CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM

DATE: June 8, 2022

TO: Planning Commission

FROM: Carrie Tai, AICP, Director of Community Development

THROUGH: Talyn Mirzakhanian, Planning Manager

BY: Ted Faturos, Associate Planner

SUBJECT: Consideration of four appeals of the Community Development Director's decision to approve a Precise Development Plan, Coastal Development Permit, and Tentative Parcel Map for the demolition of a banquet facility and multiuse commercial building and subsequent construction of a 96,217 square-foot multi-family residential building with 79 rental dwelling units, with the developer utilizing a density bonus pursuant to State law, inclusive of waivers and concessions, at 401 Rosecrans Avenue and 3770 Highland Avenue. (Highrose El Porto, LLC)

RECOMMENDATION

Staff recommends that the Planning Commission review the project for compliance with applicable and objective State and local regulations and uphold the Director's decision.

APPLICANT

Highrose El Porto, LLC
338 Pier Avenue
Hermosa Beach, CA 90254

BACKGROUND

Application Timeline

On March 4, 2021, the Community Development Department received an application requesting a Precise Development Plan and associated entitlements (Coastal Development Permit and Tentative Tract Map) for the demolition of existing structures and the construction of a new, 96,217 square-foot, four-story multi-family residential structure containing 79 rental dwelling units, six of which will be set aside for "very low income" households.

On March 29, 2022, the Community Development Director approved the Precise Development Plan and associated entitlements for the project (Attachment B). The City conducted a thorough evaluation of the proposed project's compliance with applicable and objective local and State regulations over the 12 months the project was under review. This evaluation consisted of a multi-department review over seven rounds of submittals that allowed the applicant to refine the plans.

Staff received four independent appeals of the Director's decision within the 15-day appeal period. The four independent appeals were filed by Don McPherson, Susan Bales and Richard MacKenzie, George Bordokas, and Andrew Ryan. Appeals of a decision by the Director of Community Development may be considered by the Planning Commission and are governed by Manhattan Beach Local Coastal Program (MBLCP) Section A.96.160.

Site Overview

The subject site is located within the non-appealable portion of the coastal zone in the North End Commercial (CNE) District, Area District III. The General Plan land use designation and the Local Coastal Program zoning designation for the property is North End Commercial, which accommodates high-density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices.

The existing subject site consists of two separate lots, 401 Rosecrans Avenue and 3770 Highland Avenue. The lot identified as 401 Rosecrans Avenue is a 32,201 square foot triangular lot, currently occupied by an approximately 7,178 square-foot commercial structure utilized as a banquet facility (Verandas). The grade of this lot rises approximately 19 feet when measured from west to east. This lot has existing vehicular access from a single driveway off Rosecrans Avenue, with additional vehicular access provided from Crest Drive/38th Street through an adjacent property located in the City of El Segundo to the north of the site. The lot identified as 3770 Highland Avenue is an 11,447 square-foot rectangular lot, currently occupied by an approximately 11,634 square-foot commercial structure containing a mix of office, personal service, and eating and drinking establishment uses (Tradewinds Village). The grade of this lot rises approximately 10 feet when measured from west to east. This lot has no on-site parking and thus does not have vehicular access.

The majority of the subject site's northern and eastern boundary abuts a parking lot approximately 570-feet long by 66-feet wide owned by Chevron Corporation, with Chevron's El Segundo Refinery located north of the aforementioned parking lot. Both the parking lot and the Chevron El Segundo refinery are located within the jurisdiction of the City of El Segundo. A small segment of the subject site's northern boundary abuts 38th Street within the City of Manhattan Beach, with properties north of 38th Street developed with multi-story, single- and multi-family residential uses. The property west of the subject site is developed with a two-level, City-owned public parking structure. Properties southwest of the subject site include two-story commercial and multi-family residential uses. Properties south (across Rosecrans Avenue) of the subject site are developed with multi-story, single- and multi-family residential uses.

Governing Regulations

The proposed project is reviewed for compliance with applicable, objective regulations, including the City's General Plan and 5th Cycle Housing Element (2013-2021), State density bonus law (California Government Code Sections 65915 – 65918), Manhattan Beach Local Coastal Program (MBLCP), Manhattan Beach Municipal Code (MBMC), and Subdivision Map Act.

General Plan and 5th Cycle Housing Element

The General Plan is a long range policy document that identifies the community's vision for its collective future and establishes the fundamental framework to guide decision-making about development, resource management, public safety, public services, and general community well-being. This vision is expressed in goals and policies that allow this vision to be accomplished. All projects are reviewed to ensure the project aligns with the General Plan's goals and policies. The City's General Plan was adopted in December 2003.

General Plans contain required "elements", or chapters, include a Housing Element, which must be updated every eight years. The project is under the jurisdiction of the 5th Cycle Housing Element, not the recently adopted 6th Cycle Housing Element, as the project application was received and deemed complete before the adoption of the 6th Cycle Housing Element. The 5th Cycle Housing Element identifies goals, policies, and programs which are aimed at addressing the identified housing needs outlined in the Housing Element's Housing Needs Assessment.

State Density Bonus Law (Government Code Section 65915 - 65918)

State density bonus law include a range of options incentivizing developers to integrate affordable housing into their residential developments. Among other things, State density bonus law allows developers to exceed the maximum density requirements, as specified in a municipality's zoning code or General Plan, in exchange for setting aside a certain percentage of the total units in the project for low income residents. In addition, State density bonus law

allows developers to request waivers from development standards, such as setback and height requirements, as well as other concessions and incentives. An unlimited number of waivers may be requested by the developer and granted by the jurisdiction when a development standard will have the effect of physically precluding the construction of a density bonus project. Conversely, State density bonus law specifies the number of concessions a project is entitled to, based on the percentage of affordable units included. Concessions, unlike waivers, are directly associated with cost reductions to provide for affordable housing costs. State density bonus law requires jurisdictions to grant concessions unless the jurisdiction can make written findings supported by substantial evidence to support a denial, with the burden of proof borne by the jurisdiction. Written findings include, but are not limited to, a finding that the concession does not result in identifiable and actual cost reduction.

Manhattan Beach Local Coastal Program

A portion of the City is under the jurisdiction of the California Coastal Act. The California Coastal Act authorizes coastal jurisdictions to create Local Coastal Programs (LCPs) that, as described by the California Coastal Commission's website, "specify appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as zoning ordinances)... While each LCP reflects unique characteristics of individual local coastal communities, regional and Statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies." The California Coastal Commission certified the City's LCP in 1996, and in doing so authorized the City to issue Coastal Development Permits. MBLCP Section A.96.040 requires a Coastal Development Permit for any "development" within the Coastal Zone. The proposed project is located in the non-appealable portion of the Coastal Zone; therefore, the project requires a Coastal Development Permit, which was reviewed for compliance with the following sections of the LCP:

- MBLCP Chapter A.16 - governs commercial districts, including the North End Commercial district where the project is located. MBLCP Section A.16.030 regulates development standards in commercial zones, and states that "Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, maximum FAR [floor area ratio], balconies and bay windows, usable open space and parking for the RH [Residential High Density] District and the Area District in which the site is located." Accordingly, the project is subject to the development standards for the RH District, which are provided in MBLCP Section A.12.030. MBLCP Section A.12.030(T) allows for density bonus projects to be granted a "lot consolidation bonus incentive when two or more parcels are consolidated in a single building site...", with a 10% base density bonus increase allowed for combined parcels greater than or equal to one acre. MBLCP A.04.030 defines a lot as "a site or parcel of real property delineated with

a number or other separate designation on a plat duly recorded in the office of the County Recorder."

- MBLCP Section A.84.010 - provides that "Precise development plans are intended to encourage the development of affordable housing through a streamlined permitting process. Projects that qualify for a density bonus pursuant to Chapter A.94 shall be eligible for an administrative non-discretionary precise development plan."

- MBLCP Chapter A.94 Affordable Housing Density Bonus and Incentive Program - mirrors the policy objectives of State density bonus law by also allowing developers to exceed the maximum density requirements in exchange for setting aside a certain percentage of the total units in the project for low income residents (Attachment E). MBLCP Chapter A.94 is currently out of date and is not congruent with State law. Per MBLCP Section A.94.01 (A), "Where conflict occurs between the provisions of this chapter and State law, the State law provisions shall govern, unless otherwise specified." MBLCP Section A.94.050(D) requires an Affordable Housing Agreement be recorded against the property with a density bonus project, which, among many other stipulations, requires a certification process to certify the affordable units' rents, and the process that will be used to certify renters of such units.

  Both State density bonus law and MBLCP Chapter A.94 use terms like "low income" and "very low income" to describe households that are eligible to rent the affordable units. State density bonus law requires that a density bonus project's low income units be subject to a recorded affordability restriction of 55 years. Affordability terms are subject to limits established by the US Department of Housing and Urban Development (HUD), which calculates the median family income for the Los Angeles-Long Beach-Glendale, CA area, and then defines "Very Low Income" in relation to the median family income. For fiscal year 2021, HUD has calculated that the median family income for the Los Angeles-Long Beach-Glendale, CA area to be $80,000, with the "very low income" determined to be $59,100 for a family of four, or $41,400 for an individual.

Subdivision Map Act and MBMC Chapter 11 Subdivisions

The Subdivision Map Act is a state law that regulates land divisions. MBMC Chapter 11 Subdivisions is a section of the Municipal Code that supplements the Subdivision Map Act and imposes requirements in addition to those set forth in the Subdivision Map Act. The project involves the consolidation of two lots through a tentative parcel map and is thus subject to these regulations.

PROJECT OVERVIEW

The project proposal includes the demolition of existing structures and the construction of a new, 96,217 square-foot, four-story multi-family residential structure containing 79 rental dwelling units, six of which will be set aside for "very low income" households. The property owner seeks a Precise Development Plan for the development of affordable housing utilizing State density bonus provisions pursuant to California Government Code Section 65915. In addition, the property owner has applied for a Coastal Development Permit for development within the City's Coastal Zone and a Tentative Parcel Map (No. 083628) for the consolidation of two lots into one.

The applicant proposes to consolidate the two existing lots into a single lot with a tentative parcel map (Tentative Parcel Map No. 083628). The consolidated lot would be 43,648 square feet and have a 29-foot change in grade, measured from west to east. The consolidated lot would have an irregular shape, as the western portion of the lot would have a rectangular shape and the eastern portion of the lot would have a pointed shape with the rear and front property lines intersecting at a point at the property's eastern-most edge. The applicant proposes two street improvement easements to the City totaling 99 square feet on the property's northern side at the intersection of 38th Street and Crest Drive, with the street improvement easements used to create a wider turning area for cars, including City emergency personnel and their respective vehicles. The project also includes new sidewalk paving along 38th Street, connecting two pieces of unconnected sidewalk where only landscaping exists currently.

The site's only vehicular access to the subterranean garage is from a driveway on Rosecrans Avenue. Pedestrians and cyclists would have access to the site from both Rosecrans Avenue and from 38th Street/Crest Drive intersection. The project includes a two-story subterranean parking garage containing 114 standard-sized parking spaces, 13 compact-sized parking spaces, 27 bicycle parking spaces, and seven motorcycle parking spaces.

The proposed structure would be up to four stories tall, with the building ranging from 37 to 50 feet in height. The building's massing is mainly placed on the site's western and northern edge, with a 4,984 square-foot courtyard open to above located towards the middle of the property's southern edge. The applicant shows the courtyard area having common open space which includes a pool, outdoor furniture, and other outdoor amenities for the property's residents.

The proposed structure includes 21 studio units, 11 one-bedroom units, 40 two-bedroom units, and seven three-bedroom units. The six units set aside for "very low income" residents include two studio units, one one-bedroom unit, and three two-bedroom units. The applicant has identified which specific units will be set aside for very low income residents in the plans

(Attachment Q). Many units have dedicated usable open space with private balconies, and there is also common open space areas located throughout the structure open to all residents. The project provides a total of 20,444 square feet of open space.

In addition to the building's square footage dedicated to housing, the development also contains a trash room, various mechanical rooms, and a fourth-floor "lounge room" with a 1,996 square-foot outdoor deck. The proposed building's main trash area is located close to the intersection of 38th Street and Crest Drive, where trash pickup will occur.

The building incorporates exterior materials that include stucco, siding with a wood-like appearance, glass, and white-washed brick or stone. The first floor of the building would be wrapped in white-washed brick or stone that will help break up the building's massing, as the upper floors will be clad in stucco and siding. The building's massing is further lightened by the incorporation of glass guardrails for balconies and decks.

The applicant requests a 10% local lot consolidation bonus pursuant to MBLCP A.12.030 (T), and a 35% density bonus under State density bonus law for setting aside 11% of the base density's units for very low income affordable housing units.

The applicant also requests a Precise Development Plan for the development of affordable housing utilizing State density bonus provisions pursuant to California Government Code Section 65915 and has requested waivers and concessions from development standards in accordance with California Government Code Section 65915(b)(1) and 65915(e)(1). Specifically, the applicant has requested waivers or reductions of the following development standards: (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height. Additionally, the applicant requests one concession for the maximum wall/fence height in the setbacks in accordance with California Government Code Section 65915(b)(1) and 65915(d)(1).

A detailed **project overview** is included in the following table:

PROJECT OVERVIEW	
Location:	401 Rosecrans Avenue 3770 Highland Avenue
Legal Descriptions:	Vacated Street and Lot 1 and Lots 16 through 27, Block 3, Tract No. 3701 (401 Rosecrans Avenue); Lot 1, Tract No. 40624 (3770 Highland Avenue)

General Plan Land Use:	North End Commercial
Zoning:	North End Commercial
Area District:	III
Proposed Land Use:	Multi-Family Residential
Neighboring Land Uses:	North/East: Parking/Refinery (City of El Segundo) Single and Multi-Family Housing
	West: Parking Structure
	Southwest: Office Multi-Family Residential
	South: Single and Multi-Family Residential
Site Size - Without Easements: Site Size - With Easements:	43,648 Square Feet 43,549 Square Feet
Maximum Buildable Floor Area: Proposed Buildable Floor Area:	74,033 Square Feet 96,217 Square Feet*
Maximum Number of Units: Proposed Number of Units:	51 Units 79 Units*
Maximum Height: Proposed Height:	30 Feet/3 Stories 49.9 Feet/4 Stories**
Setbacks:	
Minimum Front: Proposed Front:	5 feet 5 feet
Minimum Side: Proposed Side:	10 feet 10 feet***
Minimum Rear: Proposed Rear:	5 feet 5 feet
Minimum Required Parking****: Proposed Parking:	103 Parking Spaces 114 Standard Parking Spaces 13 Compact Parking Spaces

	7 Motorcycle Parking Spaces 27 Bicycle Parking Spaces
Minimum Required Open Space: Proposed Open Space:	17,380 square feet 20,444 square feet

*In accordance with Government Code Section 65915(f)(2), by providing six of the 79 units for very low-income households (11% of the base density), the property owner is requesting a 35% density bonus. In addition to the State density bonus, the applicant requests a 10% local lot consolidation bonus pursuant to Manhattan Beach Local Coastal Program Section A.12.030(T).

**The proposed height, number of stories, and buildable floor area (BFA) do not meet the corresponding development standards in the LCP; however, the discrepancy between the proposed project and the development standard is accounted for via waivers and concessions prescribed by State density bonus law.

***The sole component of the proposed project that does not meet the required 10-foot side yard setback requirement is a proposed electrical transformer. This is accounted for via waivers or reductions of development standards prescribed by State density bonus law.

****Per California Government Code 65915(p)(1).

DISCUSSION

Precise Development Plans are required for residential developments that qualify for a density bonus pursuant to MBLCP Chapter A.94. Pursuant to State and local regulations, the utilization of density bonus law and the incorporation of affordable housing qualify the project for a streamlined, administrative, non-discretionary Precise Development Plan review, which subjects all components of the application to a ministerial review process. The ministerial review process requires staff to approve a project if the project complies with applicable provisions of the General Plan, all applicable zoning and building ordinances, State and local subdivision requirements, the Manhattan Beach Local Coastal Program, and State density bonus law. Staff reviewed the project for compliance with all applicable and objective regulations as described herein this report. Further, based upon substantial evidence in the record staff determined that:

1. *The proposed project is consistent with applicable provisions of the General Plan.*

   The project proposes development of a 79-unit multi-family residential structure, in accordance with State density bonus provisions, on property located within Area District III (Beach Area) and zoned North End Commercial (CNE). The General Plan land use designation and the Local Coastal Program zoning designation for the property is North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices. The

majority of the subject site's northern and eastern boundary abut a parking lot owned by Chevron Refinery, located within the jurisdiction of the City of El Segundo. A small segment of the subject site's northern boundary abuts 38th Street within the City, with properties north of 38th Street developed with multi-story, single- and multi-family residential uses. The property west of the subject site is developed with a two-story, City-owned public parking structure. Properties southwest of the subject site include two-story commercial and multi-family residential uses. Properties south (across Rosecrans Avenue) of the subject site are developed with multi-story, single- and multi-family residential uses. Many of these multi-family residential uses meet the minimum unit per acre standard required for properties in the RH zoning district for Area District III, and other surrounding properties are zoned RH and could thus be redeveloped with high-density residential uses in the future. Therefore, the proposed high-density residential use is compatible with surrounding uses and complies with the City's General Plan land use designation of North End Commercial.

Furthermore, and as described below, the project as proposed is consistent with the following goals, policies and programs of the Housing Element of the General Plan:

> ***Housing Element Goal II.*** *Provide a variety of housing opportunities for all segments of the community commensurate with the City's needs, including various economic segments and special needs groups.*
>
> ***Housing Element Policy 3****. Provide adequate sites for new housing consistent with the Regional Housing Needs Assessment and the capacity of roadways, sewer lines, and other infrastructure to handle increased growth.*
>
> ***Housing Element Program 3a.*** *Continue to facilitate infill development in residential areas.*
>
> ***Housing Element Program 3b.*** *Facilitate multi-family residential development in the CL, CD, and CNE commercial districts.*
>
> ***Housing Element Program 3d.*** *Ensure that development standards for residential uses in the CD and CNE Districts do not pose unreasonable constraints to housing.*
>
> ***Housing Element Policy 5.*** *Encourage the development of additional low- and moderate-income housing.*
>
> ***Housing Element Program 5a.*** *Provide incentives for housing affordable to low-income households and senior housing.*

Housing Element Program 5b. *Streamline the development process to the extent feasible.*

2. *The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards.*

The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards, contingent upon the granting of waivers and the concession in accordance with State density bonus law (California Government Code 65915). The project's compliance with applicable standards of the Local Coastal Program-Implementation Plan and California Government Code 65915 are demonstrated in the table below:

Development Standard	Project Proposal	LCP Requirement*
Height	49.9 feet maximum	30 feet maximum
Number of Stories	Four	Three maximum
Buildable Floor Areas	96,217 sq. ft.	74,033 sq. ft. maximum
Setbacks:		
Front	5 feet	5 feet minimum
Rear	5 feet	5 feet minimum
Side	2 feet	10 feet minimum**
Parking	114 standard spaces 13 compact spaces 7 motorcycle spaces 27 bicycle spaces	103 spaces minimum per State Gov. Code 65915
Open Space	20,444 sq. ft.	17,380 sq. ft. minimum

* The proposed height, number of stories, and buildable floor area (BFA) exceed standard development standards in the LCP that would apply in the absence of waivers and concessions prescribed by State density bonus law.

** The sole component of the proposed project that is within the required 10-foot side yard setback is a proposed electrical transformer; that location within the setback is allowed pursuant to State density bonus law.

3. *The proposed project is consistent with applicable state and local subdivision requirements*.

The Subdivision Map Act governs applications for parcel maps, which are mechanisms utilized to either consolidate multiple parcels into a single parcel or subdivide a single parcel into up to four parcels. This project proposes consolidation of two lots into one lot via a tentative parcel map. The proposed tentative parcel map is consistent with

applicable General Plan policies, including Goal II, Policy 3, Program 3a, Program 3b, Program 3d, Policy 5, Program 5a, and Program 5b of the Housing Element (as described above).
The design or improvement of the proposed subdivision is consistent with the General Plan, including the aforementioned policies.

The site is physically suitable for the type of development, as the proposed project meets all applicable development standards, contingent upon the granting of waivers and the concession in accordance with State density bonus law (California Government Code 65915). Pursuant to the MBLCP Section A.16.030, there are no maximum or minimum lot size requirements applicable to the project site for a proposed residential development subdivision.

The site is physically suitable for the proposed density of development, as the applicant has demonstrated with plans and supporting documents that the project can comply with required development standards contingent upon the granting of waivers and the concession in accordance with State density bonus law.

The design of the subdivision or the proposed improvements are unlikely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as there are no known wildlife habitats on the site, which was previously developed with commercial uses.

The design of the subdivision or type of improvements is unlikely to cause serious public health problems as it proposes an infill residential development on a previously-developed site surrounded by residential and commercial uses.

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, as no such easements exist on the site and all existing public access to the coast will be preserved.

4. *The proposed project conforms with the certified Manhattan Beach Local Coastal Program.*

The Manhattan Beach Local Coastal Program (MBLCP) consists of a Land Use Plan (LUP) composed of "Polices and Implementation Measures" and an Implementation Plan (Phase III LIP) including zoning ordinances, district maps, and other implementing actions. As described above, the proposed high-density residential use is compatible with surrounding uses and complies with the City's General Plan land use designation

and Local Coastal Program zoning designation of North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices.
Furthermore, the project as proposed is consistent with the Coastal Access policies in the Local Coastal Program, the goal of which is to preserve coastal access for the public. Specifically, the project is consistent with the following coastal access policies:

Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.
The project does not block or impede any accessways to the coast. Access to the coast remains unaffected by the project. East-west coastal access along the south side of 38th Street will be enhanced as the project includes new sidewalk paving, connecting two pieces of unconnected sidewalk where only landscaping exists currently.

Policy I.A.3: The City shall preserve pedestrian access systems including the Spider Web park concept (Spider Web park concept: a linear park system linking the Santa Fe railroad right-of-way jogging trail to the beach with a network of walkstreets and public open spaces).
The project does not alter any pedestrian access systems, including existing sidewalks or streets, in a way that blocks or impedes access systems to the coast. Access to the coast remains unaffected by the project, albeit improved along the south side of 38th Street as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently. The walkstreets and public open spaces linking the Santa Fe railroad right-of-way jogging trail are unaltered by the project.

The proposed project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (Commencing with Section 30200 of the Public Resources Code), in that the proposed structure does not impact public access to the shoreline. Adequate public access is provided and shall be maintained along Rosecrans Avenue, Highland Avenue, and 38th Street. The project also proposes to improve the sidewalk along the south side of 38th Street as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently. Furthermore, the project does not create any barriers along Rosecrans Avenue, Highland Avenue, and 38th Street that prevent public access to the coast. The project exceeds the minimum parking requirement, offers parking for different modes of transportation (automobile, motorcycle, and bicycle), and also replaces an existing commercial site that contains no on-site parking.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that pursuant to Section 21080 of the California Public Resources Code, CEQA does not apply to ministerial projects approved by public agencies. Thus, no environmental review is required.

APPEALS

Four independent appeals of the Community Development Director's decision to approve the project were filed within the 15-day appeal period following the Director's decision (as specified by MBLCP Section A.96.160). Staff summarizes the main points of each appeal below, and offers a response to each one of the appellants' main points.

MBLCP Section A.96.160 requires the Planning Commission to consider appeals of a decision made by the Community Development Director. When considering an appeal of a density bonus project that is subject to a ministerial review process, *the Planning Commission shall render a decision solely based on whether the project meets objective and applicable development standards*. California Government Code Section 65589.5(h)(8) defines the term "objective" as follows:

> *". . . 'objective' means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official."*

The "uniform benchmark or criterion" the Planning Commission must reference in reviewing the appeals include objective, applicable standards of the City's General Plan and 5th Cycle Housing Element (2013-2021), State density bonus law (California Government Code Sections 65915 – 65918), Manhattan Beach Local Coastal Program (MBLCP), Manhattan Beach Municipal Code (MBMC), and Subdivision Map Act.

Appeal #1: Donald McPherson

An appeal was submitted by Donald McPherson on April 11, 2022 (APPEAL-22-00006). The appellant makes several statements in their submitted appeal materials (Attachment F), where the appellant states why he believes the project's approval should be overturned.

Staff addresses specific arguments made by the appellant below, with the italicized text taken directly from the appellant's written appeal applications.

1. *The report herein appeals the project to the planning commission ["PC"] with a demand for a finding that requires a single-program Environmental Impact Report ["EIR"]. This*

action lies within the PC discretionary authority.

The City has reviewed the proposed project for compliance with the CEQA and has determined that pursuant to Section 21080 of the California Public Resources Code, CEQA does not apply to ministerial projects approved by public agencies and no environmental review is required.

2. *The project has six affordable units, which qualify it for: 1) 50-foot height vs 30-ft code; 2) Floor Area Factor 2.2 vs 1.5 code; and, 3) A 51 parking-space reduction from code. It will take nearly 70 four-story projects like Highrose to eliminate the existing 406-unit shortfall from the affordable-housing quota assigned to the city by the state, in a program that lacks an EIR.*

   The EIR must evaluate impacts by above deviations from the municipal code. To do so, the city must prepare a single-program EIR to account for future affordable housing projects, as delineated in the unapproved 6th Cycle Housing Element" upgrade ["HEU"]."

   The 6th cycle Housing Element the appellant refers to is not the subject project. This project application, submitted on March 4, 2021, is subject to an independent review based solely on the merits of the project itself.

3. *This appeal considers two code-compliant 100% affordable alternatives:*
   1) One large project close to Manhattan Mall that can provide 100's of affordable units; or,
   2) A revised Highview project that will provide 75 affordable units.

   Staff reviews a submitted project based only on the project's compliance with applicable regulations, and may not consider theoretical projects on other sites as part of the evaluation of applications under review. Thus, the Community Development Director's decision was based solely upon an evaluation of the subject project application. Furthermore, the City has not received any Precise Development Plan applications for multifamily residential developments that incorporate affordable housing whose project descriptions and characteristics resemble the theoretical projects proposed by the appellant.

4. *A January 2022 Coastal Defender report determined that 75 units will fit on the top two floors of a three-story Highrose building, with public parking on the ground floor and resident parking in a one-level subterranean garage. This equates to 871 sq-ft average per unit, appropriate for a combination of studios, one-bedroom and two-*

bedroom apartments.

The applicant has provided evidence to demonstrate what the average unit size would be if no concessions or waivers were utilized in the project design. Staff requested that the project architect demonstrate the potential size of each unit in a hypothetical development at the site, in a situation where no concessions or waivers from development standards were issued. As shown on page 05-02 of the project plans, the analysis concluded that the resulting unit size would be 490.9 square feet. To further support this exercise, the applicant provided, and staff verified, market data demonstrating the average unit size for apartments in the Manhattan Beach rental market. This data demonstrated that the resulting 490.9 square-foot average unit was significantly smaller than the typical apartment in the Manhattan Beach rental market. Consequently, the applicant has provided substantial evidence to demonstrate that the requested concession and waivers are necessary, as not allowing the concession and waivers would have the effect of physically precluding the construction of the development with the associated density bonus.

The appellant has not submitted evidence such as architectural plans or massing studies to support his determination of what the average unit size would be if no concessions or waivers were utilized in a project design.

Appellant #2: Susan Bales and Richard MacKenzie

An appeal was submitted by Susan Bales and Richard MacKenzie on April 11, 2022 (APPEAL-22-00007). In their appeal submittal (Attachment G), the appellants state why they believe the project's approval should be overturned.

Staff addresses specific arguments made by the appellants below, with the italicized text taken directly from the appellants' written appeal applications.

1. *We strongly urge environmental impact be studied, documented and weighed in the approval process.*

   The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that pursuant to Section 21080 of the California Public Resources Code, CEQA does not apply to ministerial projects approved by public agencies. Thus, no environmental review is required.

2. *The current parking, as approved, allows for 127 parking places, whereas the normal approval process would have required 176 parking places. The result is to dump 50 cars onto an already overcrowded parking environment, further diminishing quality of*

life for residents and visitors, adding to environmental pollution and exacerbating existing safety concerns. It is clear that the foregone spots will rely upon the adjacent public parking, further diminishing access for the public.

State density bonus law provides unique parking requirements that supersede the City's parking requirements for projects utilizing density bonus provisions. California Government Code Section 65915(p)(1) states:

> "Except as provided in paragraphs (2), (3), and (4), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:
>
> (A) Zero to one bedroom: one onsite parking space.
> (B) Two to three bedrooms: one and one-half onsite parking spaces.
> (C) Four and more bedrooms: two and one-half parking spaces."

Bases on these requirements, the project is required to have a minimum of 103 parking spaces, with a minimum of 32 parking spaces required for the studio and one-bedroom units, and 71 parking spaces required for the two- and three-bedroom units. The applicant is exceeding these requirements by providing 114 standard-sized parking spaces and 14 compact-sized parking spaces. In addition, the applicant is providing seven motorcycle parking spaces and 27 bicycle parking spaces.

3. *The proposed project will result in hundreds of new residents in an area of the city that already has limited infrastructure and residential amenities (such as grocery stores, etc. Moreover, the increased traffic flow, whether accommodative or not, will by its nature increase risk for traumatic injury due to the added congestion.*

   The project's proposed density of approximately 79 units meets all the requirements of local and State law. Specifically, the density was determined by using the base density (51 units for the site), adding the 10% lot consolidation density bonus allowed under MBLCP Section A.12.030 (T), and then applying a 35% density bonus as allowed under California Government Code Section 65915.

   Although a traffic analysis is not required by State and local regulations for this application, the applicant voluntarily commissioned a traffic engineering firm (Linscott, Law, & Greenspan) to conduct a traffic analysis for the proposed project in response to community concerns related to traffic (Attachment H). The traffic analysis concluded that the proposed residential use will generate fewer daily trips than the existing

commercial land uses. The City's Traffic Engineer conducted an independent peer review of the analysis and concurred with the findings (Attachment I). Furthermore, the traffic analysis concludes, as confirmed by the City's Traffic Engineer, that the proposed residential use will generate fewer daily trips than other potential land uses that could be developed on the site, including general office use, medical office use, and shopping center uses.

Pedestrian safety is also enhanced along the south side of 38th Street from current site conditions, as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently.

4. *The ministerial, non-discretionary process undermines the informed and responsive judgment of elected officials to the citizenry. The voters of Manhattan Beach should have the ability to determine the character and future of their city, within reasonable and legal bounds. This process ties the hands of those we elect to enact our will. It is therefore an imposition of government, not a responsive use of government.*

   State density bonus law requires cities to develop an expeditious review process for density bonus projects. The City adheres to this provision of State density bonus law by requiring a streamlined, administrative, non-discretionary Precise Development Plan review for projects that utilize density bonus law and incorporate affordable housing, which subjects all components of the application to a ministerial review process.

   This ministerial review process for density bonus projects was approved by the City Council in 2013 with the adoption of the 5th Cycle Housing Element and associated Municipal Code and Local Coastal Program amendments.

5. *The California Density Bonus Law was designed to increase dwelling units to make them affordable to very low-income households, not to provide a loophole for developers to overbuild a community and defeat its pre-existing ambience... This project adheres to the "letter of the law", but not the "spirit of the law".*

   The City is obligated to abide by all State and local laws, including State density bonus law. State density bonus law offers a range of options to incentivize developers to integrate affordable housing into their residential developments. California Government Code Section 65915 (f)(2) specifies the percentage of the density bonus a developer is entitled to based on the percentage of units in a project dedicated to very low-income households; the proposed project complies with these regulations by dedicating 11% of the units to very low-income households in exchange for a 35%

density bonus. Any application of the law outside of the codified parameters would be arbitrary and subjective.

Appellant #3: George Bordokas

An appeal was submitted by George Bordokas on April 11, 2022 (APPEAL-22-00008). In the applicant's appeal submittal (Attachment J), the appellant states why he believe the project's approval should be overturned.

Staff addresses specific arguments made by the appellant below, with the italicized text taken directly from the appellant's written appeal applications.

1. *Highrose height limits waiver appeal. The developers have asked for a number of waivers but the height waiver is fundamental to the project and exceeds height allowable and should be reduced to meet the 30ft limit.*

   The applicant has requested a waiver from the 30 foot height requirement in order to accommodate the proposed 79 units. The applicant submitted a study of the site's buildable envelope, given no incentives or waivers were used to build 79 units (page 05-02 of the plans), and demonstrated that the resulting average unit size would be significantly below the average unit size of other residential rental units in Manhattan Beach. The applicant has provided substantial evidence to demonstrate that the requested waiver of the 30-foot height limit is reasonable, and not granting the waiver would have the effect of physically precluding the construction of the development with the associated density bonus.

2. *They requested the waivers; does it mean we are powerless to refuse them?*

   The City has building codes for a reason to protect its citizens and the character of the community. If we are to ignore the code will the next very affordable development be, 150 units 80 feet high with 15 very affordable units? What is there to stop that?

   Per California Government Code Section 65915 (a)(2), State law "does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p)."

   The applicant has provided documentation that establishes the project's eligibility for requesting a density bonus, concession, and waivers from development standards. This documentation includes written explanations on why waivers and concessions are

necessary (page (05-01 of the plans), a study of the buildable envelope and resulting average unit size for a project that did not request any concessions and waivers from development standards (page 05-02 of the plans), an analysis of the height limitations and how it affects the resulting structure (page 05-03), an analysis of average residential rental unit size in Manhattan Beach (Attachment K), and a letter from the project architect describing the typical ceiling heights for new residential projects, including affordable housing project (Attachment L).

