be appropriate.

**APPLICANT/OWNER**

Crest Highland LLC  
431 E. Grand  
El Segundo, CA 90245

**BACKGROUND**

The subject site presently consists of a single-family residence located at the rear of a site comprised of two large original lots, both fronting on Highland Avenue. The submitted proposal is to demolish the existing residence, reconfigure the existing lots (one to front on Highland, one to front on 44<sup>th</sup> Street), construct 3 condominium units on the front lot, and construct 2 condominium units on the rear lot. The two resulting corner-lot developments would have front and side street vehicle access, but no rear vehicle access, which the zoning code requires for condominium development at this location. This lack of rear vehicle access requires Planning Commission approval of a variance for each proposed lot. Coastal development permits are required for each lot since they are located within the coastal zone (non-appealable portion). A use permit is required for the Highland Avenue lot since it includes more than 2 condominium units. A tentative tract map is required for the overall subdivision.



## PROJECT OVERVIEW

### LOCATION

Location	4320 Highland Ave. & 4321 Crest Dr. on the south side of 44 <sup>th</sup> St. (See Site Location Map).
Legal Description	Lots 14, 15 & 16, Block 16, Peck's Manhattan Beach Tract.
Area District	IV

### LAND USE

General Plan Zoning	High Density Residential RH, High Density Residential	
Land Use	Existing 1,728 sq. ft. single family residence	Proposed Highland parcel – 7,578 square foot residential building w 3 condo. Units Crest parcel – 4,113 square foot residential building w/ 2 condo. units
Neighboring Zoning/Land Uses	North (across 44 <sup>th</sup> St.) South East (across Crest Dr.) West (across Highland Av.)	RH/apartments & SFR RH/ apartments El Segundo/Refinery RH/apts & condos

### PROJECT DETAILS

#### Highland Parcel (Lot 2)

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	4,750 sq. ft. (60'x 0')	2,700 sq. ft. min
Residential Density:	1 unit / 1,583 sq. ft. lot area	1 unit / 850 sq. ft. lot area (5 units total) max.
Building Floor Area:	7,578 sq. ft.	8,075sq. ft. max
Height	30 ft.	30 ft. max.
Setbacks		
Front	5 ft.	5 ft.
Rear	5 ft.	5 ft.
Corner side	ft.	1 ft.
Interior side	5 ft.	5 ft.
Parking:	9 spaces	Front & rear access potential
Vehicle Access	1 Highland driveway 1 44 <sup>th</sup> St. dwy.	N/A

**Crest Parcel (Lot 1)**

	<u>Proposed (and existing)</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	3,267 sq. ft.	2,700 sq. ft. min
Density:	1 unit / 1,633.5sq. ft. lot area	1 unit / 850 sq. ft. lot area (3 units total) max.
Building Floor Area:	4,113 sq. ft.	5,553 sq. ft. max
Height	30 ft.	30 ft. max.
Setbacks		
Front	5 ft.	5 ft.
Rear	5 ft.	5 ft.
Sides	5 ft.	5 ft.
Vehicle Access	1 44 <sup>th</sup> St. dwy.	Front & rear access potential

**DISCUSSION**

The submitted plans show 2 original 30-foot wide beach area lots to be realigned into one 60-foot wide corner site fronting on Highland Avenue, and one 54-foot wide corner site fronting on 44<sup>th</sup> Street. The Highland site would be developed with a 7,578 square foot 3-story building with 3 condominium units. Pedestrian and vehicular access would be taken from both Highland Avenue and 44<sup>th</sup> Street. The easterly site would be developed with a 4,113 square foot 3-story building with 2 condominium units. Its vehicle access would be taken from 44<sup>th</sup> Street and pedestrian access would be taken from Crest Drive.

The proposed development would replace the existing single-family residence occupying the largely vacant 2-lot site. The overall site is characterized by its steep slope along its larger than typical length (138 feet). A maximum of 9 residential units are permitted on the property. The proposed condominiums are similar to those of the surrounding residential areas with parking at the ground level, and indoor and outdoor living area above the parking.

