

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

TO: Planning Commission

FROM: Anne McIntosh, Director of Community Development

THROUGH: Laurie B Jester, Planning Manager

BY: Eric Haaland, Associate Planner

DATE: December 12, 2018

SUBJECT: Consideration of a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map No. 82003 for Proposed Construction of a Mixed Use Building with One Commercial Condominium Unit and Two Residential Condominium Units at 3920 Highland Avenue (DIDI, LLC)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing, and direct staff to prepare a Resolution to **DENY** the project as submitted.

APPLICANT

DIDI, LLC (Maureen Didi Lody and Tim Agee)
PO Box 7524
Santa Monica, CA 90406

BACKGROUND

At its regular meeting of September 26, 2018, the Planning Commission conducted an initial public hearing for this project, which was continued to address concern expressed by the Commission. The design of the building included the first story being set back 18 feet from the sidewalk, creating a large outdoor patio. The Commission was concerned with the lack of connection and relationship between the sidewalk/street and the commercial portion of the proposed building. The applicant has since increased the size of the commercial component substantially, pushed the first floor 3 feet closer to the sidewalk on Highland Avenue and proposed a new artist studio use for the interior and patio rather than make a significant frontage modification (see Attachment C). The September 26th minutes and report, with attachments, are attached (Attachments A & B) for reference.

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 two levels of parking, 1 commercial unit and 2 residential units. Section 10.16.020 of the City's zoning code requires use permit approval for the

proposed residential use in a commercial zone. Coastal Development approval is required since the project is located in the non-appealable portion of the coastal zone.

PROJECT OVERVIEW

The September 26th staff report provides a comprehensive overview. The only substantial change is the square footage of the commercial space and the front setback. The previous plans proposed 1,049 square feet of commercial space and a 540 square foot patio with an 18 foot building setback from the sidewalk on Highland Avenue. The revised proposal includes a 3,350 square feet of commercial space (3,000 interior/350 patio) with a 15 foot building setback. The two residential units remain unchanged but the plans include some emergency and disabled access modifications.

DISCUSSION

Residential/Commercial Use:

The proposed amount of commercial area, 3,000 square feet of interior space (previously 1,049 square feet), is a substantial portion (38%) of total building area, but is proposed only as artist studio space. The large size of the space is proposed since there is a low parking requirement associated with an artist studio. This would be a unique use that does not currently exist in the City, and may create challenges in finding suitable tenants. The Planning Commission had expressed interest in locating the commercial façade close to Highland Avenue, but the updated plan proposes a 15-foot setback. A storage closet is also proposed within the front wall of the commercial space. The original plan proposed an 18-foot setback with a patio that could not be used for commercial operation. The patio space in the setback area would now be permitted for commercial use due to the low artist studio parking requirement, but art manufacturing activity in the patio area could have aesthetic, odor, and noise concerns. The zoning code does not identify how much, if any, incidental retail use would be permitted in an artist studio, but such a use may not be viable or desirable without a retail component.

Parking:

The nine provided parking spaces conform to code parking requirements and have been reviewed by the City's Traffic Engineer. No tenant is currently identified for the proposed commercial space, but the proposed parking ratio of 1 space per 1000 square only provides for artist studio use. Additional parking, or reduced commercial square footage, would allow for retail or a similar commercial use.

The 3,350 square feet of proposed commercial space (artist studio use only) reflects the 3 parking spaces that the applicant found feasible to provide in addition to the required residential parking. Excessive area devoted to retail art sales would be one potential concern for parking demand. Art gallery operation would not be permitted, as that would require retail parking quantities.

Staff Suggestion:

Should the Planning Commission determine that an artist studio use is appropriate for a substantial portion of the project's commercial component, it may be desirable to reduce the total amount of commercial space and provide for some retail space at the front for

public interest, and consumer sales of art or other products. An example of this involving the smallest change to the submitted plans, while maintaining a 3-space parking requirement, might be to approve 2,000 square feet of artist studio, and 299 square feet of retail use within a smaller patio or front enclosed area.

REQUIRED FINDINGS

The Planning Commission must make the findings included in the September 26th staff report in order to approve a Use Permit, Vesting Tentative Parcel Map and Coastal Development Permit for the project pursuant to MBMC Section 10.84.060, Title 11 and the Local Coastal Program.

PUBLIC INPUT

Public notices for the project were mailed to property owners within 500 feet, and residents within 100 feet, of the site and published in the Beach Reporter newspaper for the September 26th, and December 12th meetings. One written comment from an abutting neighbor had concerns for views and construction damage, which were discussed by the Planning Commission at its September 26th meeting.

CITY DEPARTMENT INPUT

The applicant has addressed comments from the Building Division, Traffic Engineer, and City Engineer during the use permit review process. Conditions were included in the September 26th draft resolution.

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 direct staff to prepare a Resolution to deny the project as it is currently submitted.

Attachments:

- | | |
|---|------------------------------------|
| A. Planning Commission Minutes, 9/26/18 | c: DIDI, LLC, Applicant |
| B. P.C. Report and attachments, 9/26/18 | Srouf & Associates, Applicant Rep. |
| C. Revised Plans | Michael Lee, Architect. |

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It was moved and seconded (Morton/Thompson) to **ADOPT** the draft Resolution, **APPROVING** with subject to striking conditions 15 & 16 relating to “happy hour” and reduced price promotions.

ROLL CALL:

AYES: Fournier, Morton, Thompson, Vice Chair Burkhalter
NOES: None
ABSENT: Chair Seville-Jones
ABSTAIN: None

Director McIntosh advised that this item will be on the next City Council agenda as an information item and at that time the City Council can call up the matter for their own consideration and may appeal the decision. Any other person can also appeal the Commission decision within a period ending 15 days from tonight.

09/26/18-3. Consideration of a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map No. 82003 for Proposed Construction of a Mixed Use Building with One Commercial Condominium Unit and Two Residential Condominium Units at 3920 Highland Avenue (DIDI, LLC)

Vice Chair Burkhalter announced the item, then recused himself on the basis that he has had financial dealings with the project architect within the last calendar year (expiring December 31, 2018); he subsequently left the chambers.

Commissioner Morton assumed the Chair and invited staff to give a report.

Associate Planner Eric Haaland presented the staff report with the aid of slides, covering: Scope of Application (Parcel Map, Coastal Development Permit, Use Permit); Location and Setting (Commercial North End Highland, Non-Appealable portion of Coastal Zone, currently improved with commercial/residential uses); Zoning Requirements/Conformity, Project Details (replacement of 5 apartments with 2 residential condos, building and floor plan layout residential and commercial, on-site parking, open space etc.); Building Renderings; Pubic Input (including late comment from a neighbor with concerns regarding potential for view impact, and construction issues) and Recommendation (approve subject to conditions). Mr. Haaland also noted that the front patio will be commercially oriented, and not residential (condition #1), and sidewalk dedication is required as recommended by the City Traffic Engineer on Highland to accommodate ADA requirements (condition #10-r). Mr. Haaland also discussed the application of parking codes (9 spaces required/provided), emphasizing that retail square footage would be limited (condition #17).

Commissioner Morton invited the Commission to ask questions for any needed clarifications.

Responding to **Commissioner Fournier, Mr. Haaland** stated: 1) an earlier and similar project was approved at this site but was not built – it may have drawn similar neighbor concerns, but believes it was not built because of then unfavorable economic conditions; 2) the current project will come close to an adjoining property’s stairway which is a common construction condition in the beach area, and a primary concern of the neighbor is that her stairway may be damaged. Mr. Haaland suggested the Applicant might best respond to construction issues.

In response to **Commissioner Thompson, Mr. Haaland** clarified: A garage and one space to the rear is for the upper unit and the lower parking is designated for both the lower residential unit and the commercial space; enforcement of proper parking access will be by the site owner (HOA) with the aid of labeling and signs. Mr. Haaland confirmed that the project owner has a somewhat informal lease agreement, to use some parking spaces near the site, on the Chevron property east of Crest Drive, but that

parking is not being counted towards the code requirement, and it is not known whether, in the future, this arrangement would be formalized to enable future intensification of uses on the site. In terms of measures needed to preclude converting the ground patio to commercial use, Mr. Haaland noted that so far staff is looking at creating a planter area, but is open to other suggestions. **Commissioner Thompson** suggested moving the commercial area closer to Highland which would provide more of a commercial presence on the street level; Mr. Haaland suggested that this issue be raised with the applicant. Finally, Commissioner Thompson expressed concern that there would be a net loss of residential units and asked if this is addressed in the General Plan?

Director McIntosh acknowledged that loss of housing units is a real concern that is likely to become more important in the near future. She doesn't think there is any language in place in the General Plan that addresses this, but in the future, for example, if the State were to start levying fines for unit loss, then the City could consider adopting impact fees or some way to offset the loss. In the past the city has been able to address this housing issue by including policies in the Housing Element. Now cities are being required by the State to report the actual number of units being lost, however, at this time, and with concurrence by Assistant City Attorney Estrada, no specific solution is needed to be included with this project.

PUBLIC INPUT

Commissioner Morton opened the public hearing and invited the Applicant to address the Commission.

Elizabeth Srour, representing the Applicant, asked the Commission to consider: 1) The project site is in a unique area that has mixed uses including high density residential and commercial, but the most active commercial space is on the west side of Highland and the east side has more of a high density residential character; 2) While the concern of replacing housing is legitimate, in this case, the fact that there are many non-conforming residences built many years ago when El Porto was governed by less restrictive County standards should be taken into account. 3) This project could be an asset to the City, not only as a mixed use project but will provide onsite parking for both types of uses per code which will be enforced through recorded condominium documents (C, C, &R's etc); in addition there are four spaces adjoining the refinery that will be reserved and used by the project; and in all other respects the project meets the guidelines and requirements of the City, and will not create vehicular impacts to residences to the south (access being on 40th Street); 4) All concerns the neighbor expressed will be regulated through the Building and Safety Division, but the City does not have a view ordinance and therefore is not expected to address that concern. Any operational concerns related to the commercial space will be governed and mitigated by conditions of approval imposed in the Use Permit; 5) The project will create a subdivision of three ownership units: two for the condos and one unit of commercial space which can be broken down into multiple tenants per the code.

In response to **Commissioner Fournier, Ms. Srour** stated her understanding that the Chevron parking is a very established amenity in the El Porto area, and is a written, month to month lease that can be cancelled by either party in perpetuity.

Michael Lee, project architect, made the following points: 1) Neighbor view issue: Based on his observations at the site, he doesn't believe that the view will be impacted because of blockage already in place by the cleaners on the west side; 2) Regarding neighbor concerns: construction impacts are typical when building in the beach area and the applicant is aware of such issues and will replace and/or repair damages as needed; is confident that there will not be an issue with access to her property and stairwell; 3) Chevron leased parking: Four spaces have been in use for decades but cannot be counted by the City as part of the required parking. The applicant was not able to secure a 10-year lease term from Chevron (as required by the zoning regulations) but he would suggest future relaxing of the City lease term requirement as is shown in this case, this would open up the types of uses for the commercial space; 4) Highland level patio: Mr. Lee indicated that he felt creating a raised planter will comply with the staff concerns and a required bike rack can also be accommodated in this area. He believes that the project as

designed will have a commercial presence on Highland and would not want to push the commercial use further out, but wants to retain flexibility for future tenants.; and lastly 5) Possible encroachments in the south side yard: A narrow setback, not required by zoning, is located on the south side which will accommodate mechanical systems (such as ductways for garage ventilation) and an elevator serving commercial in the lower two levels.

Bruce Ashmun, nearby property on the same Highland east side block, supports the project as it will look great in the neighborhood and noted that he also has leased 4 parking spaces spots from Chevron for decades.

COMMISSION DISCUSSION / ACTION

Seeing no more speakers, **Commissioner Morton** closed the public hearing and invited Commission discussion.

Commissioner Fournier commended the design and fully supports the project in that it will be good for the neighborhood, follows a mixed use theme for the City that has been recently been discussed, and he is excited to see how it will enhance the neighborhood. He understands the concern of the neighbor but trusts all concerns will be addressed in that he knows the City protocol is excellent and staff has expertise for example in dealing with technical construction issues such as shoring.

Commissioner Thompson directed a couple questions to staff: 1) will the building elements (elevator, trash area, mechanical chase) that project into the south setback area comply with the zoning code – the concern being that the area served by the projections is not exclusively commercial in use; and 2) whether there is any relevance to this site of the moratorium in the City for office uses?

Associate Planner Haaland responded: 1) Staff is satisfied that the project complies with the code is that, while the building has both types of uses, the projections serve a commercial use and allowing the projection is consistent with staff interpretation and application of the code for prior approved mixed use projects; 2) the moratorium on office uses applies to downtown commercial, not to this CNE zoned site. A Use Permit is required Citywide if an office use totals more than 2,500 square feet.

Director McIntosh added that staff doesn't have the benefit of knowing what the tenant improvements will be at this point but will regulate whatever the uses are when identified. Some conditions get regulated when tenant improvement applications are submitted.

Commissioner Thompson noted his main concern is that the commercial portion of the building does not have sufficient presence on the street. He would like to see the applicant redesign to push the commercial to the street as the City has consistently wanted for our commercial businesses. He believes the neighbor's issues will be completely addressed during the construction process.

Commissioner Morton stated his support in that the building has a beautiful design and believes the construction process will take care of all of construction related neighbor issues. He is ready to approve as submitted and go forward.

Commissioner Thompson clarified that one concern with mixed use is that the residential portion looks amazing, but the commercial portions seem to be tucked in and do not function well. **Commissioner Morton** noted the applicant's desire to maintain flexibility for future uses, at this point the City doesn't know who the tenant will be and what they will do to provide a commercial presence at the street front.

Commissioner Thompson emphasized that his concern is about the building design and how it presents to the Highland commercial frontage.

Commissioner Morton inquired of staff - if the design were to be changed as suggested, would the

building fall out of compliance with the code, e.g. parking?

Director McIntosh responded and Commissioner Thompson confirmed, that his suggestion of a possible re-design would involve moving, the entire commercial footprint at ground level forward perhaps including the bathroom space. Parking demand would remain the same as there would be no net gain of floor area. **Director McIntosh** stated that, depending on the tenant, the patio could add ambiance but, on the other hand, it could end up as dead space, which is undesirable, but she agrees that as currently designed, the patio does not add much interest to the street.

Commissioner Fournier suggested, from a business standpoint, the future commercial tenant might not be a type that either wants or needs to be a storefront that faces the street and pulls pedestrians going by from Highland.

Commissioner Morton REOPENED the public hearing to enable the Applicant to provide more information.

Tim Agee, property owner, responded to **Commissioner Fournier**, that he has a wide variety of tenant types in mind. Some examples would be yoga studios, salons and other neighborhood oriented small businesses, similar to 4103 Highland across the street which he also owns. He understands the desire for the commercial space to be appealing, but he thinks this can be accomplished by signage and overall design.

Commissioner Morton CLOSED the public hearing and the Commission resumed discussion.

Director McIntosh indicated that the uses that can be accommodated are general office and personal services and the patio cannot be used by any of these uses because that would expand the parking requirement.

Discussion followed on the patio; **Commissioner Thompson** being concerned that it will become a large unappealing “dead space”, and **Commissioner Morton** stating that the patio may be desirable to a future tenant as a buffer from the street. **Commissioner Thompson** clarified that a buffer or patio setback about 4 or 5 feet would be reasonable, but 20-feet as currently designed would be a waste of space.

Commissioner Morton REOPENED the public hearing to enable the Commission to receive input from architect Lee.

Michael Lee named several types of uses contemplated such as a dress shop, professional offices, juice bar, etc. and reemphasized his belief that somehow the Chevron parking spaces should be allowed to be counted towards required parking. He believes that public gathering space would be a positive feature at the building front and gave examples (new Yellow Vase at northwest corner of Highland/Marine and a place in Venice).

Commissioner Morton CLOSED the public hearing and the Commission resumed discussion.

Commissioner Thompson indicated that he would be agreeable to a 5-foot setback from the street as this would also eliminate enforcement problems as well as being more useful and appealing. Commissioner **Fournier** asked whether there would be any other unintended compliance issues that should be considered if the Commission were to require this change to a five-foot setback as a condition.

Director McIntosh clarified that ANY direct use of a sizeable patio by the tenants would require staff to count the patio as use square footage which requires more parking, which is not provided for in the plan. It could count as usable space if some other space is eliminated in the building to make up for the gain of the patio.

Discussion focused on the concerns expressed by **Commissioner Thompson**. **Commissioner Morton** acknowledged the points made but stated he would like to see the plan accommodating some amount of outdoor space which he feels is very desirable. **Commissioner Thompson** stated he is agreeable with requiring a 5-foot setback enforced in plan check, and **Commissioners Morton** and **Fournier** indicated they are ok with approving the plan as submitted.

Commissioner Fournier suggested that all parties: staff, architect, owner get together and talk about the implication of a five, instead of 20-foot set back patio at the front, even though he would be inclined to approve the proposed plan. **Commissioner Morton** stated he would not be opposed to a month continuance to enable the applicant to fully evaluate suggestions that would address the issues raised. **Commissioner Thompson** indicated he would support such a motion.

COMMISSION ACTION

It was subsequently moved and seconded (Thompson/Fournier) to **REOPEN THE PUBLIC HEARING**, and **CONTINUE** the item to **OCTOBER 24**, and **DIRECTED STAFF** to meet with applicant and evaluate possible solutions or changes to address the Commissions concerns regarding the street level building and patio design.

ROLL CALL:

AYES: Fournier, Thompson, Morton

NOES: None

ABSENT: Seville-Jones

ABSTAIN: Burkhalter (recused)

Director McIntosh stated for the record that the author of the neighbor letter submitted to the Commission is Linda Kaplan.

Vice Chair Burkhalter returned to the chambers and resumed the chair (7:22 PM).

09/26/18-4. Recommendation to the City Council for Designation of 2820 Highland Avenue as a Historic Landmark

Director McIntosh made opening remarks including the background of the Historic Preservation regulations, emphasizing that the overall goal was to create the opportunity for homeowners to voluntarily apply for historic status for their homes and obtain all qualifying benefits. She noted that as the implementation of the Ordinance followed its course, the Council made some adjustments. The Planning Commission was established as the recommending body for landmark status and instead of having to wait for the City to commission a citywide survey, individual owners now may consult with a historic consultant to determine historic value and eligibility for landmark status.

Associate Planner Angelica Ochoa made a presentation with the aid of slides, covering topics in detail: Background (Preservation Ordinance and Mills Act Program adoption in 2018); the Historic Preservation Designation Process; Historic Landmark Criteria; and, lastly, the details for the subject case at 2820 Highland (setting, zoning/use, construction history, Spanish Colonial architectural style and characteristics). She concluded by stating the Staff recommendation, to conduct the public hearing, receive input and adopt the submitted draft Resolution, recommending that the City Council approve the applicant's request for landmark status of the home at 2820 Highland Avenue.

In response to **Commissioner Thompson**, **Director McIntosh** explained that the City does not have a specific process for removing a property from the registry of historic landmarks. After designation, the building is subject to and protected under CEQA as a cultural resource. The designation and Mills Act benefit runs with the property and future owners are subject to processing a Certificate of Appropriateness for alterations. The landmark status should be disclosed to prospective buyers. There is a process for

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

TO: Planning Commission

FROM: Anne McIntosh, Director of Community Development

THROUGH: Laurie B Jester, Planning Manager

BY: Eric Haaland, Associate Planner

DATE: September 26, 2018

SUBJECT: Consideration of a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map No. 82003 for Proposed Construction of a Mixed Use Building with One Commercial Condominium Unit and Two Residential Condominium Units at 3920 Highland Avenue (DIDI, LLC)

RECOMMENDATION

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

APPLICANT

DIDI, LLC (Maureen Didi Lody and Tim Agee)
PO Box 7524
Santa Monica, CA 90406

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 two levels of 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. Coastal Development approval is required since the project is located in the non-appealable portion of the coastal zone.

