



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: David N. Carmany, City Manager

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

DATE: October 18, 2011

SUBJECT: Consideration of Planning Commission Approval of a Use Permit and Coastal Development Permit for Proposed Construction of a Mixed Use Building with One Medical Office Space and One Residential Dwelling Unit at 3912 Highland Avenue.

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of September 28, 2011, approved (5-0) a use permit and coastal development permit to construct a single 3-story building with on-grade parking, 1 commercial space and 1 residential unit, where a vacant commercial building and residential unit currently exist. The commercial space was approved for office, retail, food and beverage sales, personal services, and personal improvement services uses.

The submitted plans show an existing mixed use site to be redeveloped with a 3-story mixed use building with a commercial space in front and residential units above and behind. The site would contain a 2,082 square foot building including one 2-level commercial space fronting on Highland Ave, one residential unit, and side-alley accessed parking.

The project is in conformance with all of the City's requirements including height, floor area, setbacks, open space, and parking,

The Planning Commission was generally supportive of the project's mixed use concept and design. The Commission heard testimony from some neighbors with concerns for the size of the proposed structure, and loss of existing neighborhood character. The Planning Commission felt that while being substantially larger than the existing older buildings, it would have appropriate

height, setbacks, and open space typical of new, and some older, development in the area.

The project is located within the CNE (Commercial North End) zone which is intended for local businesses and also allows for residential use. Small older mixed use developments are very common in this segment of the CNE zone, and a similar project is approved for construction two lots north of this location. Many CNE sites are developed exclusively as residential, including the two abutting the subject sites. This appears to be a generally desirable mixed use design with a commercial/residential proportion somewhat larger than recent mixed use projects in the city. The Planning Commission commented that the proposed medical office use will serve the local community. The overall design concept appears consistent with the purpose of the North End Commercial district (MBMC 10.16.010) by providing small, local, and visitor serving commercial uses along Highland Avenue, and residential uses as found to be appropriate.

ALTERNATIVES:

The alternative to the staff recommendation is:

1. Remove this item from the Consent Calendar, discuss the decision of the Planning Commission, and direct staff as determined to be appropriate.

Exhibits:

- A. Resolution No. PC 11-11
- B. P.C. Minutes excerpt, dated 9/28/11
- C. P.C. Staff Report and attachments, dated 9/28/11

C: Ali Karimi, Applicant/Property Owner
Srour & Associates, Applicant Rep.

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RESOLUTION NO. PC 11-11

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT AND COASTAL
DEVELOPMENT PERMIT FOR CONSTRUCTION OF A NEW MIXED
USE BUILDING ON THE PROPERTY LOCATED AT 3912 HIGHLAND
AVENUE (Karimi)**

**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 September 28, 2011, received testimony, and considered an application for a use permit and coastal development permit, for construction of a proposed 2,823 square foot mixed use building to include one commercial space and one residential dwelling unit on the property located at 3912 Highland Avenue in the City of Manhattan Beach.
- B. The existing legal description of the site is Portion of Lot 3, Block 9, Tract No. 4103.
- C. The applicant for the subject project is Ali Karimi, the owner of the property.
- D. 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.
- E. 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.
- F. The property is located within Area District IV and is zoned CNE, Commercial North End. The use is permitted by the zoning code and is appropriate as conditioned for the north end commercial area. The surrounding zoning consists of CNE, and surrounding private land uses consist of commercial and residential uses.
- G. The General Plan designation for the property is North End Commercial. The General Plan encourages neighborhood-oriented businesses, which preserve the low-intensity, pedestrian-oriented character of commercial areas in the North End and El Porto; while recognizing the unique qualities of mixed-use development.
- H. Approval of the commercial and residential use project, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working 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 since the project is compatible with the surrounding neighborhood and is in compliance with all applicable regulations as detailed in the project staff report.

- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. 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.
- K. 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 structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program-Implementation Plan;
 - The proposed structure is 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.
- L. 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 structure does 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.
- M. This Resolution, upon its effectiveness, constitutes the Use Permit and Coastal Development Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Coastal Development Permit application for a commercial and residential building, subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

1. * The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on September 28, 2011. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
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.

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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. 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.
9. 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. New sidewalk shall be constructed along Highland Avenue as required by the Public Works Department. Street trees shall be provided if determined to be appropriate by the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. Security lighting for the site shall be provided in conformance with Municipal Code requirements and shall include glare prevention design.

Commercial Operational Restrictions

13. * The facility shall include 698 square feet of office/retail/personal services commercial space. Food & Beverage Sales use shall also be permitted between the hours of 6am to 10:30pm daily.
14. The management of the facility shall police the property and all areas immediately adjacent to the businesses on the site during the hours of operation to keep it free of litter.
15. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
16. A covered trash and recycling enclosure(s), with adequate capacity shall be provided on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash, hazardous waste, and recycling plan shall be provided as required by the Public Works Department.
17. * Parking for commercial and residential use shall be provided in conformance with the current Manhattan Beach Municipal Code. Parking spaces shall be marked and signed as required by the Community Development Department. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial parking areas shall be prohibited. The pathway shown between spaces 1 and 2 shall be maintained with a surface continuous with the parking spaces.
18. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. Commercial signs shall not be located upon or adjacent to residentially used portions of the building.
19. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
20. Any outside sound or amplification system or equipment is prohibited.

Procedural

21. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
22. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
23. *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;

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- 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.

24. *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.

25. *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.

26. 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.

27. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.

28. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.

29. 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.

