



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  
Eric Haaland, Associate Planner

**DATE:** March 7, 2006

**SUBJECT:** Consideration of Planning Commission Approval of a Coastal Development Permit and a Vesting Tentative Parcel Map of 2 New Condominium Units for the Property Located at 4113 Ocean Drive

---

### **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 February 8, 2006, **APPROVED** (5-0) a 2-unit condominium project comprised of a single 3-story building on a standard Strand lot in the El Porto area replacing a single family residence. 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 began on January 11, 2006, however, it was continued to the later meeting in order to correct an error in the hearing notice. The Planning Commission heard testimony from one neighbor regarding project intensity, parking, and drainage. The Commission clarified that the development will conform to all density and building size limits, parking space sizes, and Public Works drainage standards. The Commission also discussed some concern for the 1920's residence to be demolished for the project. It was discussed that consideration of a city historical preservation program is anticipated in the future.

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 06-3  
P.C. Minutes excerpt, dated 2/8/06  
P.C. Staff Report, dated 2/8/06  
Plans (separate/NAE)

(NAE) – not available electronically

- c: Urban Pointe Development, Applicant  
Subtec, Applicant's representative  
Obelisk Architects, Project architect

**RESOLUTION NO PC 06-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT AND VESTING TENTATIVE PARCEL MAP NO. 063135 TO ALLOW CONSTRUCTION OF TWO RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 4113 OCEAN DRIVE  
(Urban Pointe Development)**

**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 January 11, and February 8, 2006, to consider an application for a Coastal Development Permit and Vesting Tentative Parcel Map No. 063135 for the property legally described as Lot 17, Block 4, Tract 4103, located at 4113 Ocean Drive 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 Urban Pointe Development. The property owner is the Sweetnam Family Trust.
- D. The applicant proposes demolition of a single family residence and construction of two new condominium units.
- E. The property is located within Area District IV and is zoned RH High Density Residential. The surrounding land uses consist of single and multiple family residences, and public beach.
- 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 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 The Strand and Ocean Drive.

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 January 11, 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. 41st Street with The Strand
  - b. The Strand with 42nd Street
  - c. Ocean Drive with 41st Street
  - d. Ocean Drive with 42nd Street
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. 063135 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 February 8, 2006 and that said Resolution was adopted by the following vote:

**AYES:**           **Bohner, Lesser, Savikas,  
Schlager, Chairman Simon**

**NOES:None**

**ABSTAIN: None**

**ABSENT: None**

---

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

---

**Sarah Boeschen**  
Recording Secretary

1 Resolution. He pointed out that the public hearing was closed at the last meeting, and the  
2 direction of the Commission was for staff to prepare a Resolution of approval.

3  
4 Commissioner Bohner said that his recollection at the last meeting was that the authority of the  
5 Commission for granting the Variance request was the remaining issue. He said that his  
6 understanding is that the prior provision that was cited pertained only to rear setbacks and not  
7 front setbacks. He asked whether there was a Code section identified in the Resolution that  
8 provides such authority.

9  
10 Chairman Simon commented that referencing a specific Code section could possibly limit the  
11 effect of the Resolution by indicating it is adopted only pursuant to particular Code sections and  
12 excluding additional sections that would make it valid.

13  
14 Director Thompson commented that Code sections that provide the Commission with such  
15 authority are cited in the front page of the Resolution. He indicated that Section M of the  
16 Resolution cites the Variance section of the Code granting authority to the Commission and also  
17 includes the necessary findings. He stated that staff is comfortable with the Commission  
18 approving the draft Resolution.

19  
20 In response to a question from Commissioner Lesser, Director Thompson indicated that it would  
21 be appropriate to present the Commission's recommendation for considering an additional Code  
22 section relating to front yard setbacks as part of the staff report to the City Council rather than  
23 for such language to be included in the Resolution.