All of the aforementioned documentation constitutes substantial evidence on the project's eligibility for a density bonus, concessions, and waivers from development standards.

3. *"It seems to me that for a project of this size the Director does not have authority but the permit (Precise Development Plan & Site Development Plan) approval must originate with the Planning Commission."*

Pursuant to State and local regulations, the utilization of density bonus law and the incorporation of affordable housing qualify the project for a streamlined, administrative, non-discretionary Precise Development Plan review, which subjects all components of the application to a ministerial review process.

MBLCP Section A.84.010 states that "Precise development plans are intended to encourage the development of affordable housing through a streamlined permitting process. Projects that qualify for a density bonus pursuant to Chapter A.94 shall be eligible for an administrative non-discretionary precise development plan."

MBLCP Section A.84.020 states the following:

> "A. The Community Development Director shall approve, conditionally approve, or disapprove applications for minor exceptions and precise development plans.
>
> B. The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits, variances and site development permits.
>
> C. Such decisions may be appealed pursuant to Chapter 10.100 of the Manhattan Beach Municipal Code."

4. *"The Director's findings in granting approval does not justify the variances granted."*

The applicant has not applied for a variance, but rather a Precise Development Plan

for a density bonus project. As previously noted, Precise Development Plans are the appropriate entitlement for affordable housing projects that utilize State density bonus law to request waivers and concessions. Waivers and concessions are distinct tools unique to State density bonus law and related local regulations that are designed to help developers construct housing projects that integrate affordable units, by allowing for flexibility in development standards such that the total number of dwelling units allowed for the project, as stipulated by density bonus regulations, could realistically be constructed. Waivers and concessions are not considered "variances" per the standard planning application of the term, nor are they allowed to be treated as such.

The City's decision approving the Precise Development Plan and related entitlements substantiated the project's consistency with all applicable standards; the decision-making process accounted for these consistencies.

5. *An up to 20% increase over the 30' [height] limit doesn't get to 50'.*

   The appellant refers to MBLCP Section A.94.040 (C)(1) that states that concessions can allow for "up to 20% of site development standards or zoning code requirements…". The applicant has requested a waiver, not a concession from the maximum height requirement. State density bonus law distinguishes waivers from incentives or concessions, with waivers from development standards used when the development standard physically precludes the construction of a development.

   California Government Code Section 65915 (e)(1) states that "in no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section."

<u>Appellant #4: Andrew Ryan</u>

An appeal was submitted by Andrew Ryan on April 13, 2022 (APPEAL-22-00009). In the appellant's submitted appeal documents (Attachment M), the appellant states why he believes the project's approval should be overturned.

Staff addresses specific arguments made by the appellant below, with the italicized text taken directly from the appellant's written appeal applications.

1. *The Highrose Project will have a specific, adverse impact on public health pursuant to Government Code Section 65589.5 (d)(2)… The Highrose Project immediately shares its property line with the Chevron Refinery… Clearly, the fact that Chevron in its above*

[Initial Study] report needed to make clear that the "floating petroleum" groundwater is not used for "domestic purposes" and not within a mile of "drinking water production wells" indicates that the groundwater in the area is not safe and should not be disturbed…

Pursuant to Government Code Section 65589.5 (d)(2), the Highrose Project by a "preponderance of the evidence" (or to a 50.1% or greater possibility) would have an adverse impact upon the "public health" and should not go forward,"

An "adverse impact" is defined by California Government Code Section 65589.5 as "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete." As mentioned in California Government Code Section 65589.5, "inconsistency with the zoning ordinance or general plan land use designation" shall "not constitute a specific, adverse impact upon the public health or safety."

As the project proposes a multi-family residential use on an infill site that is zoned for high-density residential use and surrounded by residential and commercial uses, no objective, identified written public health or safety standards, policies, or conditions are violated by the project. Furthermore, the project would not have an adverse impact on a property that is listed in the California Register of Historical Resources.

The Chevron refinery property's Initial Study, which the appellant references, does not provide any environmental analysis for the subject project site, and thus cannot be used to evaluate the project's potential environmental impacts. Applying the California Government Code Section 65589.5 definition of "adverse impact," the appellant does not demonstrate how the groundwater conditions on the Chevron site are significant and/or relative to the development. The appellant also does not quantify the impact, nor evaluate remediation measures to demonstrate why the impacts would be unavoidable using objective, identified written public health or safety standards, policies, or conditions.

Furthermore, the applicant has conducted a Phase I Environmental Site Assessment (ESA) (Attachment N) for the project site. A Phase I ESA outlines the current and historical uses of a property in order to determine if these uses have impacted the soil or groundwater beneath a property, and whether these impacts pose a threat to human health and/or the environment. After taking soil samples and reviewing relevant databases, the Phase I ESA concluded that there were no conditions detected on the site that pose a threat to the environment and/or human health.

2. *The Highrose Project Presents a specific, adverse impact on public safety pursuant to Government Code Section 65589.5 (d)(2)… The nearly two story deep excavation planned for the Highrose Project presents a hazard of collapse to my building, the residence next door to me, and the other residences in the area… Based upon my review of the plans and the expedited permitting documents, it does not appear that an appropriate and thorough geological survey has been performed, especially considering that the soil underneath the project contains "floating petroleum."*

   As mentioned previously, the Phase I ESA states "the [Chevron] Refinery is not considered to represent a significant environmental concern to the Site at this time."

   In the event that the project is approved, and prior to issuance of building permits, the City's Building and Safety Division, Public Works Department, and Fire Department will thoroughly review the project's construction documents via the "plan check" process, during which the project will be vetted to ensure compliance with the State Building Code and the City's Municipal Code. The project is required to abide by all construction regulations applicable to all projects. Thus, there will be no adverse impact on public health, public safety, or the physical environment as a result of the project, and the required findings cannot be made in support of denial.

   Furthermore, the appellant has not met the statutory requirements for demonstrating an "adverse impact", as the appellant also does not quantify the impact, nor evaluate remediation measures to demonstrate why the impacts would be unavoidable using objective, identified written public health or safety standards, policies, or conditions.

3. *It appears Manhattan Beach is granting an "incentive" to develop 6 units of low income housing (out of 79 proposed) pursuant to Manhattan Beach Code of Ordinances Section 10.94.040, which allows for an "[U]p to twenty percent (20%) in modification of site development standards or zoning code requirements…" which include "increased building height."… A 20% increase in the maximum allowable building height of 30 feet would only allow for the building of 36 feet. Curiously, the Highrose Project is approved for 50 feet.*

   The appellant mischaracterizes the requested waiver from the local maximum height requirement as an "incentives". State density bonus law distinguishes waivers from incentives or concessions, with waivers from development standards used when the development standard physically precludes the construction of a development.

   California Government Code Section 65915 (e)(1) states that "in no case may a city, county, or city and county apply any development standard that will have the effect of

physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." Furthermore, pursuant to California Government Code Section 65915, the applicant is entitled to unlimited waivers and concessions; not either or.

4. *Since the City has approved a project which exceeds the maximum allowable height, a "city-wide" election is required pursuant to Manhattan Beach Code of Ordinances Section 10.12.030:*

   > *This section shall not be amended to increase the standards for maximum height of structures... unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.*

   Thus, because there has not been a "city wide" election where voters have approved a 50 foot height limit for the Highrose Project, the permit for the project must be denied.

   The provision the appellant cites in MBMC Section 10.12.030 requiring a "city-wide election" would only be required if the City would propose an amendment of the specified development standard(s) for an entire zoning district. The provision the appellant cites does not prevent the City from granting a higher maximum building height or other increases in development standards for specific projects where such increases are explicitly allowed by both State law and local regulations, like projects that are granted variances or density bonuses with an associated waiver from the City's maximum height requirement.

   A City-wide election is not required for the project because the City is not proposing to change the maximum height requirement for the North End Commercial zoning district where the project is located, but is rather granting the applicant a waiver from the City's maximum height requirement as allowed by California Government Code Section 65915 and MBLCP Chapter A.94. Thus, the citywide election requirement is not applicable in this case.

5. *The 6 units of low income housing out of 79 proposed only amount to 7.6% of the proposed development. State and Local ordinances require at least 10% of the development to be set aside for low income housing in order to receive these project "incentives." California Government Code Section 65915; Manhattan Beach Code of Ordinances Section 10.94.040. Thus, the Highrose Project should not be receiving an "incentive" under State and Local laws.*

California Government Code Section 65915 (f)(2) states that density bonus projects that set aside 11% of the units as "very low income" are entitled to a 35% density bonus. The percentage of affordable units is based on the base density of the project, or the number of units that are allowed on the site if the project did not include a density bonus. Per MBLCP Section A.12.030, the site has a base density of 51 units, with one unit allowed for every 850 square feet of land. Eleven percent of 51 units is 5.61, resulting in the project proposing six very low income units.

The chart below summarizes the calculations for the total units allowed on the site per State density bonus law, and includes the 10% lot consolidation bonus allowed under MBLCP Section A.12.030(T) and the 35% density bonus allowed under California Government Code Section 65915 (f)(2). Per California Government Code Section 65915 (q), "each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number."

	Number of Units	Number of Units Rounded Up
Base Density (lot size/850)	51.23	52
Base Density + 10% Lot Consolidation Bonus (LCB)	57.2	58
Base Density + LCB + 35% Density Bonus for Very Low Income Housing	78.3	79
Total Units Allowed per Density Bonus Law		79

6. *Manhattan Beach Code of Ordinances Section 10.94.040 only allows for a single "incentive" for projects falling in that category. The Highrose Project is providing multiple "incentives" including (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height. The Highrose Project is only entitled to a single incentive (assuming the City is going to round up the total number of low income units), and if the City wants to provide more than a single incentive.*

   The requested waivers from development standards are different from "incentives". State density bonus law distinguishes waivers from incentives or concessions, with waivers from development standards used when the development standard physically precludes the construction of a development. State density bonus law has different criteria for incentives or concessions and limits the number of incentives or concessions a project may have.

Per California Government Code Section 65915 (d)(2)(B), the applicant is entitled to two concessions for projects that set aside at least 10 percent of the project's base density for very low-income households. The applicant has requested a single concession for the maximum wall/fence height in the setbacks, which meets the maximum number of concessions allowed for the project under both State density bonus law and MBLCP Chapter A.94.

7. *The City currently has an ordinance which prevents the combining of more than 3 lots. The Highrose Project is attempting to combine a total of two large parcels which formerly contained five lots each. This is clearly against the spirit of the City ordinance…*

   MBLCP Section A.12.030 stipulates a 7,000 square-foot maximum lot area for residentially-zoned properties in Area District III. The project is subject to the development standards for the RH High-Density Residential District per MBLCP Section A.16.030 (A).

   However, MBLCP Section A.12.030 (U) states "Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall be exempt from these maximum lot size limitations." Therefore, the lot consolidation complies with the City's regulations.

PUBLIC NOTIFICATION, OUTREACH, AND COMMENT

Per the noticing requirements found in MBLCP Section A.96.110, a notice stating that the project was under review by the Community Development Department was mailed on January 6, 2022 after the project application was deemed complete. The notice as mailed to all property owners and residents within a 100-foot radius of the project with instructions on how to comment on the project before the deadline after which the Community Development Department would render a decision. The Community Development Director issued a decision (aka "the local decision") on March 29, 2022, thus, the notification period exceeded the minimum required window of time for a notice as outlined in MBLCP A.96.110.

Staff received numerous public comments between January 6, 2022 and May 25, 2022 (Attachment O), with most, but not all, public comments expressing opposition to the project or aspects of the project.

A courtesy notice for this Planning Commission meeting was published in The Beach Reporter on May 26, 2022. The required public notice was mailed to all property owners and residents within a 100-foot radius of the project site on May 26, 2022, on which day staff also posted the notice at City Hall and on the City's website. Between May 26, 2022 and as of the writing

of this report, staff has received three public comments which all expressed support for the project (Attachment P).

Staff has supplemented the notifications above by creating and maintaining a webpage dedicated to the project on the City's website (www.manhattanbeach.gov/highrose). The webpage includes a project timeline to describe project milestones, public comments received on the project, and a thorough "frequently asked questions" section to provide context about the project and the decision process. The project webpage also has links to the project plans, the Community Development Director's March 29, 2022 decision, appellants' materials, other relevant documents, and contact information for both City staff and the applicant.

Staff has also maintained an "interested parties" email list of over 290 interested parties, with staff periodically providing updates of important milestones, the City's review process, and the appeal process (including the Planning Commission meetings).

CONCLUSION

Staff recommends that the Planning Commission review the project for compliance with applicable and objective State and local regulations and, based on the analysis herein, uphold the Director's decision to approve the project.

ATTACHMENTS:

A. Draft Resolution No. PC 22-_____
B. Approval Decision- Director of Community Development- dated March 29, 2022
C. Vicinity Map
D. Applicant's Written Materials
E. MBLCP Chapter A.94 Affordable Housing Density Bonus and Incentive Program
F. Appellant Materials- Donald McPherson
G. Appellant Materials- Susan Bales and Richard MacKenzie
H. Traffic Analysis Provided by Applicant
I. City Trip Generation Review- February 17, 2022
J. Appellant Materials- George Bordokas
K. Applicant's Study of Residential Rental Unit Size in Manhattan Beach
L. Applicant's Architect's Letter Regarding Ceiling Height- September 8, 2021
M. Appellant Materials- Andrew Ryan
N. Phase I Environmental Site Assessment
O. Public Comment (Received between January 6, 2022 and May 25, 2022)
P. Public Comment- Received Between May 26, 2022 through June 3, 2022
Q. Highrose/Project Verandas Plans (Web-Link provided)

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RESOLUTION NO. PC 22-___

A RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION AFFIRMING THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO APPROVE A PRECISE DEVELOPMENT PLAN, COASTAL DEVELOPMENT PERMIT, AND TENTATIVE PARCEL MAP FOR THE DEMOLITION OF A BANQUET FACILITY AND MULTIUSE COMMERCIAL BUILDING AND SUBSEQUENT CONSTRUCTION OF A 96,217 SQUARE-FOOT MULTI-FAMILY RESIDENTIAL BUILDING WITH 79 RENTAL DWELLING UNITS, WITH THE DEVELOPER UTILIZING A DENSITY BONUS PURSUANT TO STATE LAW, INCLUSIVE OF WAIVERS AND CONCESSIONS, AT 401 ROSECRANS AVENUE AND 3770 HIGHLAND AVENUE (HIGHROSE EL PORTO, LLC)

THE MANHATTAN BEACH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. On March 4, 2021, the Community Development Department received an application requesting a Precise Development Plan, Coastal Development Permit, and Tentative Parcel Map for the demolition of a banquet facility and multiuse commercial building and subsequent construction of a 96,217 square-foot multi-family residential building with 79 rental dwelling units, with the developer utilizing a density bonus pursuant to State law, inclusive of waivers and concessions, at 401 Rosecrans Avenue and 3770 Highland Avenue (the "Project").

SECTION 2. On March 29, 2022, the Community Development Director approved the Project. Staff received four independent appeals of the Community Development Director's approval of the Project within the 15-day appeal period (the "Appeals").

SECTION 3. On June 8, 2022, the Planning Commission considered the Appeals. Evidence, both written and oral, was presented to the Planning Commission, including a staff report and staff presentation. All persons wishing to address the Commission regarding the Appeals were provided an opportunity to do so in full compliance with the Brown Act.

SECTION 4. Based on substantial evidence in the record, and pursuant to the Manhattan Beach Local Coastal Program and other applicable law, the Planning Commission hereby affirms the Community Development Director's approval of the Project.

SECTION 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the property owner. The Secretary shall make this Resolution readily available for public inspection.

(Votes and signatures on next page)

June 8, 2022

_____

Planning Commission Chair

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on **June 8, 2022** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____

Carrie Tai, AICP,
Secretary to the Planning Commission

_____

Rosemary Lackow,
Recording Secretary

Approval Decision
Director of Community Development
March 29, 2022
(web-link provided)

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Attachment C
Vicinity Map

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PROJECT VERANDAS

June 1, 2022

Dear Chairman Morton and fellow Commissioners:

By way of an update on Project Verandas, and as we progress with Design Development, we wanted to share some of the updated artist renderings, image boards, and a height exhibit which helps to illustrate the effective height (as measured from street level).

Artist renderings are preliminary as we have yet to engage a Landscape Architect/Designer. Height measurements are approximations generated by the architect of record based on property survey and architectural plans.

Sincerely,

Project Verandas

Frank L Buckley

Frank L. Buckley

3701 Highland Avenue – Suite 303B
Manhattan Beach, CA 90266
W: 424-340-5530

3701 Highland Avenue – Suite 303B
Manhattan Beach, CA 90266
W: 424-340-5530

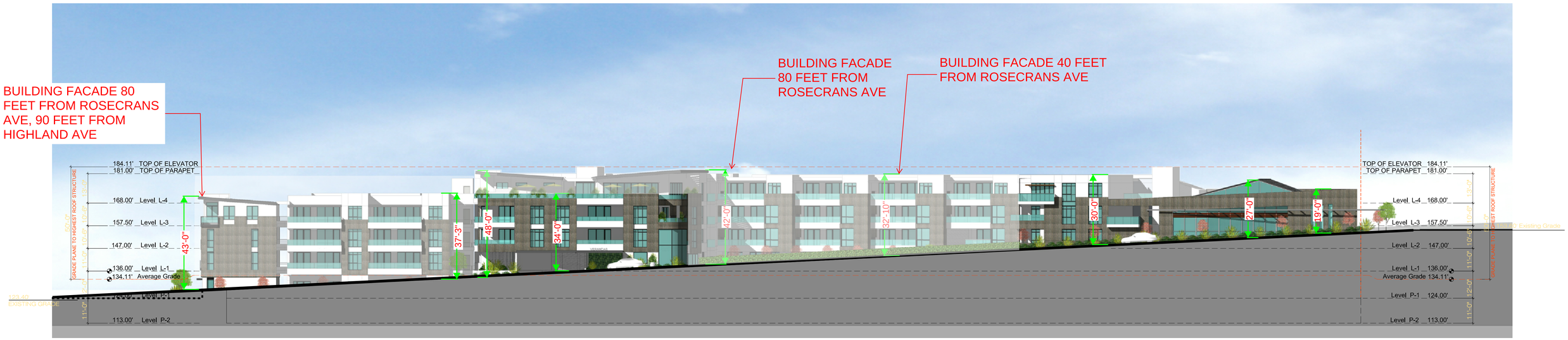
EXTERIOR VERANDAS

3701 Highland Avenue – Suite 303B
Manhattan Beach, CA 90266
W: 424-340-5530

INTERIOR VERANDAS

3701 Highland Avenue – Suite 303B
Manhattan Beach, CA 90266
W: 424-340-5530

HEIGHT EXHIBIT



1 - SOUTH ELEVATION

VERANDAS

HIGHROSE EL PORTO, LLC

CITY OF MANHATTAN BEACH - CALIFORNIA

WITHEE MALCOLM
A BSB DESIGN STUDIO
2251 west 190th street | torrance | ca 90504 | 310.217.8885 | bsbdesign.com

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Manhattan Beach Local Coastal Program Chapter A.94 Affordable Housing Density Bonus and Incentive Program (web-link provided)

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Attachment F

MASTER APPLICATION FORM

RECEIVED
CITY OF MANHATTAN BEACH 2022 APR 11 AM 9:00
COMMUNITY DEVELOPMENT DEPARTMENT
CITY CLERK'S OFFICE
MANHATTAN BEACH, CA

Office Use Only
Date Submitted:
Received By:
F&G Check Submitted:

401 Rosecrans Avenue (4137-001-031) and
3770 Highland Avenue (4137-001-027)
Project Address

Not Available. Highrose project
Legal Description

North End Commercial — *General Plan Designation*
CNE — *Zoning Designation*
III — *Area District*

For projects requiring a Coastal Development Permit, select one of the following determinations[1]:

Project located in Appeal Jurisdiction
- [ ] Major Development (Public Hearing required)
- [ ] Minor Development (Public Hearing, if requested)

Project not located in Appeal Jurisdiction
- [X] Public Hearing Required (due to UP, Var, ME, etc.)
- [ ] No Public Hearing Required

Submitted Application (check all that apply)

(X) Appeal to PC/PPIC/BBA/CC	4225		( ) Use Permit (Residential)	4330	
( ) Coastal Development Permit	4341		( ) Use Permit (Commercial)	4330	
( ) Continuance	4343		( ) Use Permit Amendment	4332	
( ) Cultural Landmark	4336		( ) Variance	4331	
( ) Environmental Assessment	4225		( ) Park/Rec Quimby Fee	4425	
( ) Minor Exception	4333		( ) Pre-application meeting	4425	
( ) Subdivision (Map Deposit)	4300		( ) Public Hearing Notice	4339	
( ) Subdivision (Tentative Map)	4334		( ) Lot Merger/Adjust./$15 rec.	4225	
( ) Subdivision (Final)	4334		( ) Zoning Business Review	4337	
( ) Subdivision (Lot Line Adjust.)	4335		( ) Zoning Report	4340	
( ) Telecom (New or Renewed)	4338		( ) Other		

Fee Summary: (See fees on reverse side)

Total Amount: $ _____ *(less Pre-Application Fee if applied within past 3 months)*
Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

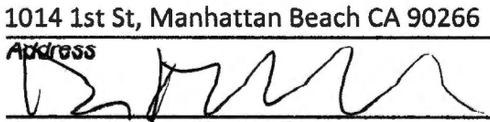
Donald McPherson
Name

1014 1st St, Manhattan Beach CA 90266
Mailing Address

Resident
Applicant(s)/Appellant(s) Relationship to Property

Donald McPherson — 310 487 0383, dmcphersonla@gmail.com
Contact Person (include relation to applicant/appellant) — *Phone number / email*

1014 1st St, Manhattan Beach CA 90266
Address



310 487 0383, dmcphersonla@gmail.com
Applicant(s)/Appellant(s) Signature — *Phone number / email*

Complete Project Description- including any demolition (attach additional pages as necessary)

On March 29, Community Development ministerially approved the Highrose project with a Precise Development Plan *Permit Approving Precise Development Plan and Related Entitlements;* City of Manhattan Beach; 29 March 2022. The report herein appeals the project to the planning commission ["PC"] with a demand that requires an Environmental Impact Report ["EIR"], which within the PC discretionary authority. Please see attached appeal report

[1] **An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code.** *(Continued on reverse)*

OWNER'S AFFIDAVIT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I/We Donald McPherson being duly sworn, depose and say that I am/we are the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

Signature of Property Owner(s) – (Not Owner in Escrow or Lessee)

Donald McPherson
Print Name

1014 1st St, Manhattan Beach CA 90266
Mailing Address

310 487 0383, dmcphersonla@gmail.com
Telephone/email

Subscribed and sworn to (or affirmed) before me this 8th day of April, 2022 by Donald McPherson, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me

Signature
Notary Public

SEAL

AMANDA DANIELLE ROMERO
Notary Public - California
Los Angeles County
Commission # 2364113
My Comm. Expires Jul 13, 2025

Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply – refer to current City Fee Resolution (contact the Planning Division for assistance.) Fees are subject to annual adjustment.

Submitted Application *(circle applicable fees, apply total to Fee Summary on application)*

Coastal Development Permit	
Public hearing – no other discretionary approval required:	$ 3,948 ✉
Public hearing – other discretionary approvals required:	1,940 ✉
No public hearing required – administrative:	1,509 ✉
Transfer:	155
Use Permit	
Use Permit:	$ 8,393 ✉
Master Use Permit:	10,908 ✉
Master Use Permit Amendment:	7,414 ✉
Master Use Permit Conversion:	5,035 ✉
1014 1st St, Manhattan Beach CA 90266	
Filing Fee:	$ 8,421 ✉
Minor Exception	
Without notice:	$ 353
With notice:	1,575 ✉
Subdivision	
Certificate of Compliance:	$ 1,652
Final Parcel Map + mapping deposit:	601
Final Tract Map + mapping deposit:	601
Mapping Deposit (paid with Final Map application):	500
Merger of Parcels or Lot Line Adjustment:	1,184
Quimby (Parks & Recreation) fee (per unit/lot):	1,817
Tentative Parcel Map (4 or less lots / units) No Public Hearing:	1,397
Tentative Parcel Map (4 or less lots / units) Public Hearing:	3,546 ✉
Tentative Tract Map (5 or more lots / units) No Public Hearing:	4,074 ✉
Environmental Review (contact Planning Division for applicable fee)	
Environmental Assessment (no Initial Study prepared):	$ 215
Environmental Assessment (if Initial Study is prepared):	3,133

✉ *Public Hearing Notice applies to all projects with public hearings and covers the City's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable:*

Coastal Permit – 100 ft. Radius	$ 182
Large Family Daycare – 100 ft. Radius	56
Minor Exception – 300 ft. Radius	129
Other Permits – 300 to 500 ft. Radius	263 ◆
Code, General Plan, Zoning Amendments	588

Coastal Defender; 1014 1st St, Manhattan Beach CA 90266; coastaldefendermb@gmail.com

EITHER OF TWO CITY-OWNED LOTS NEAR MANHATTAN MALL CAN SOLVE AFFORDABLE HOUSING PROBLEM

- The Highrose ministerial approval allows 79 units; 28 more than permitted by code[1];
- Highrose deviates from the municipal code, as follows: 1) Four stories vs three; 2) 47 % increase in permitted floor-area-ratio; and, 3) 51-space parking reduction;
- The required 406 affordable units will require nearly **70 four-story buildings** like Highrose;
- CEQA requires a single-program EIR for Highrose that includes all individual projects necessary to provide the remaining 406 affordable units required by the state;
- The single-program EIR requires alternatives, with two code-compliant 100% affordable-housing projects considered herein:
  1) One large project on one of two city-owned sites near Manhattan Mall; and,
  2) A revised Highrose project with 100% affordable housing;
- The city erroneous use of 20 dwelling units per acre as a density standard unsubstantiated;
- The erroneous city density of 20 dwelling units per acre requires three or four projects on underused parcels near Manhattan Mall, as listed in Housing Element Update Appendix E Table 15[2]. In contrast, parcels with densities of 50 or more dwelling units per acre require only one project to provide most of the units required; and,
- Either of two city-owned parcels near Manhattan Mall can solve the affordable housing problem, as listed in the Housing Element Update.

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[1] Manhattan Beach Municipal Code Section § 10.12.030

[2] *6th Cycle Housing Element* [Draft HEU]; City of Manhattan Beach; [1 February 2022]

Coastal Defender; 1014 1st St, Manhattan Beach CA 90266; coastaldefendermb@gmail.com

APPEAL PROTESTING MINISTERIAL APPROVAL OF HIGHROSE PROJECT

EXECUTIVE SUMMARY

On March 29, Community Development ministerially approved the Highrose project with a Precise Development Plan[1]. The report herein appeals the project to the planning commission ["PC"] with a demand for a finding that requires a single-program Environmental Impact Report ["EIR"]. This action lies within the PC discretionary authority.

Per California Environmental Quality Act Guidelines ["CEQA Guidelines"] § 15060(c)(1),

> "*Once an application is deemed complete, a lead agency must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if: (1)* ***The activity does not involve the exercise of discretionary powers by a public agency****.*" [Emphasis added]

The project has six affordable units, which qualify it for: 1) 50-foot height vs 30-ft code; 2) Floor Area Factor 2.2 vs 1.5 code; and, 3) A 51 parking-space reduction from code. It will take **nearly 70 four-story projects like Highrose** to eliminate the existing 406-unit shortfall from the affordable-housing quota assigned to the city by the state, in a program that lacks an EIR.

The EIR must evaluate impacts by above deviations from the municipal code. To do so, the city must prepare a single-program EIR to account for future affordable housing projects, as delineated in the unapproved *6th Cycle Housing Element*" upgrade ["HEU"][2].

CEQA Guidelines § 15165 states:

> "*Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a* ***single program EIR*** *for the ultimate project as described in Section 15168.*" [Emphasis added]

The Highrose EIR must consider the cumulative impact from all affordable housing projects identified in the HEU and provide alternatives that "*would avoid or substantially lessen any of the significant effects*". [CEQA Guidelines § 15064(h)(1) & § 15126.6]

This appeal considers two code-compliant 100% affordable alternatives:
1) One large project close to Manhattan Mall that can provide 100's of affordable units; or,
2) A revised Highview project that will provide 75 affordable units.

Evaluating these alternatives requires a standard to determine the number of units permitted per acre. The HEU uses 20 dwelling units per acre as the "realistic capacity[3]." Highrose occupies one acre, which for a code-compliant floor-area-factor ["FAF"] of 1.5, that equates to 20 affordable units **averaging 3,263 sq.-ft. each**, the size of a large house.

Obviously, something grossly wrong in the city HEU that uses an unsubstantiated 20-unit per acre density to determine how many projects required to fulfill the 406-unit shortfall in the state mandated requirement for affordable housing. [HEU, PDF p. 13]

In Area District III where Highrose located, the municipal code requires a minimum of 850 sq.-ft. lot area per dwelling unit, which corresponds to 51 units per acre, 256% more than the erroneous 20-unit value used by the city in the HEU. [MBMC § 10.12.030] The Highrose ministerial approval violates this code provision, by permitting 79 units, 28 more than allowed.

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[1] *Permit Approving Precise Development Plan and Related Entitlements*; City of Manhattan Beach; 29 March 2022
[2] *6th Cycle Housing Element* [Draft HEU]; City of Manhattan Beach; [1 February 2022]
[3] HEU Appendix E; *Table 15. Potential Underutilized Sites for Overlay*, PDF p. 313

APPEAL PROTESTING MINISTERIAL APPROVAL OF HIGHROSE PROJECT

ANALYSES AND CONCLUSIONS

100% Affordable Housing Alternative 1: A Large Project Near Manhattan Mall.

Alternative 1 uses one of several large parcels in Area District II near Manhattan Mall to provide 100% affordable housing code-compliant units. [See attached Exhibit 1 next page]

With just a single project, Alternative 1 has the critically important benefit that it can provide most of the 406 affordable units remaining from the quota required by the state.

In contrast, the city unbelievably low density of 20 units per acre requires three or four of the large parcels listed in Exhibit 1, thereby tripling acquisition costs to taxpayers.

Not all projects in Alternative 1 can provide the 406 required affordable units. In that case, accessory dwelling units and lot splitting will accommodate the remainder.

100% Affordable Housing Alternative 2: Highrose Revision

Highrose located in Area District III, which requires a minimum of 850 sq.-ft. lot area per residential unit, equating to 51 affordable units for the one-acre property. For a 1.5 FAF, these 51 units will enjoy a floor area that averages 1,280 sq.-ft. each, far too high for subsidized affordable housing.

A January 2022 Coastal Defender report determined that 75 units will fit on the top two floors of a three-story Highrose building, with public parking on the ground floor and resident parking in a one-level subterranean garage[4]. This equates to 871 sq-ft average per unit, appropriate for a combination of studios, one-bedroom and two-bedroom apartments.

Highrose Appeal Conclusions.

- The Highrose ministerial approval allows 79 units, 28 more than permitted by code;
- Highrose deviates from the municipal code, as follows: 1) Four stories vs three; 2) 47 % increase in permitted floor-area-ratio; and, 3) 51-space parking reduction;
- The required 406 affordable units will require nearly 70 four-story building like Highrose;
- CEQA requires a single-program EIR for Highrose that includes all individual projects necessary to provide the remaining 406 affordable units required by the state;
- The single-program EIR requires alternatives, with two code-compliant 100% affordable-housing projects considered herein:
  1) One large project on one of five sites near Manhattan Mall, as listed in the HEU; and,
  2) A revised Highrose project with 100% affordable housing;
- The city erroneous use of 20 dwelling units per acre as a density standard unsubstantiated, thereby invalidating the unapproved HEU with its accompanying EIR, even if the city council had approved the two documents at their 9 February 2022 meeting; and,
- The erroneous city density of 20 dwelling units per acre requires three or four projects in the underused parcels near Manhattan Mall, as listed in HEU Appendix E Table 15. In contrast, parcels with densities of 50 or more dwelling units per acre require only one project to provide most of the units required; and,
- Per Exhibit 1, either of two city-owned parcels near Manhattan Mall, Items 32 and 33, will solve the affordable housing problem.