30. 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 September 28, 2011 and that said Resolution was adopted by the following vote:

AYES: **Andreani, Conaway, Gross,
Seville-Jones, Chairperson
Paralusz**


NOES: **None**

ABSTAIN: **None**

ABSENT: **None**



RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boeschon, *Sarah Boeschon*
Recording Secretary

3. AUDIENCE PARTICIPATION

4. PUBLIC HEARING

09/28/11-3 Consideration of a Use Permit and Coastal Development Permit for Proposed Construction of a Mixed Use Building with One Medical Office Space and One Residential Dwelling Unit at 3912 Highland Avenue

Associate Planner Haaland summarized the staff report.

In response to a question from Commissioner Andreani, Associate Planner Haaland indicated that signage for the proposed dental office use is not included in the plans; however, a condition regarding signage is included in the draft Resolution.

In response to a question from Commissioner Andreani, Associate Planner Haaland commented that there is not an 8 percent landscaping requirement in the CNE and CD districts.

In response to a question from Commissioner Andreani, Associate Planner Haaland indicated that typical procedures for disposal of hazardous waste would be followed for the proposed dental use.

In response to a question from Commissioner Gross, Associate Planner Haaland said that the wording of the draft Resolution would require reciprocal access with a future development on neighboring property if it were determined to be appropriate by the Planning Commission at that time.

In response to a question from Commissioner Conaway, Associate Planner Haaland stated that a 5 foot front setback is required and a 10 foot front setback is proposed for the project, which is incorrectly indicated on page 2 of the staff report as 5 foot proposed and 10 foot required.

Commissioner Conaway asked if the front sidewalk would be required to be replaced as part of the project.

Associate Planner Haaland commented that the Public Works Department has indicated that the front sidewalk would be replaced, which is common for older sidewalks.

Chairperson Paralusz asked about including the language in Condition 13 on page 3 of the draft Resolution permitting food and beverage sales between the hours of 6:00 a.m. and 10:30 p.m. daily and prohibiting personal improvement uses for the subject site. She asked if staff thinks that a convenience store use would possibly locate on the site in the future.

Associate Planner Haaland said that it is not likely that a convenience store or retail use would locate on the site, but it would be permitted with the parking as proposed.

Chairperson Paralusz opened the public hearing.

Audience Participation

Elizabeth Srour, representing the applicant, commented that the subject property was originally included as part of Los Angeles County and was originally built to different development standards. She said that many of the lots in the area have been split. She commented that the area is challenging for designing buildings because of the small size and

slope of the lots. She indicated that there are concerns with requiring reciprocal access to the neighboring property because of the small size of the subject property and adjacent lot. She said that the proposed structure provides visibility from the south and west and encourages a relationship with pedestrian traffic. She indicated that the structure would provide openness and accessibility to the street, which invites pedestrian access. She commented that the proposed design is unique, in that the commercial portion is two levels which would include stairway and elevator access.

Ms. Srour indicated that it is the goal of the applicant is to move onto the site with his family. She stated that the proposed residential and commercial uses are separate and distinct. She commented that the wall that separates the residential and commercial uses is critical to the structure and would not be easily removed to combine the space. She indicated that the project provides an opportunity to replace old housing and generate economic activity. She indicated that the required findings can be met for the project. She said that the subject property is conducive to mixed use. She commented that the project does comply with the goals of the General Plan to rehabilitate old housing and does provide a relationship with pedestrian traffic. She said that there are no aspects of the commercial or residential uses that would impact the surrounding properties. She indicated that the conditions are acceptable to the applicant with the exception of the requirement for providing reciprocal access. She pointed out that the residents walk to the businesses in the area.

Michael Lee, the project architect, said that it would not be feasible to provide reciprocal access with the adjacent site because of the small size of the lots. He commented that the City has a thorough Code review process which would address the concerns expressed by the neighbor to the east of the subject site. He said that no shoring would be required during construction. He indicated that there would be a new retaining wall with the new structure.

Commissioner Conaway asked about the possibility of replacing the existing sidewalk and curb cut in front of the proposed structure to current Code standards.

Mr. Lee stated that there would be a walkway behind the parking area that is separated from the street. He commented that the existing sidewalk would be replaced and a ramp would be provided at the corner.

Bruce Ashmun, a property owner within the 300 block of El Porto Street, said that he has submitted a letter to staff with his concerns regarding the project. He said that the proposed structure would be very bulky in relation to the other buildings in the area. He commented that a medical office is not a pedestrian oriented type of business and would not serve visitors to the community. He commented that the surf shop previously located on the subject site did serve the local community and visitors. He said that medical offices do not serve visitors to the City. He indicated that he has a concern with language included in the draft Resolution allowing food sales beginning at 6:00 a.m. He said that he also has concerns with the open space and parking space that would be lost if a reciprocal easement were required. He commented that the proposed use would not serve the community, and the North End commercial area is retail oriented along Highland Avenue. He indicated that a retail use on the subject site would help to generate revenue from tourists. He indicated that the proposed structure would be built to the maximum allowable on the site.

Angela Roth, a resident of the 3900 block of Crest Drive, said that she wants the open space and character of the area to be maintained. She indicated that the proposed structure would add bulk and would not be in character with the community.

Mike Roth, a resident of the 3900 block of Crest Drive, said that there has always been an issue with parking in the area, and it is in great demand. He indicated that the maximum amount of parking should be provided with three parking spaces for the residential use in addition to separate parking for the commercial use.

Carla Lauer, a resident of the 300 block of El Porto Street, said that the area has a small town feel, and the proposed building is not in character with the community. She indicated that the project would be a benefit to the applicant rather than to the community. She indicated that it would be more beneficial to have a retail business on the site that would be used more by the community.

