



Agenda Item # _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Rosemary Lackow, Senior Planner

DATE: May 16, 2006

SUBJECT: Consideration of Planning Commission Approval of a Use Permit and Coastal Development Permit for Proposed Construction of a New Duplex, Located at 320 Rosecrans Avenue

RECOMMENDATION:

Staff recommends that the City Council **RECEIVE** and **FILE** this report.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

On February 21, 2006 property owners Jason and Nina Boze submitted an application for a Coastal Permit and Use Permit seeking approval to construct a new duplex at 320 Rosecrans Avenue. At its regular meeting on April 26, 2006 the Planning conducted a public hearing and adopted Resolution PC 06-06 (4-0 vote, one absence), approving the project as proposed.

The building site is a 2,703 square foot lot located on the south side of Rosecrans Avenue, just east of the intersection of Rosecrans Avenue and Highland Avenue. The existing duplex and two-car garage, which was constructed in 1920 and 1962, will be demolished.

The new duplex will be a single 3,867 square foot structure, three stories in height and in all respects will conform to applicable multi-family residential development standards. The front unit, oriented towards Rosecrans Avenue will contain 2,798 square feet and a second unit containing 1,069 square feet will be oriented towards the rear at 36th Place. Each unit will have two enclosed full-sized parking spaces in a tandem configuration with access from the rear alley. Two existing public metered parking spaces on Rosecrans Avenue adjacent to the site will be retained due to the fact that all vehicular access is taken from 36th Place.

The subject building site is zoned Commercial North End (CNE). A Use Permit and public hearing is required for residential uses within the Commercial North End district. The purpose of the Use Permit is to ensure that a residential project is compatible with surrounding properties which are

developed with a mix of residential and commercial uses. The proposed development also requires the approval of a Coastal Development Permit due to its location within the coastal zone. Although located outside of the coastal “appealable area,” a public hearing is required because the proposed residential development is subject to approval of a Use Permit in addition to the Coastal Development Permit.

DISCUSSION:

The Commission reviewed the submitted plans and focused on whether the proposed duplex would be an appropriate development within this section of the North End Commercial zone.

Land Use Findings

The following is a summary of the findings that the Planning Commission made with respect to the proposed land use, pursuant to Section 10.84.060 of the Zoning Ordinance:

1. The subject project location and use is in accord with the objectives of the CNE district in that it will replace the existing use with a similar use, and will provide a buffer between the existing commercial uses to the west and residential uses to the east. Existing metered public parking spaces will be preserved on Rosecrans Avenue, thereby supporting the viability of nearby businesses.
2. The subject project and future operation as a multi-family use will be consistent with the General Plan which designates the site as North End Commercial where high density residential uses are permitted subject to Use Permit approval. In addition, the project will preserve the features of the existing neighborhood, and is a development solution tailored to the unique characteristics of this specific neighborhood.
3. The project will be in full compliance with all zoning and building regulations.
4. The project will be consistent with housing being developed in the surrounding multi-family area and will not result in any new impacts such as traffic, noise, odors, or personal safety. The project will represent a significant economic investment and is an opportunity for upgraded housing, while not creating new demands that would exceed the capacity of public services and facilities such as (but not limited to) police, fire, and roadway maintenance.

Coastal Permit Findings

Specific findings are required for all decisions on Coastal Development Permits demonstrating that the project conforms to the certified Manhattan Beach Local Coastal Program. The Planning Commission made the following coastal permit findings:

1. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program in that it will be consistent with the building scale in the surrounding coastal zone neighborhood and complies with the applicable coastal zoning standards including but not limited to building height, parking and setbacks.
2. The project will not impact public access to the shoreline. The existing metered public

parking spaces on Rosecrans will not be affected by the new construction.

Public Notice

Notice of the public hearing was published in the Beach Reporter and mailed to all owners of property within 500 feet and tenants within 100 feet of the project. The Planning Commission received no public input at the hearing.

