



# 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  
Daniel A. Moreno, Associate Planner

**DATE:** February 7, 2006

**SUBJECT:** Consideration of Planning Commission Approval of a Request for a One-Year Time Extension of Tentative Vesting Parcel Map 26943 for a 4-Unit Condominium Project, for the Property Located at 1457-12<sup>th</sup> Street

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### RECOMMENDATION:

Staff recommends that the City Council **RECEIVE and FILE** the decision of the Planning Commission.

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### DISCUSSION:

The Planning Commission, at its regular meeting of January 11, 2006, **APPROVED** on a 5-0-0 vote a one-year extension of the subject condominium project's approval. The applicant may request a twelve-month extension prior to the expiration of the project, and a maximum of two future extensions. These types of extensions have typically been granted without concerns and the project's original design would conform to the current zoning code requirements. The subject project is currently under construction and the request for extension is necessary to give the applicant more time to record the map.

The parcel map extension does not involve a public hearing or special notification. No comments or testimony from the public were received regarding the proposed one-year extension.

The related minutes and staff reports are attached to this report for reference.

### ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **DISCUSS** the decision of the Planning Commission, and direct staff as determined to be appropriate.

Attachments:

P.C. Minutes excerpt, dated 1/11/06

P.C. Staff Report with attachments, dated 1/11/06

cc: Ricci Lane Kawa, 1457 Development LLC, Applicant  
Cheryl Vargo, Owners Representative

12StreetCondoTimeExt.CCRpt.

REORGANIZATION

Chairman Simon presented Commissioner Savikas with a plaque and thanked her for her service as Chairman of the Commission over the past year. He indicated that she has followed the examples set by many other fine chairpersons who have served on the Planning Commission and has set an example for others to follow in the future. He commented that she has allowed the audience and the other Commissioners to feel that they have the opportunity to participate and has provided her unique perspectives on issues.

The other Commissioners also thanked Commissioner Savikas as a great help and role model as they have began their service on the Commission.

AUDIENCE PARTICIPATION

**Ian McLagan**, stated that they are constructing a property on the 2000 block of Ocean Drive. He indicated that their property is a 2700 square foot lot that is configured as a 45' by 60', which is square instead of long and narrow. He said that there is a bylaw requiring that structures higher than 25 feet from the prevailing grade must be pulled back 3 feet from the buildable perimeter on lots wider than 35 feet. He commented that most Sand Section lots are exempt from the bylaw because they typically have a configuration of 30' by 90' or 33' by 105'. He said that 45' by 60' lots are already pulled back substantially further than other 2,700 square foot Sand Section lots. He indicated that lots such as his allow for more conventional square homes rather than long and narrow structures that dominate the Sand Section. He said that he is supportive of the regulations for reducing bulk, and he is asking that they be applied evenly based on existing neighborhood patterns. He requested that the Commission recommend amending the bylaw to either require the additional setback on lots wider than 35 feet and larger than 2,700 feet; or exempting lots within the Sand Section.

BUSINESS ITEMS

**A. Consideration of a Request for a One Year Time Extension of Tentative Vesting Parcel Map 26943 for a Four Unit Condominium Project at 1457 12<sup>th</sup> Street.**

Director Thompson commented that the Tentative Map for the subject project is about to expire and requires a one year extension. He indicated that the project is currently under construction, and it is not unusual for projects to have problems in meeting the timing requirements. He indicated that he applicant is requesting a one year extension to allow them the opportunity to record the Tentative Map to become a final map, and staff is recommending approval.

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1 In response to a question from Commissioner Savikas, Director Thompson indicated that  
2 applicants are permitted a maximum of three one-year time extensions.

3  
4 In response to a question from Commissioner Bohner, Director Thompson indicated that the  
5 project is currently in the framing stages.

6  
7 In response to a question from Commissioner Lesser, Director Thompson said that the City  
8 should approve an extension considering that the project still complies with the current Codes.

9  
10 Commissioner Bohner commented that he would support the request since it is a situation where  
11 such extensions have been approved in the past and the project remains in compliance with the  
12 Zoning Code and General Plan.

13  
14 Commissioner Lesser said that staff has indicated that the main reasoning for not allowing such  
15 extensions appears to be if there have been changes in the Code that make a project  
16 nonconforming, which is not the case in this instance. He said that he would not object to  
17 approving the extension.

18  
19 Commissioner Savikas said that the project has made progress, and she would be in favor of  
20 allowing the extension.

21  
22 Commissioner Schlager indicated that he also has no objection to allowing the extension.