Ali Karimi, the applicant, stated that he wants to be a member of the community and wants to live in the City. He said that he currently commutes and wants to be able to live in the same area where he works. He pointed out that the subject site has been empty for years.

Ms. Srour commented that there has been a lot of change in the North End over the years, and the goal is to include a mix of commercial uses. She indicated that the proposed structure does have articulation and would not be a large box. She commented that there would be open space provided on the upper levels. She commented that the setbacks would be different if the project were all commercial. She indicated that there is a benefit in having a mix of residential and commercial uses in the neighborhood. She stated that the building would provide relief from the street on the south and the west sides. She commented that the General Plan and Coastal Plan encourage housing in the area and recognize that there are residential pockets in the North End. She stated that the proposal would not be built to the maximum allowed on the site and is in full compliance with the Code.

Chairperson Paralusz closed the public hearing.

Commission Discussion

In response to a question from Chairperson Paralusz, Director Thompson pointed out that two parking spaces would be dedicated for the residential use and three spaces would be dedicated for the commercial use.

In response to a question from Chairperson Paralusz, Associate Planner Haaland stated that the project would not eliminate any existing on-street parking.

In response to a question from Commissioner Conaway, Director Thompson indicated that the proposal does conform to the Code requirements for open space.

Commissioner Conaway commented that he is sympathetic to the concerns of the neighbors regarding the loss of existing smaller structures. He said, however, that a mixed use project with a medical office would serve the local community. He indicated that a three-story structure is not out of character with the area. He commented that the applicant is within their rights to build the structure as proposed, and the building would provide architectural detail. He indicated that he is concerned with the viability of providing reciprocal access, and he feels it would not be appropriate to impose such a condition on the project. He commented that he also is concerned with access to the public right of way. He suggested adding 1 or 2 feet to the front setback to allow for a wider sidewalk. He also suggested that consideration be given to adding more trees to provide a buffer to the roadway.

Commissioner Seville-Jones said that she also is sorry for the loss of a smaller building which has been in the community for a long time. She commented, however, that the applicant is

investing in the community. She said that there is a transition in the community with a new owner who wants to renovate the property for their use. She stated that she believes that the business would serve the local community, and residents would walk to the use. She pointed out that the mixed use project would also be a benefit to the applicant who would not have to commute and would be able to spend more free time with his family. She commented that she feels mixed use is consistent with the zoning and would not have a detrimental impact on the neighbors. She stated that while she understands the concerns expressed by the neighbors, the building as proposed meets the standards of the Code. She said that she feels the subject property is too small for the reciprocal access agreement to be viable.

Commissioner Seville-Jones commented that she would not necessarily be concerned with a personal improvement business possibly locating on the site. She said that she would like to have further discussion regarding a food and beverage use locating on the site. She indicated that the sidewalk in front of the subject site is consistent with the rest of the street, and she would have a concern with requiring the sidewalk to be widened for certain properties and not others. She commented that she would support more trees being provided for the site. She indicated that she hopes that there will not be animosity between the neighbors as a result of the project. She indicated that she appreciates that the neighbors coming to the hearing to express their concerns.

Commissioner Andreani commented that she does not think the neighborhood would be negatively impacted by a dental office, but she does not feel that it is necessarily a good business for a mixed use project. She indicated that she would have some concern with the viability of a dental office at the subject site. She commented that she would not support requiring additional space to widen the sidewalk because she feels it would be too difficult to manage the size of sidewalks throughout the area or the City. She stated that she would like for trees to be planted to provide a buffer between the street and the subject building. She said that she agrees that the property is too small for reciprocal access to be viable. She commented that she is also pleased that no street parking would be lost as a result of the proposal.

Commissioner Gross commented that he strongly supports the project. He expressed agreement with Commissioner Seville-Jones' comments, encouraging community comments and concerns but recognizing rights of applicants to lawful use of the land. He said that the community continues to improve, and the project would benefit the City. He stated that the existing structure on the site is run down, and it is courageous of the property owner to renovate the property. He indicated that he likes the idea of requiring reciprocal access; however, in this case it would be taking away property rights from the applicant because of the small size of the subject property. He said that the proposed structure is very attractive considering what would be permitted on the site.

Chairperson Paralusz commented that she also appreciates the passion of the neighbors in maintaining the quality of life in their community. She stated that she is in support of the project, although she is sympathetic to the residents who would be impacted. She pointed out that the applicant wishes to enjoy the same lifestyle as the other residents in the City. She commented that she hopes the adjacent residents will welcome the applicant and his family into the community. She stated that a dental office does serve a need in the community, and the project would allow the applicant to stop commuting. She indicated that the applicant and his family will also be generating additional revenue to the area by utilizing the local businesses. She commented that the project does meet the requirements of the Code and the General Plan. She also indicated that the proposal would not remove any existing street parking. She said that she would be concerned with allowing food and beverage sales on the site. She commented that she would be concerned with the possibility of delivery trucks coming to the site for a food and beverage use. She said that she would not have as much of a concern with

allowing a personal improvement use on the site, as the residents who would utilize such a business would most likely walk.

Director Thompson pointed out that a food and beverage use is permitted in the zone in which the subject property is located. He indicated that the condition is included in the draft Resolution to clarify that there would be limited hours of operation for any food and beverage use that would locate on the site. He commented that staff would be concerned with the impact of traffic from larger classes that could occur with a personal improvement business on the site. He indicated that personal improvement businesses include instructional services or facilities including photography studios, fine arts studios, crafts studios, dance studios, music studios, driving schools, business schools, trade schools, diet centers, fitness studios, and massage.

