# CITY OF MANHATTAN BEACH DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF REPORT 

## TO: Planning Commission

FROM: Jeffrey W. Gibson, Interim Director of Community Development
THROUGH: Laurie B. Jester, Planning Manager
BY: $\quad$ Ted Faturos, Assistant Planner
DATE: $\quad$ October 23, 2019
SUBJECT: Consideration of a Use Permit and Vesting Tentative Parcel Map for Three New Residential Condominium Units Located at $144612^{\text {th }}$ Street and a Separate Use Permit and Vesting Tentative Parcel Map for Three New Residential Condominium Units located at $145012^{\text {th }}$ Street (Manhattan Construction, LLC)

## RECOMMENDATION

Staff recommends that the Planning Commission CONDUCT the Public Hearing and ADOPT the attached resolutions approving the projects subject to certain conditions.

## APPLICANT/OWNER

Manhattan Construction, LLC
1356 Via Romero
Palos Verdes Estates, CA 90275

## BACKGROUND

The subject sites consist of two abutting 7,000 square foot lots located on $12^{\text {th }}$ Street. The applicant proposes to demolish the existing 4-plex apartment buildings with central common access and construct three residential condominiums units on each of the two lots. Section 10.12.020 of the City's Zoning Code requires Use Permit approval for condominium projects of three or more units. This report discusses both projects, with each project requiring its own resolution approving a Use Permit and subdivision.

## PROJECT OVERVIEW

| L OCATION |  |  |
| :---: | :---: | :---: |
| Location | 1446-1450 $12^{\text {th }}$ Street between N Rowell Ave. \& N Peck Ave. (See Vicinity Map- Attachment C) |  |
| Legal Description | Lot 5, Bl <br> Lot 4, B | o. 141 (1446 $12^{\text {th }}$ Street) <br> o. 141 (1450 12 ${ }^{\text {th }}$ Street) |
| L A N D U S E- BOTH LOTS |  |  |
| General Plan: | High Density Residential RH, High Density Residential II |  |
| Zoning: |  |  |
| Area District: |  |  |
| Land Use: | Existing | Proposed |
|  | Fourplex per Lot | Three Residential Condominium Units per Lot |

Neighboring Zoning/ Land Uses :

North (across $12^{\text {th }}$ Street)
South
RH/Multi-Family Residential
East
RH/Multi-Family Residential
West
RH/Multi-Family Residential
RH/Multi-Family Residential

## PROJECT DETAILS-BOTH LOTS

Parcel Size:
Residential Density:
Building Floor Area:
Height:
Setbacks
Front:
Rear:
East side:
West side:
Parking:
Open Space:

Proposed
7,000 sq. ft. (existing)
1 unit /2,333 sq. ft. lot area
$8,389-8,397$ sq. ft.
30 ft .
20 ft .
22 ft .
5 ft .
5 ft .
2 spaces/ 1 guest space per unit $15-17.4 \%$ of unit area

Requirement (Staff Rec)
4,600 sq. ft. min.
1 unit/ 1,000 sq. ft. lot area 8,400 sq. ft. max 30 ft . max

20 ft .
22 ft .
5 ft .
5 ft .
2 spaces/ 1 guest space per unit $15 \%$ of unit area min.

## DISCUSSION

The submitted plans show two separate, side-by-side lots with a three unit condominium building proposed on each lot. The projects are separate and independent projects, with each project requiring its own Vesting Tentative Parcel Map and Use Permit. Staff is discussing the projects in a single staff report as the proposed structures, although located on different lots, generally match each other with almost the exact same buildable floor area, height, setbacks, open space, parking configurations, and other features.

The projects are located in an area with a mixture of older and newer apartment and condominium buildings, some smaller and some larger than the proposed projects. Each site proposed to demolish the existing 4-plex apartment building and redeveloped with three story condominium building containing three attached condominium units, with each unit having two enclosed parking spaces and one unenclosed guest parking space. The proposed building at 1446 $12^{\text {th }}$ Street is $8,389.2$ square feet in area, while the proposed building at $145012^{\text {th }}$ Street is a $8,397.4$ square foot building. The maximum buildable floor area (BFA) for each site is 8,400 square feet.

