



City of Manhattan Beach

Community Development

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PERMIT APPROVING PRECISE DEVELOPMENT PLAN AND RELATED ENTITLEMENTS (collectively “Permit” hereinafter)

The Manhattan Beach Community Development Director hereby issues to Highrose El Porto, LLC (property owner) this Permit (PE-21-00015, CDP-21-00015, SUBDIV-21-00002, PDP-21-00001) for the development described below.

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

Description: The project proposal includes the demolition of existing structures and the construction of a new, 96,217 square-foot, four-story multifamily residential structure, 37 to 50-feet in height, containing 79 rental dwelling units, six of which will be set aside for “very low income” households, with an attached 127-car subterranean garage, located within the non-appealable portion of the coastal zone in the North End Commercial (CNE) District, Area District III. The General Plan land use designation and the Local Coastal Program zoning designation for the subject site is North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices.¹ There are two existing commercial structures on site, with the structure at 401 Rosecrans Avenue being approximately 7,178 square-feet in size and the structure at 3770 Highland Avenue being approximately 11,634 square-feet in size. The proposed consolidation of the lots at 401 Rosecrans Avenue (lot size: 32,201 square feet) and 3701 Highland Avenue (lot size: 11,447 square feet) will result in a single, irregularly shaped 43,648 square-foot parcel with frontage along both Rosecrans Avenue and 38th Street.

The majority of the subject site’s northern and eastern boundary abuts a parking lot approximately 570-feet long by 66-feet wide owned by Chevron Corporation, with Chevron’s El Segundo Refinery located north of the aforementioned parking lot. Both the parking lot and the Chevron El Segundo refinery are located within the

¹ Determinations of consistency with the Local Coastal Program, General Plan Housing Element, and other relevant City zoning documents are based on the provisions of those documents as they existed at the time the project application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(5), (j)(1), as amended by Sen. Bill 330 [2019-2020 Reg. Sess.] ch. 654, § 2; Sen. Bill 8 [2021-2022 Reg.Sess.] ch. 161.).

jurisdiction of the City of El Segundo. A small segment of the subject site's northern boundary abuts 38th Street within the City of Manhattan Beach, with properties north of 38th Street developed with multi-story, single- and multi-family residential uses. The property west of the subject site is developed with a two-level, City-owned public parking structure. Properties southwest of the subject site include two-story commercial and multi-family residential uses. Properties south (across Rosecrans Avenue) of the subject site are developed with multi-story, single- and multi-family residential uses.

The property owner seeks a Precise Development Plan for the development of affordable housing utilizing State density bonus provisions pursuant to California Government Code Section 65915. In addition, the property owner has applied for a Coastal Development Permit for development within the City's Coastal Zone and a Tentative Parcel Map (No. 083628) for the consolidation of two parcels into one.

In accordance with Government Code Section 65915(f)(2), by providing six of the 79 units for very low-income households (11% of the base density), the property owner is entitled to a 35% density bonus. This further entitles the property owner to waivers and reductions of development standards, two concessions, and parking ratios as prescribed by Government Code 65915. In addition to the State density bonus, the proposed consolidation of lots entitles the property owner to a 10% local lot consolidation bonus pursuant to Manhattan Beach Local Coastal Program Section A.12.030(T).

In accordance with California Government Code Section 65915(b)(1) and 65915(e)(1), the project application includes waivers or reductions of the following development standards: (1) buildable floor area; (2) height requirements; (3) number of stories; (4) side-yard setback requirement for proposed electrical transformer only; and (5) rear and side setback requirements for building walls over 24-feet in height. Additionally, the project application includes one concession for the maximum wall/fence height in setbacks in accordance with California Government Code Section 65915(b)(1) and 65915(d)(1). The parking provided is based on the parking ratios prescribed by Government Code 65915(p)(1).

Pursuant to State and local regulations, the utilization of density bonus law and the incorporation of affordable housing qualify the project for a streamlined, administrative, non-discretionary Precise Development Plan review, which subjects all components of the application to a ministerial review process.

CEQA: Pursuant to Section 21080 of the California Public Resources Code, the California Environmental Quality Act (CEQA) does not apply to ministerial projects approved by public agencies.

COMMUNITY DEVELOPMENT DEPARTMENT
Carrie Tai, AICP, Director



Acknowledgment:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all requirements thereof.