In response to a question from Chairperson Paralusz, Associate Planner Haaland indicated that only off site sales of food and beverages would be permitted for the site and not a restaurant use that would include seating.

Chairperson Paralusz stated that she is concerned with the potential impact of a food and beverage use. She commented that it is easier to place restrictions on a use when a project is approved rather than taking entitlements from the applicant later.

Commissioner Seville-Jones pointed out that food and beverage sales were permitted for a property located near the subject site. She said that she would imagine that the laundromat and other businesses near the subject property open early. She indicated that she would not support changing the hours permitted for food and beverage sales that are allowed by the Code.

Commissioner Andreani pointed out that the adjacent area is primarily residential.

In response to a question from Commissioner Seville-Jones, Associate Planner Haaland indicated that the subject property did have a food & beverage use at some point in the past.

Chairperson Paralusz reopened the public hearing.

Mr. Ashmun said that his understanding is that El Tarasco was located on the subject property but was closed because the fumes from the restaurant impacted the neighboring residents.

Chairperson Paralusz closed the public hearing.

Commissioner Seville-Jones commented that the technology for mitigating fumes from cooking has improved. She pointed out that the proposed building is not designed to accommodate a kitchen for a food service use.

Commissioner Andreani indicated that she does not see a food and beverage sales use locating in the proposed structure, and she is not sure as to why such a use needs to be permitted.

Director Thompson pointed out that non-restaurant food and beverage sales are permitted by the Code for the subject property.

Commissioner Conaway commented that food and beverage sales or a personal improvement business locating on the site would be self limiting because of the small amount of space. He said that he feels a personal improvement use would be appropriate for the site. He indicated that parking for such a use would be available in the City parking lot near the site.

Commissioner Seville-Jones and Chairperson Paralusz indicated that they agree with the comments of Commissioner Conaway.

Commissioner Gross commented that the existing building is old and unsafe and needs to be replaced. He pointed out that the area is zoned commercial. He indicated that he feels a variety of commercial uses should be accommodated.

Commissioner Andreani said that she supports the project. She indicated that she feels a small dental office located adjacent to a residence does promote a small town atmosphere. She indicated that she would have a concern regarding the proper disposal of hazardous waste from the dental office use. She suggested adding language to item 16 under "Commercial Operational Restrictions" on page 3 of the draft Resolution to state that the applicant must comply with current regulations concerning medical waste.

Action

A motion was MADE and SECONDED (Seville-Jones/Andreani) to **APPROVE** a Use Permit and Coastal Development Permit for proposed construction of a mixed use building with one medical office space and one residential dwelling unit at 3912 Highland Avenue with changes to the draft Resolution that the reciprocal easement agreement be eliminated; that a personal improvement use would be permitted on the site; that additional landscaping be provided along the sidewalk; and that language be added to item 16 under "Commercial Operational Restrictions" to state that the applicant must comply with current regulations concerning medical waste.

AYES: Andreani, Conaway, Gross, Seville-Jones, Chairperson Paralusz
NOES: None
ABSENT: None
ABSTAIN: None

Director Thompson explained the 15-day appeal period and stated that the item will be placed on the City Council's Consent Calendar for their meeting of October 18, 2011.

09/28/11-4 Consideration of Zoning Text Amendment to Allow Tattoo Studios to Operate Within the City

Assistant Planner Danna summarized the staff report.

Commissioner Seville-Jones commended staff on preparing the staff report and incorporating the comments of the Commissioners at the previous hearing.

In response to a question from Commissioner Seville-Jones, Assistant Planner Danna indicated that staff did consider the distances that are required by other cities as well as the proximity of residences to commercial areas in Manhattan Beach in reaching their recommendation. He commented that schools are typically located adjacent to residential areas. He indicated that the City's commercial areas are typically oriented toward the major arterial streets and are not part of walking routes to schools. He said that requiring larger distances also would eliminate properties that would be permitted to become tattoo studios.

Commissioner Gross pointed out that there is not a commercial district that is located within 1,000 feet of a public school.

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Eric Haaland, Associate Planner

DATE: September 28, 2011

SUBJECT: Consideration of a Use Permit and Coastal Development Permit for Proposed Construction of a Mixed Use Building with One Medical Office Space and One Residential Dwelling Unit on the Property Located at 3912 Highland Avenue (Karimi)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** the attached resolution approving the project subject to certain conditions.

APPLICANT/OWNER

Ali Karimi
1140 Highland Ave. #420
Manhattan Beach, CA 90266

BACKGROUND

The subject site presently consists of a portion of a commercially zoned corner lot with a vacant commercial building, and one residential unit. The project is proposed to include a single 3-story building with on-grade parking, 1 medical office space and 1 residential unit. Section 10.16.020 of the city's zoning code requires use permit approval for the proposed residential use in a commercial zone. Demolition of the existing improvements, and the proposed new construction at this location require approval of a Coastal Development Permit that is not appealable to the Coastal Commission.