[4] *Solution to HEU Affordable Housing*; Email to Mayor Hildy Stern; Coastal Defender; 31 January 2022

Exhibit 1. Either of the Two City-Owned Lots, Items 32 and 33, Can Solve the Affordable Housing Problem

Excerpt from Draft HEU Appendix E, Table 15 [PDF p. 313]
Includes corrections to the city **unrealistic** 20 dwelling units per acre

Table ID	APNs	Zone	Area District	Acres	City HEU [Note 1] Lower Income Units (Realistic Capacity at 20 DU/Acre)	Corrected [Note 2] 51 Units/Acre Density; Based on 850 sq.-ft. Lot Area/Unit	Corrected [Note 3] 75 Units/Acre Density; Based on Highrose Plans Analysis	Existing Uses
20	4138018022	PD	II	5.14	102	263	386	Five story stand-alone office building with a large surface parking lot (LTI ratio 3.31 built 1982)
31	4138018045	PD	II	4.79	95	245	359	Stand-alone five-story commercial building with a gym, coworking offices coworking offices, and a parking garage (LTI ratio 1.93 built 1982).
32	4138018908	PD	II	7.47	149	382	560	Country club with surface parking and multiple tennis courts (LTI ratio N/A, City owned)
33	4138026900	PD	II	5.4	108	276	405	Large surface parking lot and recreation field (LTI ratio N/A, City owned).
34	4138020056	CG-D8	II	3.29	65	168	247	Vacated stand-alone building with developer interest (LTI ratio 1.49, built 1978). (Fries)

Note 1: City **unrealistic** 20 units per lot acre density
Note 2: Area District III requires 850 sq.-ft. minimum of parcel area per residential unit. [MBMC § 10.12.030]
Note 3: 75 units per lot acre determined from analysis of Highrose plans [Footnote 4, p. 2]

Attachment G

I write on behalf of a group of Manhattan Beach residents and property owners to appeal the approval of the High Rose El Porto/Veranda Project at 401 Rosecrans and 3770 Highland Avenues. We all believe strongly in the need for improvements in affordable housing. We believe, however, that the approved project is merely a fig leaf on this issue, an excuse for a high-density development that does little to move the needle on our city's housing issues and merely kicks the can down the road for later, compromised planning. This incremental approval process will eclipse previous controls on density and equity, if this ruling is allowed to stand. Manhattan Beach will become a city of high rise apartments for the rich, with little attention to environmental regulations, traffic impact, and quality of life. We strongly urge you to take the leadership reins by rejecting this project and instead instituting a judicious planning process to allow our city to address BOTH the environmental protections we have worked so hard to put in place AND the need for more affordable units so that all people can enjoy this town. Destroying Manhattan Beach's finer qualities in order to quickly expand access is not a reasonable solution. We urge you to consider your fundamental charge to represent the residents of Manhattan Beach, their safety and welfare, as well as the environment that is also your responsibility to safeguard.

Our concerns are as follows:

1. **Environmental Impact** – a) The project as approved avoids review for CEQA, which means that it (and future projects like it) will likely overwhelm the ability of the city's environment and infrastructure (streets, sewers, beach access, parking) without our even knowing this is taking place. Eventually, as systems are overwhelmed, the taxpayers of Manhattan Beach will have to "fix" these foreseeable problems. In effect, this project tranfers the costs of environmental remediation to future taxpayers, with no input from voters.
    b) Why are housing issues allowed to trump environmental concerns? Is it legal to arbitrarily set one group's worth above another's? Does not the environment have standing with respect to this project? This sets a dangerous precedent for future development projects and completely undermines the environmental review process. How is it that the development of single family homes must undergo an extensive review process when this massive development can bypass the process?

    We strongly urge environmental impact be studied, documented and weighed in the approval process.

2. **Inappropriate Use of Public Resources** – The current parking, as approved, allows for 127 parking places, whereas the normal approval process would have required 176 parking places. The result is to dump 50 cars onto an already overcrowded parking environment, further diminishing quality of life for residents and visitors, adding to environmental pollution and exacerbating existing safety concerns. It is clear that the foregone spots will rely upon the adjacent public parking, further diminishing access for the public. This is a preventable problem and should not be allowed to proceed. Moreover, given the precedent set in the City Council's consideration of

outdoor dining's use of the city's parking places, this assumed and unexamined usage is indefensible.

3. **Impact on Quality of Life** -- The proposed project will result in hundreds of new residents in an area of the city that already has limited infrastructure and residential amenities (such as grocery stores, etc. Moreover, the increased traffic flow, whether accommodative or not, will by its nature increase risk for traumatic injury due to the added congestion.

   Beyond purely physical/environmental concerns, it has been documented that when residents are involved in decision making about their home environment, and especially with regards to density, the passion for community increases and transgression of property and person decreases.

4. **Undemocratic Process** -- The ministerial, non-discretionary process undermines the informed and responsive judgment of elected officials to the citizenry. The voters of Manhattan Beach should have the ability to determine the character and future of their city, within reasonable and legal bounds. This process ties the hands of those we elect to enact our will. It is therefore an imposition of government, not a responsive use of government.

5. **Unrealistic, "temporary fix"** -- The California Density Bonus Law was designed to increase dwelling units to make them affordable to very low-income households, not to provide a loophole for developers to overbuild a community and defeat its pre-existing ambience. We are well aware of the need to address the demand for such housing, but this proposal does not address that problem! The apartment will be 37 to 50 high, despite present height limit of 30' enforced to protect beach living conditions. It would have 79 units, 6 of which would be reserved for people with "very low income" and the others available for market rates. These rates at present, whether purchase or rental, are beyond the reach of the average wage-earner. In this environment of affluence, how would these "very low income" tenants survive? This project adheres to the "letter of the law", but not the "spirit of the law".

We urge a stringent review of this project from these perspectives not only to protect the character of our 'small beach town' but to protect public access and public safety. Finally, neither the citizens of Manhattan Beach, nor their elected officials nor the environment have been adequately represented in this decision. It should not be allowed to proceed without further review and input from the community.

Richard G MacKenzie MDCM
2312 Alma Avenue, Manhattan Beach
dr.rgmac@gmail.com

310-546-5307

Attachment H

Table A1
PROJECT TRIP GENERATION FORECAST

TRIP GENERATION RATES [1]									
				WEEKDAY AM PEAK HOUR			WEEKDAY PM PEAK HOUR		
ITE LAND USE CATEGORY	LAND USE CODE	VARIABLE	WEEKDAY DAILY	IN (%)	OUT (%)	TOTAL	IN (%)	OUT (%)	TOTAL
Multi-Family Housing (Low-Rise)	220	Per Dwelling Unit	7.32	23%	77%	0.46	63%	37%	0.56
Family Affordable Housing	LADOT	Per Dwelling Unit	4.16	38%	62%	0.52	55%	45%	0.38
General Office Building	710	Per 1,000 SF	9.74	86%	14%	1.16	16%	84%	1.15
Medical-Dental Office Building	720	Per 1,000 SF	34.80	78%	22%	2.79	28%	72%	3.46
Shopping Center	820	Per 1,000 SF	37.75	62%	38%	0.94	48%	52%	3.81
Drinking Place	925	Per 1,000 SF	----	----	----	----	66%	34%	11.36
Quality Restaurant	931	Per 1,000 SF	83.84	50%	50%	0.73	67%	33%	7.80

PROJECT TRIP GENERATION FORECAST									
				AM PEAK HOUR VOLUMES [2]			PM PEAK HOUR VOLUMES [2]		
LAND USE	ITE LAND USE CODE	SIZE	DAILY TRIP ENDS [2] VOLUMES	IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed Project									
Multi-Family Residential [3]	220	79 DU	578	8	28	36	28	16	44
Subtotal Proposed Project			***578***	***8***	***28***	***36***	***28***	***16***	***44***
Existing Uses									
General Office [5]	710	(7,762) GSF	(76)	(8)	(1)	(9)	(1)	(8)	(9)
Medical Office [6]	720	(835) GSF	(29)	(2)	0	(2)	(1)	(2)	(3)
Spa [7]	820	(2,285) GSF	(86)	(1)	(1)	(2)	(4)	(5)	(9)
Drinking Place [8]	925	(1,942) GSF	(220)	----	----	----	(15)	(7)	(22)
- Less Pass-by (10%) [9]			22	----	----	----	2	1	3
Restaurant [10]	931	(7,178) GSF	(602)	(3)	(2)	(5)	(38)	(18)	(56)
- Less Pass-by (10%) [9]			60	0	0	0	4	2	6
Subtotal Existing Uses			***(931)***	***(14)***	***(4)***	***(18)***	***(53)***	***(37)***	***(90)***
NET NEW PROJECT TRIPS			***(353)***	***(6)***	***24***	***18***	***(25)***	***(21)***	***(46)***

[1] Source: ITE "Trip Generation Manual", 10th Edition, 2017; and City of Los Angeles Department of Transportation (LADOT) "Transportation Impact Study Guidelines", December 2016.
[2] Trips are one-way traffic movements, entering or leaving.
[3] ITE Land Use Code 220 (Low-Rise Multi-Family Residential) land use trip generation average rates.
[4] LADOT affordable housing trip generation average rates for family type category.
[5] ITE Land Use Code 710 (General Office Building) land use trip generation average rates.
[6] ITE Land Use Code 720 (Medical-Dental Office Building) land use trip generation average rates.
[7] ITE Land Use Code 820 (Shopping Center) land use trip generation average rates.
[8] ITE Land Use Code 925 (Drinking Place) land use trip generation average rates. Daily trip volumes are not provided, thus the PM peak hour volume was estimated to represent 10% of the daily volume.
[9] Source: LADOT policy on pass-by trip adjustments. Pass-by trips are made as intermediate stops on the way from an origin to a primary destination without a route diversion. Pass-by trips are attracted from the traffic passing the site on an adjacent street or roadway that offers direct access to the site.
[10] ITE Land Use Code 931 (Quality Restaurant) land use trip generation average rates.

Table A2
PROJECT TRIP GENERATION FORECAST

TRIP GENERATION RATES [1]									
				WEEKDAY AM PEAK HOUR			WEEKDAY PM PEAK HOUR		
ITE LAND USE CATEGORY	LAND USE CODE	VARIABLE	WEEKDAY DAILY	IN (%)	OUT (%)	TOTAL	IN (%)	OUT (%)	TOTAL
Multi-Family Housing (Low-Rise)	220	Per Dwelling Unit	7.32	23%	77%	0.46	63%	37%	0.56
Family Affordable Housing	LADOT	Per Dwelling Unit	4.16	38%	62%	0.52	55%	45%	0.38
General Office Building	710	Per 1,000 SF	9.74	86%	14%	1.16	16%	84%	1.15
Medical-Dental Office Building	720	Per 1,000 SF	34.80	78%	22%	2.79	28%	72%	3.46
Shopping Center	820	Per 1,000 SF	37.75	62%	38%	0.94	48%	52%	3.81
Drinking Place	925	Per 1,000 SF	----	----	----	----	66%	34%	11.36
Quality Restaurant	931	Per 1,000 SF	83.84	50%	50%	0.73	67%	33%	7.80

PROJECT TRIP GENERATION FORECAST									
				AM PEAK HOUR VOLUMES [2]			PM PEAK HOUR VOLUMES [2]		
LAND USE	ITE LAND USE CODE	SIZE	DAILY TRIP ENDS [2] VOLUMES	IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed Project									
General Office [5]	710	65,000 GSF	633	65	10	75	12	63	75
Subtotal Proposed Project			***633***	***65***	***10***	***75***	***12***	***63***	***75***
Existing Uses									
General Office [5]	710	(7,762) GSF	(76)	(8)	(1)	(9)	(1)	(8)	(9)
Medical Office [6]	720	(835) GSF	(29)	(2)	0	(2)	(1)	(2)	(3)
Spa [7]	820	(2,285) GSF	(86)	(1)	(1)	(2)	(4)	(5)	(9)
Drinking Place [8]	925	(1,942) GSF	(220)	----	----	----	(15)	(7)	(22)
- Less Pass-by (10%) [9]			22	----	----	----	2	1	3
Restaurant [10]	931	(7,178) GSF	(602)	(3)	(2)	(5)	(38)	(18)	(56)
- Less Pass-by (10%) [9]			60	0	0	0	4	2	6
Subtotal Existing Uses			***(931)***	***(14)***	***(4)***	***(18)***	***(53)***	***(37)***	***(90)***
NET NEW PROJECT TRIPS			***(298)***	***51***	***6***	***57***	***(41)***	***26***	***(15)***

[1] Source: ITE "Trip Generation Manual", 10th Edition, 2017; and City of Los Angeles Department of Transportation (LADOT) "Transportation Impact Study Guidelines", December 2016.
[2] Trips are one-way traffic movements, entering or leaving.
[3] ITE Land Use Code 220 (Low-Rise Multi-Family Residential) land use trip generation average rates.
[4] LADOT affordable housing trip generation average rates for family type category.
[5] ITE Land Use Code 710 (General Office Building) land use trip generation average rates.
[6] ITE Land Use Code 720 (Medical-Dental Office Building) land use trip generation average rates.
[7] ITE Land Use Code 820 (Shopping Center) land use trip generation average rates.
[8] ITE Land Use Code 925 (Drinking Place) land use trip generation average rates. Daily trip volumes are not provided, thus the PM peak hour volume was estimated to represent 10% of the daily volume.
[9] Source: LADOT policy on pass-by trip adjustments. Pass-by trips are made as intermediate stops on the way from an origin to a primary destination without a route diversion. Pass-by trips are attracted from the traffic passing the site on an adjacent street or roadway that offers direct access to the site.
[10] ITE Land Use Code 931 (Quality Restaurant) land use trip generation average rates.

Table A3
PROJECT TRIP GENERATION FORECAST

TRIP GENERATION RATES [1]									
				WEEKDAY AM PEAK HOUR			WEEKDAY PM PEAK HOUR		
ITE LAND USE CATEGORY	LAND USE CODE	VARIABLE	WEEKDAY DAILY	IN (%)	OUT (%)	TOTAL	IN (%)	OUT (%)	TOTAL
Multi-Family Housing (Low-Rise)	220	Per Dwelling Unit	7.32	23%	77%	0.46	63%	37%	0.56
Family Affordable Housing	LADOT	Per Dwelling Unit	4.16	38%	62%	0.52	55%	45%	0.38
General Office Building	710	Per 1,000 SF	9.74	86%	14%	1.16	16%	84%	1.15
Medical-Dental Office Building	720	Per 1,000 SF	34.80	78%	22%	2.79	28%	72%	3.46
Shopping Center	820	Per 1,000 SF	37.75	62%	38%	0.94	48%	52%	3.81
Drinking Place	925	Per 1,000 SF	----	----	----	----	66%	34%	11.36
Quality Restaurant	931	Per 1,000 SF	83.84	50%	50%	0.73	67%	33%	7.80

PROJECT TRIP GENERATION FORECAST									
				AM PEAK HOUR VOLUMES [2]			PM PEAK HOUR VOLUMES [2]		
LAND USE	ITE LAND USE CODE	SIZE	DAILY TRIP ENDS [2] VOLUMES	IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed Project									
Shopping Center [7]	820	65,000 GSF	2,454	38	23	61	119	129	248
- Less Pass-by (40%) [9]			(982)	(15)	(9)	(24)	(48)	(52)	(100)
Subtotal Proposed Project			***1,472***	***23***	***14***	***37***	***71***	***77***	***148***
Existing Uses									
General Office [5]	710	(7,762) GSF	(76)	(8)	(1)	(9)	(1)	(8)	(9)
Medical Office [6]	720	(835) GSF	(29)	(2)	0	(2)	(1)	(2)	(3)
Spa [7]	820	(2,285) GSF	(86)	(1)	(1)	(2)	(4)	(5)	(9)
Drinking Place [8]	925	(1,942) GSF	(220)	----	----	----	(15)	(7)	(22)
- Less Pass-by (10%) [9]			22	----	----	----	2	1	3
Restaurant [10]	931	(7,178) GSF	(602)	(3)	(2)	(5)	(38)	(18)	(56)
- Less Pass-by (10%) [9]			60	0	0	0	4	2	6
Subtotal Existing Uses			***(931)***	***(14)***	***(4)***	***(18)***	***(53)***	***(37)***	***(90)***
NET NEW PROJECT TRIPS			***541***	***9***	***10***	***19***	***18***	***40***	***58***

[1] Source: ITE "Trip Generation Manual", 10th Edition, 2017; and City of Los Angeles Department of Transportation (LADOT) "Transportation Impact Study Guidelines", December 2016.
[2] Trips are one-way traffic movements, entering or leaving.
[3] ITE Land Use Code 220 (Low-Rise Multi-Family Residential) land use trip generation average rates.
[4] LADOT affordable housing trip generation average rates for family type category.
[5] ITE Land Use Code 710 (General Office Building) land use trip generation average rates.
[6] ITE Land Use Code 720 (Medical-Dental Office Building) land use trip generation average rates.
[7] ITE Land Use Code 820 (Shopping Center) land use trip generation average rates.
[8] ITE Land Use Code 925 (Drinking Place) land use trip generation average rates. Daily trip volumes are not provided, thus the PM peak hour volume was estimated to represent 10% of the daily volume.
[9] Source: LADOT policy on pass-by trip adjustments. Pass-by trips are made as intermediate stops on the way from an origin to a primary destination without a route diversion. Pass-by trips are attracted from the traffic passing the site on an adjacent street or roadway that offers direct access to the site.
[10] ITE Land Use Code 931 (Quality Restaurant) land use trip generation average rates.

Table A4
PROJECT TRIP GENERATION FORECAST

TRIP GENERATION RATES [1]									
				WEEKDAY AM PEAK HOUR			WEEKDAY PM PEAK HOUR		
ITE LAND USE CATEGORY	LAND USE CODE	VARIABLE	WEEKDAY DAILY	IN (%)	OUT (%)	TOTAL	IN (%)	OUT (%)	TOTAL
Multi-Family Housing (Low-Rise)	220	Per Dwelling Unit	7.32	23%	77%	0.46	63%	37%	0.56
Family Affordable Housing	LADOT	Per Dwelling Unit	4.16	38%	62%	0.52	55%	45%	0.38
General Office Building	710	Per 1,000 SF	9.74	86%	14%	1.16	16%	84%	1.15
Medical-Dental Office Building	720	Per 1,000 SF	34.80	78%	22%	2.79	28%	72%	3.46
Shopping Center	820	Per 1,000 SF	37.75	62%	38%	0.94	48%	52%	3.81
Drinking Place	925	Per 1,000 SF	----	----	----	----	66%	34%	11.36
Quality Restaurant	931	Per 1,000 SF	83.84	50%	50%	0.73	67%	33%	7.80

PROJECT TRIP GENERATION FORECAST									
				AM PEAK HOUR VOLUMES [2]			PM PEAK HOUR VOLUMES [2]		
LAND USE	ITE LAND USE CODE	SIZE	DAILY TRIP ENDS [2] VOLUMES	IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed Project									
Medical Office [6]	720	65,000 GSF	2,262	141	40	181	63	162	225
Subtotal Proposed Project			***2,262***	***141***	***40***	***181***	***63***	***162***	***225***
Existing Uses									
General Office [5]	710	(7,762) GSF	(76)	(8)	(1)	(9)	(1)	(8)	(9)
Medical Office [6]	720	(835) GSF	(29)	(2)	0	(2)	(1)	(2)	(3)
Spa [7]	820	(2,285) GSF	(86)	(1)	(1)	(2)	(4)	(5)	(9)
Drinking Place [8]	925	(1,942) GSF	(220)	----	----	----	(15)	(7)	(22)
- Less Pass-by (10%) [9]			22	----	----	----	2	1	3
Restaurant [10]	931	(7,178) GSF	(602)	(3)	(2)	(5)	(38)	(18)	(56)
- Less Pass-by (10%) [9]			60	0	0	0	4	2	6
Subtotal Existing Uses			***(931)***	***(14)***	***(4)***	***(18)***	***(53)***	***(37)***	***(90)***
NET NEW PROJECT TRIPS			***1,331***	***127***	***36***	***163***	***10***	***125***	***135***

[1] Source: ITE "Trip Generation Manual", 10th Edition, 2017; and City of Los Angeles Department of Transportation (LADOT) "Transportation Impact Study Guidelines", December 2016.
[2] Trips are one-way traffic movements, entering or leaving.
[3] ITE Land Use Code 220 (Low-Rise Multi-Family Residential) land use trip generation average rates.
[4] LADOT affordable housing trip generation average rates for family type category.
[5] ITE Land Use Code 710 (General Office Building) land use trip generation average rates.
[6] ITE Land Use Code 720 (Medical-Dental Office Building) land use trip generation average rates.
[7] ITE Land Use Code 820 (Shopping Center) land use trip generation average rates.
[8] ITE Land Use Code 925 (Drinking Place) land use trip generation average rates. Daily trip volumes are not provided, thus the PM peak hour volume was estimated to represent 10% of the daily volume.
[9] Source: LADOT policy on pass-by trip adjustments. Pass-by trips are made as intermediate stops on the way from an origin to a primary destination without a route diversion. Pass-by trips are attracted from the traffic passing the site on an adjacent street or roadway that offers direct access to the site.
[10] ITE Land Use Code 931 (Quality Restaurant) land use trip generation average rates.

Attachment I

CITY OF MANHATTAN BEACH CITY HALL
COMMUNITY DEVELOPMENT DEPARTMENT-TRAFFIC ENGINEERING DIVISION
1400 Highland Avenue, Manhattan Beach, CA 90266
WEBSITE: www.manhttanbeach.gov • **PHONE:** (310) 802-5522

FROM: Erik Zandvliet, T.E., City Traffic Engineer

SUBJECT: 401 Rosecrans Avenue Trip Generation Review

DATE: February 17, 2022

The Linscott, Law & Greenspan traffic consulting firm prepared a vehicle trip generation forecast for a proposed multi-tenant residential development at 401 Rosecrans Avenue based on plans prepared by Withee Malcom, a BSB Design Studio, dated September 24, 2021. (See attached Tables A1 to A4.) The development consists of 79 apartment units, including a small percentage of low income units. The site will provide 127 total parking spaces in a subterranean parking garage accessed via Rosecrans Avenue. I have reviewed the existing and projected vehicle trip calculations and found them to be accurate and reasonable. A summary of existing and projected trips is summarized below.

Land Use Description (Trip Generation, 10th Ed.)	Quantity	Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Proposed Land Use				
Multi-Family Residential	79 units	578	36	44
Existing Land Uses				
(Office, Medical Office, Spa, Bar, Restaurant)	Various	931	18	90
Net New Trips		**-353**	**18**	**-46**
Alternative Projects for Comparison (using 1.5 Floor Area to Lot Size Ratio)				
Shopping Center	65,000 sq. ft.	1,472	37	148
Office Building	65,000 sq. ft.	633	75	75
Medical Offices	65,000 sq. ft.	2,262	181	225

Based on the City's Traffic Impact Guidelines, a Traffic Impact Analysis (TIA) is not required because the project would not generate greater than 50 trips in any peak hour.

Parking Demand Analysis

The Code-required parking and Low Income Density Bonus Parking requirements are calculated for the project site below:

Proposed Land Use	Quantity	Parking Rate	Parking Demand
City Code Parking Requirements			
Multi-Family Residential	79	2 spaces/unit + 0.25 spaces/unit for guest	178
Low Income Density Bonus Parking Requirements (Gov. Code #65915)			
Studio and 1 Unit Apartments	32	1 space/unit	32
2-3 Unit Apartments	47	1.5 spaces/unit	71
Total Required by State Law			**103**
Proposed Parking Supply			127
Parking Surplus/Deficit			+24

Based on the above, the applicant will provide sufficient parking supply based on State Code reduced parking requirements for projects with low income housing. No further parking study will be required.

No to 50ft yes to 30ft for Highrose El Porto/Verandas

Highrose height limits waiver appeal. The developers have asked for a number of waivers but the height waiver is fundamental to the project and exceeds height allowable and should be reduced to meet the 30ft limit.

Most residents I know want to have more affordable housing but not this one that violates many of City of Manhattan Beaches building Codes. I would request the waiver 50 foot height be repealed and Highrose comply to the 30 foot height that complies with the Property development building standards for district I and II RS, RM and RH. (10.12.030)

10.12.030 - Property development regulations: RS, RM, and RH districts.
SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. This section shall not be amended to increase the standards for maximum height of structures or maximum buildable floor area, or to reduce the standards for minimum setbacks, minimum lot dimensions or minimum lot area per dwelling unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

What waivers and concessions has the developer requested under State Density Bonus laws, MBMC Chapter 10.94, and MBLCP Chapter A.94?

As allowed under State law and local regulations, the developer has requested waivers for the following development standards: (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical

transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height.

It seems you have forgotten the above and approved all the waivers. They requested the waivers; does it mean we are powerless to refuse them?

The City has building codes for a reason to protect its citizens and the character of the community. If we are to ignore the code will the next very affordable development be, 150 units 80 feet high with 15 very affordable units? What is there to stop that? We can't just give the State of California and the Developer carte blanche and say its meeting affordable housing goals.

Is your department simply a rubber stamp for the developers and the STATE? This project does very little for affordable housing (6 units out of 79), but it does provide a great windfall for the developers. They get around the code, use the state law for a few affordable units and profit greatly from 73 units at market value. I would like more affordable housing but this is not the way.

This hurts the community and only enriches the Developers and their investors. Please reverse your decision and downsize the project to 30ft. We need to protect the community.

Thanks you

George Bordokas.

From: George Bordokas [george@bordokas.com] on behalf of George Bordokas
Sent: Monday, April 11, 2022 9:25 AM
To: george@bordokas.com
Subject: FW: Highrose
Attachments: Atach.1.jpg

Subject: Highrose

The City of Manhattan Beach has a certified LCP. The LCP was certified by the California Coastal Commission in 1994 and therefore the City is able to issue its own coastal permits. The LCP addresses three primary issue areas: public access, locating and planning for new development, and the preservation of marine-related resources. The LCP includes a number of policies that will affect the ability to develop new housing within the coastal areas of the City.

Page | 15 City of Manhattan Beach Appendix C: Constraints and Zoning Analysis
preservation of beach access, the provision of adequate parking (including requiring adequate off-street parking to be provided in new residential development) and controlling the types and densities

of residential development within the Coastal Zone. Those coastal policies related to residential development within the Coastal Zone include the following:
1. Policy II.B.1: Maintain building scale in Coastal Zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan.
2. Policy II.B.2: Maintain residential building bulk control established by development standards in Chapter 2 of the Implementation Plan.
3. Policy II.B.3: Maintain Coastal Zone residential height limit not to exceed 30 feet as required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.

It seems to me that for a project of this size the Director does not have authority but the permit (Precise Development Plan & Site Development Plan) approval must originate with the Planning Commission. This may be unimportant except for the required findings. No matter where the approval originates the findings include:

Findings. In making a determination, the Director shall be required to make the following findings:

a.

The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height.

b.

There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air.

c.

There are practical difficulty which warrants deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.

d.

That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.

e.

That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

The Planning Commission has additional constraints as well:

A.

Public Hearing. The Planning Commission shall conduct the public hearing and hear testimony for and against

C.

Limits on Conditions of Approval. No conditions of approval of a use permit shall include

use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

For Precise Development Plans and Site Development Permits.

1. The proposed project is consistent with the General Plan and Local Coastal Program;

2. The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards.

D. **Mandatory Denial.** Failure to make all the required findings under [subsections] (A), (B), (C) or (D) shall require denial of the application for use permit, variance, precise development plan or site development permit.

The Director's findings in granting approval does not justify the variances granted.

See referenced table as attachment 1:

The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards.

The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards, with the exception of those development standards for which waivers or concessions are granted in accordance with State density bonus law (CaliforniaGovernment Code 65915). The project's compliance with applicable standards of the Local Coastal Program-Implementation Plan and California Government Code 65915 are demonstrated in the table below:

The State has incentives for the low income housing but they are limited.

Types of Incentives. Incentives provided pursuant to this chapter may consist of any combination of the items listed below. In addition to the incentives listed, the City may allow for fast track and priority processing for a project with affordable housing.

1. Modification of Development Standards. Up to twenty percent (20%) in modification of site development standards or zoning code requirements that exceeds minimum building code standards and fire code standards, including, but not limited to:

a. Reduced minimum lot sizes and/or dimensions.

b. Reduced minimum building setbacks and building separation requirements.

c. Reduced minimum outdoor and/or private outdoor living area requirements.

d.

Increased maximum lot coverage.

e.

Increased building height.

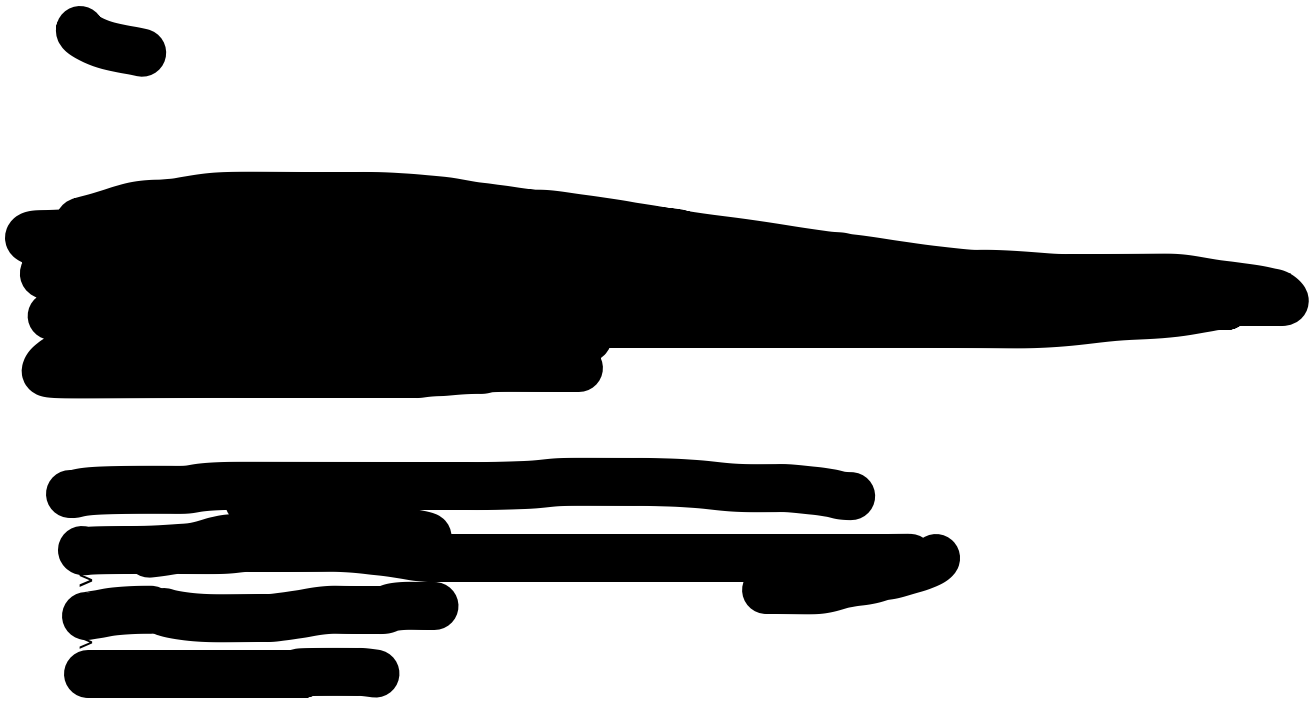
An up to 20% increase over the 30' limit doesn't get to 50'.

Per the cities explanation on this project the developer requested waivers on several things, that does not mean they must be granted.

What waivers and concessions has the developer requested under State Density Bonus laws, MBMC Chapter 10.94, and MBLCP Chapter A.94?

As allowed under State law and local regulations, the developer has requested waivers for the following development standards: (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height.

As allowed under State law and local regulations, the developer has requested a concession for the maximum height of a wall/fence within the setbacks.



No.: PE-21-00015, CDP-21-00015, SUBDIV-21-00002, PDP-
P

lopment Standard	Project Proposal	LCP Requireme
t	49.9 feet maximum	30 feet maximum
ber of Stories	Four	Three maximum
able Floor Areas	96,217 sq. ft.	74,033 sq. ft. ma
acks:		
Front	5 feet	5 feet minimum
Rear	5 feet	5 feet minimum
Side	2 feet	10 feet minimum[3]
ng	114 standard spaces	103 spaces minin
	13 compact spaces	State Gov. Code
	7 motorcycle spaces	
	27 bicycle spaces	
n Space	20,444 sq. ft.	17,380 sq. ft. min

City of Manhattan Beach
Community Development
Phone: (310) 802-5500 FAX: (310) 802-5501 TDD: (310) 546-3501

PERMIT APPROVING PRECISE DEVELOPMENT PLAN AND RELATED ENTITLEMENTS (collectively "Permit" hereinafter)

The Manhattan Beach Community Development Director hereby issues to Highrose El Porto, LLC (property owner) this Permit (PE-21-00015, CDP-21-00015, SUBDIV-21-00002, PDP-21-00001) for the development described below.

Site: 401 Rosecrans Avenue (4137-001-031) and 3770 Highland Avenue (4137-001-027)

Description: The project proposal includes the demolition of existing structures and the construction of a new, 96,217 square-foot, four-story multifamily residential structure, 37 to 50-feet in height, containing 79 rental dwelling units, six of which will be set aside for "very low income" households, with an attached 127-car subterranean garage, located within the non-appealable portion of the coastal zone in the North End Commercial (CNE) District, Area District III. The General Plan land use designation and the Local Coastal Program zoning designation for the subject site is North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices.[1] There are two existing commercial structures on site, with the structure at 401 Rosecrans Avenue being approximately 7,178 square-feet in size and the structure at 3770 Highland Avenue being approximately 11,634 square-feet in size. The proposed consolidation of the lots at 401 Rosecrans Avenue (lot size: 32,201 square feet) and 3701 Highland Avenue (lot size: 11,447 square feet) will result in a single, irregularly shaped 43,648 square-foot parcel with frontage along both Rosecrans Avenue and 38th Street.