The projects conform to the City's requirements for use, height, floor area, setbacks, parking, landscaping, and open space (MBMC 10.12.030). The project issues that warrant discussion include the Use Permit findings and project design.

## Use Permit:

Section 10.12.020 of the City's Zoning Code requires a Use Permit for condominium projects of three or more units. The Planning Commission must make the following findings in order to approve a Use Permit for each project:

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

Staff's suggests the following findings in support of the Use Permit for each project:

1. The applicant's project is providing relatively dense residential housing in a RH HighDensity Residential District.
2. The proposed location of the use is a consistent with the General Plan's High Density Residential land use designation assigned to the project lot and the neighboring lots. The proposed use is consistent with neighboring uses, as many of the neighboring lots have also been developed with residential condominiums.
3. The proposed use meets all the development standards found in Title 10- Planning and Zoning, including but not limited to setbacks, maximum height, density, required parking, and open space.
4. The proposed use does not adversely impact neighboring properties, as it is consistent with surrounding condominiums in the RH High Density Residential zone in terms of density, height, bulk, and other property development standards.

## General:

The General Plan encourages residential development that provides for housing of a more intensive form, including apartments, condominiums, and senior housing. 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.

LU-2.2: $\quad$ Preserve and encourage private open space on residential lots citywide.
LU-3.1: Continue to encourage quality design in all new construction.

## Project Design:

The applicant's design incorporates a mezzanine into the front condominium unit (Unit 1). MBMC 10.04.030 Definitions defines a mezzanine as "an intermediate floor placed within a room, and meeting the requirements of a mezzanine contained in the Building Regulations." A mezzanine that meets the Building Code's definition of a mezzanine is not considered to be a story condition. Building \& Safety staff have reviewed the applicant's plans and have confirmed the applicant's design meets the Building Code's definition of a mezzanine. Each condominium, including Unit 1 containing the mezzanine, qualifies as a three story structure.

Each condominium unit has a designated area for trash cans that is located inside the garage as required my MBMC 10.52.110 Residential Condominium Standards. Each condominium unit is
providing at least 150 cubic feet of storage area as required my MBMC 10.52.110 Residential Condominium Standards, with the storage area accessible from the garage area, but not obstructing required parking.

Each condominium unit is providing the required guest parking spot in a common semi-enclosed garage. Each guest parking spot is a compact parking spot, as the Code allows required guest parking spots for condominiums to be compact in size. The Code says the minimum dimensions for a compact parking space is 7.5 feet wide by 15 feet long. The City's Traffic Engineer has reviewed the projects' parking layout.

The $144612^{\text {th }}$ Street site currently has four Blue Gum Eucalyptus trees in the front setback that the City Arborist has recommended be removed due the trees suffering from poor structure, internal decay, fungus, and other alignments. The City Arborist will allow the trees to be replaced with either four 36-inch box trees or two 48 -inch box trees. The $145012^{\text {th }}$ Street site has a California Pepper tree in the front setback that the City Arborist has recommended be removed and replaced with one 48 -inch box tree.

Each proposed structure has three housing units (six housing units total), which will replace the four housing units that currently exist on each site (eight housing units total). The proposed projects will thus have a net loss of two housing units. The Code does not prohibit a loss of housing units.

## Public Input:

A public notice for each project was mailed to property owners within 500 feet of the site and published in the Beach Reporter newspaper. Staff has not received any formal public comment regarding the project.

## 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 conduct the public hearing, discuss the projects, and adopt the attached resolutions approving the projects subject to certain conditions.

