






Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager 

FROM: Richard Thompson, Director of Community Development 
Angelica Ochoa, Assistant Planner 

DATE: June 17, 2008

SUBJECT: Consideration of Planning Commission Approval of a Use Permit, Coastal Development Permit and Vesting Tentative Parcel Map No. 69392 for Construction of Two Attached Residential Condominium Units located at 220 11th Street

RECOMMENDATION:

Staff recommends that the City Council **RECEIVE** and **FILE** this report.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

On March 19, 2008, the property owners, Sharon and Leon Katz submitted an application for a Coastal Development, Use Permit and Vesting Tentative Parcel Map to allow the demolition of an existing duplex, and the development of a two-unit condominium located at 220 11th Street in the Downtown Commercial (CD) zone. The existing duplex will be replaced by a 3,758 square feet two-unit condominium development consisting of three stories with two enclosed parking spaces and one guest parking space per unit.

The proposed development requires the approval of a Coastal Development Permit due to its location within the coastal zone. Amendments to the General Plan and the Zoning Code were approved in 2004 by the City to change this lot and a number of other similar lots in the Downtown from Commercial Downtown (CD) to Residential High Density (RH). Since this amendment is pending approval from the Coastal Commission, a Use Permit and public hearing are required for residential uses within the Commercial Downtown (CD) zoning district.

DISCUSSION:

The Planning Commission, at its regular meeting of May 28, 2008 **APPROVED** a Use Permit and Coastal Development Permit voting (4-1-0) to replace the existing duplex with the proposed two-unit condominium project. There was discussion regarding the design of the open space and whether the project was meeting these requirements as stated in the attached minutes (Attachment C). According to the open space requirements stated in Section 10.12.030(M) and the open space

definition in Section 10.04.030, staff determined that the project complies with all of the code requirements for open space. The Planning Commission felt that the issue of open space should be discussed further with the City Council at a future work plan meeting, which may require amending the Code definition of open space. Overall, the Planning Commission acknowledged the proposed project was before them because the Coastal Commission had not yet approved the re-zoning of properties from Commercial Downtown (CD) to Residential High Density (RH).

At the public hearing, one neighbor objected to the project due to the loss of view from their property. Since the City does not have a view ordinance, the Planning Commissioners felt the project complied with the findings for Use Permit, Local Coastal Program and the Municipal Zoning Code and approved the project as proposed.

The Commission's decision was based on the following findings:

- The project complies with the General Plan, including but not limited to land use policies and goals as specified for the applicable land use classification of High Density Residential.
- The project complies with all applicable development standards and provisions of the Manhattan Beach Municipal Code and Local Coastal Program policies.
- The project is consistent with the surrounding neighborhood, and with the historical pattern of residential uses.

ALTERNATIVES:

The alternative to the staff recommendation include:

1. **APPEAL** the decision of the Planning Commission and schedule the subject item for a public hearing

Attachments: A. Resolution PC 08-09
B. PC Staff Report and Attachments: 05/28/08
C. PC Draft Minutes excerpts: 5/28/08
D. Development Plans approved by Planning Commission
(separate - not available electronically)

cc: Leon and Sharon Katz
Srouer & Associates, Applicant's Representative
Mark Trotter, Project Designer

RESOLUTION NO. PC 08-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A USE PERMIT, COASTAL PERMIT, AND VESTING TENTATIVE PARCEL MAP NO. 69392, FOR THE DEMOLITION OF AN EXISTING DUPLEX AND CONSTRUCTION OF TWO RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 220 11th Street (Katz)

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. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on May 28, 2008 at the request of the property owner (Katz), to consider a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map No. 69392 on the property legally described as Lot 15, Block 68, MB Division #2 located at 220 11th Street in the City of Manhattan Beach.
- B. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- C. The proposed project involves the demolition of an existing duplex and the construction of two residential condominium units consisting of a single structure.
- D. The project is Categorically Exempt (Class 3, Section 15303.b) from the requirements of the California Environmental Quality Act (CEQA).
- E. This Resolution, upon its effectiveness, constitutes the Coastal Development Permit for the subject project.
- F. The Property is located within Area District III and is zoned High Density Residential (RH), and the surrounding land uses are Downtown Commercial and High Density Residential.
- G. The General Plan Designation for the property is High Density Residential, and the Local Coastal Program/Land Use Plan is Downtown Commercial.
- H. Pursuant to Section A.10.84.060 (A) of the Manhattan Beach Local Coastal Program, the Planning Commission made the following findings with regards to the subject application:
 1. The proposed use is permitted in the Downtown Commercial (CD) zone, subject to Use Permit Approval, and is in compliance with the City's General Plan Designation of Downtown Commercial. The CD zone is intended to accommodate a broad range of uses, including residential. The subject site is located in an area of the CD zone which historically displays a residential pattern, and is located on a block which currently has no commercial development.
 2. Being located in an established residential neighborhood the proposed development poses no change in use or to the character of the neighborhood. Due to these facts the project would continue a pattern of development which the surrounding residents are already accustomed to, and therefore would not be detrimental to those working or residing in the neighborhood. The site does not easily lend itself to any future commercial development and will not have a negative effect on future development or the general welfare of the City.
 3. The new development will comply with all residential standards of the Residential High Density (RH) zone as specified in section A.16.030 of the Manhattan Beach Local Coastal Program.