The majority of the subject site's northern and eastern boundary abuts a parking lot approximately 570-feet long by 66-feet wide owned by Chevron Corporation, with Chevron's El Segundo Refinery located north of the aforementioned parking lot. Both the parking lot and the Chevron El Segundo refinery are located within the

[1] Determinations of consistency with the Local Coastal Program, General Plan Housing Element, and other relevant City zoning documents are based on the provisions of those documents as they existed at the time the project application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(5), (j)(1), as amended by Sen. Bill 330 [2019-2020 Reg. Sess.] ch. 654, § 2; Sen. Bill 8 [2021-2022 Reg.Sess.] ch. 161.).

jurisdiction of the City of El Segundo. A small segment of the subject site's northern boundary abuts 38th Street within the City of Manhattan Beach, with properties north of 38th Street developed with multi-story, single- and multi-family residential uses. The property west of the subject site is developed with a two-level, City-owned public parking structure. Properties southwest of the subject site include two-story commercial and multi-family residential uses. Properties south (across Rosecrans Avenue) of the subject site are developed with multi-story, single- and multi-family residential uses.

The property owner seeks a Precise Development Plan for the development of affordable housing utilizing State density bonus provisions pursuant to California Government Code Section 65915. In addition, the property owner has applied for a Coastal Development Permit for development within the City's Coastal Zone and a Tentative Parcel Map (No. 083628) for the consolidation of two parcels into one.

In accordance with Government Code Section 65915(f)(2), by providing six of the 79 units for very low-income households (11% of the base density), the property owner is entitled to a 35% density bonus. This further entitles the property owner to waivers and reductions of development standards, two concessions, and parking ratios as prescribed by Government Code 65915. In addition to the State density bonus, the proposed consolidation of lots entitles the property owner to a 10% local lot consolidation bonus pursuant to Manhattan Beach Local Coastal Program Section A.12.030(T).

In accordance with California Government Code Section 65915(b)(1) and 65915(e)(1), the project application includes waivers or reductions of the following development standards: (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height. Additionally, the project application includes one concession for the maximum wall/fence height in setbacks in accordance with California Government Code Section 65915(b)(1) and 65915(d)(1). The parking provided is based on the parking ratios prescribed by Government Code 65915(p)(1).

Pursuant to State and local regulations, the utilization of density bonus law and the incorporation of affordable housing qualify the project for a streamlined, administrative, non-discretionary Precise Development Plan review, which subjects all components of the application to a ministerial review process.

CEQA: Pursuant to Section 21080 of the California Public Resources Code, the California Environmental Quality Act (CEQA) does not apply to ministerial projects approved by public agencies.

COMMUNITY DEVELOPMENT DEPARTMENT
Carrie Tai, AICP, Director

Acknowledgment:
The undersigned permittee acknowledges receipt of this permit and agrees to abide by all requirements thereof.

Signature of Permittee: _____ Date: March 29, 2022

Attachments:

Attachment A – Summary of Project's Consistency with General Plan, Local Coastal Program, and Other Applicable Standards

Attachment B – Standard Requirements

ATTACHMENT A
SUMMARY OF PROJECT'S CONSISTENCY WITH GENERAL PLAN, LOCAL COASTAL PROGRAM, AND OTHER APPLICABLE STANDARDS

Pursuant to State and local regulations, the utilization of density bonus law and the incorporation of affordable housing qualify the project for a streamlined, administrative, non-discretionary Precise Development Plan review, which subjects all components of the application to a ministerial review process. Further, based upon substantial evidence in the record:

1. *The proposed project is consistent with applicable provisions of the General Plan.*

   The project proposes development of a 79-unit multi-family residential structure, in accordance with State density bonus provisions, on property located within Area District III (Beach Area) and zoned North End Commercial (CNE). The General Plan land use designation and the Local Coastal Program zoning designation for the property is North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices. The majority of the subject site's northern and eastern boundary abut a parking lot owned by Chevron Refinery, located within the jurisdiction of the City of El Segundo. A small segment of the subject site's northern boundary abuts 38th Street within the City, with properties north of 38th Street developed with multi-story, single- and multi-family residential uses. The property west of the subject site is developed with a two-story, City-owned public parking structure. Properties southwest of the subject site include two-story commercial and multi-family residential uses. Properties south (across Rosecrans Avenue) of the subject site are developed with multi-story, single- and multi-family residential uses. Therefore, the proposed high-density residential use is compatible with surrounding uses and complies with the City's General Plan land use designation of North End Commercial.

   Furthermore, and as described below, the project as proposed is consistent with the following goals, policies and programs of the Housing Element of the General Plan, as the consolidation of the existing lot accommodates a project that proposes development of very low-income and market rate residential units on a previously developed infill site:[1]

   Housing Element Goal II. *Provide a variety of housing opportunities for all segments of the community commensurate with the City's needs, including various economic segments and special needs groups.*

[1] Determinations of consistency with the Local Coastal Program, General Plan Housing Element, and other relevant City zoning documents are based on the provisions of those documents as they existed at the time the project application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(5), (j)(1), as amended by Sen. Bill 330 [2019-2020 Reg. Sess.] ch. 654, § 2; Sen. Bill 8 [2021-2022 Reg.Sess.] ch. 161.).

Housing Element Policy 3. *Provide adequate sites for new housing consistent with the Regional Housing Needs Assessment and the capacity of roadways, sewer lines, and other infrastructure to handle increased growth.*

Housing Element Program 3a. *Continue to facilitate infill development in residential areas.*

Housing Element Program 3b. *Facilitate multi-family residential development in the CL, CD, and CNE commercial districts.*

Housing Element Program 3d. *Ensure that development standards for residential uses in the CD and CNE Districts do not pose unreasonable constraints to housing.*

Housing Element Policy 5. *Encourage the development of additional low- and moderate-income housing.*

Housing Element Program 5a. *Provide incentives for housing affordable to low-income households and senior housing.*

Housing Element Program 5b. *Streamline the development process to the extent feasible.*

2. *The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards*.

   The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards, with the exception of those development standards for which waivers or concessions are granted in accordance with State density bonus law (California Government Code 65915). The project's compliance with applicable standards of the Local Coastal Program-Implementation Plan and California Government Code 65915 are demonstrated in the table below:

Development Standard	Project Proposal	LCP Requirement[2]
Height	49.9 feet maximum	30 feet maximum
Number of Stories	Four	Three maximum
Buildable Floor Areas	96,217 sq. ft.	74,033 sq. ft. maximum
Setbacks:		
Front	5 feet	5 feet minimum
Rear	5 feet	5 feet minimum
Side	2 feet	10 feet minimum[3]
Parking	114 standard spaces 13 compact spaces 7 motorcycle spaces 27 bicycle spaces	103 spaces minimum per State Gov. Code 65915
Open Space	20,444 sq. ft.	17,380 sq. ft. minimum

3. *The proposed project is consistent with applicable state and local subdivision requirements.*

   The proposed map is consistent with applicable General Plan policies, including Goal II, Policy 3, Program 3a, Program 3b, Program 3d, Policy 5, Program 5a, and Program 5b of the Housing Element (as described above).

   The design or improvement of the proposed subdivision is consistent with the General Plan, including the aforementioned policies.

   The site is physically suitable for the type of development, as the proposed project meets all applicable development standards, with the exception of the waivers and concession identified in the project description, to which the property owner is entitled pursuant to State density bonus law. Pursuant to the Manhattan Beach Local Coastal Program Section A.16.030, there are no maximum or minimum lot size requirements applicable to the project site for a proposed residential development subdivision.

   The site is physically suitable for the proposed density of development, as the property owner is entitled to 79 units on the proposed site pursuant to State and local regulations.

   The design of the subdivision or the proposed improvements are unlikely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as there are no known wildlife habitats on the site, as the site was previously developed with commercial uses.

[2] The proposed height, number of stories, and buildable floor area (BFA) exceed standard development standards in the LCP that would apply in the absence of waivers and concessions prescribed by State density bonus law.

[3] The sole component of the proposed project that is within the required 10-foot side yard setback is a proposed electrical transformer; that location within the setback is allowed pursuant to State density bonus law.

The design of the subdivision or type of improvements is unlikely to cause serious public health problems as it proposes an infill residential development on a previously-developed site surrounded by residential and commercial uses.

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, as no such easement exist on the site and all existing public access to the coast will be preserved.

4. *The proposed project conforms with the certified Manhattan Beach Local Coastal Program.*

The Manhattan Beach Local Coastal Program consists of a Land Use Plan (LUP) composed of "Polices and Implementation Measures" and an Implementation Plan (Phase III LIP) including zoning ordinances, district maps, and other implementing actions. As described above, the proposed high-density residential use is compatible with surrounding uses and complies with the City's General Plan land use designation and Local Coastal Program zoning designation of North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices.

Furthermore, the project as proposed is consistent with the Coastal Access policies in the Local Coastal Program, the goal of which is to preserve coastal access for the public. Specifically, the project is consistent with the following coastal access policies:

Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.
The project does not block or impede any accessways to the coast. Access to the coast remains unaffected by the project. East-west coastal access along the south side of 38th Street will be enhanced as the project includes new sidewalk paving, connecting two pieces of unconnected sidewalk where only landscaping exists currently.

Policy I.A.3: The City shall preserve pedestrian access systems including the Spider Web park concept (Spider Web park concept: a linear park system linking the Santa Fe railroad right-of-way jogging trail to the beach with a network of walkstreets and public open spaces.).
The project does not alter any pedestrian access systems, including existing sidewalks or streets, in a way that blocks or impedes access systems to the coast. Access to the coast remains unaffected by the project, albeit improved along the south side of 38th Street as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently. The walkstreets and public open spaces

linking the Santa Fe railroad right-of-way jogging trail are unaltered by the project.

The proposed project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (Commencing with Section 30200 of the Public Resources Code), in that the proposed structure does not impact public access to the shoreline. Adequate public access is provided and shall be maintained along Rosecrans Avenue, Highland Avenue, and 38th Street. The project also proposes to improve the sidewalk along the south side of 38th Street as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently. Furthermore, the project does not create any barriers along Rosecrans Avenue, Highland Avenue, and 38th Street that prevent public access to the coast.

ATTACHMENT B
STANDARD REQUIREMENTS

1. Notice of Receipt and Acknowledgment. Failure by the Property Owner to file a notice of receipt and acknowledgement accepting its terms and these requirements with the Community Development Department on a form prepared by the City within 30 days of the issuance of this Permit, and, if applicable, the exhaustion of any appeals, invalidates the Permit.

2. Expiration. The entitlements granted herein shall expire one-year from the date of final approval if the project has not commenced during that time. If the Property Owner or authorized agent submits a written request for an extension prior to the expiration of the one-year period, the Director of Community Development may grant a reasonable extension of time.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit. Any deviation from the approved plans shall be reviewed and approved by the Director of Community Development.

4. Interpretation. Any questions of intent or interpretation shall be resolved by the Director of Community Development.

5. Inspections. The City shall be allowed to inspect the site and the development during construction at any time.

6. Affordable Units. As proposed, the project will contain a minimum of six dwelling units designed for occupancy by very low income households. The finishing products used within the affordable units shall be the same as the products that are used in the other units in the building. Each affordable unit shall be a rental unit that is rented in accordance with the provisions of California Government Code Section 65915 or its successor statute and shall be affordable to very low income households for a minimum of 55 years in accordance with California Government Code Section 65915. Prior to or concurrently with the recordation of the final map, the Property Owner shall record an affordable housing agreement pursuant to Manhattan Beach Local Coastal Program A.94.050.D which is recorded against the subject property.

7. Building Plans. The Property Owner shall submit building plans that conform to the terms and requirements of the Permit. Accordingly, the site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans approved per this permit.

8. The Property Owner or successor in interest shall meet the applicable code requirements of all City Departments.

10.12.030 Property development regulations: RS, RM, and RH districts.

The following schedule prescribes development regulations for residential zoning districts in each area district, as defined in Section 10.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to "Additional Development Regulations" following the schedule. This section shall not be amended to increase the standards for maximum height of structures or maximum buildable floor area, or to reduce the standards for minimum setbacks, minimum lot dimensions or minimum lot area per dwelling unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS I AND II

	Area District I			Area District II			Additional Regulations
	RS	RM	RH	RS	RM	RH	
Lot Dimensions							
Area (sq. ft.)							(A)(B)(C)(K)
Minimum	7,500	7,500	7,500	4,600	4,600	4,600	
Maximum	15,000	15,000	15,000	10,800	10,800	10,800	
Width (ft.)							
Minimum	50	50	50	40	40	40	
Minimum Setbacks							
Front (ft.)	20	20	20	20	20	20	(A)(B)(D)(T)
Side (percentage-ft.)	10%- 3 min.	10%-3;10	10%-3;10	10%- 3 min.	10%-3;10	10%-3;10	(D)(E)(F)
Corner Side (percentage-ft.)	10%-3;5	10%-3;5	10%-3;5	10%-3;5	10%-3;5	10%-3;5	(D)(E)(T)
Rear (ft.)	12 min	12 min	12 min	12 min	12 min	12 min	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	26	26	30	26	26	30	(H)(P)
Maximum Buildable Floor Area							(I)
Lot Area (Sq. Ft.)							(V)
7,500 or less		1.0	1.2		1.0	1.2	
More than 7,500		2250 +0.7	2250 + 0.9		2250 +0.7	2250 +0.9	
4,800 or less	0.7			0.7			
More than 4,800	240 +0.65			240 +0.65			
Minimum Lot Area per Dwelling Unit (sq. ft.)	7,500	3,750	1,000	4,600	2,300	1,000	(A)(U)

Note: See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from buildable floor area.

PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III			Area District IV	Additional Regulations
	RS	RM	RH	RH	
Lot Dimensions					
Area (sq. ft.)					(A)(B)(C)(J) (K)
Minimum	2,700	2,700	2,700	2,700	

Maximum	7,000	7,000	7,000	7,000	
Width (ft.)					
Minimum	30	30	30	30	
Minimum Setbacks					
Front (ft.)	5	5	5	5	(A)(B)(D)(G)
Side (percentage-ft.)	10%—3 min.	10%—3;10	10%-3;10	10%—3;10	(D)(E)(F)
Corner Side (ft.)	1	1	1	1	(D)
Rear (ft.)	5 or 10	5	5	5	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	30	30	30	30	(H)(P)
Maximum Buildable Floor Area					
Lot Area (Sq. Ft.)	1.6	1.6	1.7	1.7	(I)(V)
Minimum Lot Area per Dwelling Unit (sq. ft.)	1,700	1,350	850	850	(J)(A)

Note: See Section 10.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from buildable floor area.

PROPERTY DEVELOPMENT STANDARDS FOR ALL AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and 10.60.150
Building Separation	(R)
Off-Street Parking and Loading	See Chapter 10.64 (Q)
House Moving	(S)
Underground Utilities	See Section 10.60.110
Refuse Storage Area	See Section 10.60.100
Outdoor Facilities	See Section 10.60.080
Screening of Mechanical Equipment	See Section 10.60.090
Sustainable Development (Solar Assisted Water Heating, Green Roofs and Decks, Solar Energy Systems, and Small Wind Energy Systems)	See Section 10.60.140
Performance Standards	See Section 10.60.120
Nonconforming Structures and Uses	See Chapter 10.68
Signs	See Chapter 10.72
Condominium Standards	See Section 10.52.110
Minor Exceptions	See Section 10.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC
RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section 10.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section 10.60.040
Landscaping	See Section 10.60.070
Accessory Structures	See Section 10.52.050
Accessory Dwelling Units	See Chapter 10.74
Exterior Materials	See Section 10.52.020
Home Occupation	See Section 10.52.070

Tree Preservation	See Section 10.52.120

A. See Section 10.60.020, Development on substandard lots. The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential districts for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land area before dedication, condemnation, or purchase.

B. See Section 10.60.030, Development on lots divided by district boundaries.

C. The minimum site area shall be twelve thousand (12,000) square feet for general day care, general residential care, and public or private schools.

D. **Permitted Projections into Required Yards.** See Section 10.60.040, Building projections into yards.

E. **Setbacks.**

1. **Side Setbacks.** Ten percent (10%) of lot width but not less than three feet (3'). In the RM and RH Zones side setbacks need not exceed ten feet (10'), and on corner sides setbacks need not exceed five feet (5').

   Exceptions—Side Setbacks. Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50') in width need not provide side setbacks greater than five feet (5') when developed with three (3) or more dwelling units.

2. **Reverse Corner Side Setback.** Reverse corner lots in Area Districts I and II shall have the following side yards:

   a. On the lot side line which adjoins another lot the side yard shall be determined in the same manner as for an interior lot.

   b. On the street side line, the width of the required side setback shall be the same as for the interior side setback on the lot except that the size and shape of such required side setback nearest the lot rear line shall be increased to include all of that portion, if any, of a triangle formed in the following manner:

      i. On the common lot line of the reverse corner lot and the key lot, a point shall be established where the rear line of the required front yard on the key lot intersects such common lot line;

      ii. On the street side line of the reverse corner lot, a point shall be established distant from the common street corner of the key lot and the reverse corner lot equal to the depth of the required front yard on the key lot;

      iii. The third side of the triangle shall be a straight line connecting points (i) and (ii) of this section. If an alley intervenes between the key lot and the reverse corner lot, the width of the alley shall be included in determining the length of the line on the street side line of the reverse corner lot.

3. **Rear Setback:**

   a. In Area Districts I and II, the rear setback (RS) shall be determined as follows: RS = 0.3 × (lot depth in feet)-20; provided that the minimum setback is twelve feet (12').

   b. In Area District III, RS District, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10').

F. **Building Height and Required Yards.** Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24') in height, excluding any portion of a roof, shall be increased three feet (3') over the basic requirement.

1. **Exceptions.** If the lot width is less than thirty-five feet (35'), no increase in the side yard is required.

G. **Alley Setback Exceptions.** Area Districts I and II: The width of a required rear yard adjoining an alley shall be measured from the alley centerline, provided the rear yard width is not less than five feet (5') as measured from the rear property line. See Section 10.64.110; Aisle Dimensions.

Area Districts III and IV: The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2') at height elevations not less than eight feet (8') above the street grade at the rear, or front, property line. See Section 10.64.110; Aisle Dimensions.

H. **Maximum Height of Structures.** See Section 10.60.050, Measurement of height, and Section 10.60.060, Exceptions to height limits. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30') and two (2) where the height limit is twenty-six feet (26'). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20') measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story (See Graphic Illustration under "Basement" definition—Section 10.04.030).

A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26') or the third story where the height limit is thirty feet (30'), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows; in all Area Districts the interior side setback shall be three (3) times the minimum side setback; in Area Districts I and II the rear setback shall be two (2) times the minimum rear yard setback and in Area Districts III and IV the rear setback shall be fifteen feet (15'). The surface elevation of any deck or balcony shall be no higher than nine feet (9') below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections 10.04.030 and 10.60.140(C)].

Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section 10.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5') of the property line.

I. **Maximum Buildable Floor Area.** The maximum buildable floor area on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF) shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts (seven thousand five hundred (7,500) square feet in Area Districts I and II for RM and RH Districts, four thousand eight hundred (4,800) square feet for the RS District in Area Districts I and II), then a base floor area in square feet is noted in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Chapter 10.04.

That area used for vehicle parking and loading, up to four hundred (400) square feet on lots where two (2) enclosed parking spaces are required and provided, and up to six hundred (600) square feet where three (3) enclosed parking spaces are required and provided.

In all residential districts, seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

J. In Area District IV two (2) units are permitted on preexisting, legal half-lots with a minimum site area of one thousand three hundred fifty (1,350) square feet.

K. **Lot Dimensions—Area.** Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. When calculating maximum lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size.

Preexisting unmerged developed lots which exceed the maximum lot area may continue to be used as one (1) lot until such time as new structures, enlargements or alterations are proposed, in accordance with the fifty percent (50%) building valuation criteria in Section 10.68.030(E), Alterations and enlargements of nonconforming uses and structures. At that time when the fifty percent (50%) building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current zoning code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts I and II that are developed with three (3) or more dwelling units, in order to encourage development of multifamily housing in these areas.
2. Properties zoned RM, RH and CL in Area Districts III and IV that are located within five hundred feet (500') of the Local Commercial (CL) or Downtown Commercial (CD) Zones and developed with three (3) or more dwelling units, excluding those located on the Strand, subject to review and approval of a use permit in accordance with Chapter 10.84.
3. Existing Legally Created Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to February 19, 2008.
4. Non-alley RH lots in Area District III on Manhattan Beach Boulevard east of Ardmore, since vehicles are not allowed to back out onto the street in this area and lots need to be merged in order to allow adequate on-site turning movements so vehicles can safely exit onto Manhattan Beach Boulevard traveling in a forward direction.
5. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a certificate of compliance, and in accordance with Section 11.04.050, Certificate of compliance. These lots may continue to be used as one (1) building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.
6. The RS-D7 Design Review Overlay-Longfellow Drive, which has larger lots that are established through a Precise Plan and are required by the Overlay district.

7. The RSC—Residential Senior Citizen Zone, which has a minimum lot size of forty thousand (40,000) square feet per the zoning code requirements.

8. The RPD—Residential Planned Development Zone which has a minimum lot size of forty thousand (40,000) square feet per the zoning code requirements.

L. (Reserved)

M. **Open Space Requirement.** The minimum usable open space (private and shared) in RS, RM and RH Districts shall be provided as follows:

1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than two hundred twenty (220) square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.

2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (½)of the total required open space.

3. Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, or within an RM or RH zone in Area District I and II, additional usable open space shall be provided equal to fifteen percent (15%) of the added buildable floor area, until the total open space requirement provided in this section is attained.

N. **Semi-Circular Driveways.** Semi-circular driveways are permitted within front yards on lots with widths of eighty feet (80') or more, subject to the following standards:

a. No more than fifty percent (50%) of the front setback area shall be paved, and visible landscaping equal to ten percent (10%) of the front setback (in addition to any other required landscaping) shall be installed between the driveway and the front property line.

b. The semi-circular driveway does not have to provide access to the garage.

O. **Required Landscaping Adjoining Streets.** At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section 10.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

a. **Exceptions for Area Districts III and IV.** The Community Development Director may grant an exception for a portion of the amount of required landscaping, not to exceed seventy-five percent (75%) of the total, in order to accommodate driveways and walkways.

P. **Fences, Walls, and Hedges.** The maximum height of a fence, wall, or hedge shall be six feet (6') in required side or rear yards, and forty-two inches (42") in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section 10.64.150, and the traffic vision clearance on corner lots of Section 10.60.150 (Chapter 3.40).

For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade) to the top of the fence/wall/hedge, including any attachments. If more than one (1) fence/wall/hedge is located within a required yard, any portion of a fence/wall/hedge that projects above a forty-five degree (45°) daylight plane inclined inward from the top of the lowest adjacent fence/wall/hedge, shall be counted toward the height measurement of the lowest fence/wall/hedge.

Exceptions:

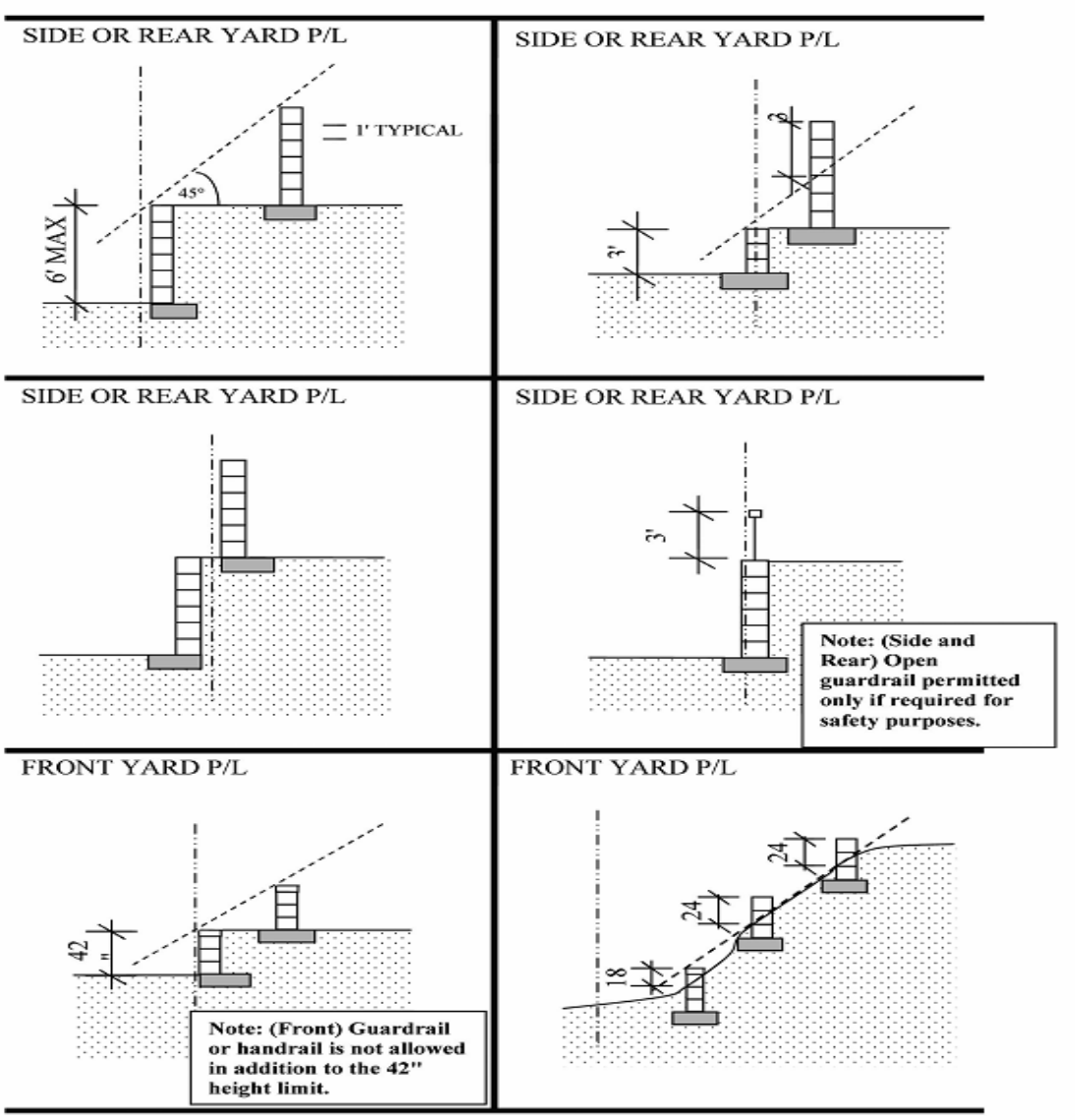
1. A fence, wall or hedge having additional non-retaining height shall be permitted wherever a six foot (6′) fence is allowed, provided such additional height over six feet (6′) meets one (1) of the following criteria.

    a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven feet (11′).

    b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty degrees (30°) and no more than forty-five degrees (45°) from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8′) and shall not extend closer than three feet (3′) to any part of any building.

    c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8′), or the combined height of adjacent neighboring retaining walls and fences more than twelve feet (12′). If a coastal development permit is required for a fence by Sections 10.96.040 and 10.96.050 of this title, the additional height of the fence may be approved only if the additional height does impede public views of the ocean, the beach, or to and along the shoreline.

2. Architectural screen walls not to exceed six feet (6′) six inches (6″) in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen feet (14′) back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (½) the lot width.



PERMITTED FENCE/WALL/HEDGE HEIGHTS

Q. **Parking/Garage Location, Street-Alley Lots.** When a street-alley lot in Area Districts I and II adjoins an improved alley, all vehicle access to parking shall be provided from the alley.

Non-Alley Lots: In Area District I and II, the aggregate total of garage door width within the front half of a lot shall be limited to eighteen feet (18') for lots fifty-five feet (55') or less in width. Lots wider than fifty-five feet (55') may have a maximum aggregate garage door width of twenty-seven feet (27') within the front half of a lot if at least one (1) garage door is recessed a minimum of five feet (5') beyond another garage door.

R. **Building Separation.** The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10'). For permitted projections within said building separation yards, see Section 10.60.040, Building projections into yards.

Exception: A detached accessory dwelling unit shall have a minimum separation from other buildings on the lot as specified by Section 10.74.040.B.

S. **House Moving.** For the purpose of this chapter, permits required for moving buildings and structures within City limits must comply with Title 9, Chapter 9.08, Building Moving.

T. **Additional Front and Corner Side Setback Requirement—RS Properties, Area Districts I and II.** In addition to the minimum front and corner side setback shown on the chart, an additional front and corner side setback area shall be provided as follows:

1. On interior lots, the area shall directly abut the front yard setback, shall be equal to six percent (6%) of the lot area, and shall be located entirely within the front one-fifth (twenty percent (20%)) of the lot's buildable depth.

2. On corner lots, the area shall be equal to eight percent (8%) of the lot area, and the area shall be divided between directly abutting the front and the streetside yard setbacks. A minimum of forty-five percent (45%) and a maximum of fifty-five percent (55%) of the total required area shall directly abut both the required front and streetside yard setbacks. Adjacent to the front yard, the portion of the area shall be located entirely within the front one-fifth [twenty percent (20%)] of the lot's buildable depth. Adjacent to the corner streetside yard the portion of the area shall be located entirely within the front one-third [thirty-three percent (33%)] of the lot's buildable width, and not located within the rear yard setback. Adjacent to the corner streetside the area shall provide a minimum of three feet (3′) of depth or width and shall be distributed to provide building wall articulation.

3. The ground level construction in this area shall be limited to fourteen feet (14′) in height for areas with less than 3:12 roof pitch and seventeen feet (17′) in height for areas with 3:12 or more roof pitch, as measured from local grade. Areas not having a minimum 3:12 roof pitch located behind minimum 3:12 roof pitch areas shall be set back a minimum of three feet (3′) beyond the front building line of the pitched roof area (See Graphic Illustration).

4. A maximum of one-half of said area shall be designed or useable as roof top deck surfaces.

5. Building projections above said area shall be considered as projections within a front yard.

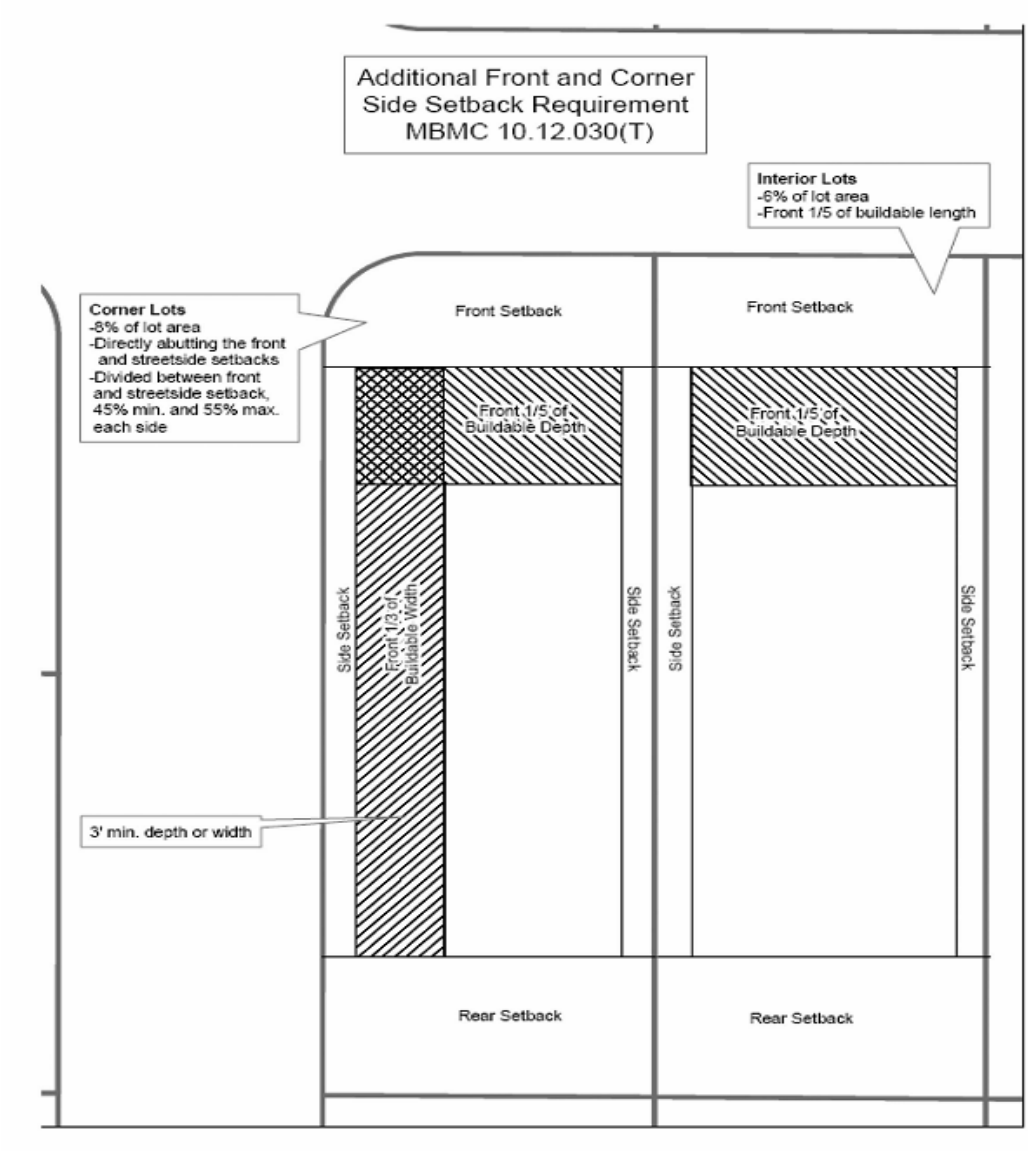
Exceptions:

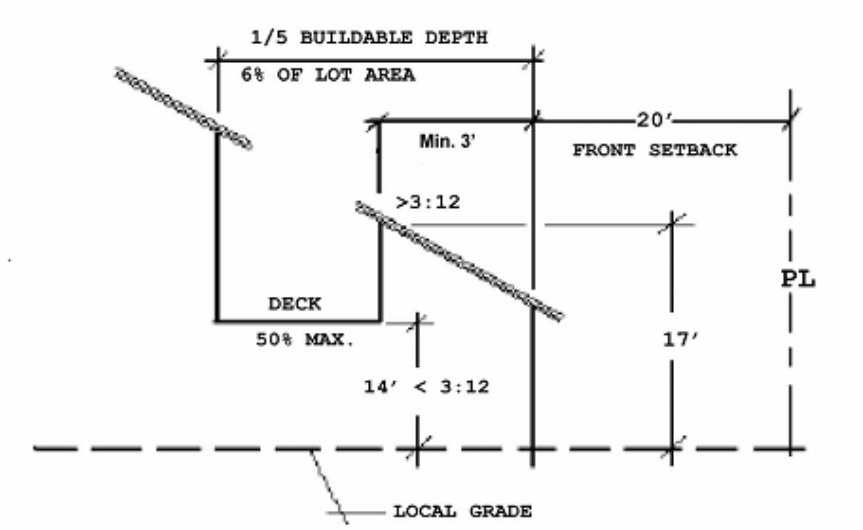
1. Interior non-alley lots fifty-five feet (55′) or less in width with all parking spaces located within the rear half of the lot shall not be required to provide the additional front setback area.

