

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

TO: Planning Commission

FROM: Marisa Lundstedt, Director of Community Development

BY: Angelica Ochoa, Associate Planner

DATE: June 22, 2016

SUBJECT: Request for Public Hearing for Coastal Development Permit No. CA 15-41 for the demolition of a duplex and construction of a new three-story single family residence with basement and enclosed three-car enclosed garage in the appealable area of the Coastal Zone

RECOMMENDATION

Staff recommends that the Planning Commission consider a Coastal Development Permit for the construction of a new single family residence, **APPROVE** the application, with conditions

NEIGHBOR

Judy Forman
125 20th Street
Manhattan Beach, CA 90266

APPLICANT

128 Twenty One Partners, LP by
Michael Cleland

BACKGROUND

On November 18, 2015, a Coastal Development Permit application was submitted to the Community Development Department to demolish an existing 2028 square foot duplex that was built in 1921, on a standard 30' x 90' lot, at 128 21st Street (Exhibit A). The proposed project is to construct a single family three story residence and basement with an enclosed three-car garage. A Coastal Development Permit, as a minor development project, is required for the subject project, in that the lot is located in the Coastal appealable area of the City. The project is located in Area District III and zoned Residential Medium Density (RM) per the Municipal Code. The surrounding area is a mix of two and three story single family and multi-family residences, condominiums and duplex.

Staff reviewed the submitted plans and sent a notice of the proposed project on March 2, 2015 to the surrounding neighbors (property owners and residents) within the required 100 feet of the subject property. The notice was published in the Beach Reporter on March 3, 2016 as required for projects located in the Coastal appealable area. On March 18, 2016, during the public comment period, staff received written notification requesting a public hearing in accordance with Section A.96.260.C of the Local Coastal Program.

PUBLIC HEARING REQUEST

The request for a public hearing was submitted by a neighbor who lives at 125 20th Street across the alley, 20th Place, to the south. The neighbor's property, a 30' x 90' lot fronts on 25th Street (walkstreet) and extends to the alley at the rear. According to Section A.96.260. of the City of

Manhattan Beach Local Coastal Program, a public hearing can be waived for minor development of a project:

Consistent with the provisions of A.B. 1303, effective January 1, 1996, the public hearing requirement for minor development, as defined herein, may be waived subject to the requirements of this section.

- A. Minor development means a development which satisfies all of the following requirements:
 - 1. The development is consistent with the City of Manhattan Beach Certified Local Coastal Program;
 - 2. The development requires no discretionary approvals other than a coastal development permit;
 - 3. The development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

- B. The public hearing requirement on a coastal development permit application for a minor development, as defined above, may be waived if all of the following occur:
 - 1. Notice is sent to all persons consistent with the provisions of Section A.96.100 of this Title, as well as all other persons known to be interested in receiving such notice,
 - 2. The notice states that a public hearing will be held upon the request of any person,
 - 3. No request for public hearing is received by the City within 15 working days from the date of sending the notice pursuant to paragraph (1).

- C. Requests for hearing must be made in writing to the City Community Development Department. Said request for hearing must identify the reasons for such request. Upon receipt of a request for hearing the matter shall be scheduled for a public hearing.

- D. Following receipt of a request for hearing, public notification must be made regarding the scheduled hearing date, consistent with the provisions of Section A.96.100 of this Title.

- E. The notice provided pursuant to subdivision (B) shall include a statement that failure by a persons to request a public hearing may result in the loss of that

person's ability to appeal to the Coastal Commission any action taken by the City on a coastal development permit application.

Per Section A.96.260, Section D, a written request was received and therefore a public hearing is being held tonight.