24  
25 A motion was MADE and SECONDED (Savikas/Bohner) to **ADOPT** the draft Resolution to  
26 **APPROVE** a Variance to allow construction of a three-story single family residence to project  
27 into the required front yard setback at 413 9<sup>th</sup> Place

28  
29 AYES: Bohner, Lesser, Schlager, Savikas, Chairperson Simon  
30 NOES: None  
31 ABSENT: None  
32 ABSTAIN: None

33  
34 Director Thompson explained the 15-day appeal period and stated that the item will be placed on  
35 the City Council's Consent Calendar for their review on March 7, 2006.

36  
37  
38  
39  
40  
41 **06/0111.2 Consideration of a Coastal Development Permit and Vesting Tentative**  
42 **Parcel Map to Allow Construction of Two New Condominium Units at 4113**  
43 **Ocean Drive**

44  
45 Director Thompson said that the project was also continued from the last meeting. He said that it

1 was discovered through testimony that the public notice for the proposal could have been more  
2 clear regarding the section numbers under which the project is exempt from the Environmental  
3 Quality Act. He indicated that it was noted on the revised notice that it was originally  
4 incorrectly cited. He said that the direction of the Commission at the previous hearing was that  
5 they were in support of the project subject to the renoting.

6  
7 Chairman Simon reopened the public hearing.

8  
9 **Nagy Bakhoun**, the architect for the project, said that he is available for any questions that the  
10 Commissioners may have regarding the proposal.

11  
12 Chairman Simon closed the public hearing.

13  
14 Commissioner Lesser stated that it is sad that the property is going to be leveled as it is one that  
15 is quite old and one of the few remaining beach cottages. He said that while the home is  
16 deteriorating, it is sad that there are not more incentives to restore it. He indicated, however, that  
17 the age and potential historic significance of the property had no relevance to the applicant's  
18 proposal, and he would vote in favor of the project.

19  
20 A motion was MADE and SECONDED (Schlager/Bohner) to **APPROVE** Coastal Development  
21 Permit and Vesting Tentative Parcel Map to allow construction of two new condominium units  
22 at 4113 Ocean Drive

23  
24 AYES: Bohner, Lesser, Schlager, Savikas, Chairperson Simon  
25 NOES: None  
26 ABSENT: None  
27 ABSTAIN: None

28  
29 Director Thompson explained the 15-day appeal period and stated that the item will be placed on  
30 the City Council's Consent Calendar for their review on March 7, 2006.

31  
32 **DIRECTOR'S ITEMS**

33  
34 Director Thompson announced that Laurie Jester was nominated as employee of the year of  
35 Manhattan Beach for the year 2005. He commented that the honor is well deserved. He pointed  
36 out that the award is nominated and voted by coworkers rather than management or the public.

37  
38 A motion was made (Lesser/Savikas) to congratulate Senior Planner Jester on being named  
39 employee of the year 2005.

40  
41 The motion was unanimously passed.

42  
43 Director Thompson said that Commissioner Savikas is scheduled to attend the National Planning  
44 Conference in San Antonio, Texas on April 22-26, 2006. He said that there is also a League of  
45 California Cities conference scheduled in Monterey on March 22-24, 2006, and he would highly



**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:** February 8, 2006

**SUBJECT:** Consideration of a Continued Public Hearing for a Coastal Development Permit and Vesting Tentative Parcel Map No. 063135 to Allow Construction of 2 New Condominium Units at 4113 Ocean Drive

**RECOMMENDATION**

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

**APPLICANT**

Urban Pointe Development  
525 S. Douglas St., Suite 200  
El Segundo, CA 90245

**OWNER**

Sweetnam Family Trust  
17321 Gurney Ln.  
Huntington Beach, CA 92647

**DISCUSSION**

At its regular meeting of January 11, 2006, the Planning Commission considered the subject request to construct a 2-unit condominium project on a standard Strand lot in the El Porto area. The Commission heard testimony and considered the proposal and indicated general support for approval. It was also learned that a reference to the California Environmental Quality Act (CEQA) contained in the project notice was incorrect. The public hearing was therefore continued to the Commission's February 8<sup>th</sup> meeting in order to provide a corrected notice to the public.

