

RESOLUTION NO. 23-0014

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL: (1) REPEALING RESOLUTION NO. 22-0124; AND (2) AFFIRMING AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO AFFIRM THE COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL OF A PRECISE DEVELOPMENT PLAN, COASTAL DEVELOPMENT PERMIT, AND TENTATIVE PARCEL MAP FOR A 96,217 SQUARE-FOOT MULTI-FAMILY RESIDENTIAL PROJECT WITH 79 RENTAL DWELLING UNITS, WITH THE APPLICANT UTILIZING A DENSITY BONUS PURSUANT TO STATE LAW, INCLUSIVE OF WAIVERS AND CONCESSIONS, AT 401 ROSECRANS AVENUE AND 3770 HIGHLAND AVENUE (HIGHROSE EL PORTO, LLC)

THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY RESOLVE, DETERMINE, AND FIND AS FOLLOWS:

SECTION 1. On March 4, 2021, Highrose El Porto, LLC (the "Applicant") submitted an application requesting approval of a Precise Development Plan, Coastal Development Permit, and Tentative Parcel Map for the demolition of a banquet facility and multiuse commercial building and subsequent construction of a 96,217 square-foot multi-family residential building with 79 rental dwelling units, with the Applicant utilizing a density bonus pursuant to State law, inclusive of waivers and concessions, at 401 Rosecrans Avenue and 3770 Highland Avenue (the "Project").

SECTION 2. On March 29, 2022, the Community Development Director approved the Project. Thereafter, the City received four appeals of the Director's decision.

SECTION 3. On June 8, 2022, the Planning Commission considered the appeals. Evidence, both written and oral, was presented to the Planning Commission, including a staff report and staff presentation. After providing an opportunity for the public, including the Applicant and appellants, to provide oral and written comments in full compliance with the Brown Act, the Commission affirmed the Director's decision. Thereafter, the City received five appeals (the "Appeals") of the Planning Commission's decision.

SECTION 4. On August 16, 2022, the City Council considered the Appeals. Evidence, both written and oral, was presented to the City Council, including a staff report, staff presentation, written material from the Applicant, appellants and the public. All persons wishing to address the Council regarding the Appeals, including the Applicant and appellants, were provided an opportunity to do so in full compliance with the Brown Act. The City Council continued the item to provide an additional opportunity for staff and the Applicant to address comments received.

SECTION 5. The City Council resumed its deliberations on the Appeals on October 18, 2022. After providing an opportunity for the public, including the Applicant and appellants, to provide oral and written comments in full compliance with the Brown Act, the City Council adopted Resolution No. 22-0124 overturning the Planning Commission's decision to affirm the Community Development Director's approval of the Highrose Project, thereby disapproving the Project.

SECTION 6. The Applicant filed a lawsuit alleging that the City's denial of the Project violated the Housing Accountability Act ("HAA") and the State Density Bonus Law. On November 28,

2022, the State Department of Housing and Community Development (“HCD”) served a “Notice of Violation” on the City, asserting that the denial of the Project violated the HAA.

SECTION 7. At a duly noticed City Council meeting held on January 19, 2023, the City Council considered the Project. Evidence, both written and oral, was presented to the City Council, including a staff report, staff presentation and all the material presented by the Applicant, appellants, HCD and the public in connection with the prior proceedings. All persons wishing to address the Council regarding the Project, including the Applicant and appellants, were provided an opportunity to do so in full compliance with the Brown Act.

SECTION 8. Based on substantial evidence in the record, and pursuant to the Manhattan Beach General Plan, Local Coastal Program, and other applicable law, the City Council hereby: (1) repeals Resolution No. 22-0124; and (2) affirms and upholds the Planning Commission’s decision to affirm the Community Development Director’s approval of the Project, including the Director’s determination that pursuant to the California Environmental Quality Act (CEQA), the Project is exempt from environmental review.

SECTION 9. The City Clerk shall certify to the passage and adoption of this Resolution.

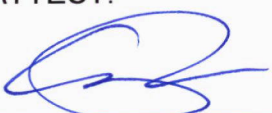
ADOPTED on January 19, 2023.

AYES: Howorth, Lesser, and Montgomery.
NOES: Franklin and Mayor Napolitano.
ABSENT: None.
ABSTAIN: None.



STEVE NAPOLITANO
Mayor

ATTEST:




LIZA TAMURA
City Clerk

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) SS.
)
CITY OF MANHATTAN BEACH)

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing resolution, being Resolution No. 23-0014 duly introduced before and adopted by the City Council of said City at a meeting of said Council, duly held on the 19th day of January, 2023 and that the same was so passed and adopted by the following vote, to wit:

Ayes: Howorth, Lesser, and Montgomery.
Noes: Franklin and Mayor Napolitano.
Absent: None.
Abstain: None.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 24th day of January, 2023.



City Clerk of the City of
Manhattan Beach, California

(SEAL)