
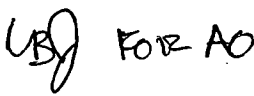


**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development 

FROM: Angelica Ochoa, Assistant Planner 

DATE: May 28, 2008

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

RECOMMENDATION

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

APPLICANT/OWNER

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

BACKGROUND

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

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

PROJECT OVERVIEW

LOCATION

Address

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

Legal Description

Lot 15 Block 68 Manhattan Beach Division No. 2

Area District

III

LAND USE

General Plan Designation

High Density Residential

Zoning

RH, High Density Residential District

Local Coastal Program Zoning Designation

Downtown Commercial (CD)

Land Use

Existing (Duplex)

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

Neighboring Zoning/Land Uses

Downtown Commercial and High Density Residential

PROJECT DETAILS

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

Setbacks:

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

DISCUSSION

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

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

ENVIRONMENTAL REVIEW

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

USE PERMIT FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

COASTAL PERMIT FINDINGS

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

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

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

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

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

- a. Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along eleventh (11th) Street.
- b. Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

PUBLIC INPUT

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

DEPARTMENT COMMENTS

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

CONCLUSION

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

ATTACHMENTS

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

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

'Draft' RESOLUTION NO. PC 08

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

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

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

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

EXHIBIT A

4. There is no evidence that the granting of the subject Use Permit and Coastal Permit will adversely impact nor be impacted by nearby properties. The proposed project poses no change in use or to the residential character of the neighborhood, and should have no impact on traffic, noise, vibration, resident security or personal safety. The new structure is replacing an existing residential structure built in the 1930's. The proposed project will not be negatively impacted by surrounding uses, for the subject site is buffered from most potential nuisances by similar residential uses and the closest commercial activity is located directly to the west.
5. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically policies II. B.1, 2, & 3, as follows:
 - II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program - Implementation Program.
 - II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program Implementation Program.
 - II.B.3: The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program Implementation Program.
6. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
 - a. Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along Eleventh (11th) Street.
 - b. Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

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

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below.
2. *Expiration.* The Use Permit and Coastal Development Permit, and Vesting Tentative Parcel Map No. 69392 shall be approved for an initial period of 3 years with the option of future extensions pursuant to 10.84.090 of the Municipal Code.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
5. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. a completed application and application fee as established by the City's Fee Resolution;

- b. An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c. Evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. The original permittee's request to assign all rights to undertake the development to the assignee; and
 - e. A copy of the original permit showing that it has not expired.
6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
 7. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program – Implementation Program in Section A.96.160 have expired.

Special Conditions:

1. The subject Coastal Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal program (LCP) and all applicable development regulations of the LCP-Implementation Program.
2. The plans shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on May 28, 2008.
3. An encroachment permit shall be obtained for all improvements in the public right-of-way.
4. There shall be no intrusions into any of the required parking spaces. This includes any utility meters, mechanical equipment and plumbing fixtures.
5. The project shall continuously include effective soundproofing treatments to protect its residents from noise levels associated with normal commercial uses in the Downtown area to the satisfaction of the Director of Community Development. At minimum, initial project construction shall incorporate double pane windows; wiring, plumbing, and other preparations for central air conditioning for each unit; and plan check submittal of acoustical verification of soundproofing adequacy.
6. Flat roof surfaces shall have pea gravel or comparable decorative treatments.
7. If the existing guy wire on 11th Street is required to be relocated, then it shall require review by the Community Development and Public Works Departments.
8. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.
9. All Residential Condominium Standards per Municipal Code Section 10.52.110 shall be imposed and considered as part of the resolution.

Public Works Conditions:

1. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
2. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.