The original project notice cited a CEQA section pertaining to modification/remodel types of projects rather than a section applicable to new construction. The corrected notice was distributed citing CEQA sections 15303 and 15332, which exempt small new construction projects such as this one from substantial State mandated environmental documentation requirements. Detailed descriptions of these CEQA exemptions are attached, in addition to the staff report and minutes for this item from the Commission's January 11<sup>th</sup> meeting.

Attachments:

Draft Resolution No. PC 06-  
P.C. Minutes excerpt, dated 1/11/06  
P.C. Report, dated 1/11/06  
CEQA Exemptions

(NAE = not available electronically)

c: Urban Pointe Development, Applicant  
Subtec, Applicant's representative  
Obelisk Architects, Project architect

**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. 063135 TO ALLOW CONSTRUCTION OF TWO RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 4113 OCEAN DRIVE  
(Urban Pointe Development)**

**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 January 11, and February 8, 2006, to consider an application for a Coastal Development Permit and Vesting Tentative Parcel Map No. 063135 for the property legally described as Lot 17, Block 4, Tract 4103, located at 4113 Ocean Drive 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 Urban Pointe Development. The property owner is the Sweetnam Family Trust.
- D. The applicant proposes demolition of a single family residence and construction of two new condominium units.
- E. The property is located within Area District IV and is zoned RH High Density Residential. The surrounding land uses consist of single and multiple family residences, and public beach.
- 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 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 The Strand and Ocean Drive.

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 January 11, 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. 41st Street with The Strand
  - b. The Strand with 42nd Street
  - c. Ocean Drive with 41st Street
  - d. Ocean Drive with 42nd Street
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. 063135 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 February 8, 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

**PLANNING COMMISSION MINUTES**

January 11, 2006

Page 7

1 why half-lots should maintain the required setback. He said that he can relate to the comments  
2 of the people who wrote the letters that the project would result in more requests in the future;  
3 however, that concern does not apply with the subject project. He said that he does not feel that  
4 granting the request would impair on any views, and the new structure would be less bulky and  
5 more attractive than the existing home. He stated that he supports the proposal.

6  
7 Commissioner Lesser said that he would support the project because the Variance findings can  
8 be met. He indicated that he would welcome specific language directing the Council to consider  
9 whether or not they wish to amend the Code or for further input as to any reasoning as to why  
10 the Code provision only applies to projections in the rear alley .

11  
12 Commissioner Bohner said that he would support the proposal. He indicated that he would like  
13 the final Resolution to refer to the section being relied on to provide the authority for granting  
14 the Variance.

15  
16 Director Thompson commented that the Commission clearly has authority to grant the Variance.  
17 He indicated that Chapter 10.84 regarding Use Permits, Variances, and Minor Exceptions  
18 addresses the authority of the Planning Commission and the purposes of Variances. He indicated  
19 that staff will return at the next meeting with more specific information regarding the issue.

20  
21 A motion was MADE and SECONDED (Schlager/Lesser) to direct staff to prepare a Resolution  
22 to **APPROVE** a Variance to allow construction of a three-story single family residence to  
23 project 2 feet into the required 5 foot front yard setback at 413 9<sup>th</sup> Place.

24  
25 Also, as a separate request, that the City Council consider adding a provision to the Code  
26 relating to front yard setbacks on an alley for half lots; and that the Resolution refer to a specific  
27 Code section for the front yard setback for half lots granting authority for approving Variances.

