



Agenda Item #:

06/1017.15

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Tell and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Eric Haaland, Associate Planner

**DATE:** October 17, 2006

**SUBJECT:** Consideration of Planning Commission Approval of a Coastal Development Permit and a Vesting Tentative Parcel Map No. 67135 to Allow Construction of Two Attached Condominium Units at 3213 Manhattan Avenue

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### RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission.

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### DISCUSSION:

The Planning Commission, at its regular meeting of September 27, 2006, **APPROVED** (4-0, 1 absent) a 2-unit condominium project comprised of a single 3-story building on a standard corner walk street lot in the beach area replacing a triplex. The project site is fairly typical for a Strand condominium development except that one unit's garage is recessed further away from Ocean Drive further than required in order for the front unit to have better direct garage access.

The project was found to be in conformance with the City's requirements including: density, height, floor area, setbacks, parking, landscaping, and open space.

The project public hearing included applicant testimony, but no opposition or neighbor concerns were received. The Planning Commission did not express any project concerns, and had positive comments regarding the building's design.

Staff reports and draft minutes excerpts from the Planning Commission's proceedings are also attached to this report for reference.

**ALTERNATIVES:**

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission, and direct that a public hearing be scheduled.

Attachments:

- Resolution No. PC 06-11
- P.C. Minutes excerpt, dated 9/27/06
- P.C. Staff Report, dated 9/27/06
- Plans (separate/NAE)

(NAE) – not available electronically

c: Brian Noteware, Applicant/Architect

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT AND VESTING TENTATIVE PARCEL MAP NO. 67135 TO ALLOW CONSTRUCTION OF TWO RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 3213 MANHATTAN AVENUE  
(Brian Noteware)**

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on September 27, 2006, to consider an application for a Coastal Development Permit and Vesting Tentative Parcel Map No. 67135 for the property legally described as Lot 1, Block 35, Peck's Manhattan Beach Tract, located at 3213 Manhattan Avenue in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Coastal Development Permit and Vesting Tentative Parcel Map is Brian Noteware (project architect). The property owner is Paul Higgins/Knightsbridge Development.
- D. The applicant proposes demolition of a triplex and construction of two new condominium units.
- E. The property is located within Area District III and is zoned RH High Density Residential. The surrounding land uses consist of single and multiple family residences.
- F. The General Plan designation for the property is High Density Residential, and the Local Coastal Program/Land Use Plan designation is High Density Residential.
- G. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303, and 15332 based on staff's determination that the project is a minor development/infill project.
- H. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- I. The project is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:
  - a) The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
  - b) The proposed structure is consistent with building density standards of the Local Coastal Program in that it proposes a unit density and floor area ratio factor less than the allowable.

- c) The proposed structure will be consistent with the 30-foot Coastal Zone residential height limit. This is consistent with the residential development policies of the Land Use Plan, Policy II.B.1-3 as follows:
1. Maintain building scale in coastal zone residential neighborhoods.
  2. Maintain residential building bulk control established by development standards.
  3. Maintain Coastal Zone residential height limit not to exceed 30'.
- K. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows;
- Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, and adequate public access is provided and shall be maintained along 33<sup>rd</sup> Street, Manhattan Avenue, and 32<sup>nd</sup> Place.
- Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- L. This Resolution upon its effectiveness constitutes the Coastal Development Permit and Vesting Tentative Parcel Map approval for the subject project.

**SECTION 2.** The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Coastal Development Permit and Vesting Tentative Parcel Map subject to the following conditions:

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. *Expiration.* The Coastal Development Permit shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
5. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
  - a. a completed application and application fee as established by the City's Fee Resolution;
  - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. a copy of the original permit showing that it has not expired.

6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
7. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.

#### Special Conditions

8. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
9. The plans shall be in substantial conformance with the plans submitted to the Planning Commission on September 27, 2006.
10. Flat roof surfaces shall have pea gravel or comparable decorative treatments.
11. All related public right-of-way improvements shall be in conformance with the City's Public Works and encroachment requirements.

