

**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:** March 12, 2008

**SUBJECT:** Consideration of a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map 69052 for Proposed Construction of a Mixed Use Building with One Commercial Condominium Unit and Two Residential Condominium Units on the Property Located at 3920 Highland Avenue (Cleland)

**RECOMMENDATION**

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

**APPLICANT**

Dennis Cleland  
PO Box 969  
Manhattan Beach, CA 90266

**BACKGROUND**

The subject site presently consists of a commercially zoned corner lot with a two-tenant commercial building, and 5 apartment units. The project is proposed to include a single 3-story building with on-grade parking, 1 commercial unit and 2 residential units. A vesting tentative parcel map is proposed to subdivide the property into separate ownership of each of those units. Section 10.16.020 of the city's zoning code requires use permit approval for the proposed residential use in a commercial zone.

## PROJECT OVERVIEW

### LOCATION

Location	3920 Highland Ave. at the southeast corner of Highland & 40 <sup>th</sup> St. (See Vicinity Map).
Legal Description	Lot 1, Block 9, Tract No. 4103.
Area District	IV

### LAND USE

General Plan Zoning	North End Commercial CNE, Commercial North End	
Land Use	Existing 650 sq. ft. commercial space	Proposed 694 sq. ft. commercial space & 2 residential units totaling 5,097 sq. ft.
Neighboring Zoning/Land Uses	North (across 40 <sup>th</sup> St) South East West	CNE/Apartments. CNE/Apartments El Segundo/Refinery CNE/Laundry & apartments

### PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	4,195 sq. ft. (35'x120')	2,700 sq. ft. min
Residential Density:	1 unit / 2,097 sq. ft. lot area	1 unit /850 sq. ft. lot area max.
Building Floor Area:	5,097 sq. ft.	6,292 sq. ft. max
Height	30 ft.	30 ft. max.
Setbacks		
Commercial	Varies: 0 – 5 ft.	None
Residential		
Front	5 ft.	5 ft.
Rear	5/2 ft.	5/2 ft.
North side	1 ft.	1 ft.
West side	3.5 ft.	3.5 ft.
Parking:	9 spaces	9 Spaces
Vehicle Access	1 - 40 <sup>th</sup> St. driveway 1 – Crest Dr. driveway	N/A

## **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, which would be owned separately in a condominium subdivision. The site would contain a 5,097 square foot building including one Highland Avenue level commercial space, 2 residential units, and on-grade parking. Pedestrian access would primarily be taken from Highland Avenue, and driveway access would be taken from 44<sup>th</sup> Street and Crest Drive.

The proposed mixed use building would generally replace the existing 1 and 2-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 6 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 one driveway is located at the rear alley, and the other replaces the site's existing 40<sup>th</sup> Street driveway. Stairs for residents are provided in private garages, and all external pedestrian access will be taken from the Highland Avenue and 44<sup>th</sup> Street public sidewalks. The Highland Avenue building frontage includes ground level commercial space, commercial entries, and upper levels of residential space and outdoor deck area. The 44<sup>th</sup> Street frontage includes a large commercial window, ground level parking, small planters, stairs, and upper level residential space/decks. The proposed Crest Drive elevation includes alley level residential parking and one story of residential space above.

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, 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, which has previously found to be appropriate in some 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 condominium 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:

No tenant is currently identified for the proposed commercial space, but adequate parking is provided for retail use. Previous commercial uses on the site have primarily been restaurant and office 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 includes a condition prohibiting office and similar uses in the commercial space.

#### Project Design:

The project design is in conformance with all applicable regulations including the 1.5 floor area ratio (6,292 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, and upper deck areas. The proposed building has 4 total levels but does not exceed 3 stories at any location and is only 2 stories at the rear. This stepped configuration is a result of the site's significant rise in slope toward the rear. The site's slope also results in increased side setbacks at the upper level where wall heights would exceed the 25-foot limit for a lot of this width.

The submitted plan has an end-of-drive-aisle extension along the south property line with less than the 2-foot depth required by code in order to allow the planter along the north property line to be slightly wider than it would be otherwise. Staff has included a condition in the proposed resolution requiring compliance with that vehicle maneuvering requirement.

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.

An additional design related requirement imposed by the attached resolution includes potential driveway sharing with a future neighboring project. It is relatively common to condition commercial projects to cooperate with future neighboring projects in maximizing driveway and general circulation efficiency.

#### 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 verbal inquiries

and no written responses to the project hearing notice

### **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 08-
- B. Vicinity Map
- C. Applicant description  
Plans (separate)

c: Dennis Cleland, Applicant  
Srouer & Associates, Applicant Rep.  
Studio 912, Architect.

**RESOLUTION NO. PC 08-**

**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 3920 MANHATTAN BEACH BOULEVARD (Cleland)**

**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 March 12, 2008, received testimony, and considered an application for a use permit, coastal development permit, and vesting tentative parcel map 69052 for construction of a proposed 5,097 square foot mixed use building to include one commercial condominium unit and two residential condominium units on the property located at 3920 Highland Avenue in the City of Manhattan Beach.
- B. The existing legal description of the site is Lot 1, Block 9, Tract No. 4103.
- C. The applicant for the subject project is Dennis Cleland, 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 private land uses consist of CNE and City of El Segundo Industrial
- G. The General Plan designation for the property is North End Commercial. The General Plan encourages ground floor retail and service development such as this that provides for 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

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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, Coastal Development Permit and Vesting Tentative Parcel Map 69052 application for a commercial and residential condominium 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 March 12, 2008. 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

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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 sidewalks shall be constructed along Highland Avenue and 44<sup>th</sup> Street 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.
13. A corner cut-off street dedication for street purposes at the southeast corner of Highland Avenue and 40<sup>th</sup> Street shall be completed as required by the City Engineer.
14. Plans shall incorporate sustainable building components into the building and site design as determined to be appropriate by the Public Works and Community Development Departments including, but not limited to: LEED (leadership in Energy and Environmental Design) and Build-it-Green components, permeable pavement, energy efficient plumbing mechanical and electrical systems, and storm water retention.

### Condominium Conditions

15. 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. Crest Drive with El Porto Street
  - b. Highland Avenue with El Porto Street
  - c. Crest Drive with 40th Street.
  - d. Highland Avenue with 40th Street
16. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
17. Vesting Tentative Parcel Map No. 69052 shall be approved for an initial period of 3 years with the option of future extensions. The final map shall be recorded prior to condominium occupancy.

### **Commercial Operational Restrictions**

18. \* The facility shall include 694 square feet of retail/personal services commercial space. Office and personal improvement uses shall be prohibited.



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19. 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.
20. The operators of the facility shall provide adequate management and supervisory techniques to prevent loitering and other security concerns outside the subject businesses.
21. 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.
22. \* 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.
23. \* Parking for retail and condominium 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 or guest parking areas shall be prohibited. 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.
24. \* All signs shall be in compliance with the City's Sign Code. Pole signs and internally illuminated signs shall be prohibited.
25. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
26. Any outside sound or amplification system or equipment is prohibited.

### Procedural

27. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
28. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
29. *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.

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30. *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.
31. *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.
32. 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.
33. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
34. 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.
35. 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.
36. 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 March 12, 2008 and that said Resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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

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**Sarah Boeschen,**  
Recording Secretary

# 3920 Highland Ave.

Vicinity

