



MASTER APPLICATION FORM

RECEIVED

CITY OF MANHATTAN BEACH 2022 APR 11 AM 9:00
COMMUNITY DEVELOPMENT DEPARTMENT

CITY CLERK'S OFFICE
MANHATTAN BEACH, CA
Office Use Only

401 Rosecrans Avenue (4137-001-031) and
3770 Highland Avenue (4137-001-027)

Date Submitted:
Received By:
F&G Check Submitted:

Project Address

Not Available. Highrose project

Legal Description

North End Commercial

CNE

III

General Plan Designation

Zoning Designation

Area District

For projects requiring a Coastal Development Permit, select one of the following determinations¹:

Project located in Appeal Jurisdiction

Project not located in Appeal Jurisdiction

Major Development (Public Hearing required)

Public Hearing Required (due to UP, Var, ME, etc.)

Minor Development (Public Hearing, if requested)

No Public Hearing Required

Submitted Application (check all that apply)

- | | | | |
|---|------|---|------|
| <input checked="" type="checkbox"/> Appeal to PC/PPIC/BBA/VCC | 4225 | <input type="checkbox"/> Use Permit (Residential) | 4330 |
| <input type="checkbox"/> Coastal Development Permit | 4341 | <input type="checkbox"/> Use Permit (Commercial) | 4330 |
| <input type="checkbox"/> Continuance | 4343 | <input type="checkbox"/> Use Permit Amendment | 4332 |
| <input type="checkbox"/> Cultural Landmark | 4336 | <input type="checkbox"/> Variance | 4331 |
| <input type="checkbox"/> Environmental Assessment | 4225 | <input type="checkbox"/> Park/Rec Quimby Fee | 4425 |
| <input type="checkbox"/> Minor Exception | 4333 | <input type="checkbox"/> Pre-application meeting | 4425 |
| <input type="checkbox"/> Subdivision (Map Deposit) | 4300 | <input type="checkbox"/> Public Hearing Notice | 4339 |
| <input type="checkbox"/> Subdivision (Tentative Map) | 4334 | <input type="checkbox"/> Lot Merger/Adjust./\$15 rec. | 4225 |
| <input type="checkbox"/> Subdivision (Final) | 4334 | <input type="checkbox"/> Zoning Business Review | 4337 |
| <input type="checkbox"/> Subdivision (Lot Line Adjust.) | 4335 | <input type="checkbox"/> Zoning Report | 4340 |
| <input type="checkbox"/> Telecom (New or Renewed) | 4338 | <input type="checkbox"/> Other | |

Fee Summary: (See fees on reverse side)

Total Amount: \$ _____ (less Pre-Application Fee if applied within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

Donald McPherson

Name

1014 1st St, Manhattan Beach CA 90266

Mailing Address

Resident

Applicant(s)/Appellant(s) Relationship to Property

Donald McPherson

310 487 0383, dmcphersonla@gmail.com

Contact Person (include relation to applicant/appellant)

Phone number / email

1014 1st St, Manhattan Beach CA 90266

Address

310 487 0383, dmcphersonla@gmail.com

Applicant(s)/Appellant(s) Signature

Phone number / email

Complete Project Description- including any demolition (attach additional pages as necessary)

On March 29, Community Development ministerially approved the Highrose project with a Precise Development Plan Permit Approving Precise Development Plan and Related Entitlements; City of Manhattan Beach; 29 March 2022. The report herein appeals the project to the planning commission ["PC"] with a demand that requires an Environmental Impact Report ["EIR"], which within the PC discretionary authority. Please see attached appeal report

¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

OWNER'S AFFIDAVIT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES

I/We Donald McPherson 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).

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

Donald McPherson
 Print Name

1014 1st St, Manhattan Beach CA 90266
 Mailing Address

310 487 0383, dmcphersonla@gmail.com
 Telephone/email

Subscribed and sworn to (or affirmed) before me this 8th day of April, 2022
 by Donald McPherson, proved to me on

the basis of satisfactory evidence to be the person(s) who appeared before me

Signature *A. Romero*
 Notary Public



SEAL

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 Division for assistance.) Fees are subject to annual adjustment.