DISCUSSION

Project Site and Proposed Building - 128 21st Street (CA 15-41)

The project site is located one block east of the Strand, mid-block between Ocean Drive and Highland Avenue on the south side of 21st Street. The proposed project will not remove any public parking spaces on 21st Street. The proposed structure is a single family three story with basement residence and enclosed three car garage. There will be supplemental parking on the basement floor level. Garage access will be provided from 20th Place. The total living area will be 4,035 square feet, which will be under the allowable 4,320 square feet for the lot. The total proposed open space of 826 square feet will consist of ground level patios and balconies on the second and third floors. The total open space will comply with the required 15 percent minimum (825 square feet) of the total living area. The allowable maximum height limit for the building is 106.45. The proposed height limit for the building is at the maximum height limit. (Exhibit D)

The proposed project meets all of the development standards required by the Local Coastal Program, is consistent with the Local Coastal Plan, as well as all of the criteria in Section A.96.260.A, as detailed below:

1. The development is consistent with the City of Manhattan Beach Certified Local Coastal Program;

The project meets the development standards (setbacks, height, maximum buildable floor area, parking, and open space) in Section A.12 Residential Districts and site regulations in Section A.52. Site Regulations – Residential Districts and Section A.60. Site Regulations – All Districts. All relevant Coastal policies related to access, parking and residential development, as detailed in the Coastal Policies and Implementation measures, are complied with. (Exhibit C)

2. The development requires no discretionary approvals other than a coastal development permit;

The project meets all zoning Code regulations per Municipal Code Section 10 Planning and Zoning and Local Coastal Program and no other discretionary approvals are required.

3. The development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

The project complies with all development and zoning code regulations and Coastal Policies and does not impact any public access to the shoreline or coast.

Public Hearing Request (Exhibit B)

The neighbor, Judy Forman is requesting a public hearing for the proposed project because she believes there is already too much construction in the immediate area from other projects being built. According to the neighbor, noise disturbances, debris, dirt, damages from jackhammering, traffic congestion and construction trucks blocking garages have been major issues affecting

neighbors. Another concern is approved plans change during the construction process of the project and neighbors are not notified or aware of the impact of the changes to the project.

Construction and noise issues are handled by the Residential Construction Officer as well as Building and Safety staff, with Police assistance as needed. All projects are required to provide a detailed Construction Management and Parking Plan (CMPP) before building permit issuance for mitigation of any traffic and circulation impacts. Staff has the discretion to approve minor changes to the plans that occur during construction as long as they comply with the zoning codes, building codes, development regulations and are in substantial compliance with the original Coastal Permit approval.

Applicant

The Applicant held a neighborhood meeting on Sunday, April 24th at the project site with neighbors in the immediate area. Approximately 6 to 7 neighbors attended the meeting. The applicant went over the proposed project, design and layout of the proposed building and responded to questions from the neighbors.

Department Comments

Staff requested comments from the Public Works, Building and Fire Department. No comments were received and all department requirements will be addressed during the Plan Check process.

Public Comments

The project was noticed within the required 100 foot radius and published in the Beach Reporter on June 9th 2016. No comments were received.

CONCLUSION

Staff recommends approval of the subject project, Coastal Development Permit CA 15-41. The proposed project complies with all of the city's Local Coastal Program policies and development standards and therefore, staff recommends that the Planning Commission conduct the public hearing, discuss the subject project, and **APPROVE** the Coastal Permit for 128 21st Street (CA 15-41), with conditions. (Exhibit C)

Attachments:

- Exhibit A - Vicinity Map
- Exhibit B - Neighbor's Documentation
- Exhibit C - Draft Coastal Development Permit (CA 15-41)
- Exhibit D - Coastal Plans (not available electronically)

Vicinity Map

128 21st Street

ATTACHMENT A
PC MTG 6-22-16



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Angelica Ochoa

From: Judith R. Forman <jrf@familylawcounsel.com>
Sent: Friday, March 18, 2016 11:06 AM
To: Angelica Ochoa
Cc: 'Kate Myers'; Richard N. Weiner
Subject: 128 21st Street, MB