4. There is no evidence that the granting of the subject Use Permit and Coastal Permit will adversely impact nor be impacted by nearby properties. The proposed project poses no change in use or to the residential character of the neighborhood, and should have no impact on traffic, noise, vibration, resident security or personal safety. The new structure is replacing an existing residential structure built in the 1930's. The proposed project will not be negatively impacted by surrounding uses, for the subject site is buffered from most potential nuisances by similar residential uses and the closest commercial activity is located directly to the west.
5. 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:
 - II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program - Implementation Program.
 - II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program Implementation Program.
 - II.B.3: The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program Implementation Program.
6. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
 - a. Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along Eleventh (11th) Street.
 - b. 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.

Section 2. The Planning Commission of the City of Manhattan Beach hereby APPROVES the subject Use Permit and Coastal Development Permit, and Tentative Parcel Map application subject to the following conditions:

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below.
2. *Expiration.* The Use Permit and Coastal Development Permit, and Vesting Tentative Parcel Map No. 69392 shall be approved for an initial period of 3 years with the option of future extensions pursuant to 10.84.090 of the Municipal Code.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
5. *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.
6. *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.
 7. *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 in Section A.96.160 have expired.

Special Conditions:

1. The subject Coastal 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.
2. The plans shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on May 28, 2008.
3. An encroachment permit shall be obtained for all improvements in the public right-of-way.
4. There shall be no intrusions into any of the required parking spaces. This includes any utility meters, mechanical equipment and plumbing fixtures.
5. The project shall continuously include effective soundproofing treatments to protect its residents from noise levels associated with normal commercial uses in the Downtown area to the satisfaction of the Director of Community Development. At minimum, initial project construction shall incorporate double pane windows; wiring, plumbing, and other preparations for central air conditioning for each unit; and plan check submittal of acoustical verification of soundproofing adequacy.
6. Flat roof surfaces shall have pea gravel or comparable decorative treatments.
7. If the existing guy wire on 11th Street is required to be relocated, then it shall require review by the Community Development and Public Works Departments.
8. 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.
9. All Residential Condominium Standards per Municipal Code Section 10.52.110 shall be imposed and considered as part of the resolution.

Public Works Conditions:

1. 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.
2. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Parcel Map Conditions

1. A survey suitable for the 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 11th Street.
 - b. Highland Avenue with 10th Place.
 - c. Bayview Drive with 11th Street.
 - d. Bayview Drive with 10th Place.
2. This subdivision is approved as a condominium project whereby the owners of the units or air space will hold an undivided interest in the common areas which will, in turn, provide necessary access and utility easements for the units.
3. The final parcel map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy.

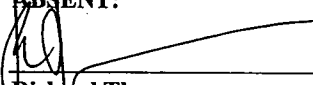
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of May 28th, 2008 and that said Resolution was adopted by the following vote:

AYES: CHAIRMAN LESSER, POWELL
SEVILLE-JONES, BOHNER

NOES: FASOLA

ABSTAIN:

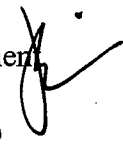
ABSENT:


Richard Thompson
Director of Community Development


Sarah Boeschen
Recording Secretary

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development 

FROM: Angelica Ochoa, Assistant Planner *(BJ) FOR AO*

DATE: May 28, 2008

SUBJECT: Consideration of a USE PERMIT, COASTAL DEVELOPMENT PERMIT and Vesting Tentative PARCEL MAP No. 69392 for Construction of Two Attached Residential Condominium Units at 220 11th Street

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the public hearing, **ADOPT** the attached Resolution **APPROVING** the project

APPLICANT/OWNER

Sharon and Leon Katz
808 Highland Avenue
Manhattan Beach, CA 90266

BACKGROUND

The applicant is requesting approval of Coastal Development Permit, Use Permit and Vesting Tentative Parcel Map to allow the demolition of an existing duplex, and the development of a two-unit condominium. The project is located at 220 11th Street within the Commercial Downtown (CD) zoning district. The General Plan and the Zoning Code amendments were approved in 2004 to change this lot and a number of other similar lots in the Downtown from Commercial Downtown (CD) to Residential High Density (RH). The Local Coastal Program Amendments were then submitted to the California Coastal Commission for approval but have not yet been finalized and therefore a Use Permit is required. According to Section 10.16.020 of the Municipal Zoning Code, a Use Permit and public hearing is required for residential uses located in a CD zoning district. Residential developments within this zone are subject to the development standards of the "RH" (Residential High Density) zoning district. A Coastal Development Permit is required by Section A.96.040 of the City's Local Coastal Program because the project is located within the Coastal Zone. A parcel map is also required by Section 11.12.020 of the Manhattan Beach Municipal Code to subdivide the property into separate condominium ownerships.

Similar Use Permits for residential projects that have been approved in the surrounding area include a single family residence approved in April 2000 located at 225 10th Street and a two-unit condominium located at 302-304 11th Street approved in April 2000.

PROJECT OVERVIEW

LOCATION

Address

220 11th Street between Bayview Drive on the west and Highland Avenue on the east.
(See Vicinity Map - Attachment B).