A similar project was approved by the Planning Commission in 2008 for a different applicant, but that project was not constructed. The previous project had 5,097 square feet of total floor area, including 694 square feet of retail/personal services space. Office use was prohibited.

**ATTACHMENT B
PC MTG 12-12-18**

PROJECT OVERVIEW

LOCATION

Location	3920 Highland Ave. at the southeast corner of Highland & 40 th St., Crest Drive to the east (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 and 5 residential apartment units totaling 2,100 sq. ft.	Proposed 1,049 sq. ft. commercial space & 2 residential units totaling 4,775 sq. ft.
Neighboring Zoning/Land Uses	North (across 40 th St) South East (across Crest Drive) West (Across Highland Ave.)	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:	5,824 sq. ft.	6,292 sq. ft. max (*)
Height	30 ft.	30 ft. max.
Setbacks		
Commercial (from streets)	Varies: 1 – 18 ft.	None
Residential		
Front	5 ft.	5 ft.
Rear	5/2 ft.	5/2 ft.
North side	1 ft.	1 ft.
South side	3.5 ft.	3.5 ft.
Parking:	9 spaces	9 Spaces
Vehicle Access	1 - 40 th St. driveway 1 – Crest Dr. driveway	N/A

(*) – Site area after proposed sidewalk dedication estimated to be approximately 4,070 square feet, resulting in 6,105 square feet maximum buildable floor area

DISCUSSION

The submitted plans show an existing mixed use site to be redeveloped with a 3-story mixed use building with a commercial space, recessed behind a patio area, in front, and residential units above and behind, which would be owned separately in a condominium subdivision. The site would contain a 5,824 square foot building including one Highland Avenue level commercial space, and 2 residential units. Commercial pedestrian access would primarily be taken from Highland Avenue, residential access would be from 40th Street, and vehicle access would be taken from 40th 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 40th Street driveway. All external pedestrian access will be taken from the Highland Avenue and 40th Street public sidewalks. The Highland Avenue building frontage includes ground level commercial space with a large patio and planter area, and upper levels of residential space with outdoor deck area. The 40th Street frontage includes ground level parking, a planter, residential entries, 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 Residential High Density (RH) 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/commercial use, housing, parking, and sidewalk dedication.

Residential/Commercial Use:

The CNE zone allows for residential use, 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, significantly exceeds the existing amount, and that of some recent mixed use projects. The residential portions of the project observe residential setback requirements, while the commercial portions require

none. The Planning Commission has recently discussed establishing standards that might specify appropriate use proportions, and blend physical design requirements of the involved uses. 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 existing nearby commercial as well as the proposed office or service uses, will be of relatively low intensity, and residential uses also occupy most surrounding properties.

Housing:

Greater attention has recently been given to the City's rental and affordable housing stock. The project would remove five older and smaller residential units, and create two larger independently owned units. The Planning Commission may wish to discuss any housing concerns for this or future projects.

Parking:

The nine provided parking spaces conform to code parking requirements and have been reviewed by the City's Traffic Engineer. No tenant is currently identified for the proposed commercial space, but the proposed parking ratio of 1 space per 300 square feet typically only provides for personal service or general office use. Additional parking would allow for retail use (or reduced commercial area as was done in the previous/expired project). The applicant has indicated access to off-site parking east of the site across Crest Drive, but cannot provide the required formal lease documentation that the zoning code requires for qualifying off-site parking. Chevron Corporation informally leases parking spaces to refinery neighbors in the subject area within its strip of property that is accessible from Crest Drive.

The 1,049 square-foot size of the proposed commercial space (with personal service, office or similar uses only) reflects the 3 parking spaces that the applicant found feasible to provide in addition to the needed residential parking. Additional space could be provided behind, or in front of, the proposed space. The proposed design leaves open patio area in front of the enclosed space that could potentially be converted to unapproved/un-parked commercial use. Staff has included a condition in the draft resolution that requires the patio, and any other areas that are not counted for parking requirements, be designed and maintained to not be useable area.

The applicant has indicated the possibility of multiple commercial uses that combine to require no more than a total of 3 parking spaces. An example might be half retail and half animal grooming, in that animal grooming and select other commercial uses have particularly low parking requirements. The draft resolution provides for this possibility if all uses are permitted by right in the CNE zone, subject to review and approval of the

Community Development Director.

Sidewalk Dedication:

The City's Traffic Engineer and Public Works Department are requiring that 3 feet of property abutting Highland Avenue, as well as a corner cut off at Highland Avenue and 40th Street, be dedicated to widen the public sidewalk and ADA ramps to current standards. This reduction in site area sets the building back further (reflected on plans) and reduces allowable floor area (not yet reflected on plans). The proposed 5,824 feet of floor area will be in compliance with the final maximum buildable floor area estimated to be approximately 6,105 square feet.

REQUIRED FINDINGS

Use Permit:

Staff believes the Planning Commission can make the following findings in order to approve a Use Permit for the project pursuant to MBMC Section 10.84.060:

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located; in that mixed commercial and residential use as proposed is a desirable use as indicated in the CNE district.
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; since the project is compatible with the surrounding neighborhood and is in compliance with all applicable regulations as detailed in this report and draft Resolution.
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; since the project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the 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; since it conforms to applicable regulations, is similar in scale to new development in the area, and will not be significantly more intense than the existing use of the site.

Vesting Tentative Parcel Map:

Staff believes the Planning Commission can make the following finding in order to

approve a Vesting Tentative Parcel Map for the project:

The proposed parcel map complies with the State Subdivision Map Act and Titles 10 and 11 of the Manhattan Beach Municipal Code since the lot size and other standards are met, and dedications are required for public right-of-way improvements.

Coastal Development Permit:

Staff believes the Planning Commission can make the following findings in order to approve a Coastal Development Permit for the project:

The project conforms with the commercial and residential development regulations and policies of the certified 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 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.

The project is in conformance 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.

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 no responses to the project hearing notice

CITY DEPARTMENT INPUT

The applicant has addressed comments from the Building Division, Traffic Engineer, and City Engineer during the use permit review process. Conditions are included in the

attached draft resolution requiring the sidewalk dedication, typical street/utility improvements, and parking/traffic details. A notable condition requiring a parking space back-up notch will probably involve minor modification to the trash enclosure shown on the project plans.

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. Draft Resolution No. PC 18- | c: DIDI, LLC, Applicant |
| B. Vicinity Map | Srour & Associates, Applicant Rep. |
| C. Applicant Material | Michael Lee, Architect. |
| D. Vesting Tentative Parcel Map No. 82003 | |
| E. Plans | |

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RESOLUTION NO. PC 18-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT, VESTING TENTATIVE PARCEL MAP NO. 82003, AND COASTAL DEVELOPMENT PERMIT FOR CONSTRUCTION OF A NEW MIXED USE BUILDING AT 3920 HIGHLAND AVENUE (DIDI, 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 September 26, 2018, received testimony, and considered an application for a use permit, coastal development permit, and Vesting Tentative Parcel Map No. 82003 for construction of a 5,824 square foot mixed use building to include one commercial condominium unit and two residential condominium units 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 DIDI, LLC (Maureen Didi Lody and Tim Agee), 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. The project is specifically consistent with General Plan Policies as follows:
 - LU-1.1: Limit the height of new development to three stories where the height limit is thirty feet, or to two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community.
 - 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-6.4 and LU-9.7: Recognize the unique qualities of mixed-use areas and balance the needs of both the commercial and residential uses.
 - Policy LU-9.3: Continue to improve the aesthetic quality of businesses within the North End and El Porto.
- H. The Planning Commission makes the following findings required to approve the Use Permit pursuant to MBMC Section 10.84.060:

**ATTACHMENT A
PC MTG 09-26-18**

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1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located; in that mixed commercial and residential use as proposed is a desirable use as indicated in the CNE district.
 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; since the project is compatible with the surrounding neighborhood and is in compliance with all applicable regulations as detailed in this report and draft Resolution.
 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; since the project shall be in compliance with applicable provisions of the Manhattan Beach Municipal Code and the 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; since it conforms to applicable regulations, is similar in scale to new development in the area, and will not be significantly more intense than the existing use of the site.
- I. The proposed Vesting Tentative Parcel Map complies with the State Subdivision Map Act and Titles 10 and 11 of the Manhattan Beach Municipal Code since the lot size and other standards are met, and dedications are required for public right-of-way improvements.
- J. The project conforms with the commercial and residential development regulations and 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 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.
- K. The project is in conformance 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.
- L. This Resolution, upon its effectiveness, constitutes the Use Permit, Coastal Development Permit and Vesting Tentative Parcel Map approval 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 No. 82003 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 and project description as approved by the Planning Commission on September 26, 2018. Any other substantial deviation from the approved plans or project description must be reviewed and approved by the Planning Commission, except that the front patio and area shall be modified to prevent commercial use of the space as determined to be appropriate by the Community Development Director.
2. A Construction Management and Parking Plan (CMPP) shall be submitted by the applicant with the submittal of plans to plan check. The CMPP shall be reviewed and approved by the City, including but not limited to, the City Traffic Engineer, Planning, Fire, Police and Public Works, prior to permit issuance. The Plan shall include, but not be limited to, provisions for the management of all construction related traffic, parking, staging, materials delivery, materials storage, and buffering of noise and other disruptions. The Plan shall minimize construction related impacts to the surrounding neighborhood, and shall be implemented in accordance with the requirements of the Plan.
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 and irrigation plan, including front yard sloping for screening effect, utilizing drought tolerant plants, including large-box-sized trees, shall be submitted for review and approval by the Community Development and Public Works Departments concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. Protected trees shall be maintained or removed subject to issuance of a Tree Permit. A low-pressure, micro-spray or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Landscaping and irrigation shall be installed per the approved plan prior to building final.
7. Landscape maintenance shall be provided by the condominium homeowners association, and shall include removal of yard waste off-site as determined to be appropriate by the Public Works Department. This requirement shall be stated in the project Covenants Conditions & Restrictions documents.
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, damaged, inadequate or substandard curb, gutter, street paving, sidewalk improvements, catch basins or similar public infrastructure shall be removed and replaced with standard improvements, subject to the review and approval of the Public Works Department. An offsite improvement plan will be required by Public Works Department

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and will show all new sidewalk (less than 2% x-fall per ADA) and driveways along the property frontage, new N-S and E-W ADA compliant curb ramps and spandrel at corner of 40th & Highland, ADA curb ramp at 40th & Crest and replacement of any existing damaged curb along Highland and 40th fronting the property per Title 7 of the Municipal Code. Improvement Agreement and Bonds for all “offsite” improvements shall be required per Title 11.20 of the Municipal Code.

10. All on-site and off-site improvement plans, shall be submitted to plan check, at the same time as the building plans. The plans shall be reviewed and approved by the City Traffic Engineer, Planning, Public where applicable, prior to the issuance of permits. Such improvements shall be fully constructed or completed per the approved plans prior to issuance of a building final inspection and/or occupancy, whichever occurs first. The plans shall include, but not be limited to the following features:
 - a. Parking stall cross-slope shall not exceed 5%. ADA parking stall cross-slope shall not exceed 2%.
 - b. The driveway approach on 40th Street shall be at least 14 feet wide.
 - c. The internal driveway area shall remain clear of all obstructions at all times to provide proper vehicle maneuvering.
 - d. Doors shall not exit directly onto a vehicle aisle or street without a landing.
 - e. Provide unobstructed triangle of sight visibility (5' x 15') adjacent to each driveway and behind the ultimate property line when exiting the parking areas without walls, columns or landscaping over 36 inches high, tree trunks excepted. (MBMC 10.64.150) All planters and walls next to both driveways must conform to this requirement.
 - f. Provide a 15' unobstructed triangle of sight visibility on the site corners of Highland Avenue/40th Street and 40th Street/Crest Drive behind the property line extensions without walls, columns or landscaping over 36 inches high, tree trunks excepted. (MBMC 3.40.010)
 - g. All commercial parking spaces shall remain unrestricted for all users during business hours.
 - h. Provide height clearance signs and clearance warning bar for commercial parking area at driveway entrance.
 - i. Each commercial driveway entrance shall be signed to indicate the designated parking areas for the business(es) to the satisfaction of the City Traffic Engineer. Every commercial parking space shall be signed for parking for that business only. All private residential spaces and guest spaces shall be labeled with signs to the satisfaction of the City Traffic Engineer.
 - j. All parking spaces adjacent to a vertical obstruction, except columns, must be at least one foot wider than a standard space.
 - k. Wheel stops are required for all parking spaces inside a parking lot or structure except those spaces abutting a masonry wall or protected by a 6-inch high curb. A 2.5 foot overhang may be included in the stall length when calculating planters and walkway widths adjacent to parking stalls. (MBMC 10.64.100D)
 - l. At least two feet is required beyond the end of the commercial parking aisle to provide sufficient back-up space for vehicles in the last space of the aisle. The trash enclosure shall be relocated or modified to provide the required back-up space.
 - m. Disabled parking must comply with current standards. One van size disabled space is required in the commercial parking area with sufficient height clearance. See CBC Chapter 11B, Div II and other ADA requirements.
 - n. An accessible walkway shall be provided between the main commercial doors and public sidewalk (See ADA requirements).
 - o. All unused driveways shall be reconstructed with curb, gutter and sidewalk.
 - p. Provide and identify commercial loading area on site plan.
 - q. Bicycle parking shall be provided at a rate of five percent (5%) of all parking spaces. (MBMC 10.64.80)
 - r. A three feet (3') wide street dedication shall be provided to the City along the east side of Highland Avenue easterly of the existing property line. Remove existing sidewalk and construct an 8-foot wide public sidewalk along the Highland Avenue

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frontage to City standards. Show proposed right of way dedication on all plans.

- s. A radiused 10-foot corner cut-off dedication shall be provided to the City at the southeast corner of Highland Avenue and 40th Street as formed by the existing property line on 40th Street and the proposed property line along Highland Avenue. Construct a public sidewalk and pedestrian ramp on this corner to City standards. Show proposed right of way dedication on all plans.
11. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
12. 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.
13. Security and other exterior lighting for the site shall be provided in conformance with Municipal Code requirements and shall include glare prevention design.

Condominium Conditions

14. 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
15. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
16. Vesting Tentative Parcel Map No. 82003 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

17. * The facility shall include 1,049 square feet of personal services or general office commercial space. Multiple tenant occupancies that do not exceed a parking requirement of 3 spaces, and include only uses that are permitted by right in the CNE zone, in addition to personal services or general office, may be permitted subject to Community Development Director approval. Hours of operation shall be limited to 6am to 10:30pm daily.
18. * Areas not included in the approved 1,049 square feet of commercial space, such as front patio/entry area, and basement/crawl-space area, shall not be used for commercial operation (unless exempted by the zoning code) as determined by the Community Development Director.
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. * Parking 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.
23. * All signs shall be in compliance with the City's Sign Code. Pole signs shall be prohibited. Commercial signs shall not be located upon or adjacent to residentially used portions of the building.
24. Noise emanating from the site shall be in compliance with the Municipal Noise Ordinance.
25. Any outside sound or amplification system or equipment is prohibited.

Procedural

26. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
27. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
28. *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.
29. *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.
30. *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.
31. 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.
32. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
33. 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.

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34. 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.
35. The Secretary shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the applicant. The Secretary shall make this resolution readily available for public inspection.
36. *Terms and Conditions are Perpetual; Recordation of Covenant.* The provisions, terms and conditions set forth herein are perpetual, and are binding on the Applicant, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the Applicant shall submit a covenant, prepared and approved by the City, indicating its consent to the conditions of approval of this Resolution, and the City shall record the covenant with the Office of the County Clerk/Recorder of Los Angeles. Applicant shall deliver the executed covenant, and all required recording and related fees, to the Department of Community Development within 30 days of the adoption of this Resolution. Notwithstanding the foregoing, the Director may, upon a request by applicant, grant an extension to the 30-day time limit. The project approval shall not become effective until recordation of the covenant.
38. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The owner shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City's environmental review thereof. The owner shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the owner of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the owner of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The owner shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this Section shall be construed to require the owner to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The owner shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

RESOLUTION NO. PC 18-

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 September 26, 2018 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ANNE MCINTOSH,
Secretary to the Planning Commission

Rosemary Lackow,
Recording Secretary

3920 Highland Ave.

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ATTACHMENT TO APPLICATION FOR THREE UNIT MIXED USE DEVELOPMENT
IN THE COMMERCIAL NORTHEND ZONE FOR 3920 HIGHLAND AVENUE

January 2018

Revised per plans submitted 7/18/18

The proposal is for the demolition of existing 80 year old development containing five apartments and detached, one-story commercial component facing Highland and construction of a mixed use building with two residential units and one commercial unit. The subject 4195 sf site consists of an originally subdivided 35 x 119.85' lot in the CNE zone of Area District III. The proposal requires a Coastal Permit (non-appeal area) as well as a conditional use permit for condominium use and residential use in the CNE zone.

The proposed development responds to the critical goal of the District by providing an opportunity for residential use without eliminating any existing commercial business opportunities. With the mixed use concept, the new development will offer a perfect blend of small business options with an attractive residential component to replace the aging (and non-conforming) apartments. The commercial suite provides a great opportunity for a variety of neighborhood-serving service businesses, retail stores and offices, and the new residential units expand the opportunity for home ownership within the neighborhood.

The project site is strategically located on a corner providing vehicular & pedestrian access from three streets. However, given the characteristics of Highland Avenue which serves as a major surface artery for north/south bound traffic, it was paramount that new development provide safe and easy vehicular access without interruption of northbound traffic. For that reason, driveway and parking access for the commercial suite and one residential unit is located on 40th Street with private and guest parking for the second residential unit located on Crest.

Another critical goal is to preserve the low-intensity, pedestrian-oriented character of commercial areas in the District which is accomplished with design characteristics that encourage pedestrian interface, promote a comfortable relationship with the street and provide a physical environment that lends itself to a variety of neighborhood-oriented business options. The building is oriented towards Highland Avenue and the design accommodates commercial use at the street level, utilizing the corner location very efficiently with an inviting pedestrian entrance, street facing display windows and an attractive corner façade. Building elevations are well articulated with the upper levels terraced back from the street and open decks facing Highland Avenue and 40th Street, all of which add to the aesthetics of the building and move building mass away from the street.

The proposal meets guidelines established for approval of the conditional use permit as follows:

- 1. The location is in accord with objectives of the title and purposes of the district in that the location will accommodate the proposed mixed use, the commercial component offers an opportunity for a variety of neighborhood-serving businesses including food & beverage sales such as a small delicatessen, personal services and retail stores or offices, and the residential component offers new opportunities for owner-occupied homes without compromising potential commercial development.*
- 2. The proposed location and conditions will be consistent with the General Plan: In addition to the above goal, the proposed development utilizes design characteristics that encourage pedestrian interface, promote a comfortable relationship with the street and provide a physical environment that lends itself to a variety of neighborhood-oriented business options and separates commercial and residential components so that there will be no internal conflict. The proposed development is in full compliance with all applicable standards and permitted uses and thus will not be detrimental to public*

health, safety or welfare of any individuals working or residing in the neighborhood and will not conflict or impact adjacent improvements.

