

**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: March 28, 2007

SUBJECT: Consideration of a Variance for Construction of 2 Condominium Units on a Site Without the Required Vehicular Access from a Rear Alley at 308-318 Gull Street (Savikas)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the continued public hearing, and **APPROVE** the project by adopting the attached Resolution.

APPLICANT /OWNER

Muriel and Victor Savikas
3009 Bayview Drive
Manhattan Beach, CA 90266

DISCUSSION

The Planning Commission, at its regular meeting on March 14, 2007, conducted a public hearing for the subject project and voted to approve the requested variance, continued the public hearing, and directed staff to return with a resolution of approval. Staff recommends that the Commission conduct the continued public hearing and adopt the attached resolution. Absent any appeals, the applicant will proceed with the project by submitting administrative applications for a parcel map/coastal permit, and building permits.

Attachments:

Resolution No. PC 07-

c: Victor & Muriel Savikas, Applicant
Mark Trotter, Project Designer

RESOLUTION NO PC 07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A VARIANCE APPLICATION TO ALLOW CONDOMINIUM DEVELOPMENT ON A SITE WITHOUT THE REQUIRED REAR VEHICLE ACCESS ON THE PROPERTY LOCATED AT 308-318 GULL STREET
(Savikas)**

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 March 14 & 28, 2007, to consider an application for a Variance for the property legally described as an east portion of Lot 4, and north portion of Lot 7, Block 14, Tract 4103, located at 308-318 Gull Street 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 Variance is Muriel & Victor Savikas, the property owner.
- D. 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 an oil refinery.
- E. The General Plan designation for the property is High Density Residential, and the Local Coastal Program/Land Use Plan designation is High Density Residential
- F. The applicant requests the ability to develop two residential condominium units on a corner parcel with front and side vehicle access, and without vehicle access across the rear property line. Section 10.52.110/A.52.110A of the zoning code/local coastal program (LCP) does not permit condominium development at this location without rear vehicle access.
- G. The proposed construction complies with other applicable standards including 3-car parking for each condominium unit. Project parcel map and coastal development permit applications shall be administratively processed subsequent to this variance approval.
- H. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332, based on the determination that the project is a minor infill development.
- I. 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.
- J. The Planning Commission made the following findings with respect to the Variance application:
 - 1. The special circumstances applicable to this property are its unusual length (124 feet) for a parcel in the beach area, non-rectangular shape, and lower than typical density compared to the permitted and surrounding El Porto properties.
 - 2. The relief may be granted without substantial detriment to the public good as: the proposed development would provide conforming condominium parking due to the site's corner side access, the development would conform to all other applicable

standards, and the resulting dwelling density would be lower than the 4 units permitted for this property.

3. Granting the request is consistent with the intent of the zoning code/LCP and will not constitute a grant of special privilege because the project will be able to comply with all other applicable standards, including parking, and will include a lower than permitted density while increasing home ownership opportunities for the area.

K. This Resolution upon its effectiveness constitutes the Variance for the subject project.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Variance subject to the following conditions:

1. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on March 28, 2007. A maximum of 2 condominium units shall be permitted
2. The project shall be in conformance with the Manhattan Beach Municipal Code and Local Coastal Program except the requirement for rear vehicle access.
3. Approval of an application for a condominium parcel map and coastal development permit shall be required prior to issuance of project building permits.
4. 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.
5. All landscape irrigation must meet current City requirements for proper installation.
6. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
7. 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.
8. Each new condominium shall have separate water and sewer laterals as approved by the Director of Public Works.
9. A property line clean out is required for each unit.
10. Backwater valves shall be installed as required by the Department of Public Works.
11. Sandbags must be placed around the construction site to prevent erosion from the site, and street surface water from entering the site.
12. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030 and LCP Section A.100.030.
13. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the MBMC Section 10.84.090 (A) and LCP Section A. 84.090 (A).
14. 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.

15. 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 March 28, 2007 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