Legal Description

Lot 15 Block 68 Manhattan Beach Division No. 2

Area District

III

LAND USE

General Plan Designation

High Density Residential

Zoning

RH, High Density Residential District

Local Coastal Program Zoning Designation

Downtown Commercial (CD)

Land Use

Existing (Duplex)

Proposed (3758 sq. ft. 2-unit condos)

Neighboring Zoning/Land Uses

Downtown Commercial and High Density Residential

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement</u>
Parcel Size:	2,700 sq. ft.	2,700 sq. ft. min.
Buildable Floor Area: (BFA)	3,758 sq. ft.	4,590 sq. ft. (maximum)
Building Height:	28.04 ft.-30.42 ft.	30 ft. (36 ft. maximum)
Parking:	4 enclosed, 2 unenclosed compact guest spaces.	4 enclosed, 2 unenclosed compact guest spaces
Vehicle Access:	10 th Place and Bayview Drive 11 th St.	N/A
Open Space (Unit A)	254sq. ft.	253 sq. ft.
(Unit B)	312 sq. ft.	311 sq. ft.

Setbacks:

Front (north)	5 ft.	5 ft. min.
Rear (south)	2.41 -5 ft.	2 -5 ft. min.
Right Side (east)	3.33 ft.	3 ft. min.
Left Side (west)	3.16 ft.	3 ft. min.

DISCUSSION

The applicant proposes to construct a 2-unit condominium project comprised of a 3-story building on a standard lot in the beach area, Area District III. The proposed units will have net living areas of 2,073 square feet (front unit-Unit A) and 1,685 square feet (rear unit-Unit B). Required open space for the project is provided by first floor patio areas and second and third floor decks. The building observes the required setbacks and 30-foot (maximum 36 ft) height limit. The project is providing two-car enclosed garages and one open guest parking space for each unit, which complies with the parking requirements.

The project site is conforming for the standards for a condominium site in that it provides front access from 11th Street and rear access from 10th Place. The actual total combined buildable floor area for both units is 3,758 square feet compared to the maximum buildable floor area of 4,590 square feet allowed for this district and zone. The proposed garage access will not remove any existing public parking spaces and will be from the existing driveway off of 10th Place and 11th Street, where no parking is allowed. The majority of the surrounding land uses are a mix of multi-family, commercial and public parking lots.

ENVIRONMENTAL REVIEW

The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15303 and 15332 based on staff's determination that the project is a small infill development within an urbanized area.

USE PERMIT FINDINGS

Section A.84.060, subsection A of the Manhattan Beach Municipal Code, establishes the basis for approval or denial of a use permit. Staff has reviewed the proposed plans for the project and found that the project complies with the applicable use permit findings and are in the attached resolution:

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

The proposed project is located in the Commercial Downtown (CD) zoning district. Section A.16.010 of the Manhattan Beach Local Coastal Program defines the purpose of the "CD" district as follows:

To provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the downtown area. The district is intended to accommodate a broad range of community businesses and to serve beach visitors.

The project is surrounded mainly by residential uses with commercial uses concentrated along Manhattan and Highland Avenue. The area is an established residential neighborhood and has

historically followed a residential pattern and therefore will not limit the development of commercial uses.

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

The Land Use Element of the Manhattan Beach General Plan states that residential development is allowed in the "CD" zone, and as mentioned, this project is surrounded by established residential uses. Also, the project is replacing an existing residential use and will continue a pattern of established residential development and will not be detrimental to residents or those working in the surrounding area.

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

The new development will comply with all residential standards of the "RH" zone as specified in Section A.16.030 of the Manhattan Beach Local Coastal Program

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

The proposed project will have no change in use to the residential character of the neighborhood since it is replacing an existing residential use, and should have no impact on traffic, noise, vibration, or safety.

COASTAL PERMIT FINDINGS

The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program which seek to maintain neighborhood building scale, control residential bulk and establish building height standards, specifically policies II.B.1, 2 & 3, as follows:

II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program – Implementation Program.

II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program – Implementation Program

II.B.3: The proposed structure is consistent with the 30' Coastal Zone height limit as required by the Local Coastal Program – Implementation Program

The project is also consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:

- a. Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along eleventh (11th) Street.
- b. 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.

PUBLIC INPUT

A public notice for the proposed project was mailed to all property owners and residents within 500 feet of the site as required for a Use Permit and Coastal Development Permit published in the Beach Reporter newspaper. Staff has received no comments from project neighbors or other members of the community.

DEPARTMENT COMMENTS

If the requested application for the construction of a two-unit condominium is approved, the standard comments received from the Public Works Department have been incorporated in the Resolution as appropriate. The standard Building and Safety comments will be addressed during the plan check process.

CONCLUSION

Staff supports the request, finding that the project conforms to applicable zoning objectives, development standards, and Local Coastal Program Policies. A draft resolution of approval is attached. Several standard conditions have been placed in the attached Resolution as well as project specific, and parcel map conditions.