2. This requirement may be reduced for a small, wide, shallow, multiple front yard and/or unusually shaped lots or other unique conditions subject to approval of a minor exception.

3. Corner lots, which provide driveway access along the interior side property line from a front property line curb cut with all parking spaces located within the rear half of the lot, shall not be required to provide the additional front setback area.

4. This requirement may be modified for the remodel/addition of existing homes if the additional setback area is provided elsewhere on the lot subject to approval of a minor exception.


Additional Front and Corner Side Setback Requirement MBMC 10.12.030(T)
Interior Lots
-6% of lot area
-Front 1/5 of buildable length
Corner Lots
-8% of lot area
-Directly abutting the front and streetside setbacks
-Divided between front and streetside setback, 45% min. and 55% max. each side
Front Setback
Front Setback
Front 1/5 of Buildable Depth
Front 1/5 of Buildable Depth
Side Setback
Front 1/3 of Buildable Width
Side Setback
Side Setback
Side Setback
3' min. depth or width
Rear Setback
Rear Setback



ADDITIONAL FRONT SETBACK REQUIREMENT
MBMC 10.12.030T

U. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter 10.94 shall be granted a lot consolidation bonus incentive when two (2) or more parcels are consolidated into a single building site according to the following formula:

Combined Parcel Size	Base Density Increase
Less than 0.50 acre	No increase
0.50 acre to 0.99 acre	5% increase
1.00 acre or more	10% increase

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Chapter 10.94.

V. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter 10.94 shall be exempt from these maximum lot size limitations.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1840, Amended, 07/05/91; Ord. No. 1842, Amended, 08/15/91; Ord. No. 1853, Amended, 05/21/92; Ord. No. 1860, Amended, 10/29/92; Ord. No. 1861, Amended, 12/03/92; Ord. No. 1889, Amended, 12/16/93; Ord. No. 1891, Amended, 01/06/94; § 6, Ord. 1977, eff. March 5, 1998; § 2, Ord. 1992, eff. February 18, 1999; § 3, Ord. 1999, eff. April 1, 1999; § 2, Ord. 2032, eff. May 16, 2002; § 2, Ord. 2049, eff. November 18, 2003; § 2, Ord. 2050, eff. January 1, 2004; § 2, Ord. 2061, eff. October 7, 2004; § 5, Ord. 2075, eff. July 7, 2005; §§ 3—11, Ord. 2111, eff. March 19, 2008; § 5, Ord. 2146, eff. August 4, 2011; §§ 4, 5, Ord. 13-0006, eff. August 1, 2013, § 4, Ord. 15-0026, eff. December 3, 2015, § 9, Ord. 16-0029 , eff. Dec. 20, 2016, and § 5, Ord. 18-0022 , eff. Dec. 6, 2018; Ord. No. 21-0001 , §§ 6, 7, eff. Feb. 19, 2021)

Attachment K

	Address	Type	Bedrooms	SF	SOURCE
	2700 Aviation Blvd	A	1	616	A.Com
	2701 Aviation Blvd	A	2	766	A.Com
	1930 Manhattan Bch Blvd	A	1	520	A.Com
	1312 Manhattan Bch Blvd	A	2	1,200	A.Com
	1555 Artesia Blvd	A	1	550	A.Com
	1236 Manhattan Bch Blvd	A	1	1,600	A.Com
	916 Manhattan Bch Blvd	A	1	650	A.Com
	1150 Manhattan Bch Blvd - Unit 4	A	1	1,100	A.Com
	1150 Manhattan Bch Blvd - Unit 3	A	1	1,100	A.Com
	1151 Manhattan Bch Blvd - Unit 9	A	1	1,100	A.Com
	215 El Porto St. - Unit 215 L	A	1	400	A.Com
	201 Moonstone St	H	1	700	A.Com
	324 Rosecrans Ave	A	2	850	A.Com
	1440 Manhattan Bch Blvd - Unit D	A	3	1,300	A.Com
	1311 Manhattan Bch Blvd - Unit 2	C	2	925	A.Com
	4400 Ocean Dr Unit 1	H	1	800	A.Com
	747 12th Street	A	1	803	A.Com
	1460 Manhattan Bch Blvd	T	2	1,152	A.Com
	123 El Porto	D	1	500	A.Com
	3822 Highland - Unit C	A	2	800	A.Com
	221 11th Pl Unit A	A	2	1,000	A.Com
	1117 Pacific Ave - Unit 3	C	2	1,000	A.Com
	729 Manhattan Bch Blvd	A	3	1,250	Z
	3012 Manhattan Ave	A	2	1,100	Z
	1246 Manhattan Bch Blvd - Unit C	A	1	800	Z
	324 Rosecrans Ave	A	2	850	Z
	316 35th St	A	2	825	Z
	1320 12th St	T	2	1,260	Z
	112 19th St	H	2	1,373	Z
	1350 12th St - NO. 4	A	2	1,150	Z
	7 Santa Rosa Ct	T	2	1,467	Z
	130 41st St	D	2	800	Z
	4008 Highland Ave #B	D	3	1,400	Z
	3411 Bayview	T	2	1,100	Z
	413 12th St #A	D	1	900	Z
	105 40th St	A	2	1,100	Z
	747 12th St #23	A	1	630	Z
	1351 Manhattan Bch Blvd Apt 1	D	2	1,152	Z
			2	963	

	Averages by # of Bedrooms	
1	1 Bedroom	798
2	2 Bedrooms	1,046
3	3 Bedrooms	1,317

LEGEND	
A	Apartment
C	Condo
H	SFR
T	Townhouse
D	Duplex
A.Com	Apartments.com
Z	Zillow

WM
A BSB DESIGN STUDIO

September 8, 2021

Ted Faturos
Associate Planner
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266
(310) 802-5512
tfaturos@manhattanbeach.gov

RE: Verandas Project – Building and Ceiling Height

Mr. Faturos,

I wanted to get back to you regarding standard ceiling heights for current residential multifamily product. To start with, all of the multi-family buildings that we have developed over the last 10 years, including many of our affordable projects, have a minimum ceiling height of 9 feet in the living areas and bedrooms. This is because the most restrictive condition is in the bathroom where we include a mechanical unit in the ceiling with ducts / soffits, which takes up a lot of room and usually reduces the ceiling down to 8' depending on the depths of the joists and other variables.

Nine feet is the minimum standard for multi-family housing in Southern California. The developer of Playa Vista, for example, Brookfield Residential, represented that every project in Playa Vista has a minimum of 9 ft high ceilings, with the majority of the projects having higher ceilings on the ground floor and on the top floor. The need for additional clear height at the ground floor is necessary to: (1) allow more natural light, to what would ordinarily be a darker space; (2) create more volume which is necessary to facilitate renting generally less desirable ground floor units; (3) to facilitate amenities typically located on the ground floor, which require more ceiling height due to the larger spans and deeper beams. As to the top floor, the need for higher ceilings is to allow for mechanical, as well as roof slope/drainage, etc. Brookfield said that they look for a minimum of 10 foot clear on both the ground and top floors.

An example of this typology that we designed and completed two years ago is called One South, a 52 unit condominium/mixed use project in Redondo Beach located at 1920 S Pacific Coast Highway,

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WM
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Redondo Beach. We also completed an apartment project, Bell South Bay Apartments, on Aviation just South of Imperial at the Green line station, located at 11622 Aviation Blvd., Inglewood that has 10 ft ceilings at the ground floor and 9 ft ceilings on the floors above. We also have two large multi-family projects in El Segundo, called Pacific Coast Commons, located at 475 and 625 N. PCH, El Segundo , that are currently being entitled and feature 10 ft ceilings on the ground floor, and 9 ft ceilings on the upper floors.

Unfortunately, there are few examples of new multi-family projects in the coastal South Bay due to the restrictive zoning in place in most of these jurisdictions.

Our structural engineer, NSE Structural, has calculated that the floor section for our project requires 18 inches (structural truss, plywood sheathing, sound deadening material, lightweight conc, resilient channels and two layers of drywall below).

We are proposing the following floor to floor heights:

FIRST FLOOR: 11 ft-0 inches for the ground floor lobby/amenity space (net 9 ft 6 inch ceiling).
SECOND FLOOR: 10 ft-6 inches (net 9 ft ceilings)
THIRD FLOOR: 10 ft-6 inches (net 9 ft ceilings)
FOURTH FLOOR(TOP): 11 ft-0 inches (net 9 ft 0 inch) – (note: On the top floor we lose an additional 6" of clear height due to the slope the roof and required drainage).

In conclusion, the floor to floor heights featured in our project are the minimum necessary clear height that consumers, lenders, and investors require for a project in this market and in this location. They do not exceed the standards of multi-family projects being built throughout Southern California.

Sincerely,

Dan R. Withee, AIA LEED AP, BD + C
Principal

Withee Malcolm Architects
A BSB Design Studio

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Attachment M

ANDREW T. RYAN
317 ROSECRANS AVE.
MANHATTAN BEACH, CA 90266

April 13, 2022

VIA UPLOAD
CITY'S CITIZEN SELF SERVICE PORTAL

Planning Commission
City of Manhattan Beach
Manhattan Beach, CA 90266

Re: Appeal of Planning Entitlement/ Highrose Project

Dear Members of the Planning Commission:

I currently own the office building located at 317 Rosecrans Ave, Manhattan Beach, California and am writing to appeal the Community Development Director's March 29, 2022 approval for the "Highrose" project located at 401 Rosecrans Avenue (4137-001-031) and 3770 Highland Avenue (4137-001-027) the " Highrose Project."

Despite the best intentions of the parties involved, there is no legitimate reason to allow for the construction of the first structure, located in the Coastal Zone(other than a church), in the 110 year history of the City which is over 30 feet tall. The City Council's hands are not "tied" and this project must go through a full public health and safety review, as well as go to a community wide vote if the City plans to allow for a 50 foot tall construction.

This appeal is made on the following grounds:

1. ***The Highrose Project will have a specific, adverse impact on public health pursuant to Government Code Section 65589.5 (d)(2)***

The Highrose Project immediately shares its property line with the Chevron Refinery:

According to a September 5, 2019 report to the California EPA, Chevron states:

9. Hydrology and Water Quality

Description of Baseline Environmental Conditions:

The Chevron El Segundo Refinery is located on an approximately one-square mile parcel near the Pacific Ocean. Much of the groundwater underlying the Refinery is impacted by floating petroleum. The Regional Water Quality Control Board (RWQCB) is overseeing the extraction of this free product and overall cleanup of groundwater. The upper-most saturated zone is not used for any domestic proposes. Lower aquifers are used and are part of the barrier project, a system of injection wells designed to prevent salt water intrusion from the Pacific Ocean. The Cities of El Segundo and Manhattan Beach have reported there are no drinking water production wells within one mile of the former landfarm and HWSTF/PCBs Building.

(Exhibit A, page 15.)

Clearly, the fact that Chevron in its above report needed to make clear that the "floating petroleum" groundwater is not used for "domestic purposes" and not within a mile of "drinking water production wells" indicates that the groundwater in the area is not safe and should not be disturbed.

The Highrose Project plans to excavate two stories down for a parking garage, and likely dig much further down for support structures and foundations. Such an excavation will cause the drainage of the groundwater with the "floating petroleum" to end up in the City's storm drain system and ultimately the beaches and ocean. The "floating petroleum" groundwater could also intrude into nearby properties and also create a threat to public health.

Pursuant to *Government Code Section 65589.5 (d)(2),* the Highrose Project by a "preponderance of the evidence" (or to a 50.1% or greater possibility) would have an adverse impact upon the "public health" and should not go forward:

> (2) ***The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety***, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (emphasis added)

Thus, the Highrose Project presents an adverse impact on "public health" and should be denied a permit.

2. The Highrose Project Presents a specific, adverse impact on public safety pursuant to Government Code Section 65589.5 (d)(2)

The nearly two story deep excavation planned for the Highrose Project presents a hazard of collapse to my building, the residence next door to me, and the other residences in the area. There are also large chemical storage containers on the Chevron property which appear to be less than 100 yards away. Based upon my review of the plans and the expedited permitting documents, it does not appear that an appropriate and thorough geological survey has been performed, especially considering that the soil underneath the project contains "floating petroleum." Thus, this presents a safety hazard, which is further grounds to deny a permit for the Highrose Project pursuant to *Government Code Section* 65589.5 (d)(2)

3. The Highrose Project Exceeds the 20% Modification in Site Development Standards without a City Wide Community Vote

As you know, Manhattan Beach's zoning laws impose a strict 30 foot height limitation on all new construction in District III. *Manhattan Beach Code of Ordinances Section 10.12.030*

It appears Manhattan Beach is granting an "incentive" to develop 6 units of low income housing (out of 79 proposed) pursuant to *Manhattan Beach Code of Ordinances Section* 10.94.040, which allows for an "[U]p to twenty percent (20%) in modification of site development standards or zoning code requirements…" which include "increased building height." *Manhattan Beach Code of Ordinances Section* 10.94.040 (C)1(e).

A 20% increase in the maximum allowable building height of 30 feet would only allow for the building of 36 feet. Curiously, the Highrose Project is approved for 50 feet.

The March 29, 2022 permit approving the Precise Development Plan for the Highrose Project cites to *California Government Code Section* 65915. There is nothing in *California Government Code Section* 65915 which requires that the City provide an approval for more than the 20% increase in building height currently allowed per *Manhattan Beach Code of Ordinances Section* 10.94.040 (C)1(e).

In fact, Gov't Code § 65915 (j)(1) states the opposite, mainly that the City does not need to change its zoning laws to provide an "incentive" for the Highrose Project:

> The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval.

The City should follow its own zoning laws. Since the City has approved a project which exceeds the maximum allowable height, a "city-wide" election is required pursuant to *Manhattan Beach Code of Ordinances Section 10.12.030*:

> This section shall not be amended to increase the standards for maximum height of structures or maximum buildable floor area, or to reduce the standards for minimum setbacks, minimum lot dimensions or minimum lot area per dwelling unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

Thus, because there has not been a “city wide” election where voters have approved a 50 foot height limit for the Highrose Project, the permit for the project must be denied.

4. The Highrose Project Fails to Provide at Least 10% of Affordable Housing Units

The 6 units of low income housing out of 79 proposed only amount to 7.6% of proposed development. State and Local ordinances require at least 10% of the development to be set aside for low income housing in order to receive these project “incentives.” *California Government Code Section* 65915; *Manhattan Beach Code of Ordinances Section* 10.94.040. Thus, the Highrose Project should not be receiving any “incentive” under State and Local laws.

5. The Highrose Project Grants More Than the Single “Incentive” because the Affordable Housing Units Only amount to 7.6% of the Overall Project

Even if the City choses to round up its numbers to make a finding that Highrose is providing at least 10% of low income housing units, *Manhattan Beach Code of Ordinances Section* 10.94.040 only allows for a single “incentive” for projects falling in that category. The Highrose Project is providing multiple “incentives” including:” (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height. The Highrose Project is only entitled to a single incentive (assuming the City is going to round up the total number of low income units), and if the City wants to provide more than a single incentive, a “city-wide” election is required pursuant to *Manhattan Beach Code of Ordinances Section 10.12.030*.

6. The Highrose Project Improperly Combines 10 Lots

The City currently has an ordinance which prevents the combining of more than 3 lots. The Highrose Project is attempting to combine a total of two large parcels which formerly contained five lots each. This is clearly against the spirit of the City ordinance, and more needs to be investigated as to whether this combination of lots is in fact legal.

Again, Manhattan Beach’s hands are not “tied” by State law. State Law makes it clear that if public health or safety is at risk, this project does not need to be approved. *Government Code Section 65589.5 (d)(2)* Further, State Laws make it clear that zoning laws do not need to be changed in order to provide an “incentive” for low income housing. *Government Code Section* 65915 (j)(1).

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The City of Manhattan Beach needs to protect the public health and safety of its citizens and preserve the zoning laws that have kept this community beautiful for the past 110 years. The threat to public health and safety, along with allowing violations of our zoning laws (without a City wide vote), are simply not worth the benefits that 6 units of affordable housing would confer to this community of over 35,000 people.

Very Truly Yours,

ANDREW T. RYAN

cc:

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

California Environmental Protection Agency
1001 I St
Sacramento, CA 95814

United States Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention 7101M
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, CA 94583, USA

Exhibit A

CALIFORNIA ENVIRONMENTAL QUALITY ACT
ENVIRONMENTAL INFORMATION FORM

The following information is requested pursuant California Code of Regulations, Title 14, Section 15063(e). This information will be used by the Department of Toxic Substances Control (DTSC) in conducting an Initial Study to determine if the proposed project may have a significant effect on the environment. The findings of the Initial Study will assist DTSC in determining whether an Environmental Impact Report, Negative Declaration or other environmental document should be prepared pursuant the California Environmental Quality Act (CEQA).[1]

Instructions:

Provide the information requested below and within each of the environmental resource categories (use additional sheets, if necessary). If the item is not applicable to the project, include a brief explanation as to why it would not be applicable. Include the name, title and page numbers for all reference documents used in support of the information provided. If an individual is used as a reference, please include name, title, employer, and date of the interview. Attach copies of all references.

PROJECT TITLE:
Chevron Products Company Post-closure and Operating Permit Renewal

PROJECT ADDRESS:	CITY:	COUNTY:
324 West El Segundo Blvd.	El Segundo	Los Angeles
PROJECT SPONSOR:	CONTACT:	PHONE:
Chevron Products Company	Nancy Girten	(310) 615-5091

PROJECT DESCRIPTION:

This Project is the renewal of existing Post-Closure and Operating Permit for Chevron Products Company pursuant to the Health and Safety Code, section 25200. The owner of the facility is Chevron U.S.A. Inc. and the operator is Chevron Products Company (Chevron). The area of the entire Chevron El Segundo Refinery (Refinery) is approximately one and one-half square miles. The Los Angeles Regional Water Quality Control Board oversees other activities such as free-product removal. This project involves the former landfarm, an impoundment that has been closed and is now subject to post-closure care and the operating permit for the existing Hazardous Waste Storage and Treatment Facility (HWSTF) and Polychlorinated Biphenyl (PCBs) Storage Building. These units occupy approximately 11 acres of the 890 acres that make up the entire Refinery. Figure 1 is a Regional Location Map. Figure 2 is a site location map. Figure 3 shows the location of the landfarm and HWSTF/PCBs Building within the Refinery boundary. Figure 4 is a plot plan of the existing operating HWSTF/PCBs Building, Figure 5 is a plot plan of the former landfarm, Figure 6 shows the location of the El Segundo blue butterfly preserve, Figure 7 is a Zoning Map of the City of El Segundo, and Figure 8 shows the locations of the nearest parks to the former landfarm and HWSTF/PCBs Building.

Renewal of existing Post-Closure and Operating Permit for Chevron: The entire Chevron El Segundo Refinery is approximately one and one-half square miles. The Regional Water Quality Control Board, Los Angeles Region oversees other activities such as free product removal.

History: Prior to El Segundo's incorporation in 1917, this area was part of "Rancho Sausal Redondo" ("Ranch of the Round Clump of Willows"), a rancho with a land mass of nearly 25,000 acres which extended from the areas as far west of what is now Playa del Rey, as far east as Inglewood, and as far south as Redondo Beach. The land consisted of wheat and barley fields on which cattle and sheep grazed.

In May 1911, five men representing the Standard Oil Company arrived here: Richard J. Hanna and J.E. Howell of the Eclipse refinery of Franklin, Pennsylvania and John Black, Henry Foster and William Rheem from the Standard Oil refinery in Point Richmond (a city 18 miles east of San Francisco). They were surveying the area as a potential site for their next oil refinery. What was required was an area adjacent to the seashore so their tankers could have appropriate access. The undeveloped nature of the site appealed to them because land costs had to be kept to a minimum. Also, the site had to be close to populated areas so it could attract enough employees. The "clump of willows" was just what Mr. Hanna's team was looking for.

Lastly, this new site needed a name. Richard Hanna's wife, Virginia, deemed this expanse as "El Segundo", (Spanish for "the second one,") because the site was to be Standard Oil's second oil refinery in California (The Point Richmond

[1] Pub. Resources Code, div. 13, § 21000 et seq

refinery was already christened as "El Primero"). Sometime later, a group of proud but unknown citizens had nicknamed it "El Segundo a nada" (Spanish for 'second to none'). Standard Oil bought 840 acres of this land on June 11, 1911. The Refinery opened for business, just five and a half months later, on November 27. The size of the facility was later expanded to 1800 acres and is now 980 acres.

This project involves the renewal of an existing permit for Post-Closure Care of the former landfarm and permit for operation of the existing HWSTF. Post Closure Care for the former landfarm currently includes groundwater monitoring, soil pore gas monitoring, soil pore liquid monitoring and monthly inspections of the landfarm cap. There are changes proposed in the current renewal. The Post Closure Care proposed in the current renewal application includes groundwater sampling, soil pore liquid sampling, and soil pore gas sampling and regular inspections of the Cap. The frequency of the post-closure monitoring will be reduced, pursuant to the Updated Recommendations and Basis for Change for Changes to the landfarm Post-Closure Monitoring Programs document submitted to DTSC's Office dated August 10, 2016. The operating permit portion of the permit is for the existing HWTSF and the PCBs Building. This renewal will not result in any changes to these current operations.

The former landfarm covers an area of 9.8 acres (see Figure 5). This unit operated from 1979 unit 1987. In 1981, an interim status document was issued for this unit. In 1987, Chevron decided to terminate the use of the landfarm and began the closure process. Because Chevron was unable to remove all contaminated soil, a cap was placed over the unit and it was subject to Post-Closure Care. Closure was completed in 1992 and the landfarm was certified closed by DTSC in 1993. In 1995, a post closure permit was issued for this unit as well as the operating HWSTF/PCBs Building. The current Permit expires on May 17, 2017 and is being renewed.

Project Description: To monitor the integrity of the landfarm cap, regular visual inspections will be performed. In order to monitor for the protection of human health and the environment, this post closure portion of the permit requires Chevron to perform vadose-zone and groundwater sampling to monitor for a statistically significant environmental release (SSER). The sample analyses will be performed at an independent 3rd party California Certified Laboratory for selected volatile organic compounds (VOCs), Semi-volatile organic compounds (VOCs), and heavy metals. If an SSER is detected, further measures will be taken to contain any hazardous substances.

The operating portion of the permit allows Chevron to operate the HWSTF/PCBs Building. The HWSTF is a large concrete-surfaced area which is divided in two phases (see Figure 4). Phase I measures 135 feet by 80 feet (about 10,800 square feet). Phase II measures 175 feet by 135 feet (about 23,625 square feet). Both phases are surrounded by 3 foot high containment berm. This area has a capacity for 8 4,000-gallon bins (solid waste with free liquids), 25 650-gallon flo-bins (solid waste with free liquids), 600 55-gallon drums (liquid Waste), and, 2,400 55-gallon drums (solid waste). The total containment capacity of the HWSTF is 132,433 gallons. The waste types are: miscellaneous aqueous waste (acid, caustic, containing metals), listed refinery waste, catalysts, non-listed oily waste, hazardous debris, and asbestos waste. The treatment conducted at this unit is pH adjustment and these units consist of 2 6,500-gallon poly tanks and associated piping and pumps.

The PCB building is a steel building which is 24 by 36 feet (864 square feet) in size (see Figure 4). This building has a concrete floor surrounded by a 6-inch high curb. The containment capacity is 3,410 gallons, which may consist of either 62 55-gallon drums or 680 5-gallon pails, or a combination thereof not to exceed 3,410 gallons.

Chevron collects various hazardous wastes used in their daily operations, seals these waste in containers and stores them for future off-site transfer and disposal. Three containers sizes are used: 20 cubic yard roll-off bins, 55-gallon drums, and 5-gallon pails. Of these, nearly all waste is stored in drums. Examples of the waste are silver photograph solution, automotive oil filters, crude oil and refinery product samples from the Chevron on-site laboratory, and oily rags. Chevron makes every effort to recycle as much as possible to reduce waste streams. Although the HWSTF has the capacity for several hundred drums, usually only up to 20 drums are stored.

The treatments permitted and conducted at the HWSTF are pH adjustment, container crushing, container rinsing, waste container stabilization, and debris decontamination. Various oil refinery operations require the use of acids and caustics. This process involves mixing an acidic liquid with a caustic liquid or a caustic liquid with an acid to create a neutral solution. A neutral solution, provided there are no other contaminants, can be disposed of as non-hazardous waste. When this treatment is conducted, the operator wears all necessary personal protective equipment as specified in Chevron's Health and Safety Plan.

The PCBs Building is a central collection point for on-site generated PCB wastes. This is a steel building with curbed concrete slab foundation that serves as secondary containment. PCBs were once used extensively as cooling oil in electric transformers. This material was favored because of its dielectric or electrical insolating properties. Over 30 years ago it was banned because it is carcinogenic. Most of the transformers and electrical equipment on site now use mineral oil, a much safer substance. However, infrequently a transformer or soil contaminated with PCBs is located,

cleaned up, and the residual waste is stored in this building to await transfer and disposal off site to a Class I Landfill. When these wastes are moved, the operator wears all necessary personal protective equipment as specified in Chevron's Health and Safety Plan.

1. Aesthetics

Description of Baseline Environmental Conditions:

The Chevron Refinery is located in an area of mixed uses, with industrial, recreation, residential, and commercial uses nearby. The predominant adjacent land uses include: Dockweiler State Beach and Manhattan Beach, the El Segundo Generating Station, and a residential area to the west; a residential area of Manhattan Beach to the south; a golf course, a commercial and light industrial corridor to the east; and commercial and residential areas of El Segundo to the north. Some of these areas, particularly those associated with the beaches and Santa Monica Bay, are of scenic value. The former landfarm is an existing 8.9 acre capped area that is routinely monitored with vadose-zone and groundwater sampling to monitor for SSER. The operating portion of the permit allows Chevron to operate the existing HWSTF/PCBs Building. The HWSTF is a large concrete-surfaced area which is divided in two phases (see Figure 4). Phase I measures 135 feet by 80 feet (about 10,800 square feet). Phase II measures 175 feet by 135 feet (about 23,625 feet). Both phases are surrounded by 3-foot-high containment berm. This area has a capacity for 8 4,000-gallon bins (solid waste with free liquids), 25 650-gallon flo-bins (solid waste with free liquids), 600 55-gallon drums (liquid Waste), and, 2,400 55-gallon drums (solid waste). The total containment capacity of the HWSTF is 132,433 gallons. The waste types are: miscellaneous aqueous waste (acid, caustic, containing metals), listed refinery waste, catalysts, non-listed oily waste, hazardous debris, and asbestos waste. The treatment conducted at this unit is pH adjustment and these units consist of 2 6,500-gallon poly tanks and associated piping and pumps.

The PCB building is a steel building which is 24 by 36 feet (864 square feet) in size (see Figure 4). This building has a concrete floor surrounded by a 6-inch high curb. The containment capacity is 3,410 gallons, which may consist of either 62 55-gallon drums or 680 5-gallon pails, or a combination thereof not to exceed 3,410 gallons. The landfarm and the HWSTF/PCBs Building are located on approximately 11 acres of the 890 acres that make up the entire Refinery.

a. Describe the site's proximity to a scenic vista.

The Refinery is near the Pacific Ocean and therefore beaches, this area is commercial and industrial. The State designates scenic highways so as to protect scenic corridors. The former landfarm and the operating HWSTF/PCBs Building are within the existing Refinery and are not visible from outside the Refinery (see Figure 3) and, therefore, do not affect scenic vistas. Additionally, the former landfarm and operating HWSTF/PCBs Building are consistent with the industrial zoning of the Refinery.

Note that the CEQA Guidelines Checklist update clarified for public views in urbanized areas, the project should be consistent with applicable zoning and other regulations governing scenic quality.

b. Describe the site's proximity to a state scenic highway that contains scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings.

There are no rock outcroppings, few trees with none of any scenic value, and no historic buildings at the Refinery. The Refinery is an industrial area and not a scenic resource. State Route 1 (Pacific Coast Highway) is located adjacent to the Refinery and is designated scenic in some locations of the State. However, State Route 1 is not a designated State Scenic highway in El Segundo or near the Refinery. The nearest designated scenic highway portion of Highway 1 is located approximately 6 miles north of the HWSTF and 6.5 miles from the former landfarm (referenced on the California Scenic Highways ArcGIS site at:

https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a, measured as straight line from Highway 1 at Venice Boulevard to the HWSTF and former landfarm).

c. Describe the existing visual character or quality of the site and its surroundings.

The existing visual character of the Refinery is an industrial operating refinery. The surrounding area to the north is mixed commercial and residential, to the east is commercial, to the south residential, and to the west industrial and beach. The north side of the Refinery is partially obscured by trees and wall (see Photo 1). The east, south, and west sides of the Refinery are obscured from offsite views by landscaped slopes (see Photos 2 through 4). The activities associated with this project are existing, located within the boundaries of the Refinery, are not visible outside the Refinery, and will not degrade the existing visual character or quality of the site and its surroundings.

d. Describe existing sources of light at and in proximity to the site.

The former landfarm is not equipped with permanent lighting. All monitoring activities take place during daylight hours. No lighting is needed for monitoring activities. The HWSTF is equipped with four 1,000-watt metal halide flood lights with photocells to automatically turn the light on at night and off during the day. The HWSTF also is equipped with two auxiliary, 100-watt mercury vapor lights that are on a common circuit controlled by one photocell. The existing lighting will not be altered as part of the proposed project and no new lighting will be installed. There is no new permanent construction or installation of lighting fixtures required for this project. Moreover, all project activities are planned for daylight hours at the former landfarm; therefore, no artificial light is necessary.

Based on the above information, no changes to the existing facilities are proposed, so no impact to aesthetics is expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

www.elsegundo.org

2. Agricultural Resources

Description of Baseline Environmental Conditions:

The Chevron Refinery is located in an area of mixed uses, with industrial, recreation, residential, and commercial uses nearby. The predominant adjacent land uses include: Dockweiler State Beach, Manhattan Beach, the El Segundo Generating Station, and a residential area to the west; a residential area of Manhattan Beach to the south; a golf course, a commercial and light industrial corridor to the east; and commercial and residential areas of El Segundo to the north.

a. Indicate if the site is located on or in proximity to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

The existing former landfarm and the operating HWSTF/PCBs Building involve activities within the confines of an existing Refinery that are consistent with heavy industrial zoning. No agricultural resources exist at or in the vicinity of the Chevron Refinery and no new land will be acquired as part of' the proposed project. Further, the proposed project will not convert Farmland to non-agricultural use or involve other changes in the existing environment that could convert Farmland to non-agricultural use.

b. Indicate if the site is located on or in proximity to land zoned for agriculture use, or under Williamson Act contract.

Land in the vicinity of the Refinery is not currently zoned for agricultural use. The proposed project does not conflict with an existing agricultural zone or Williamson Act contracts and does not include converting agricultural land for non-agricultural uses.

Based on the above information, no changes to the existing facilities are proposed, so no impact to agricultural resources is expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

http://www.consrv.ca.gov/DLRP/lca/ (the Williamson Act Program)

3. Air Quality

Description of Baseline Environmental Conditions:

The Chevron El Segundo Refinery refines crude oil into gasoline and other petroleum products. These activities have the potential to cause degradation of the air quality. The former landfarm is capped and not operating with periodic Post-Closure monitoring. The existing HWSTF/PCBs Building are operating to primarily store drummed wastes for greater than 90 days. Other activities that may occur at the HWSTF/PCBs Building include pH adjustment, container crushing, wet container stabilization, debris decontamination, and container rinsing. The emissions from these activities are controlled with carbon where appropriate. Non-volatile organic compound materials do not require carbon control.

The emissions from the activities at the HWSTF are primarily from the fork lift moving drums to and from the HWSTF. Typical movements are approximately 10 trips across the Refinery per quarter.

a. Identify the applicable air quality management district having jurisdiction over the air basin where the site is located.