3. *The proposed use is well within permitted uses for the CNE area and as stated complies with pertinent goals and objectives of the General Plan.*

4. *The proposed use is well within scope of uses intended for the area and will be compatible with surrounding neighborhood which is characterized by a mix of residential (primarily high density) and local commercial uses. Issues relating to traffic, noise, parking, security, aesthetics, and other impacts on the surrounding area are not relevant as the new complex will not generate any such impacts that infringe or burden nearby development and uses. Of special concern in the North End is availability of parking which the new development specifically addresses by providing a private two car garage and an open guest space for each residential unit and three dedicated spaces for the commercial unit. There will be no loss of on-street parking and there is no driveway access on Highland Avenue.*

The General Plan has taken into consideration the relationship between mixed use development in the North End to the capacity of public agencies to provide needed services and has not identified any substantial conflict. In this situation, the proposed development with its local commercial component and two residences will not generate any unique or unanticipated demand for services.

SROUR & ASSOCIATES

Real Estate Development Services Group, Inc
1001 Sixth Street, Suite 110, Manhattan Beach, CA 90266
Email address stacy@esrou.com

January 18, 2018

310/372-8433 ▪ FAX 310/372-8894

Revised per plans dated 7/18/18

TO: City of Manhattan Beach
Community Development Department
ATTN: Eric Haaland, Associate Planner
SUBJECT: 3920 HIGHLAND AVE. COASTAL PERMIT APPLICATION - NON-APPEAL
CUP & VTPM 82003 for Mixed Use Condominium Development
Two Residential and One Commercial Condominium Units (Didi, LLC)

The application for Coastal Permit is for the demolition of an existing 80+ year old development containing a two story, multi-unit apartment building at the rear of the lot, oriented towards 40th Street and Crest Drive and a one story, commercial structure facing Highland. The site is located in Area District III and zoned CNE. Proposed development incorporates a 1500 sf commercial unit facing Highland and two residential units (2235 sf & 2540 sf) with entries facing 40th Street and westerly view orientation. Each residential unit has a two car enclosed garage and one open guest parking space, and the commercial unit has three open spaces within the garage area accessed from 40th Street. There are no curb cuts on Highland. An existing curb cut on 40th Street will be reconfigured to provide driveway access for parking within the building for both the three commercial spaces and enclosed garage and open guest space for front Unit A. Parking for rear Unit B is located in an enclosed garage adjacent to Crest Drive where there is also guest parking for Unit B. In addition to the three on-site commercial and six residential spaces, there are an additional four designated spaces leased to the property owner from Chevron USA on the east side of Crest Drive across from the subject property. Those spaces along the Crest Drive corridor (between 38th St. and 45th St.) adjacent to the refinery have been leased to adjacent property owners for many years.

The commercial space is intended to accommodate a variety of business operations, including food & beverage sales, personal services, retail and office use. No tenant has been selected at this time. The goal of the owners is to capitalize on the heavy pedestrian presence characteristic of the North End throughout the day and evening hours which periodically throughout the year is enhanced by a strong visitor base. The owners are developing a concept for a shop catering to the surrounding residential and business neighborhood and incorporating small boutique coffee service along w/ specialty foods and related accoutrements that would be attractive to a cross-section of the residential, commercial and visitor pedestrian base and would expand the retail-service oriented character of the North End. Requested hours are 6:00am – 10:30 pm, daily, to allow flexibility as the business plan evolves for the commercial space. Although the four leased spaces cannot be counted towards required parking at this time, the long-standing, historic availability of those spaces plus the three on-site spaces for the commercial suite allows for a range of uses including retail sales, office use, food & beverage sales (such as delicatessens w/ incidental seating) and personal services.

The proposed mixed use development is designed to be in full compliance with zoning requirements as well as the Local Coastal Plan in that as drawn, the structures will meet standards regarding setbacks, height, floor area ratio, parking, open space, and all other zoning standards that apply to this area. In addition, the overall density is within the range permitted for the property. The development addresses the community goal to preserve small-town environment, local and visitor serving uses and compliance

with development standards to maintain a compatible physical presence. The proposed development is in compliance with the Local Coastal Plan in that:

- ♦ One goal of the CNE designation is to provide for a mix of small, local and visitor-serving commercial uses, and both the General Plan and the Local Coastal Plan recognize the existence of well established residential pockets throughout the area. Therefore, the General Plan seeks to preserve existing neighborhoods and to encourage the upgrading and replacement of older, substandard beach housing. Although the focus of the North End is to accommodate a range of community businesses that serve beach visitors and residents, it is critically dependent upon patronage from surrounding residential neighborhoods for the success of those businesses. The subject site is ideally located for a mixed use development with the commercial component on the Highland frontage and residential uses located at the rear and upper levels which areas are not especially conducive to typical commercial services that rely on visibility and access. The provisions of the Local Coastal Program incorporate zoning and development standards and the proposed plans meet all applicable standards, including allowable building area.
- ♦ The site is located on fully improved public streets and there will be no interference with pedestrian access to the beach or surrounding businesses. The building is oriented towards Highland Avenue and the design accommodates commercial use at the street level, utilizing the corner location very efficiently with an inviting pedestrian entrance, street facing display windows and an attractive corner façade. The building face is recessed to achieve a separation from the vehicular traffic and provide a sun screen. Building elevations are well articulated with the upper levels terraced back from the street and open decks facing Highland Avenue and 40th Street.
- ♦ The design provides sufficient parking including a private two car garage and open guest parking for each of the residential units with three, on-site dedicated spaces for the commercial suite and four additional spaces a short walk to Crest Drive at the rear of the site. Both the commercial and residential uses will benefit from public parking within walking distance as well as some street parking. All parking for the proposed development is accessed from either 40th Street or Crest Drive so there will be interference with pedestrian or vehicular traffic patterns along Highland Avenue.

Proposed development will include a 3' dedication along the Highland Avenue frontage for public access and a 10'0" corner cutoff dedication at the NW corner of Highland and 40th Street.

SCALE: 1" = 10'

VESTING TENTATIVE

SHEET 1 OF 1 SHEET

PARCEL MAP NO. 82003

IN THE CITY OF MANHATTAN BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES



ENGINEER
DENN ENGINEERS
3914 DEL AMO BLVD., STE. 921
TORRANCE, CA 90503
(310) 542-9433

GARY J. ROEHL R.C.E. 30826

DATE 12/18/2017

NOTES

1. ALL EXISTING STRUCTURES TO BE REMOVED UNLESS OTHERWISE NOTED.
2. ALL UTILITIES ARE LOCATED IN ADJACENT STREETS
3. THIS IS A 3 UNIT PROJECT - 2 UNIT RESIDENTIAL AND 1 UNIT COMMERCIAL.

LEGEND	
	EXISTING BUILDING
	CONCRETE
	BRICK
	WOOD DECK
	+106.76 EXISTING ELEVATION
	EXISTING CONTOUR
	BLOCK WALL EXISTING FENCE
	BEGINNING OF CURB RETURN
	EASTERLY FOUND
	FINISH FLOOR
	FLOW LINE
	GARAGE FINISH FLOOR
	GUY WIRE
	LEAD AND TAG
	MANHOLE
	NORTHERLY PROPERTY CORNER
	PROPERTY LINE
	POWER POLE
	SPIKE AND WASHER
	SOUTHERLY
	SPIKE
	STAKE
	TOP OF CURB
	TOP OF WALL
	TOP OF DRIVEWAY APRON
	WESTERLY
	WATER METER

NOTE: ALL SETBACK DIMENSIONS SHOWN ARE MEASURED TO EXTERIOR SURFACE OF BUILDINGS UNLESS OTHERWISE NOTED.

BOUNDARY MONUMENTS ARE NOT NECESSARILY SET ON PROPERTY CORNERS. PLEASE REFER TO THE NOTATION ON THE PLANS FOR OFFSET DISTANCES. IF THERE ARE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT DENN ENGINEERS FOR CLARIFICATION AT: (310) 542-9433, 9A-8:00 AM TO 5:00 PM.

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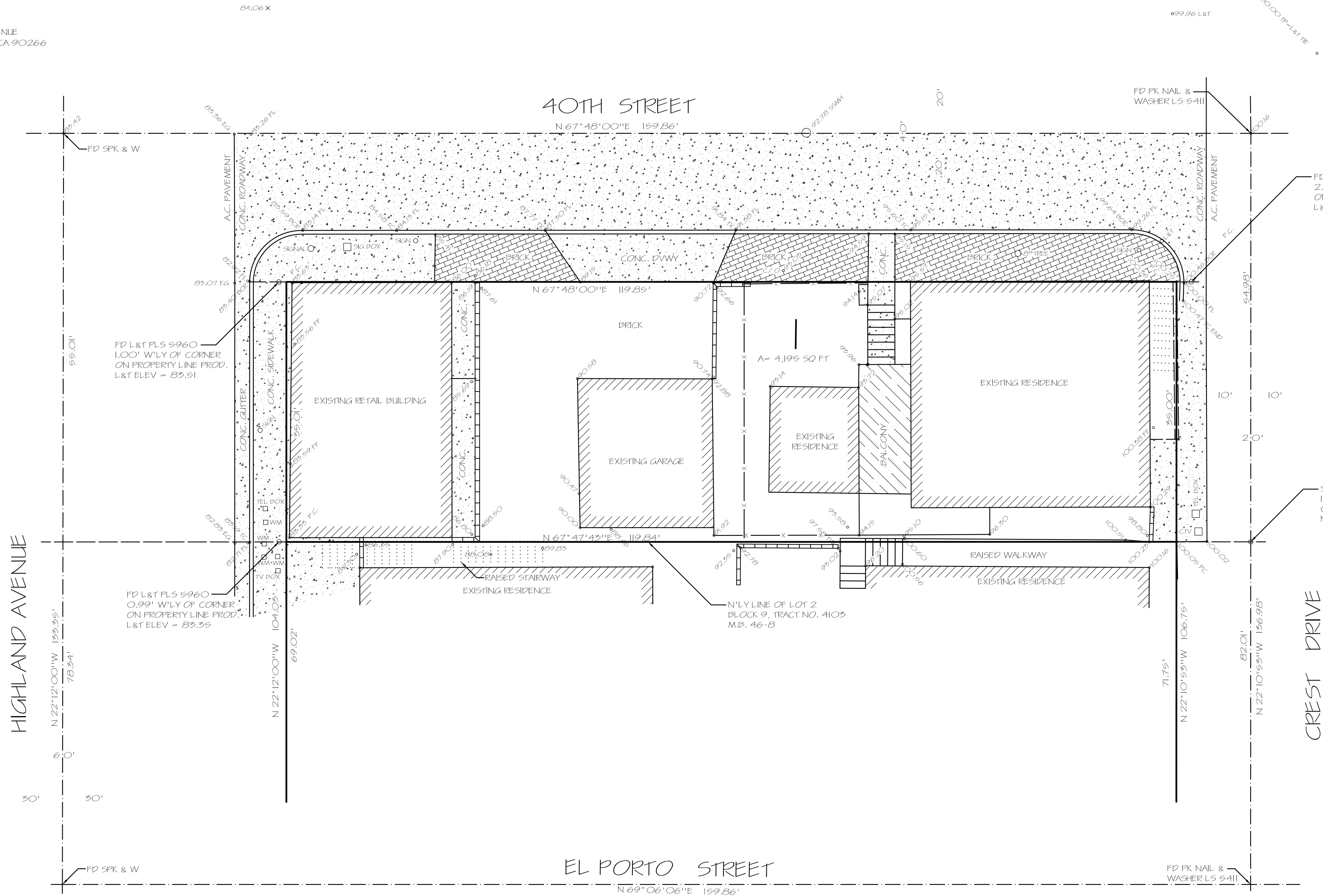
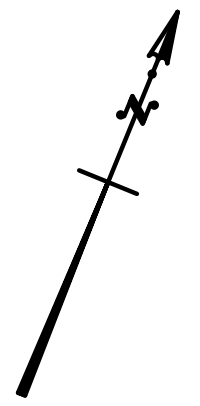
DIDI LODY, LLC
DIDI LODY & TIM AGEE
3920 HIGHLAND AVENUE
MANHATTAN BEACH, CA 90266
PHONE 310-483-6074

LEGAL DESCRIPTION

LOT 1, BLOCK 9
TRACT NO. 4103
M.P. 56-8

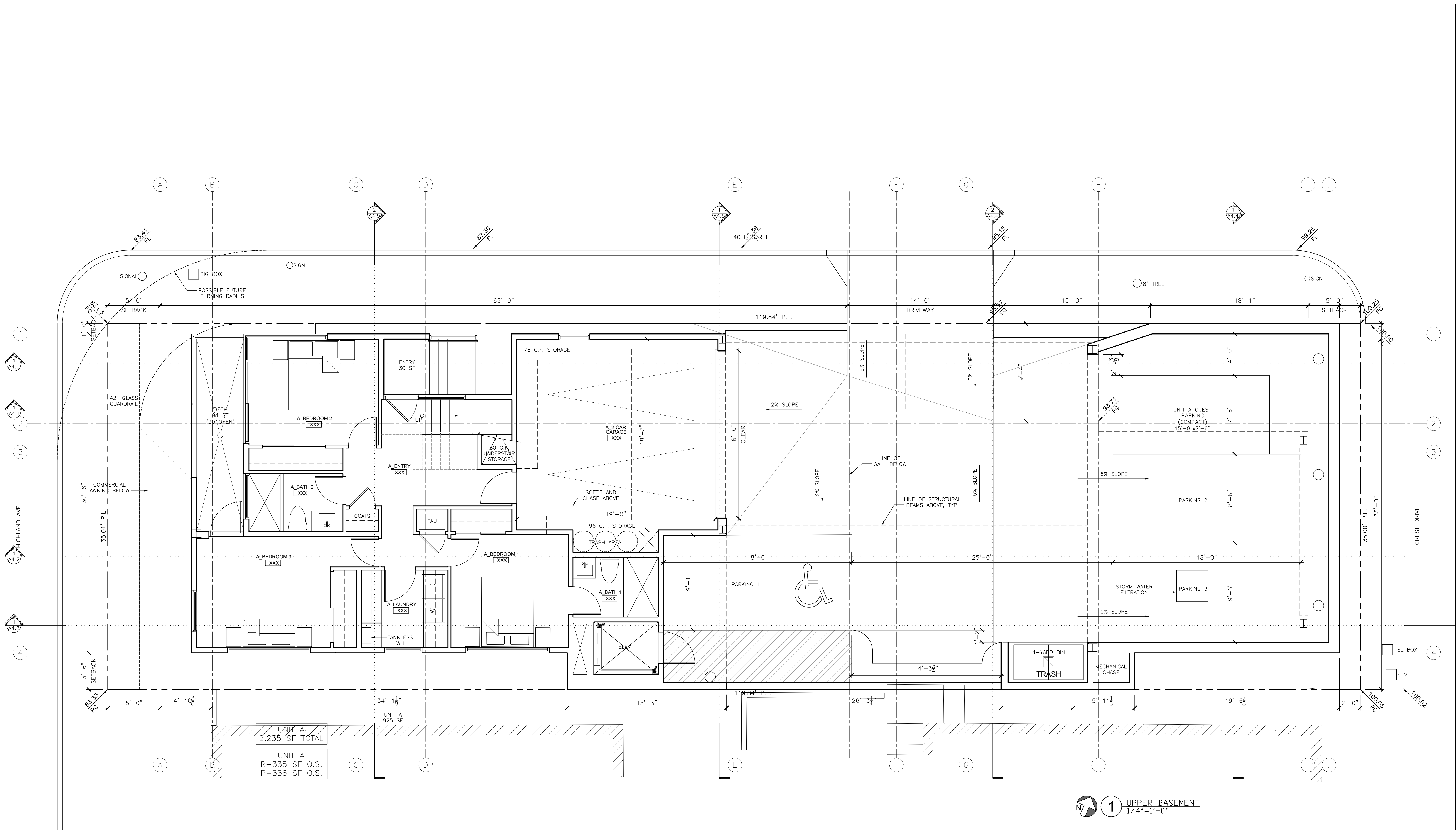
JOB ADDRESS

3920 HIGHLAND AVENUE
MANHATTAN BEACH, CA 90266



17-564

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UNIT A
2,235 SF TOTAL
R-335 SF O.S.
P-336 SF O.S.

1 UPPER BASEMENT
1/4" = 1'-0"

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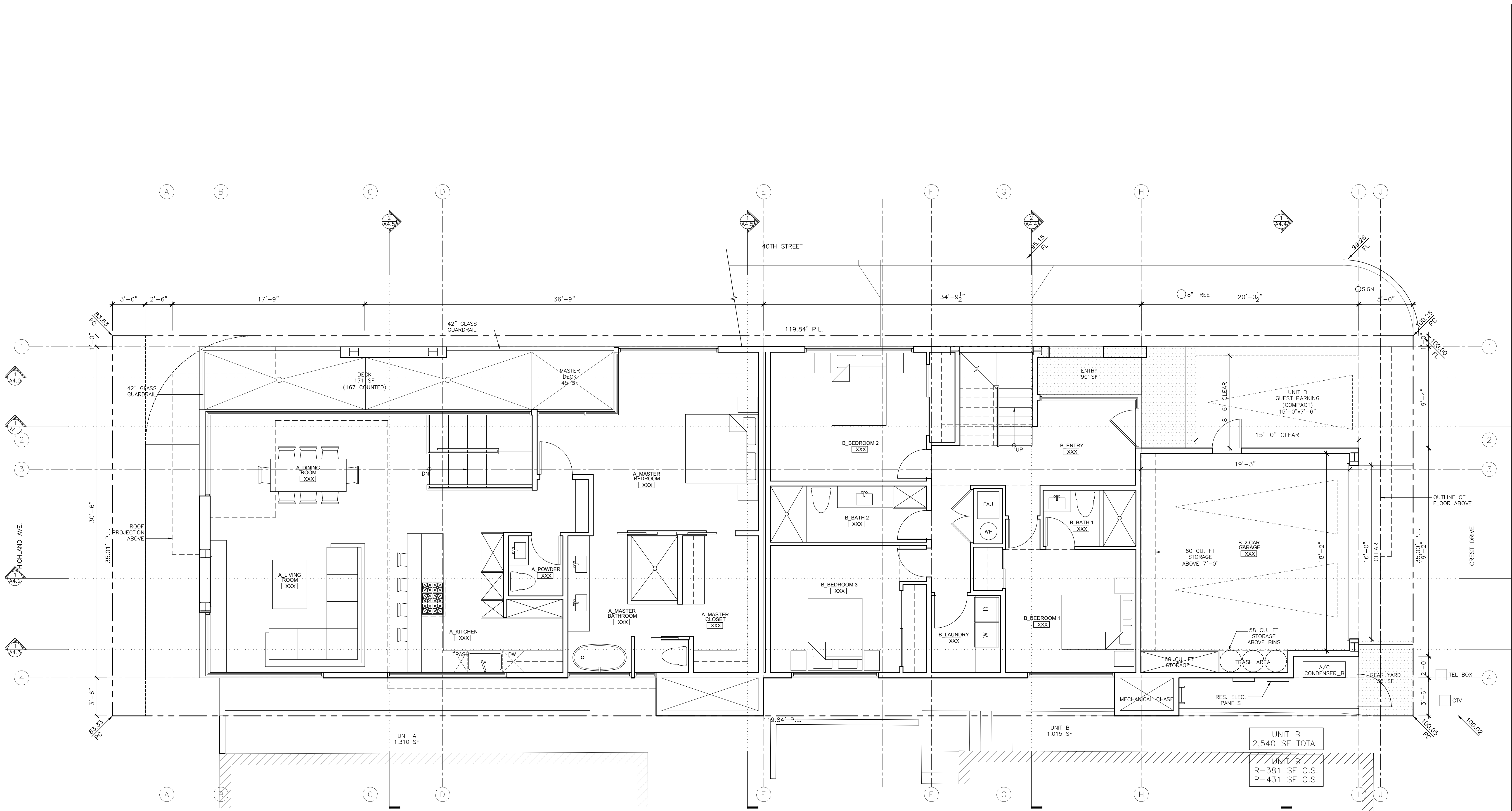
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90266

