`CITY OF MANHATTAN BEACH DEPARTMENT OF COMMUNITY DEVELOPMENT MEMORANDUM

TO:

Planning Commission

FROM:

Richard Thompson, Director of Community Development

BY:

Eric Haaland, Associate Planner (1)

DATE:

October 24, 2007

SUBJECT:

Consideration of Variances, Coastal Development Permits, a Use Permit, and Vesting Tentative Tract Map No. 68805, for a 2-Lot, 5-Unit Condominium Project on the Property Located at 4320 Highland Avenue

and 4321 Crest Drive. (Crest Highland LLC)

RECOMMENDATION

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

APPLICANT/OWNER

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

BACKGROUND

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

PROJECT OVERVIEW

LOCATION

Location

4320 Highland Ave. & 4321 Crest Dr. on the south side of 44th St. (See Site Location

Map).

Legal Description

Lots 14, 15 & 16, Block 16, Peck's

Manhattan Beach Tract.

Area District

IV

LAND USE

General Plan

Zoning

High Density Residential RH, High Density Residential

Land Use

Existing

1,728 sq. ft. single family

residence

Proposed

Highland parcel – 7,578 square foot residential

building w 3 condo. Units Crest parcel – 4,113 square foot residential building w/

2 condo. units

Neighboring Zoning/Land

Uses

North (across 44th St.)

South

East (across Crest Dr.)
West (across Highland Av.)

RH/apartments & SFR

RH/ apartments

El Segundo/Refinery RH/apts & condos

PROJECT DETAILS

Highland Parcel (Lot 2)

Proposed	Requirement (Staff Rec)
4,750 sq. ft. (60'x 0')	2,700 sq. ft. min
1 unit / 1,583 sq. ft. lot area	1 unit / 850 sq. ft. lot area (5 units total) max.
7,578 sq. ft.	8,075sq. ft. max
30 ft.	30 ft. max.
5 ft.	5 ft.
5 ft.	5 ft.
ft.	1 ft.
5 ft.	5 ft.
9 spaces	Front & rear access potential
1 Highland driveway 1 44 th St. dwy.	N/A
	4,750 sq. ft. (60'x 0') 1 unit / 1,583 sq. ft. lot area 7,578 sq. ft. 30 ft. 5 ft. 5 ft. ft. 5 ft. 9 spaces 1 Highland driveway

Crest Parcel (Lot 1)

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

DISCUSSION

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

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

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

Lot Configuration:

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

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

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

Vehicle Access:

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

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

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

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

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

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

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

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

Street Parking:

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

Public Input:

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

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

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

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

Attachments:

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

(NAE = not available electronically)

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

4320 Highland Ave./4321 Crest Dr. Vicinity





Manhattan Beach Municipal Code

- i. The floor must be no higher than twenty inches (20") above the exterior finished grade; and
- j. Required enclosed parking shall be compatible with the manufactured home design and with other buildings in the area.
- D. Cancellation of State Registration. Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured house, the owner shall provide to the Community Development Director satisfactory evidence showing: that the state registration of the manufactured house has been or will, with certainty, be canceled; if the manufactured house is new and has never been registered with the state, the owner shall provide the Community Development Director with a statement to that effect from the dealer selling the home.

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

Section 10.52.110 Residential condominium standards.

A. Eligibility Requirements.

- All residential condominiums (new construction or conversion) located in area districts III
 and IV shall have vehicular access from both the front and the rear property lines from
 dedicated streets or alleys improved and open to vehicular use.
 - a. Exception. Properties on the Strand.
 - b. Exception. Where a building site (consisting of a lot or portions of a lot) exists on March 9, 1989, and (1) neither the front nor the rear of the site is adjacent to a "walk street" and (2) the building site has access from two or more property lines from dedicated public streets or alleys improved and open to vehicular use. The building site shall be deemed to be a condominium site. This exception does not apply in area district IV.
 - c. Exception. Where a building site is zoned RH is adjacent to a "walk street" and has vehicular access from two (2) or more property lines from dedicated street or alleys improved and open to vehicular use, said building site shall be deemed to be a condominium site, with a maximum of two (2) dwelling units.
- B. The following standards shall apply to construction of new condominium; condominium conversion standards are prescribed by Chapter 10.88.
 - Sound attenuation for all common wall assemblies, and floor-to-ceiling assemblies which separate units from each other or from common areas within the building such as hallways, corridors, laundry rooms, recreation rooms or garage and storage areas, shall be required for both airborne sound and impact sound.