Parcel Map Conditions

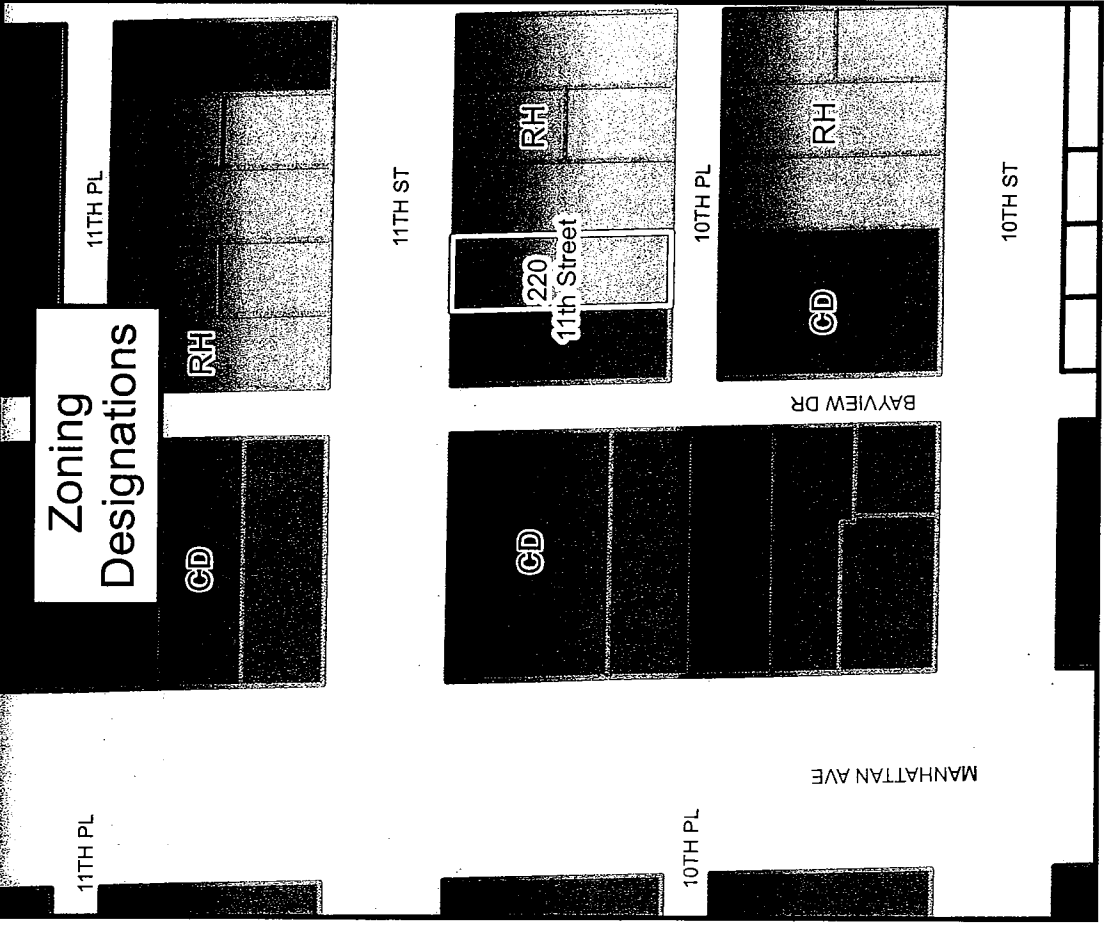
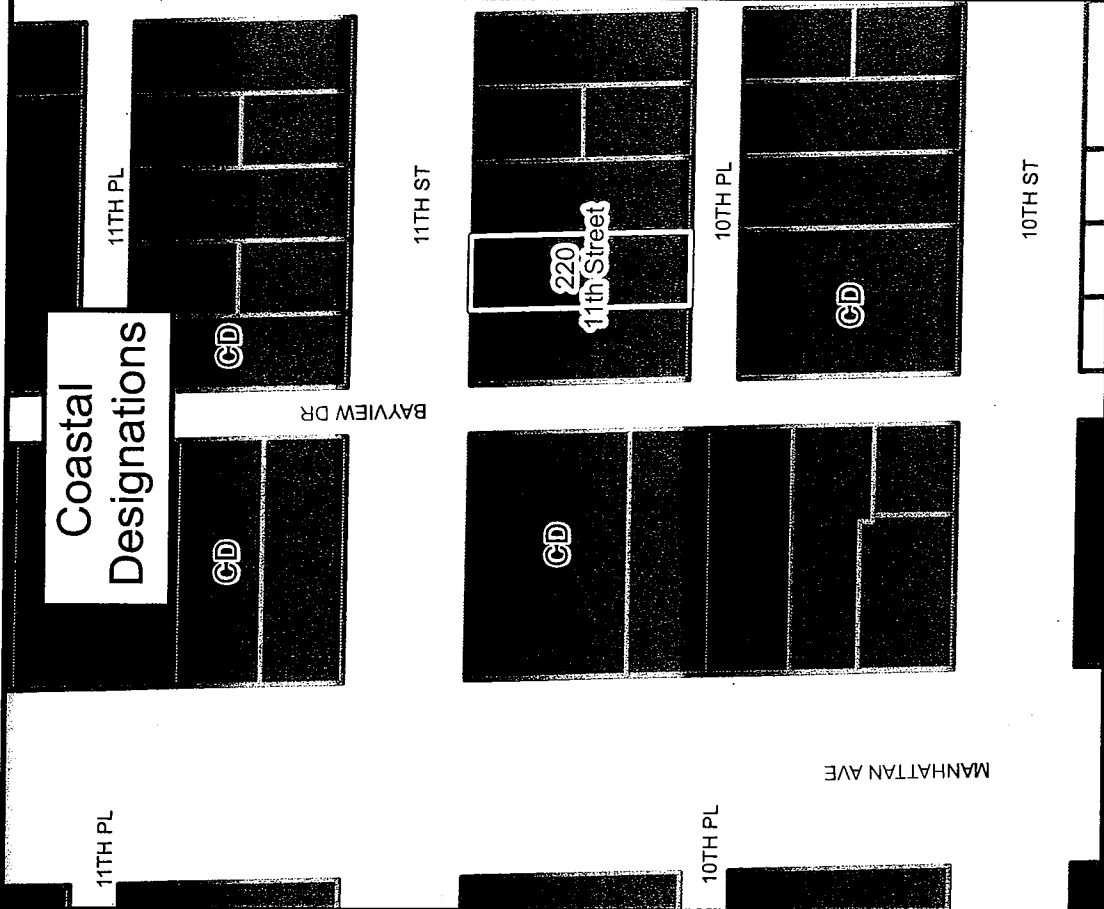
1. A survey suitable for the purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
 - a. Highland Avenue with 11th Street.
 - b. Highland Avenue with 10th Place.
 - c. Bayview Drive with 11th Street.
 - d. Bayview Drive with 10th Place.
2. This subdivision is approved as a condominium project whereby the owners of the units or air space will hold an undivided interest in the common areas which will, in turn, provide necessary access and utility easements for the units.
3. The final parcel map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy.