The project conforms to the city's requirements for use, height, floor area, setbacks, parking, landscaping, and open space. The city's traffic engineer has reviewed the project's parking and circulation, and found it to be appropriate. The project issues that warrant discussion include the following: lot configuration, vehicle access, and street parking.

**Lot Configuration:**

The proposed re-subdivision essentially changes 2 long narrow side-by-side lots to be wider lots that are located one-behind-the-other with respect to Highland Avenue. The re-configuration results in better driveway efficiency and more design flexibility for development. The greatest benefit to design flexibility is probably the larger height limit elevation provided to the easterly portion of the property. The more than 25 feet of fall in the existing lots results in a height limit allowing less than 2 stories above Crest Drive at

the rear. Since the lowest corners of the proposed Crest Drive lot would be substantially higher than the current lot corners on Highland Avenue, the project would easily achieve 2 stories of living area above grade at the easterly end. The proposed Highland Avenue lot would have a lower height limit than the existing lots due to its upper corners being lower than Crest Drive.

The proposed lot configuration appears to be appropriate since it reduces potential driveway presence on Highland Avenue, encourages less awkward/narrow design, and results in height limits compatible with the surrounding area. Most surrounding lots have also been subdivided to have shorter downslopes, and no residential properties occur east of the site where view obstruction would be most sensitive. The proposed Highland Avenue lot is larger than typical beach area lots, and the existing subject lots, but is well under the 7,000 square foot area currently being considered by the city as a maximum lot size.

#### Vehicle Access:

The proposed lot configuration discussed above does require variance approval specifically for condominium development. A variance would not be required if the same project were proposed as apartment units. Section 10.52.110 (attached) of the zoning code specifies condominium development vehicular access requirements. Condominium sites in the beach area (Area Districts III & IV) generally require access at both the front and rear. Typical beach area lots need this access to comply with the higher guest parking requirement for condominiums (1 space per unit); however, a number of non-typical situations occur that are addressed by the code as follows:

**Strand Lots** – Lots fronting on the Strand (walk street) have no front vehicular access but are permitted for condominiums through two exceptions. They are exempted from the front access requirement by Section 10.52.110(A)(1)(a), and also allowed to have guest parking spaces in tandem by Section 10.64.030. The tandem allowance for guest parking is not allowed anywhere but The Strand. The reason for these exceptions may be that the Strand has a more public character than other locations where communication and cooperation between unit owners/guests may be more common.

**Drive Street Corner Lots in Area District III** – Exception (b) allows non-walk street lots with corner side access to have condominium development since front and side access should be adequate for the required parking. This exception would make the subject project eligible for condominiums, however, it specifically states “**This exception does not apply in area district IV**”. No reason is given for the disallowance of El Porto from this exception, however, it may be due the area’s historic greater intensity or prevalence of rental housing compared to area district III, including the allowance/prevalence of duplexes on “half-lots”.

**Walk Street Corner Lots Zoned RH** – Exception (c) allows corner lots that front on walk streets to be developed with a maximum of 2 condominiums only if they are zoned High Density Residential. In these cases the corner side street again provides adequate parking

access, however, the RM (medium density) lots are not eligible for the exception. It appears that the intention here is to encourage lower intensity by allowing only 2 condominiums where 3 units would otherwise be permitted.

The submitted plans demonstrate that the proposed lots do have adequate vehicle access to comply with condominium parking requirements due to their corner locations; however, the code specifically prohibits condominiums in this situation. The Planning Commission recently approved a similar variance request in this area for a 2-unit condominium project on an existing single parcel, and expressed an interest in removing this El Porto restriction.

In order to grant the variance request, Section 10.84.060(B) of the zoning code requires that the Planning Commission must make required findings as follows:

1. Because of special circumstances or conditions applicable to the subject property, including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions, strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property.
2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.
3. Granting the application is consistent with the purposes of this title and will not constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.

#### Street Parking:

The proposed project includes one driveway on Highland Avenue, where the only abutting street parking exists. It appears that at least one street parking space would be lost as a result of the project, which is common for condominium projects. It does appear, however, that an opportunity may exist for provision of some new street parking on 44<sup>th</sup> Street abutting the project. Preliminary information indicates that relocation of the existing curb may be feasible, which may allow for some parallel parking on the south side of 44<sup>th</sup> Street. Staff suggests that approval of the project include a condition requiring such street improvements if added street parking is determined to be appropriate.

