



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: February 7, 2006

SUBJECT: Consideration of Planning Commission Approval of a Use Permit and Vesting Tentative Parcel Map No. 063627 to Allow Construction of 4 New Condominium Units for the Property Located at 1310 12th Street

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 January 11, 2006, **APPROVED** (5-0) a 4-unit condominium project on a single lot replacing a single family residence. The development would have a fairly common layout with a driveway along one side of the 3-story building, and a pedestrian entry walkway on the opposite side. Each unit would have a 2-car garage with a parallel guest parking space located in front of the garage door.

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 Planning Commission heard testimony from two neighbors. A concern for potential damage to a neighboring tree was addressed by clarifying how the project's westerly front yard design would avoid major disturbance of the tree's root system. The easterly neighboring property owner expressed support for the project and anticipated similar development of his property in the future. The Commission also discussed how the project slopes downward from the street and a sump pump would be necessary for some of the site's drainage needs.

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 06-1
P.C. Minutes excerpt, dated 1/11/06
P.C. Staff Report, dated 1/11/06
Plans (separate/NAE)

(NAE) – not available electronically

c: Donald Dieser, Applicant
Elizabeth Srour, Applicant Rep.
Studio 912, Architect

RESOLUTION NO. PC 06-1

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT, AND VESTING
TENTATIVE PARCEL MAP NO. 063627 FOR CONSTRUCTION OF
FOUR RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY
LOCATED AT 1310 12TH STREET (Dieser)**

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on January 11, 2006, received testimony, and considered an application for a use permit and tentative parcel map to allow construction of a 7,271 square foot 4-unit condominium project on the property located at 1310 12th Street in the City of Manhattan Beach.
- B. The existing legal description of the overall site is Lot 9, Block 59, Tract No. 141.
- C. The applicant for the subject project is Donald A. Dieser, the owner of the property.
- D. The property is located within Area District II and is zoned RH, Residential High Density,. The use is permitted by the zoning code and is appropriate as conditioned for the high density residential area. The surrounding private land uses consist of RH and PS (Residential High Density and Public and Semipublic).
- E. 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.
- F. 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.
- G. The General Plan designation for the property is High Density Residential.
- H. Approval of the requested use permit is found to be appropriate since the project:
 - 1) conforms to applicable zoning objectives and development standards as discussed in the project staff report,
 - 2) is not expected to have a detrimental impact on nearby properties since the proposed multifamily residential use is consistent with the surrounding area; and
 - 3) is consistent with the goals and policies of the General Plan. Specific General Plan Policies implemented by the project include: LU-1.1 pertaining to height limit conformance, and LU-1.2 pertaining to bulk mitigation and visual interest by appropriate use of architectural details.
- I. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Vesting Tentative Parcel Map application for 4 condominium units subject to the following conditions (*indicates a site specific condition):

- 1. * The project shall be constructed and operated in substantial compliance with the submitted plans as reviewed by the Planning Commission on January 11, 2006, except that the rear deck railing shall be modified as necessary to conform with the 25-foot wall height

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standard.. Access from all project units to the common rear yard useable open space shall be provided and maintained subject to the review of the Community Development Department. Final design of this area shall encourage use by residents of the front units subject to Community Development Review.

2. A Traffic Management Plan shall be submitted in conjunction with all construction and other 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.
3. All electrical, telephone, cable television system, and similar service wires and cables shall be installed underground to the appropriate utility connections in compliance with all applicable Building and Electrical Codes, safety regulations, and orders, rules of the Public Utilities Commission, the serving utility company, and specifications of the Public Works Department.
4. During building construction of the site, the soil shall be watered in order to minimize the impacts of dust on the surrounding area.
5. The siting of construction related equipment (job site offices, trailers, materials, etc.) shall be subject to the approval from the Director of Community Development prior to the issuance of any building permits.
6. A site landscaping plan utilizing drought tolerant native plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
7. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
8. Security lighting for the site shall be provided in conformance with Municipal Code requirements including glare prevention design.
9. Water and sewer laterals shall be provided as required by the Director of Public Works. A property line clean out is required for each sewer lateral. Water and sewer line modifications and upgrades within the public right-of-way shall be provided as required by the Public Works Department.
10. 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. The sidewalk must be replaced from the west property line to the east property line.
11. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
12. Trash and recycling storage enclosures shall be provided and maintained in conformance with the requirements of the Public Works Department.
13. Landscape areas located within the public right of way shall be maintained by the project homeowner's association.