23  
24 Chairman Simon commented that three years have passed since the original project was  
25 approved, and the neighbors have had to deal with the construction for an extended time. He  
26 indicated, however, that the project is still in compliance with the Code requirements. He said  
27 that he would allow the extension, although he is not pleased that the project has taken so long to  
28 complete.

29  
30 A motion was MADE and SECONDED (Schlager/Savikas) to **APPROVE** a request for a one  
31 year time extension of tentative vesting parcel map 26943 for a four unit condominium Project at  
32 1457 12<sup>th</sup> Street

33  
34 AYES: Bohner, Lesser, Schlager, Simon, Chairperson Savikas

35 NOES: None

36 ABSENT: None

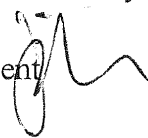

37 ABSTAIN: None

38

39

40 **PUBLIC HEARINGS**

**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Planning Commission  
**THROUGH:** Richard Thompson, Director of Community Development   
**FROM:** Daniel A. Moreno, Associate Planner   
**DATE:** January 11, 2006  
**SUBJECT:** Consideration of a Request for a One-Year Time Extension of a Vesting Tentative Parcel Map No. 26943 for a 4-Unit Condominium Project at 1457-12<sup>th</sup> Street

**RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** the requested one-year time extension.

**APPLICANT/OWNER**

Ricci Lane Kawa, 1457 Development, LLC  
101 N. Pacific Coast Highway,  
Suite 100  
Redondo Beach, Ca. 90277

**BACKGROUND**

On December 11, 2002, the Planning Commission adopted Resolution No. PC 02-32 (attached), approving a Vesting Tentative Parcel Map for construction of a three-story residential building containing four (4) condominium units. This approval was valid for a three-year period. Most Planning Commission approvals have a time limit to avoid new construction of projects designed under long outdated standards.

The applicant may request a twelve-month extension prior to the expiration of the project with a maximum of two future extensions. On December 5, 2005, the applicant submitted a request for a one-year extension of the project approval.

**DISCUSSION**

The subject request is to extend the life of the Vesting Tentative Parcel Map for the condominium project until December 11, 2006. Substantial construction or an additional extension request must occur prior to that date to maintain the existing project approval.

Plans were submitted and a building permit was issued initially on February 26, 2003 (Plan Check No. 03-00729) and subsequently renewed on April 13, 2005 (Permit Number 05-01180) due to time expiration. The Use Permit approval was initially granted to then property owner Virgil Bourgon who has since sold the property to the subject applicant. Due to time constraints in meeting the deadline for recordation of the map, the applicant has filed a time extension.

The Planning Commission may approve the requested extension at its own discretion. No specific findings are required to grant the extension, nor is the Commission obligated to do so. Staff is unaware of any previous project extension requests being denied or having significant concerns. This project does not have any design conflicts with current zoning requirements and therefore recommends that the Planning Commission grant the requested extension.

The relevant preceding minutes and staff report to the Planning Commission and City Council are attached for reference.

Attachments:

- Exhibit A: PC Minutes excerpt, dated 12/11/02
- Exhibit B: PC Staff Report, dated 12/11/02
- Exhibit C: CC Staff Report, dated 1/7/03
- Exhibit C: Request for Time Extension (NAE)
- Exhibit D: Resolution No. PC 02-32
- Exhibit E: Vicinity Map

NAE = not available electronically

cc: Ricci Lane Kawa, 1457 Development LLC, Applicant  
Cheryl Vargo, Owners Representative

12StreetCondo 1457 TimeExt. StaffRpt.

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1 At 6:50 a five minute recess was taken.

2

3 **PUBLIC HEARINGS**

4

5 02/1211.1 USE PERMIT and VESTING TENTATIVE PARCEL MAP 26943 to Allow  
6 Construction of a Four-Unit Condominium to Replace a Single Family Residence at  
7 1457 12<sup>th</sup> Street (Bourgon)

8 Senior Planner Jester summarized the staff report and commented that the proposal is for  
9 demolition of an existing single family residence and construction of a four-unit condominium  
10 development. She indicated that the site and surrounding area is zoned high density residential  
11 (RH), and there is no re-zoning required for this project. She commented that the project conforms  
12 to all zoning standards and exceeds Code requirements in terms of height, open space, parking,  
13 setbacks, and density. She said that staff is recommending approval of the proposed Use Permit  
14 with the conditions included in the draft Resolution.

15 Chairman Ward opened the public hearing.

16 **Cheryl Vargo**, representing the applicant, stated that the block of 12<sup>th</sup> Street on which the site is  
17 located is virtually completely built out with multifamily units, and the applicant is requesting the  
18 same entitlement rights as the surrounding property owners under the high density zoning  
19 designation. She commented that the project does exceed the Code standards for condominium  
20 developments. She indicated that they support all the proposed conditions and request approval.