Signature of Permittee: _____ Date: March 29, 2022

Attachments:

Attachment A – Summary of Project’s Consistency with General Plan, Local Coastal Program, and Other Applicable Standards

Attachment B – Standard Requirements

ATTACHMENT A
**SUMMARY OF PROJECT'S CONSISTENCY WITH GENERAL PLAN, LOCAL
COASTAL PROGRAM, AND OTHER APPLICABLE STANDARDS**

Pursuant to State and local regulations, the utilization of density bonus law and the incorporation of affordable housing qualify the project for a streamlined, administrative, non-discretionary Precise Development Plan review, which subjects all components of the application to a ministerial review process. Further, based upon substantial evidence in the record:

1. *The proposed project is consistent with applicable provisions of the General Plan.*

The project proposes development of a 79-unit multi-family residential structure, in accordance with State density bonus provisions, on property located within Area District III (Beach Area) and zoned North End Commercial (CNE). The General Plan land use designation and the Local Coastal Program zoning designation for the property is North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices. The majority of the subject site's northern and eastern boundary abut a parking lot owned by Chevron Refinery, located within the jurisdiction of the City of El Segundo. A small segment of the subject site's northern boundary abuts 38th Street within the City, with properties north of 38th Street developed with multi-story, single- and multi-family residential uses. The property west of the subject site is developed with a two-story, City-owned public parking structure. Properties southwest of the subject site include two-story commercial and multi-family residential uses. Properties south (across Rosecrans Avenue) of the subject site are developed with multi-story, single- and multi-family residential uses. Therefore, the proposed high-density residential use is compatible with surrounding uses and complies with the City's General Plan land use designation of North End Commercial.

Furthermore, and as described below, the project as proposed is consistent with the following goals, policies and programs of the Housing Element of the General Plan, as the consolidation of the existing lot accommodates a project that proposes development of very low-income and market rate residential units on a previously developed infill site:¹

Housing Element Goal II. Provide a variety of housing opportunities for all segments of the community commensurate with the City's needs, including various economic segments and special needs groups.

¹ Determinations of consistency with the Local Coastal Program, General Plan Housing Element, and other relevant City zoning documents are based on the provisions of those documents as they existed at the time the project application was deemed complete. (Gov. Code, § 65589.5, subd. (d)(5), (j)(1), as amended by Sen. Bill 330 [2019-2020 Reg. Sess.] ch. 654, § 2; Sen. Bill 8 [2021-2022 Reg.Sess.] ch. 161.).

Housing Element Policy 3. *Provide adequate sites for new housing consistent with the Regional Housing Needs Assessment and the capacity of roadways, sewer lines, and other infrastructure to handle increased growth.*

Housing Element Program 3a. *Continue to facilitate infill development in residential areas.*

Housing Element Program 3b. *Facilitate multi-family residential development in the CL, CD, and CNE commercial districts.*

Housing Element Program 3d. *Ensure that development standards for residential uses in the CD and CNE Districts do not pose unreasonable constraints to housing.*

Housing Element Policy 5. *Encourage the development of additional low- and moderate-income housing.*

Housing Element Program 5a. *Provide incentives for housing affordable to low-income households and senior housing.*

Housing Element Program 5b. *Streamline the development process to the extent feasible.*

2. *The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards.*

The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including physical development standards, with the exception of those development standards for which waivers or concessions are granted in accordance with State density bonus law (California Government Code 65915). The project's compliance with applicable standards of the Local Coastal Program-Implementation Plan and California Government Code 65915 are demonstrated in the table below:

Development Standard	Project Proposal	LCP Requirement ²
Height	49.9 feet maximum	30 feet maximum
Number of Stories	Four	Three maximum
Buildable Floor Areas	96,217 sq. ft.	74,033 sq. ft. maximum
Setbacks:		
Front	5 feet	5 feet minimum
Rear	5 feet	5 feet minimum
Side	2 feet	10 feet minimum ³
Parking	114 standard spaces 13 compact spaces 7 motorcycle spaces 27 bicycle spaces	103 spaces minimum per State Gov. Code 65915
Open Space	20,444 sq. ft.	17,380 sq. ft. minimum

3. The proposed project is consistent with applicable state and local subdivision requirements.

The proposed map is consistent with applicable General Plan policies, including Goal II, Policy 3, Program 3a, Program 3b, Program 3d, Policy 5, Program 5a, and Program 5b of the Housing Element (as described above).

The design or improvement of the proposed subdivision is consistent with the General Plan, including the aforementioned policies.

The site is physically suitable for the type of development, as the proposed project meets all applicable development standards, with the exception of the waivers and concession identified in the project description, to which the property owner is entitled pursuant to State density bonus law. Pursuant to the Manhattan Beach Local Coastal Program Section A.16.030, there are no maximum or minimum lot size requirements applicable to the project site for a proposed residential development subdivision.