#### Condominium Conditions

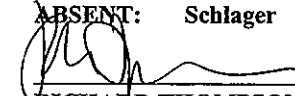
12. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
  - a. 33rd Street with Manhattan Avenue
  - b. 32<sup>nd</sup> Place with Manhattan Avenue
  - c. Ocean Drive with 33<sup>rd</sup> Street
  - d. Ocean Drive with 32<sup>nd</sup> Place
13. All electrical, telephone, cable television system, and similar service wires and cables shall be installed in underground to the appropriate utility pole(s) in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
14. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
15. Each new condominium shall have separate water and sewer laterals as approved by the Director of Public Works.
16. A property line clean out is required for each unit.
17. Backwater valves shall be installed as required by the Department of Public Works.
18. A Traffic Management Plan shall be submitted in conjunction with the building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles. Driverless vehicles blocking neighbors' driveways without written authorization, and overnight storage of materials in the roadway shall be prohibited.

19. Vesting Tentative Parcel Map No. 67135 shall be approved for an initial period of 3 years with the option of future extensions.
20. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
21. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

**SECTION 3.** Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 27, 2006 and that said Resolution was adopted by the following vote:

**AYES:** Cohen, Lesser, Powell,  
Vice-Chairman Bohner  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Schlager

  
\_\_\_\_\_  
**RICHARD THOMPSON,**  
Secretary to the Planning Commission

  
Sarah Boeschen, *for Sarah Boeschen*  
Recording Secretary

**CITY OF MANHATTAN BEACH**  
**[DRAFT] MINUTES OF THE REGULAR MEETING OF THE PLANNING**  
**COMMISSION**  
**SEPTEMBER 27, 2006**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, September 27, 2006, at 6:35p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 **ROLL CALL**

6  
7 Vice-Chairman Bohner called the meeting to order.

8  
9 Members Present: Cohen, Lesser, Powell, Vice-Chairman Bohner  
10 Members Absent: Chairman Schlager  
11 Staff: Laurie Jester, Senior Planner  
12 Eric Haaland, Associate Planner  
13 Sarah Boeschen, Recording Secretary  
14

15 **APPROVAL OF MINUTES** September 13, 2006

16  
17 Commissioner Powell requested that on page 5, line 5 of the September 13 minutes be revised to  
18 read: "He said that he is inclined not to continue the appeal, as the appellant has presented the  
19 Commission with information that basically has very little substance."

20  
21 Vice-Chairman Bohner requested that the word "sad" be corrected to "said" on page 5, line 20 of  
22 the minutes.

23  
24 A motion was MADE and SECONDED (Powell/Lesser) to **APPROVE** the minutes of  
25 September 13, 2006, as amended.

26  
27 AYES: Lesser, Powell, Vice-Chairman Bohner  
28 NOES: None  
29 ABSENT: Chairman Schlager  
30 ABSTAIN: Cohen  
31

32 **AUDIENCE PARTICIPATION** None

33  
34 **BUSINESS ITEMS** None.

35  
36 **PUBLIC HEARINGS**

37  
38 **06/0726.1 Consideration of a Coastal Development Permit and Vesting Tentative Parcel**  
39 **Map No. 67135 to Allow Construction of Two Attached Condominium Units**  
40 **at 3213 Manhattan Avenue**

**PLANNING COMMISSION MINUTES [DRAFT]**

September 27, 2006

Page 2

1  
2 Associate Planner Haaland summarized the staff report. He indicated that the proposal is for two  
3 condominium units in a single three story structure. He stated that the project would include six  
4 on-site parking spaces with two enclosed spaces and one guest space for each. He stated that the  
5 property is a corner lot fronting on a walk-street. He indicated that there is a special allowance  
6 for two condominium units on the site which is zoned as high density residential on a corner lot  
7 with vehicle access on the side and the rear. He indicated that staff has determined that the  
8 project does conform with the Zoning Code, General Plan and Local Coastal Program. He stated  
9 that staff is recommending that the project be approved.

10  
11 In response to a question from Commissioner Powell, Associate Planner Haaland indicated that  
12 an Encroachment Permit for the planter walls that are within the walk-street public right-of-way  
13 would be handled along with the building permit.