ALTERNATIVES

Other than the recommended action, the City Council may:

1. Remove this item from the "Consent Calendar" portion of the agenda, and appeal the Planning Commission's approval.

Attachments: A. Resolution PC 06-06
B. Planning Commission minutes excerpt 4/26/06
C. Staff Report to the Planning Commission 4/26/06
D. Plans

cc: Nina and Jason Boze, Applicants
Jay Stephenson, Architect

RESOLUTION NO. PC 06-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AND COASTAL DEVELOPMENT PERMIT TO ALLOW DEMOLITION OF AN EXISTING DUPLEX AND CONSTRUCTION OF A NEW DUPLEX ON THE PROPERTY LOCATED AT 320 ROSECRANS AVENUE (BOZE)

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 considered an application for a Coastal Development Permit and Use Permit on the property legally described as Lot 3, Block 53, Tract 3427, located at 320 Rosecrans Avenue
- B. The subject location is within the City of Manhattan Beach Coastal Zone (Non-Appealable Jurisdiction) and is subject to the City of Manhattan Beach Local Coastal Program.
- C. The property owners and applicants for the subject property are Nina and Jason Boze.
- D. The public hearing was advertised pursuant to applicable law; testimony was invited and received on April 26, 2006.
- E. The applicant requests approval of a Coastal Development Permit and Use Permit to allow demolition of a duplex containing a total of 1,582 square feet (per Assessor records) and construction of a new 3,863 square foot (living area) duplex and four-car enclosed garage, contained in a single building. The “owners unit”, located towards the front (Rosecrans) will contain 2,798 square feet of living area and the rear “rental unit” located to the rear will contain 1,065 square feet of living area. The project will provide open space consistent with zoning requirements and in all respects will conform to applicable development standards for high density residential development.
- F. The project is Categorically Exempt (Class 3, Section 15061(b)(3)) from the requirements of the California Environmental Quality Act (CEQA) on the basis that there is no potential for causing a significant effect on the environment.
- G. 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.
- H. This Resolution, upon its effectiveness, constitutes the Coastal Development Permit for the subject project.
- I. The property is located within Area District III and is zoned CNE (Commercial North End). The adjoining properties to the west are similarly zoned as are the properties across Rosecrans Avenue, to the north. Properties adjoining on the east side and across 36th Place to the south are zoned RH, High Density Residential.
- J. The General Plan designation for the property is North End Commercial and the Local Coastal Program/Land Use Plan designation is CNE, Commercial North End. Residential uses are permitted subject to discretionary review and subject to density and development regulations of the RH, High Density Residential zone.

RESOLUTION NO.PC 06-06

K. Based upon State law and Section A.10.84.060 of the City's Coastal Zoning Code, relating to the use permit application for the proposed duplex, the following findings are hereby made:

1. The subject location and residential use is in accord with the objectives of the zoning code and the purposes of the CNE district in that the project will replace an existing multi-family residential use with a similar use which fits the existing predominant pattern of development in the area east of Crest Drive on the south side of Rosecrans and in the nearby area. The project will also provide a buffer between the existing commercial uses to the west of the project and residential uses to the east while preserving existing metered public parking spaces on Rosecrans Avenue, thereby supporting and contributing to the viability of nearby businesses and access to the beach.

2. The subject project and future operation as a multi-family use will be consistent with the General Plan which designates the site as North End Commercial where high density residential uses are permitted subject to use Permit approval. In addition, the project will be consistent with the following General Plan polices or goals:

Goal LU-4, in that the project will preserve the features of the existing neighborhood, and represents a development solution tailored to the characteristics unique to this section of the CNE zone.

Goal LU-5 in that the project will be an appropriate and compatible use for the surrounding neighborhood.

Goal LU-6-4 in that the project will balance the needs of both the commercial and residential uses within this section of the CNE district.

Policy 4-1 of the Housing Element in that the project provides an opportunity for residential development.

3. The project will comply with the provisions of The Manhattan Beach Municipal Code and Local Coastal Zone Zoning Ordinance and all applicable building regulations.

4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. The project will meet all applicable development regulations and be consistent with housing being developed in the surrounding multi-family area. The proposed use replaces an existing residential use (duplex) and therefore the project will not result in any new impacts such as (but not restricted to) traffic, noise, odors, or personal safety. The project will represent a significant economic investment and will not create demands that would exceed the capacity of public services and facilities which cannot be mitigated such as (but not limited to) police, fire, and roadway maintenance.

L. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically Policies II.B, 1, 2, and 3, as follows:

1. The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program – Implementation Program.

2. The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program - Implementation Program.

3. The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program - Implementation Program. .

RESOLUTION NO.PC 06-06

- M. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
1. 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 Rosecrans Avenue.
 2. 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. The proposed use will not displace a commercial or recreational use, as it has historically been developed as a similar residential use.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Coastal Development Permit and Use Permit application subject to the following conditions:

1. All development must occur in substantial 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 plans approved by the Planning Commission on April 26, 2006 must be reviewed and approved by the Planning Commission. 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 Manhattan Beach Coastal Zone Zoning Ordinance.
2. Unless appealed to the City Council, the subject Use Permit and Coastal Development Permit shall become effective after expiration of the time limits established by Manhattan Beach Municipal Code Section 10.100.030.
3. The Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to Section A.84.090 of the Manhattan Beach Coastal Zone Zoning Ordinance.
4. 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 Department of Community Development shall send a 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.