28  
29 AYES: Bohner, Lesser, Savikas, Schlager, Chairman Simon  
30 NOES: None  
31 ABSENT: None  
32 ABSTAIN: None

33  
34  
35  
36 **06/0111.2 Consideration of a Coastal Development Permit and Vesting Tentative**  
37 **Parcel Map to Allow Construction of Two New Condominium Units at 4113**  
38 **Ocean Drive**

39  
40 Associate Planner Eric Haaland summarized the staff report. He stated that the proposal is for  
41 two condominium units within a three story building with 5,076 square feet of BFA. He

## PLANNING COMMISSION MINUTES

January 11, 2006

Page 8

1 indicated that the proposal includes six on site tandem parking spaces. He commented that the  
2 driveway to the tandem garage serving the front unit is longer than the minimum to be more  
3 accessible to that unit. He stated that the proposal does conform to the Zoning Code, General  
4 Plan, and the Local Coastal Program for standards such as setbacks, height, parking, and open  
5 space.

6  
7 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that  
8 the existing structure is older than typical buildings in the city, but it has not been identified as a  
9 historic building. He indicated that the issue of establishing a program for identifying historic  
10 structures is under consideration but has not yet been established. He said that a common  
11 approach to such programs in other cities in the area is preservation on a voluntary basis.

12  
13 Director Thompson stated that establishing a historic preservation designation is a work plan  
14 item and would likely be done on a voluntary basis.

15  
16 Commissioner Lesser commented that the existing structure on the site is significantly  
17 deteriorated, but it is sad to see the few remaining classic beach structures be removed.  
18 However, he stated that it does not have any bearing on the approval of the current proposal.

19  
20 Chairman Simon opened the public hearing.

21  
22 **Cheryl Vargo**, representing the applicant, stated that consideration of the Encroachment Permit  
23 is under the purview of the staff and not the Planning Commission. She commented that the  
24 existing structure was built in 1922. She stated that the unique driveway configuration provides  
25 garage access from the front unit. She commented that the proposal complies with all  
26 requirements and has 900 square feet less BFA than would be permitted. She indicated that the  
27 design is similar to other projects being developed in the area and within the City.

28  
29 In response to a question from Commissioner Schlager, **Ms. Vargo** indicated that each of the  
30 two units would have four bedrooms.

31  
32 **John Garman**, the owner of the property to the east of the site, stated that he is not certain  
33 whether the applicant has standing to propose the project, as there is confusion regarding the  
34 current owner of the property. He indicated that the staff report indicates that the owner is Urban  
35 Pointe Development Company, and the Resolution indicates that the owner is the Sweetnam  
36 Family Trust. He said that he believes that Urban Pointe Development is the buyer, but it is not  
37 clear whether the escrow has yet closed. He commented that the staff report indicates that the  
38 environmental relief sought for the project is provided under section 15061 (b)(3) of the  
39 California Environmental Quality Act; however the notice sent to the surrounding property  
40 owners references section 15301 of the California Environmental Quality Act. He indicated that  
41 Section 15301 specifically addresses whether the project involves negligible or no expansion of



## PLANNING COMMISSION MINUTES

January 11, 2006

Page 9

1 an existing use, which is not the case for the subject project. He pointed out that the existing use  
2 is a single family residence, and the proposed use is two condominium units, each with four  
3 bedrooms. He commented that changing from two bedrooms in the existing home to eight  
4 bedrooms for the condominium units would definitely impact the density of the area. He  
5 indicated that the driveway is set back significantly from Ocean Drive and is lower from the  
6 street level by approximately 2 to 3 feet. He indicated that he has a concern that rain water will  
7 flood the garage if there is not proper drainage, which could also impact his neighboring  
8 property. He commented that his understanding is that the City requires three parking spaces per  
9 unit. He said that there is adequate garage parking provided for each unit; however, the guest  
10 parking spaces appear to be narrower than the standard.

11  
12 Chairman Simon closed the public hearing.

13  
14 In response to a question from Commissioner Lesser, Associate Planner Haaland stated that the  
15 project is exempt under the section of the California Environmental Quality Act which pertains  
16 to minor developments. He indicated that apparently the notice refers to the section that  
17 addresses expansion of an existing facility, which is incorrect.

18  
19 Director Thompson stated that the City does have an obligation to provide accurate noticing, and  
20 if necessary staff would like to have the opportunity to continue the item in order to provide the  
21 proper notice.