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

| | |
|---|--|
| Coastal Development Permit | |
| Public hearing – no other discretionary approval required: | \$ 3,948 <input checked="" type="checkbox"/> |
| Public hearing – other discretionary approvals required: | 1,940 <input checked="" type="checkbox"/> |
| No public hearing required – administrative: | 1,509 <input checked="" type="checkbox"/> |
| Transfer: | 155 |
| Use Permit | |
| Use Permit: | \$ 8,393 <input checked="" type="checkbox"/> |
| Master Use Permit: | 10,908 <input checked="" type="checkbox"/> |
| Master Use Permit Amendment: | 7,414 <input checked="" type="checkbox"/> |
| Master Use Permit Conversion: | 5,035 <input checked="" type="checkbox"/> |
| 1014 1st St, Manhattan Beach CA 90266 | |
| Filing Fee: | \$ 8,421 <input checked="" type="checkbox"/> |
| Minor Exception | |
| Without notice: | \$ 353 |
| With notice: | 1,575 <input checked="" type="checkbox"/> |
| Subdivision | |
| Certificate of Compliance: | \$ 1,652 |
| Final Parcel Map + mapping deposit: | 601 |
| Final Tract Map + mapping deposit: | 601 |
| Mapping Deposit (paid with Final Map application): | 500 |
| Merger of Parcels or Lot Line Adjustment: | 1,184 |
| Quimby (Parks & Recreation) fee (per unit/lot): | 1,817 |
| Tentative Parcel Map (4 or less lots / units) No Public Hearing: | 1,397 |
| Tentative Parcel Map (4 or less lots / units) Public Hearing: | 3,546 <input checked="" type="checkbox"/> |
| Tentative Tract Map (5 or more lots / units) No Public Hearing: | 4,074 <input checked="" type="checkbox"/> |
| Environmental Review (contact Planning Division for applicable fee) | |
| Environmental Assessment (no Initial Study prepared): | \$ 215 |
| Environmental Assessment (if Initial Study is prepared): | 3,133 |
| <input checked="" type="checkbox"/> Public Hearing Notice 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: | |
| Coastal Permit – 100 ft. Radius | \$ 182 |
| Large Family Daycare – 100 ft. Radius | 56 |
| Minor Exception – 300 ft. Radius | 129 |
| Other Permits – 300 to 500 ft. Radius | 263 |
| Code, General Plan, Zoning Amendments | 588 |

EITHER OF TWO CITY-OWNED LOTS NEAR MANHATTAN MALL CAN SOLVE AFFORDABLE HOUSING PROBLEM

- The Highrose ministerial approval allows 79 units; 28 more than permitted by code¹;
- Highrose deviates from the municipal code, as follows: 1) Four stories vs three; 2) 47 % increase in permitted floor-area-ratio; and, 3) 51-space parking reduction;
- The required 406 affordable units will require nearly **70 four-story buildings** like Highrose;
- CEQA requires a single-program EIR for Highrose that includes all individual projects necessary to provide the remaining 406 affordable units required by the state;
- The single-program EIR requires alternatives, with two code-compliant 100% affordable-housing projects considered herein:
 - 1) One large project on one of two city-owned sites near Manhattan Mall; and,
 - 2) A revised Highrose project with 100% affordable housing;
- The city erroneous use of 20 dwelling units per acre as a density standard unsubstantiated;
- The erroneous city density of 20 dwelling units per acre requires three or four projects on underused parcels near Manhattan Mall, as listed in Housing Element Update Appendix E Table 15². In contrast, parcels with densities of 50 or more dwelling units per acre require only one project to provide most of the units required; and,
- Either of two city-owned parcels near Manhattan Mall can solve the affordable housing problem, as listed in the Housing Element Update.