**EXHIBIT C
CC MTG 10-18-11**

PROJECT OVERVIEW

LOCATION

Location	3912 Highland Ave. at the northeast corner of Highland & El Porto St. (See Vicinity Map).
Legal Description Area District	Portion of Lot 3, Block 9, Tract No. 4103. IV

LAND USE

General Plan Zoning	North End Commercial CNE, Commercial North End	
Land Use	Existing 650 sq. ft. commercial space & 1 residential unit	Proposed 698 sq. ft. commercial space & one 2,125 residential unit totaling 2,823 sq. ft.
Neighboring Zoning/Land Uses	North South (across El Porto St) East West (across Highland)	CNE/Apartments. CNE/Apartments CNE/ Apartments CNE/Laundry & apartments

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	2,082 sq. ft. (35.4'x60')	2,700 sq. ft. min
Residential Density:	1 unit / 2,082 sq. ft. lot area	1 unit /850 sq. ft. lot area max.
Building Floor Area:	2,823 sq. ft.	3,123 sq. ft. max
Height	29.8 ft.	30 ft. max.
Setbacks		
Commercial	Varies: 0 – 5 ft.	None
Residential		
Front	5 ft.	10 ft.
Rear	5 ft.	5 ft.
South side	1.5 ft.	1 ft.
West side	3.5 ft.	3.5 ft.
Parking:	5 spaces	5 Spaces
Vehicle Access	El Porto St. driveway	Preserve on-street parking

DISCUSSION

The submitted plans show an existing mixed use site to be redeveloped with a 3-story mixed use building with a commercial space in front and residential units above and behind. The site would contain a 2,082 square foot building including one 2-level commercial space fronting on Highland Ave, one residential unit, and side-alley accessed parking. Pedestrian access would primarily be taken from Highland Avenue, and driveway access would be taken from El Porto Street (alley).

The proposed mixed use building would generally replace the existing 1-story buildings on the property with substantially increased floor area. All parking related to this building would be contained within/under the building. Three commercial parking spaces, and 2 residential spaces would be located in the street-level garage and unenclosed paved areas behind the commercial tenant space. The project would not result in any lost street parking since all vehicle access is taken from the side alley. The residential entry is located toward the interior corner of the site, which would be accessed by a pathway from the alley, between commercial parking spaces, and behind the residential garage. The Highland Avenue commercial frontage includes a ground level lobby area accessing stairs and an elevator leading to the 2nd-story medical/dental treatment space. The upper building level would be entirely occupied by residential space and outdoor deck area.

The project conforms to the city's requirements for use, height, floor area, setbacks, parking, and open space. The commercial portion of the project is subject to the CNE regulations. The residential units are subject to the RH (residential) development standards except that the overall project floor area ratio for the mixed use site must conform to the more restrictive CNE requirement. The project issues that warrant discussion include residential use, retail use, future reciprocal access, and project design.

Residential Use:

The CNE zone allows for residential use in those commercial areas, subject to use permit approval. The Planning Commission must determine that the proposed residential units are not detrimental to the subject commercial area, and that the residential occupants of the units would not be detrimentally affected by the surrounding commercial uses. Residential use occupies the majority of the development, although the commercial portion is at the most prominent location facing Highland Avenue. The commercial space occupies the entire ground level Highland frontage which is desirable to enhance the commercial character and viability of the area. The proposed amount of commercial area, while small, roughly matches the existing amount, and occupies a higher proportion of area (25%) than some recently approved mixed use projects. The overall design concept appears consistent with the purpose of the North End Commercial district (MBMC 10.16.010) by providing small, local, and visitor serving commercial uses along Highland Avenue, and residential uses as found to be appropriate.

Staff also believes that the proposed residential unit occupants would not be detrimentally

affected by the uses in the commercial area, since nearby commercial will be of relatively low intensity, and residential uses also occupy most surrounding properties.

Retail Use:

The applicant's dental surgery use is currently identified for the proposed commercial space. Adequate parking is provided for retail use, but the primarily second-floor level of that space appears less desirable for retail tenants. Previous commercial uses on the site have primarily been retail use. The city is generally interested in retail uses for ground floor commercial space fronting on Highland Avenue to serve residents and visitors, provide a continuous interesting commercial corridor, and preserve tax revenue sources. The proposed resolution allows for retail uses if such a tenancy occurs in the future.

Reciprocal Access:

A similar mixed use building is approved on the same block face as the subject site, which is required to cooperate with any future neighboring projects if determined to be appropriate by the Planning Commission. The single parcel between these two sites currently has a large driveway accessing Highland Avenue. It would be desirable to eliminate that driveway when redevelopment of the middle site occurs in the future. Achieving reciprocal access would probably be the only way to accomplish that result, therefore, the standard reciprocal access condition has been included in the proposed project resolution. This condition would only be imposed on the project if the Planning Commission determined at a future public hearing for the neighboring site that reciprocal access was feasible and appropriate for all properties involved.

Project Design:

The project design is in conformance with all applicable regulations including the 1.5 floor area ratio (3,123 sq. ft. max.) of the CNE zone. Beach area RH districts permit floor area ratios up to 1.7. The overall appearance of the project is modern style featuring extensive glass treatment, modulated rectangular shapes, upper deck area, and ground level patio.

The project plans do not provide any sign information. A standard condition prohibiting pole signs is recommended as well as a condition prohibiting internally illuminated signs that has been recently applied in the beach area.

Use Permit Procedures

Section 10.84.010 of the Zoning Code establishes that the purpose of Use Permits is as follows:

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Section 10.84.020 states that “The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits or variances”.

The Planning Commission must make the following findings in accordance with Section 10.84.060 for the use permit, if the project is approved:

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;
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 the public health, safety or welfare of persons residing or working on the proposed project site or in 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;
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
4. The proposed use will not adversely impact or be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

The Planning Commission, as part of approving the use permit for the subject project, in accordance with Section 10.84.070 can impose reasonable conditions as necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare, or
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
- D. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

Public Input:

A public notice for the project was mailed to property owners within 500 feet of the site and published in the Beach Reporter newspaper. Staff has received a few inquiries and one written response to the project hearing notice. The attached letter from the easterly abutting property owner expresses concerns for construction disturbance, building height and bulk, and lost views. Project construction will be monitored for proper construction and construction traffic/parking procedures by the Building Division and Police Department. The project design is generally maximum size, similar to other recent mixed

use projects in the City, but is in conformance with all height, area, setback, and open space requirements.