ATTACHMENTS

- A. Draft Resolution No. PC 08-
- B. Zoning and Coastal Zoning Designations Map
- C. Vicinity Map
- D. Applicant's project findings
- E. Development Plans (separate – NAE = not available electronically)

c: Leon and Sharon Katz, Owner
Mark Trotter, Project Designer,
Srouf & Associates, Applicant's Representative

'Draft' RESOLUTION NO. PC 08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A USE PERMIT, COASTAL PERMIT, AND VESTING TENTATIVE PARCEL MAP NO. 69392, FOR THE DEMOLITION OF AN EXISTING DUPLEX AND CONSTRUCTION OF TWO RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 220 11th Street (Katz)

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. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on May 28, 2008 at the request of the property owner (Katz), to consider a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map No. 69392 on the property legally described as Lot 15, Block 68, MB Division #2 located at 220 11th Street in the City of Manhattan Beach.
- B. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- C. The proposed project involves the demolition of an existing duplex and the construction of two residential condominium units consisting of a single structure.
- D. The project is Categorically Exempt (Class 3, Section 15303.b) from the requirements of the California Environmental Quality Act (CEQA).
- E. This Resolution, upon its effectiveness, constitutes the Coastal Development Permit for the subject project.
- F. The Property is located within Area District III and is zoned High Density Residential (RH), and the surrounding land uses are Downtown Commercial and High Density Residential.
- G. The General Plan Designation for the property is High Density Residential, and the Local Coastal Program/Land Use Plan is Downtown Commercial.
- H. Pursuant to Section A.10.84.060 (A) of the Manhattan Beach Local Coastal Program, the Planning Commission made the following findings with regards to the subject application:
 - 1. The proposed use is permitted in the Downtown Commercial (CD) zone, subject to Use Permit Approval, and is in compliance with the City's General Plan Designation of Downtown Commercial. The CD zone is intended to accommodate a broad range of uses, including residential. The subject site is located in an area of the CD zone which historically displays a residential pattern, and is located on a block which currently has no commercial development.
 - 2. Being located in an established residential neighborhood the proposed development poses no change in use or to the character of the neighborhood. Due to these facts the project would continue a pattern of development which the surrounding residents are already accustomed to, and therefore would not be detrimental to those working or residing in the neighborhood. The site does not easily lend itself to any future commercial development and will not have a negative effect on future development or the general welfare of the City.
 - 3. The new development will comply with all residential standards of the Residential High Density (RH) zone as specified in section A.16.030 of the Manhattan Beach Local Coastal Program.

EXHIBIT A

4. There is no evidence that the granting of the subject Use Permit and Coastal Permit will adversely impact nor be impacted by nearby properties. The proposed project poses no change in use or to the residential character of the neighborhood, and should have no impact on traffic, noise, vibration, resident security or personal safety. The new structure is replacing an existing residential structure built in the 1930's. The proposed project will not be negatively impacted by surrounding uses, for the subject site is buffered from most potential nuisances by similar residential uses and the closest commercial activity is located directly to the west.
5. 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:
 - II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program - Implementation Program.
 - II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program Implementation Program.
 - II.B.3: The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program Implementation Program.
6. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
 - a. Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along Eleventh (11th) Street.
 - b. 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.

Section 2. The Planning Commission of the City of Manhattan Beach hereby APPROVES the subject Use Permit and Coastal Development Permit, and Tentative Parcel Map application subject to the following conditions:

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below.
2. *Expiration.* The Use Permit and Coastal Development Permit, and Vesting Tentative Parcel Map No. 69392 shall be approved for an initial period of 3 years with the option of future extensions pursuant to 10.84.090 of the Municipal Code.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
5. *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.
6. *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.
 7. *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 in Section A.96.160 have expired.

Special Conditions:

1. The subject Coastal 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.
2. The plans shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on May 28, 2008.
3. An encroachment permit shall be obtained for all improvements in the public right-of-way.
4. There shall be no intrusions into any of the required parking spaces. This includes any utility meters, mechanical equipment and plumbing fixtures.
5. The project shall continuously include effective soundproofing treatments to protect its residents from noise levels associated with normal commercial uses in the Downtown area to the satisfaction of the Director of Community Development. At minimum, initial project construction shall incorporate double pane windows; wiring, plumbing, and other preparations for central air conditioning for each unit; and plan check submittal of acoustical verification of soundproofing adequacy.
6. Flat roof surfaces shall have pea gravel or comparable decorative treatments.
7. If the existing guy wire on 11th Street is required to be relocated, then it shall require review by the Community Development and Public Works Departments.
8. 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.
9. All Residential Condominium Standards per Municipal Code Section 10.52.110 shall be imposed and considered as part of the resolution.

Public Works Conditions:

1. 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.
2. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Parcel Map Conditions

1. A survey suitable for the 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 11th Street.
 - b. Highland Avenue with 10th Place.
 - c. Bayview Drive with 11th Street.
 - d. Bayview Drive with 10th Place.
2. This subdivision is approved as a condominium project whereby the owners of the units or air space will hold an undivided interest in the common areas which will, in turn, provide necessary access and utility easements for the units.
3. The final parcel map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of May 28th, 2008 and that said Resolution was adopted by the following vote:

AYES:

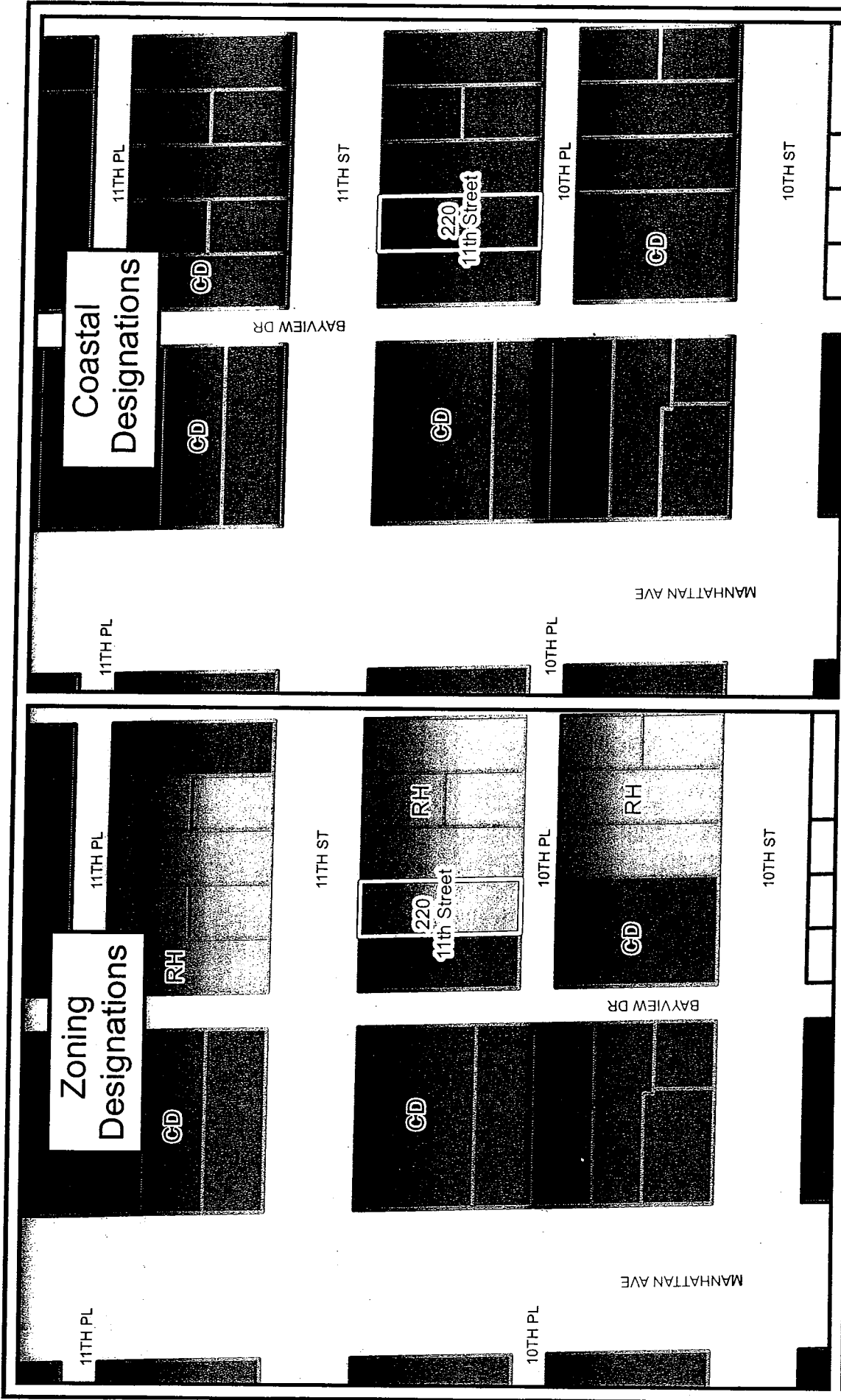
NOES:

ABSTAIN:

ABSENT:

Richard Thompson
Director of Community Development

Sarah Boeschen
Recording Secretary



Legend






-  220-11th Street
-  Parcels
- Zoning**
-  CD - Downtown Commercial
-  RH - Residential High Density
-  RM - Residential Medium Density