Professional Seal

LEE
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Scale: 1/4" = 1'-0"
Drawn by: JPT
Floor Plans
A 2.1

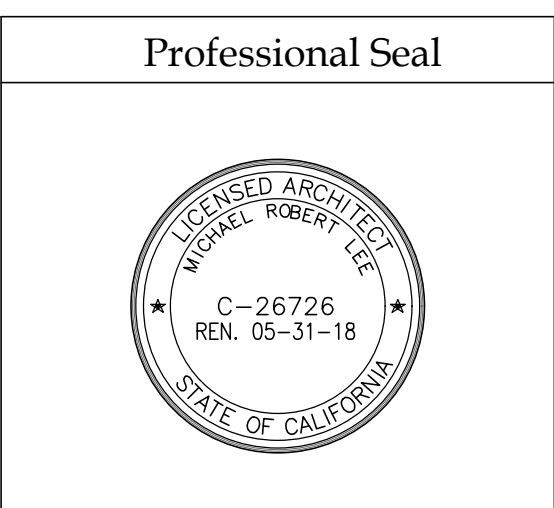


1 FIRST FLOOR PLAN
1/4"=1'-0"

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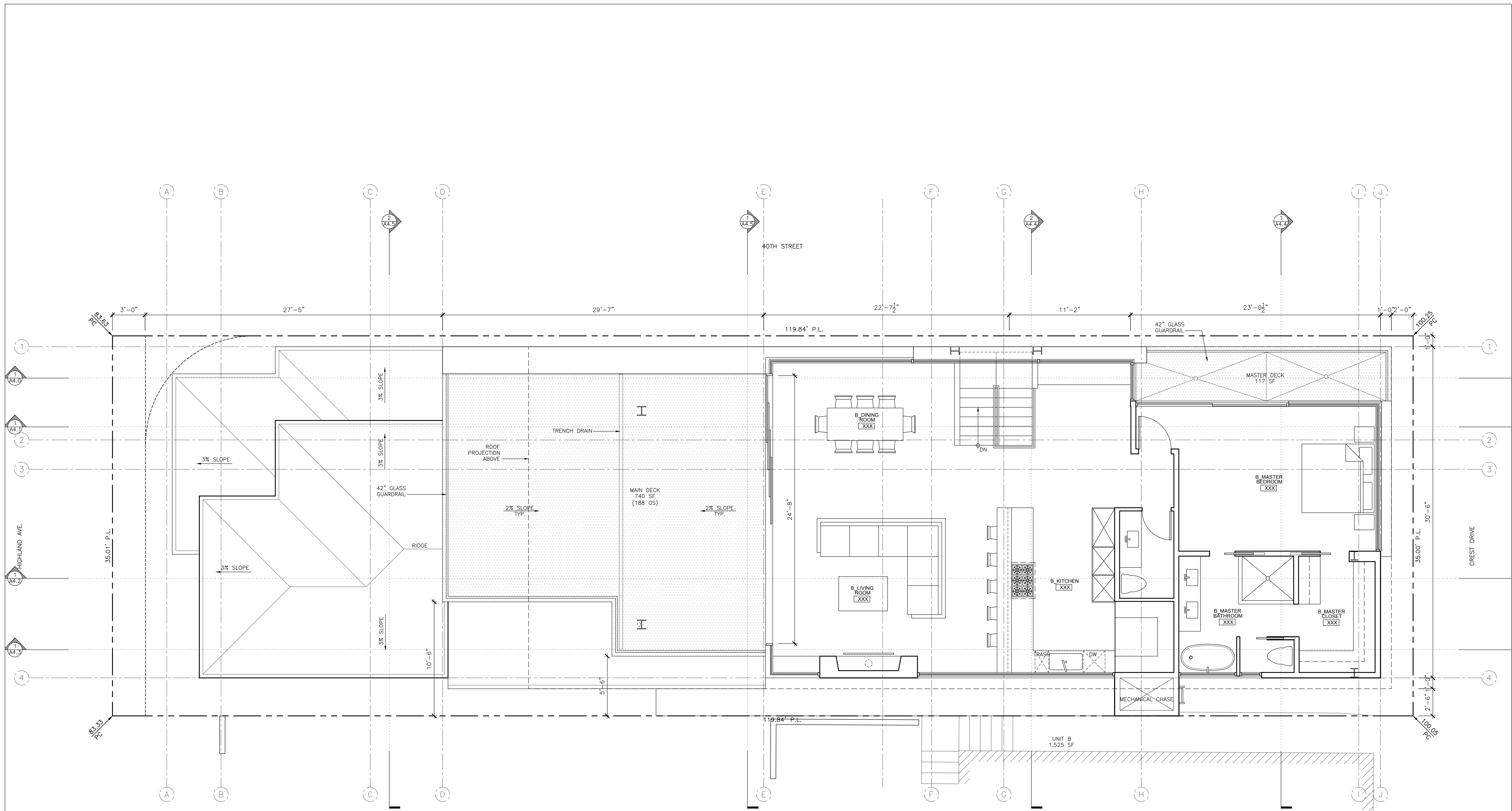
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1 SECOND FLOOR PLAN
1/4" = 1'-0"

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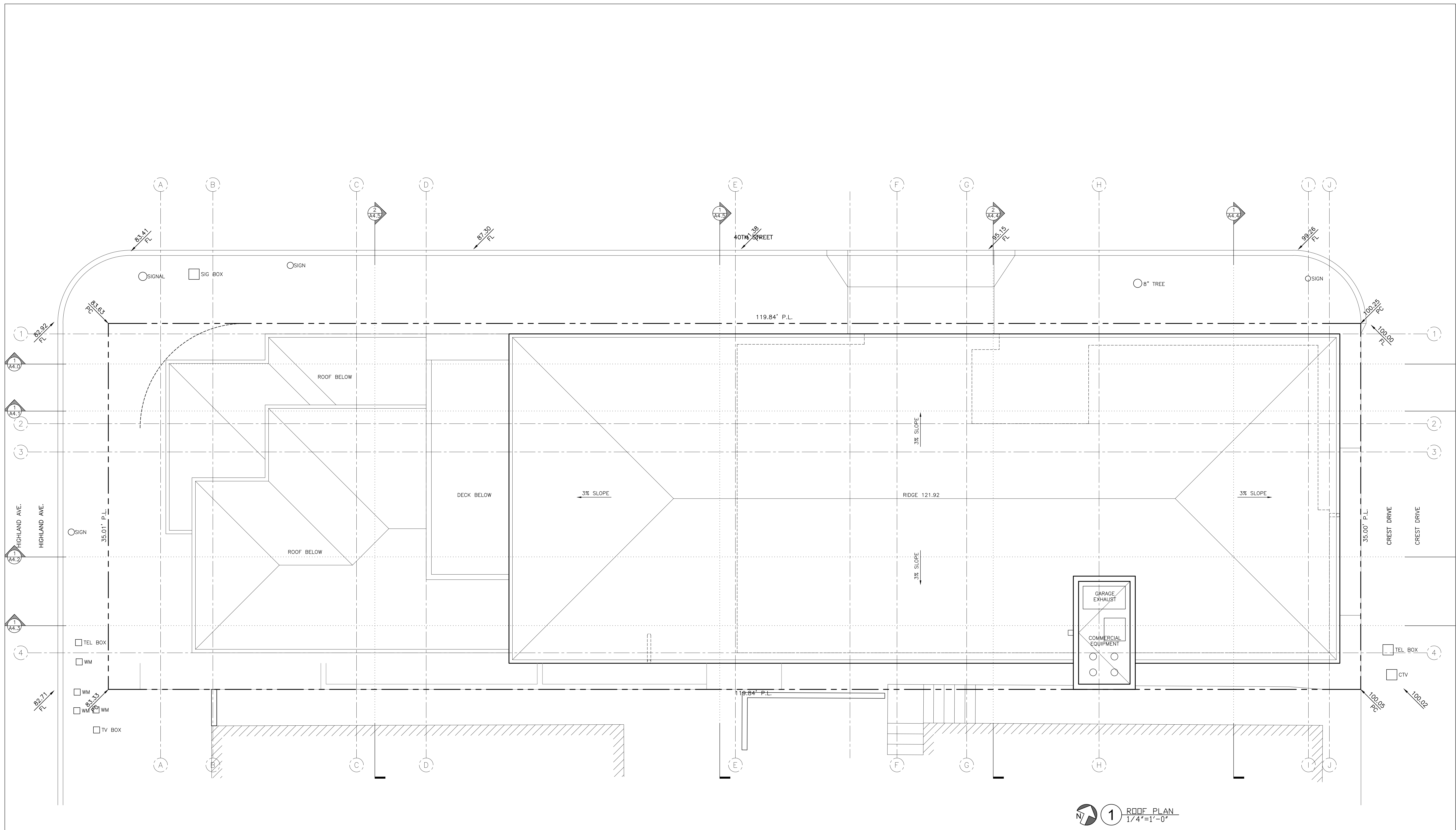
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Floor Plans
A 2.3



1 ROOF PLAN
1/4" = 1'-0"

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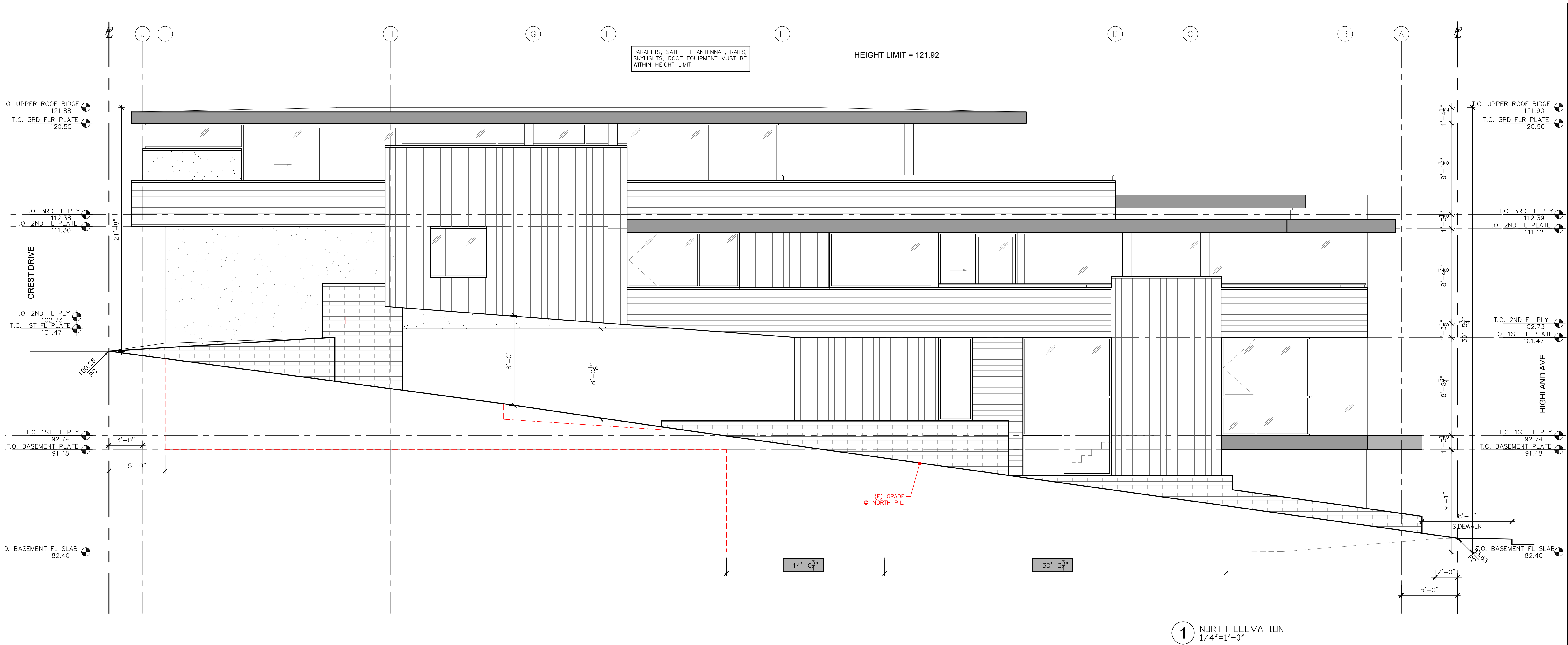
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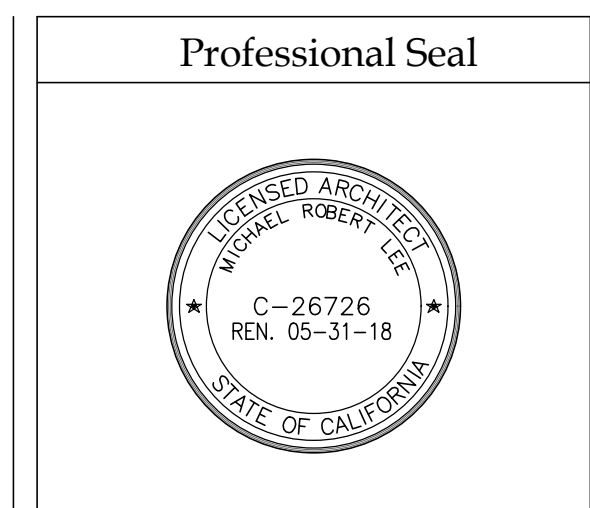
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Roof Plans
A 2.4



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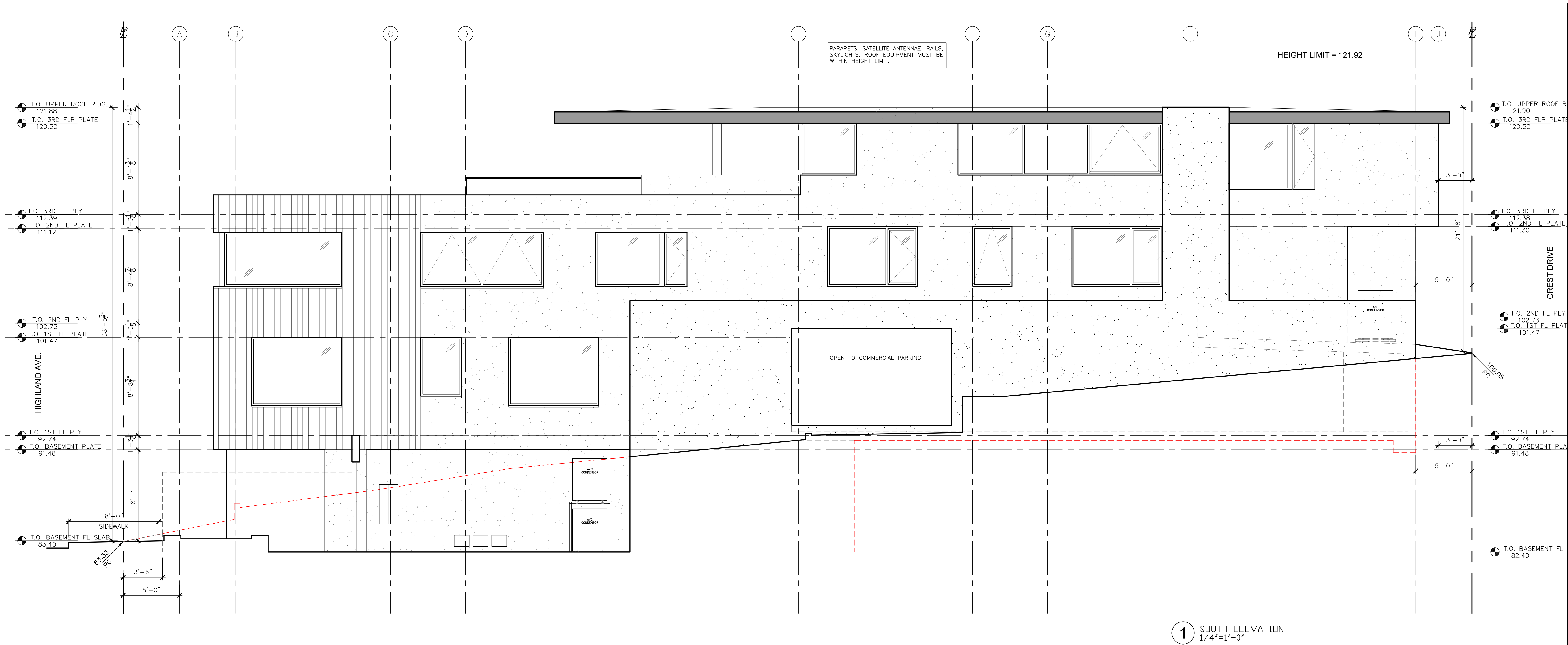
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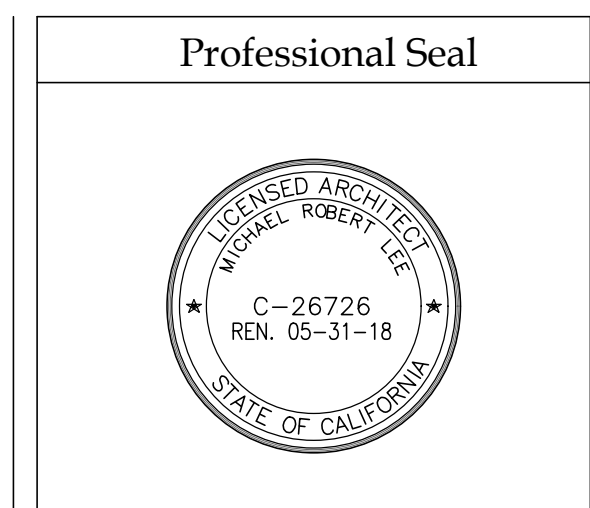
Scale: 1/4" = 1'-0"
Drawn by: JPT
Building Elevations
A 3.0



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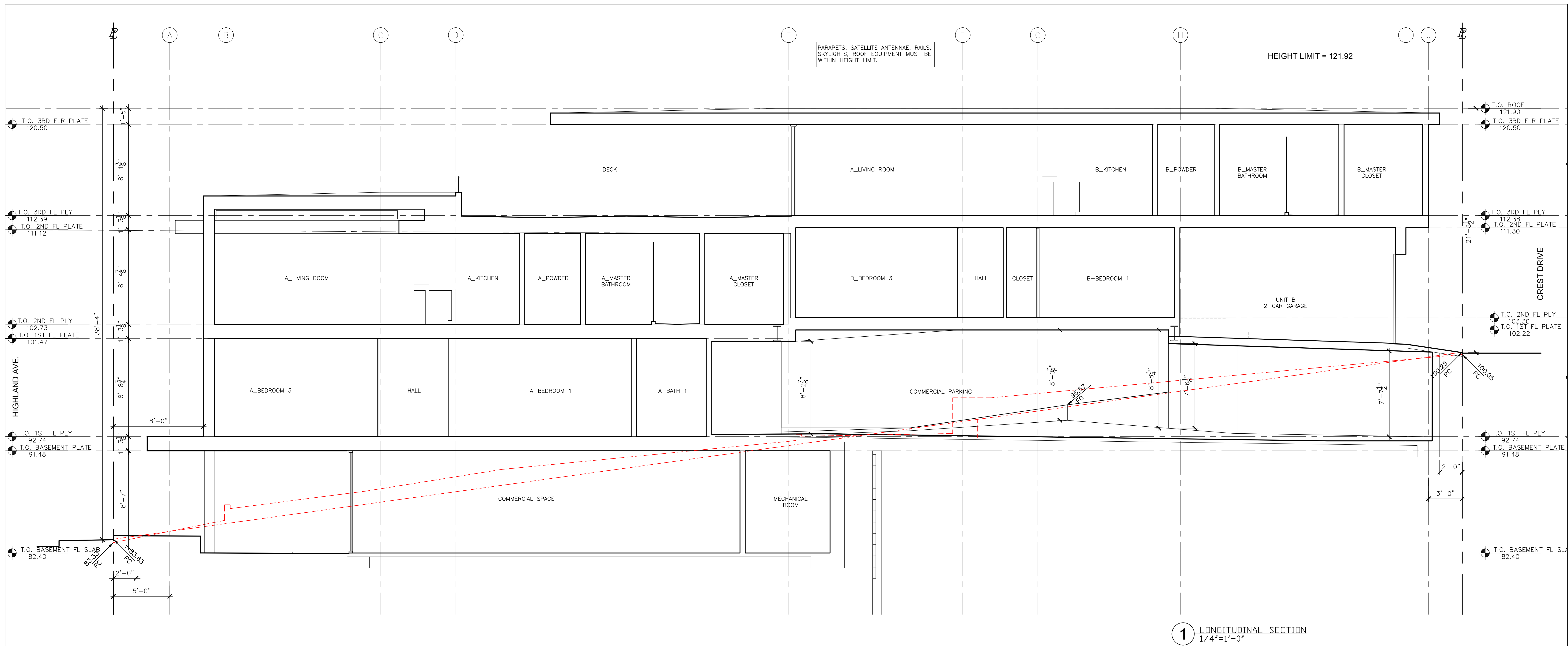
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Building Elevations
A 3.1