21 A motion was MADE and SECONDED (Simon/Montgomery) to **CLOSE** the public hearing.

22 AYES: Kirkpatrick, Kuch, Montgomery, Simon, Chairman Ward

23 NOES: None

24 ABSENT: None

25 ABSTAIN: None

26 Commissioner Simon indicated that the project does add to the congestion of the neighborhood, but  
27 he recognizes that it does meet Code requirements and the property is located within a high density  
28 residential zone. He said that he supports the proposal.

29 Commissioner Kirkpatrick indicated that he agrees with the comments of Commissioner Simon.  
30 He commented that does not object to the on-site parking as proposed. He pointed out that  
31 although the project would result in increased density, it is within the zoning requirements. He  
32 indicated that he agrees with the conditions of approval.

33 Commissioner Kuch indicated that he concurs with staff's recommendations.

34 In response to a question from Commissioner Montgomery, Senior Planner Jester indicated that

**PLANNING COMMISSION MINUTES**

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1 there is a separate project under construction next to the subject site which is a mirror image of the  
2 proposal.

3 Commissioner Montgomery indicated that he concurs with the comments of the other  
4 Commissioners, and he supports the project.

5 Chairman Ward said that all the findings have been met, and the project meets the objectives of the  
6 Zoning Code. He stated that he supports the project.

7 A motion was MADE and SECONDED (Simon/Montgomery) to **APPROVE** Use Permit and  
8 Vesting Tentative Parcel Map 26943 to allow construction of a four-unit condominium to replace a  
9 single family residence at 1457 12<sup>th</sup> Street

10 AYES: Kirkpatrick, Kuch, Montgomery, Simon, Chairman Ward

11 NOES: None

12 ABSENT: None

13 ABSTAIN: None

14 ~~02/1211.2 ENVIRONMENTAL ASSESSMENT Regarding Demolition of an Existing Single~~  
15 ~~Family Residence, Which is Built on Two Lots, and Construction of Two New~~  
16 ~~Single Family Residences at 510 and 514 21<sup>st</sup> Street (Newton)~~

17 Assistant Planner Hicks summarized the staff report and stated that the issue before the  
18 Commission is approval of an environmental assessment for demolition of a single family residence  
19 which is constructed over two existing legally subdivided lots. She indicated that the project is  
20 before the Commission because it is located within the Gaslamp Neighborhood Overlay District,  
21 which requires an environmental assessment for demolition of structures constructed on two or  
22 more lots. She commented that the plans that have been provided to the Commission are  
23 conceptual, and the architect has been advised of minor issues that staff is confident will be  
24 resolved during the plan check process. She said that the proposed structures will be in full  
25 compliance with the Code, which is also required as a condition of approval. She indicated that the  
26 assumed original intent of requiring an environmental assessment is to allow the public to provide  
27 input and to consider neighborhood compatibility. She commented that staff believes the proposal  
28 would be compatible with the neighborhood and meets the intent of the Zoning Code. She stated  
29 that a Negative Declaration is included with the draft Resolution.

30 In response to a question from Commissioner Montgomery, Assistant Planner Hicks indicated that  
31 staff has received no correspondence regarding the project either in support or opposition besides an  
32 inquiry from one of the City's building inspectors who lives on the street.

33 Chairman Ward opened the public hearing.

34 **Cheryl Vargo**, representing the applicant, provided the Commissioners with an assessor's map of  
35 ~~the site that shows the current lot configurations for the two subject properties. She commented~~



**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Richard Thompson, Director of Community Development  
**BY:** Daniel A. Moreno, Associate Planner  
**DATE:** December 11, 2002  
**SUBJECT:** Use Permit and Vesting Tentative Parcel Map No. 26943 to Allow Demolition of an Existing Single Family Residence and Construction of a New Four-Unit Condominium Project Located at 1457-12<sup>th</sup> Street (Bourgon)

**RECOMMENDATION**

**APPROVE** the requested Use Permit and Vesting Tentative Parcel Map 26943, subject to the conditions contained in the attached 'draft' Resolution (Exhibit A).