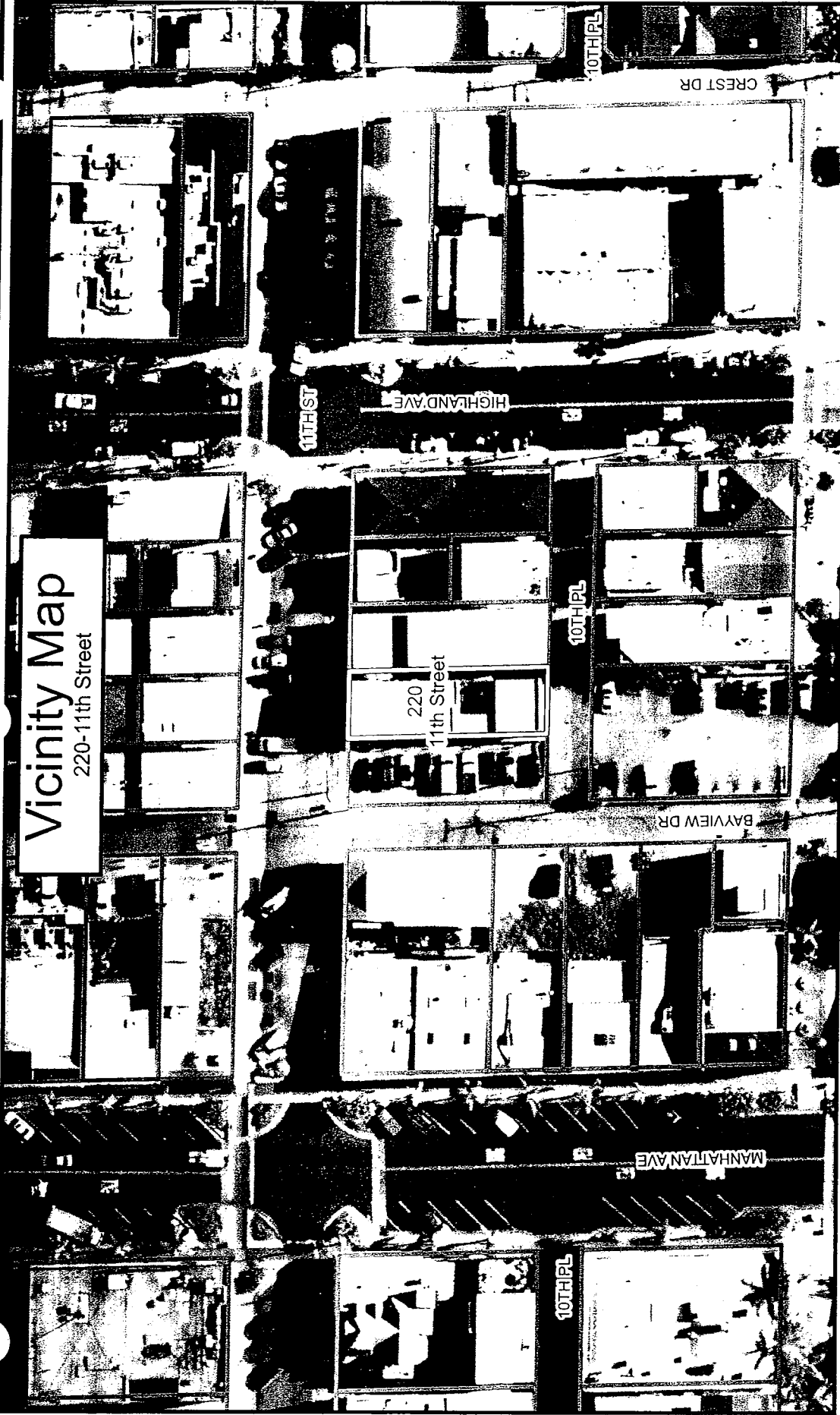
Exhibit B



**City of Manhattan Beach
Community Development**

Vicinity Map

220-11th Street



Legend



-  220-11th Street
-  Parcels

Exhibit C



City of Manhattan Beach
Community Development



FINDINGS RELATIVE TO A CONDITIONAL USE PERMIT FOR RESIDENTIAL USE IN THE
COMMERCIAL DOWNTOWN ZONE FOR 220 – 11TH STREET

1. The CD zone anticipates some residential usage and specifies RH standards for residential development (the highest and most intense residential classification). There are a number of residentially developed properties throughout the CD area, and there is no public incentive to establish any other - i.e. commercial - use for these parcels. The subject site and this particular block are a well established residential area. Taking into account a location within an established residential neighborhood, removed from the main commercial thoroughfare, there is absolutely no reason to entertain anything other than a continuation of this historic residential pattern.
2. The General Plan does anticipate some residential use throughout the Downtown, and this existing site is within a neighborhood historically established as residential use. Although the property is situated adjacent to a public parking lot it is not situated on a pedestrian thoroughfare conducive to typical retail activity and does not lend itself to commercial use. Taking into account these neighborhood and marketplace characteristics, the new residences will not impair the future development or expansion of the existing commercial uses within the Downtown area. This proposed residential use is fully compatible with existing and potential development permitted for the area and replaces an aging duplex structure.

As designed, the proposal presents no health, safety or public welfare issues. Parking is provided per Code including a private two car garage and one open guest parking space for each of the units.

3. The proposed use will comply with all development and zoning standards that apply to residential development in this area. In addition, all construction will comply with applicable Building Code requirements. The development will replace a 70+ year old non-conforming duplex with substandard parking and provide contemporary housing with all its safety features, amenities, generous parking, and attractive elevations.
4. The proposed use will not adversely impact adjacent residential development, and will not be detrimental to existing or potential commercial development. Development of the property with two new residences seems to be the most realistic use given its size and location. The new homes will be compatible with the CD District and attractive to residents interested in living in a Downtown environment.

Issues relating to traffic, noise, parking, security, aesthetics, and other impacts on the surrounding area are not relevant as the new home will not generate any such impacts that infringe or burden nearby development and uses. The General Plan has already considered the relationship between this type of limited residential use in the Downtown to the capacity of the public agencies to provide needed services and has not identified any substantial conflict. The proposed development is replacing a more intense residential use and not generating any unique or unanticipated demand for services. Because this residential pocket is located in a section of the commercial Downtown that is primarily residential, it is not likely that this new home will limit the future development of the nearby commercial properties.



1 appropriate number. She indicated that it would seem that there would be less of a traffic impact
2 with fewer tenants, although she does appreciate that the units would be utilized by local
3 residents who could possibly walk or ride bikes.

4
5 Commissioner Bohner indicated that he likes the terracing of the structure, which does help to
6 create more of an open design. He said that he also feels that placing landscaping on the balcony
7 above the parking area would help to provide a buffer between the building and the neighbors'
8 accessory structure. He commented that the suggestions that have been made regarding parking
9 and restricting left turns from the parking area should be studied further. He said that he also
10 would support the hearing being continued to allow staff to provide further input on the issues
11 that have been raised. He commented that the applicant and architect have indicated a
12 willingness to work with staff to address the concerns of the neighbors.