#### Public Input:

A public notice for the project was mailed to property owners within 500 feet, and tenants within 100 feet, of the site. Staff has received a few inquiries from the project hearing notice, and the attached written response opposing the application. This neighbor expresses opposition to the granting of any code exceptions.

## ENVIRONMENTAL DETERMINATION

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301.

## CONCLUSION

Staff recommends that the Planning Commission accept public hearing testimony, discuss the project issues, and direct staff as determined to be appropriate. If the Planning Commission decides to approve the project as submitted, the following special conditions of approval should be considered for inclusion in subsequent resolutions:

- Limit the size and location of the Highland Avenue driveway in order to minimize loss of street parking.
- Require relocation of the 44<sup>th</sup> Street curb line if additional street parking is determined to be feasible and appropriate.
- Guest parking spaces shall be marked as determined to be appropriate by the Community Development Director.

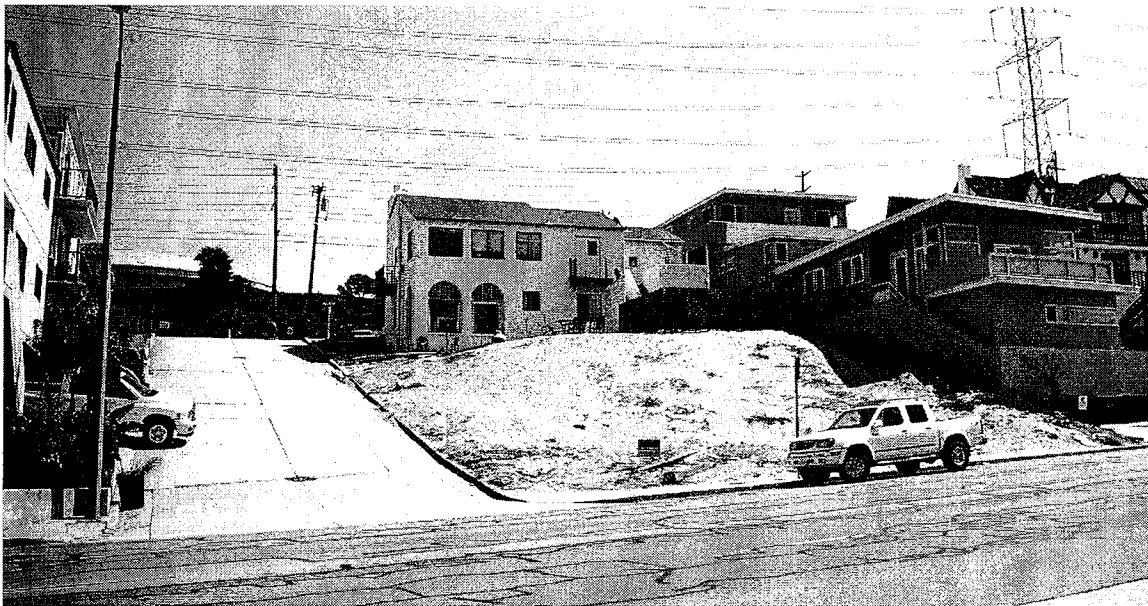
### Attachments:

- A. Location Map/Photos
- B. Zoning Code excerpt
- C. Applicant description
- E. Neighbor letter
- Plans (separate - NAE)

(NAE = not available electronically)

c: Highland Crest LLC, Applicant  
Elizabeth Srour, Applicant Rep.  
Michael Lee, Architect  
Jim Arndt, Public Works Director

# 4320 Highland Ave./4321 Crest Dr. Vicinity



## Manhattan Beach Municipal Code

- i. The floor must be no higher than twenty inches (20") above the exterior finished grade; and
- j. Required enclosed parking shall be compatible with the manufactured home design and with other buildings in the area.