14  
15 In response to a question from Commissioner Powell, Associate Planner Haaland stated that  
16 Coastal Permits are required to be noticed to property owners and tenants within a 100 foot  
17 radius of the subject property, which is the practice of the City. He pointed out that Use Permits  
18 and variance requests which are discretionary items require noticing to property owners only  
19 within 500 feet of the project site.

20  
21 **Brian Noteware**, the project architect, said that they feel the project will enhance the corner and  
22 they have attempted to bring the parking away from the walk-street.

23  
24 Vice-Chairman Bohner opened the public hearing.

25  
26 There being no one wishing to speak, Vice-Chairman Bohner closed the public hearing.

27  
28 Commissioner Lesser said that he is impressed with the applicant working with staff in arriving  
29 at a project that conforms with the Code Local Coastal Plan requirements. He commented that  
30 he also likes the architectural details of the design. He pointed out that the existing structure is a  
31 triplex that will become two units and will result in an overall decrease in density.

32  
33 Commissioner Cohen commended the architect and applicant on the design and said that she  
34 supports the project. She indicated that she is also happy that the density would be reduced and  
35 that the Code requirements would be met. She pointed out that the requirements for setbacks and  
36 open space would be exceeded. She stated that she feels it would be an enhancement to the  
37 community.

38  
39 Commissioner Powell stated that there is a great deal of articulation to reduce bulk and would be  
40 an improvement over the existing structure. He indicated that the project meets all Code



**PLANNING COMMISSION MINUTES [DRAFT]**

September 27, 2006

Page 3

1 requirements and provides additional usable open space. He said that he is in support of the  
2 project.

3  
4 Vice-Chairman Bohner said that the project meets the Code and Coastal Commission  
5 requirements, including open space and setbacks. He commented that it would reduce bulk, and  
6 he feels it will be a nice addition to the City. He indicated that he would support the project.

7  
8 A motion was MADE and SECONDED (Lesser/Cohen) to **APPROVE** Coastal Development  
9 Permit and Vesting Tentative Parcel Map No. 67135 to allow construction of two attached  
10 condominium units at 3213 Manhattan Avenue

11  
12 AYES: Cohen, Lesser, Powell, Vice-Chairman Bohner  
13 NOES: None  
14 ABSENT: Chairman Schlager  
15 ABSTAIN: None

16  
17 Senior Planner Jester explained the 15-day appeal period and stated that the item will be placed  
18 on the City Council's Consent Calendar for their review on October 17, 2006.

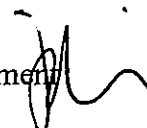

19  
20 **06/0927.2 Consideration of a Use Permit to Allow Construction of a Mixed-Use**  
21 **Building With Office Space, Residential Units and Underground Parking**  
22 **Facility at 838 Manhattan Beach Boulevard**

23  
24 Associate Planner Haaland summarized the staff report. He stated that the proposal is for a 7,214  
25 square foot two story building above subterranean parking. He stated that the uses include 1,196  
26 square feet of commercial general office use and three residential units above and behind the  
27 commercial space. He indicated that staff has determined that the project conforms with all  
28 applicable Code requirements, including parking, height, setbacks, and landscaping. He  
29 commented that it is a challenge with mixed use projects of commercial and residential units to  
30 meet all applicable standards. He indicated that this would be the first new project built in  
31 Manhattan Beach with a mix of commercial and residential condominium units, which is  
32 becoming more common in other cities. He indicated that staff is recommending that the project  
33 be approved.