**APPLICANT/PROPERTY OWNER**

Virgil Bourgon  
1550 Monterey Boulevard  
Hermosa Beach, Ca. 90254

**LOCATION**

*Location:* The subject property is a north/south lot located at 1457-12<sup>th</sup> Street, west of Peck Avenue, which provides vehicle access from 12<sup>th</sup> Street (Exhibit B - Site Vicinity Map)

*Legal Description:* Lot 26, Block 57, Tract No. 141

*Assessors' Parcel No:* 4166-008-017

*Area District:* II

**LAND USE**

*General Plan Designation:*

High Density Residential

*Zoning:*

(RH) Residential High Density

*Land Use:*

Existing: Single Family Residence  
Proposed: Four-Unit Condominium  
Permitted: Four-Units\*

*Neighboring*

*Zoning:*

North, Manhattan Beach School District-Robert Begg School  
East, (RH) High Density Residential – Four unit condo (under construction)

South, across  
12<sup>th</sup> Street  
West,

(RH) High Density Residential – Existing 4-Unit Apartment  
(RH) Residential High Density- SFR

\* *Formula for determining maximum permitted density for the RH zoned site.*  
*Site area x number of max. density per unit (in Gen. Plan)  $\frac{7,501}{43,560} \times 49 = 8.43$  units*  
*Acre*

**PROJECT DETAILS**

*Parcel Size:* 7,501 square feet (50.01' x 150' approximately)

	<u><b>Required/Permitted</b></u>	<u><b>Proposed</b></u>
<i>Buildable</i>		
<i>Floor Area:</i>	9,001.20 square feet (1.2 x 7,501 sq. ft.)	7,825 square feet (1.04 BFA)
<i>Parking:</i>	2 enclosed spaces plus 1 exterior guest space per unit	2 enclosed spaces plus 1 exterior guest space per unit (guest space is a parallel space located in front of enclosed parking spaces)
<i>Setbacks:</i>		
North, ( <i>rear yard</i> )	25 feet	25 feet
East, ( <i>side yard</i> )	5 feet	5 feet
South, ( <i>front yard</i> )	20 feet	20 feet
West, ( <i>side yard</i> )	5 feet	5 feet

	<u>Required/Permitted</u>	<u>Proposed</u>
<i>Open Space:</i>	260.5 square feet ( <i>Unit #1</i> )	390.5 square feet
	260.5 square feet ( <i>Unit #2</i> )	389.5 square feet
	260.5 square feet ( <i>Unit #3</i> )	389.5 square feet
	260.5 square feet ( <i>Unit #4</i> )	392.5 square feet
<i>Building Height:</i>	126.54 feet*	125.62 feet

\* *Maximum building height was determined utilizing the four property corner elevations of 100.80 (SW), 100.10 (SE), 91.29 (NW) and 94.00 (NE). These elevations will be verified during the plan check process.*

**ENVIRONMENTAL DETERMINATION**

According to the California Environmental Quality Act (CEQA), as modified by the Manhattan Beach CEQA Guidelines (Section VI d. 4), Use Permits for residential condominium projects of four units or less, have been determined to be categorically exempt (Class 3 Categorical Exemption, Section 15303 d, State CEQA Guidelines).

**BACKGROUND**

Municipal Code Section 10.12.020 (B), Land Use Regulations, requires a Use Permit for condominium development of 3 or more units. As a concurrent process, the Planning Commission must review and approve the Use Permit application and the parcel map to subdivide the property into separate condominium ownership.

On October 10, 2001, the Planning Commission approved a similar 4-unit condo project at the adjacent property located to the east at 1461-12<sup>th</sup> Street. Other than a change in maximum building height, the subject project is a mirrored image in design and scale. With the proposed project the two driveways would be designed to abut each other.

**DISCUSSION**

The applicant proposes to demolish an existing single family residence (constructed in 1952) and construct a 4-unit condominium project comprised of a single 3-story structure. The proposed units will range in size from 1,945 to 1,978 square feet of net living area. All the interior living area for each unit is provided above the garage/basement level. Required open space for each unit is provided in a common open area at the 25-foot rear yard setback and at the upper level deck areas. The proposed project conforms to the City’s Zoning Code and General Plan. The issues that warrant further discussion are the following: parking, aisle dimension and driveway access.

*Parking/Aisle Dimension/Driveway Access*

Section 10.64.030 of the Zoning Ordinance requires that three parking spaces be provided (two enclosed plus one exterior guest space). The project’s parking design features lower level parking with eight enclosed parking spaces and four open guest parking spaces. Each unit would provide an enclosed 2-car garage and an open guest parking space (located as a parallel space in front of each garage door) on ground level. This location of guest parking has commonly been used. Roll-up doors are proposed for each garage area to minimize pedestrian/vehicle conflicts in the parking areas. These type of doors are typically recommended for guest spaces located in front of enclosed parking area.