D. **Cancellation of State Registration.** Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured house, the owner shall provide to the Community Development Director satisfactory evidence showing: that the state registration of the manufactured house has been or will, with certainty, be canceled; if the manufactured house is new and has never been registered with the state, the owner shall provide the Community Development Director with a statement to that effect from the dealer selling the home.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

### Section 10.52.110 Residential condominium standards.

#### A. Eligibility Requirements.

1. All residential condominiums (new construction or conversion) located in area districts III and IV shall have vehicular access from both the front and the rear property lines from dedicated streets or alleys improved and open to vehicular use.
  - a. **Exception.** Properties on the Strand.
  - b. **Exception.** Where a building site (consisting of a lot or portions of a lot) exists on March 9, 1989, and (1) neither the front nor the rear of the site is adjacent to a "walk street" and (2) the building site has access from two or more property lines from dedicated public streets or alleys improved and open to vehicular use. The building site shall be deemed to be a condominium site. This exception does not apply in area district IV.
  - c. **Exception.** Where a building site is zoned RH is adjacent to a "walk street" and has vehicular access from two (2) or more property lines from dedicated street or alleys improved and open to vehicular use, said building site shall be deemed to be a condominium site, with a maximum of two (2) dwelling units.

B. The following standards shall apply to construction of new condominiums; condominium conversion standards are prescribed by Chapter 10.88.

1. Sound attenuation for all common wall assemblies, and floor-to-ceiling assemblies which separate units from each other or from common areas within the building such as hallways, corridors, laundry rooms, recreation rooms or garage and storage areas, shall be required for both airborne sound and impact sound.

All such common wall assemblies shall provide an airborne sound insulation equal to that required to meet a sound transmission class (STC) of fifty-five (55) for wall assemblies, fifty (50) if field tested, as defined in the Uniform Building Code standards.

Dwelling unit entrance including perimeter seals shall meet a sound transmission class (STC) of thirty-three (33).

2. Additional requirements for sound alteration as follows:
  - a. No exhaust fans or vent pipes shall serve more than one (1) dwelling unit.
  - b. All water pipes to sinks and laundry facilities shall be installed with sound deadening materials to prevent the transfer of noise.
  - c. All voids around pipes shall be packed with rock wool or equivalent sound-deadening material, and all pipes shall be wrapped at all points of contact with any wood or steel members, and strap hangers.
  - d. No plumbing vents or similar equipment shall be placed back to back between separate dwelling units.

## Manhattan Beach Municipal Code

3. All floor-to-ceiling assemblies between separate dwelling units or common areas shall provide airborne sound insulation equal to that required to meet a sound transmission class (STC) of fifty (50), forty-five (45) if field tested, as defined in the Uniform Building Code standards.
4. All floor-to-ceiling assemblies between separate dwelling units or common areas shall provide impact sound insulation equal to that required to meet an impact insulation class (IIC) of sixty (60), fifty-five (55) if field tested, as defined in the Uniform Building Code standards.
5. All residential condominiums consisting of two (2) units on a single lot which is to be owned in common shall be developed with units which are approximately equal in size and age. In no case shall the difference in enclosed floor space used for living purposes be assigned to one (1) unit which is more than fifty-five percent (55%) of the total floor space assigned for both units, unless the smaller of the two (2) units exceeds one thousand eight hundred (1,800) square feet.
6. All residential condominiums shall have separate electrical and water meters and early warning fire detection systems.
7. A least one hundred fifty (150) cubic feet of enclosed storage space shall be provided in the garage, or outside area if architecturally screened, for each unit.
8. Where laundry rooms, water heaters, and/or, dishwashers are unequipped to prevent leakage above neighboring units or above other residential floors below "drip pans," or other devices, shall be provided.
9. All new buildings shall conform to Title 24 of the California Code of Regulations requiring compliance with the state energy regulations.
10. Enclosed trash areas shall be provided.
11. All utilities serving the site shall be undergrounded consistent with the provisions and exceptions provided in Section 9.12.050, Services undergrounding of this Code.
12. The title sheet and condominium owner's agreement shall state that:
  - a. Any future construction of living space or reconstruction of the building shall require review and approval of a use permit; and
  - b. The unit ownership is an "intangible portion of multiple residential property" and "ownership of a unit does not parallel or emulate ownership of single-family property or use..."
13. The condominium owners' association shall provide the opportunity for annual review and inspection of the building and the interior of individual units.
14. Building exteriors and common areas shall be maintained in the absence of an individual owner's agreement.
15. All common areas including, but not limited to, exterior portions of buildings, structures, utilities, yards, driveways, open space, etc., shall be under common ownership of all owners of condominium units.
16. All title conditions, covenants, and restrictions (CC&Rs), in form and content, and any revisions thereto shall, if required by the project use permit, be subject to approval of the City Attorney.
17. Two (2) off-street parking spaces and one (1) guest space shall be provided, consistent with Section 10.64.030.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 2014, eff. July 6, 2000)