Attachments:
A. Draft Resolution No. PC 19- (1446 $12^{\text {th }}$ Street)
B. Draft Resolution No. PC 19- (1450 $12^{\text {th }}$ Street)
C. Vicinity Map
D. Applicant's Written Documents c: Brett Buchman, Designer
E. Plans- $144612^{\text {th }}$ Street
F. Plans- $145012^{\text {th }}$ Street

## THIS PAGE

## INTENTIONALLY

## LEFT BLANK

## Attachment A

RESOLUTION NO. PC 19-
RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AND VESTING TENTATIVE PARCEL MAP FOR CONSTRUCTION OF A NEW THREE-UNIT RESIDENTIAL CONDOMINUM BUILDING ON THE PROPERTY LOCATED AT 1446 12 ${ }^{\text {th }}$ STREET (MANHATTAN CONSTRUCTION, LLC)

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

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:
A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on October 23, 2019, received testimony, and considered an application for a Use Permit and Vesting Tentative Parcel Map No. 82459 for construction of a proposed 8,389 square foot 3 -unit residential condominium building at $144612^{\text {th }}$ Street in the City of Manhattan Beach. Said public hearing was advertised pursuant to applicable law, testimony was invited and received.
B. The existing legal description of the site is Lot 5, Block 60, Tract No. 141.
C. The applicant for the subject project is Manhattan Construction, LLC, the owner of the property (hereafter referred to as "the owner").
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 II and is zoned RH, High Density Residential. The use is permitted by the zoning code and is consistent, as conditioned, with the high density residential area. The surrounding private land uses consist of multi-family dwellings.
G. The General Plan designation for the property is High Density Residential. The General Plan encourages residential development for such areas that provide for housing of a more intensive form, including apartments, condominiums, and senior housing. 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.

LU-2.2 Preserve and encourage private open space on residential lots citywide.
LU-3.1: Continue to encourage quality design in all new construction.
H. The Planning Commission makes the following findings required to approve the Use Permit 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.

The applicant's project is providing relatively dense residential housing in a RH High-Density Residential 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.

The proposed location of the use is consistent with the General Plan's High Density Residential land use designation assigned to the project lot and the neighboring lots. The proposed use is consistent with neighboring uses, as many of the neighboring lots have also been developed with residential condominiums.
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.

The proposed use meets all the requirements found in Title 10- Planning and Zoning, including but not limited to setbacks, maximum height, density, required parking, and open space.
4. The proposed use will not adversely impact or be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

The proposed use does not adversely impact neighboring properties, as it is consistent with surrounding condominium projects in the RH High Density Residential zone in terms of density, height, bulk, and other performance standards
I. The Vesting Tentative Parcel Map shall be in compliance with Section 11.24 .020 of the Manhattan Beach Municipal Code, as demonstrated by the Use Permit findings above.
J. The project shall comply with all applicable provisions of the Manhattan Beach Municipal Code.
K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission hereby APPROVES the subject Use Permit and Vesting Tentative Parcel Map No. 82459 application for the above described 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 October 23, 2019. Any other substantial deviation from the approved plans or project description must be reviewed and approved by the Planning Commission.
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, 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 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. Adjacent sidewalks shall be installed or replaced with landscaping enhancements, and disabled access improvements as determined by the City's Traffic Engineer and Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

## Condominium Conditions

13. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
14. Vesting Tentative Parcel Map No. 82459 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.
15. The Fire Department Check Valve shall not be placed in the front setback, and will be screened from public view and incorporated into the design of the building.

## Procedural

16. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired
17. 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.
18. 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.
19. 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.
20. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the owner, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the owner shall submit the 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. Owner 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 owner, grant an extension to the 30 -day time limit. The project approval shall not become effective until recordation of the covenant.
21. 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.

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 October 23, 2019 and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

## Jeffrey W. Gibson,

Secretary to the Planning Commission

## Rosemary Lackow,

Recording Secretary

## Attachment B

RESOLUTION NO. PC 19-
RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AND VESTING TENTATIVE PARCEL MAP FOR CONSTRUCTION OF A NEW THREE-UNIT RESIDENTIAL CONDOMINUM BUILDING ON THE PROPERTY LOCATED AT 1450 12 ${ }^{\text {th }}$ STREET (MANHATTAN CONSTRUCTION, LLC)