Parking access is provided via a 12 foot wide driveway on 12<sup>th</sup> Street. The enclosed parking area design provides an interior width dimension of 19 feet clear (code requires a minimum interior width of 18 feet). Because of proposed interior width design, the aisle backup has been reduced to 22 feet. Per MBMC Section 10.64.110, Aisle Dimension, back-up aisle width may be reduced when an increase of parking space width is proposed. An increase of .50 feet for 90 degree angle spaces allows a normal 24 foot back-up dimension to be reduced to 22 feet. Staff points out to the Commission that this type of design was approved for the 4-unit condominium project at 1461-12<sup>th</sup> Street.

*Required Findings*

In order to approve the subject application, the following finding must be made:

1. The proposed location of the use is in accord with the objectives of the zoning code and the purposes of the district in which the site is located.
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan: will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.
3. The proposed use will comply with the provisions of the zoning code, including any specific conditions required for the proposed use in the district in which it would be located.
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

**CONCLUSION**

Staff supports the project on the basis that it is consistent with the Subdivision Map Act requirements, City’s General Plan and is compatible with the residential density in the surrounding area. In addition, the project meets or exceeds all of the condominium requirements and development standards of Title 10 (Zoning Ordinance). Attached is a

'draft' Resolution recommending approval of the Use Permit application and Vesting Tentative Parcel Map No. 26943, which includes standard conditions applicable to this project.

## **PUBLIC NOTICE**

As required by State law and MBMC Section 10.84.040, Staff mailed a "Notice of Public Hearing" to the applicant and all property owners within 500 feet of the boundaries of the site (see attached radius map, Exhibit F). This notice was posted at City Hall as required by Section 1.08.140 of the Municipal Code and was published in the local paper (The Beach Reporter) on November 21, 2002 (see attached notice, Exhibit G).

At the writing of this report, Staff has received two letters from adjacent property owners opposing the project due to density change, traffic congestion, driveway access and construction traffic and noise.

## **ALTERNATIVES**

1. **APPROVE** the project and **ADOPT** the attached 'draft' Resolution
2. **APPROVE** the project and **ADOPT** the attached 'draft' Resolution with revised and/or additional findings and conditions.
3. **DENY** the project, based upon appropriate findings, and **DIRECT** Staff accordingly.

### Attachments:

Exhibit A,	'Draft' Resolution No. PC 02-
Exhibit B,	Site Vicinity Map
Exhibit C,	Parcel Map No. 26943
Exhibit D,	Development Plans
Exhibit E,	Letters in Opposition
Exhibit F,	Radius Map
Exhibit G	Published Notice

cc: Virgil Bourgon, Applicant

12StreetCondoStfRptDec11



# Staff Report

## City of Manhattan Beach

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

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Daniel A. Moreno, Associate Planner

**DATE:** January 7, 2003

**SUBJECT:** Consideration of a Use Permit and Vesting Tentative Parcel Map No. 26943 to Allow Construction of a 4-Unit Condominium Which Would Replace an Existing Single Family Residence at 1457-12<sup>th</sup> Street

**RECOMMENDATION:**

Staff recommends that the City Council **RECEIVE and FILE** this report as **APPROVED** by the Planning Commission on December 11, 2002.

**FISCAL IMPLICATION:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

Municipal Code Section 10.12.020 (B), Land Use Regulations, requires a Use Permit for condominium development of 3 or more units. As a concurrent process, the Planning Commission reviewed the Use Permit application and the parcel map to subdivide the property into separate condominium ownership.

**DISCUSSION:**

The applicant proposes to demolish an existing single family residence (constructed in 1952) and construct a 4-unit condominium project comprised of a single 3-story structure. The proposed units will range in size from 1,945 to 1,978 square feet of net living area. All the interior living area for each unit is provided above the garage/basement level. Required open space for each unit is provided in a common open area at the 25-foot rear yard setback and at the upper level deck areas. The proposed project conforms to the City's Zoning Code and General Plan.

At the December 11, 2002, 2001 meeting, the Planning Commission voted (5-0-0) to approve the

subject application. At this meeting no one spoke either in support or in opposition to the subject proposal.

Staff supported the project on the basis that it is consistent with the Subdivision Map Act requirements, City's General Plan and is compatible with the residential density in the surrounding area. In addition, the project meets or exceeds all of the condominium requirements and development standards of Title 10 (Zoning Ordinance).

Attached is Resolution No. PC 02-32, as well as other pertinent materials including: excerpt from the Planning Commission Minutes and Staff report to the Commission, dated December 11, 2002, with more detailed background and analysis.

**ALTERNATIVES (Optional):**

1. **RECEIVE and FILE** the Planning Commission's decision of **APPROVAL**.
2. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission and schedule for Public Hearing.