13
14 Chairman Lesser indicated that he agrees with the comments that have been made by the other
15 Commissioners. He also thanked the members of the public for their input and for the letter that
16 was sent by the neighbor. He commented that the Commissioners do consider the input of
17 members of the community in making their decisions. He also commended the architect on the
18 design of the structure. He indicated that the building would be oriented toward Manhattan
19 Beach Boulevard. He said that the impact to the adjacent neighbors would be minimized with
20 the terracing of the structure, the transparency of the window design, and the articulation. He
21 stated that the Commissioners do have concerns regarding the project, and he also would like for
22 staff to further address the issues that have been raised.

23
24 A motion was MADE and SECONDED (Bohner/Powell) to **REOPEN** the public hearing and
25 **CONTINUE** the hearing regarding a Use Permit to Allow an Office Building Located at 818
26 Manhattan Beach Boulevard to the meeting of July 9, 2008.

27
28 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser
29 NOES: None
30 ABSENT: None
31 ABSTAIN: None

32
33 At 8:40 a 10 minute recess was taken.

34
35 **08/0528.2 Consideration of a Use Permit, Coastal Development Permit and Vesting**
36 **Tentative Parcel Map No. 69392 to Allow Construction of Two Attached**
37 **Residential Condominium Units Located at 220 11th Street**
38

39 Assistant Planner Ochoa summarized the staff report. She indicated that the property is zoned
40 RH (residential high density), and the coastal designation is CD (commercial downtown). She
41 indicated that a General Plan Amendment and Zoning Amendment have been approved that

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1 changed the designation of the subject lots and adjacent similar lots from CD to RH; however,
2 there is a pending approval by the Coastal Commission to approve the designation to RH. She
3 indicated that the project to construct residential requires a Use Permit because of the existing
4 CD designation. She stated that the proposal is to develop an existing duplex and develop two 3-
5 story condominiums with a total of 3,758 square feet. She indicated that there would be six on-
6 site parking spaces. She commented that the project would not result in the elimination of any
7 public parking spaces, as the driveway for the development would be off of 11th Street where no
8 parking is permitted. She indicated that the other access to the site would be off of 10th Place
9 where there is an existing driveway. She stated that the project does conform to the Zoning
10 Code, General Plan, and the Local Coastal Program. She stated that the project was noticed to
11 properties within a radius of 500 feet and was published in the Beach Reporter. She indicated
12 that staff did not receive any public comments regarding the proposal. She indicated that staff
13 feels the project complies will all of the necessary requirements, and staff is recommending
14 approval of the project.

15
16 In response to a question from Chairman Lesser, Assistant Planner Ochoa indicated that the zone
17 change of the subject property and adjacent similar properties was done in order to be consistent
18 with the historical residential use of the properties and to encourage and maintain their continued
19 use as residential.

20
21 **Elizabeth Srour**, representing the applicant, said that one of the reasons that the City Council
22 approved the zoning change of the subject property and adjacent properties to RH was to protect
23 the downtown commercial properties because the predominant use in the area is residential. She
24 indicated that two-unit condominium projects typically do not require a Use Permit process, and
25 the only reason the project is before the Commission is because of the location within the
26 downtown area. She stated that the proposal does comply with all of the development standards
27 and would be compatible with the surrounding uses. She indicated that three parking spaces
28 would be provided per unit. She commented that the project would meet the requirements for
29 open space and would be within the height requirement of 30 feet for residential properties. She
30 said that the subject property is located on a slope. She commented that the conditions in the
31 draft Resolution are standard for such projects and are acceptable to the applicant.

32
33 Chairman Lesser opened the public hearing.

34
35 **Fernand Mertz** said that they have a concern with the loss of the ocean view from their property
36 that would result from the subject proposal. He indicated that he is aware that the City does not
37 have a view ordinance; however, he wanted to take the opportunity to voice his objection to the
38 project for the record. He said that they had a panoramic ocean view when they bought the
39 property in 1962 which has been lost over the years, and the proposed structure would result in
40 the loss of their last remaining view. He commented that they have suffered damages resulting
41 from the loss of their view.

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1
2 Chairman Lesser closed the public hearing.
3

4 Commissioner Fasola asked whether staff has any concern with the number of rental properties in
5 the City that are being torn down and redeveloped as condominiums. He asked whether the
6 subject property would be more compatible for an apartment development because it is located
7 near to the busy downtown area where there is a great deal of activity and noise.
8

9 Director Thompson said that both condominium and apartments developments are considered
10 desirable. He indicated that there is no direction to restrict either type of development, and the
11 market determines the number of condominium in relation to apartment units.
12

13 Commissioner Fasola said that at some point staff and the City Council may want to address the
14 number of apartments in relation to condominiums because it does result in a change of the
15 demographics within the City. He commented that it is an issue that should be taken into
16 consideration, as most condominium projects are approved administratively and do not typically
17 come before the Commission.
18

19 Director Thompson pointed out that the City's Housing Element which will be coming before the
20 Commission for a public hearing, and the Commissioners may have some comments to forward
21 to the City Council at that time regarding the issue.
22