RESOLUTION NO.PC 06-06

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 April 26, 2006, and that said Resolution was adopted by the following vote:

AYES: Lesser, Savikas, Schlager, and
Chairman Simon.

NOES: None

ABSTAIN: None

ABSENT: Bohner

RICHARD THOMPSON
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
APRIL 26, 2006
(Excerpt)

1
2
3
4 **PUBLIC HEARINGS**

5
6 **06/0426.1 Consideration of a USE PERMIT and COASTAL DEVELOPMENT**
7 **PERMIT for Proposed Construction of a New Duplex Located at 320**
8 **Rosecrans Avenue**
9

10 Senior Planner Lackow summarized the staff report. She stated that any residential use such as
11 proposed that is located within the Commercial North End (CNE) Zone requires a public
12 hearing. She commented that the purpose of the CNE Zone as indicated by the General Plan is
13 to allow residential uses but to also provide for commercial uses to promote businesses from 32nd
14 Street toward Rosecrans Avenue. She indicated that staff has reviewed the project based on the
15 required policy directive of the General Plan and Local Coastal Plan. She stated that staff feels it
16 is a suitable use in that it preserves the existing parking on Rosecrans Avenue; complies with the
17 purpose of the CNE zone; and would be an enhancement of the residential uses in the area. She
18 indicated that the existing parking does provide for beach access and is not regulated after the
19 evening hours. She said that the four required spaces can be accommodated off of the alley at
20 the rear of the site. She said that staff feels the proposal is an appropriate land use, as it would
21 continue the historical residential use of the property; preserve the existing streetscape on
22 Rosecrans Avenue; and would create minimal impact on the traffic patterns on the block.
23

24 Chairman Simon opened the public hearing.
25

26 **Jason Boze**, the applicant, thanked staff for their feedback during the process of developing the
27 project. He stated that they feel the project would be aesthetically pleasing and would add to the
28 recent trend of new development in the City.
29

30 Chairman Simon closed the public hearing.
31

32 Commissioner Lesser commented that he has no problem in supporting the application. He
33 indicated that the project is below the threshold of the maximum that could be built on the site.
34 He said that he feels the project is reasonable and he can support the required findings.
35

36 Commissioner Savikas stated that she also supports the project. She indicated that the plans are
37 clear cut, and it appears to be a great project.
38

39 Commissioner Schlager commented that the proposal would be a vast improvement as to the
40 existing structure, and he likes the fact that parking along the alley and along Rosecrans Avenue
41 will remain. He said that he would support the project.
42

PLANNING COMMISSION MINUTES

April 12, 2006

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1 Chairman Simon said that he agrees with the comments of the other Commissioners.

2

3 A motion was MADE and SECONDED (Savikas/Lesser) to **APPROVE** a USE PERMIT and
4 COASTAL DEVELOPMENT PERMIT for Proposed Construction of a New Duplex Located at
5 320 Rosecrans Avenue

6

7 AYES: Lesser, Schlager, Simon, Chairperson Savikas

8 NOES: None

9 ABSENT: Bohner

10 ABSTAIN: None

11

12 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
13 the City Council’s Consent Calendar for their review on May 16, 2006.

14

15 **DIRECTOR’S ITEMS**

16 Director Thompson indicated that he attended the American Planners Association Conference
17 with Commissioner Savikas in San Antonio, Texas.

18

19 **PLANNING COMMISSION ITEMS**

20 Commissioner Savikas stated that she attended the American Planners Association Convention
21 in San Antonio, Texas. She commented that she brought back packets from the conference with
22 information for the other Commissioners.

23

24 Commissioner Lesser congratulated Chairman Simon for participating in the Boston Marathon.

25

26 **TENTATIVE AGENDA: May 10, 2006**

27 A. Consideration of a Sign Exception Regarding the Retention of an Abandoned Pole
28 Sign at 2110-2118 Highland Avenue (Continued from April 12, 2006)

29

30 **ADJOURNMENT**

31

32 The meeting of the Planning Commission was **ADJOURNED** at 8:10 p.m. in the City Council
33 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, May 10, 2006, at 6:30 p.m. in the
34 same chambers.