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

AYES:
NOES:
ABSTAIN:
ABSENT:

Richard Thompson
Director of Community Development

Sarah Boeschen
Recording Secretary





City of Manhattan Beach
Community Development


Exhibit B

14 May 2008 ED

Legend

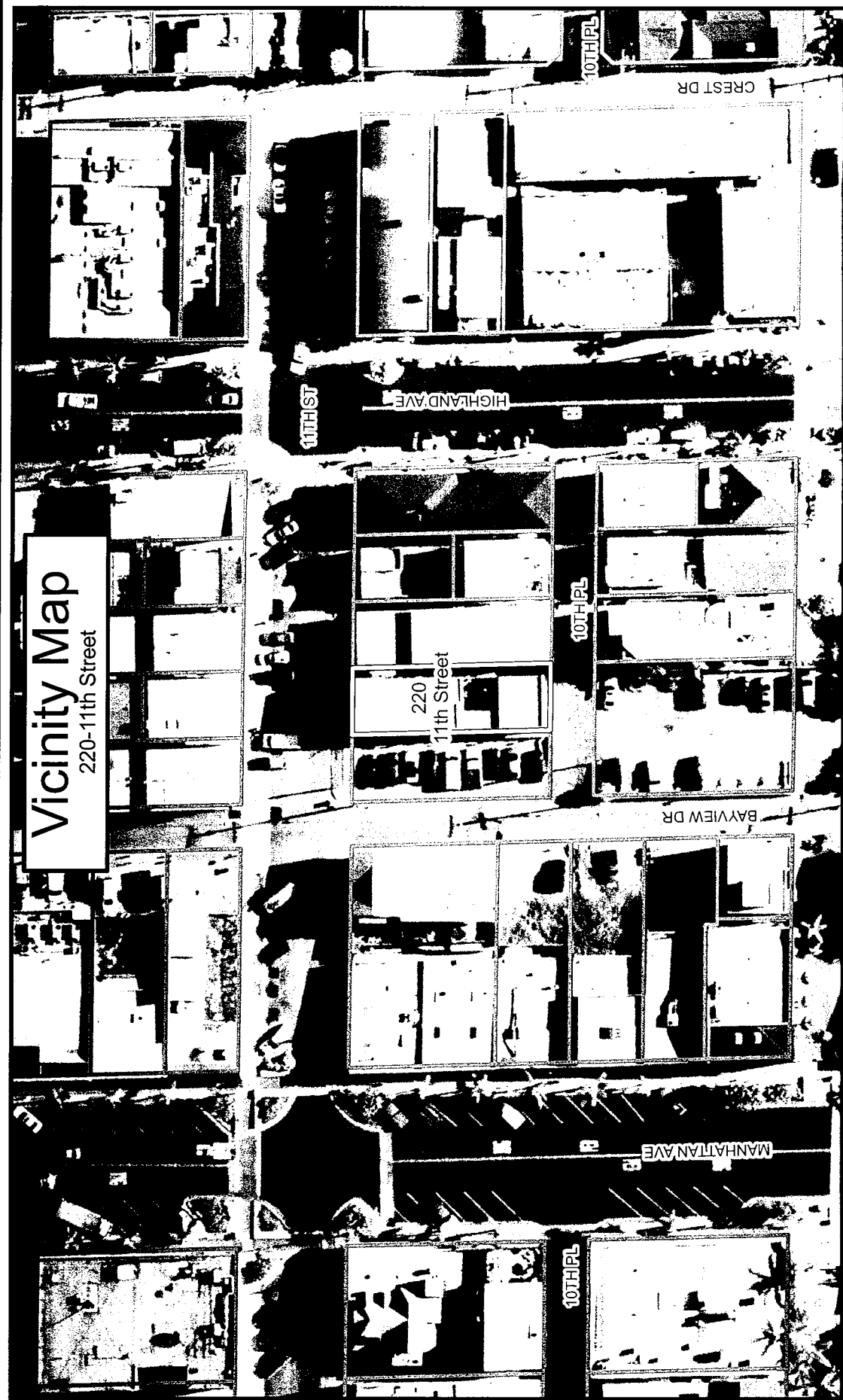
- 220-11th Street
- Parcels
- CD - Downtown Commercial
- RH - Residential High Density
- RM - Residential Medium Density

0 35 70 140 Feet




Vicinity Map

220-11th Street



Legend

 220-11th Street


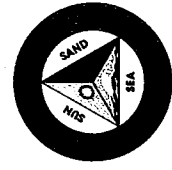
 Parcels

Exhibit C



City of Manhattan Beach
Community Development



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

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

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

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

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