### **10.52.120 Tree Preservation and Restoration in Residential Zones Area Districts I and II**

- "A. **Purpose.** Tree preservation is necessary for the health and welfare of the citizens of the



STATEMENT OF FACTS RELATING TO VARIANCE APPLICATION, LOT REALIGNMENT  
OF TWO ADJACENT LOTS, and VTTM for a TWO LOT SUBDIVISION  
4321 – CREST DRIVE  
October 2007

The subject site consists of two originally subdivided 4008.5 sf lots that are presently oriented in an east-west configuration, located at the southeast corner of Highland Avenue and 44<sup>th</sup> Street. The property has vehicular access from three public streets: Highland Avenue, 44<sup>th</sup> Street and Crest Drive. The site is located in Area District IV and zoned RH which would allow a total density of 9 units if it were developed as a single site or 8 units if each lot were developed separately. A total of 5 units is proposed for the entire site. The subject site is characterized by very challenging constraints including:

- ◆ *West to east upward slope ranging from 26.6' to 29.9'*
- ◆ *Cross-slope of almost 30' from NW to SE*
- ◆ *Extreme topography & irregular shape influenced by the curvature of Highland Avenue that exert punitive constraints, including severe height issues, never intended by Code standards*
- ◆ *Lot depth ranging from 128.78' on the south to 138.89' on the north*
- ◆ *Location on Highland Avenue which, although not a public highway, is a major north-south artery for local and beach cities traffic further compounded by the street curve*

The purpose of the Coastal Permit and vesting map is to allow the property owner to construct a two unit condominium and a separate three unit condominium COMPLIANT IN ALL RESPECTS WITH ZONING STANDARDS, COASTAL STANDARDS AND BUILDING CODE STANDARDS WITH THE EXCEPTION OF LOCATION OF VEHICULAR ACCESS ONTO EACH RESPECTIVE LOT. The proposal would re-orient the two lots to a north-south orientation, each with access from two separate drive-through streets, and the realigned lots will also be in full compliance with all applicable standards, including lot area and street frontage. As proposed, the new development will require a variance for garage access for each of the two condominium projects as parking is derived from the front and the side of each lot, rather than the front and rear. Although the condominium standards allow this specific configuration throughout Area District III, the Code Standard does not apply to Area District IV. The proposed driveway access and parking plan in fact meet with the intent of the Code to provide adequate parking, to distribute parking among the individual units, to provide safe ingress and egress, and to develop a plan that minimizes impact on adjacent streets. **THERE WILL BE NO REDUCTION IN PARKING – ALL UNITS WILL HAVE AN ENCLOSED 2-CAR GARAGE AND AN OPEN & ACCESSIBLE GUEST PARKING SPACE.**

The proposed site development allows the owner to derive reasonable use in a very unique situation. Owner occupied use of the property is highly desirable for the community and except for the unique characteristics and topography, condominium development would be an easy option. The proposed site development does not require that the intent and goals of the Code be set aside – rather the request is to allow these same goals to be met in manner that does not conflict with the Code or with the surrounding neighborhood.