35

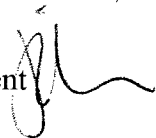
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37 _____
RICHARD THOMPSON
38 Secretary to the Planning Commission

39 _____
SARAH BOESCHEN
Recording Secretary

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Rosemary Lackow, Senior Planner 

DATE: April 26, 2006

SUBJECT: Consideration of a Use Permit and Coastal Development Permit for Proposed Construction of a New Duplex at 320 Rosecrans Avenue

RECOMMENDATION

Staff recommends that the Planning Commission **ADOPT** the attached draft resolution **APPROVING** the subject application (Exhibit A).

APPLICANT/OWNER

Nina and Jason Boze
P.O. Box 673
Inglewood, Ca. 90307

BACKGROUND

The applicant is requesting approval of a Coastal Development Permit and a Use Permit to allow the demolition of an existing duplex and the development of a 3,867 square foot three story duplex at 320 Rosecrans Avenue, located within the Commercial North End (CNE) district. A Use Permit is required (full discretionary public hearing) for a multifamily residential use at this location within the CNE district, pursuant to Section A.16.020 of the City's Coastal Zone Zoning Ordinance. Residential developments within this zone are subject to Residential High Density (RH) development standards. Because the project is located within the Coastal Zone the project also requires a Coastal Permit. The coastal approval could be processed administratively due to its location outside the "appealable area." However, due to the fact that the Use Permit requires a public hearing, the Local Coastal Program (LCP) requires that the Coastal Permit be processed and reviewed concurrently.

DISCUSSION

The site is located on the south side of Rosecrans Avenue, between Crest Drive and Alma Avenue. The property fronts on Rosecrans Avenue and has a width of 30.04 feet and a

depth of 90 feet for a total lot area of 2703 square feet. The site is currently developed with a 934 square foot 1920 residence at the front of the lot and a 648 square foot apartment built over a two car garage in 1962. Both structures are proposed to be removed with the project.

The new structure will be three stories in height and have an attached four-car tandem garage with access from 36th Place. In all respects, including but not limited to: height, buildable floor area, open space, on-site parking and setbacks, the project is in compliance with all applicable residential development standards.

LOCATION

<u>Address:</u>	320 - Rosecrans Avenue (Vicinity Map attached)
<u>Legal Description:</u>	Lot 3, Block 53, Tract 3427
<u>Area District:</u>	III (Beach Area)

LAND USE

<u>General Plan Designation:</u>	North End Commercial
<u>Coastal Plan Designation:</u>	Commercial North End (CNE)
<u>Zoning Designation:</u>	Commercial North End (CNE)
<u>Neighboring Zoning/Uses:</u>	
North, across Rosecrans	Commercial North End (CNE)/commercial and residential uses
South, across 36 th Place	High Density Residential (RH)/multi-family residential
West	Commercial North End (CNE)/El Tarasco Restaurant
East	High Density Residential (RH)/Multi-family residential

PROJECT DETAILS

<u>Parcel Size:</u>	2,703 sf (30.04'x 90')	
<u>Density:</u>	<u>Proposed</u> 2 dwellings	<u>Allowed/Required</u> 3 units max.
<u>Buildable Floor Area:</u>	3,867 sf (1.4 FAF)	4,595 sf max. (1.7 FAF) ¹
<u>Building Height:</u>	30 feet, 3-stories	30 ft., 3-stories max. .

¹ FAF = Floor Area Factor; maximum buildable floor area is determined by multiplying total lot area times floor area factor (1.7 in high density residential zones)

	<u>Proposed</u>	<u>Allowed/Required</u>
<u>Parking:</u>	4 garage spaces (all enclosed)	4 garage spaces min. (2 enclosed)
<u>Usable Open Space:</u>		
Front (owner) unit	356 sf	350 sf min.
Rear (rental) unit	224 sf	220 sf min.
<u>Setbacks:</u>		
Front (north)		
Upper floors	5.75 ft.	5 ft. min.
First floor (basement)	8 ft.	5 ft. min.
Rear (south/alley)	5 ft.	5 ft. min.
Sides (east and west)	3 ft	3 ft min.

Land Use

The CNE zone is a mixed-use zone located predominantly along the north end of Highland Avenue but also extending east of Highland along Rosecrans Avenue for approximately two blocks. The subject lot is the farthest CNE zoned lot to the east on the south side of Rosecrans Avenue and abuts a High Density Residential (RH) district. The purpose of the CNE District is to provide for a mix of small, local and visitor serving commercial and public uses that are appropriate for the El Porto beach area business district along Highland Avenue. Residential uses, consistent with the standards for high density are permitted subject to approval of a Use Permit. The Use Permit affords the City an opportunity to closely review the project with public input to ensure that the proposed use will be appropriate and compatible with the surrounding neighborhood.