ENVIRONMENTAL DETERMINATION

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.

CONCLUSION

Staff recommends that the Planning Commission accept public hearing testimony, discuss the project issues, and adopt the attached resolution approving the project subject to certain conditions.

Attachments:

- A. Resolution No. PC 11-
- B. Vicinity Map
- C. Applicant description
- D. Neighbor letter
Plans (separate)

c: Ali Karimi, Applicant
Srour & Associates, Applicant Rep.
Michael Lee, Architect.

RESOLUTION NO. PC 11-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT AND COASTAL
DEVELOPMENT PERMIT FOR CONSTRUCTION OF A NEW MIXED
USE BUILDING ON THE PROPERTY LOCATED AT 3912 HIGHLAND
AVENUE (Karimi)**

**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 September 28, 2011, received testimony, and considered an application for a use permit and coastal development permit, for construction of a proposed 2,823 square foot mixed use building to include one commercial space and one residential dwelling unit on the property located at 3912 Highland Avenue in the City of Manhattan Beach.
- B. The existing legal description of the site is Portion of Lot 3, Block 9, Tract No. 4103.
- C. The applicant for the subject project is Ali Karimi, the owner of the property.
- D. 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.
- E. 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.
- F. The property is located within Area District IV and is zoned CNE, Commercial North End. The use is permitted by the zoning code and is appropriate as conditioned for the north end commercial area. The surrounding zoning consists of CNE, and surrounding private land uses consist of commercial and residential uses.
- G. The General Plan designation for the property is North End Commercial. The General Plan encourages neighborhood-oriented businesses, which preserve the low-intensity, pedestrian-oriented character of commercial areas in the North End and El Porto; while recognizing the unique qualities of mixed-use development.
- H. Approval of the commercial and residential use project, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working 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 since the project is compatible with the surrounding neighborhood and is in compliance with all applicable regulations as detailed in the project staff report.
- I. The project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code.
- J. 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.
- K. 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 structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program-Implementation Plan;
 - The proposed structure is consistent with the residential bulk control as established by the

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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.
- L. 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 structure does 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.
- M. This Resolution, upon its effectiveness, constitutes the Use Permit and Coastal Development Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Coastal Development Permit application for a commercial and residential building, subject to the following conditions (*indicates a site specific condition):

Site Preparation / Construction

1. * The project shall be constructed and operated in substantial compliance with the submitted plans as approved by the Planning Commission on September 28, 2011. Any other substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
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

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and Community Development Departments.

8. 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.
9. 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. New sidewalk shall be constructed along Highland Avenue as required by the Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. Security lighting for the site shall be provided in conformance with Municipal Code requirements and shall include glare prevention design.

Commercial Operational Restrictions

13. * The facility shall include 698 square feet of office/retail/personal services commercial space. Food & Beverage Sales use shall also be permitted between the hours of 6am to 10:30pm daily. Personal improvement uses shall be prohibited.
14. The management of the facility shall police the property and all areas immediately adjacent to the businesses on the site during the hours of operation to keep it free of litter.
15. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
16. A covered trash and recycling enclosure(s), with adequate capacity shall be provided on the site subject to the specifications and approval of the Public Works Department, Community Development Department, and City's waste contractor. A trash and recycling plan shall be provided as required by the Public Works Department.
17. * The site shall allow reciprocal vehicle access with adjacent properties for any future City approved project upon which a similar reciprocal access condition is imposed. Such access shall be through the site's parking lot and driveway. The parking lot configuration shown on the subject plans shall be modified (at the expense of the subject property owner) at the time of implementation of the reciprocal access condition of the project.
18. * Parking for commercial and residential use shall be provided in conformance with the current Manhattan Beach Municipal Code. Parking spaces shall be marked and signed as required by the Community Development Department. Commercial parking spaces shall be available to employees and customers and shall not be labeled or otherwise restricted for use by any individuals. Gates or other obstructions to commercial parking areas shall be prohibited. The pathway shown between spaces 1 and 2 shall be maintained with a surface continuous with the parking spaces. Future parking lot modifications for the purposes of providing reciprocal access to a neighboring commercial property, and any parking requirement modifications that are warranted, shall be subject to approval of the Planning Commission in association with its review of the neighboring project.
19. * All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited. Commercial signs shall not be located upon or adjacent

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to residentially used portions of the building.

20. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.

21. Any outside sound or amplification system or equipment is prohibited.

Procedural

22. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.

23. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.

24. *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.

25. *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.

26. *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.

27. 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.

28. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.

29. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.

30. 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.

31. 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.

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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 September 28, 2011 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen,
Recording Secretary

Vicinity Map
3912 Highland Ave.