**THE PROPOSED DEVELOPMENT RESULTS IN MANY BENEFITS TO THE COMMUNITY:**

- ◆ *Reduced density – a total of 9 units permitted by Code, 5 units proposed*
- ◆ *Fewer owner occupied homes as opposed to multi-unit apartment building*
- ◆ *A parking plan that enhances access & relationship to surrounding streets*
  - *Parking garages that are contained within the site thus eliminating multiple curb cuts and a wall of garages facing the street*
  - *Elimination of 1 parking space on Highland, where on-street parking is rather perilous because of the curvature of Highland and the level and speed of commuter traffic*
  - *Widening the south side of 44<sup>th</sup> St. adjacent to the project to allow the addition of three new public parking spaces*
- ◆ *Design options resulting from the realignment include:*
  - *Separate buildings that are well articulated and break up & distribute building mass*
  - *Creative elevations that enhance the residential character of the neighborhood*

The Zoning Code recognizes that there are unique situations in which strict application of standards does not necessarily benefit the community and, in fact, places an unfair and unnecessary burden on the property owner. In this situation, strict application with regard to access is detrimental to the livability of the site and thus deprives the owner of the same opportunities enjoyed by others in the community. The proposed alternative is a reasonable use of the property and basically complies with all development standards. The solution poses a reasonable balance between strict interpretation of the Code and the reality of an atypical setting.

Granting of the requested variance will not in any way confer special privileges inconsistent with the limitations placed in other situations in the community as the basic requirement for adequate and safe ingress and egress is met, and the plan incorporates all required parking in a manner that has been reviewed and approved in other condominium development. The project complies with all other applicable standards.

This particular physical setting is an excellent example for consideration of the variance procedure and provides sufficient grounds for approval of the project as proposed.

1. Special circumstances relate to the extreme topography, irregular shape of the lot and curvature of the street. The shape of the site is peculiar to this situation and is not representative of the general nature or configuration of other properties in the area, or even throughout the beach area. Because of this atypical shape of the property, the owner is being held to a standard that results in a very restrictive use of the property and denies the owner the opportunity to derive a reasonable use of his property.

2. Public good - The requested interpretation is not a material change to the Code as the development will in fact meet the intention of the condominium ordinance, in that all required parking is provided, access is safe and relates well to existing streets and traffic patterns, and parking is property distributed among the respective units. The proposed development benefits the immediate neighborhood and the community at large in that:

*Reduced number of residential units & increased opportunities for home ownership*  
*Permanent residency as opposed to a more "transient" occupancy typically associated with multi-residential apartment buildings*  
*Reduced number of potential curb cuts*  
*Widening of 44<sup>th</sup> St. and provision of additional public, on-street parking spaces*  
*Reduced building mass with separation of buildings and well articulated elevations*

3. Consistency with title – The requested interpretation does not compromise standards that exist to protect neighborhood safety and promote a residential environment providing all amenities anticipated by the condominium and residential standards and that is compatible with the surrounding community.

IN ADDITION, THE PROJECT WILL NOT CONFER ANY SPECIAL PRIVILEGES INCONSISTENT WITH LIMITATIONS AND STANDARDS AFFECTING OTHER PROPERTIES IN THE VICINITY BECAUSE THE BASIC REQUIREMENT FOR PARKING AND ACCESS ARE MET AND THE DEVELOPMENT MEETS ALL OTHER APPLICABLE STANDARDS.

In conclusion, the proposed development is well within the spirit and application of guidelines and standards set forth by the Zoning Code and the Local Coastal Program. The **REDUCED DENSITY** and **INCREASED ON-STREET PARKING** are a major benefit for the neighborhood, and the opportunity for home ownership will be a long term asset for the community. As previously stated, the project complies with all applicable standards, except location of driveway, and the proposed plan and unique circumstances provide substantial grounds for approval of the variance.

**Eric Haaland**

---

**From:** martaesq@yahoo.com  
**Sent:** Sunday, October 14, 2007 10:02 AM  
**To:** Eric Haaland  
**Subject:** Project at 4321 Crest Dr. and 4320 Highland Ave.

Dear Mr. Haaland:

I am in receipt of the Notice to re-orient the two (2) existing lots referenced above. Please accept this correspondence as my objection to the proposed re-orientation into lots greater than standard width and without the required front and rear vehicle access. The local government and voters have put into place certain minimum statutory codes and requirements for any construction. There are no circumstances present that would merit any exception to these requirements.

As you well know, the northern section of Manhattan Beach, commonly known as El Porto is a densely populated and highly impacted community. It is easily the most dense section of Manhattan Beach with the least amount of available resident parking. By permitting construction that exceeds established standards annuls any and all enacted statutes established by our local government and the voters to manage population density. Any construction contrary to statutory requirements add to our already dense community.