Refining activities are conducted under permits issued by the South Coast Air Quality Management District (SCAQMD).

b. Identify the criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

The criteria pollutants regulated by the SCAQMD are lead (Pb), Sulfur Dioxide (SO_2), Carbon Monoxide (CO), Ozone (O_3), fine particulate matter (PM10), sulfate and visual range. Attainment status as published in the SCAQMD Final 2016 Air Quality Management Plan (AQMP) is shown in Table 1. Chevron has not exceeded the respective limits allowed by the SCAQMD for these compounds and criteria.

The El Segundo General Plan Air Quality Element (1992) provides a summary of the air quality including the extent of the problem and local air quality. The air quality data are outdated; however the general meteorological information is representative of the current conditions. The General Plan Air Quality Element reports "Due to El Segundo's coastal location, it is protected from the worst of the Basin's air pollution problem. Daily onshore sea breezes bring clean air onshore and blow air pollutants inland. Existing levels of ambient air quality and historical trends in air quality for the City of El Segundo are well documented by measurements taken at the SCAQMD's Hawthorne monitoring station. The beneficial effects of onshore breezes are substantiated by measurements taken at the Hawthorne station….However, despite the beneficial influences of onshore breezes, a number of factors still contribute to periods of poor air quality in the City. During winter months and at night, offshore winds are more frequent, shifting pollutants to coastal areas. Although air quality is generally better along the coast, polluted air and incomplete ventilation of the Basin still cause periodic smog alerts. Additionally, calm wind conditions can cause stagnation of pollutants near the source." The Hawthorne air monitoring station was in place from June 1997 to April 2004 and was replaced by the LAX Hasting location in April 2004. The Basin has not had a smog alert since 2003, which was a stage 1- unhealthy smog alert; stage 2 and stage 3 smog alerts have not occurred sing 1988 and 1974, respectively.

The regional air quality is monitored by the SCAQMD at 38 locations throughout the Basin and a portion of the Salton Sea Air Basin. The closest monitoring station to the Refinery is LAX Hastings (Station Number 820) located approximately 2.6 miles north of the Refinery. The most recent reported air quality data for the LAX Hastings site (2017) show the carbon monoxide maximum 1-hour and 8-hour concentrations to be 2.1 and 1.6 parts per million (ppm), respectively; ozone maximum 1-hour, 8-hour, and 4th–high concentrations to be 0.086, 0.070, and 0.064 ppm, respectively, where no days exceeded the state or federal standards; nitrogen dioxide maximum 1-hour, 98th percentile 1-hour, and annual average mean concentrations of 72.2 and 54.8 parts per billion (ppb) and 9.3 ppm, respectively; sulfur dioxide maximum 1-hour and 99th percentile 1-hour concentrations of 9.5 ppm and 6.6 ppb, respectively; particulate matter less than 10 microns

(PM10) maximum and annual average mean concentrations of 46 and 19.8 micrograms/cubic meter ($\mu g/m^3$), respectively; lead maximum monthly average and maximum 3-month rolling average concentrations of 0.005 and 0.00 $\mu g/m^3$, respectively; and, PM10 sulfate maximum concentration of 5.2 $\mu g/m^3$. Based on the data reported for 2017 for all the monitoring stations in the Basin, these values are below the reported maximums in the Basin and do not exceed ambient air quality standards.

Table 1.

National Ambient Air Quality Standards (NAAQS) Attainment Status - *South Coast Air Basin*

Criteria Pollutant	Averaging Time	Designation[a]	Attainment Date[b]
Ozone (O_3)	(1979) **1-Hour** (0.12 ppm)[c]	Nonattainment ("extreme")	2/26/2023 (revised deadline)
	(2015) **8-Hour** (0.070 ppm)[d]	Pending – Expect Nonattainment ("extreme")	Pending (beyond 2032)
	(2008) **8-Hour** (0.075 ppm)[d]	Nonattainment ("extreme")	7/20/2032
	(1997) **8-Hour** (0.08 ppm)[d]	Nonattainment ("extreme")	6/15/2024
PM2.5[e]	(2006) **24-Hour** (35 $\mu g/m^3$)	Nonattainment ("serious")	12/31/2019
	(2012) **Annual** (12.0 $\mu g/m^3$)	Nonattainment ("moderate")	12/31/2021
	(1997) **Annual** (15.0 $\mu g/m^3$)	Attainment (final determination pending)	4/5/2015 (attained 2013)
PM10[f]	(1987) **24-hour** (150 $\mu g/m^3$)	Attainment (Maintenance)	7/26/2013 (attained)
Lead (Pb)[g]	(2008) **3-Months Rolling** (0.15 $\mu g/m^3$)	Nonattainment (Partial) (Attainment determination to be requested)	12/31/2015
CO	(1971) **1-Hour** (35 ppm)	Attainment (Maintenance)	6/11/2007 (attained)
	(1971) **8-Hour** (9 ppm)	Attainment (Maintenance)	6/11/2007 (attained)
NO_2[h]	(2010) **1-Hour** (100 ppb)	Unclassifiable/Attainment	N/A (attained)
	(1971) **Annual** (0.053 ppm)	Attainment (Maintenance)	9/22/1998 (attained)
SO_2[i]	(2010) **1-Hour** (75 ppb)	Designations Pending (expect Unc./Attainment)	N/A (attained)
	(1971) **24-Hour** (0.14 ppm) (1971) **Annual** (0.03 ppm)	Unclassifiable/Attainment	3/19/1979 (attained)

a) U.S. EPA often only declares Nonattainment areas; everywhere else is listed as Unclassifiable/Attainment or Unclassifiable
b) A design value below the NAAQS for data through the full year or smog season prior to the attainment date is typically required for an attainment demonstration
c) The 1979 1-hour ozone NAAQS (0.12 ppm) was revoked, effective 6/15/05 ; however, the Basin has not attained this standard and therefore has some continuing obligations with respect to the revoked standard; original attainment date was 11/15/2010; the revised attainment date is 2/6/23
d) The 2008 8-hour ozone NAAQS (0.075 ppm) was revised to 0.070 ppm, effective 12/28/15 with classifications and implementation goals to be finalized by 10/1/17; the 1997 8-hour ozone NAAQS (0.08 ppm) was revoked in the 2008 ozone NAAQS implementation rule, effective 4/6/15; there are continuing obligations under the revoked 1997 and revised 2008 ozone NAAQS until they are attained
e) The attainment deadline for the 2006 24-hour PM2.5 NAAQS was 12/31/15 for the former "moderate" classification; U.S.EPA approved reclassification to "serious," effective 2/12/16 with an attainment deadline of 12/31/2019; the 2012 (proposal year) annual PM2.5 NAAQS was revised on 1/15/13, effective 3/18/13, from 15 to 12 $\mu g/m^3$; new annual designations were final 1/15/15, effective 4/15/15; U.S. EPA has proposed a clean data determination for the Basin for the 1997 annual (15.0 $\mu g/m^3$) and 24-hour PM2.5 (65 $\mu g/m^3$) standards – final action pending
f) The annual PM10 NAAQS was revoked, effective 12/18/06; the 24-hour PM10 NAAQS deadline was 12/31/2006; the Basin's Attainment Re-designation Request and PM10 Maintenance Plan was approved by U.S. EPA on 6/26/13, effective 7/26/13
g) Partial Nonattainment designation – Los Angeles County portion of the Basin only for near-source monitors; expect to remain in attainment based on current monitoring data; attainment re-designation request pending
h) New 1-hour NO_2 NAAQS became effective 8/2/10, with attainment designations 1/20/12; annual NO_2 NAAQS retained
i) The 1971 annual and 24-hour SO2 NAAQS were revoked, effective 8/23/10; however, these 1971 standards will remain in effect until one year after U.S. EPA promulgates area designations for the 2010 SO2 1-hour NAAQS; final area designations expected by 12/31/20 due to new source-specific monitoring requirements; Basin expected to be in attainment due to ongoing clean data

c. Describe all equipment or processes that would be stationary or mobile sources of air emissions or odors, provide an estimate of the amounts of emissions those activities would generate, indicate whether a permit from the applicable air quality management district would be required for such equipment or processes, and describe any thresholds where air emissions would be considered significant, and any mitigation measures that apply to the project that would reduce air emissions to less than significant levels.

The existing landfarm is closed and capped. No construction is proposed as part of the permit renewal. The air quality impacts associated with post-closure care are from the sampling vehicles at the former landfarm. The air quality impacts associated with the operation of the existing HWSTF/PCBs Building are from the operation of vacuum trucks, forklifts, flatbed trucks, and pick-up trucks. The pH adjustment process is equipped with carbon adsorption control equipment to both capture emissions and control odors. The emissions associated with the equipment are shown in the Table 2. The activities that are currently conducted at the former landfarm and the existing HWTSF/PCBs Building will not contribute to or degrade air quality. All activities at the former landfarm will be performed pursuant to the post-closure permit. The activities proposed in this renewal application, are reduced from previous post closure activities at the former landfarm and are the same at the existing HWSTF/PCBs Building. The activities at the former landfarm should constitute a reduction in mobile sources of air emissions as a result of less sampling activities. Elimination of the soil pore gas and soil pore liquid sampling programs are proposed, but emission reductions have not been included in Table 2.

Table 2.

Peak Daily Emissions (lb/day)

Scenario	VOC	CO	NOx	SOx	PM10	PM2.5	CO2e (MT)
Forklifts	4.05E-02	4.67E-04	2.10E-02	2.43E-03	5.72E-04	2.11E-04	5.85E-02
Vac Trucks - MHDT	6.86E-03	2.32E-02	1.39E-01	5.47E-04	1.19E-02	6.99E-03	2.60E-02
Flatbed Trucks - MHDT	3.43E-03	1.16E-02	6.94E-02	2.74E-04	5.96E-03	3.49E-03	1.30E-02
Pickup Trucks - LDT1	1.18E-03	5.00E-02	4.77E-03	9.03E-05	1.38E-03	5.68E-04	4.07E-03
Total Emissions	**5.19E-02**	**8.53E-02**	**2.34E-01**	**3.34E-03**	**1.98E-02**	**1.13E-02**	**1.02E-01**
Existing Compared to Project	**0**	**0**	**0**	**0**	**0**	**0**	**0**
SCAQMD CEQA Significance Threshold	**55**	**550**	**55**	**150**	**150**	**55**	**10,000**

Annual Emissions (lb/yr)

Scenario	VOC	CO	NOx	SOx	PM10	PM2.5	CO2e (MT)
Forklifts	0.32	0.00	0.17	0.02	0.00	0.00	0.47
Vac Trucks - MHDT	2.50	8.48	50.68	0.20	4.07	2.55	9.50
Flatbed Trucks - MHDT	1.25	4.24	25.34	0.10	2.04	1.28	4.75
Pickup Trucks - LDT1	0.43	18.24	1.74	0.03	0.44	0.21	1.48
Total Emissions	**4.51**	**30.97**	**77.93**	**0.35**	**6.55**	**4.03**	**16.20**

MT= metric tons

The calculations are presented at the end of this form. The emissions shown in Table 2 are below the significance thresholds established by the SCAQMD.

d. Indicate if the site is a source of Naturally Occurring Asbestos.

The geologic nature of the site is such that naturally occurring asbestos can be eliminated as a consideration. The site is underlain by alluvial deposits. Asbestos naturally occurs in area adjacent to serpentenite bodies. There are no such bodies within 100 miles of the Refinery, including the former landfarm and existing HWSTF/PCBs Building.

Based on the above information, no significant changes in air quality and no significant impacts to air quality are expected.

References Used:

Final 2016 Air Quality Management Plan, Chapter 2, March 2017, available at https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

SCAQMD, 2016. Air Quality Monitoring Network Plan – July 2016, available at http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-monitoring-network-plan/annual-air-quality-monitoring-network-plan.pdf?sfvrsn=10.

SCAQMD 2017 Historical Air Quality Data, available at http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/2017-air-quality-data-table.pdf?sfvrsn=12.

4. Biological Resources

Description of Baseline Environmental Conditions:

The project is located within the existing boundaries of the Chevron El Segundo Refinery, which is zoned and has been used for heavy industrial purposes since 1911, and has already been disturbed. The Refinery site does do not support riparian habitat, federally protected wetlands (as defined by § 404 of the Clean Water Act), or migratory corridors. With the exception of some decorative landscaping, plants are removed from operating areas for safety reasons. There are three special-status species that have been reported in the immediate vicinity of the Refinery: two animal species (the El Segundo blue butterfly and the Pacific Pocket Mouse) and one plant species (the Beach Spectaclepod).

a. Identify any candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service that may be present at or in close proximity to the site.

The El Segundo blue butterfly (Euphilotes battoides allyni) is a small (wing span of less than one inch), brightly colored butterfly that historically has been found in the El Segundo sand dunes of Los Angeles County. Because of extensive habitat loss, degradation, and fragmentation due to urban development, the butterfly's habitat has been reduced to two areas: sand dunes near the Los Angeles International Airport (LAX), which contain the largest population of the butterfly; and two acres at the butterfly sanctuary that was created within the property of the Chevron El Segundo Refinery (see Figure 6).

The El Segundo blue butterfly was listed as an endangered species by the federal government in 1976. The butterfly was discovered on an undeveloped portion of the Refinery property in 1975, and, shortly thereafter, the area where the butterfly was found in the northwest portion of the Refinery property was voluntarily fenced by Chevron to protect the butterfly's habitat and the coastal buckwheat plant (Eriogonum parvifolium), upon which the butterfly feeds during all stages of its life cycle.

Because the buckwheat plant at the Refinery's butterfly sanctuary has been threatened by various invasive species and annual grasses (e.g., tumbleweeds, rye grass, and ice plant), efforts have been made on an ongoing basis since the early 1980s to inhibit weed growth and stimulate buckwheat growth. Approximately 5,000 buckwheat plants have been transplanted at the Refinery since 1983 (Chevron 2005). In the mid 1980s, there were only about 400 of these butterflies at the Chevron butterfly sanctuary; at present there are approximately 10,000 (Chevron 2005b). The butterfly population on LAX property also has increased gradually since 1985.

The Pacific pocket mouse (Perognathus longimembris pacificus) is a small brownish rodent that lives in fine-grained sandy areas (coastal strand, coastal dunes, coastal sage scrub, and river alluvium) in the immediate vicinity of the Pacific Ocean in southwestern California (SCAQMD 2001). Historically, the mouse's range extended from Los Angeles County south to the Mexican border, including portions of the Chevron El Segundo Refinery property. Only a few known populations remain, and they are in Orange County (Dana Point) and San Diego County (Camp Pendleton). The Pacific pocket mouse was last reported in the area of the Chevron Refinery in 1938, and, thus, is not expected to exist at the Refinery at present because habitat that could be used by the Pacific pocket mouse is no longer present at the Refinery.

The beach spectaclepod (Dithyrea maritime) is a small low-growing perennial herb. The species is native to California and occurs in foredunes, active sand, and dune scrub from San Luis Obispo south to Baja California. The beach spectaclepod is considered extremely rare by the California Native Plant Society; it is listed as threatened by the State of California and as a Species of Concern by the federal government. The only reported occurrence for this plant at the Refinery site was in 1884, and the species is not expected to exist at the Refinery at present (SCAQMD 2001).

The project activities take place at an existing Refinery, whose active areas have been highly disturbed and contain no significant biological resources. No impacts are expected to special status species. The Pacific pocket mouse and beach spectaclepod have not been sighted at the Refinery in decades (since 1938 for the mouse and since the late 19 century for the spectaclepod). The Refinery area population of the federally endangered El Segundo blue Butterfly has increased substantially over the past 30 years, due to the existence of and habitat improvements at the Refinery butterfly sanctuary. These increases in the El Segundo blue butterfly population have occurred while Refinery operations have continued nearby. The nearest location to the butterfly sanctuary where the project activities occur (the HWSTF) is over 2,400 feet from the sanctuary, with other Refinery equipment located in closer proximity. The proposed project would not be expected to have significant adverse impacts on the El Segundo blue butterfly.

b. Identify any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service that may be present at or in close proximity to the site.

This project does not occur within any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and will thus have no impact.

c. Identify any federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) that may be present at or in close proximity to the site.

There are no wetlands as defined by Section 404 of the Clean Water Act *within the Refinery and the project does not include direct removal, filling, hydrological interruption of any wetlands.*

d. Identify any native resident, migratory fish, wildlife species, nursery sites or corridors that may be present at or in close proximity to the site.

All activities will be confined to the Refinery, which is in an industrial urban setting with no wildlife or fish within the boundaries of the Refinery. No run-off is anticipated from any of the site post-closure activities. The project activities will take place at an existing Refinery, whose active areas (including the locations where the former landfarm and existing HWSTF/PCBs Building are located) have been highly disturbed and contain no significant biological resources. No impacts are expected to special status species. The Refinery area population of the federally endangered El Segundo blue butterfly has increased substantially over the past 30 years, due to the existence of and habitat improvements at the Refinery butterfly sanctuary. These increases in blue butterfly population have occurred while Refinery operations have continued nearby. The nearest location to the butterfly sanctuary where the project activities occur (the HWSTF) is over 2,400 feet from the sanctuary, with other Refinery equipment located in closer proximity. The proposed project would not be expected to have significant adverse impacts on the El Segundo blue butterfly. The Pacific pocket mouse and beach spectaclepod have not been sighted at the Refinery in decades (since 1938 for the mouse and since the late 19th century for the spectaclepod). The Santa Monica Bay of the Pacific Ocean is located approximately 4,000 feet west of the HWSTF and PCBs Building. The species of special interest in the Santa Monica Bay area include the El Segundo blue butterfly, California brown pelican, California least tern, and giant sea bass, which have seen improvement in their populations, and the southern steelhead trout and Western snowy plover, which still need assistance to improve their populations. The Santa Monica Bay Restoration Commission' Bay Restoration Plan "provides a blueprint for how to recover the Bay from past environmental damage and move toward long-term, sustainable health." The project does not conflict with the Bay Restoration Plan and Action Plan.

e. Identify any local policies or ordinances, such as a tree preservation policy, protecting biological resources that may be present at or in close proximity to the site.

The former landfarm and the existing HWSTF/PCBs Building are located within the boundaries of the Refinery. The former landfarm and existing HWSTF/PCBs Building have no vegetation; in addition, the surrounding Refinery activities are void of vegetation (excluding the butterfly sanctuary). Therefore, there are no local policies or ordinances protecting biological resources that are applicable to the former landfarm and existing HWSTF/PCBs Building. The former landfarm and existing HWSTF/PCBs Building do not have an Incidental Take Permit from the US Fish and Wildlife Service or California Department Fish and Wildlife. Thus, the project will not conflict with local policies or ordinances protecting biological resources nor local, regional, or state conservation plans of any type.

f. Identify any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that may be applicable to biological resources present at or in close proximity to the site.

The project location is not located within or named a part of any known habitat conservation plan of any sort or natural community conservation plan is known that would be affected by the closure maintenance of the former landfarm or waste management activities. Project activities are located over 2,400 feet from the El Segundo blue butterfly sanctuary and no impacts to the sanctuary would occur.

Based on the above information, no significant changes in nor significant impacts to biological resources are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006 updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

The Bay Foundation and Santa Monica Bay Restoration Commission, 2018. Santa Monica Bay National Estuary Program's Action Plan for the Comprehensive Conservation and Management Plan, October, 2018 available at https://www.smbrc.ca.gov/about_us/smbr_plan/docs/smbnep_ccmp_action_plan_2018.pdf.

Santa Monica Bay Restoration Commission, 2013. Bay Restoration Plan 2013 Update, December 2013 available at https://www.smbrc.ca.gov/about_us/smbr_plan/docs/smbrplan2013_adopted.pdf.

5. Cultural Resources

Description of Baseline Environmental Conditions:

CEQA Guidelines 15064.5 states that resources listed in the California Register of Historical Resources or in a local register of historical resources are considered "historical resources". A records search was conducted at the South Central Coastal Information Center (SCCIC) in August 2005 of all recorded archaeological sites and survey reports within a 0.5 mile radius of the Chevron El Segundo Refinery. Federal state and local historic listings were reviewed along with historic maps. In addition, this background research was supplemented by an internet search for relevant historical information. The research revealed that the listings of the National Register of Historic Places, California Historical Landmarks, California State Historic Resources Inventory, California Points of Historical Interest, and Los Angeles County Landmarks include no properties within the Refinery. One historic site, P-186856, is recorded at the outer edge of the 0.5-mile radius. Because the project activities will occur entirely within the Refinery boundaries, site P-186856 would not be directly or indirectly impacted by the project. Based on the results of these records searches, the project will not cause an adverse change in the significance of a resource listed in the California Register of Historical Resources or in a local register of historical resources. Additionally, CEQA Guidelines 15064.5(a)(3) states that "generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing in the California Register of Historical Resources including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(B) Is associated with the lives of persons important in our past;
(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;
(D) Has yielded or may be likely to yield information important in prehistory or history."

a. Identify any historical resources, as defined in section15064.5 of Title 14 of the California Code of Regulations (CEQA Guidelines or Guidelines) that may be present at or in close proximity to the site.

The landfarm and HWSTF/PCBs Building exist and no new construction is proposed. Because all current activities are being conducted on site and no historical resource is located on site, this project will not have any effect on any historical resource. See Baseline Environmental Conditions above for further details.

b. Identify any archeological resources, pursuant to section 15064.5 of the Guidelines that may be present at or in close proximity to the site.

The landfarm and HWSTF/PCBs Building exist and no new construction is proposed. Because all current activities are being conducted on site and no historical resource is located on site, this project will not have any effect on any historical resource. See Baseline Environmental Conditions above for further details.

c. Identify any unique paleontological resources or unique geologic features that may be present at or in close proximity to the site.

The landfarm and HWSTF/PCBs Building exist and no new construction is proposed. Therefore, there is no possibility of the destruction of any unique paleontological resource or site or unique geologic feature occurring.

d. Identify any human remains, including those interred outside of formal cemeteries that may be present at or in close proximity to the site.

The landfarm and HWSTF/PCBs Building exist and no new construction is proposed. There will be no disturbance of the ground surface and, therefore no possibility of disturbing buried human remains.

e. Provide the results of any California Historical Resources Information System (CHRIS) inventory search conducted by the appropriate Office of Historic Preservation (OHP) Information Center.

See Baseline Environmental Conditions above for further details.

f. Provide the results of any Registry of Sacred Sites search conducted by the Native American Heritage Commission (NAHC) and summary of any follow-up contacts with tribal representatives.

None conducted.

Based on the above information, no significant changes in nor significant impacts to cultural resources are expected.

References Used:

*CEQA Final Environmental Impact Report prepared for Chevron Products Company El Segundo Refinery Heavy Crude Project , August 2006, see Appendix A of Append*ix A available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2006/feir-for-chevron-heavy-crude-project.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

6. Geology and Soils

Description of Baseline Environmental Conditions:

The proposed project activities will be conducted in an area of known seismic activity. Approximately 35 active faults are known to exist within a 50-mile radius of the Refinery. Of primary concern are two active faults: the Newport-Inglewood Fault, approximately five miles north of the Refinery, and the Palos Verdes Fault, approximately 3.8 miles south of the Refinery.

The Newport-Inglewood Fault Zone represents the most significant source of strong seismic ground shaking at the Refinery. The Newport-Inglewood Fault Zone extends more than 40 miles from Newport Bay to Beverly Hills and trends to the northwest. The greatest concentration of seismic events on the Newport-Inglewood Fault Zone is related to the 1933 Long Beach earthquake and its aftershocks. The fault is considered capable of generating a 6.9 magnitude earthquake.

Another significant fault in the immediate Refinery vicinity is the Palos Verdes Fault Zone. This fault extends approximately 72 miles from Santa Monica Bay south to Lausen Knoll in the southern San Pedro Channel. The Palos Verdes fault is considered capable of a T1 magnitude earthquake. As cited in the Final EIR for the Chevron-El Segundo

Refinery California Air Resources Board (CARB) Phase 3 Clean Fuels Project, evaluations by the California Division of Mines and Geology (CDMG) indicate that there is a 10 percent probability of earthquake ground motion exceeding 0.45g at the Refinery site over a 50-year period (CDMG 1998).

Although within a seismically active area, according to the Alquist-Priolo Earthquake Fault Zoning Maps and Fault Activity Map of California (1994), the El Segundo Refinery is not located on a fault trace that would define the site as a special seismic study zones under the Alquist-Priolo Act. Thus, the risk of earthquake-induced ground rupture is considered less than significant.

The project is existing and does not include construction of additional structures, so no impacts would be expected related to earthquakes associated with the project.

Liquefaction is a mechanism of seismic ground failure in which earthquake-caused ground motion causes loose, water-saturated, cohesionless soils to be transformed to a liquid state The Refinery site has not been identified as an area where liquefaction is considered a significant potential risk (SCAQMD 2001). The site also is not considered to be an area with the potential for permanent ground displacement due to earthquake-induced landslides or due to heavy precipitation events (SCAQMD 2012).

a. Describe the sites location relative to nearby areas of known earthquake faults, delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence. (Refer to Division of Mines and Geology Special Publication 42).

This project will not cause a rupture at a known earthquake fault, cause strong seismic ground shaking, cause seismic-related ground failure, including liquefaction or cause a landslide because it is a continuation of on-going activities that have be conducted for over 30 years. Activities do not involve the disturbance of surface soil or subsurface soil or require construction of new facilities.

b. Describe the sites location relative to nearby geologic units or soils that are unstable, or that might become unstable as a result of the project.

The Refinery site is not located in area of unstable geologic or soil conditions. The Refinery site has not been affected in the past by ground subsidence and is not expected to experience significant subsidence in the future. As discussed under item a above, the Refinery site is not in an area of significant liquefaction or landslide risk.

c. Indicate if the site is located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994).

The uppermost four to 10 feet of soil at the Refinery generally is composed of granular, alluvial materials and sandy silt artificial fills. These materials do not tend to show significant soil expansion or be considered an expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994). The proposed project would not be expected to result in significant risks due to expansive soils. Additionally, this project will not require any contact with site soil.

d. If wastewater will be disposed and sewers are not available, indicate if the site is located on soils that are capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

Because wastewater associated with the proposed project will be collected and transported off site, soils at the Refinery site are not required to be usable to support septic tanks or other alternative wastewater disposal systems. Furthermore, no septic tanks or alternative wastewater disposal systems are used by the Refinery or in the City of El Segundo.

e. Provide a contour site map.

See Figure 2.

Based on the above information, no significant changes in nor significant impacts to geology and soils are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

California Department of Conservation - Division of Mining and Geology (CDMG), 1998 Official Map of Seismic Hazard Zones (ground motion, liquefaction and landslides), Los Angeles Quadrangle, http://www.conserv.ca.gov/dmg

Division of Mines and Geology Special Publication 42

www.elsegundo.org (see municipal code and building and safety link)

7. Greenhouse Gas Emissions

Description of Baseline Environmental Conditions:

The existing landfarm and HWSTF/PCBs Building do not have any significant sources of GHG emissions.

a. Describe all equipment or processes that would be stationary or mobile sources of greenhouse gas (GHG) emissions *(carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride)*, and provide an estimate of the amounts of GHG emissions those activities would generate.

The former landfarm and HWSTF/PCBs Building are not sources of GHG and do not generate emissions. The combustion sources (i.e., vehicles and forklifts that service the facility) generated GHG emissions. The estimated emissions of GHG from existing activities are presented in the Table 2 in Section 3. The transport of waste to/from the HWSTF is an existing activity and no new additional vehicles are expected. Therefore, no increase in GHG emissions is expected. The calculations are presented at the end of this form.

b. Identify the local or regional plan, policy or regulation that was adopted for the purpose of reducing the emissions of greenhouse gases, and describe any thresholds where GHG emission would be considered significant, and any mitigation measures that apply to the project that would reduce GHG emissions to less than significant levels.

The SCAQMD has established a 10,000 metric ton per year CO_2 equivalent GHG emissions significance threshold. The existing GHG emissions are below the significance threshold and no change in GHG emissions is expected. Therefore, GHG emissions are less than significant and no mitigation is required.

Based on the above information, no significant changes in nor significant impacts to GHG emissions are expected.

References Used:

SCAQMD GHG Significance Thresholds, available at http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf.

8. Hazards and Hazardous Materials

Description of Baseline Environmental Conditions:

The project activities are a continuation of on-going environmental monitoring and inspections of the closed landfarm unit and the operating HWSTF/PCBs Building. The landfarm is a closed hazardous waste unit with approximately 58,000 tons of refinery waste left in-place and capped with clay and asphalt. Hazardous material resulting from this unit are groundwater and pore-liquid samples for analysis. These samples are disposed of by the laboratory once the analysis has been completed. There are some changes from the previous permit and these are; (1) the frequency of groundwater sampling will be conducted semi-annually rather than quarterly; and, (2) that soil gas sampling frequency be reduced to annual. A determination was made that groundwater quality was stable and such a change at this time is prudent.

The HWSTF/PCBs Building may at various times contain hazardous materials. The containment capacity for the HWSTF is 132,433 gallons and the containment capacity for the PCBs Building is 3,410 gallons. In any year between 3,000 and 6,000 gallons of hazardous waste are stored and fewer than 2,500 gallons of hazardous waste are treated. All treatment results in hazardous waste being converted to non-hazardous waste and this treated liquid waste goes to the Refinery wastewater treatment system, which is operated under National Pollutant Discharge Elimination System (NPDES) permit. Hazardous materials from all areas of the Refinery are collected here for off-site transport and disposal. These materials are nearly always containerized in 55-gallon drums, although 5-gallon pails and 20-cubic yard roll-off bins are permitted.

Hazardous materials include such items as miscellaneous liquid waste, miscellaneous solid waste, refinery listed waste. When possible materials are recycled and e-waste is handled separately.

a. Describe those aspects of the proposed project that may involve the transport, use or disposal of hazardous materials.

All efforts to transport hazardous material will be completed by a licensed waste hauler. No use of hazardous materials other than handling for off-site transport occurs as a result of this project and all disposal activities for hazardous waste are conducted at a Class I landfill, not operated by Chevron. The potential wastes that may be treated at the HWSTF include aqueous solutions contaminated with acid, caustic, metals or organic compounds, typically resulting from equipment cleaning procedures, plant shutdowns and catalyst replacement activities. Sludges and other solids (catalysts for example) are also generated from Refinery processes and shutdowns and may be treated at the facility. Neutralization activities are vented to carbon to treat vapors. Neutralizing agents (neutralizer) will be used to treat acidic waste streams include 15% solution of sodium Sesquicarbonate (NaHCO3•Na2CO3); 20% sodium carbonate or sodium percarbonate solution (Na2CO3); 60% strength solution of tripotassium phosphate (K3PO4); 60% strength solution of tetrapotassium pyrophosphate (K4P2O7); and, 14% to 50% solution of sodium hydroxide (NaOH). The project would not increase or change the amount of hazardous material used at the Refinery, or hazardous waste generated by the Refinery.

b. Summarize the conclusions of any studies that examined any hazards to the public or the environment through reasonably foreseeable upset and accident conditions at the site that involved the release of hazardous materials into the environment.

The former landfarm is capped with no active landfarming. Therefore, no upset or accident conditions are expected to occur. The HWSTF/PCBs Building primarily handle containerized hazardous waste, with the exception of waste neutralization. The waste neutralization is in contained area. Any upset or accident would be contained, collected, and neutralize such that no off-site hazards to the public are expected.

c. Describe those aspects of the project that may emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school or other sensitive receptors.

No schools are located within one-quarter of a mile of the HWSTF/PCB Building. No hazardous material will be handled or will any hazardous emissions be emitted within one-quarter mile of a school.

d. Indicate if the site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

The Chevron Refinery is listed on the Cortese list as compiled by Government Code Section 65962.5. This analysis is being prepared to comply with the provisions of the Cortese list.

e. Identify and describe the conditions of any adopted emergency response plan or emergency evacuation plan that would be required during proposed project implementation.

The former landfarm and the existing HWSTF/PCBs Building are located within the Refinery, which maintains an on-site fire department. The Refinery fire department is staffed with trained and certified fire fighters and emergency medical technicians, which is capable of responding to petroleum and structure fires, hazardous materials releases, and confined-space rescues. Response times are on average within three minutes. The Refinery maintains a mutual aid agreement with the Los Angeles area refineries and also regularly trains with the City of El Segundo fire department. The former landfarm and the existing HWSTF/PCBs Building have and will continue to be supported by the on-site fire department. The project does not does not alter roads or access to the former landfarm and the existing HWSTF/PCBs Building. This project will not impair or physically interfere with any emergency plan, as no new structures would be built and no change in operations would occur.

Based on the above information, no significant changes in nor significant impacts to hazards and hazardous materials are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at

http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

U.S. Environmental Protection Agency. Test Methods for Evaluating Solid Waste. SW846, Third Edition, Update III Revision 2, December 1996.

9. Hydrology and Water Quality

Description of Baseline Environmental Conditions:

The Chevron El Segundo Refinery is located on an approximately one-square mile parcel near the Pacific Ocean. Much of the groundwater underlying the Refinery is impacted by floating petroleum. The Regional Water Quality Control Board (RWQCB) is overseeing the extraction of this free product and overall cleanup of groundwater. The upper-most saturated zone is not used for any domestic proposes. Lower aquifers are used and are part of the barrier project, a system of injection wells designed to prevent salt water intrusion from the Pacific Ocean. The Cities of El Segundo and Manhattan Beach have reported there are no drinking water production wells within one mile of the former landfarm and HWSTF/PCBs Building.