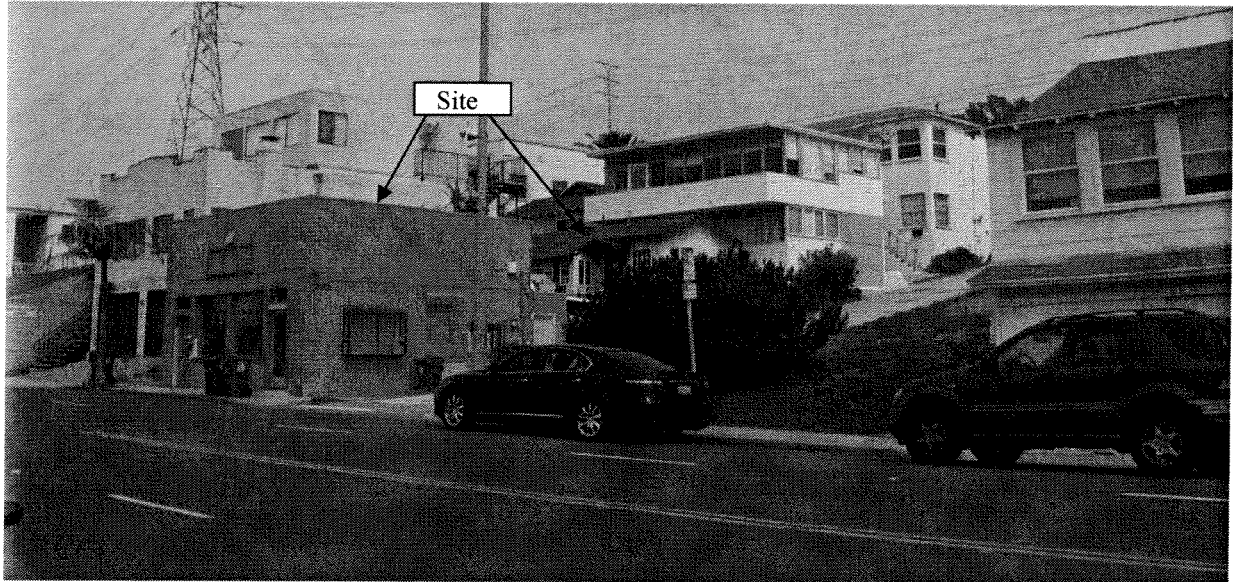
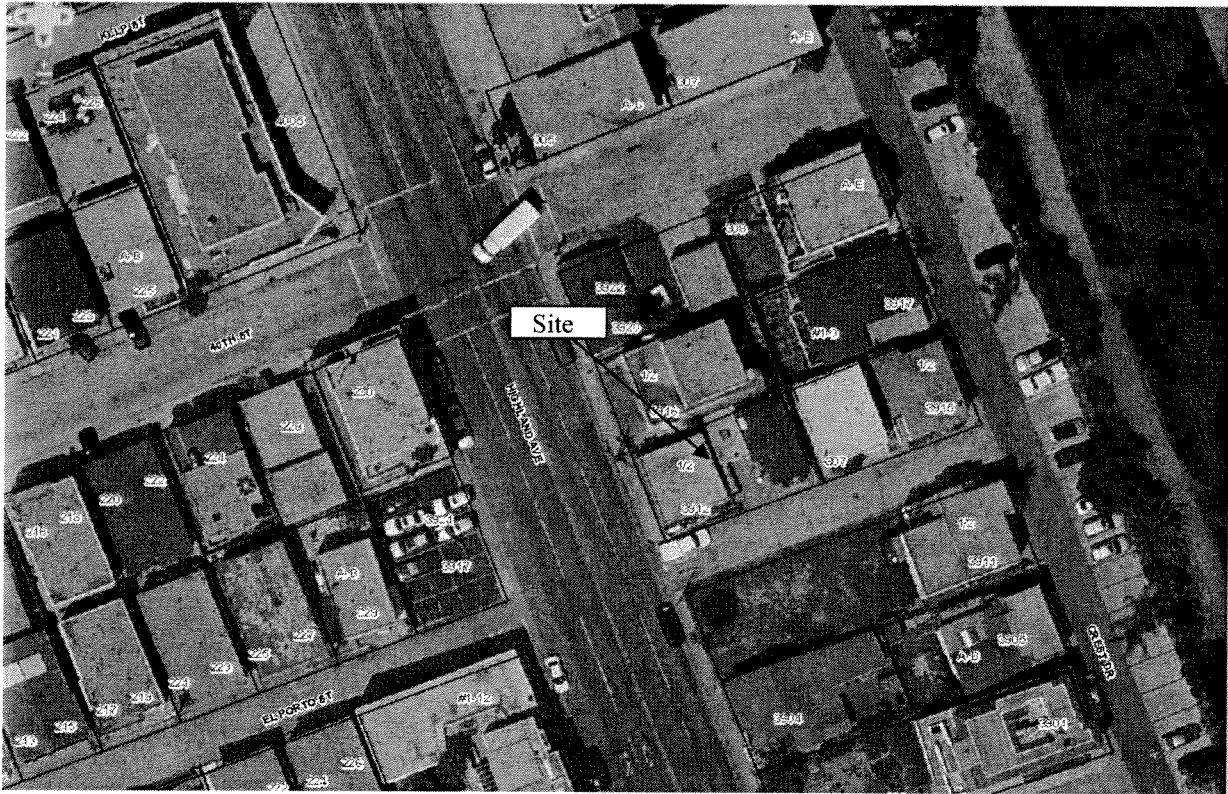


EXHIBIT
B

SROUR & ASSOCIATES, LLC
Business and Real Estate Development Services
1001 Sixth Street, Suite 110, Manhattan Beach, CA 90266
email address: sroullc@esrou.com
310/372-8433 • FAX 310/372-8894

June 10, 2011

TO: Community Development Department
FROM: Elizabeth Srour

SUBJECT: 3912 HIGHLAND AVE. COASTAL PERMIT APPLICATION - NON-APPEAL
CUP for Mixed Use Development- 1 Commercial and 1 Residential (Karimi)

The application for Coastal Permit is for the demolition of existing structures including a detached 77 year old, one-story residence and a 71 year old one story commercial building with one on-site parking space designated for the residential unit and construction of a three story mixed use structure, with five on-site parking spaces available for the commercial and residential uses. The site is a half lot (35' x 60') located at the NE corner of Highland Avenue and El Porto Street in Area District IV and is zoned CNE. The proposed development incorporates a 698 sf commercial suite oriented towards Highland Avenue with space on both the first and second floor. The 2,200 sf residential unit occupies a portion of the second level and the entire third level. The main entry is located on the first level at the rear of the lot with direct entry from the garage as well. All parking is accessed from El Porto Street with a private two car garage for the residence and three open spaces available for the commercial use. There will be no curb-cut on Highland Avenue. The proposed development is in full compliance with all applicable zoning criteria as well as the Local Coastal Plan.