The site is physically suitable for the proposed density of development, as the property owner is entitled to 79 units on the proposed site pursuant to State and local regulations.

The design of the subdivision or the proposed improvements are unlikely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, as there are no known wildlife habitats on the site, as the site was previously developed with commercial uses.

² The proposed height, number of stories, and buildable floor area (BFA) exceed standard development standards in the LCP that would apply in the absence of waivers and concessions prescribed by State density bonus law.

³ The sole component of the proposed project that is within the required 10-foot side yard setback is a proposed electrical transformer; that location within the setback is allowed pursuant to State density bonus law.

The design of the subdivision or type of improvements is unlikely to cause serious public health problems as it proposes an infill residential development on a previously-developed site surrounded by residential and commercial uses.

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, as no such easement exist on the site and all existing public access to the coast will be preserved.

4. *The proposed project conforms with the certified Manhattan Beach Local Coastal Program.*

The Manhattan Beach Local Coastal Program consists of a Land Use Plan (LUP) composed of “Policies and Implementation Measures” and an Implementation Plan (Phase III LIP) including zoning ordinances, district maps, and other implementing actions. As described above, the proposed high-density residential use is compatible with surrounding uses and complies with the City’s General Plan land use designation and Local Coastal Program zoning designation of North End Commercial, which accommodates high density residential uses in addition to small-scale, low-intensity neighborhood-serving service businesses, retail stores, and offices.

Furthermore, the project as proposed is consistent with the Coastal Access policies in the Local Coastal Program, the goal of which is to preserve coastal access for the public. Specifically, the project is consistent with the following coastal access policies:

Policy I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.

The project does not block or impede any accessways to the coast. Access to the coast remains unaffected by the project. East-west coastal access along the south side of 38th Street will be enhanced as the project includes new sidewalk paving, connecting two pieces of unconnected sidewalk where only landscaping exists currently.

Policy I.A.3: The City shall preserve pedestrian access systems including the Spider Web park concept (Spider Web park concept: a linear park system linking the Santa Fe railroad right-of-way jogging trail to the beach with a network of walkstreets and public open spaces.).

The project does not alter any pedestrian access systems, including existing sidewalks or streets, in a way that blocks or impedes access systems to the coast. Access to the coast remains unaffected by the project, albeit improved along the south side of 38th Street as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently. The walkstreets and public open spaces

linking the Santa Fe railroad right-of-way jogging trail are unaltered by the project.

The proposed project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (Commencing with Section 30200 of the Public Resources Code), in that the proposed structure does not impact public access to the shoreline. Adequate public access is provided and shall be maintained along Rosecrans Avenue, Highland Avenue, and 38th Street. The project also proposes to improve the sidewalk along the south side of 38th Street as the project includes new sidewalk paving connecting two pieces of unconnected sidewalk where only landscaping exists currently. Furthermore, the project does not create any barriers along Rosecrans Avenue, Highland Avenue, and 38th Street that prevent public access to the coast.

**ATTACHMENT B
STANDARD REQUIREMENTS**

1. Notice of Receipt and Acknowledgment. Failure by the Property Owner to file a notice of receipt and acknowledgement accepting its terms and these requirements with the Community Development Department on a form prepared by the City within 30 days of the issuance of this Permit, and, if applicable, the exhaustion of any appeals, invalidates the Permit.
2. Expiration. The entitlements granted herein shall expire one-year from the date of final approval if the project has not commenced during that time. If the Property Owner or authorized agent submits a written request for an extension prior to the expiration of the one-year period, the Director of Community Development may grant a reasonable extension of time.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit. Any deviation from the approved plans shall be reviewed and approved by the Director of Community Development.
4. Interpretation. Any questions of intent or interpretation shall be resolved by the Director of Community Development.
5. Inspections. The City shall be allowed to inspect the site and the development during construction at any time.
6. Affordable Units. As proposed, the project will contain a minimum of six dwelling units designed for occupancy by very low income households. The finishing products used within the affordable units shall be the same as the products that are used in the other units in the building. Each affordable unit shall be a rental unit that is rented in accordance with the provisions of California Government Code Section 65915 or its successor statute and shall be affordable to very low income households for a minimum of 55 years in accordance with California Government Code Section 65915. Prior to or concurrently with the recordation of the final map, the Property Owner shall record an affordable housing agreement pursuant to Manhattan Beach Local Coastal Program A.94.050.D which is recorded against the subject property.
7. Building Plans. The Property Owner shall submit building plans that conform to the terms and requirements of the Permit. Accordingly, the site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans approved per this permit.
8. The Property Owner or successor in interest shall meet the applicable code requirements of all City Departments.