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14. The project shall conform to Section 10.52.110, Residential condominium standards, of the Manhattan Beach Municipal Code.
15. 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. Manhattan Beach Blvd. with Meadows Avenue
 - b. Manhattan Beach Blvd. with Rowell Avenue
 - c. Meadows Avenue with 12th Street
 - d. Rowell Avenue with 12th Street
16. The final parcel map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy .
17. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
18. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
19. 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: **Bohner, Lesser, Savikas,
Schlager, Chairman Simon**

NOES: None

ABSTAIN: None

ABSENT: None

RICHARD THOMPSON,
Secretary to the Planning Commission

RESOLUTION NO. PC 06-1

Sarah Boeschen,
Recording Secretary

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January 11, 2006

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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

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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 12th 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

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1 detrimental to the proposed development. He indicated that the majority of the open space for
2 the project is located in the rear yard. He commented that the applicant has provided an
3 appropriate conceptual design for the rear open area to be accessible from all of the units. He
4 stated that a condition is included in the Resolution that the final design for the rear open space
5 area encourage use by the owners of all of the units. He said that the project was noticed, and
6 staff has received no comments.

7
8 In response to a question from Commissioner Schlager, Associate Planner Haaland indicated that
9 a sump pump would probably be placed at the rear of the property to pump out excess rain water
10 out onto the street at the front rather than allowing the water to continue flowing over the rear
11 property line.

12
13 In response to a question from Commissioner Savikas, Associate Planner Haaland commented
14 that the larger tree seen in a site photograph is actually on the neighboring property. He
15 indicated that there is a tree on the subject site that is much smaller and not very visible in the
16 photographs.

17
18 Chairman Simon opened the public hearing.

19
20 **Patrick Killen**, the architect, stated that the site is a formula development, and the parking
21 design as proposed is basically dictated by the Code. He commented that there is over 16 feet of
22 slope from the street to the rear of the property. He indicated that because of the slope, a height
23 limit of 25 feet is the maximum they are able to build along the street. He stated that all of the
24 water on the roof would be diverted to the street through drainage pipes, and the only rain water
25 that would need to be pumped out with the sump pump is that which collects in the driveway.
26 He indicated that the existing tree on the site is a conifer tree which is deformed and has not been
27 treated well. He said that they are proposing to replace the tree with a mature palm tree in excess
28 of 20 feet.

29
30 **Mary Ann Van Remenent**, a resident of the neighboring condominium development, stated that
31 she is concerned that the design of the building accommodate the existing shade tree on the
32 neighboring property to the west of the subject site. She commented that the tree has recently
33 been trimmed, but it does grow out and expand onto the subject property. She indicated that she
34 is concerned regarding damage to the tree during construction and regarding whether the tree
35 would be permitted to remain growing in its natural shape. She commented that her
36 understanding is that the trash dumpsters for the proposed development would be located to the
37 rear of the building, and she asked regarding access to the dumpster by the trash truck.

38
39 **Dal Rogers**, a resident of the 1300 block of 12th Street, said that he fought the switch of zoning
40 on the street when it was changed from R1 to R3. He said that after the zoning was changed, a
41 six unit condominium was then built next to him on a property approximately the same size as

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1 the subject property. He commented that there was a heavy rain shortly after he bought his
2 property in 1956 which created a lot of flooding and mudslides, and he subsequently built a very
3 substantial retaining wall at the back of his property about 6 feet high which has mitigated any
4 problems from flooding in the area ever since. He indicated that he supports the project.