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

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

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

Manhattan Beach Municipal Code

- 3. All floor-to-ceiling assemblies between separate dwelling units or common areas shall provide airborne sound insulation equal to that required to meet a sound transmission class (STC) of fifty (50), forty-five (45) if field tested, as defined in the Uniform Building Code standards.
- 4. All floor-to-ceiling assemblies between separate dwelling units or common areas shall provide impact sound insulation equal to that required to meet an impact insulation class (IIC) of sixty (60), fifty-five (55) if field tested, as defined in the Uniform Building Code standards.
- 5. All residential condominiums consisting of two (2) units on a single lot which is to be owned in common shall be developed with units which are approximately equal in size and age. In no case shall the difference in enclosed floor space used for living purposes be assigned to one (1) unit which is more than fifty-five percent (55%) of the total floor space assigned for both units, unless the smaller of the two (2) units exceeds one thousand eight hundred (1,800) square feet.
- 6. All residential condominiums shall have separate electrical and water meters and early warning fire detection systems.
- 7. A least one hundred fifty (150) cubic feet of enclosed storage space shall be provided in the garage, or outside area if architecturally screened, for each unit.
- 8. Where laundry rooms, water heaters, and/or, dishwashers are unequipped to prevent leakage above neighboring units or above other residential floors below "drip pans," or other devices, shall be provided.
- 9. All new buildings shall conform to Title 24 of the California Code of Regulations requiring compliance with the state energy regulations.
- 10. Enclosed trash areas shall be provided.

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- 11. All utilities serving the site shall be undergrounded consistent with the provisions and exceptions provided in Section 9.12.050, Services undergrounding of this Code.
- 12. The title sheet and condominium owner's agreement shall state that:
 - a. Any future construction of living space or reconstruction of the building shall require review and approval of a use permit; and
 - b. The unit ownership is an "intangible portion of multiple residential property" and "ownership of a unit does not parallel or emulate ownership of single-family property or use..."
- 13. The condominium owners' association shall provide the opportunity for annual review and inspection of the building and the interior of individual units.
- 14. Building exteriors and common areas shall be maintained in the absence of an individual owner's agreement.
- 15. All common areas including, but not limited to, exterior portions of buildings, structures, utilities, yards, driveways, open space, etc., shall be under common ownership of all owners of condominium units.
- 16. All title conditions, covenants, and restrictions (CC&Rs), in form and content, and any revisions thereto shall, if required by the project use permit, be subject to approval of the City Attorney.
- 17. Two (2) off-street parking spaces and one (1) guest space shall be provided, consistent with Section 10.64.030.

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

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

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

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

October 2007

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

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

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

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

THE PROPOSED DEVELOPMENT RESULTS IN MANY BENEFITS TO THE COMMUNITY:

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

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

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

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

- 1. Special circumstances relate to the extreme topography, irregular shape of the lot and curvature of the street. The shape of the site is peculiar to this situation and is not representative of the general nature or configuration of other properties in the area, or even throughout the beach area. Because of this atypical shape of the property, the owner is being held to a standard that results in a very restrictive use of the property and denies the owner the opportunity to derive a reasonable use of his property.
- 2. <u>Public good -</u> The requested interpretation is not a material change to the Code as the development will in fact meet the intention of the condominium ordinance, in that all required parking is provided, access is safe and relates well to existing streets and traffic patterns, and parking is property distributed among the respective units. The proposed development benefits the immediate neighborhood and the community at large in that:

Reduced number of residential units & increased opportunities for home ownership
Permanent residency as opposed to a more "transient" occupancy typically associated with
multi-residential apartment buildings

Reduced number of potential curb cuts

Widening of 44th St. and provision of additional public, on-street parking spaces Reduced building mass with separation of buildings and well articulated elevations

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

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

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

Eric Haaland

From: martaesq@yahoo.com

Sent: Sunday, October 14, 2007 10:02 AM

To: Eric Haaland

Subject: Project at 4321 Crest Dr. and 4320 Highland Ave.

Dear Mr. Haaland:

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

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

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

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

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

Boardwalk for \$500? In 2007? Ha!

Play Monopoly Here and Now (it's updated for today's economy) at Yahoo! Games.