To the east of the project site, neighborhoods transition from high to medium and ultimately the low density single family district that comprises the “Tree Section” (see attached zoning map excerpt attached). The pattern of the surrounding development is residential to the east and south, commercial to the west and mixed commercial/residential uses to the north, across Rosecrans Avenue. Although the project site abuts a commercial use to the west (El Tarasco restaurant) it has historically been a residentially developed property.

There are several metered public parking spaces on Rosecrans Avenue east of Highland Avenue which support the nearby businesses. Two of these spaces are located adjacent to the subject project. In addition a public storm drain inlet is located under the public sidewalk adjacent to the project.

Other alternative uses have been considered for this site, including a two-unit condominium project and commercial use (the latter which would not necessarily have required a Use Permit due to the commercial zoning). In both of these alternatives, a higher amount of on-site parking would be required and this most probably would result in a need for an

additional driveway on Rosecrans Avenue. As a result public parking would be eliminated. The proposed duplex is considered a more appropriate use for the site in that it will:

- Continue the historical residential use on the site that creates a buffer between residential uses to the east and south and the commercial businesses to the west;
- Preserve the existing public parking spaces which support the viability of the commercial district and avoid conflict with the existing storm drain facility on Rosecrans Avenue because a single driveway can serve the development on 24th Place; and
- Result in minimal traffic impacts within the area immediately surrounding the site.

Use Permit Findings

Pursuant to Section A.84.060 of the Coastal Zoning Code, the following four findings must be made by the Planning Commission in approving the project Use Permit. Staff has incorporated the findings into the draft Resolution.

1. *The proposed location of the use is in accord with the objectives of this title and the purpose of the district in which the site is located;*

The subject location and residential use is in accord with the objectives of the zoning code and the purposes of the CNE district in that the project will replace an existing multi-family residential use with a similar use which fits the existing predominant pattern of development in the area east of Crest Drive on the south side of Rosecrans and in the nearby area. The project will also provide a buffer between the existing commercial uses to the west of the project and residential uses to the east while preserving existing metered public parking spaces on Rosecrans Avenue, thereby supporting the viability of nearby businesses and enhancing public access.

2. *The proposed location of the use and the proposed conditions under which is would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.*

The subject project and future operation as a multi-family use will be consistent with the General Plan which designates the site as North End Commercial where high density residential uses are permitted subject to use Permit approval. In addition, the project will be consistent with the following General Plan polices or goals:

Goal LU-4, in that the project will preserve the features of the existing neighborhood, and represents a development solution tailored to the characteristics unique to this section of the CNE zone.

Goal LU-5 in that the project will be an appropriate and compatible use for the surrounding neighborhood.

Goal LU-6-4 in that the project will balance the needs of both the commercial and residential uses within this section of the CNE district.

Policy 4-1 of the Housing Element in that the project provides an opportunity for residential development.

3. *The project will comply with the provisions of the Manhattan Beach Local Coastal Zone Zoning Ordinance including any specific condition required for the proposed use in the CNE district.*

The project will be in full compliance with all zoning and building regulations applicable to a multi-family residential development, consistent with standards of the RH (Residential High Density) district within the beach area.

4. *The proposed use will not adversely impact nor be adversely impacted by nearby properties.*

The project will meet all applicable development regulations and be consistent with housing being developed in the surrounding multi-family area. The proposed use replaces an existing residential use (duplex) and therefore the project will not result in any new impacts such as (but not restricted to) traffic, noise, odors, or personal safety. The project will represent a significant economic investment and will not create demands that would exceed the capacity of public services and facilities which cannot be mitigated such as (but not limited to) police, fire, and roadway maintenance.

Coastal Permit Findings

Specific findings are required for all decisions on Coastal Development Permits. Such findings must demonstrate that the project, as described in the application and accompanying material, or as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program. Staff has incorporated the following findings into the attached draft Resolution:

1. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically policies II. B.1, 2, & 3, as follows:

- II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program - Implementation Program.
 - II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program - Implementation Program.
 - II.B.3: The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program - Implementation Program.
2. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
- a. Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along Tenth (10th) Street.
 - b. Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Public Notice

In accordance with legal requirements, Staff invited public notice by publishing a notice of the public hearing in the *Beach Reporter* and by mailing a notice to all owners of record and occupants within 500 feet of the subject property. Staff has received no calls or correspondence regarding the project.