Groundwater is impacted under the HWSTF/PCBs Building. These facilities are not subject to environmental monitoring. All environmental monitoring in this area of the Refinery is conducted under the oversight of the RWQCB. The proposed project will not involve increased water consumption nor increased wastewater generation; thus, the potential does not exist for significant adverse impacts on either water supplies or water quality. Under the former landfarm, where DTSC is overseeing the monitoring of groundwater quality, there is the possibility of releases from impounded waste, although no release of significance has been detected in groundwater.

The HWSTF/PCBs Building are equipped with impound basins that can be emptied into the Refinery's wastewater treatment system or collected and managed as needed. The HWSTF has been built with concrete containment areas that prevent potential spills from reaching the environment.

a. Identify and describe any water quality standards or waste discharge requirements that may apply to the proposed project. If applicable, include the name of the applicable Regional Water Quality Control Board responsible for project oversight.

There are no waste discharge requirements associated with this project. This project will have no effect on water quality because no change will occur in current operational practices. The groundwater will continue to be sampled as required by the RWQCB.

b. Indicate if the site is located over a known groundwater aquifer, and describe those aspects of the project that may require the extraction or recharge of groundwater.

The El Segundo area is underlain by the Gage and Silverado aquifers. A saltwater intrusion barrier system is in place from Los Angeles Airport to the Palos Verdes Peninsula along the Santa Monica Bay. There are no drinking water production wells within one mile of the former landfarm and existing HWSTF/PCBs Building. Depth to groundwater in the area is approximately 105 feet. No significant amount of water will be pumped from the groundwater wells that are part of this post-closure project of the former landfarm and no groundwater is produced from the HWSTF/PCBs Building.

c. Describe any site drainage features, including streams or rivers, and the capacity of existing or planned storm water drainage.

No change in topography will occur as a result of the project. No streams or rivers are located in the vicinity (within one mile) of the Refinery. The Refinery contains storm water from within its boundaries and processes it through on-site wastewater treatment facilities. The HWSTF/PCBs Building are equipped with berms to prevent run-on into the facility. No construction activities are associated with the project, so no impact on storm water drainage is expected.

d. Indicate if the site is located within a 100-year flood hazard area.

The Part B Permit Application contains floodplain maps indicating no portion of the Chevron Refinery is located in a 100-year flood plain. All activities will be conducted on site.

e. Indicate if the site is located in an area subject to inundation by sieche (resonant oscillation of water), tsunami or mudflow.

The entire Refinery is approximately 80 feet above sea level, and on level ground. Additionally, the western boundary of the Refinery (located approximately 2,600 feet west of the HWSTF/PCBs Building is a sand berm approximately 100 feet high. There are no lakes within the Refinery in the vicinity of the former landfarm or the existing HWSTF/PCBs Building, so seiche are not expected to occur or affect the project. The City of El Segundo publishes a Tsunami Evacuation Map that displays the tsunami evacuation zones. The Refinery, the former landfarm, and the HWSTF/PCBs Building are not located in the tsunami evacuation zones. The flat terrain of the Refinery, former landfarm, and existing HWSTF/PCBs Building as well as the lack of nearby hills or mountains make the area not subject to mud flows. Therefore, the project is not located where sieches, tsunamis or mudflows would impact any activities conducted at the former landfarm or the existingHWSTF/PCBs Building.

Based on the above information, no significant changes in nor significant impacts to hydrology and water quality are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

E-mail from Roger Hahn, Chevron regarding onsite water recycling. October 23, 2006

U.S. Environmental Protection Agency. Methods for Chemical Analysis of Water and Waste, Environmental Monitoring Services Laboratory, 1983

City of El Segundo Tsunami Evacuation Map Rev. January 2016 available at https://www.elsegundo.org/civica/inc/displayblobpdf.asp?blobID=14430.

10. Land Use and Planning

Description of Baseline Environmental Conditions:

The Refinery site is zoned by the City of El Segundo as Heavy Industrial (M-2). This is shown on Figure 7, a Zoning Map of the City of El Segundo. The areas surrounding the Refinery can generally be characterized as a blend of heavy and light industrial, commercial, medium- and high-density residential, and industrial/ manufacturing. Land use at the Refinery and in the surrounding vicinity is consistent with the City of El Segundo General Plan land use designations for the area, The Land Use element of the General Plan currently in force was adopted in December 1992, and no revisions regarding land use at the Refinery have occurred since that time.

a. Identify the zoning designation and allowable land uses and limitations of the site and the applicable land use plan, policy, or regulation and agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance).

The Refinery, including the former landfarm and existing HWSTF/PCBs Building are not located within the coastal zone as shown in the El Segundo Local Coastal Plan. This project will not result in any land use or zoning change.

b. Identify the applicable habitat conservation plan or natural community conservation plan and agency with jurisdiction over the project.

As discussed in Section 4 – Biological Resources, this project will not conflict with any habitat conservation plan or natural community conservation plan. This is an area of heavy industrial use and this project will have no effect.

Based on the above information, no significant changes in nor significant impacts to land use and planning are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

http://www.elsegundo.org/depts/planningsafety/planning/general_plan/3landuse.htm City of El Segundo General Plan

El Segundo Local Coastal Program available at https://www.elsegundo.org/civicax/filebank/blobdload.aspx?blobid=3731

11. Mineral Resources

Description of Baseline Environmental Conditions:

This is an oil refinery covering one square mile. The Refinery has been in operation since 1911. This project only involves a small portion of the Refinery. No mineral resources will be impacted as a result of this project.

a. Identify any mineral resources that would be of value to the region and the residents of the state that are located on or in proximity to the site.

No mineral resources are involved in the groundwater, pore-gas or pore liquid sampling activities or operating the HWSTF/PCBs Building.

b. Indicate if the site is a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

No mineral resources are involved in the groundwater, pore-gas or pore liquid sampling activities or operating the HWSTF/PCBs Building and the Refinery is not located on a locally-important resource recovery site.

Based on the above information, no significant changes in nor significant impacts to mineral resources are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

www.elsegundo.org

12. Noise

Description of Baseline Environmental Conditions:

The former landfarm and operating HWSTF/PCBs Building are within an oil refinery covering one square mile. The Refinery has been in operation since 1911. The Refinery operates 24 hours per day, 7 days per week. Noise levels remain constant. The noisiest device at the Refinery is the Alkylation Unit which may cause noise levels to 85 A-weighted decibels (dBA). This would be the maximum noise level reached on the Refinery. Approximately 1.5 miles away is Los Angeles International Airport where noise levels typically exceed 100 dBA. Other noise sources include: the Scattergood power generating plant, the Los Angeles County Hyperion Municipal Wastewater Treatment Plant and traffic noise on Sepulveda Boulevard and El Segundo Boulevard.

Activities conducted at the former landfarm involve environmental sampling of groundwater pore-water, soil gas and cap inspections. At the operating HWTSF/PCBs Building, activities involve container handling utilizing hand dollies, possibly a fork lift and one 2- to 5-ton truck. The maximum noise levels expected in conducting these activities is 45 dBA. Therefore, noise levels at the landfarm and HWSTF/PCBs Building have not been and will not be discernable from ongoing Refinery activities.

The Refinery including the former landfarm and the operating HWSTF are not located within an airport land use plan (see Los Angeles County Airport Land Use Plan maps for Hawthorne Airport and Los Angeles International Airport).

a. Describe those aspects of the project that would generate noise, the anticipated noise levels, and the standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Activities associated with the project create little or no noise. The groundwater monitoring well pumps are operated by compressed bottled air, the pore-liquid lysimeters are operated with a bicycle pump and pore gas is sampled using a SUMMA canister that have no noise sources. The noise associated with the HWSTF/PCBs Building include truck loading and unloading of containers, specifically 55-gallon drums using hand dolly and the lift gate on a stake bed or covered 5-ton truck. In rare instances, a fork lift may be employed. Maximum noise levels from these activities are not expected to exceed 45 dBA. Activities at the HWSTF would occur for approximately 2 to 4 hours per month.

b. Describe those aspects of the project that would generate noise excessive groundbourne vibration or groundbourne noise levels.

There will be no groundbourne vibration or groundbourne noise because all activities are powered manually or require the use of equipment incapable of causing these effects.

c. Describe ambient noise levels at and in the vicinity of the site.

The noise levels in the vicinity of the Refinery were monitored for the Product Reliability and Optimization (PRO) Project and showed the ambient noise levels to be between 60.4 and 68.7 dBA reported as Community Noise Exposure Levels (CNEL). The CNEL is the adjusted noise exposure level for a 24-hour day and accounts for noise source, distance, duration, single event occurrence frequency, and time of day. The PRO Project was expected to increase the noise levels to between 60.6 and 69.7 dBA. No Refinery projects have been completed since the PRO Project that would affect noise levels at the Refinery. Therefore, the expected noise levels following completion of the PRO Project are representative of existing noise levels at the Refinery. The activities at the operating HWSTF occur either every 3 months or 6 months so there can be no permanent ambient noise level increase. These activities, moving drums with a dolly, lifting lift gates and various samplings activities are not noisy. The maximum expected noise level from these activities is 45 dBA, which is not expected to be discernable from ongoing Refinery activities.

Based on the above information, no significant changes in nor significant impacts from noise are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Product Reliability and Optimization Project, Table 4-14 pg. 4-40, South Coast Air Quality Management District, May 2008 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2008/feir-chevron.

www.elsegundo.org

City of El Segundo Noise Ordinance available at http://www.sterlingcodifiers.com/codebook/index.php?book_id=587.

Los Angeles County Airport Land Use Plan, Los Angeles County, Department of Regional Planning, 2004 available at http://planning.lacounty.gov/assets/upl/data/pd_alup.pdf.

13. Population and Housing

Description of Baseline Environmental Conditions:

The Refinery is an approximately one-square mile parcel with the Pacific Ocean on the west side. The Refinery is bounded by the cities of El Segundo to the north and Manhattan Beach to the south. These communities are predominantly residential. This project will not change the population or housing demand in either of these communities. Figure 7 shows the City of El Segundo and the Chevron El Segundo Refinery location.

a. Describe those aspects of the project that would induce substantial population growth in area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

The project is a renewal of an ongoing operation and does not involve an increase in employees. Therefore, the project will result in no population growth, either directly or indirectly.

b. Describe those aspects of the project that would displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

The project is an ongoing activity within the existing Refinery. Therefore, the project will not displace or require housing. This project will not affect any existing dwellings, in any way. The site is industrial, not residential. The post-closure activities will have no impact beyond the site boundaries.

c. Describe those aspects of the project that would displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

See responses to a and b.

Based on the above information, no significant changes in nor significant impacts to population and housing are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

http://elsegundo.org/visiting/census.asp (site contains US Census data)

14. Public Services

Description of Baseline Environmental Conditions:

The project includes groundwater sampling, soil pore gas sampling and soil pore liquid sampling continues the existing environmental and inspection activities at the former landfarm and continuing operation of the HWSTF Building/PCBs Bulding. These activities are all conducted on site. The City of El Segundo has its own police force and fire department that may, at times, respond to an emergency at the Refinery overall, however this project will not require any of those services. Schools and parks will not be affected.

Describe to what extent the following services are currently being provided at or in proximity of the site:

- Fire protection

This project involves pore-gas, pore-liquid and groundwater sampling associated with the former landfarm. At the HWSTF/PCBs Building there are fire extinguishers. An on-site fire extinguisher will be used if necessary, for anything associated with sampling activities. If, in the very unlikely event that a larger fire should occur at either facility, the Refinery maintains an onsite fire department and coordinates with the local fire department.

- Police protection

The Refinery is staffed 24 hours a day, 7 days a week by site security personnel and coordinate with the local police department. Therefore, there is no anticipation of additional police services.

- Schools

There will be no effect on schools due to the project, since the project does not require additional personnel that may need additional school services. Therefore, no existing school facilities will be affected and no new school facilities will be needed. Additionally, the project occurs within the confines of the Refinery, and, as such is not expected to affect schools. The nearest school is 0.7 mile from the Refinery.

- Parks

The project does not add additional residents to the community. Therefore, park facilities will not be affected. Additionally, the project occurs within the confines of the Refinery, and, as such will not impact parks.

- Other public facilities

The project does not increase the population that would require public facilities. Therefore, there is no anticipated increased use of other public facilities.

Based on the above information, no significant changes in nor significant impacts to public services are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

www.elsegundo.org/depart/default.asp All departments for the City of El Segundo including police, fire, parks and schools are listed at this site

15. Recreation

Description of Baseline Environmental Conditions:

The Refinery occupies approximately one-square mile of level terrain in an urban/heavy industrial/residential setting. This is an industrial setting and there are no city parks or public swimming pools nearby (see Figure 8). This actual project site is surrounded by the entire Refinery. This project only involves sampling and inspection of the existing landfarm and operation of the existing HWSTF/PCB Building. No recreational facilities are involved or will be affected by this project.

a. Describe existing neighborhood and regional parks or other recreational facilities that are located at or in proximity of the site.

No new employees are required for the project. Therefore, increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated is not expected. See Baseline Environmental Conditions above for further details.

Based on the above information, no significant changes in nor significant impacts to recreation are expected.

References Used:

HWSTF/PCBs Building Operating Plan, Chevron Products Company, December 11, 2006, updated 2017.

http://www.elsegundo.org/depts/recreation/parks_n_facilities/default.asp This site list all parks and recreation for the City of El Segundo

16. Transportation and Traffic

Description of Baseline Environmental Conditions:

The sampling activities do not result in an increase or decrease in traffic because the vehicle used in this project never leaves the site. The removal of material stored at the HWTSF /PCBs Building would continue to involve approximately four truck trips per year. If, however, the HWSTF/PCBs Building were fully utilized to their maximum permitted capacity, the total number of trucks in one year servicing these facilities would be as many as 35. No two trips would occur on the same day.

The hauling of hazardous waste would be to a Class I Landfill by a licensed waste hauler. Because the nearest facility is 130 miles away at the Kettleman Hills facility in Kern County, the truck would exit the Chevron facility heading east on El Segundo Boulevard. The truck would turn left onto Sepulveda Boulevard and head north. Approximate 2 miles north the truck would get onto the San Diego Freeway heading north. The average level of service for a 24-hour period for El Segundo Boulevard in 2005 was 62,500 vehicles. The 1-hour peak rate is 5,400 vehicles.

a. Describe those aspects of the project that would affect the existing transportation system at and in the vicinity of the site.

There will be no substantial increase in traffic either from sampling and inspection activities at the landfarm or for transporting stored materials to and from the HWSTF/PCBs Building. The only vehicle traffic associated with these facilities are the courier service to pick samples up from environmental sampling semiannually and approximately 4 truck trips annually from the HWSTF (almost exclusively) and PCBs Building.

b. Describe the traffic load and capacity of the street system in the vicinity of the site.

There will be no impact on traffic on surrounding streets as a result of the project. The existing activities generate two additional vehicles during peak traffic that result in a 0.0185% increase. If, however, the HWSTF/PCBs Building were fully utilized to their maximum permitted capacity, the total number of trucks in one year servicing these facilities would be 35. If four trucks left these facilities on any given day and proceeded north to the Kettleman Hills facility, the increase in traffic would be 0.037%. If the four trucks left at the same time a sampling event was occurring at the former landfarm and samples needed to be couriered to the analytical lab, the increase would be 0.046%.

c. Describe the level of service standard established by the county congestion management agency for designated roads or highway.

The project does not involve changes to roadways or additional traffic. Therefore, no impact to level of service is expected.

d. Describe any hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) of roads or highways that may exist in the vicinity of the site.

The project does not involve changes to roadways or additional traffic. Therefore, no hazards due to roadway design features are expected.

e. Describe emergency access routes that may exist at or in the vicinity of the site.

The Refinery maintains emergency access routes through the Refinery. No changes to the routes will occur. The project is located within the confines of the Refinery and will not impact offsite emergency access routes.

f. Describe the current parking capacity existing at or in the vicinity of the site.

The Refinery has parking for contractors and employees. The project does not require new contractors or employees. Therefore, no change in parking capacity is needed to accommodate the continued operation of the project.

g. Describe any adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks) that may exist at or in the vicinity of the site.

The Refinery provides private bus transportation between the Refinery and offsite offices. No new employees will be required due to the project. The project will not alter public bus routes or bike routes.

Based on the above information, no significant changes in nor significant impacts to transportation and traffic are expected.

References Used:

17. Utilities and Service Systems

Description of Baseline Environmental Conditions:

The Refinery occupies approximately one square mile of level terrain in an urban/heavy industrial/residential setting. Electricity is provided by the onsite cogeneration facilities and Southern California Edison. Natural gas is provided by The Southern California Gas Company. Water needs are met by the City of El Segundo. Sewage is disposed through the County Sanitation Districts of Los Angeles County (LACSD) and receives secondary treatment at the Hyperion Water Reclamation Plant. Industrial wastewater is managed and treated onsite and discharged to the Pacific Ocean under and existing NPDES permit administered by the RWQCB.

a. Describe those aspects of the project that would require wastewater treatment approvals from the applicable Regional Water Quality Control Board.

The Refinery does utilize off-site domestic sewage wastewater treatment facilities and its own on-site industrial wastewater treatment facilities; however this project would not require an increase in water or wastewater generated. Therefore, no impacts on on-site or off-site wastewater treatment facilities would occur.

b. Describe those aspects of the project that would require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.

No new water or wastewater treatment facilities will be required. There will be no change in the current water or wastewater treatment generation.

c. Describe those aspects of the project that would require or result in the construction of new storm water drainage facilities or expansion of existing facilities.

No new or expanded storm water facilities will be required. There will be no change in the site topography.

d. Identify water supplies that are available to serve the project from existing entitlements and resources, or if new or expanded entitlements are needed.

The project will not increase water use over existing use. Therefore, no determination by a water provider is necessary.

e. Identify the wastewater treatment provider that serves or may serve the project, and indicate whether or not it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments.

The Refinery operates an on-site industrial wastewater treatment system and under the jurisdiction of the RWQCB and does not require any modifications due to the project; therefore no determination by a wastewater provider is necessary.

f. Describe those aspects of the project that would require disposal of materials at a landfill, identify the landfill to be utilized, and indicate if the landfill has sufficient permitted capacity to accommodate the projects solid waste disposal needs.

All hazardous waste from the HWSTF/PCBs Building that is hazardous waste will be disposed off site as such. The small volume will have no impact on over capacity of such off-site facilities.

Based on the above information, no significant changes in nor significant impacts to utilities and service systems are expected.

References Used:

CEQA Final Environmental Impact Report prepared for Chevron Products El Segundo Refinery Coke Drum Reliability Project, Appendix A, South Coast Air Quality Management District, November 2012 available at http://www.aqmd.gov/home/research/documents-reports/lead-agency-permit-projects/permit-project-documents---year-2012.

http://www.sce.com/NR/rdonlyres/FAF1EDF8-B2B3-45BC-979D-A8B6F596BDCD/0/QF_Status_Report.pdf

http://elsegundo.org/living/moving_in/utilities/default.asp (see link to utilities, specifically water service)

Certification:

I hereby certify that the statements furnished above and in the 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.

Marcia Baverman	09/05/19
Preparer's Signature	Date

Marcia Baverman	Project Manager, Environmental Audit, Inc.	714-632-8521 x 237
Preparer's Name	Preparer's Title	Phone #

The CEQA Guidelines Checklist was updated in January 2019, the items below address the topic not previously discussed in the CEQA Guidelines Checklist. There were some changes in January 2019 to the checklist that asked the same question in a slightly different form or location, but would not alter the response to the question. Only the topic that is new is presented below.

Energy. The Refinery produces electricity from on-site cogeneration plants and purchases supplemental electricity from Southern California Edison. The existing HWSTF/PCBs Building are served by the Refinery electrical system. No change to the electricity demand at the HWSTF/PCBs Building is proposed. Therefore, the project does not have a significant environmental impact that would be wasteful, inefficient, or unnecessary consumption of energy resources. Cogeneration is an energy efficient method of generating electricity. By generating electricity on-site, the Refinery does not obstruct state renewable energy plans.

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FIGURES

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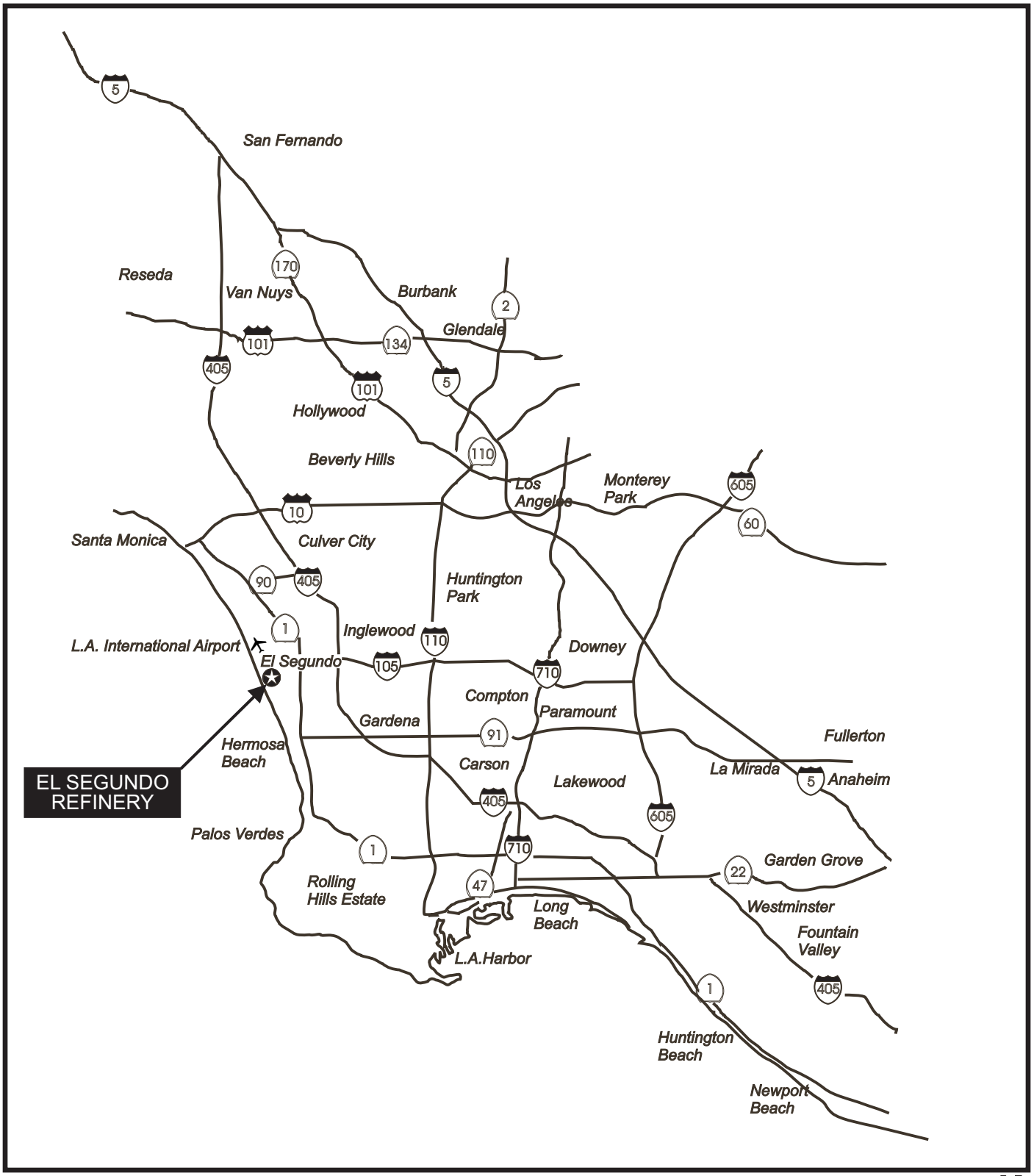


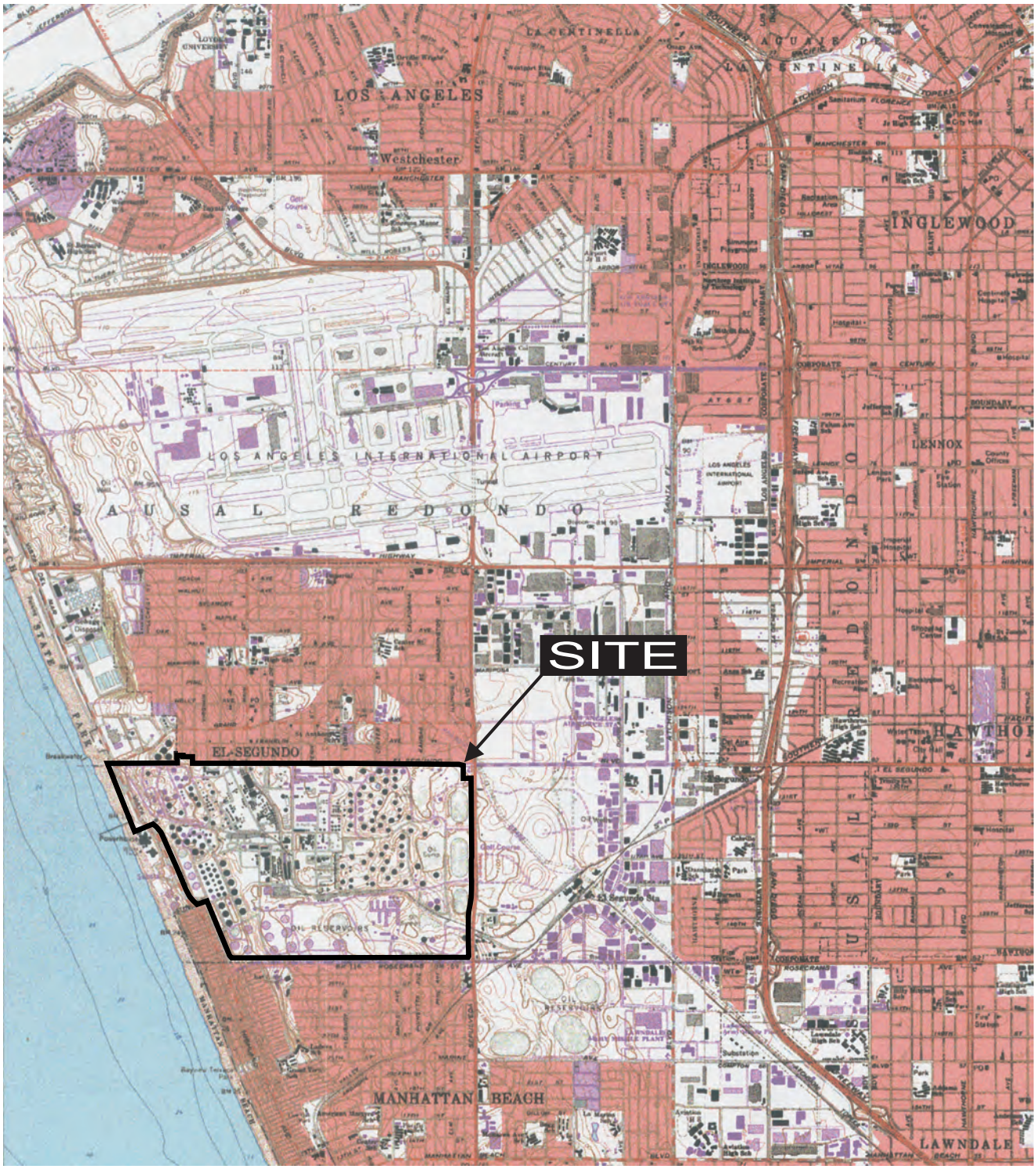
Environmental Audit, Inc.

REGIONAL MAP
Chevron Products Company
El Segundo Refinery

Project No. 3018

Figure 1

N:\3018\RegionalMap (rev.1).cdr



Environmental Audit, Inc.

0 2,000'

N

SITE LOCATION MAP
Chevron Products Company
El Segundo Refinery

Project No. 3018

Figure 2

N:\3018\SiteLocMap.cdr

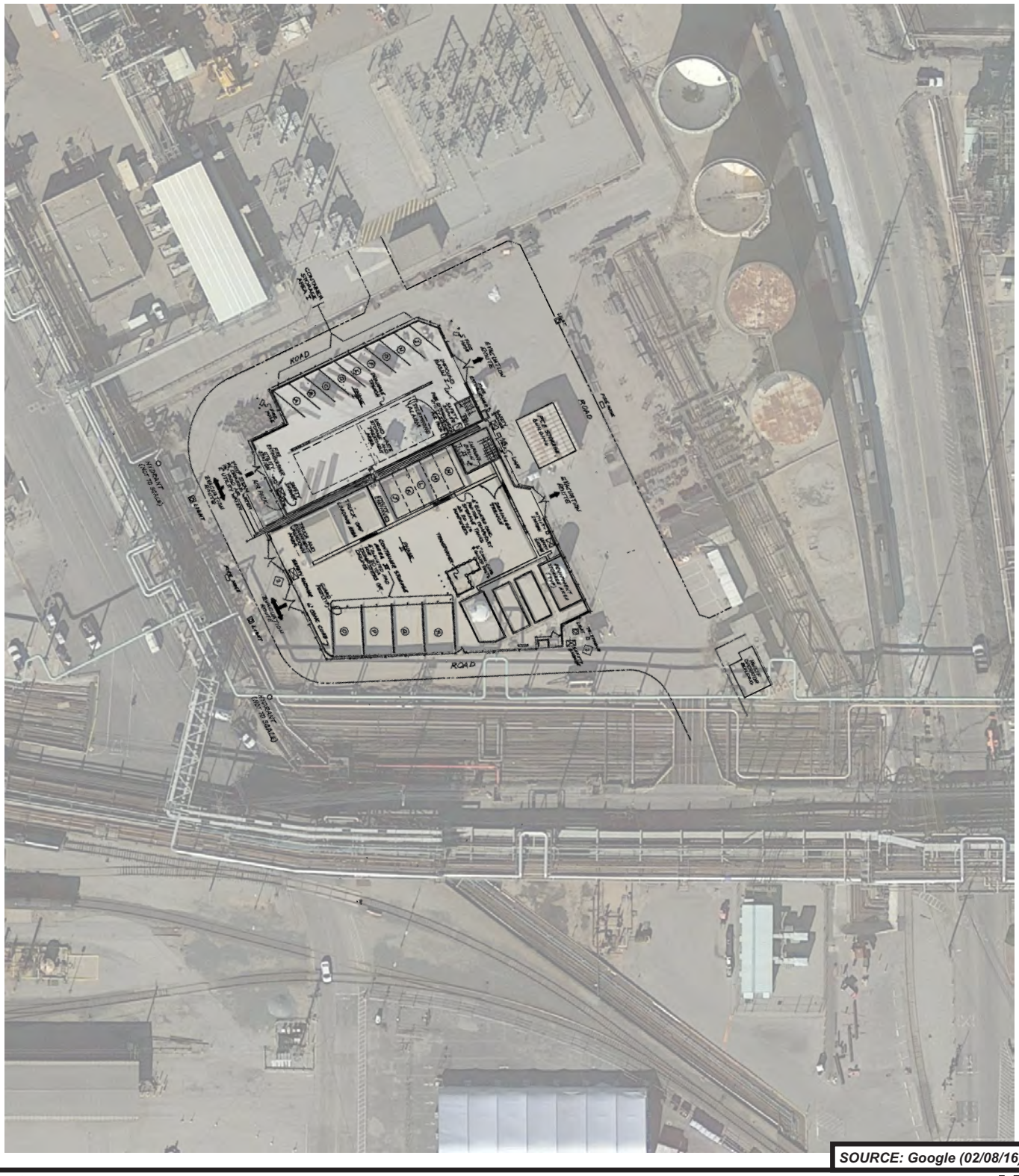
Environmental Audit, Inc.

HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY
AND LANDFARM LOCATION
Chevron Products Company
El Segundo Refinery

Project No. 3018

Figure 3

N:\3018\LandFarm Location.cdr



SOURCE: Google (02/08/16)

Environmental Audit, Inc.