5
6 **Mr. Killen** said that there is a 20 foot setback from the adjoining property to the west which
7 should accommodate the existing tree on that property, and they will provide a design which will
8 not interfere with the root system. He indicated that the trash haulers will use Jeeps to collect the
9 dumpsters out from the rear of the site and bring them out to the trash truck. He commented that
10 the dumpster would become an undesirably prominent feature if it were located toward the front.

11
12 Chairman Simon closed the public hearing.

13
14 Commissioner Bohner commented that he is in favor of the project, as it meets all Code
15 requirements. He said that staff has indicated that it conforms to height density, floor area,
16 setbacks, parking, landscaping and open space requirements. He commented that the density
17 proposed is less than for seven units that are permitted.

18
19 Commissioner Schlager stated that he agrees with the comments of Commissioner Bohner.

20
21 Commissioner Lesser indicated that he has a concern that the contemporary design of the project
22 is not consistent with the rest of the neighborhood. He said that he is not certain whether the
23 design is necessarily a standard which the Commission would review, and he would presume the
24 planner would raise the issue if it were a factor of approval. He indicated that he does not have a
25 problem approving the proposal, as staff and the adjoining neighbor have not raised an issue as
26 to the design. He commented that staff has indicated that the project does meet the other
27 required findings.

28
29 Commissioner Savikas said that she supports the project.

30
31
32 Chairman Simon said that he echoes the comments made by the other Commissioners and is in
33 favor of approving the project.

34
35 A motion was MADE and SECONDED (Savikas/Bohner) to **APPROVE** a Use Permit and
36 Vesting Tentative Parcel Map to allow construction of four new condominium units at 1310 12th
37 Street.

38 AYES: Bohner, Lesser, Savikas, Schlager, Chairman Simon
39 NOES: None
40 ABSENT: None
41 ABSTAIN: None

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

DIRECTOR’S ITEMS

Director Thompson stated that the National Planning Conference will take place in San Antonio on April 22 through April 26, 2006. He stated that the City has a budget to send two members of the Commission. He commented that historically the Chairman is generally one of the two members whose costs are covered by the City.

Chairman Simon commented that he may be unable to attend due to a scheduling conflict, and he will let staff know when he knows whether he will be able to attend.

Commissioner Lesser said that he would wish to attend a planning conference and would presume that there are several based in California. He said that he would like any information on any local conferences that are scheduled.

PLANNING COMMISSION ITEMS

Chairman Simon commented that it is wonderful to receive public input such as the comments of **Mr. Garman**, who was paying attention to ensure that the City’s noticing is correct.

TENTATIVE AGENDA: January 25, 2006

ADJOURNMENT

The meeting of the Planning Commission was **ADJOURNED** at 9:25 p.m. in the City Council Chambers, City Hall, 1400 Highland Avenue, to Wednesday, January 25, 2006, at 6:30 p.m. in the same chambers.

RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Eric Haaland, Associate Planner

DATE: January 11, 2006

SUBJECT: Consideration of a Use Permit and Vesting Tentative Parcel Map No. 063627 to Allow a 7,271 Square-Foot Four-Unit Condominium Project on the Property Located at 1310 12th Street.

RECOMMENDATION

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

APPLICANT/OWNER

Donald A. Dieser
431 East Grand Ave.
El Segundo, CA 90245

BACKGROUND

The subject site presently contains a single family residence with a detached garage. The proposal is for demolition of the existing improvements, and construction of a new building containing 4 condominium units. Section 10.12.020 of Manhattan Beach Municipal Code provides that a use permit is required for residential projects exceeding 3 units, and condominium subdivisions exceeding 2 units.