23 Commissioner Fasola indicated that he does not feel the designated open space within the subject
24 proposal meets the intent of the requirement. He commented that open space typically includes
25 patio or deck areas that are uncovered or covered with a certain amount of roof or floor space
26 above it. He said that other cities require that open space be completely open to the sky. He
27 stated that the subject project includes open space area on the basement level that is covered by
28 three additional levels of roof. He indicated that the intent of the Mansionization Ordinance was
29 to break up the massing of buildings, which is not achieved by allowing open space that is almost
30 completely covered by walls and a ceiling or portions that are simply cut into the building such as
31 are included with the subject proposal. He indicated that the intent of including additional open
32 space was to decrease the mass of the building, which is not achieved with the subject project.
33

34 Director Thompson said that the open space areas included in the proposal are defined as such in
35 the Code, and the project is in compliance with the open space requirements. He said that the
36 portions referred to by Commissioner Fasola are not the most desirable form of usable open
37 space, but it is well founded in the definition.
38

39 Commissioner Fasola indicated that the patios on the west side of the building appear to meet the
40 Code definition; however, he does not feel that the patio at the rear of the property which has a
41 wall surrounding 1/3 of the area meets the Code definition.

1
2 Commissioner Seville-Jones asked whether the discussion of issue regarding open space
3 requirements would be more appropriate for the work plan meeting that is scheduled with the
4 Commission and City Council. She indicated that developments such as the subject proposal are
5 typically approved administratively, and the applicant is before the Commission simply because
6 of a technicality with the zoning designation.

7
8 Chairman Lesser commented that the issue of open space requirements is an important issue. He
9 indicated, however, that staff in this case has made the determination that the project complies
10 with the requirements for open space pursuant to the existing Code.

11
12 Commissioner Fasola commented that the issue regarding open space is his main concern with
13 the proposal. He said that he does not feel that the subject portion of the proposal meets the
14 definition of open space. He commented that he feels the rear driveway would need an
15 additional amount of setback from the street in order to meet the requirements for driveway
16 slope.

17
18 Director Thompson pointed out that staff requires cross sections up and down either side to
19 ensure that the required slope is met before construction permits are issued. He said that a survey
20 is also done of the slab after it is poured to ensure that the requirements for the slope are met.

21
22 Commissioner Powell stated that he has concerns regarding the loss of view from **Mr. Mertz's**
23 property. He pointed out that the issue of a view ordinance is under the discretion of the City
24 Council and not the Commission. He indicated that there are standards for maximum height,
25 setbacks, open space, and building modulation. He indicated that the discretion of the
26 Commission is regarding the legal findings for the Use Permit, findings for the Coastal
27 Development Permit, and the Tentative Vesting Parcel Map. He indicated that he feels the
28 proposal meets all of the required findings. He said that he feels the design of the project is
29 appropriate for the site and would not result in the elimination of any existing street parking. He
30 indicated that the structure would be substantially smaller than the maximum size that would be
31 permitted on the property. He said that the design also reduces the massing of the building. He
32 commented that the project would not block any coastal access. He said that the proposal does
33 meet all of the necessary legal findings, and he supports the project.

34
35 Commissioner Seville-Jones said that she agrees with the comments of Commissioner Powell.
36 She indicated that she also appreciates the comments of Commissioner Fasola. She stated that
37 the project was required to come before the Commission as a result of a technicality because the
38 City changed the Zoning Codes which has not yet been approved by the Coastal Commission.
39 She said that the project does meet the requirements for the RH zone, and she supports the
40 proposal.

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1 Commissioner Bohner indicated that he supports the project and feels the findings can be made
2 to approve project.

3
4 Chairman Lesser said that he also concurs with the comments of Commissioner Powell and
5 Commissioner Seville-Jones. He indicated that he does not want the applicant to be penalized
6 because of a technicality with the zoning change. He commented that he appreciates the
7 comments of Commissioner Fasola regarding the proportion of rental units in relation to
8 condominium units, which is an issue the City will be facing with the Housing Element. He
9 indicated that there are state mandates regarding providing affordable housing which are contrary
10 to developing multiple condominium units on properties where there were previously apartments.
11 He commented that Commissioner Fasola's comments regarding the designation of areas as open
12 space relate to all of the hours of discussions that occurred with the Mansionization Committee
13 regarding the areas that should be counted toward open space according to the Code. He
14 indicated that he feels it is an important question that should be discussed further; however, he
15 would not want to delay this applicant who has complied with the existing requirements
16 according to the Code.

17
18 Commissioner Fasola commented that he does not feel the project is caught in a technicality. He
19 indicated that it was originally designed under the old requirements and was changed as an
20 emergency measure in order to be approved after the new Ordinance was approved. He said that
21 the portion that has been hollowed out from the structure was done as a means to subvert the new
22 Code standards and does not meet the open space requirements. He indicated that he feels that
23 changes need to be made to the design so that the open space meets the spirit of the Code.

24
25 A motion was MADE and SECONDED (Bohner/Seville-Jones) to **APPROVE** a Use Permit,
26 Coastal Development Permit and Vesting Tentative Parcel Map No. 69392 to Allow
27 Construction of Two Attached Residential Condominium Units Located at 220 11th Street

28
29 AYES: Bohner, Powell, Seville-Jones, Chairman Lesser

30 NOES: Fasola

31 ABSENT: None

32 ABSTAIN: None

33
34 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
35 the City Council's Consent Calendar for their meeting of June 17, 2008.

36
37 **DIRECTOR'S ITEMS**

38
39 Director Thompson said that a Board and Commission Orientation is scheduled for June 10 at
40 6:30 p.m. He indicated that all new members are expected to attend and existing members are
41 invited to attend.