Moreover, the whole purpose of the construction requirements are further annulled by permitting construction without the *required* vehicle access. Again, El Porto is a highly dense community. Any and all parking and vehicle access to properties is at a premium. Any exceptions would potentially interfere with access to neighboring properties, which are built to the established construction requirements. There is no reason for permitting any exceptions to the established rule.

Our local government and the voters have enacted certain minimum standards for density and parking control for *everyone* to follow. Any such codes and standards must be uniformly applied. No circumstances, exigent or otherwise, exist in this matter to permit any exception to the established rules. Any and all construction above and beyond established codes is to the ultimate harm of the surrounding community. Therefore, no such exceptions should be applied. Any and all construction at the above-referenced property should be to standard width, not greater, and with the required front and rear vehicle access.

Very Truly Yours,  
Marta C. Allen  
(310) 795-5499  
200 Shell Street

---

Boardwalk for \$500? In 2007? Ha!  
[Play Monopoly Here and Now](#) (it's updated for today's economy) at Yahoo! Games.

10/15/2007



**`CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
MEMORANDUM**

**TO:** Planning Commission

**FROM:** Richard Thompson, Director of Community Development

**BY:** Eric Haaland, Associate Planner

**DATE:** November 14, 2007

**SUBJECT:** Consideration of a Resolution Approving Variances, Coastal Development Permits, a Use Permit, and Vesting Tentative Tract Map No. 68805, for a 2-Lot, 5-Unit Condominium Project on the Property Located at 4320 Highland Avenue and 4321 Crest Drive. (Crest Highland LLC)

**RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** the project by adopting the attached Resolution.

**APPLICANT/OWNER**

Crest Highland LLC  
431 E. Grand  
El Segundo, CA 90245

**DISCUSSION**

The Planning Commission, at its regular meeting on October 24, 2007, conducted a public hearing for the subject project and voted to approve the proposed applications, and directed staff to return with a resolution of approval. Staff recommends that the Commission adopt the attached resolution. Absent any appeals, the applicant will proceed with the project by submitting administrative applications for a final tract map and building permits.

Attachments:

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c: Highland Crest LLC, Applicant  
Elizabeth Srour, Applicant Rep.  
Michael Lee, Architect

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**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING VARIANCES, COASTAL DEVELOPMENT PERMITS, A USE PERMIT, AND VESTING TENTATIVE PARCEL MAP NO. 68805 FOR CONSTRUCTION OF 5 RESIDENTIAL CONDOMINIUM UNITS ON TWO SEPARATE PROPERTIES LOCATED AT 4320 HIGHLAND AVENUE & 4321 CREST DRIVE (Crest Highland 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 October 24,, 2007, received testimony, and considered an application for variances, coastal development permits, a use permit, and tentative tract map to allow demolition of a single-family residence for construction of a three-unit condominium project on property located at 4320 Highland Avenue, and a two-unit condominium project on property located at 4321 Crest Drive, in the City of Manhattan Beach.
- B. The existing legal description of the overall site is Lots 1 & 2, Block 13, Tract No. 4103. The proposed legal descriptions are: 4320 Highland Avenue – Lot 2, Tract 68805; 4321 Crest Drive – Lot 1, Tract 68805.
- C. The applicant for both projects is Crest Highland LLC the owner of the property.
- D. The property is located within Area District IV and is zoned RH, High Density Residential. The uses for each lot are permitted by the zoning code, with the exception of the lack of rear vehicle access potential, and are appropriate as conditioned for the high density residential area. The surrounding private land uses consist of residential and El Segundo industrial uses.
- E. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301.
- 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 General Plan designation for the property is High Density Residential. The project is consistent with the General Plan including specific policies including the following:

Policy LU-1.2: Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape.

Policy LU-2.2: Preserve and encourage private open space on residential lots citywide.

Housing Policy 2.1: The City will ensure that new residential development is compatible with surrounding residential development.