Environmental Review (CEQA)

The project is Categorical Exempt Class 3, Section 15061 (b) (3) from the requirements of the California Environmental Quality Act (CEQA) on the basis that based its limited scope, the project has not potential for causing a significant effect on the environment.

ALTERNATIVES

Upon conduct of the public hearing, the alternatives available to the Planning Commission other than the recommended action include:

1. **ADOPT** the attached “draft” Resolution, **APPROVING** with revised and/or additional findings and conditions.
2. **DENY** the subject variance application based on appropriate findings.

CONCLUSION

Staff believes that the subject duplex is an appropriate use for the subject location within the CNE zone and will support the viability of the commercial businesses nearby, while creating providing an updated conforming residential use on the site. Staff has reviewed the conceptual plans for the project, finding that the project will comply with applicable Zoning and Coastal Program regulations. Staff recommends that the Planning Commission adopt the attached draft resolution, thereby approving the project.

Attachments:

- A. PC Draft Resolution 06-
- B. Vicinity Map
- C. Zoning Map excerpt
- D. Photos of Site
- E. Development Plans (separate - not available electronically)

- c: Nina and Jason Boze, Applicant
Srouer & Associates, Applicant's representative
Jay Stephenson, Architect

**RESOLUTION NO. PC 06-
(D R A F T)**

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF MANHATTAN BEACH APPROVING A USE PERMIT
AND COASTAL DEVELOPMENT PERMIT TO ALLOW
DEMOLITION OF AN EXISTING DUPLEX AND
CONSTRUCTION OF A NEW DUPLEX ON THE PROPERTY
LOCATED AT 320 ROSECRANS AVENUE (BOZE)**

**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 considered an application for a Coastal Development Permit and Use Permit on the property legally described as Lot 3, Block 53, Tract 3427, located at 320 Rosecrans Avenue
- B. The subject location is within the City of Manhattan Beach Coastal Zone (Non-Appealable Jurisdiction) and is subject to the City of Manhattan Beach Local Coastal Program.
- C. The property owners and applicants for the subject property are Nina and Jason Boze.
- D. The public hearing was advertised pursuant to applicable law; testimony was invited and received on April 26, 2006.
- E. The applicant requests approval of a Coastal Development Permit and Use Permit to allow demolition of a duplex containing a total of 1,582 square feet (per Assessor records) and construction of a new 3,863 square foot (living area) duplex and four-car enclosed garage, contained in a single building. The "owners unit", located towards the front (Rosecrans) will contain 2,798 square feet of living area and the rear "rental unit" located to the rear will contain 1,065 square feet of living area. The project will provide open space consistent with zoning requirements and in all respects will conform to applicable development standards for high density residential development.
- F. The project is Categorically Exempt (Class 3, Section 15061(b)(3)) from the requirements of the California Environmental Quality Act (CEQA) on the basis that there is no potential for causing a significant effect on the environment.

- G. 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.
- H. This Resolution, upon its effectiveness, constitutes the Coastal Development Permit for the subject project.
- I. The property is located within Area District III and is zoned CNE (Commercial North End). The adjoining properties to the west are similarly zoned as are the properties across Rosecrans Avenue, to the north. Properties adjoining on the east side and across 36th Place to the south are zoned RH, High Density Residential.
- J. The General Plan designation for the property is North End Commercial and the Local Coastal Program/Land Use Plan designation is CNE, Commercial North End. Residential uses are permitted subject to discretionary review and subject to density and development regulations of the RH, High Density Residential zone.
- K. Based upon State law and Section A.10.84.060 of the City's Coastal Zoning Code, relating to the use permit application for the proposed duplex, the following findings are hereby made:
 - 1. The subject location and residential use is in accord with the objectives of the zoning code and the purposes of the CNE district in that the project will replace an existing multi-family residential use with a similar use which fits the existing predominant pattern of development in the area east of Crest Drive on the south side of Rosecrans and in the nearby area. The project will also provide a buffer between the existing commercial uses to the west of the project and residential uses to the east while preserving existing metered public parking spaces on Rosecrans Avenue, thereby supporting and contributing to the viability of nearby businesses and access to the beach.
 - 2. The subject project and future operation as a multi-family use will be consistent with the General Plan which designates the site as North End Commercial where high density residential uses are permitted subject to use Permit approval. In addition, the project will be consistent with the following General Plan polices or goals:
 - Goal LU-4, in that the project will preserve the features of the existing neighborhood, and represents a development solution tailored to the characteristics unique to this section of the CNE zone.
 - Goal LU-5 in that the project will be an appropriate and compatible use for the surrounding neighborhood.
 - Goal LU-6-4 in that the project will balance the needs of both the commercial and residential uses within this section of the CNE district.