1 LONGITUDINAL SECTION
1/4" = 1'-0"

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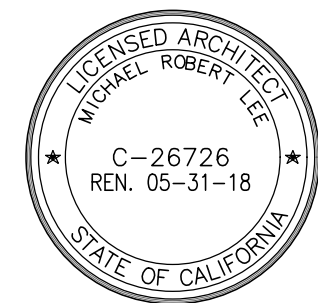
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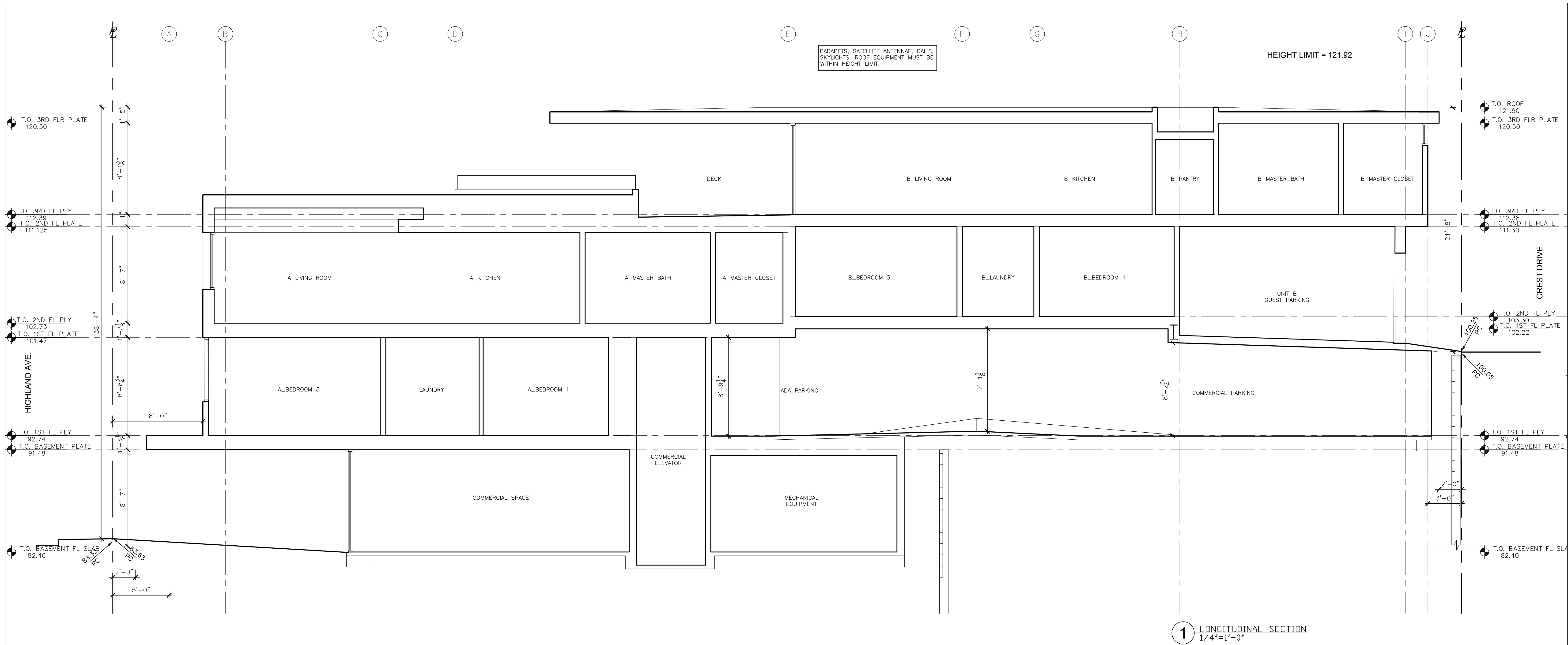
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Scale: 1/4" = 1'-0"

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Building
Section

A 4.2



1 LONGITUDINAL SECTION
1/4" = 1'-0"

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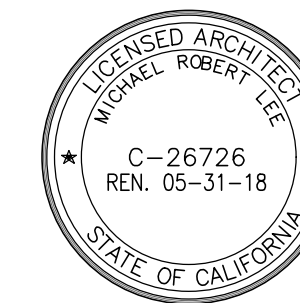
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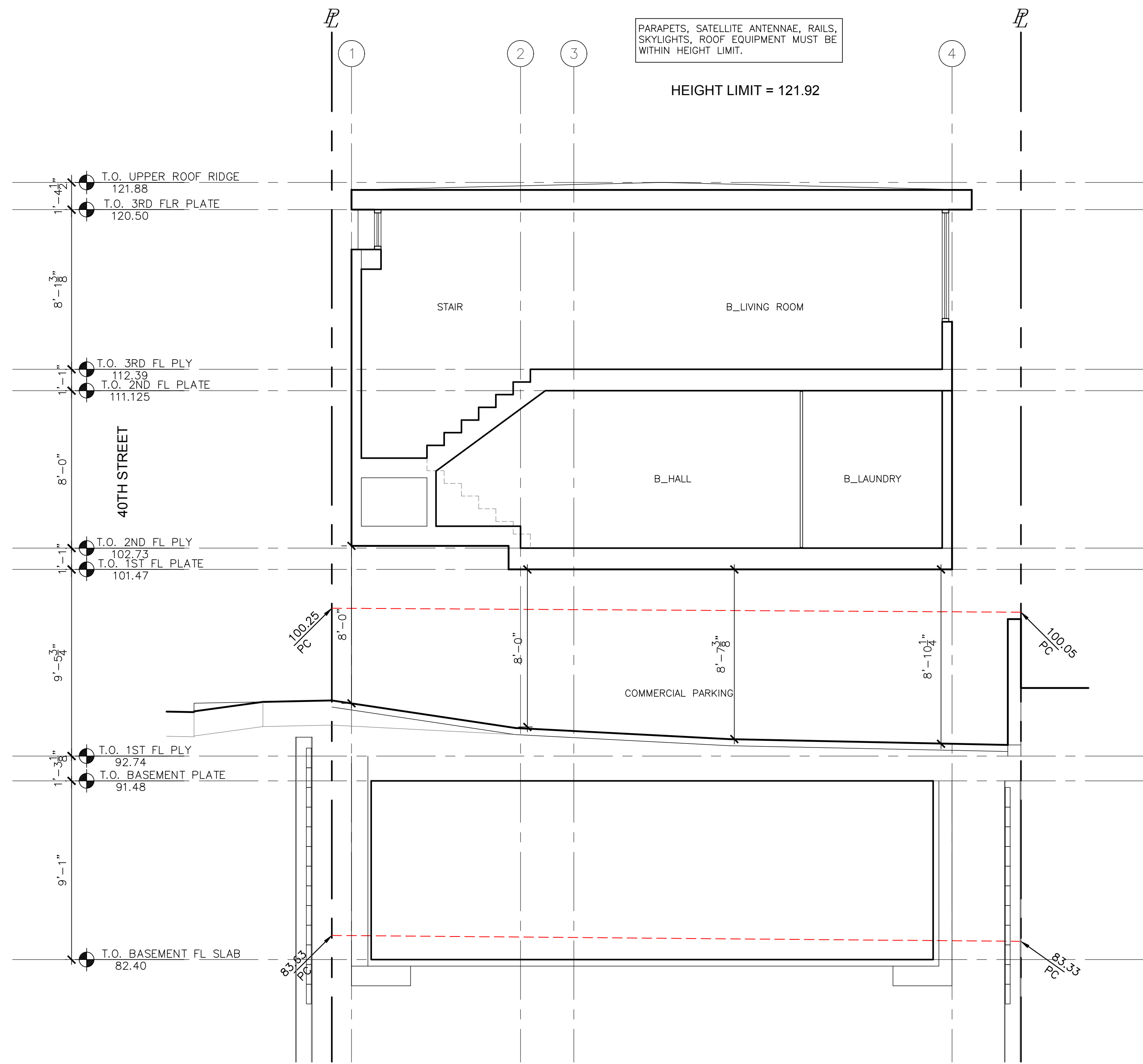
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Scale: 1/4" = 1'-0"

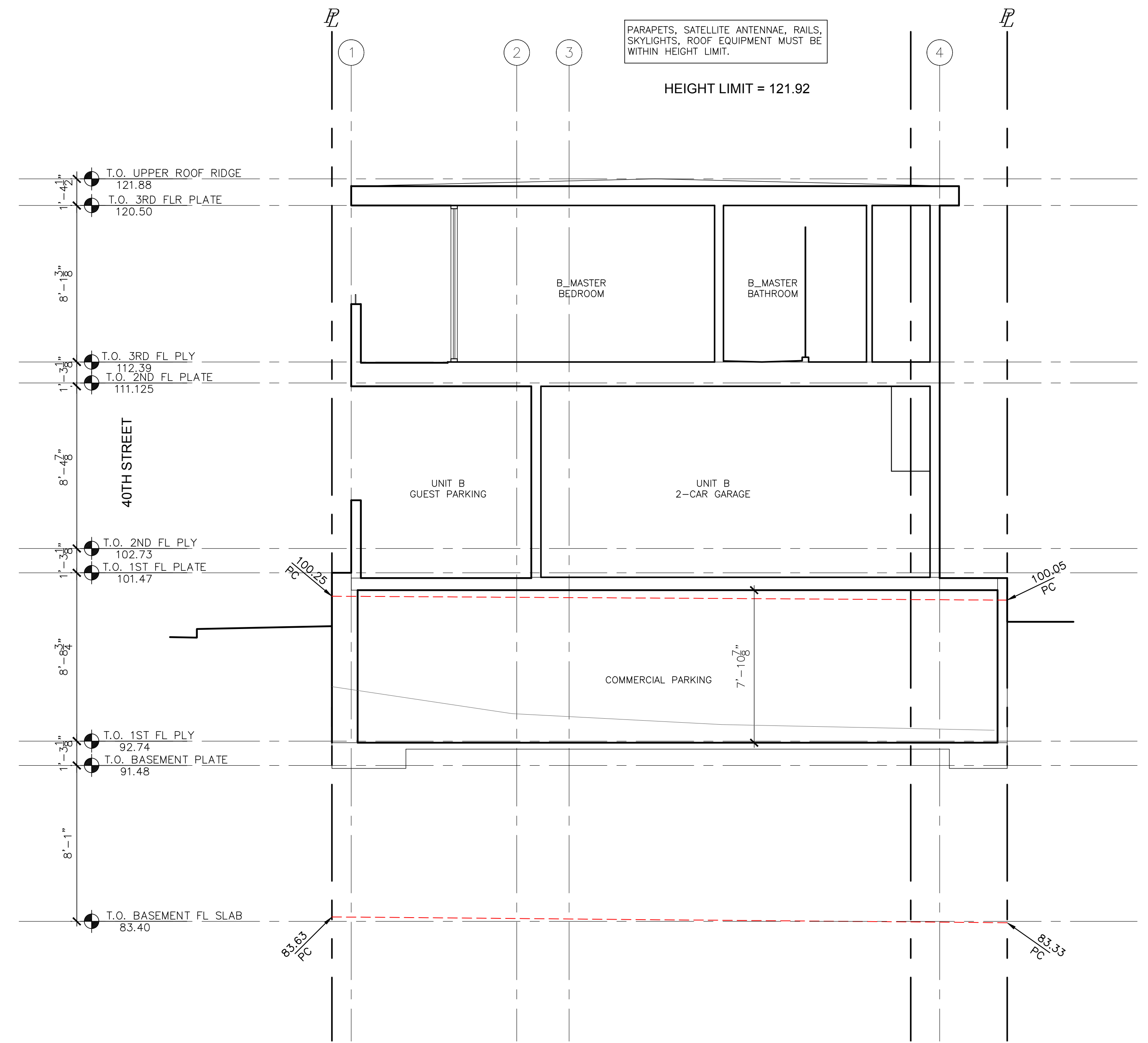
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Building Section

A 4.3



2 SECTION
1/4"=1'-0"



1 SECTION
1/4"=1'-0"

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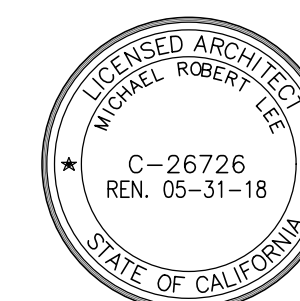
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Scale: 1/4" = 1'-0"

Drawn by: JPT

Building
Section

A 4.4

SCALE: 1" = 10'

VESTING TENTATIVE

SHEET 1 OF 1 SHEET

PARCEL MAP NO. 82003

IN THE CITY OF MANHATTAN BEACH
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES



ENGINEER
DENN ENGINEERS
3914 DEL AMO BLVD., STE. 921
TORRANCE, CA 90503
(310) 542-9433

GARY J. ROEHL R.C.E. 30826 DATE 12/18/2017

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SUBDIVIDER

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DIDI LODY & TIM AGEE
3920 HIGHLAND AVENUE
MANHATTAN BEACH, CA 90266
PHONE 310-483-6074

LEGAL DESCRIPTION

LOT 1, BLOCK 9
TRACT NO. 4103
M.P. 56-8

JOB ADDRESS

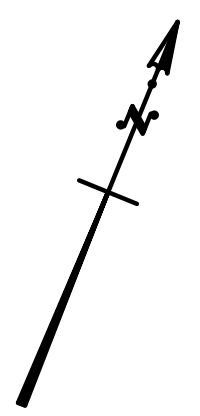
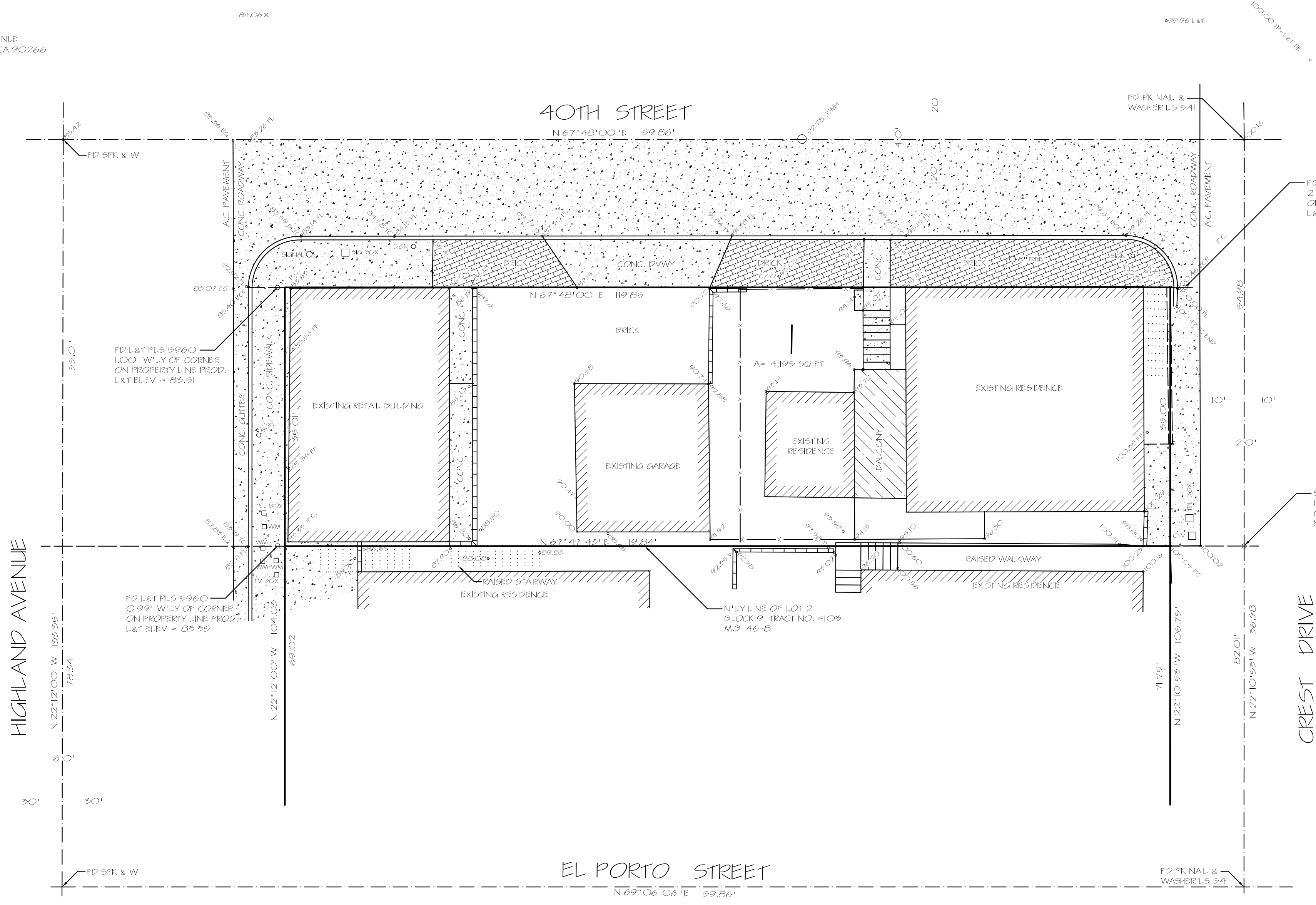
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MANHATTAN BEACH, CA 90266

LEGEND

- EXISTING BUILDING
- CONCRETE
- BRICK
- WOOD DECK
- +106.76 EXISTING ELEVATION
- EXISTING CONTOUR
- BLOCK WALL
- EXISTING FENCE
- BCR BEGINNING OF CURB RETURN
- E'LY EASTERLY FOUND
- FF FINISH FLOOR
- FL FLOW LINE
- GF GARAGE FINISH FLOOR
- GW GUY WIRE
- L&T LEAD AND TAG
- MH MANHOLE
- N'LY NORTHERLY PROPERTY CORNER
- PC PROPERTY CORNER
- P/L PROPERTY LINE
- PP POWER POLE
- S&W SPIKE AND WASHER
- S'LY SOUTHERLY
- SPK SPIKE
- STK STAKE
- TC TOP OF CURB
- TW TOP OF WALL
- TX TOP OF DRIVEWAY APRON
- W'LY WESTERLY
- WM WATER METER