Attachments:

- A. Resolution No. PC 02-32
- B. Excerpt from the Planning Commission Minutes of 12/11/02
- C. Planning Commission Report and Attachments dated 12/11/02

cc: Virgil Bourgon, Applicant





# OWNER'S AFFIDAVIT

13

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

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

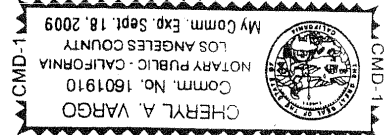
Mark Kawa

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

Richard Louis Kawa 1457 Dev. LLC, by Mark Kawa, Member  
Print Name

101 N. Pacific Coast Hwy, #100, Redondo Beach CA 90277  
Mailing Address

310-318-3198  
Telephone



Subscribed and sworn to before me,  
this 1st day of December, 2005  
in and for the County of Los Angeles  
State of California

Notary Public Cheryl A. Vargo  
\*\*\*\*\*

## Fee Schedule Summary

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

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

#### Coastal Development Permit

- Filing Fee (public hearing – no other discretionary approval required): \$ 1,824
- Filing Fee (public hearing – other discretionary approvals required): \$ 124
- Filing Fee (no public hearing required): \$ 124

#### Use Permit (Master)

- Residential Filing Fee: \$ 2,420
- Commercial Filing Fee: \$ 3,005
- Amendment Filing Fee: \$ 1,209

#### Variance

- Filing Fee: \$ 3,005

#### Minor Exception

- Filing Fee: \$ 966

#### Subdivision

- Tentative Parcel/Tract Map Filing Fee: \$ 585
- Final Parcel Map/Tract Map Filing Fee: \$ 585
- Mapping Deposit: \$ 473
- Quimby Parks and Recreation Fee (new lot/unit): \$ 1,817
- Certificate of Compliance Filing Fee: \$ 564.50

#### Environmental Review (contact Planning Division for applicable fee)

- Environmental Assessment: \$ 124
- Environmental Assessment (if Initial Study is prepared): \$ 1,557
- Fish and Game County Clerk Fee<sup>2</sup>: \$ 25

- Public Notification Fee applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

<sup>2</sup> Make \$25 check payable to LA County Clerk, (do not put date on check).

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AND VESTING TENTATIVE PARCEL MAP NO. 26943 TO ALLOW DEMOLITION OF AN EXISTING SINGLE FAMILY RESIDENCE AND CONSTRUCTION OF A FOUR-UNIT CONDOMINIUM PROJECT LOCATED AT 1457-12TH STREET (Virgil Bourgon)**

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

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

- A. The Planning Commission of the City of Manhattan Beach considered applications for a Use Permit and Vesting Tentative Parcel Map No. 26943 for a proposed 4-unit condominium on the property legally described as Lot 26, Block 57, Tract No. 141 located at 1457-12<sup>th</sup> Street in the City of Manhattan Beach.
- B. The applicant requests approval of a Use Permit and Vesting Tentative Parcel Map No. 26943 to allow demolition of an existing single family residence and construction of a four-unit condominium project.
- C. In accordance with MBMC Section 10.12.020 (B), a Use Permit approval is required for projects with 4 or more multi-family dwelling units.
- D. The applicant/owner of the subject property is Virgil Bourgon.
- E. The Planning Commission of the City of Manhattan Beach conducted a public hearing regarding the proposed 4-unit condominium project at their regularly scheduled meeting of December 11, 2002. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- F. The project is Categorically Exempt (Class 3, Section 15303 b) from the requirements of the California Environmental Quality Act (CEQA).
- G. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- H. The property is located within Area District II and is zoned (RH) High Density Residential. The surrounding private land uses consist of (RH) High Density Residential to the east, south and west and Public and Semi-Public (Manhattan Beach School District) to the north.
- I. The General Plan designation for the property is High Density Residential.
- J. The proposed condominium project would be contained in one building. Unit #1 would contain 1,969 square feet; Units #2 and #3 would contain 1, 945 square feet each and Unit #4 would contain 1,978 square feet.
- K. Based upon State law and MBMC Section 10.84.060, relating to the Use Permit application for the proposed 4-unit condominium, the following findings are hereby made:
  1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located in that the property is located within Area District II and is zoned RH, Residential High Density. As proposed, this project is consistent with the Zoning Code, which permits higher density projects and the purpose of the residential zoning district.