22  
23 In response to a question from Commissioner Bohner, Director Thompson said that the project is  
24 in compliance in terms of density.

25  
26 Commissioner Lesser indicated that he is in favor of the rights of private property owners, and  
27 he is bound as a Commissioner to support the proposal since it appears to be in compliance with  
28 the Code. He commented that there are fewer and fewer historic homes left in Manhattan Beach,  
29 and it is sad to see older classic structures be removed. He said that subject to accurate noticing  
30 being provided, he can find no reason for objecting to the proposal since it meets the Code  
31 requirements.

32  
33 In response to a question from Commissioner Savikas, Associate Planner Haaland stated that the  
34 proposal is in compliance with the required 350 square feet of open space for each unit. He  
35 indicated that issues regarding drainage have been reviewed by the Public Works Department,  
36 and drainage has been considered in the design of the driveway.

37  
38 Commissioner Savikas commented that building at the bottom of an alley does create problems  
39 with drainage because there is no outlet for the storm water other than under the street.

40  
41 Commissioner Schlager commented that he would support the proposal, provided that the issue

**PLANNING COMMISSION MINUTES**

January 11, 2006

Page 10

1 of providing the proper notice is addressed.

2

3 Chairman Simon said that he is also saddened that the building is being taken down, and it would  
4 most likely be preserved if there were a program in place for historic preservation. He indicated  
5 that he would support the proposal.

6

7 Commissioner Bohner said that the proposal does appear to meet the Code requirements. He  
8 stated that he agrees that it should be determined whether proper notice has been given based on  
9 the proper Environmental Quality Act section being cited.

10

11 At 8:30 a 10 minute recess was taken.

12

13 Director Thompson indicated that staff suggests the project be continued until the meeting of  
14 February 8, 2006 in order to allow staff the opportunity to renote. He commented that the  
15 project is exempt from CEQA; however, the notice did reference the wrong section number.

16

17 **Ms. Vargo** requested that the new notice include that the item is being readvertized so that it  
18 does not lead to any confusion.

19

20 A motion was MADE and SECONDED (Schlager/Lesser) to **REOPEN** the public hearing and  
21 **CONTINUE** the item for a Coastal Development Permit and Vesting Tentative Parcel Map to  
22 allow construction of two new condominium units at 4113 Ocean Drive to the meeting of  
23 February 8, 2006.

24

25 AYES: Bohner, Lesser, Savikas, Schlager, Chairman Simon

26 NOES: None

27 ABSENT: None

28 ABSTAIN: None

29

30

31

32

33 **06/0111.3 Consideration of a Use Permit and Vesting Tentative Parcel Map to Allow**  
34 **Construction of Four New Condominium Units at 1310 12<sup>th</sup> Street**

35

36 Associate Planner Eric Haaland summarized the staff report. He stated that the proposal is for a  
37 four unit condominium project within a single structure with 7,271 of BFA. He indicated that a  
38 two car standard garage and one guest space in front of the garage door would be provided for  
39 each unit. He indicated that staff has determined that the project does conform to Zoning Code  
40 and General Plan requirements for height, setbacks, open space, and parking; the project would  
41 not be detrimental to the public or surrounding area; and the surrounding area would not be

**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:** January 11, 2006

**SUBJECT:** Consideration of a Coastal Development Permit and Vesting Tentative Parcel Map No. 063135 to Allow Construction of 2 New Condominium Units at 4113 Ocean Drive

**RECOMMENDATION**

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

**APPLICANT/OWNER**

Urban Pointe Development  
525 S. Douglas St., Suite 200  
El Segundo, CA 90245

Sweetnam Family Trust  
17321 Gurney Ln.  
Huntington Beach, CA 92647

**LOCATION**

<u>Location</u>	4113 Ocean Drive between 41 <sup>st</sup> St. & 42 <sup>nd</sup> St. (See Site Location Map).
<u>Legal Description</u>	Lot 17, Block 4, Tract No. 4103
<u>Area District</u>	IV