34  
35 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that  
36 an example of a commercial use that might impact residences in a mixed-use project is a more  
37 intensive use such as a restaurant or bar. He commented that staff feels the small scale low  
38 intensity commercial office use proposed for this project located in a non-retail area would not  
39 have a detrimental impact on the residential units. He indicated that the most difficult finding  
40 typically is that the proposed use is not detrimental to the surrounding area, and conditions can be

15

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

**TO:** Planning Commission  
**FROM:** Richard Thompson, Director of Community Development   
**BY:** Eric Haaland AICP, Associate Planner   
**DATE:** September 27, 2006  
**SUBJECT:** Consideration of a Coastal Development Permit and Vesting Tentative Parcel Map No. 67135 to Allow Construction of 2 New Condominium Units at 3213 Manhattan Avenue

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **APPROVE** the subject request

**APPLICANT /OWNER**

Brian Noteware, AIA  
2850 Ocean Park Blvd. #315  
Santa Monica, CA 90405

Paul Higgins/Knightsbridge Devpt.  
2850 Oceanpark Blvd. #315  
Santa Monica, CA 90405

**LOCATION**

Location 3213 Manhattan Ave. Southwest corner of  
Manhattan Ave & 33rd St. (See Site Location  
Map).  
Legal Description Lot 1, Block 35, Peck's MB Tract  
Area District III

**LAND USE**

<u>General Plan</u>	High Density Residential	
<u>Zoning</u>	RH, Residential High Density	
<u>Land Use</u>	<u>Existing</u>	<u>Proposed</u>
	Triplex	3,682 sq. ft. 2-unit condos.
<u>Neighboring Zoning/Land Uses</u>	North (across 33 <sup>rd</sup> St)	RH/Residences
	South (across 32 <sup>nd</sup> Pl)	RH/Residences
	East (across Man.Ave)	RH/Residences
	West	RH/Residences

## PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	2,695 sq. ft.	2,700 sq. ft. min
Building Floor Area:	3,682 sq. ft.	4,581 sq. ft. max.
Height	30 ft.	30 ft. max.
Parking:	4 enclosed, 2 unenclosed compact spaces	4 enclosed, 2 unenclosed compact spaces
Vehicle Access	Manhattan Ave. & 32 <sup>nd</sup> Pl.	N/A
Setbacks		
Front (north)	5 ft.	5 ft. min.
Rear (south)	5/3 ft.	5/2 ft. min
Interior Side (west)	3 ft.	3 ft. min.
Corner Side (east)	1 ft.	1 ft. min
Usable Open Space	Front Unit - 276 sf Rear Unit - 280 sf	273 sf min. 279 sf min.

## BACKGROUND

The subject site fronts on 33<sup>rd</sup> Street and abuts Manhattan Avenue at its east side, and 32nd Place at the rear. A Coastal Development Permit is required by Section A.96.040 of the city's Local Coastal Program because the project is located within the Coastal Zone. A public hearing is required by Section A.96.090 because the property is located within the "appealable area" (where a decision is appealable to the State Coastal Commission) of the Coastal Zone. A parcel map is also required by Section 11.12.020 of the Manhattan Beach Municipal Code to subdivide the property into separate condominium ownerships.

## DISCUSSION

The applicant proposes to construct a 2-unit condominium project comprised of a single 3-story building on a standard lot in the beach area. The proposed units will have net living areas of 1,825 square feet (front unit) and 1,863 square feet (rear unit). Required open space for the project is provided by ground level patios, landscaping, and entry porches, and upper level decks. The building observes the required setbacks and 30-foot height limit. Small planter walls and paving within the abutting 33<sup>rd</sup> Street public right-of-way would require an encroachment permit.

The project site is fairly typical for a beach area condominium development. The walk street right-of-way (including encroachment area) abutting the front property line is less common for condominiums since this project meets a fairly limited exception to a general prohibition of condominiums fronting on walk streets. Condominium development is allowed in this case since side street driveway access is available and the project proposes less than the maximum 3-units permitted.

In order to approve the project, the Planning Commission must make certain findings. Staff has reviewed the plans for the project finding that the project will comply with applicable coastal program, subdivision, and encroachment regulations. The project is consistent with policies II.B 1, 2, 3 of the City's Local Coastal Program which seek to maintain neighborhood building scale, control residential building bulk, and establish building height standards. These findings are documented in the attached resolution.

## **PUBLIC INPUT**

A public notice for the project was mailed to property owners and residents within 100 feet of the site and published in the Beach Reporter newspaper. Staff has received no comments from project neighbors or other members of the community.