2. The location of the proposed project and the proposed conditions under which it would be operated or maintained would be consistent with the General Plan. Specifically, with Goal 2 and Goal 7, which encourages the preservation of positive features of each planning area and the protection of existing residential neighborhoods from the intrusion of inappropriate and incompatible uses? The design and scale of the project makes it compatible with the surrounding neighborhood. The subject project will specifically facilitate Goal 1 of the Land Use Element, which seeks to maintain the low profile development and small town atmosphere of Manhattan Beach. The proposed project would be designed within the 30-foot maximum height limit to preserve the low profile of the community. To reduce size and bulk, the proposed project will be contained in one structure, providing additional setbacks, parapet roof, building notches and upper level private balconies. The subject proposal also facilitates Goal II of the Housing Element, which seeks to maintain the existing low profile character of residential development. With the proposed number of units, the building bulk is reduced and therefore compatible with other existing development.
  3. The proposed residential use will comply with the provisions of the Zoning Ordinance (Title 10), including specific conditions for condominium use such as parking, setbacks, open space, aisle dimensions, building height, private storage area, trash area, floor area ratio and driveway access.
  4. The proposed residential use would not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated since it includes residential use of which the intensity is consistent with the General Plan designation and compatible with the surrounding development.
- L. In accordance with MBMC Section 11.24.020, Subdivision Vesting Tentative Maps, the vesting map is consistent with the General Plan, the Zoning Ordinance (Title 10) and any other applicable provisions of the Municipal Code in effect at the time the map is approved or conditionally approved, as detailed above.

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

**Site Preparation/Construction**

Special Conditions

1. The project shall be in substantial conformance with the plans submitted to, and approved by, the Planning Commission on December 11, 2002.
2. The applicant's contractor will not be permitted to store building materials within the roadway of 12<sup>th</sup> Street. No construction related vehicles or dumpsters shall be parked in the public right-of-way without obtaining prior approval from the Community Development Department.
3. A Civil Engineer or Land Surveyor licensed in the State of California shall perform a survey suitable for purposes of recordation, including permanent monumentation of all property corners and the establishment or certification of centerline ties at the intersections of:
  - a. Peck Avenue and 12<sup>th</sup> Street
  - b. 12<sup>th</sup> Street and Rowell Avenue

4. Final Parcel Map No. 26943 shall be submitted for City approval and recorded by the Los Angeles County Recorders Office prior to the issuance of a condominium "certificate of occupancy". The map shall bear the following certificates for City signature: Director of Finance, City Engineer, Planning Commission and City Clerk.

Condominium Conditions/Public Works Conditions

5. Plan holder must have the plans checked and stamped for approval by the Public Works Department prior to the approval of the building permit. All Public Works notes and corrections must be printed on the plan.
6. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
7. Sidewalk, driveway, curb and gutter repairs or replacement must be completed per Public Works specifications. See City Standard Plans ST-1, ST-2 and ST-3. Submitted plans must have a profile of the driveway, % of slope on driveway, and driveway elevations.
8. All electrical, telephone, cable television system, and similar service wires and cables shall be installed 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. Any utility pole relocation must be resolved before a building permit is issued.
9. Each condominium unit shall have separate water and sewer laterals as approved by the Director of Public Works. Condos with three or more units shall use a common sanitary sewer lateral. Lateral shall conform to U.B.C. 717.0 using Table 7-8.
10. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water entering the site.
11. All storm water, nuisance water, etc., drain lines installed within the street right-of-way must be constructed of ductile iron pipe. Drains must be shown on plans.
12. All landscaping irrigation must meet current City requirements for proper installation. Approved landscape areas must be planted and irrigation system must be operational prior to certificate of occupancy.
13. Separate water lines and sanitary sewer laterals must be installed on each unit.
14. A property line cleanout must be installed on each sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the plumbing plan.
15. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims that are located below the next upstream manhole cover of the public sewer. See City Standard Plan ST-24. Must be shown on plans if applicable.
16. If an existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works Department. The Public Works Department will review the tape and determine at that time if the sanitary lateral needs repairing replaced, or that it is structurally sound and can be used in its present condition.
17. Any unused water lines or sanitary laterals must be shown on the plans and abandoned at the City main line.