Dear Ms. Ochoa: I live at 125 20th Street. I am writing on behalf of my husband, Richard Weiner, and myself to request a public hearing on the project at the above addressed, applicant Surfside Properties by Michael Cleland. As I am sure the Planning Department is aware, there have been and continue to be multiple construction projects in the immediate vicinity of my home. All of the neighbors who are adjacent or close to the new proposed project at 128 21st, specifically those who have to use 20th Place for ingress and egress to our homes, are tremendously concerned about now having yet another project ongoing. For example, We had substantial problems with the Plache project at 121 20th with respect to dirt, debris, nails in neighbors tires, damages from jackhammering, traffic congestion, trucks and SUVs blocking our garages, and noise disturbances, just to name a few things affecting all of the neighbors. We have also noticed that the initial plans get approved and then changed later down the road, with little ability of the adjacent neighbors to let the City know of the impact on them of changed plans. these are just a few of the concerns and we would appreciate being able to address them in a public hearing. thanks very much. Judy Forman

Judith R. Forman, CFLS*
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ATTACHMENT B
PC MTG 6-22-16

Angelica Ochoa

From: Schmidt, Christina <Christina.Schmidt@brookfield.com>
Sent: Tuesday, April 05, 2016 2:18 PM
To: Angelica Ochoa
Cc: Judith R. Forman
Subject: RE: call today?

Angelica – I look forward to speaking with you and hope that we can touch base soon.

Also, I wanted to formally request a hearing as several of my neighbors have already done for the project at 128 21st Street, pursuant to City Code Section 10.84.040. As we live immediately next door to the site, I am hoping to get a better understanding of the proposed project and how this will impact us.

Many thanks,
Christina

Christina Schmidt
Associate Counsel
U.S. Office Division

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From: Judith R. Forman [<mailto:jrf@familylawcounsel.com>]
Sent: Tuesday, April 05, 2016 1:07 PM
To: 'Angelica Ochoa'
Cc: Schmidt, Christina
Subject: call today?

Hi Angelica, can we squeeze in a call this afternoon before 3? Thx pls LMK good time for you.

Judith R. Forman, CFLS*
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COASTAL DEVELOPMENT PERMIT

Project No: CA 15-41
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On June 22, 2016, the Planning Commission of the City of Manhattan Beach granted 128 Twenty One Partners, LP by Michael Cleland, (property owner) this permit for the development described below, subject to the attached Standard and Special conditions.

Site: 128 21st Street

Description: Demolition of existing duplex and construction of a three-story single family residence with basement and attached three-car enclosed garage.

Issued by: Angelica Ochoa, Associate Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Marisa Lundstedt, Director

Acknowledgment:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Signature of Permittee: _____ Date: _____

**ATTACHMENT C
PC MTG 6-22-16**

Required Findings: (Per Section A.96.150 of the Local Coastal Program)

Written findings are required for all decisions on Coastal Development Permits. Such findings must demonstrate that the project, as described in the application and accompanying material, or as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program.

1. The property is located within Area District III (Beach Area) and is zoned Residential Medium Density, RM.
2. The General Plan and Local Coastal Program/Land Use Plan designation for the property is Medium Density Residential.
3. 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 Plan;
 - 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 Plan;
 - II.B.3: The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program-Implementation Plan.
4. 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 21st Street, 20th Place, Highland Avenue, and Ocean Drive.
 - 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.

5. The proposed use is permitted in the RM zone and is in compliance with the City's General Plan designation of Medium Density Residential; the project 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.

Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Community Development Department.
2. Expiration. The Coastal Development Permit shall expire one-year from the date of approval if the project has not been commenced during that time. The Director of Community Development may grant a reasonable extension of time for due cause. Said time extension shall be requested in writing by the applicant or authorized agent prior to the expiration of the one-year period.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the Director of Community Development.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Director of Community Development.
5. Inspections. The Community Development Department staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
6. 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.
7. 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.

Special Conditions:

1. The project shall be developed in conformance with all applicable development standards of the RM zoning district, and Chapter 2 of the Local Coastal Program - Implementation Program.
2. Any future rooftop solar panels must be within the maximum building height limit of 106.45 as shown on the approved plans.