The location is ideal for an owner-user and the site lay-out has been designed to accommodate the property owner who intends to operate his dental surgery practice from this location as well as to reside with his family on the property. However, the two uses are physically separate and distinct and can just as easily accommodate two totally unrelated tenants. The commercial unit has both stairway and elevator access to the second level and would lend itself to a variety of professional office uses as well as the proposed medical/dental practice. Parking complies with provisions for general office and medical/dental use as well as retail use.

The proposed development is designed to be in full compliance with the zoning requirements as well as the Local Coastal Plan in that as drawn, the structures will meet standards regarding setbacks, height, floor area ratio, parking, open space, and all other zoning standards that apply to this area. In addition, the overall density is less than permitted for the property. The development addresses the community goal to preserve small-town atmosphere and maintain low-profile development. The proposed development for the lot is in compliance with the Local Coastal Plan in that:

- ♦ The site is not located on a walk street.
- ♦ One goal of the CNE designation is to provide for a mix of small, local and visitor-serving commercial uses, and both the General Plan and the Local Coastal Plan recognize the existence of well established residential pockets throughout the area. Therefore, the General Plan seeks to preserve existing neighborhoods and to encourage the upgrading and replacement of older, substandard beach housing.

Although the focus of the North End is to accommodate a range of community businesses that serve beach visitors and residents, it is critically dependent upon patronage from surrounding residential neighborhoods for the success of those businesses. The subject site is ideally located for a mixed use development with the Highland frontage and pedestrian orientation and residential use located at the rear and upper levels which areas are not especially conducive to typical commercial services that rely on visibility. The provisions of the Local Coastal Program incorporate zoning and development standards and the proposed plans meet all applicable standards, including allowable building area.

- The site is located on a fully improved public street with side walks and there will be no interference with pedestrian access to the beach or surrounding businesses. The building is oriented towards Highland Avenue and the design accommodates commercial use at the street and second level, utilizing the corner location very efficiently with an inviting pedestrian entrance, street facing windows and an attractive corner façade. Building elevations are well articulated with the upper levels terraced back from the street and open decks facing Highland Avenue and El Porto Street.

The design provides all required parking including a private two car garage and three dedicated spaces for the commercial suite. Both the commercial and residential uses will benefit from public parking within walking distance as well as some street parking. All parking is accessed from El Porto Street so there will be no curb cut on Highland.



To: Manhattan Beach Community Development Department
 Attn: Eric Haaland,
 Project: 3912 Highland Ave. MB
 Subject: Concerns regarding the project to be considered in your development meeting.

Dear Eric Haaland,

I am writing this letter to express my concerns regarding the proposed construction project at 3912 Highland Ave. I own the property at 307 El Porto St. which is located directly east of the project.

1. I am concerned of the sheer bulk of the building and it's fit in the area. Its maximum height reaches as high as 34' 6". It will significantly box in my property and look very disproportionate to the neighboring buildings.
2. I am very concerned with the height of the building. Even with the steepness of El Porto St., the views from my 2 two story buildings will be completely blocked by the height of this quite massive structure. Without question it will "overwhelm" my property and reduce the amount of natural light.
3. It doesn't seem to provide a reasonable amount of "open space" or yard. The open areas seem to be covered by the structure and do not seem give a feel of open space as I believe is intended in the MB General Plan.
4. The first floor does not seem to have any set back on the east side. This concerns me because of the potential damage to my property with regard to the shoring that will be required. Any disturbance of the sand could undermine my properties slab & walkway.
5. The General Plan speaks of "Small Town Character" under its section Goals and Policies. It states:

"Manhattan Beach values its small-town atmosphere and unique neighborhoods. Low-profile, human-scale development not only promotes a sense of neighborhood and community among residents and businesses, this development profile also encourages interaction and maximizes visual and physical access to one of the most important assets of our community - the beachfront. To preserve this character, the City recognizes that reasonable controls on development must be pursued particularly to avoid overbuilding on small lots. New residential construction and home additions should reflect the scale and character of surrounding homes. Excessively large structures that are tall and bulky, with tight setbacks, and/or that exhibit limited architectural articulation along the façades or rooflines, can produce streetscapes that are aesthetically overbearing. In the commercial districts of Downtown and the North End, and where commercial businesses interface directly with residential neighborhoods, low-scale development enhances compatibility, encourages walking, and creates a human scale. The following goal and corollary policies encourage well-proportioned structures and functional, attractive streetscapes that promote and maintain the low-profile development and small-town character of Manhattan Beach"

I believe that this development does not fulfill the intent of the General plan. It does not reflect the scale and character of the surrounding homes. It minimizes visual access to the beach, it is not well proportioned to the surrounding buildings and it is definitely not a low-profile structure that represents the small town character of Manhattan Beach.

I hope you can include my concerns in your staff report. Thank you in advance for considering my concerns.

Bruce Ashmun
 Property owner
 307 El Porto St.
 Manhattan Beach