## **ENVIRONMENTAL REVIEW**

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

## **CONCLUSION**

Staff supports the request finding that the project conforms to applicable zoning objectives, development standards, Local Coastal Program Policies. A draft resolution of approval is attached, which would act as the project coastal development permit, if the project is approved by the Commission with no further appeal. Several standard conditions typically included have been placed in the resolution as well as project specific, and parcel map conditions.

### **Attachments:**

Draft Resolution No. PC 06-  
Location Map  
Development Plans (separate - NAE)

(NAE = not available electronically)

c: Brian Noteware, Applicant  
Paul Higgins, Owner

15

RESOLUTION NO PC 06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT AND VESTING TENTATIVE PARCEL MAP NO. 67135 TO ALLOW CONSTRUCTION OF TWO RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 3213 MANHATTAN AVENUE (Brian Noteware)

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on September 27, 2006, to consider an application for a Coastal Development Permit and Vesting Tentative Parcel Map No. 67135 for the property legally described as Lot 1, Block 35, Peck's Manhattan Beach Tract, located at 3213 Manhattan Avenue in the City of Manhattan Beach.
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- E. The property is located within Area District III and is zoned RH High Density Residential. The surrounding land uses consist of single and multiple family residences.
- F. The General Plan designation for the property is High Density Residential, and the Local Coastal Program/Land Use Plan designation is High Density Residential.
- G. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303, and 15332 based on staff's determination that the project is a minor development/infill project.
- H. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- I. The project is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:
  - a) The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
  - b) The proposed structure is consistent with building density standards of the Local Coastal Program in that it proposes a unit density and floor area ratio factor less than the allowable.

c) The proposed structure will be consistent with the 30-foot Coastal Zone residential height limit. This is consistent with the residential development policies of the Land Use Plan, Policy II.B.1-3 as follows:

1. Maintain building scale in coastal zone residential neighborhoods.
2. Maintain residential building bulk control established by development standards.
3. Maintain Coastal Zone residential height limit not to exceed 30'.

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

Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, and adequate public access is provided and shall be maintained along 33<sup>rd</sup> Street, Manhattan Avenue, and 32<sup>nd</sup> Place.

Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

L. This Resolution upon its effectiveness constitutes the Coastal Development Permit and Vesting Tentative Parcel Map approval for the subject project.

**SECTION 2.** The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Coastal Development Permit and Vesting Tentative Parcel Map subject to the following conditions:

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  - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. a copy of the original permit showing that it has not expired.

6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
7. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.

#### Special Conditions

8. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
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10. Flat roof surfaces shall have pea gravel or comparable decorative treatments.
11. All related public right-of-way improvements shall be in conformance with the City's Public Works and encroachment requirements.

#### Condominium Conditions

12. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
  - a. 33rd Street with Manhattan Avenue
  - b. 32<sup>nd</sup> Place with Manhattan Avenue
  - c. Ocean Drive with 33<sup>rd</sup> Street
  - d. Ocean Drive with 32<sup>nd</sup> Place
13. All electrical, telephone, cable television system, and similar service wires and cables shall be installed in underground to the appropriate utility pole(s) in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
14. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
15. Each new condominium shall have separate water and sewer laterals as approved by the Director of Public Works.
16. A property line clean out is required for each unit.
17. Backwater valves shall be installed as required by the Department of Public Works.
18. A Traffic Management Plan shall be submitted in conjunction with the building plans, to be approved by the Police and Public Works Departments prior to issuance of building permits. The plan shall provide for the management of all construction related traffic during all phases of construction, including delivery of materials and parking of construction related vehicles. Driverless vehicles blocking neighbors' driveways without written authorization, and overnight storage of materials in the roadway shall be prohibited.