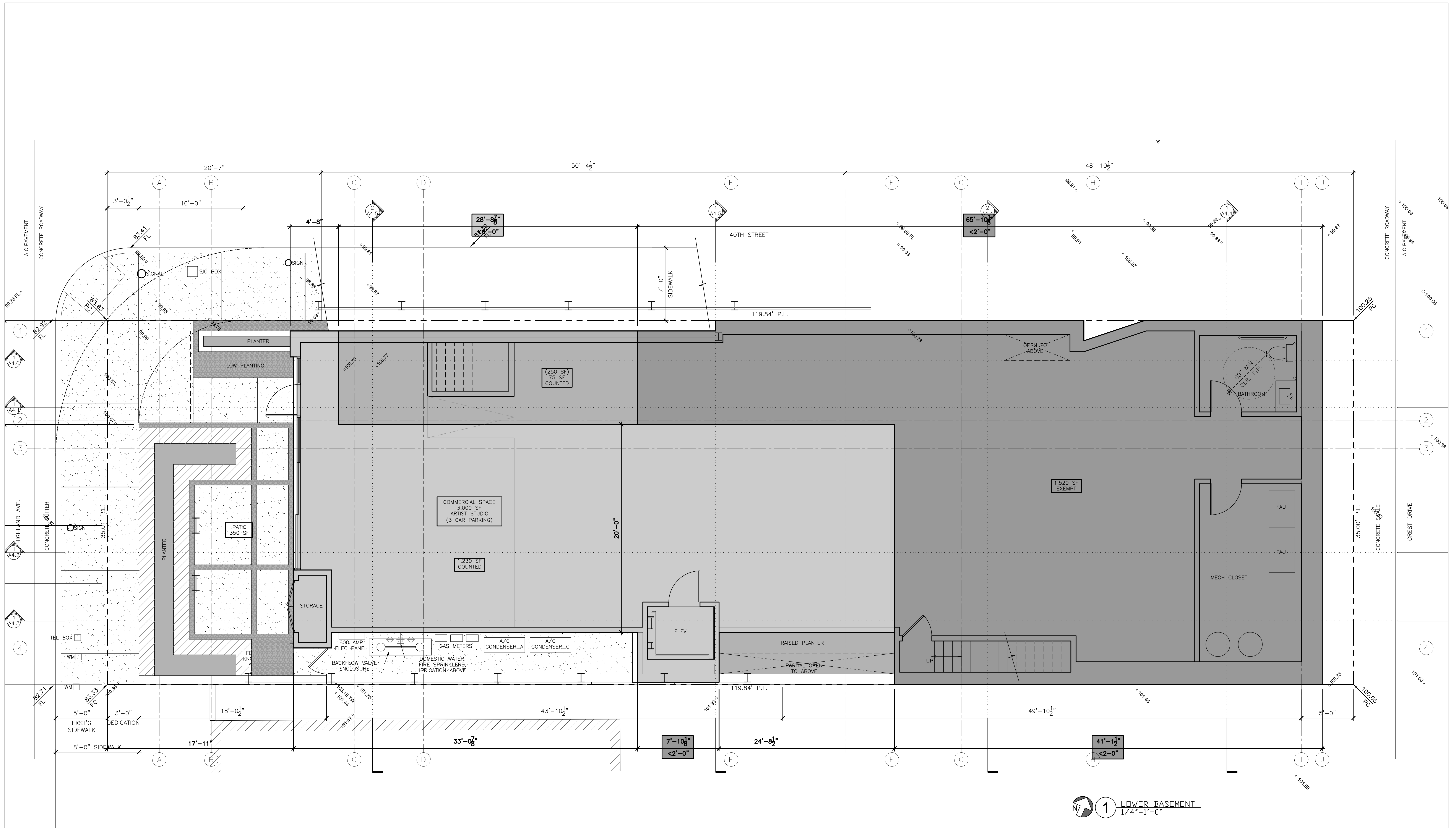
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17-564

17-564



1 LOWER BASEMENT
1/4" = 1'-0"

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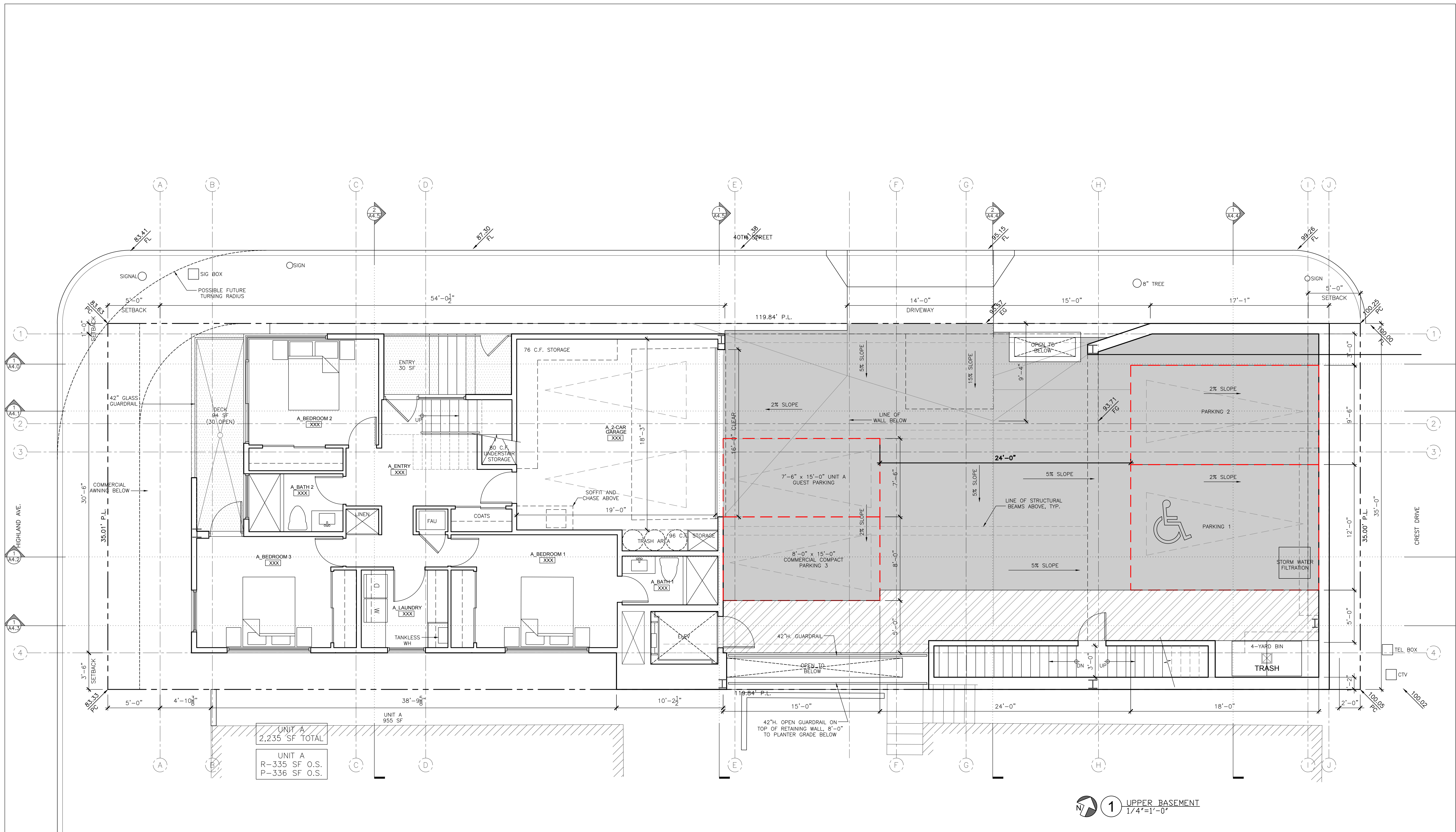
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Professional Seal

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Scale: 1/4" = 1'-0"
Drawn by: JPT
Floor Plans
A 2.0

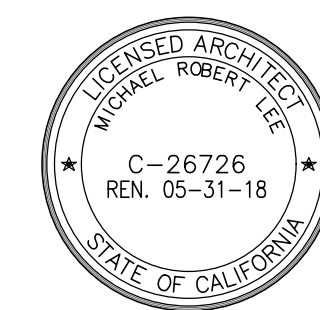


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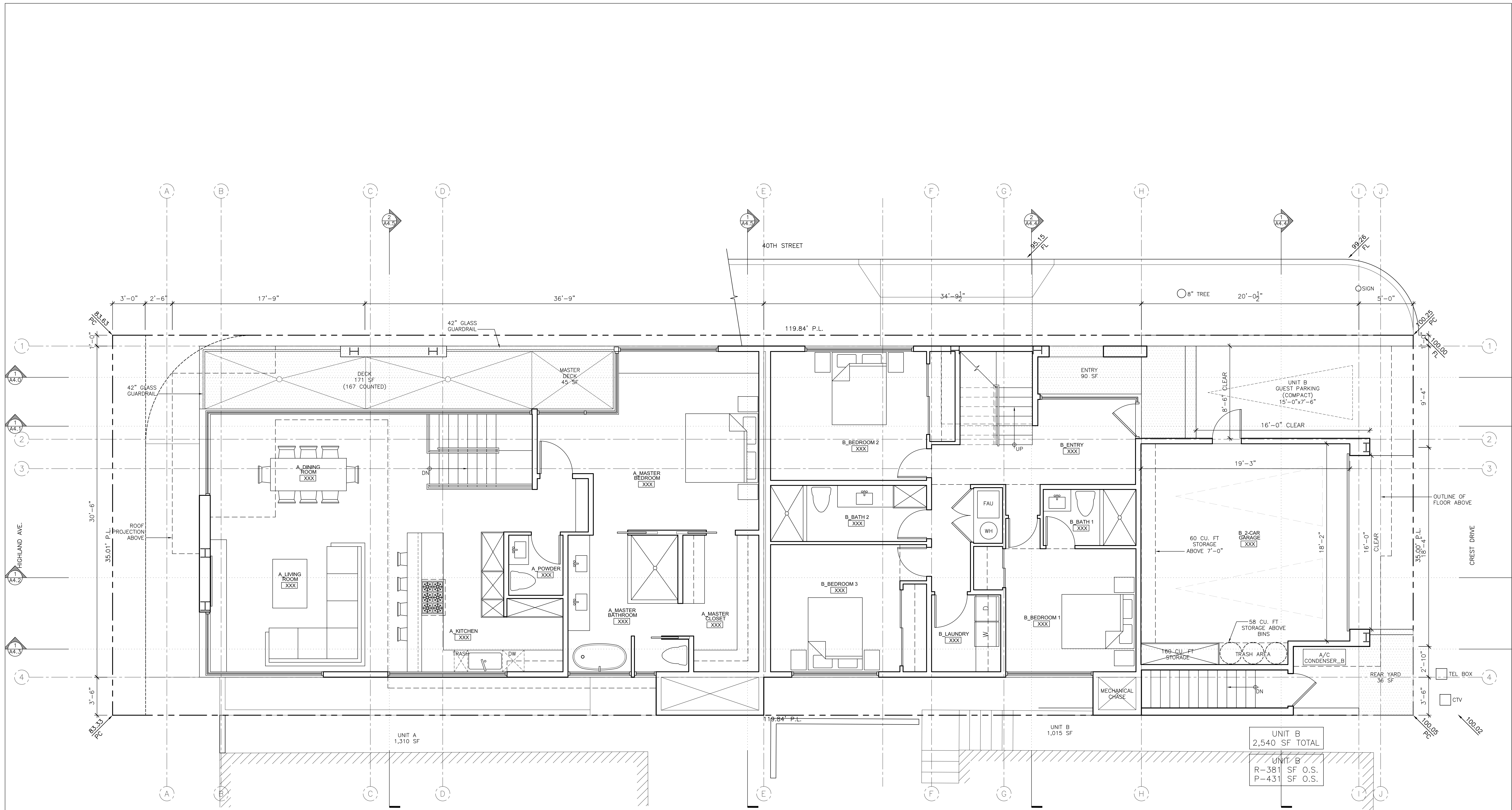


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Scale: 1/4" = 1'-0"

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Floor Plans

A 2.1

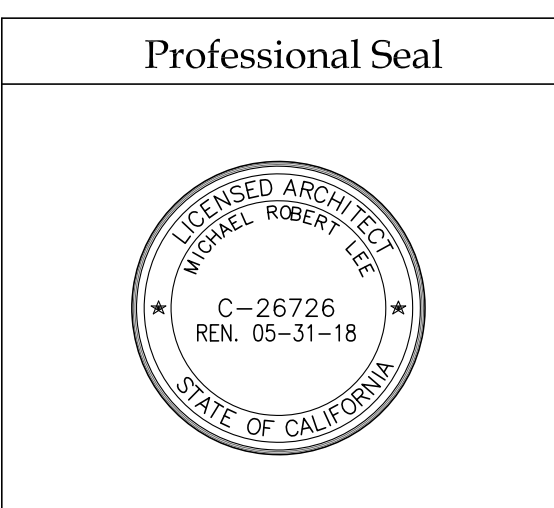


1 FIRST FLOOR PLAN
1/4"=1'-0"

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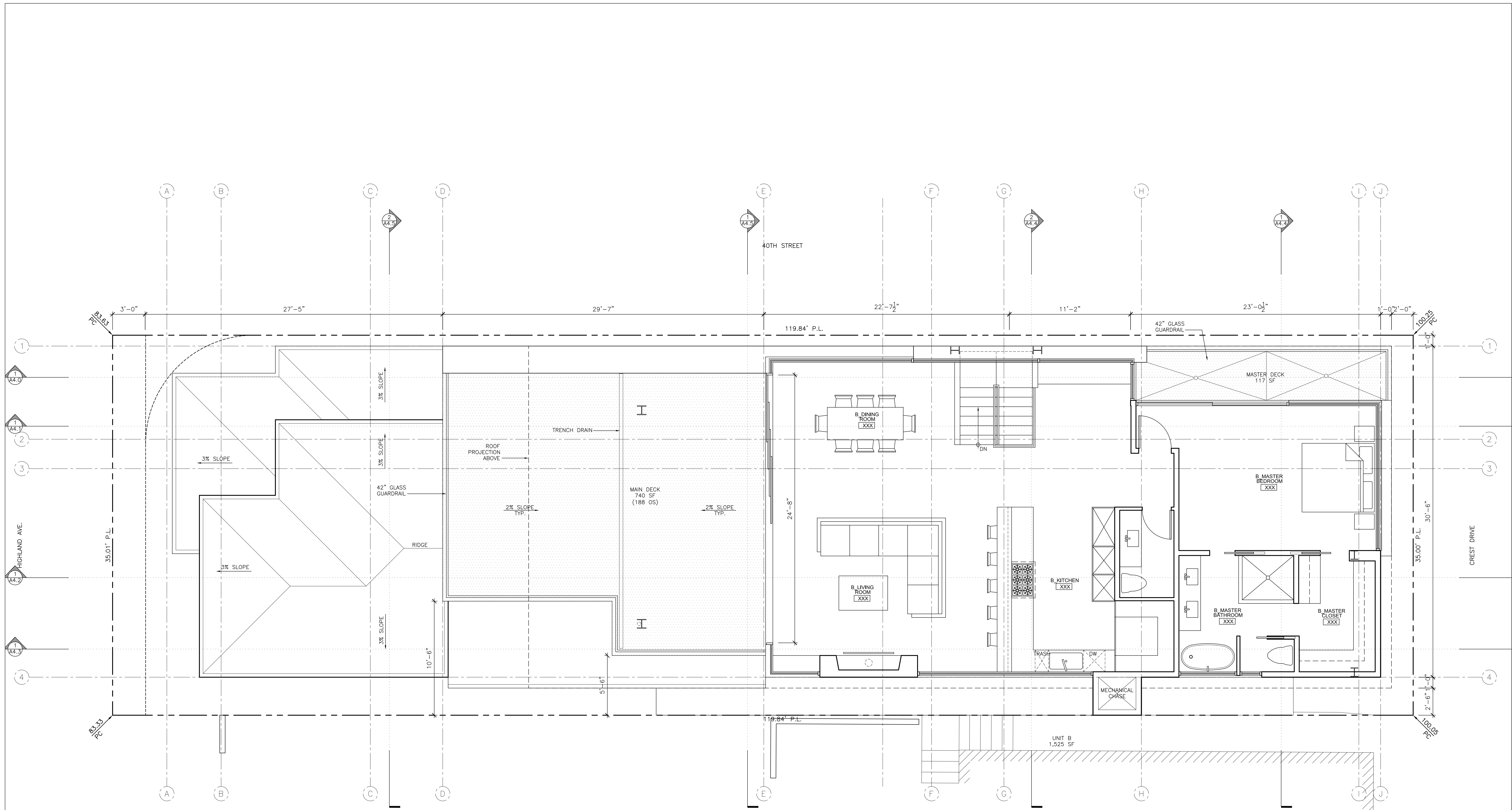
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Scale: 1/4" = 1'-0"
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Floor Plans
A 2.2

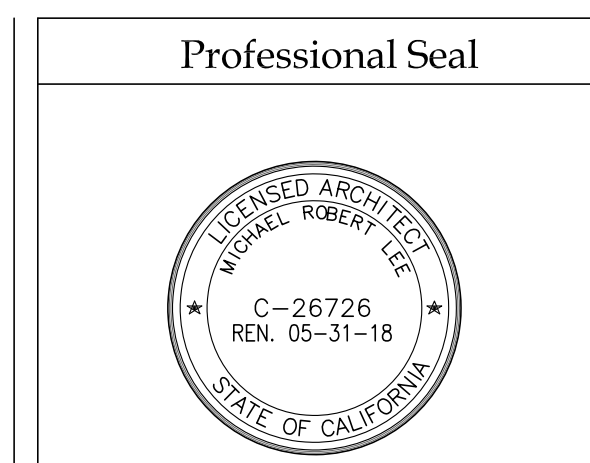


1 SECOND FLOOR PLAN
1/4" = 1'-0"

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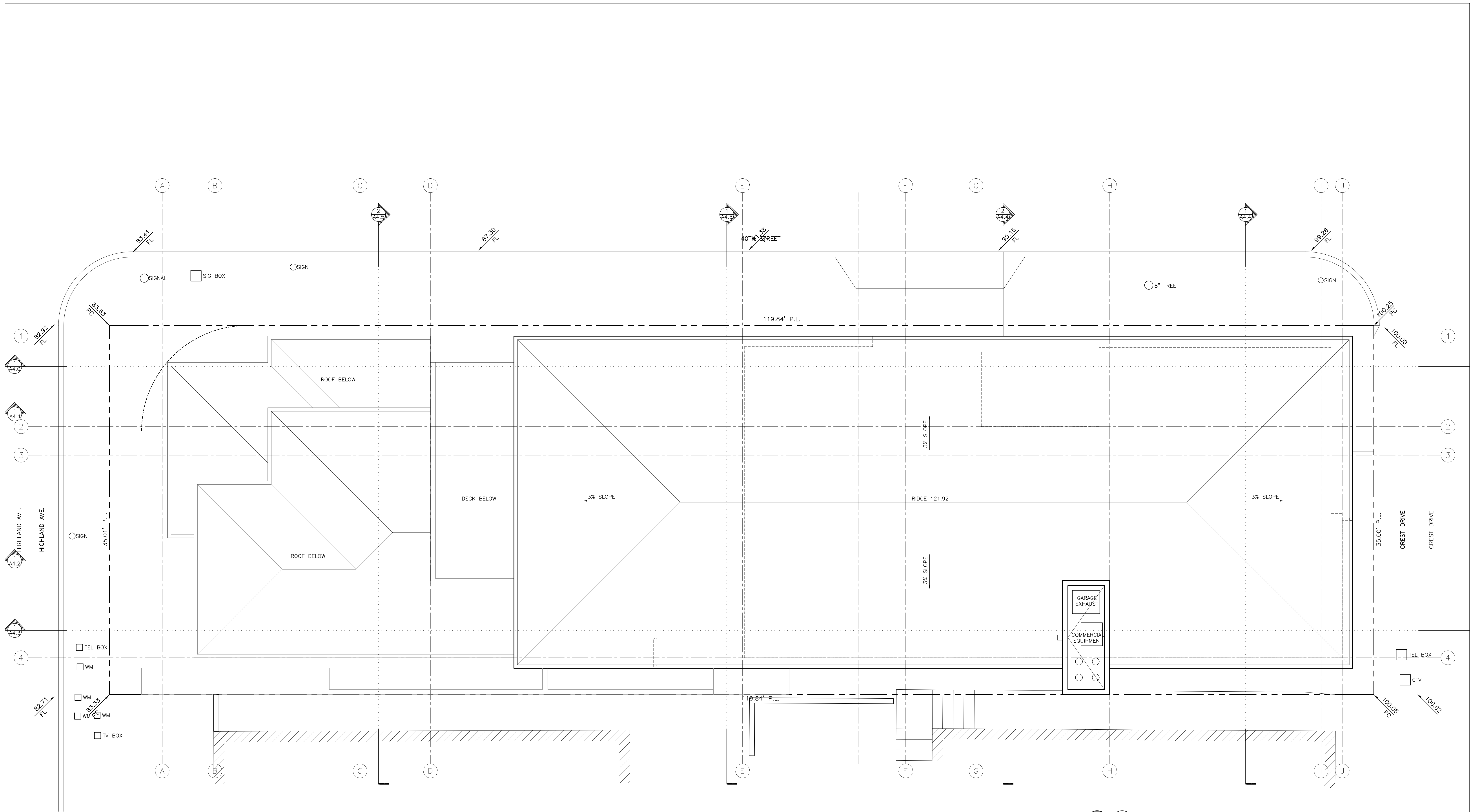
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Floor Plans
A 2.3