18. The sidewalk must be replaced from the west and shown on the plans.
19. The water meter box must be purchased from the City, and must have a metal lid if the box is located in the driveway.
20. To mitigate potential problems with the proposed "guest" parking spaces, which are located in front of the enclosed parking spaces, roll-up doors shall be provided.
21. All trash areas shall be enclosed, have a roof, built in such a manner that stormwater will not enter, and a drain installed that empties into the sanitary sewer system. Floor drain or similar traps directly connected to the drainage system shall be provided with an approved automatic means of maintaining their water seals. See 1007.0 Trap Seal Protection in the Uniform Plumbing Code. Contact the City's refuse contractor for sizing of the enclosure. Drawing of the trash enclosure must be on the approved plans, and must be approved by the Public Works Department before a permit is issued. See Standard Plan ST-25.
22. During the demolition and construction phases of development, a daily clean-up program for the site shall occur, including the pick-up of all debris (utilizing an approved trash dumpster) at day's end and the sweeping and continued watering down of the site to assist in mitigating the movement of dirt and dust upon adjoining properties.
23. There shall be no intrusions into any of the proposed parking spaces. This includes, but not limited to, any utility and plumbing fixtures.
24. All Residential Condominium Standards per Municipal Code Section 10.52.110 shall be imposed, and considered as part of this Resolution.
25. Flat roof surfaces shall have pea gravel or comparable decorative treatments.
26. All proposed side and rear property line retaining walls should not exceed a maximum height of 6' as measured from the adjacent lowest finished grade. If required for safety reasons, an open guardrail may be placed above the retaining wall, which shall not exceed a height of 36". Fences/walls within the front yard setback, including required guardrail/handrail, shall not exceed 42" as measured from the lowest adjacent finished grade.

Building Division Conditions

27. The proposed condominium project shall conform fully with the 2001 California Building Code, Plumbing Code, Mechanical Code, Electrical Code and City of Manhattan Beach Building Amendments.
28. Ensure that the maximum driveway slope is not greater than 15%. Provide driveway profile on approved plans.
29. Ensure that all utilities pass through common use areas.
30. No plumbing shall be permitted in "party walls."

Fire Department Conditions

31. A sprinkler system shall be provided fully for all condominium units.
32. A sprinkler system shall be provided on all carport overhangs.
33. Any proposed fire check valves must be screened within the proposed building subject to the approval of the Fire and Community Development Departments.

Landscaping/Irrigation

34. A site landscaping plan utilizing drought tolerant plants shall be submitted for review and approval concurrent with the building permit application. The Latin and common names shall identify all plants on the plan. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area. This plan shall be prepared by a licensed landscape designer/architect, as required by state law. This plan shall be reviewed and approved by the Public Works and Community Development Departments.
35. A low pressure or drip irrigation system shall be installed in landscaped areas. Details of the irrigation system shall be noted on the landscape plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.

Traffic/Circulation/Parking

36. The installation of a security gate at the entry area of the driveway is prohibited.
37. A door bell/intercom system shall be provided at the exterior guest parking spaces to assist guest tenants with better access to each unit from the guest parking/driveway area directly into the units.
38. A Traffic Management Plan shall be submitted in conjunction with any other building plans, to be reviewed and 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 but not limited to delivery of materials and parking of construction related vehicles. Driverless vehicles blocking street access and neighbors' driveways without written authorization and overnight storage of materials in the roadway shall be prohibited.

Standard Conditions.

39. The applicant will be required to eliminate any Congestion Management Plan (CMP) debits created by this project prior to "certificate of occupancy".
40. *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.
41. *Expiration.* The Use Permit shall lapse three years after its date of approval, consistent with the lapsing period for the accompanying parcel map, unless implemented or extended pursuant to Section 10.84.090 of the Municipal Code.  
  
Vesting Tentative Parcel Map No. 25707 shall be approved for an initial period of 3 years with the option of future extensions.
42. *Interpretation.* Any questions of intent or interpretation of any conditions will be resolved by the Planning Commission.
43. *Inspections.* The Community Development Staff shall be permitted to inspect the site and the development during construction subject to 24-hour advance notice.
44. *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;

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- b. An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
  - c. Evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
  - d. The original permittee's request to assign all rights to undertake the development to the assignee; and,
  - e. A copy of the original permits showing that it has not expired.
45. *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.
46. *Effective Date.* Unless appealed to the City Council, the subject Use Permit and Vesting Tentative Parcel Map No. 25707 shall become effective after expiration of the time limits established by Manhattan Beach Municipal Code Section 10.84.090 (A).
47. 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 requiring filing fees are paid.
48. The applicant agrees, as a condition of approval of this project, to pay all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal action 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.

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 **December 11, 2002**, and that said Resolution was adopted by the following vote:

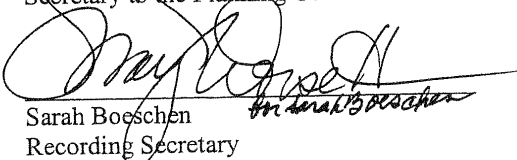
**AYES:** Kirkpatrick, Kuch, Montgomery, Simon, Chairman Ward

**NOES:**

**ABSTAIN:**

**ABSENT:**

**RICHARD THOMPSON**  
Secretary to the Planning Commission

  
Sarah Boeschen  
Recording Secretary

# Vicinity Map 1457 12TH Street

SITE