¹ Manhattan Beach Municipal Code Section § 10.12.030

² *6th Cycle Housing Element* [Draft HEU]; City of Manhattan Beach; [1 February 2022]

APPEAL PROTESTING MINISTERIAL APPROVAL OF HIGHROSE PROJECT

EXECUTIVE SUMMARY

On March 29, Community Development ministerially approved the Highrose project with a Precise Development Plan¹. The report herein appeals the project to the planning commission ["PC"] with a demand for a finding that requires a single-program Environmental Impact Report ["EIR"]. This action lies within the PC discretionary authority.

Per California Environmental Quality Act Guidelines ["CEQA Guidelines"] § 15060(c)(1), *"Once an application is deemed complete, a lead agency must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if: (1) **The activity does not involve the exercise of discretionary powers by a public agency.**"* [Emphasis added]

The project has six affordable units, which qualify it for: 1) 50-foot height vs 30-ft code; 2) Floor Area Factor 2.2 vs 1.5 code; and, 3) A 51 parking-space reduction from code. It will take **nearly 70 four-story projects like Highrose** to eliminate the existing 406-unit shortfall from the affordable-housing quota assigned to the city by the state, in a program that lacks an EIR.

The EIR must evaluate impacts by above deviations from the municipal code. To do so, the city must prepare a single-program EIR to account for future affordable housing projects, as delineated in the unapproved *6th Cycle Housing Element*² upgrade ["HEU"]².

CEQA Guidelines § 15165 states:

*"Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a **single program EIR** for the ultimate project as described in Section 15168."* [Emphasis added]

The Highrose EIR must consider the cumulative impact from all affordable housing projects identified in the HEU and provide alternatives that *"would avoid or substantially lessen any of the significant effects"*. [CEQA Guidelines § 15064(h)(1) & § 15126.6]

This appeal considers two code-compliant 100% affordable alternatives:

- 1) One large project close to Manhattan Mall that can provide 100's of affordable units; or,
- 2) A revised Highview project that will provide 75 affordable units.

Evaluating these alternatives requires a standard to determine the number of units permitted per acre. The HEU uses 20 dwelling units per acre as the *"realistic capacity"*³. Highrose occupies one acre, which for a code-compliant floor-area-factor ["FAF"] of 1.5, that equates to 20 affordable units **averaging 3,263 sq.-ft. each**, the size of a large house.

Obviously, something grossly wrong in the city HEU that uses an unsubstantiated 20-unit per acre density to determine how many projects required to fulfill the 406-unit shortfall in the state mandated requirement for affordable housing. [HEU, PDF p. 13]

In Area District III where Highrose located, the municipal code requires a minimum of 850 sq.-ft. lot area per dwelling unit, which corresponds to 51 units per acre, 256% more than the erroneous 20-unit value used by the city in the HEU. [MBMC § 10.12.030] The Highrose ministerial approval violates this code provision, by permitting 79 units, 28 more than allowed.

¹ *Permit Approving Precise Development Plan and Related Entitlements*; City of Manhattan Beach; 29 March 2022

² *6th Cycle Housing Element* [Draft HEU]; City of Manhattan Beach; [1 February 2022]

³ HEU Appendix E; *Table 15. Potential Underutilized Sites for Overlay*, PDF p. 313

APPEAL PROTESTING MINISTERIAL APPROVAL OF HIGHROSE PROJECT

ANALYSES AND CONCLUSIONS

100% Affordable Housing Alternative 1: A Large Project Near Manhattan Mall.

Alternative 1 uses one of several large parcels in Area District II near Manhattan Mall to provide 100% affordable housing code-compliant units. [See attached Exhibit 1 next page]

With just a single project, Alternative 1 has the critically important benefit that it can provide most of the 406 affordable units remaining from the quota required by the state.

In contrast, the city unbelievably low density of 20 units per acre requires three or four of the large parcels listed in Exhibit 1, thereby tripling acquisition costs to taxpayers.

Not all projects in Alternative 1 can provide the 406 required affordable units. In that case, accessory dwelling units and lot splitting will accommodate the remainder.

100% Affordable Housing Alternative 2: Highrose Revision

Highrose located in Area District III, which requires a minimum of 850 sq.-ft. lot area per residential unit, equating to 51 affordable units for the one-acre property. For a 1.5 FAF, these 51 units will enjoy a floor area that averages 1,280 sq.-ft. each, far too high for subsidized affordable housing.