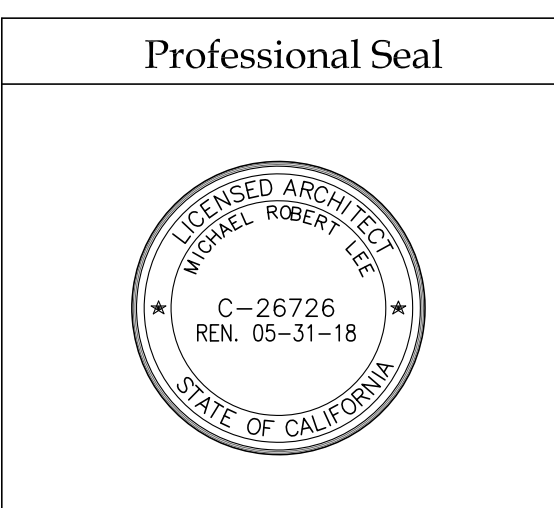


1 ROOF PLAN
1/4" = 1'-0"

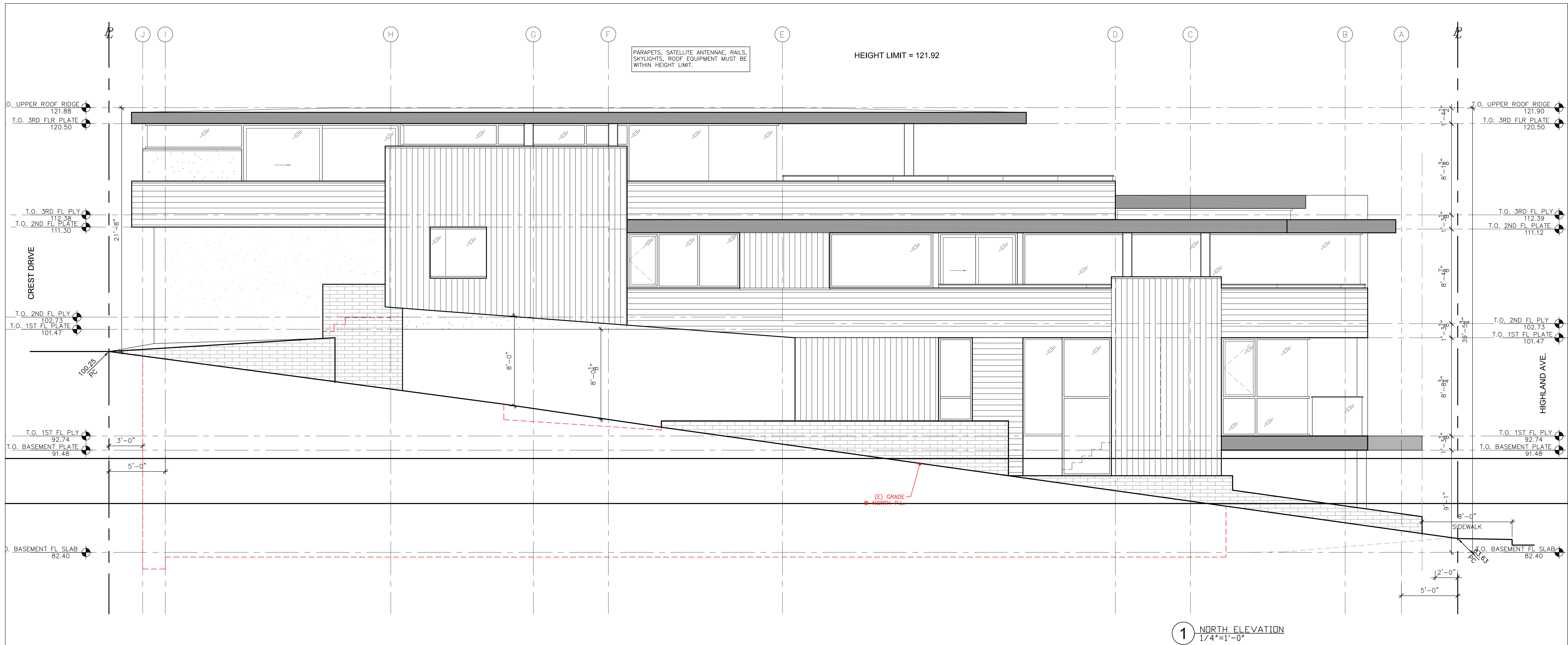
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Roof Plans
A 2.4



1 NORTH ELEVATION
1/4" = 1'-0"

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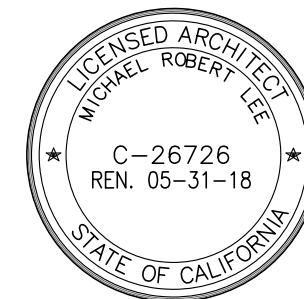
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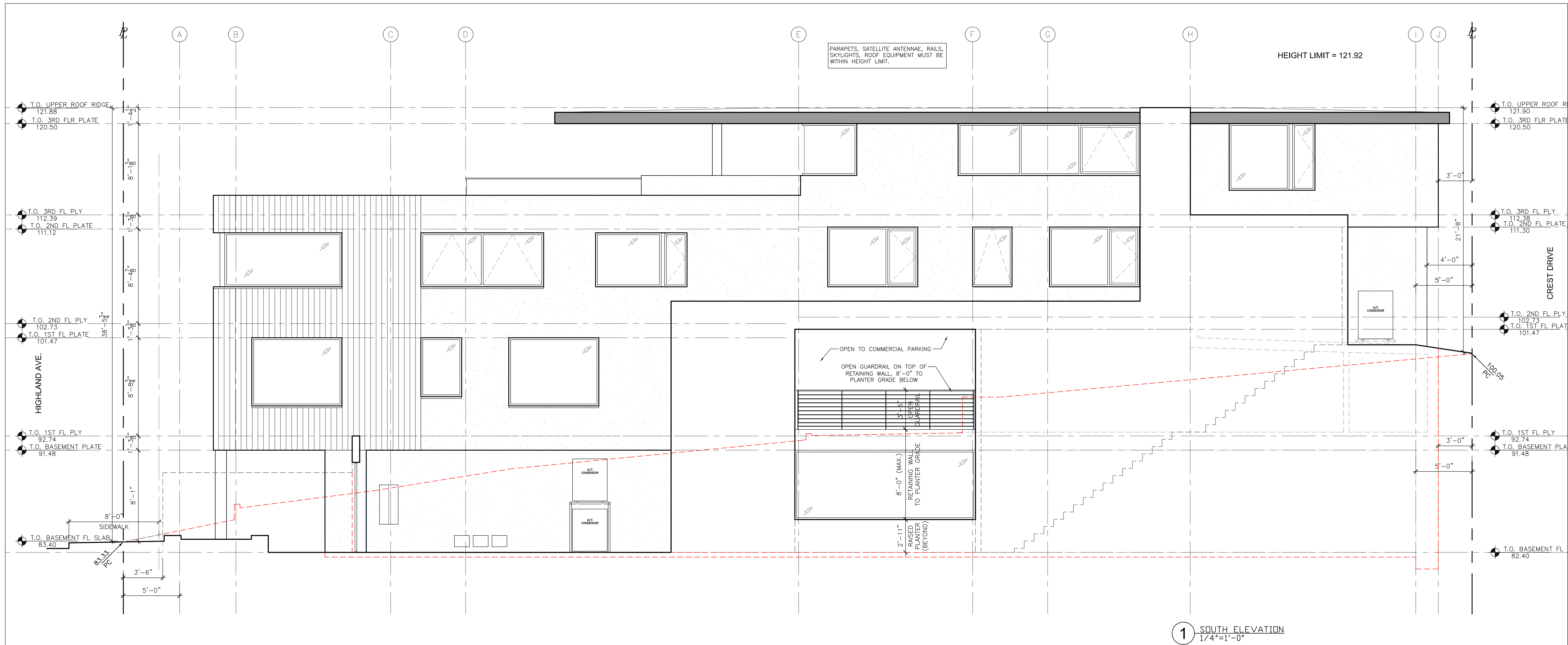
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Scale: 1/4" = 1'-0"

Drawn by: JPT

Building Elevations

A 3.0

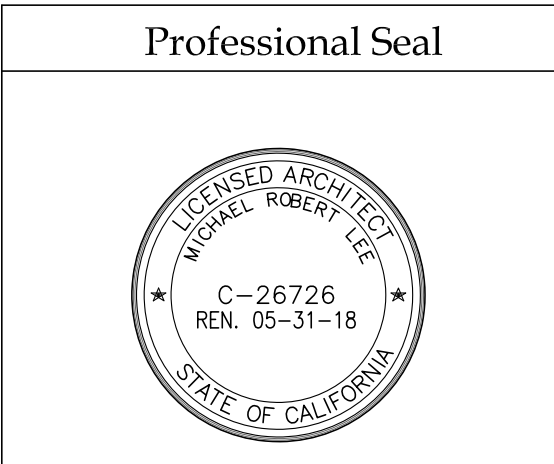


1 SOUTH ELEVATION
1/4" = 1'-0"

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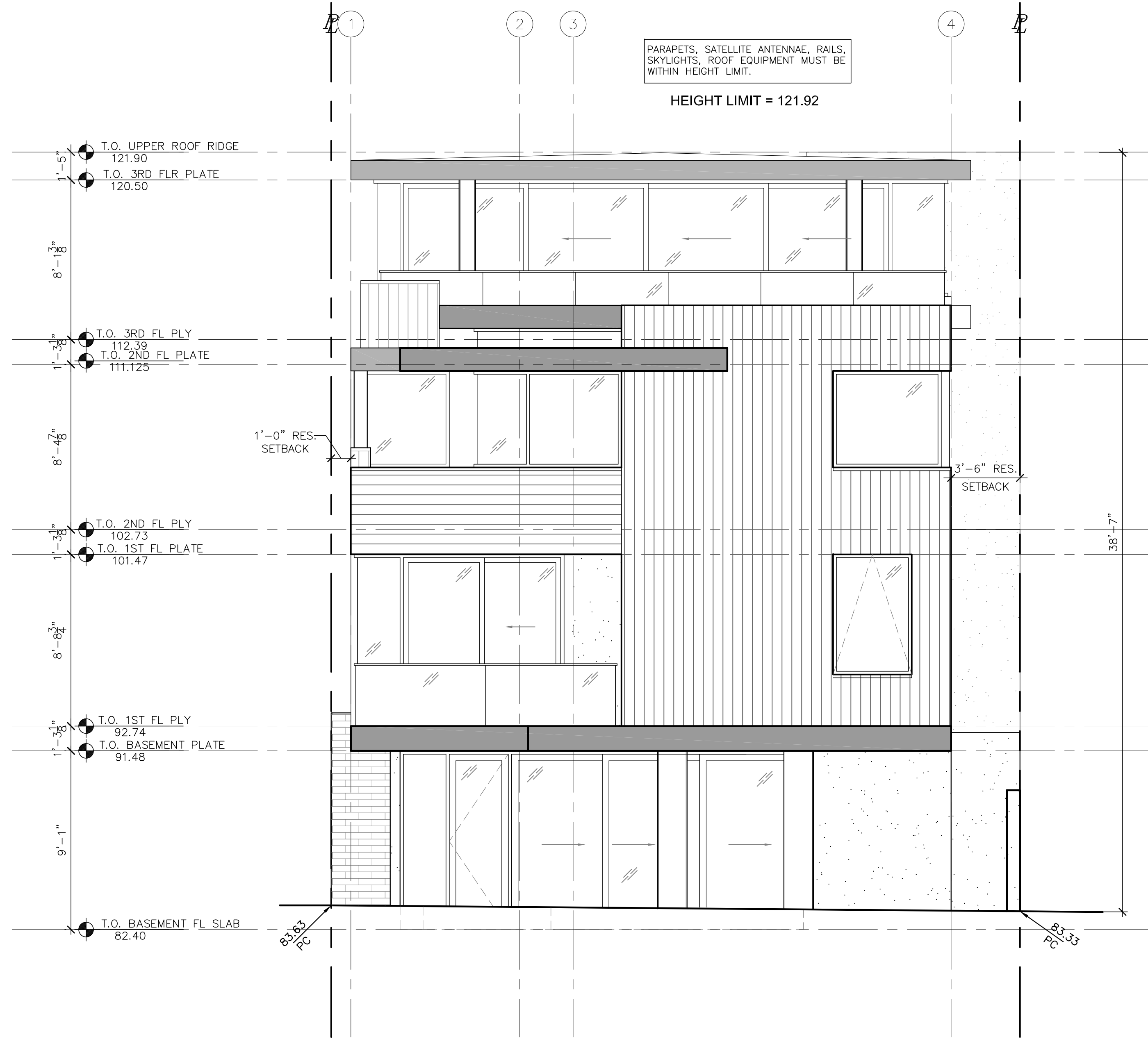
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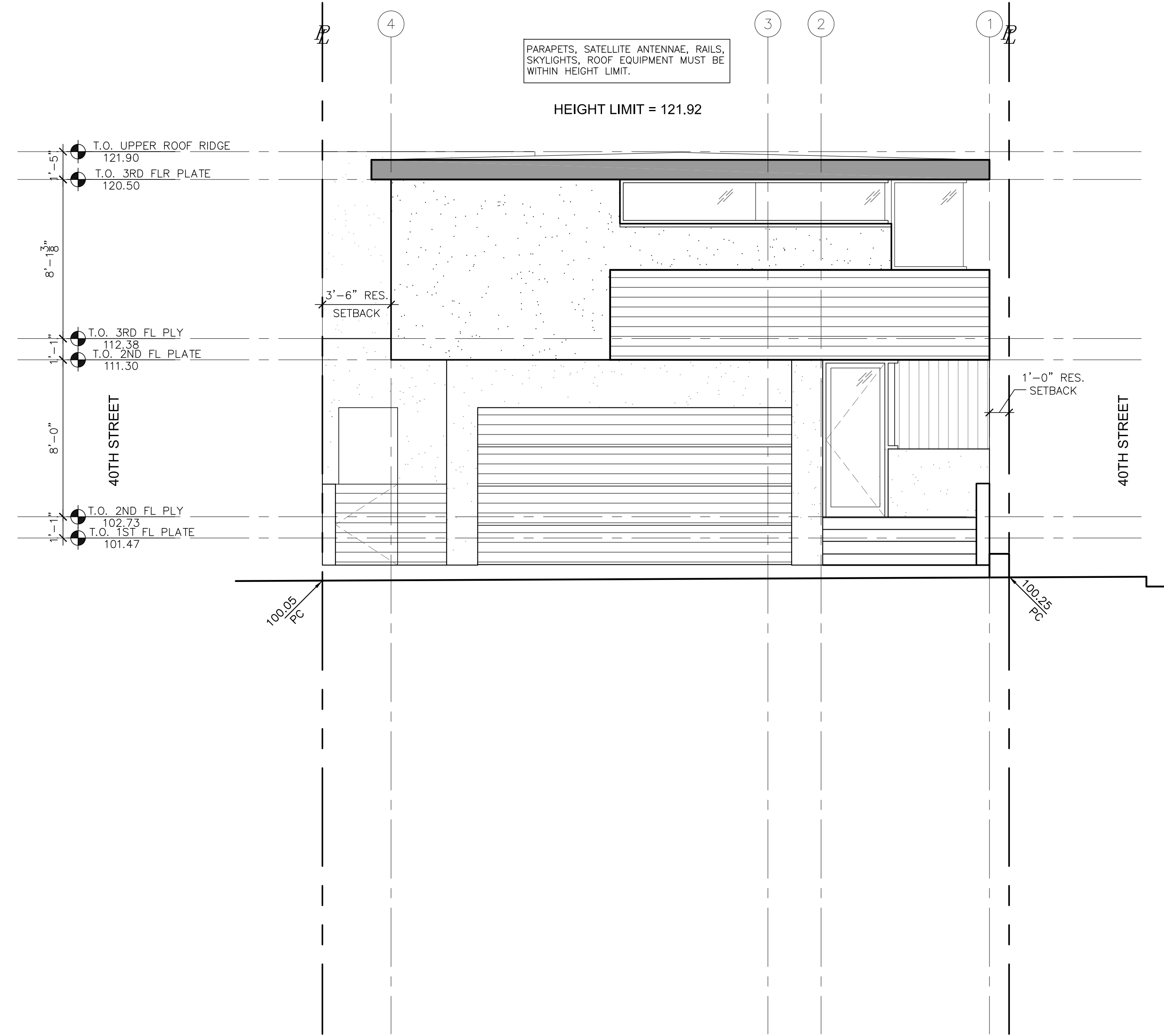


LEE
MICHAEL LEE ARCHITECTS, INC.