PROJECT OVERVIEW

LOCATION

Location	1310 12 th St. Between Meadows Ave. and Rowell Ave. (See Site Location Map).
Legal Description	Lot 9, Block 59, Tract.141
Area District	II

LAND USE

General Plan Zoning	High Density Residential RH, Residential High Density	
Land Use	Existing Single family residence	Proposed 4 residential condominium units
Neighboring Zoning/Land Uses	North (across 12 th St.) South East West	PS/Meadows School RH/Condos & Apts RH/10 Unit Condo Building RH/Single Family Res.

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	7,006 sq. ft. (50'x140')	4,600 sq. ft. min
Residential Density:	1 unit / 1,751 sq. ft. lot area	1 unit / 1000sf lot area max.
Building Floor Area:	7,271 sq. ft.	8,407 sq. ft. max
Height	30 ft.	30 ft. max.
Setbacks		
Front	20 ft.	20 ft.
Rear	22 ft.	22 ft.
Side	5 ft.	5 ft.
Parking:	12 spaces (*)	12 Spaces
Vehicle Access	1 12 th Street driveway	N/A

(*) – Two garage spaces and one guest parking space for each unit.

DISCUSSION

The submitted plans show an existing lot with a single family residence to be redeveloped with 4 residential condominium units. One 3-story building containing 7,271 square feet of buildable floor area is proposed. The site layout is typical for single-lot condominium projects in the inland areas having a driveway along one side of the site, and unit entries along the other side of the site. The bottom story primarily contains parking area serving unit living area at the upper levels. The building has a flat roof located just under the 30-foot height limit. The most significant characteristic of the site is its downward slope toward the rear. This challenging topography results in more complicated floor stepping, building notching, driveway sloping, and rear yard grading than typical condominium projects. A commercial bin enclosure is provided at the rear end of the project driveway for trash and recycling storage.

Each proposed condominium unit contains a 2-car garage, and one parallel guest parking space in front of the garage door. Laundry, storage, and equipment space are also

provided at the basement/parking level. Primary living areas are located at the two levels above. Outdoor decks are proposed for the upper levels of each unit.

The project conforms to the city's requirements for use, density, height, floor area, setbacks, parking, landscaping, and open space. The site's proposed density is significantly less than the 7 units permitted. The project is subject to the RH (residential) development standards for Area District II of the Manhattan Beach Municipal Code. The project issues that warrant discussion include: open space and wall height/setback requirements.

Open Space:

A substantial portion of the useable open space proposed for the project is the rear yard. The rear yard is the only setback permitted to be counted as open space, and in this case, the rear yard is large enough to provide more than half of each unit's 272 square foot requirement. The rear location of most of the primary useable open space raises some concern for accessibility from the front units. The applicant has provided a preliminary design that appears attractive for use by all unit occupants, and staff has included a condition in the project resolution requiring appropriate rear yard accessibility, and landscape/hardscape design that encourages use of the rear yard area by front unit residents.

Wall Height/Setbacks:

The project is designed to meet the 30 foot overall height limit with a continuous flat roof just below that height. The downward slope of the site toward its rear has required the building design to be modified to comply with a secondary height/setback standard. This standard requires that any building walls taller than 25 feet above local grade be set back an additional 3 feet behind the basic side and rear setback lines. The project architect has recessed or lowered the building's upper walls in order to comply with this requirement. It appears from the current plans that a small modification may be necessary at the southeast corner of the building where a proposed deck rail is shown to exceed 25 feet (dashed line shown on elevation drawings) in height. The project resolution includes a condition that such a modification be made to the project design prior to construction.

Public Input:

A public notice for the project was mailed to property owners within 500 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.

Required Findings:

Section 10.84.060 of the zoning code establishes that certain findings be made by the Planning Commission in granting use permit approval. Staff believes that those findings can be made as follows:

- a) The project conforms to applicable zoning objectives and complies with zoning development standards as discussed in this report,
- b) The project is not expected to have a detrimental impact on nearby properties since the proposed multifamily residential use is consistent with development in the surrounding area; and
- c) The project is consistent with the goals and policies of the General Plan. Specific General Plan Policies implemented by the project include: LU-1.1 pertaining to height limit conformance, and LU-1.2 pertaining to bulk mitigation and visual interest by appropriate use of architectural details.