Policy 4-1 of the Housing Element in that the project provides an opportunity for residential development.

3. The project will comply with the provisions of The Manhattan Beach Municipal Code and Local Coastal Zone Zoning Ordinance and all applicable building regulations.
 4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. The project will meet all applicable development regulations and be consistent with housing being developed in the surrounding multi-family area. The proposed use replaces an existing residential use (duplex) and therefore the project will not result in any new impacts such as (but not restricted to) traffic, noise, odors, or personal safety. The project will represent a significant economic investment and will not create demands that would exceed the capacity of public services and facilities which cannot be mitigated such as (but not limited to) police, fire, and roadway maintenance.
- L. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically Policies II.B, 1, 2, and 3, as follows:
1. The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program – Implementation Program.
 2. The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program - Implementation Program.
 3. The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program - Implementation Program. .
- M. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:
1. 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 Rosecrans Avenue.
 2. 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. The proposed use will not displace a commercial or recreational use, as it has historically been developed as a similar residential use.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Coastal Development Permit and Use Permit application subject to the following conditions:

1. All development must occur in substantial 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 plans approved by the Planning Commission on April 26, 2006 must be reviewed and approved by the Planning Commission. 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 Manhattan Beach Coastal Zone Zoning Ordinance.
2. Unless appealed to the City Council, the subject Use Permit and Coastal Development Permit shall become effective after expiration of the time limits established by Manhattan Beach Municipal Code Section 10.100.030.
3. The Use Permit shall lapse two years after its date of approval, unless implemented or extended pursuant to Section A.84.090 of the Manhattan Beach Coastal Zone Zoning Ordinance.
4. 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 Department of Community Development shall send a 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 April 26, 2006, and that said Resolution was adopted by the following vote:

AYES:

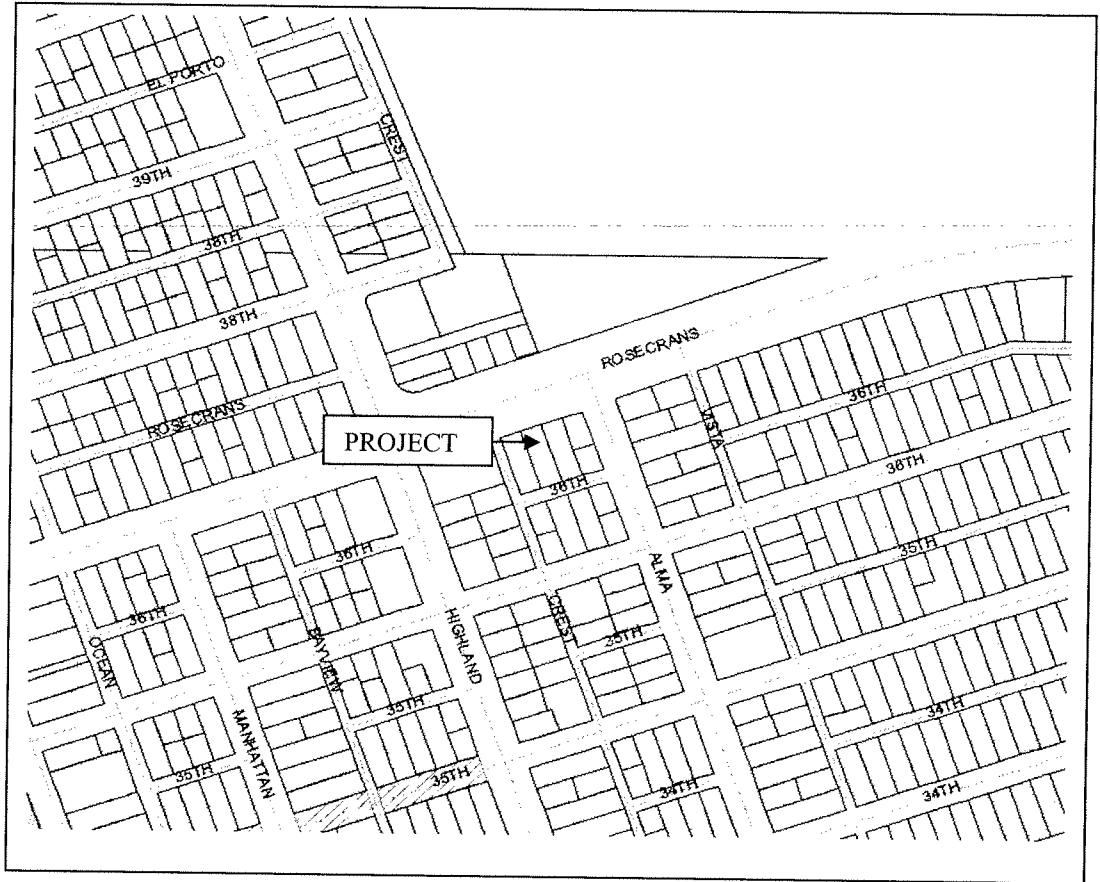
NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