0 ~100'

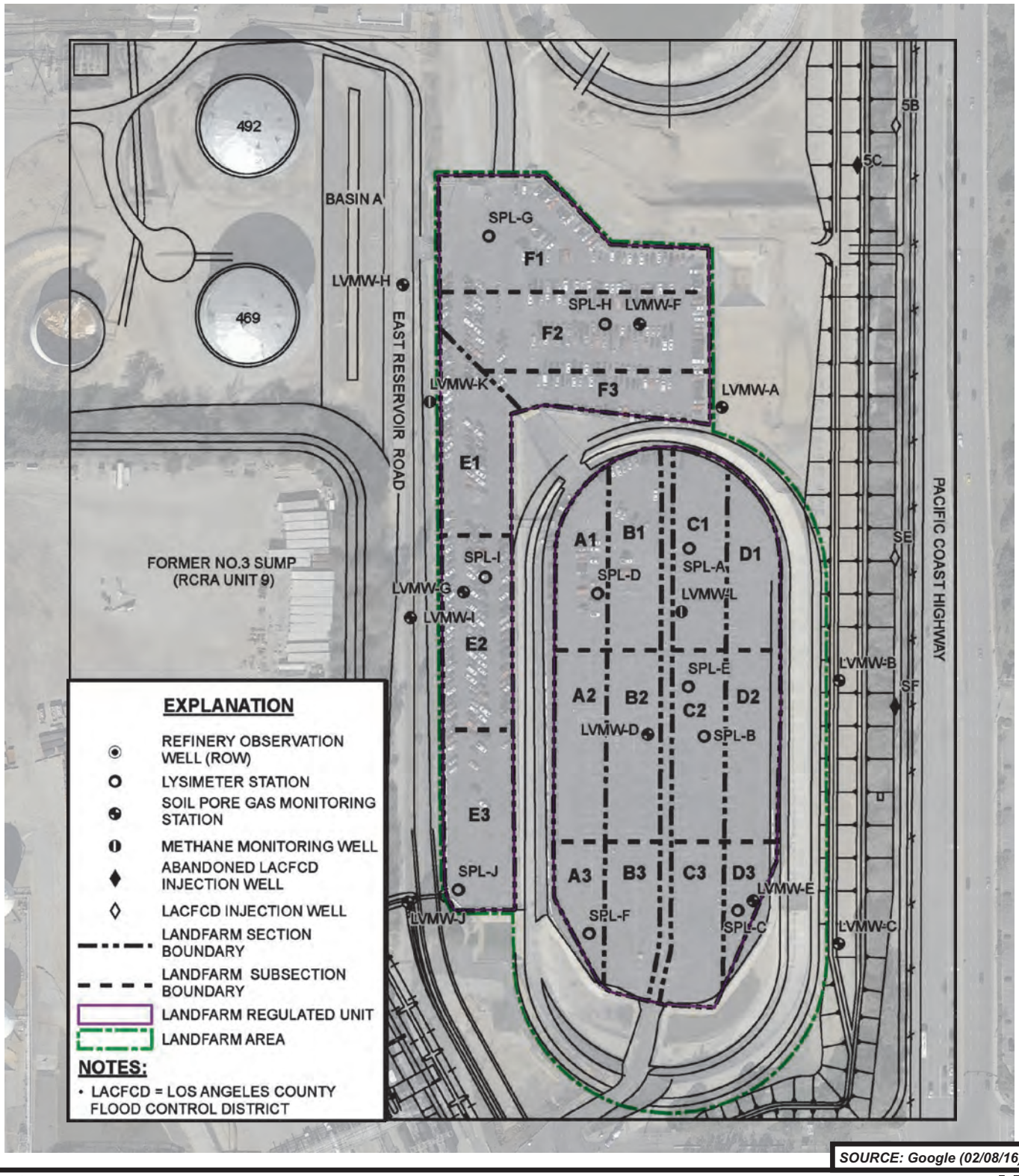
N

HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY PLOT PLAN
Chevron Products Company
El Segundo Refinery

Project No. 3018

Figure 4

N:\3018\Haz Waste Storage Plot Plan.cdr



SOURCE: Google (02/08/16)

Environmental Audit, Inc.

0 ~220'

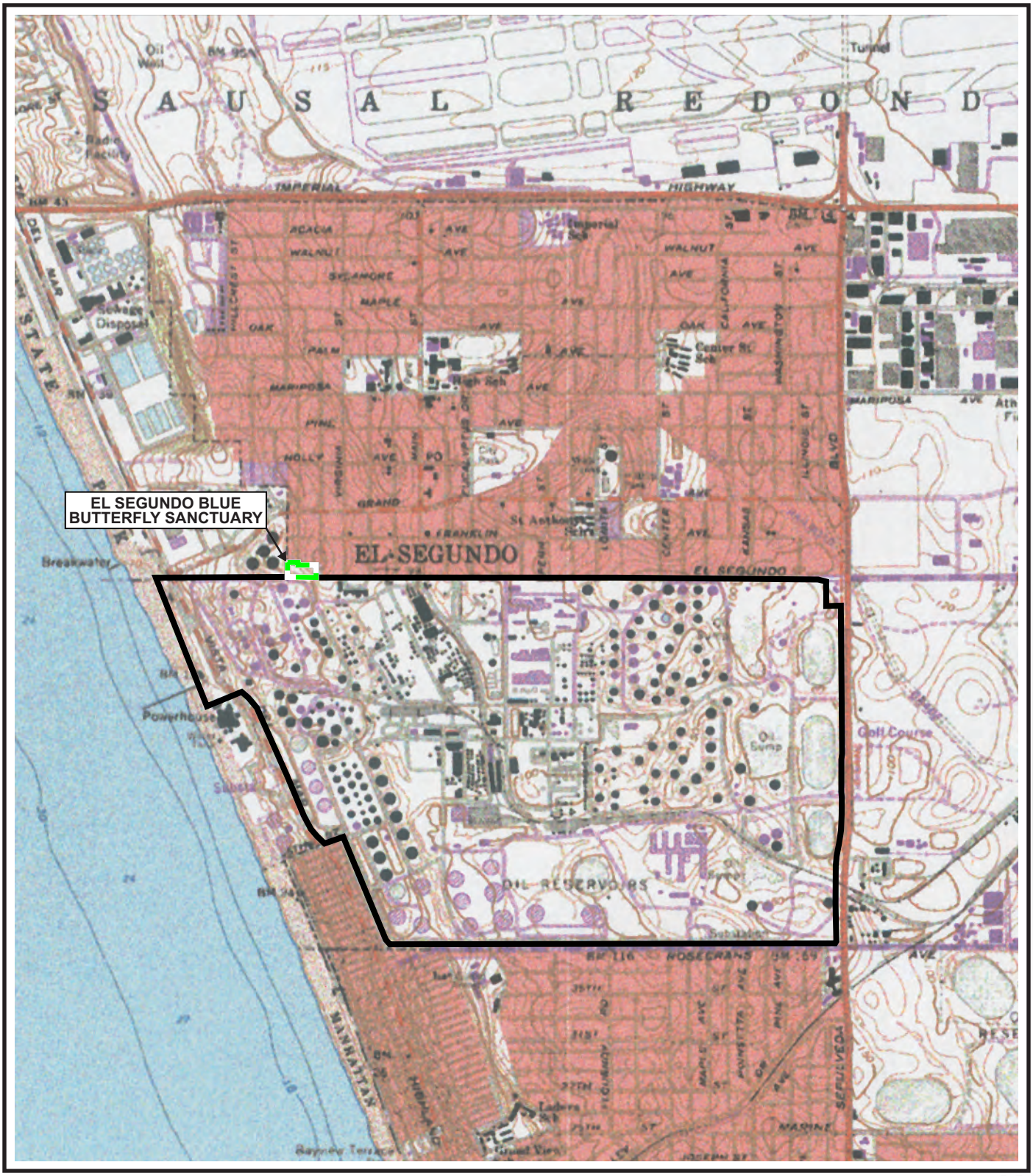
N

LANDFARM PLOT PLAN
Chevron Products Company
El Segundo Refinery

Project No. 3018

Figure 5

N:\3018\LandFarm Plot Plan (rev.1).cdr



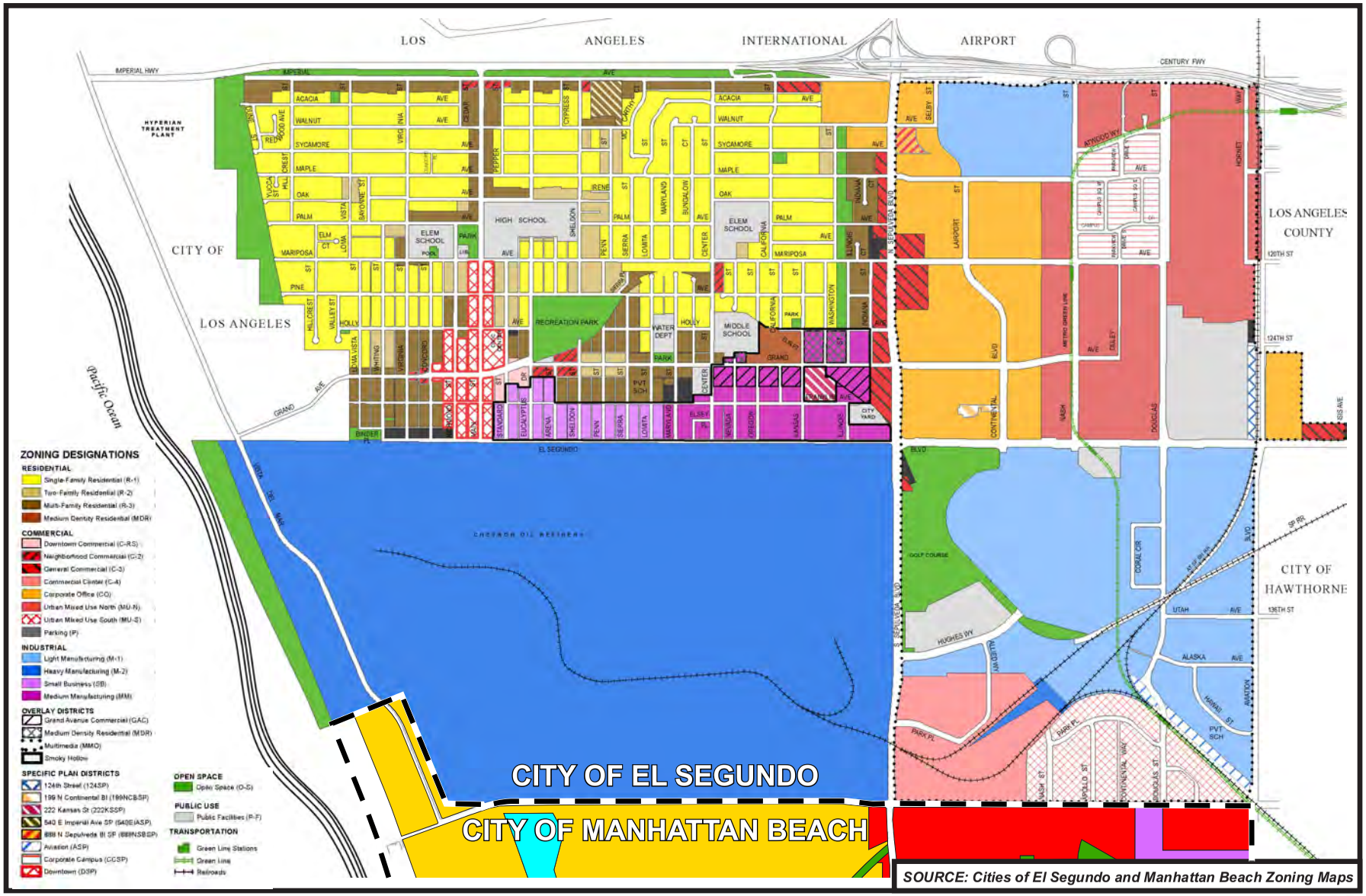
Environmental Audit, Inc.

El Segundo Blue Butterfly Sanctuary
Chevron El Segundo Refinery

Project No. 3018

Figure 6

N:\3018\Butterfly Sanctuary (rev.3).cdr



Environmental Audit, Inc.

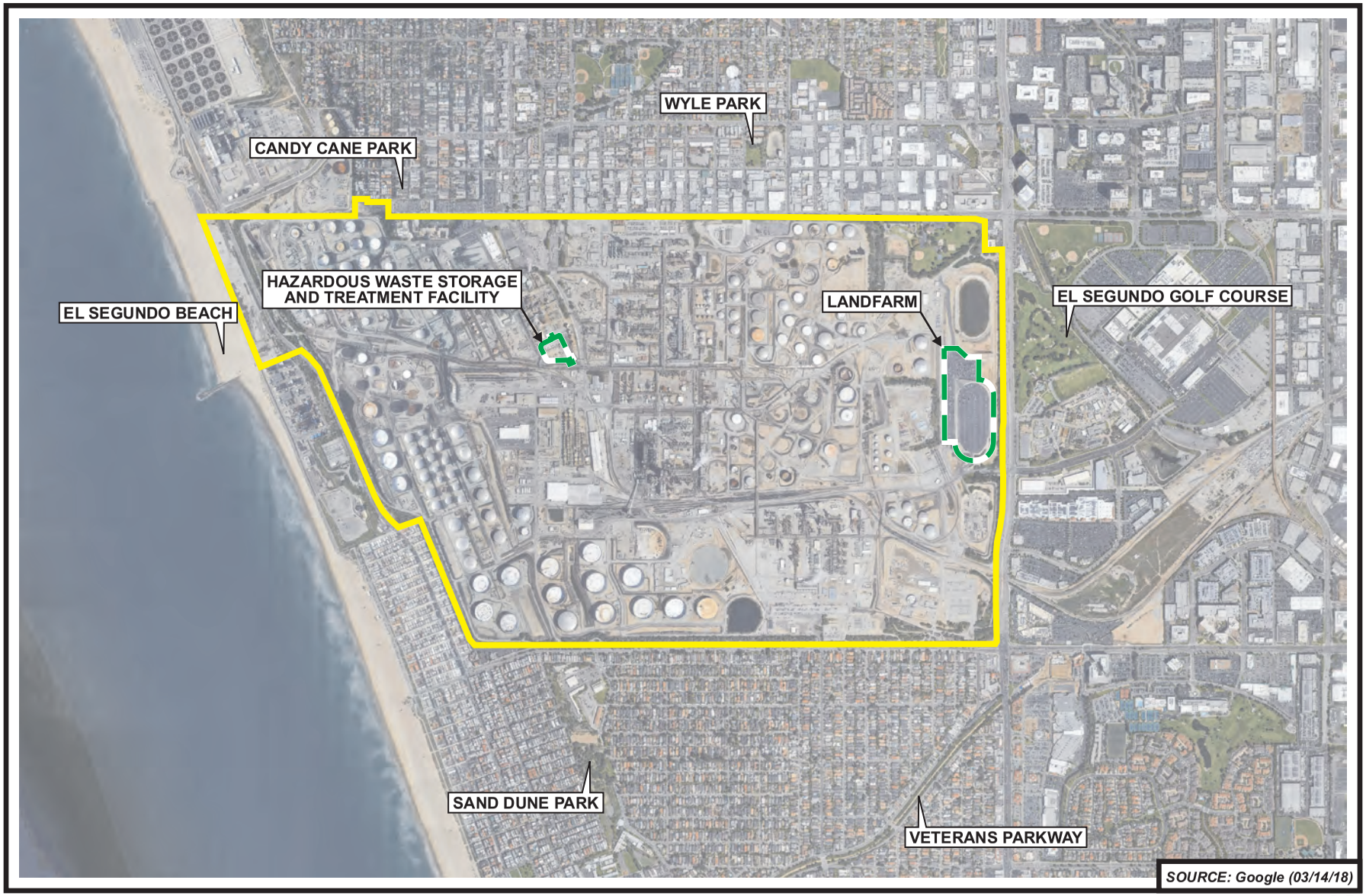
N

ZONING MAP
Cities of El Segundo and Manhattan Beach

Project No. 3018

Figure 7

N:\3018\ZoningMap.cdr



Environmental Audit, Inc.

LOCAL PARKS
Chevron Products Company
El Segundo Refinery

Project No. 3018

Figure 8

N:\3018\Local Parks.cdr

PHOTOS

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Source: Google

Photograph 1

View of North Side of Refinery from El Segundo Boulevard

Photograph 2

View of East Site of Refinery from Sepulveda Boulevard

Source: Google

Photograph 3

View of South Side of Refinery from Rosecrans Avenue

Photograph 4

View of West Side of Refinery from Vista Del Mar

AIR EMISSION CALCULATIONS

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Chevron El Segundo Refinery
Part B Permit Renewal
Emissions Summary

Peak Daily Emissions (lb/day)

Scenario	VOC	CO	NOx	SOx	PM10	PM2.5	CO2e (MT)
Forklifts	4.05E-02	4.67E-04	2.10E-02	2.43E-03	5.72E-04	2.11E-04	5.85E-02
Vac Trucks - MHDT	6.86E-03	2.32E-02	1.39E-01	5.47E-04	1.19E-02	6.99E-03	2.60E-02
Flatbed Trucks - MHDT	3.43E-03	1.16E-02	6.94E-02	2.74E-04	5.96E-03	3.49E-03	1.30E-02
Pickup Trucks - LDT1	1.18E-03	5.00E-02	4.77E-03	9.03E-05	1.38E-03	5.68E-04	4.07E-03
Total Emissions	**5.19E-02**	**8.53E-02**	**2.34E-01**	**3.34E-03**	**1.98E-02**	**1.13E-02**	**1.02E-01**

Annual Emissions (lb/yr)

Scenario	VOC	CO	NOx	SOx	PM10	PM2.5	CO2e (MT)
Forklifts	0.32	0.00	0.17	0.02	0.00	0.00	0.47
Vac Trucks - MHDT	2.50	8.48	50.68	0.20	4.07	2.55	9.50
Flatbed Trucks - MHDT	1.25	4.24	25.34	0.10	2.04	1.28	4.75
Pickup Trucks - LDT1	0.43	18.24	1.74	0.03	0.44	0.21	1.48
Total Emissions	**4.51**	**30.97**	**77.93**	**0.35**	**6.55**	**4.03**	**16.20**

MT= metric tons

Chevron El Segundo Refinery
Part B Permit Renewal
Forklift Emissions

Parameters [1]

	Speed	Distance	Peak Daily			Annual		
Scenario	**miles/hr**	**miles**	**trips**	**miles**	**hours**	**trips**	**miles**	**hours**
Case 586 H Forklift	5	2.84	5	14.20	2.84	40	113.64	22.73

Emission Factors [2][3]

Vehicle Category (lb/hr)	VOC	CO	NOx	SOx	PM10 Run	PM10 Fugitive (lb/mi)	PM10 Total	PM2.5 Run	PM2.5 Fugitive (lb/mi)	PM2.5 Total	CO2e
Case 586 H Forklift	1.42E-02	1.64E-04	7.40E-03	8.54E-04	3.29E-05	3.37E-05	NA	3.29E-05	8.28E-06	NA	2.06E-02

Peak Daily Emissions (lb/day)

Scenario	VOC	CO	NOx	SOx	PM10 Run	PM10 Fugitive	PM10 Total	PM2.5 Run	PM2.5 Fugitive	PM2.5 Total	CO2e
Case 586 H Forklift	4.05E-02	4.67E-04	2.10E-02	2.43E-03	9.34E-05	4.79E-04	5.72E-04	9.34E-05	1.18E-04	2.11E-04	5.85E-02

Annual Emissions (lb/yr)

Scenario	VOC	CO	NOx	SOx	PM10 Run	PM10 Fugitive	PM10 Total	PM2.5 Run	PM2.5 Fugitive	PM2.5 Total	CO2e
Case 586 H Forklift	3.24E-01	3.74E-03	1.68E-01	1.94E-02	7.47E-04	3.83E-03	4.58E-03	7.47E-04	9.40E-04	1.69E-03	4.68E-01

(1) Assumes 7500 ft each direction. 40 round trips per year, 4 round trips on a peak day.

(2) Off-road 2014 emission factors for 120hp rough terrain fork lift in 2019, and Executive Order U-R-015-0284. Assumes 100 percent of PM10 is PM2.5.

(3) Emission Calculations for travel on paved roads from EPA AP-42 Section 13.2.1, January 2011

$E = k(sL)^{0.91} \times (W)^{1.02}$

Where: k = 0.0022 lb/VMT for PM10 and 0.00054 for PM2.5, sL = road silt loading (gms/m2) (0.015 for limited access roads), W = weight of vehicles (2.5 tons for light; 5.5 for medium trucks, and 24 for heavy trucks)

Chevron El Segundo Refinery
Part B Permit Renewal
Onroad Emissions

Parameters [1]

	Distance	Peak Daily		Annual	
Scenario	**miles**	**vehicles**	**miles**	**vehicles**	**miles**
Vac Trucks - MHDT	2.84	8	22.73	2920	8,295.45
Flatbed Trucks - MHDT	2.84	4	11.36	1460	4,147.73
Pickup Trucks - LDT1	2.84	4	11.36	1460	4,147.73
Pickup Trucks - LDT1	2.00	2	4.00	8	16.00

Emission Factors [2][3]

Vehicle Category (lb/hr)	VOC	CO	NOx	SOx	PM10 Run	PM10 Fugitive	PM10 Total	PM2.5 Run	PM2.5 Fugitive	PM2.5 Total	CO2e (MT)
Vac Trucks - MHDT	3.02E-04	1.02E-03	6.11E-03	2.41E-05	4.91E-04	3.37E-05	5.25E-04	2.99E-04	8.28E-06	3.07E-04	1.14E-03
Flatbed Trucks - MHDT	3.02E-04	1.02E-03	6.11E-03	2.41E-05	4.91E-04	3.37E-05	5.25E-04	2.99E-04	8.28E-06	3.07E-04	1.14E-03
Pickup Trucks - LDT1	1.04E-04	4.40E-03	4.19E-04	7.95E-06	1.06E-04	1.51E-05	1.22E-04	4.63E-05	3.70E-06	5.00E-05	3.58E-04
Pickup Trucks - LDT1	1.04E-04	4.40E-03	4.19E-04	7.95E-06	1.06E-04	1.51E-05	1.22E-04	4.63E-05	3.70E-06	5.00E-05	3.58E-04

Peak Daily Emissions (lb/day)

Scenario	VOC	CO	NOx	SOx	PM10 Run	PM10 Fugitive	PM10 Total	PM2.5 Run	PM2.5 Fugitive	PM2.5 Total	CO2e (MT)
Vac Trucks - MHDT	6.86E-03	2.32E-02	1.39E-01	5.47E-04	1.12E-02	7.66E-04	1.19E-02	6.80E-03	1.88E-04	6.99E-03	2.60E-02
Flatbed Trucks - MHDT	3.43E-03	1.16E-02	6.94E-02	2.74E-04	5.58E-03	3.83E-04	5.96E-03	3.40E-03	9.40E-05	3.49E-03	1.30E-02
Pickup Trucks - LDT1	1.18E-03	5.00E-02	4.77E-03	9.03E-05	1.21E-03	1.71E-04	1.38E-03	5.26E-04	4.21E-05	5.68E-04	4.07E-03
Pickup Trucks - LDT1	4.14E-04	1.76E-02	1.68E-03	3.18E-05	4.26E-04	6.03E-05	4.86E-04	1.85E-04	1.48E-05	2.00E-04	1.43E-03
Total Emissions	1.15E-02	8.48E-02	2.13E-01	9.11E-04	1.79E-02	1.32E-03	1.93E-02	1.07E-02	3.24E-04	1.10E-02	4.31E-02

Annual Emissions (lb/yr)

Scenario	VOC	CO	NOx	SOx	PM10 Run	PM10 Fugitive	PM10 Total	PM2.5 Run	PM2.5 Fugitive	PM2.5 Total	CO2e (MT)
Vac Trucks - MHDT	2.50	8.48	50.68	0.20	4.07	0.28	4.35	2.48	0.07	2.55	9.50
Flatbed Trucks - MHDT	1.25	4.24	25.34	0.10	2.04	0.14	2.18	1.24	0.03	1.28	4.75
Pickup Trucks - LDT1	0.43	18.24	1.74	0.03	0.44	0.06	0.50	0.19	0.02	0.21	1.48
Pickup Trucks - LDT1	0.00	0.07	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01
Total Emissions	4.19	30.96	77.77	0.33	6.55	0.48	7.03	3.91	0.12	4.03	15.73

(1) Assumes 7500 ft each direction for HWSTF and 2 miles for each sampling event at the former Landfarm. Distance is round trip. Assumes 365 days of operations and 4 sampling events.

(2) Emfac2014 emission factors for 2019. Assume diesel for vac and flatbed trucks and gasoline for pickup trucks.

(3) Emission Calculations for travel on paved roads from EPA AP-42 Section 13.2.1, January 2011

$E = k(sL)^{0.91} \times (W)^{1.02}$

Where: k = 0.0022 lb/VMT for PM10 and 0.00054 for PM2.5, sL = road silt loading (gms/m2)

(0.015 for limited access roads), W = weight of vehicles (2.5 tons for light; 5.5 for medium trucks,

and 24 for heavy trucks)

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Phase I Environmental Site Assessment
(web-link provided)

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Attachment O

Public Comment Received Between January 6, 2022 and May 25, 2022

Public comment received between January 6, 2022 and January 19, 2022 (weblink provided)

Public comment received on January 20, 2022 (weblink provided)

Public comments received between January 20, 2022 and January 24, 2022 (weblink provided)

Public comments received between January 25, 2022 and January 28, 2022 (weblink provided)

Public comments received between January 29, 2022 and February 1, 2022 (weblink provided)

Public comments received between February 2, 2022 and February 6, 2022 (weblink provided)

Public comments received between February 7, 2022 and February 17, 2022 (weblink provided)

Public comments received between February 18, 2022 and March 28, 2022 (weblink provided)

Public comments received between March 29, 2022 and May 25, 2022 (weblink provided)

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From: Nick Grasu <ngrasu@intracorphomes.com>
Date: May 28, 2022 at 18:08:19 PDT
To: List - Planning Commission <PlanningCommission@manhattanbeach.gov>
Cc: List - City Council <CityCouncil@manhattanbeach.gov>
Subject: [EXTERNAL] [Letter of Support] Project Verandas (401 Rosecrans Ave.)

Dear Manhattan Beach Planning Commission & City Council,

First and foremost, I'd like to thank you for your public service. It's a thankless job you do, and we owe the vibrancy of our community to the good folks like you who make it all possible.

In short, I fully endorse the proposed project at 401 Rosecrans Ave.

I am both an El Porto resident and a homebuilder, and I understand the frustrations many of my neighbors are expressing. Admittedly, I also find myself struggling to see the opportunities in a shifting world. When faced with change, it's a natural human reaction to focus on the negative things that might happen. But we owe it to ourselves and our families to greet change with an open mind and heart. This project will bring countless not yet realized benefits to our neighborhood. I know that once this project is complete, the community will come to love it. The neighborhood will be safer, housing will be more affordable, the corner will be more beautiful, the view of the power plant will be blocked, and Manhattan Beach will have taken a big step toward becoming a more sustainable community.

After reading through the public comment letters, I have some responses from the humble perspective of an industry professional.

Ultimately, we are in the midst of an existential housing affordability crisis in California, and Los Angeles is one of the worst-hit. I regularly hear horror stories from my neighbors who either get rents jacked up by double-digit percentages or have their leases terminated because their landlords have decided to sell their homes for record prices to outside investors. I for one will never forget how stressful the fear of not being able to make rent can be.

While I understand that this project provides some affordable housing units, the more significant driver of housing cost increase is a simple lack of supply. I've been tracking the RHNA gameshow, and candidly, there are no other sites in Manhattan Beach that can practically support any multifamily housing at the scale that makes financial sense. The Manhattan Beach Country Club and the Sand Dunes Park are not realistically going to have any housing built on them in our lifetimes.

Mr. Buckley's solution was quite creative for a site that was essentially unbuildable for any other product type because of the odd geometry and proximity to the Chevron refinery. Moreover, its location (just over the lip of the hill as Rosecrans starts to dip back down to the water) conceals the structure quite well. It doesn't have the feel of a four-story building and won't block any ocean views. If anything, it blocks the view of the refinery, which is a tremendous benefit for the community that won't be fully appreciated until the building is standing.

Some other issues in the opposition letters include:

1. **Traffic** – In reality, multifamily is the least intense traffic generator of all other uses. It's a common misconception that the inverse is true, but I see that a traffic report exists, and it shows the same. The actual traffic generators are commercial uses like hotels, retail, shops, restaurants, and offices. If anything other than residential is built there, or even if it the current building is leased to its full occupancy, we'll see real traffic problems with customers coming in and going out of that center non-stop throughout the day.
2. **Parking** – I believe there is a common misunderstanding about where the actual site is. Many of my neighbors thought that the public parking lot would be demolished and built on, but that's not the case. It is staying. Furthermore, the proposed project provides more than enough parking for the uses. Many people seem to think that there might be a spillover of parking into the public lot, but, that kind of problem predominantly happens closer to transit centers where there are parking reduction standards that allow you to park fewer than one space per unit. This project is well above that ratio.
3. **Crime/nuisance** – The existing office/retail building has been vacant and in neglect for as long as I can remember. Residential units provide "eyes on the street," an effective and inexpensive deterrent for criminal activity. People will be there 24 hours a day to report suspicious activities. It's tempting to think the building is purposely kept vacant because the owner anticipated new development, but that under-parked office/retail product type is obsolete. And more than anything, empty buildings attract transiency and crime. I'd be curious to see how many MBPD calls come from this area since the building has gone vacant.
4. **Notice** – This is simply inaccurate. We received plenty of notice. I even remember having my entire street throw together a group text message to try and rally opposition to the project months before it was approved. Some more community outreach would have been beneficial and saved a lot of headaches, but I understand that it's not legally required.
5. **Density** – While 79 units seems like a large number in a beach town, the site is about an acre, which factors out to a pretty low density. It's so low that it's rare to see a financially viable building at 79 units to the acre density. Combined with the fact that it doesn't abut any residential uses, it's an entirely appropriate density for the size of the site.

6. **Sustainability** – There is a lot of discussion about solar uses and other sustainable measures, but the more significant contributor to sustainable living is building homes closer to job centers. This reduces the amount of energy, whether fossil fuel or not, consumed commuting to and from work. El Segundo and the Rosecrans corridor are some of the biggest job centers in Los Angeles. Because of their proximity to the ocean, there is naturally a limited number of homes that we can build nearby. That's why it's almost exclusively a commuter job center. EV charging stations and solar panels are like the paper straws of sustainability. It gives us the gratification that we are living sustainably, but in reality, if we want to make a real difference and save our environment, we will have to make some much more difficult decisions.

I fully understand and accept that my opinion is unpopular among my neighbors, but it's a cause I wholeheartedly believe in. Moreover, Mr. Buckley has taken a great risk in proposing such an expensive and complicated build. In reality, El Porto is more than a neighborhood, it is a community, and we should be true to our character and at least consider both the negatives AND the positives so we have the complete picture.

If you have any questions or need clarification, I'm always available.

Again, thank you for your public service. Despite what it might feel like at times, it is very much appreciated.

Nick Grasu
201 41st Street
Manhattan Beach, CA 90266

Nick Grasu | Director
dir 949.757.8476 | cel 310.954.9547
INTRACORP SW, LLC | 895 Dove St, Suite 400 | Newport Beach CA 92660 | www.intracorphomes.com

From: Andrea Jacobsson <andrea@jamaauto.com>
Sent: Sunday, May 22, 2022 8:00 AM
To: Kristin Sistos <ksistos@manhattanbeach.gov>; Jim Dillavou <jdillavou@manhattanbeach.gov>; Joseph Ungoco <jungoco@manhattanbeach.gov>; Robert Tokashiki <rtokashiki@manhattanbeach.gov>; Gerry T. Morton <gmorton@manhattanbeach.gov>; City Clerk <cityclerk@manhattanbeach.gov>
Cc: Hildy Stern <hstern@manhattanbeach.gov>; Steve Napolitano <snapolitano@manhattanbeach.gov>; Richard Montgomery <rmontgomery@manhattanbeach.gov>; Joe Franklin <jfranklin@manhattanbeach.gov>; Suzanne Hadley <shadley@manhattanbeach.gov>
Subject: [EXTERNAL] Project Verandas Planning Commission June 8th meeting

Planning Commissioners & City Council,

Please see attached letter.

Thank you!

Andrea Jacobsson

--

JAMA Auto House, Inc.
700 Pacific Coast Highway
Hermosa Bch, CA 90254
Cell 310/529-3649
Tel 310/318-1639
E-mail andrea@jamaauto.com
Website www.jamaauto.com

JAMA Auto House, Inc.
700 Pacific Coast Highway
Hermosa Beach, CA 90254
Tel 310.318.1639
Cell 310.529.3649

E-mail andrea@jamaauto.com
Website www.jamaauto.com

May 21, 2022

Re: Highrose El Porto / Verandas Development

Dear Planning Commissioners Sistos, Dillavou, Ungoco, Tokashiki and Morton;

During the 37 years I have worked in the South Bay, I don't think I have ever seen a development project that has moved forward without opposition and accompanying misinformation, so I'm not surprised that the same has happened to Project Verandas.

I support this housing project because it means better parking availability for the neighborhood once it is completed, and it will enable the city to meet at least some of the demand for new housing.

As a fellow business owner, and real estate professional, I can tell you first hand we don't need more retail, particularly at that corner. It will also benefit businesses in the North end of Manhattan Beach.

Thank you in advance for your consideration of opinions from So Bay business owners and a big fan of Manhattan Beach.

Sincerely,

Andrea Jacobsson

From: Aaron Cardenas <aaron@p1technologies.com>
Sent: Thursday, June 2, 2022 3:43 PM
To: List - Planning Commission <PlanningCommission@manhattanbeach.gov>
Cc: List - City Council <CityCouncil@manhattanbeach.gov>
Subject: [EXTERNAL] Local business owner supporting Project Veranda

To whom it may concern,

I own and operate a business based in Manhattan Beach. Our office is located across Highland from the proposed Veranda site.

I enthusiastically express my support for this development. This is exactly the type of upgrade that the El Porto area needs to flourish. Porto has always struggled to attain the same level of cache that the rest of Manhattan Beach enjoys and this development will help to elevate the area as well as the greater MB area. More importantly, it will bring in more residents that will participate in the betterment of the area and directly contribute to the success of local businesses, including mine.

Finally, the proposed structure itself would immediately elevate the aesthetic of the area and send out a signal that Porto is improving it's image and contribution to the community.

I take a lot of pride in being a part of this community and hope that this planning commission sees this development the same way that I do, as a much needed addition to an area that seems left behind relative to other south bay communities.

Thanks for your consideration,

Aaron

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