A January 2022 Coastal Defender report determined that 75 units will fit on the top two floors of a three-story Highrose building, with public parking on the ground floor and resident parking in a one-level subterranean garage⁴. This equates to 871 sq-ft average per unit, appropriate for a combination of studios, one-bedroom and two-bedroom apartments.

Highrose Appeal Conclusions.

- The Highrose ministerial approval allows 79 units, 28 more than permitted by code;
- Highrose deviates from the municipal code, as follows: 1) Four stories vs three; 2) 47 % increase in permitted floor-area-ratio; and, 3) 51-space parking reduction;
- The required 406 affordable units will require nearly 70 four-story building like Highrose;
- CEQA requires a single-program EIR for Highrose that includes all individual projects necessary to provide the remaining 406 affordable units required by the state;
- The single-program EIR requires alternatives, with two code-compliant 100% affordable-housing projects considered herein:
 - 1) One large project on one of five sites near Manhattan Mall, as listed in the HEU; and,
 - 2) A revised Highrose project with 100% affordable housing;
- The city erroneous use of 20 dwelling units per acre as a density standard unsubstantiated, thereby invalidating the unapproved HEU with its accompanying EIR, even if the city council had approved the two documents at their 9 February 2022 meeting; and,
- The erroneous city density of 20 dwelling units per acre requires three or four projects in the underused parcels near Manhattan Mall, as listed in HEU Appendix E Table 15. In contrast, parcels with densities of 50 or more dwelling units per acre require only one project to provide most of the units required; and,
- Per Exhibit 1, either of two city-owned parcels near Manhattan Mall, Items 32 and 33, will solve the affordable housing problem.

⁴ *Solution to HEU Affordable Housing*; Email to Mayor Hildy Stern; Coastal Defender; 31 January 2022

**APPEAL PROTESTING MINISTERIAL APPROVAL OF HIGHROSE PROJECT
ANALYSES AND CONCLUSIONS**

Exhibit 1. Either of the Two City-Owned Lots, Items 32 and 33, Can Solve the Affordable Housing Problem

Excerpt from Draft HEU Appendix E, Table 15 [PDF p. 313]

Includes corrections to the city **unrealistic** 20 dwelling units per acre

| Table ID | APNs | Zone | Area District | Acres | City HEU [Note 1] Lower Income Units (Realistic Capacity at 20 DU/Acre) | Corrected [Note 2] 51 Units/Acre Density; Based on 850 sq.-ft. Lot Area/Unit | Corrected [Note 3] 75 Units/Acre Density; Based on Highrose Plans Analysis | Existing Uses |
|----------|------------|-------|---------------|-------|--|---|---|---|
| 20 | 4138018022 | PD | II | 5.14 | 102 | 263 | 386 | Five story stand-alone office building with a large surface parking lot (LTI ratio 3.31 built 1982) |
| 31 | 4138018045 | PD | II | 4.79 | 95 | 245 | 359 | Stand-alone five-story commercial building with a gym, coworking offices coworking offices, and a parking garage (LTI ratio 1.93 built 1982). |
| 32 | 4138018908 | PD | II | 7.47 | 149 | 382 | 560 | Country club with surface parking and multiple tennis courts (LTI ratio N/A, City owned) |
| 33 | 4138026900 | PD | II | 5.4 | 108 | 276 | 405 | Large surface parking lot and recreation field (LTI ratio N/A, City owned). |
| 34 | 4138020056 | CG-D8 | II | 3.29 | 65 | 168 | 247 | Vacated stand-alone building with developer interest (LTI ratio 1.49, built 1978). (Fries) |

Note 1: City **unrealistic** 20 units per lot acre density

Note 2: Area District III requires 850 sq.-ft. minimum of parcel area per residential unit. [MBMC § 10.12.030]

Note 3: 75 units per lot acre determined from analysis of Highrose plans [Footnote 4, p. 2]