

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Eric Haaland, Associate Planner

DATE: November 14, 2007

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

RECOMMENDATION

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

APPLICANT/OWNER

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

DISCUSSION

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

Attachments:

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

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RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING VARIANCES, COASTAL DEVELOPMENT PERMITS, A USE PERMIT, AND VESTING TENTATIVE PARCEL MAP NO. 68805 FOR CONSTRUCTION OF 5 RESIDENTIAL CONDOMINIUM UNITS ON TWO SEPARATE PROPERTIES LOCATED AT 4320 HIGHLAND AVENUE & 4321 CREST DRIVE (Crest Highland LLC)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on October 24,, 2007, received testimony, and considered an application for variances, coastal development permits, a use permit, and tentative tract map to allow demolition of a single-family residence for construction of a three-unit condominium project on property located at 4320 Highland Avenue, and a two-unit condominium project on property located at 4321 Crest Drive, in the City of Manhattan Beach.
- B. The existing legal description of the overall site is Lots 1 & 2, Block 13, Tract No. 4103. The proposed legal descriptions are: 4320 Highland Avenue – Lot 2, Tract 68805; 4321 Crest Drive – Lot 1, Tract 68805.
- C. The applicant for both projects is Crest Highland LLC the owner of the property.
- D. The property is located within Area District IV and is zoned RH, High Density Residential. The uses for each lot are permitted by the zoning code, with the exception of the lack of rear vehicle access potential, and are appropriate as conditioned for the high density residential area. The surrounding private land uses consist of residential and El Segundo industrial uses.
- E. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301.
- F. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- G. The General Plan designation for the property is High Density Residential. The project is consistent with the General Plan including specific policies including the following:
 - Policy LU-1.2: Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape.
 - Policy LU-2.2: Preserve and encourage private open space on residential lots citywide.
 - Housing Policy 2.1: The City will ensure that new residential development is compatible with surrounding residential development.
 - Housing Policy 3.3: The City will promote the development of new housing pursuant to the City's Land Use Element and Local Coastal Program.
- H. The subject location is within the Coastal Zone but not within the boundaries of the area subject to appeal to the California Coastal Commission.
- I. Approval of the residential condominium projects, subject to the conditions below, will not be detrimental to the public health, safety or welfare of persons residing or working in or

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adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City since the project is compatible with the surrounding neighborhood and in compliance with all applicable regulations except vehicle access potential, however, adequate access and parking is provided, as detailed in the project staff report.

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

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

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

1. The projects shall be constructed and operated in substantial compliance with the submitted plans as reviewed by the Planning Commission on October 24, 2007.
2. A Traffic Management Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
9. Water and sewer laterals shall be provided as required by the Director of Public Works. A property line clean out is required for each sewer lateral. Water and sewer line modifications and upgrades within the public right-of-way shall be provided as required by the Public Works Department.
10. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
11. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
12. Project driveways and other items shall be modified, if necessary, to allow for the provision

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

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

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23. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.
24. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
25. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
26. These project approvals shall lapse three years after the date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
27. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
28. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of November 14, 2007 and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

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Sarah Boeschen,
Recording Secretary