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

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:
A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on October 23, 2019, received testimony, and considered an application for a Use Permit and Vesting Tentative Parcel Map No. 82460 for construction of a proposed 8,397 square foot 3 -unit residential condominium building at $145012^{\text {th }}$ Street in the City of Manhattan Beach. Said public hearing was advertised pursuant to applicable law, testimony was invited and received.
B. The existing legal description of the site is Lot 4, Block 60, Tract No. 141.
C. The applicant for the subject project is Manhattan Construction, LLC, the owner of the property (hereafter referred to as "the owner").
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 II and is zoned RH, High Density Residential. The use is permitted by the zoning code and is consistent, as conditioned, with the high density residential area. The surrounding private land uses consist of multi-family dwellings.
G. The General Plan designation for the property is High Density Residential. The General Plan encourages residential development for such areas that provide for housing of a more intensive form, including apartments, condominiums, and senior housing. 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.

LU-2.2 Preserve and encourage private open space on residential lots citywide.
LU-3.1: Continue to encourage quality design in all new construction.
H. The Planning Commission makes the following findings required to approve the Use Permit 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.

The applicant's project is providing relatively dense residential housing in a RH High-Density Residential 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.

The proposed location of the use is consistent with the General Plan's High Density Residential land use designation assigned to the project lot and the neighboring lots. The proposed use is consistent with neighboring uses, as many of the neighboring lots have also been developed with residential condominiums.
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.

The proposed use meets all the requirements found in Title 10- Planning and Zoning, including but not limited to setbacks, maximum height, density, required parking, and open space.
4. The proposed use will not adversely impact or be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

The proposed use does not adversely impact neighboring properties, as it is consistent with surrounding condominium projects in the RH High Density Residential zone in terms of density, height, bulk, and other performance standards
I. The Vesting Tentative Parcel Map shall be in compliance with Section 11.24 .020 of the Manhattan Beach Municipal Code, as demonstrated by the Use Permit findings above.
J. The project shall comply with all applicable provisions of the Manhattan Beach Municipal Code.
K. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission hereby APPROVES the subject Use Permit and Vesting Tentative Parcel Map No. 82460 application for the above described 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 October 23, 2019. Any other substantial deviation from the approved plans or project description must be reviewed and approved by the Planning Commission.
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, 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 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. Adjacent sidewalks shall be installed or replaced with landscaping enhancements, and disabled access improvements as determined by the City's Traffic Engineer and Public Works Department.
10. No waste water shall be permitted to be discharged from the premises. Waste water shall be discharged into the sanitary sewer system.
11. Property line clean outs, mop sinks, erosion control, and other sewer and storm water items shall be installed and maintained as required by the Department of Public Works or Building Official. Oil clarifiers and other post construction water quality items may be required.
12. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.

## Condominium Conditions

13. Each new condominium shall have separate water and sewer laterals as required by the Director of Public Works.
14. Vesting Tentative Parcel Map No. 82460 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.
15. The Fire Department Check Valve shall not be placed in the front setback, and will be screened from public view and incorporated into the design of the building.

## Procedural

16. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired
17. 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.
18. 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.
19. 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.
20. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the owner, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the owner shall submit the 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. Owner 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 owner, grant an extension to the 30 -day time limit. The project approval shall not become effective until recordation of the covenant.
21. 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.

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 October 23, 2019 and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

## Jeffrey W. Gibson,

Secretary to the Planning Commission

## Rosemary Lackow,

Recording Secretary

## Attachment C

## Vicinity Map



## THIS PAGE

## INTENTIONALLY

## LEFT BLANK

## Attachment D



## ENVIRONMENTAL ASSESSMENT FORM

(to be completed by applicant)
CITY OF MANHATTAN BEACH COMMUNITY DEVELOPMENT DEPARTMENT
1400 HIGHLAND AVENUE, MANHATTAN BEACH, CA 90266
Telephone: (310) 802-5500 Fax: (310) 802-5501 TDD: (310) 546-3501