ENVIRONMENTAL DETERMINATION

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 believing that the project is in conformance with all requirements and that the required use permit findings can be made. 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:

- A. Draft Resolution No. PC 06-
 - B. Site Location Map
Plans (separate - NAE)
- (NAE = not available electronically)

c: Donald Dieser, Applicant
Elizabeth Srour, Applicant Rep.
Studio 912, Architect

RESOLUTION NO. PC 06-

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT, AND VESTING
TENTATIVE PARCEL MAP NO. 063627 FOR CONSTRUCTION OF
FOUR RESIDENTIAL CONDOMINIUM UNITS ON THE PROPERTY
LOCATED AT 1310 12TH STREET (Dieser)**

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

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

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing on January 11, 2006, received testimony, and considered an application for a use permit and tentative parcel map to allow construction of a 7,271 square foot 4-unit condominium project on the property located at 1310 12th Street in the City of Manhattan Beach.
- B. The existing legal description of the overall site is Lot 9, Block 59, Tract No. 141.
- C. The applicant for the subject project is Donald A. Dieser, the owner of the property.
- D. The property is located within Area District II and is zoned RH, Residential High Density,. The use is permitted by the zoning code and is appropriate as conditioned for the high density residential area. The surrounding private land uses consist of RH and PS (Residential High Density and Public and Semipublic).
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- F. 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.
- G. The General Plan designation for the property is High Density Residential.
- H. Approval of the requested use permit is found to be appropriate since the project:
 - 1) conforms to applicable zoning objectives and development standards as discussed in the project staff report,
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- I. This Resolution, upon its effectiveness, constitutes the Use Permit for the subject project.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Use Permit and Vesting Tentative Parcel Map application for 4 condominium units subject to the following conditions (*indicates a site specific condition):

- 1. * The project shall be constructed and operated in substantial compliance with the submitted plans as reviewed by the Planning Commission on January 11, 2006, except that the rear deck railing shall be modified as necessary to conform with the 25-foot wall height

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standard.. Access from all project units to the common rear yard useable open space shall be provided and maintained subject to the review of the Community Development Department. Final design of this area shall encourage use by residents of the front units subject to Community Development Review.

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9. Water and sewer laterals shall be provided as required by the Director of Public Works. A property line clean out is required for each sewer lateral. Water and sewer line modifications and upgrades within the public right-of-way shall be provided as required by the Public Works Department.
10. 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. The sidewalk must be replaced from the west property line to the east property line.
11. Backflow prevention valves shall be installed as required by the Department of Public Works, and the locations of any such valves or similar devices shall be subject to approval by the Community Development Department prior to issuance of building permits.
12. Trash and recycling storage enclosures shall be provided and maintained in conformance with the requirements of the Public Works Department.
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14. The project shall conform to Section 10.52.110, Residential condominium standards, of the Manhattan Beach Municipal Code.
15. 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. Manhattan Beach Blvd. with Meadows Avenue
 - b. Manhattan Beach Blvd. with Rowell Avenue
 - c. Meadows Avenue with 12th Street
 - d. Rowell Avenue with 12th Street
16. The final parcel map shall be submitted for city approval and recorded by the Los Angeles County Recorder prior to issuance of condominium certificate of occupancy .
17. All provisions of the Use Permit are subject to review by the Community Development Department 6 months after occupancy and yearly thereafter.
18. This Use Permit shall lapse three years after its date of approval, unless implemented or extended pursuant to 10.84.090 of the Municipal Code.
19. 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

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Sarah Boeschen,
Recording Secretary

Vicinity Map
1310 12th Street