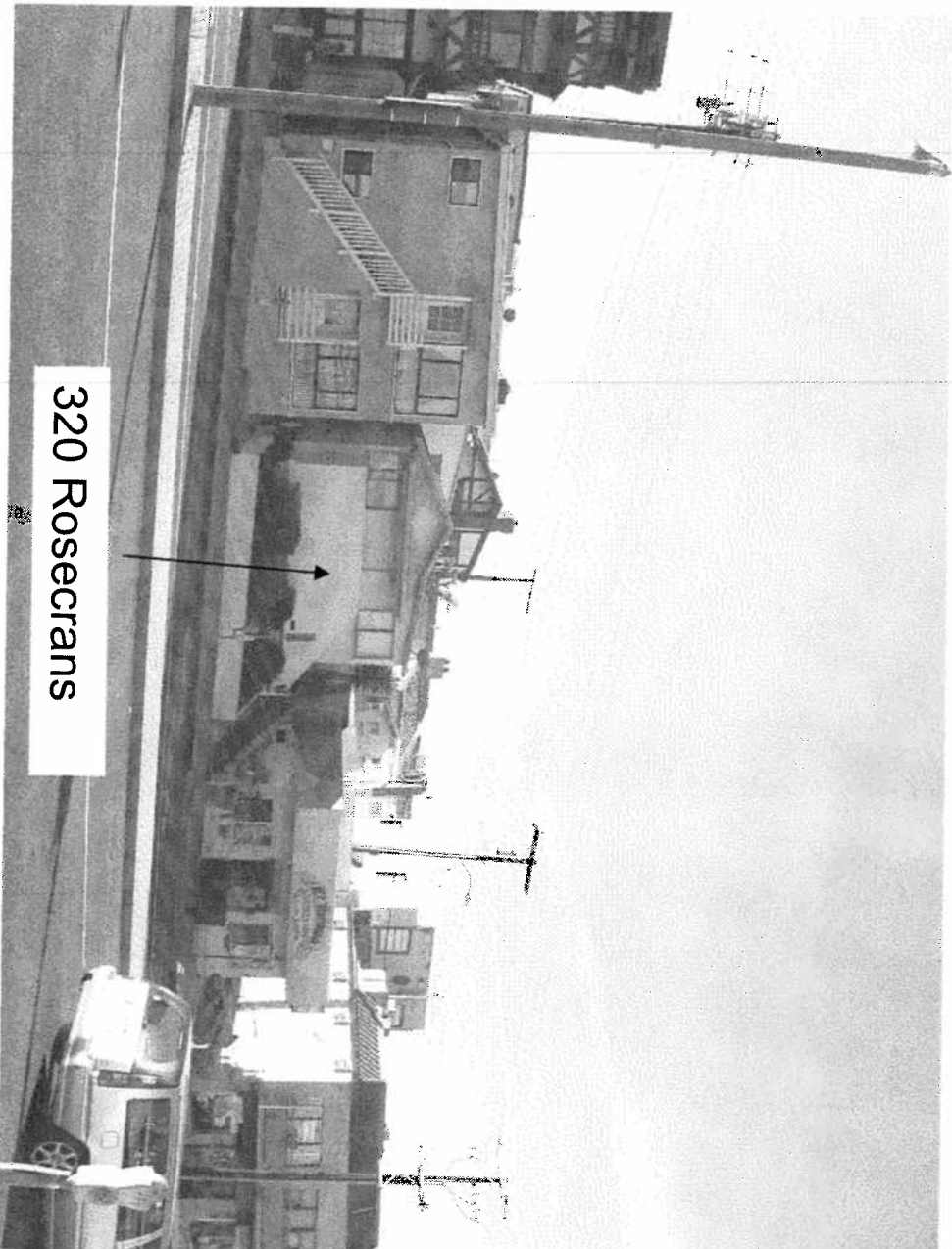


Vicinity Map
320 Rosecrans Avenue
Proposed Duplex



320 ROSECRANS AVENUE - ZONING MAP

View from Rosecrans



320 Rosecrans