Date Filed: $\qquad$

## APPLICANT INFORMATION

Name: Manhattan Construction, LLC
Contact Person: Reza Irani c/o Srour \& Associates
Address: 1356 Via Romero, Palos Verdes Estates Address:
Phone number: 310-433-9429 90275 Phone number: 310-372-8433, ext 102
Relationship to property: owner
Association to applicant: representative of owner

## PROJECT LOCATION AND LAND USE

Project Address: 1446 12th Street
Assessor's Parcel Number: 4166-009-005
Legal Description:
Lot 5, Block 60, Tract No. 141
Area District, Zoning, General Plan Designation: RH, RH, II
Surrounding Land Uses:
North RH- Residential High Density
West _ RH- Residential High Density
South RH - Residential High Density East _RH-Residential High Density
Existing Land Use: _RH - Residential High Density

## PROJECT DESCRIPTION

Type of Project: Commercial $\qquad$ Residential xx Other $\qquad$ If Residential, indicate type of development (i.e.; single family, apartment, condominium, etc.) and number of units: 3 new condominium units

If Commercial, indicate orientation (neighborhood, citywide, or regional), type of use anticipated, hours of operation, number of employees, number of fixed seats, square footage of kitchen, seating, sales, and storage areas: $\qquad$
$\qquad$
$\qquad$
If use is other than above, provide detailed operational characteristics and anticipated intensity of the development: $\qquad$
$\qquad$
$\qquad$

|  | Existing | Proposed | Required | Removed/ Demolished |
| :---: | :---: | :---: | :---: | :---: |
| Project Site Area: | All existing | 7,000 |  |  |
| Building Floor Area: | structures | 8389 | 8400 max |  |
| Height of Structure(s) | will be | 30' |  |  |
| Number of Floors/Stories: | demolished | 3 + base |  | 2 |
| Percent Lot Coverage: | 1 | 56\% |  |  |
| Off-Street Parking: | 1 | 11 | 11 |  |
| Vehicle Loading Space: | / | 0 |  |  |
| Open Space/Landscaping: | / | 74 s.f. open spa | 1323 |  |

Proposed Grading:
Cut 1518
Fill 60
Balance 1458 Imported $\qquad$ Exported $\qquad$
Will the proposed project result in the following (check all that apply):

| Yes No |  |
| :---: | :---: |
| XX | Changes in existing features or any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? |
| XX | Changes to a scenic vista or scenic highway? |
| xx | A change in pattern, scale or character of a general area? |
| xx | A generation of significant amount of solid waste or litter? |
| xX | A violation of air quality regulations/requirements, or the creation of objectionable odors? |
| xx | Water quality impacts (surface or ground), or affect drainage patters? |
| xx | An increase in existing noise levels? |
| XX | A site on filled land, or on a slope of 10\% or more? |
| XX | The use of potentially hazardous chemicals? |
| xX | An increased demand for municipal services? |
| xx | An increase in fuel consumption? |
| xx | A relationship to a larger project, or series of projects? *** |
| Explain all "Yes" responses (attach additional sheets or attachments as necessary): <br> * Temporarily during course of construction |  |
| ${ }^{* *}$ A new drainage plan will be submitted with the proposed development to contain drainage on site |  |
| *** Two side-by neither have an | de developments planned for concurrent consruction, both projects follow zoning code and ivironmental impact. |

CERTIFICATION: I hereby certify that the statements furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.


Prepared For: $\qquad$ Date Prepared: $\qquad$ 10-17-19

## ENVIRONMENTAL ASSESSMENT FORM

(to be completed by applicant)
CITY OF MANHATTAN BEACH COMMUNITY DEVELOPMENT DEPARTMENT
1400 HIGHLAND AVENUE, MANHATTAN BEACH, CA 90266
Telephone: (310) 802-5500 Fax: (310) 802-5501 TDD: (310) 546-3501

Date Filed: $\qquad$
APPLICANT INFORMATION
Name: Manhattan Construction, LLC
Contact Person: Reza Irani c/o Srour \& Associates
Address: 1356 Via Romero, Palos Verdes Estates Address: $\qquad$
Phone number: 310-433-9429
90275 Phone number: 310-372-8433, ext 102
Relationship to property: owner
Association to applicant: representative of owner