Housing Policy 3.3: The City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program.
- H. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- I. Approval of the residential condominium projects, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or

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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 since the project is compatible with the surrounding neighborhood and in compliance with all applicable regulations except vehicle access potential, however, adequate access and parking is provided, as detailed in the project staff report.

- J. The projects shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the Manhattan Beach Local Coastal Program.
- K. The project will not create adverse impacts on, nor be adversely impacted by, the surrounding area, or create demands exceeding the capacity of public services and facilities.
- L. The Planning Commission made the following findings with respect to the condominium rear vehicle access Variance applications:
1. The special circumstances applicable to these properties are their steep slopes, large widths, corner locations and lower than typical density compared to the permitted and surrounding El Porto properties.
  2. The relief may be granted without substantial detriment to the public good as: the proposed developments would provide conforming condominium parking with less than typical driveway disruption to abutting streets due to the sites' width and corner side access, the development would conform to all other applicable standards, and the resulting total dwelling density would be lower than the 9 units permitted for this overall property.
  3. Granting the request is consistent with the intent of the zoning code/LCP and will not constitute a grant of special privilege because the project will be able to comply with all other applicable standards, including parking, and will include a lower than permitted density while increasing home ownership opportunities for the area.
- M. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically Policies II. B. 1, 2, & 3, as follows:
- The proposed structures are consistent with the building scale in the coastal zone neighborhood and comply with the applicable standards of the Local Coastal Program-Implementation Plan;
  - The proposed structures are consistent with the residential bulk control as established by the development standards of the Local Coastal Program-Implementation Plan;
  - The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program-Implementation Plan.
- N. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
- Section 30212 (a) (2): The proposed structures do not impact public access to the shoreline, adequate public access is provided and shall be maintained along adjacent streets.
  - Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- O. This Resolution, upon its effectiveness, constitutes the Variance and Coastal Development Permit for the subject two-unit condominium development on Lot 1 of Tract 68805 (4321

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Crest Drive), and the Variance, Use Permit, and Coastal Development Permit for the subject three-unit development on Lot 2 of Tract 68805 (4320 Highland Avenue).

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Variances, Coastal Development Permits, a Use Permit, and Vesting Tentative Tract Map 68805 for 5 condominium units subject to the following conditions (\*indicates a site specific condition):

1. The projects shall be constructed and operated in substantial compliance with the submitted plans as reviewed by the Planning Commission on October 24, 2007.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
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.
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. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. 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.
7. 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.
8. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
9. Water and sewer laterals shall be provided as required by the Director of Public Works. A property line clean out is required for each sewer lateral. Water and sewer line modifications and upgrades within the public right-of-way shall be provided as required by the Public Works Department.
10. 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.
11. 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.
12. Project driveways and other items shall be modified, if necessary, to allow for the provision



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of maximized on-street parking, loading, and traffic conditions.

13. \* The existing 44<sup>th</sup> Street curb shall be relocated by the applicant prior to building final if it is determined by the Community Development and Public Works Departments that new street parking spaces are feasible and appropriate. All improvements and modifications within the public right of way shall be in conformance with Public Works Department requirements.
14. \* On-site guest parking spaces shall be designated and marked as determined to be appropriate by the Community Development Director.
15. Landscaped areas located within the public right of way shall be maintained by the project homeowner's association.
16. The projects shall conform to Section 10.52.110, Residential condominium standards, of the Manhattan Beach Municipal Code.
17. \* The projects' final tract map or a lot line adjustment implementing the property lines proposed for the sites shall be recorded subject to the review and approval of the Community Development Department prior to issuance of building permits.
18. 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. Highland Avenue with 44<sup>th</sup> Street
  - b. Highland Avenue with Shell Street
  - c. Crest Drive with 44<sup>th</sup> Street
  - d. Crest Drive with Shell Street
18. The final tract map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy .
19. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
20. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
21. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
  - a. a completed application and application fee as established by the City's Fee Resolution;
  - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. a copy of the original permit showing that it has not expired.
22. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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23. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.
24. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
25. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
26. These project approvals shall lapse three years after the date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
27. 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.
28. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, 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 November 14, 2007 and that said Resolution was adopted by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

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

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**Sarah Boeschen,**  
Recording Secretary