19. Vesting Tentative Parcel Map No. 67135 shall be approved for an initial period of 3 years with the option of future extensions.
20. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
21. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 27, 2006 and that said Resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**RICHARD THOMPSON,**  
Secretary to the Planning Commission

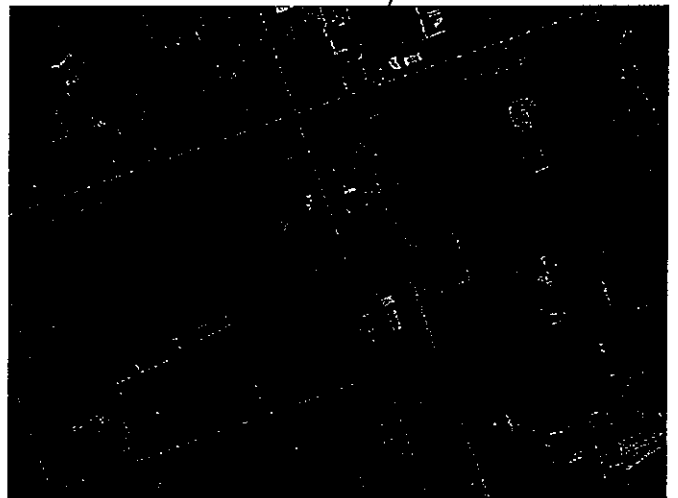
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**Sarah Boeschen**  
Recording Secretary



# 3213 Manhattan Ave.

Vicinity Map



RESOLUTION NO PC 06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT AND VESTING TENTATIVE PARCEL MAP NO. 67135 TO ALLOW CONSTRUCTION OF TWO RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 3213 MANHATTAN AVENUE  
(Brian Noteware)**

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on September 27, 2006, to consider an application for a Coastal Development Permit and Vesting Tentative Parcel Map No. 67135 for the property legally described as Lot 1, Block 35, Peck's Manhattan Beach Tract, located at 3213 Manhattan Avenue in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Coastal Development Permit and Vesting Tentative Parcel Map is Brian Noteware (project architect). The property owner is Paul Higgins/Knightsbridge Development.
- D. The applicant proposes demolition of a triplex and construction of two new condominium units.
- E. The property is located within Area District III and is zoned RH High Density Residential. The surrounding land uses consist of single and multiple family residences.
- F. The General Plan designation for the property is High Density Residential, and the Local Coastal Program/Land Use Plan designation is High Density Residential.
- G. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303, and 15332 based on staff's determination that the project is a minor development/infill project.
- H. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- I. The project is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:
  - a) The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
  - b) The proposed structure is consistent with building density standards of the Local Coastal Program in that it proposes a unit density and floor area ratio factor less than the allowable.

- c) The proposed structure will be consistent with the 30-foot Coastal Zone residential height limit. This is consistent with the residential development policies of the Land Use Plan, Policy II.B.1-3 as follows:
1. Maintain building scale in coastal zone residential neighborhoods.
  2. Maintain residential building bulk control established by development standards.
  3. Maintain Coastal Zone residential height limit not to exceed 30'.
- K. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows;
- Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, and adequate public access is provided and shall be maintained along 33<sup>rd</sup> Street, Manhattan Avenue, and 32<sup>nd</sup> Place.
- Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- L. This Resolution upon its effectiveness constitutes the Coastal Development Permit and Vesting Tentative Parcel Map approval for the subject project.

**SECTION 2.** The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Coastal Development Permit and Vesting Tentative Parcel Map subject to the following conditions:

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. *Expiration.* The Coastal Development Permit shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
5. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
  - a. a completed application and application fee as established by the City's Fee Resolution;
  - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. a copy of the original permit showing that it has not expired.

6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
7. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.

#### Special Conditions

8. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
9. The plans shall be in substantial conformance with the plans submitted to the Planning Commission on September 27, 2006.
10. Flat roof surfaces shall have pea gravel or comparable decorative treatments.
11. All related public right-of-way improvements shall be in conformance with the City's Public Works and encroachment requirements.

#### Condominium Conditions

12. A survey suitable for purposes of recordation shall be performed by a Civil Engineer or Land Surveyor licensed in the State of California, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
  - a. 33rd Street with Manhattan Avenue
  - b. 32<sup>nd</sup> Place with Manhattan Avenue
  - c. Ocean Drive with 33<sup>rd</sup> Street
  - d. Ocean Drive with 32<sup>nd</sup> Place
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**RICHARD THOMPSON,**  
Secretary to the Planning Commission

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**Sarah Boeschen**  
Recording Secretary