**LAND USE**

<u>General Plan</u>	High Density Residential
<u>Zoning</u>	RH, Residential High Density
<u>Land Use</u>	<u>Existing</u> Single Family Residence
	<u>Proposed</u> 5,076 sq. ft. 2-unit condos.
<u>Neighboring Zoning/Land Uses</u>	North      RH/Triplex South      RH/Duplex East        RH/Residential West        OS/Public Beach

**PROJECT DETAILS**

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	3,501 sq. ft.	2,700 sq. ft. min
Building Floor Area:	5,076 sq. ft.	5,952 sq. ft. max.
Height	30 ft.	30 ft. max.
Parking:	4 enclosed, 2 unenclosed compact spaces	4 enclosed, 2 unenclosed compact spaces
Vehicle Access	Ocean Dr.	N/A
Setbacks		
Front (west)	5 ft.	5 ft.
Rear (east)	5 ft.	5 ft. min
Interior Side (north)	3.3 ft.	3.3 ft. min.
Usable Open Space	Front Unit - 360 sf Rear Unit - 366 sf	350 sf min. 350 sf min.

## **BACKGROUND**

The subject site fronts on The Strand and abuts Ocean Drive at the rear. A Coastal Development Permit is required because the project is located within the Coastal Zone. A public hearing is required 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 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 Strand lot in the El Porto area. The proposed units will have net living areas of 2,688 square feet (front unit) and 2,388 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 retaining walls and paving within the abutting Strand public right-of-way would require an encroachment permit.

The project site is fairly typical for a Strand condominium development. The right-of-way encroachment area between the public walkway and the private property line is characteristic of the El Porto segment of The Strand. The most unusual aspect of the project is its proposed parking design. Tandem garages are provided for each unit and both guest spaces are in tandem. This is the typical configuration for condominium parking on interior Strand lots. The unusual aspect is how the front unit’s garage is recessed further from Ocean Drive than required, in order to lower the garage floor, and access the garage more directly from the front unit living space.

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.

## **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 a few inquiries, but no comments have been received from project neighbors or other members of the community.

## **ENVIRONMENTAL REVIEW**

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061, (b) (3) based on staff's determination that the project is a minor development and will not have a significant impact on the environment.

## **CONCLUSION**

Staff supports the request finding that the project: 1) conforms to applicable zoning objectives and development standards, 2) is not expected to have a detrimental impact on nearby properties; 3) is consistent with the goals and policies of the General Plan, and; 4) would conform to the City's Local Coastal Program.

A draft resolution of approval is attached, which would act as the project use 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: Urban Pointe Development, Applicant
- Subtec, Applicant's representative
- Obelisk Architects, Project architect

**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. 063135 TO ALLOW CONSTRUCTION OF TWO RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY LOCATED AT 4113 OCEAN DRIVE  
(Urban Pointe Development)**

**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 January 11, 2006, to consider an application for a Coastal Development Permit and Vesting Tentative Parcel Map No. 063135 for the property legally described as Lot 17, Block 4, Tract 4103, located at 4113 Ocean Drive 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 Urban Pointe Development. The property owner is the Sweetnam Family Trust.
- D. The applicant proposes demolition of a single family residence and construction of two new condominium units.
- E. The property is located within Area District IV and is zoned RH High Density Residential. The surrounding land uses consist of single and multiple family residences, and public beach.
- 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 15061 (b) (3), and 15301 based on staffs determination that the project is a minor development and will not have a significant impact on the environment.
- 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 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 The Strand and Ocean Drive.

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 January 11, 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. 41st Street with The Strand
  - b. The Strand with 42nd Street
  - c. Ocean Drive with 41st Street
  - d. Ocean Drive with 42nd Street
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. 063135 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.
20. 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 January 11, 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  
**4113 Ocean**



## **15303. New Construction or Conversion of Small Structures**

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

**Note:** Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Sections 21084 and 21084.2, Public Resources Code.

## **15332. In-Fill Development Projects.**

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

**Note:** Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.