Scale: 1/4" = 1'-0"
Drawn by: JPT
Building Elevations
A 3.1



1 WEST ELEVATION
1/4"=1'-0"



2 EAST ELEVATION
1/4"=1'-0"

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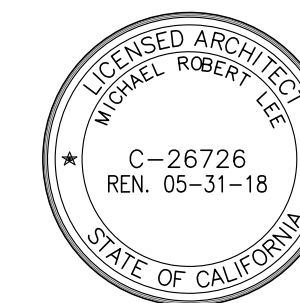
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Professional Seal



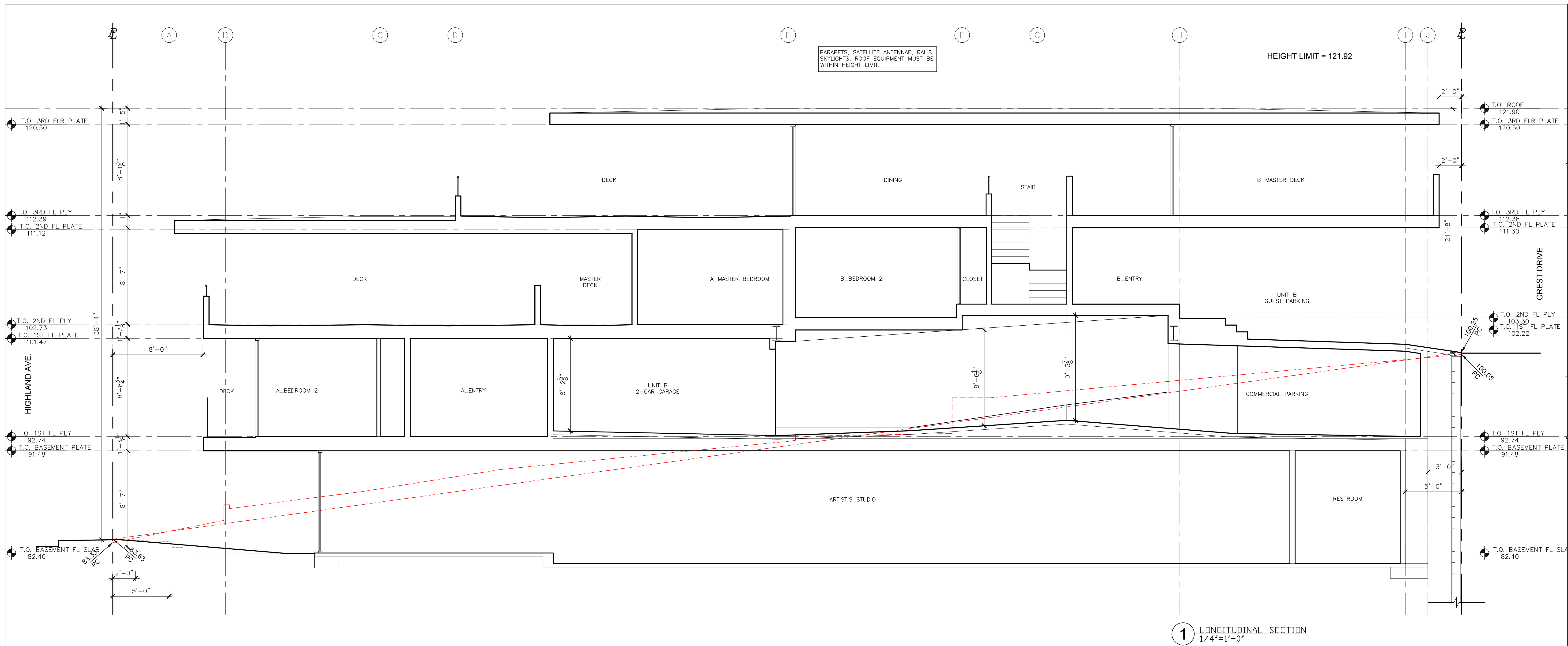
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Scale: 1/4" = 1'-0"

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Building Elevations

A 3.2



1 LONGITUDINAL SECTION
1/4" = 1'-0"

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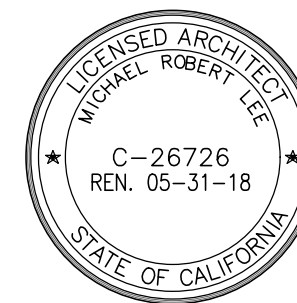
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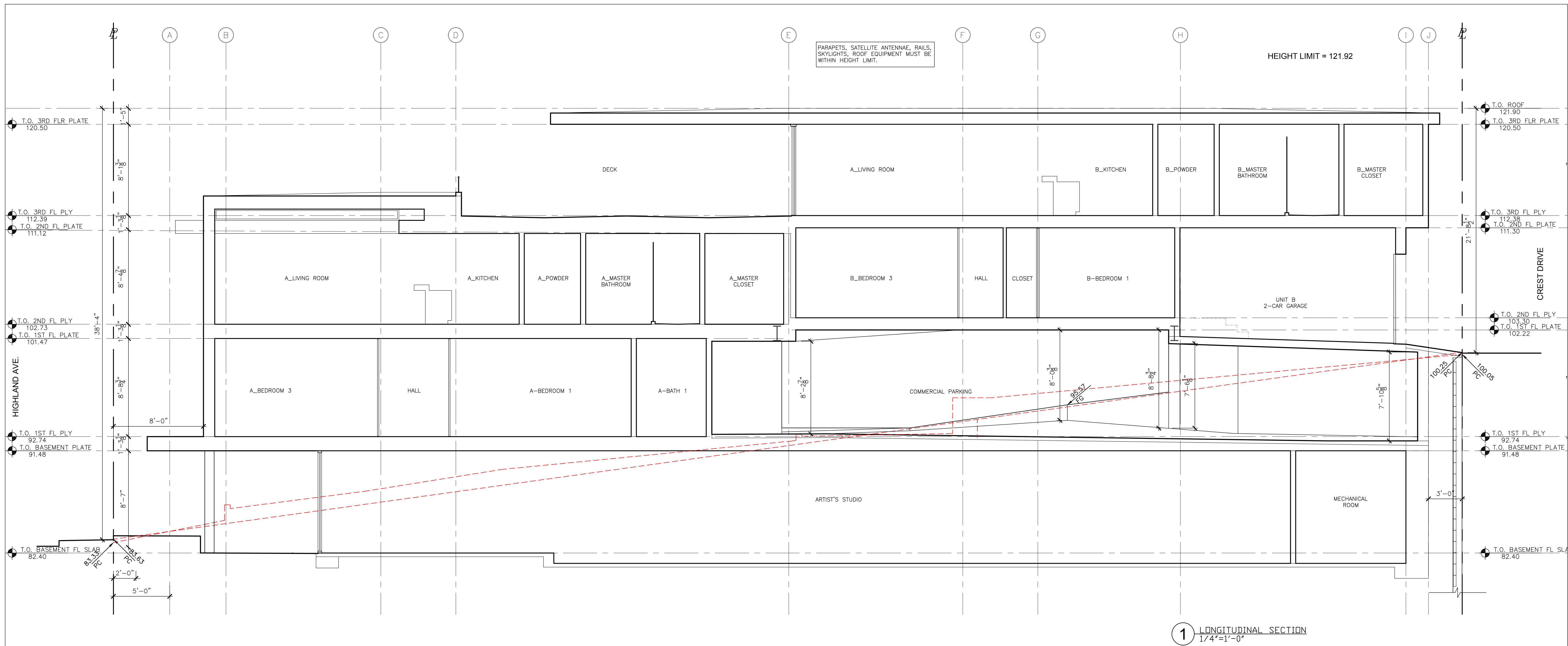
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Building Section

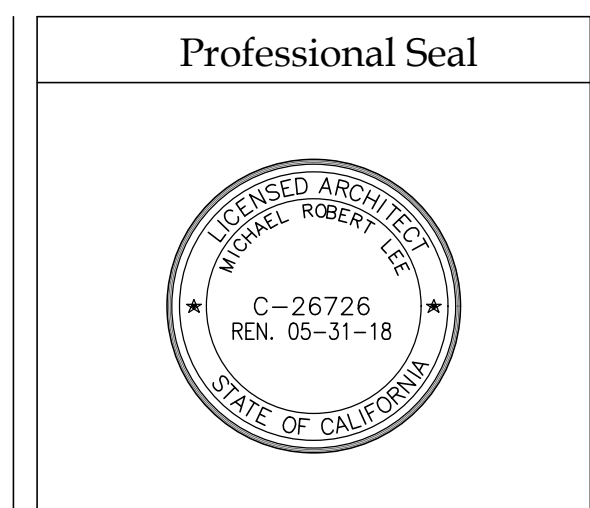
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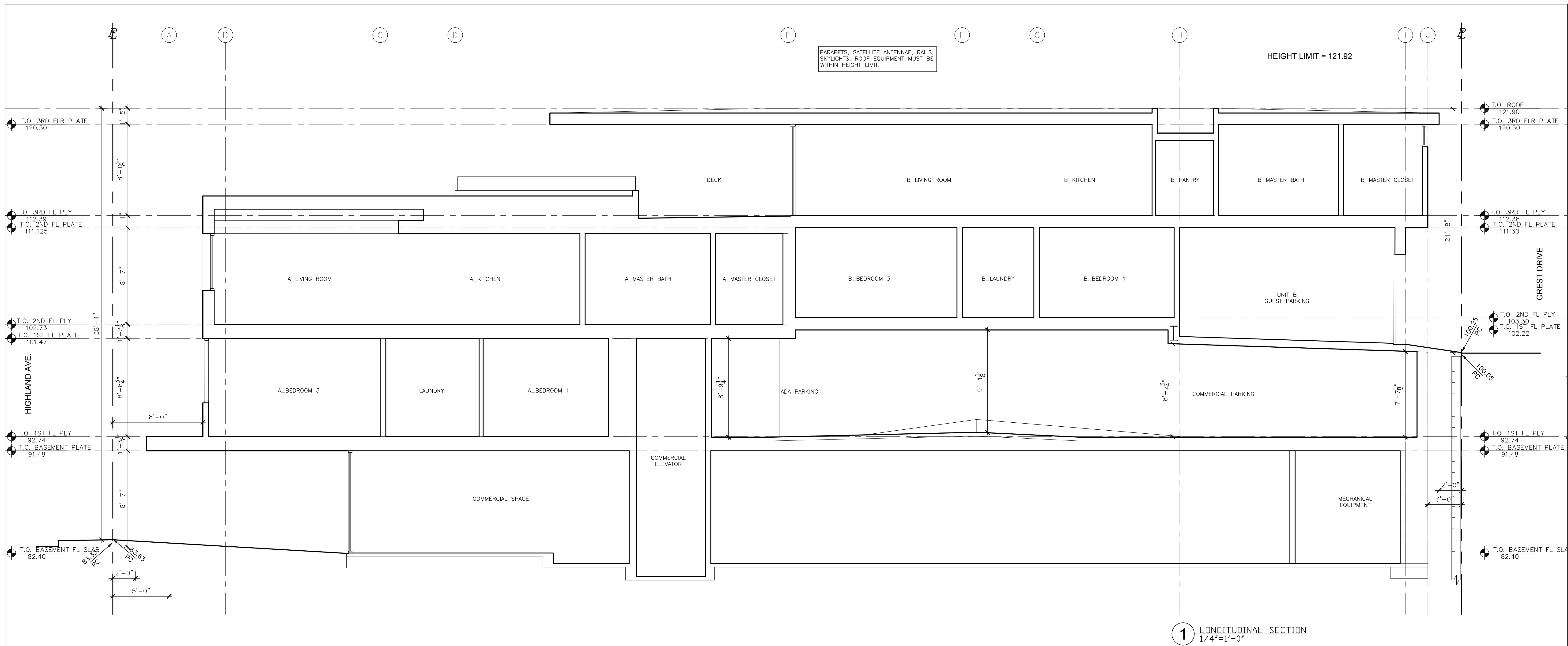
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Building Section
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1 LONGITUDINAL SECTION
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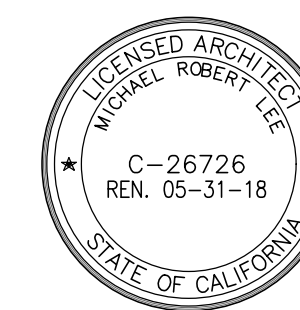
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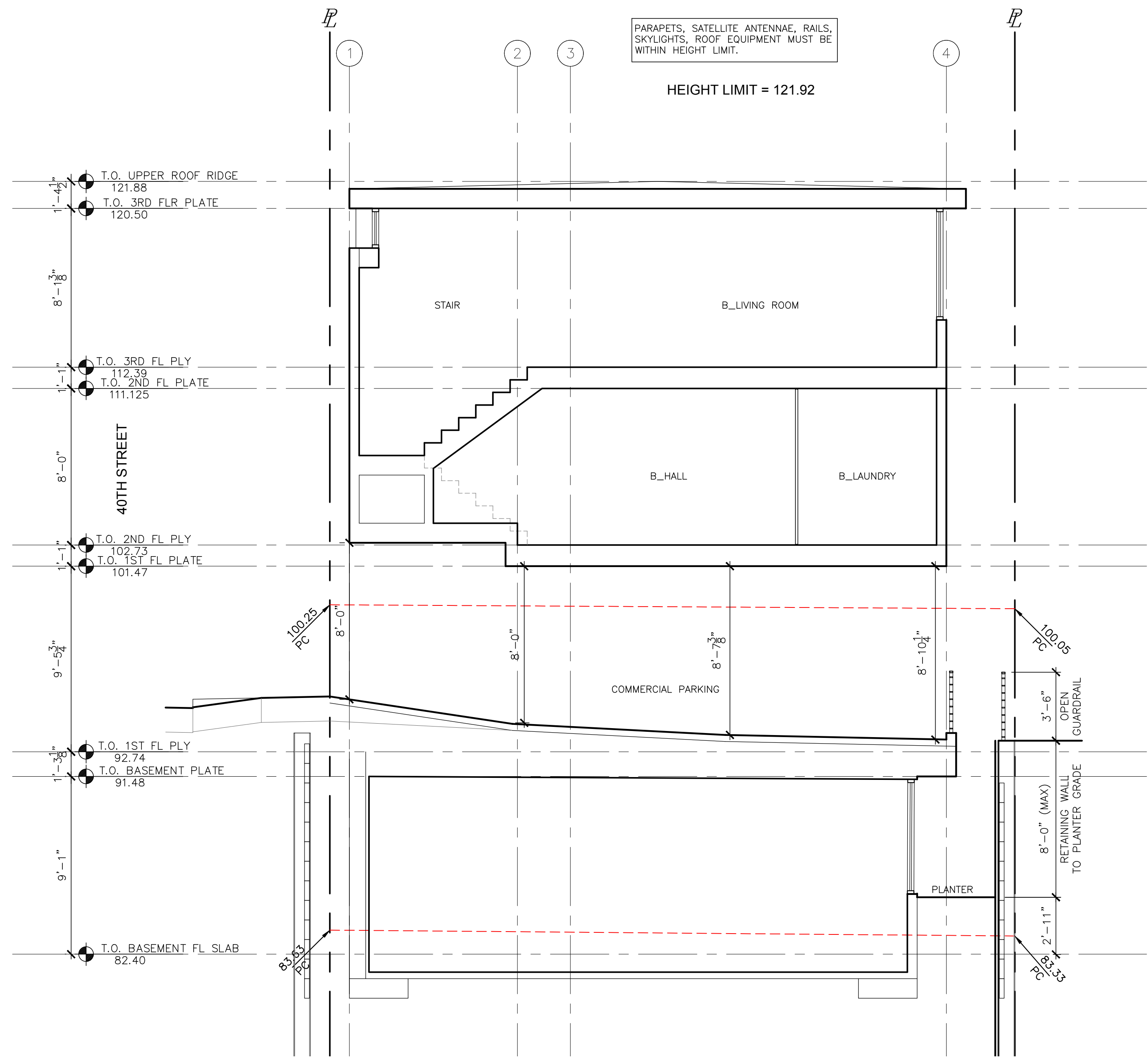
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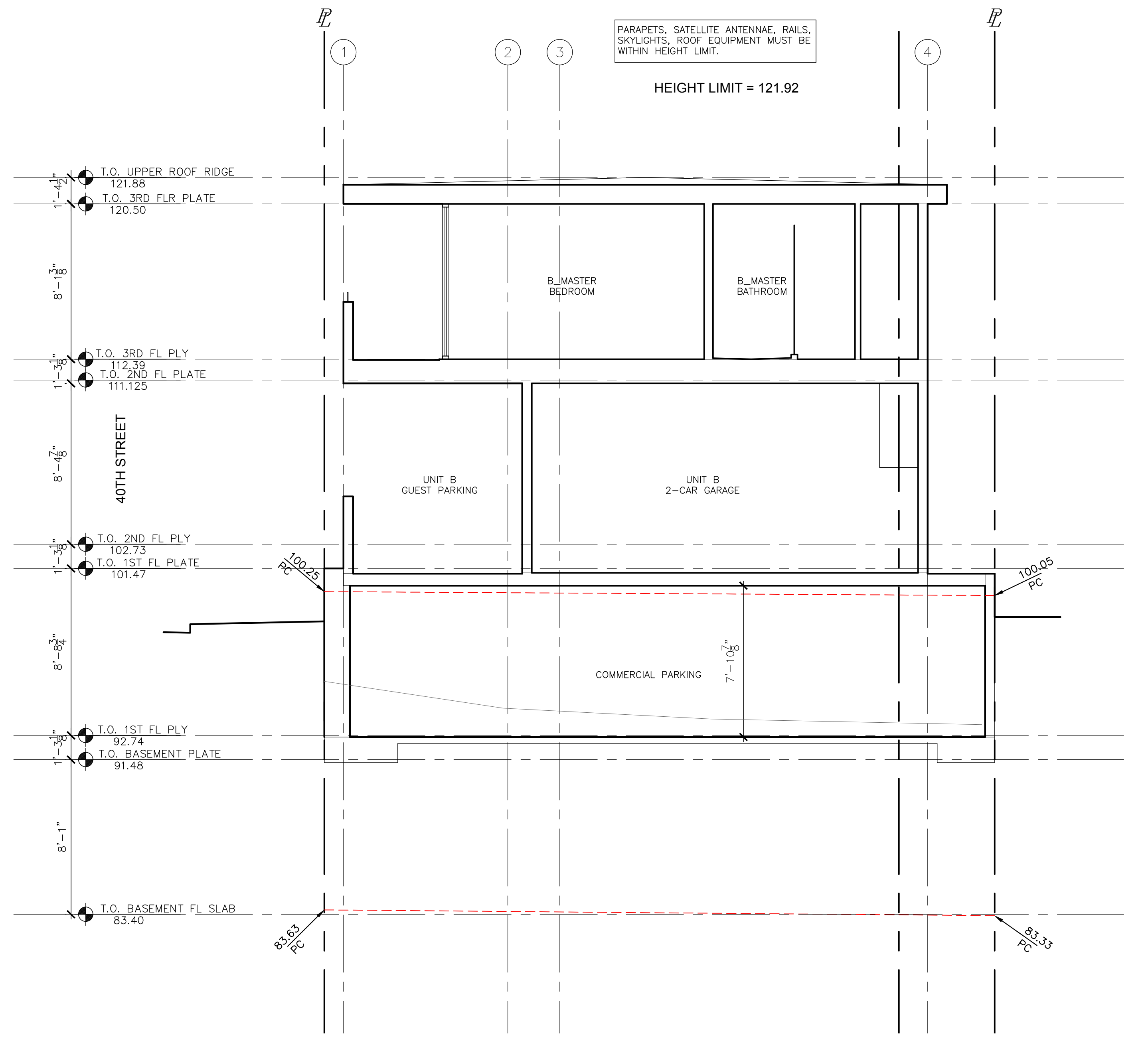
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Building
Section

A 4.3



2 SECTION
1/4"=1'-0"

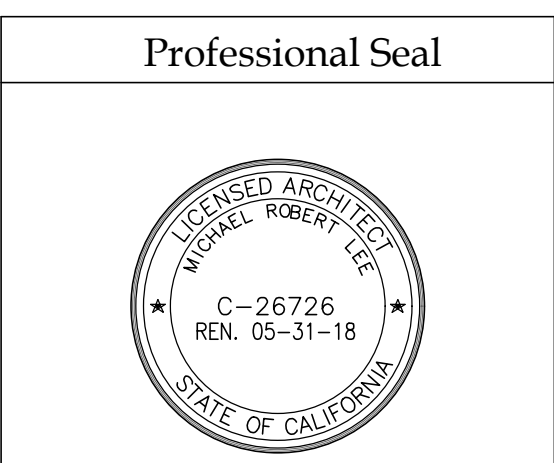


1 SECTION
1/4"=1'-0"

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