## PROJECT LOCATION AND LAND USE

Project Address: 1450 12th Street
Assessor's Parcel Number: 4166-009-004
Legal Description: Lot 4, Block 60, Tract No. 141
Area District, Zoning, General Plan Designation: RH, RH, II
Surrounding Land Uses:

| North | RH - Residential High Density |  | West |
| :--- | :--- | :--- | :--- |
| South | RH - Residential High Density |  |  |

Existing Land Use: RH - Residential High Density

## PROJECT DESCRIPTION

Type of Project: Commercial $\qquad$ Residential xx Other $\qquad$ If Residential, indicate type of development (i.e.; single family, apartment, condominium, etc.) and number of units: 3 new condominium units

If Commercial, indicate orientation (neighborhood, citywide, or regional), type of use anticipated, hours of operation, number of employees, number of fixed seats, square footage of kitchen, seating, sales, and storage areas: $\qquad$
$\qquad$
$\qquad$
If use is other than above, provide detailed operational characteristics and anticipated intensity of the development: $\qquad$
$\qquad$
$\qquad$

|  | Existing | Proposed | Required | Removed/ Demolished |
| :---: | :---: | :---: | :---: | :---: |
| Project Site Area: | All existing | 7,000 |  |  |
| Building Floor Area: | structures | 8397 | $\overline{8,400 \mathrm{max}}$ |  |
| Height of Structure(s) | will be | 30' |  |  |
| Number of Floors/Stories: | demolished | 3 + base |  | 2 |
| Percent Lot Coverage: | 1 | 56\% |  |  |
| Off-Street Parking: | 1 | 11 | 11 |  |
| Vehicle Loading Space: | 1 | 0 |  |  |
| Open Space/Landscaping: | / | 1437 s.f. open spa | 1325 |  |

Proposed Grading:
Cut 1518 Fill 60 Balance 1458 Imported ___ Exported _ x
Will the proposed project result in the following (check all that apply):

| Yes No |  |
| :---: | :---: |
| $-\mathrm{xx}$ | Changes in existing features or any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? |
| xx | Changes to a scenic vista or scenic highway? |
| xx | A change in pattern, scale or character of a general area? |
| xx | A generation of significant amount of solid waste or litter? |
| xx | A violation of air quality regulations/requirements, or the creation of objectionable odors? |
| xx | Water quality impacts (surface or ground), or affect drainage |
| xx | increase in existing noise levels? |
| xx | A site on filled land, or on a slope of $10 \%$ or more? |
| xx | The use of potentially hazardous chemicals? |
| xx | An increased demand for municipal services? |
| xx | An increase in fuel consumption? |
| xx | A relationship to a larger project, or series of projects?*** |
| Explain all "Yes" responses (attach additional sheets or attachments as necessary): <br> * Temporarily during course of construction |  |
| ${ }_{* *}$ A new drainage plan will be incorporated with proposed development to contain drainage on site |  |
| *** Two side-by-side developments planned for con |  |
|  |  |

CERTIFICATION: I hereby certify that the statements furnished above and in attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.
Signature: $\qquad$ Prepared For: $\qquad$ Date Prepared: $\qquad$

Code Compliance




1

(hat 4it st hermosa beach





BUCHMANN
DESIGN


3rd Floor Rendering (Not for Construction)







Code Compliance


Legal $D$
Tract 141 ,
AM
A 41







 Mezzanine Calculation








$\square$

## 

TOPOGRAPHIC SURVEY


BUCHMAN

prepareo by




eppared for
HANMH Downck

(10) $896-8331$

BREF LEAL DESCRPTION:
元
basis of bearives:


DAIE OF SUNVEE:
Sppemerr 6,2018
BaSIS of elevations:


BEACH AN
EEENO:






?
$\underbrace{\text { Graphic scale }}$
$\underset{\substack{(\text { In prerr } \\ 1 \text { inen }=10}}{(\text { teet }}$

