

Appealing the granting of height and number of stories waivers for Highrose/Verandas

I ask that the developers of Highrose/verandas not receive the height and number of stories waiver and be held to the local code: 30ft height and 3 stories. The developer did not provide reasonable documentation that would qualify for the waiver.

The project is very attractive and it would be a great addition to our neighborhood, we do need more housing affordable and other. I would like it to go forward.

The state of California needs to show it is doing something about the housing shortage, so increase density and affordability. They have put an unattainable burden on our town 406 units. With the project we get 6 here, where are the rest coming from? I have been told that there are 2 locations that would qualify for this same sort of development... how many stories will those be?

Per California govt code section 65915 (0)(2) State law

“STATE LAW DOES NOT PROHIBIT A LOCAL GOVERNMENT FROM REQUIRING AN APPLICANT TO PROVIDE REASONAL DOCUMENTATION TO ESTABLISH ELIGIVILITY FOR A REQUESTED DENSITY BONUS, INCENTIVES OR CONCESSIONS,AS Described IN SUBDIVION (d). WAIVER OR REDUCTIONS OF DEVELOPMENT STANDARDS,AS DESSRIBED IN SUBDIVISION(e)

Planning director and staff, concluded that “reasonable documentation” was given to established the projects eligibility, the

documentation came from the developer, did staff think of getting a second opinion, did they question it?

What was that evidence page 5-01, 5-02 and 5-03 from the plans submitted and attachment k and l from staff?

Pages from the plan and k is a survey of rental sizes in the area without any supporting documentation and (L) a letter from the developers architect regarding ceiling heights.

Is that reasonable documentation? I don't think so.

Did the developer provide detailed plans that proved their conclusion that the units would average about 529 sq feet made up of mostly studios (5-01)?

Did Staff check the get a second opinion?

Did they question the rental data? (L)

Did staff investigate data in the letter from the architect (their architect)?

How is that documentation that they can't build to code?

After the commission hearing I request that information used by the staff to verify the developers evidence and I have not received anything from them. Nada.

The director the city is not obligated to give the waivers? There is a burden of proof, by providing reasonable information that it can't be done within the building code 30 ft 3 stories therefore that would prove the project can't move forward resulting in the waiver being

given. But it can be done. The developer has no incentive to say it can. Why would they? Nah can do it... so the director issues the Waivers.

You have the power to ask the developer to stay within those limits. Perhaps eliminate the penthouse and the 9 4th floor units. The developer likely would take a small hit to their ROI. But I believe the staff needs to look for a second opinion or ask the developer to try again. Simple solution, get rid of the fourth floor and the penthouse.

Mr. Buckley stated, at the commission appeal hearing (6/08), that they could have submitted an even taller building but out of consideration for the character of the city they went with this plan.

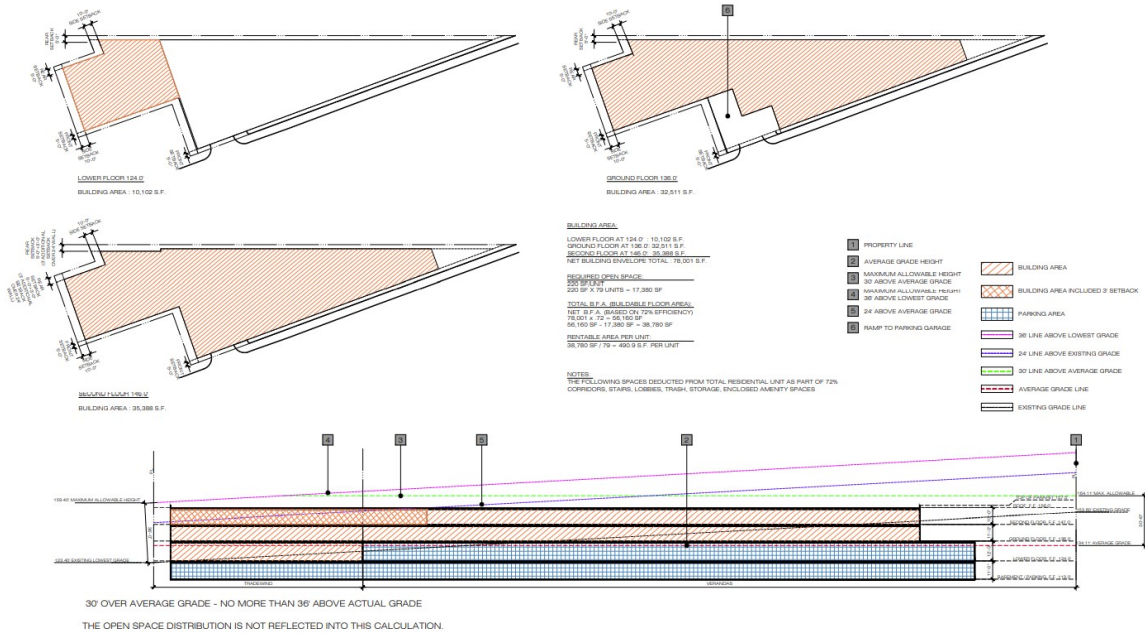
I urge Mr. Frank Buckley, though the state density bonus plus the city's allows you to have 79 units can you try to show some more of that love and fit what you can within the local code limits. You would still be left with 69 units with 6 affordable units that yields you 11 units more than what you would have had without the bonuses (52).

Frank, you don't always have to take everything you are given. I think it would show a great deal of respect to your neighbors and to the city we love if you did eliminate the 4th floor. In the long run the town will benefit and so will you.

The builder wants to build here, because of what we have. An iconic beach town that has managed its growth and character well. How? One vital way, is by our building code. That's why I live here, that why we live here, and that's why people want to come here.

The State is out of bounds in its rush to show that they are doing something about this problem. I don't have an issue with providing more affordable housing and development. I do have a problem with the way the state is choosing to accomplish this. They are granting one group incentives at our expense. They are bullying cities like ours up and down the coast.

Thank you



BUILDING ENVELOPE

Attachment L



September 8, 2021

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RE: Verandas Project – Building and Ceiling Height

Mr. Faturos,

I wanted to get back to you regarding standard ceiling heights for current residential multifamily product. To start with, all of the multi-family buildings that we have developed over the last 10 years, including many of our affordable projects, have a minimum ceiling height of 9 feet in the living areas and bedrooms. This is because the most restrictive condition is in the bathroom where we include a mechanical unit in the ceiling with ducts / soffits, which takes up a lot of room and usually reduces the ceiling down to 8' depending on the depths of the joists and other variables.

Nine feet is the minimum standard for multi-family housing in Southern California. The developer of Playa Vista, for example, Brookfield Residential, represented that every project in Playa Vista has a minimum of 9 ft high ceilings, with the majority of the projects having higher ceilings on the ground floor and on the top floor. The need for additional clear height at the ground floor is necessary to: (1) allow more natural light, to what would ordinarily be a darker space; (2) create more volume which is necessary to facilitate renting generally less desirable ground floor units; (3) to facilitate amenities typically located on the ground floor, which require more ceiling height due to the larger spans and deeper beams. As to the top floor, the need for higher ceilings is to allow for mechanical, as well as roof slope/drainage, etc. Brookfield said that they look for a minimum of 10 foot clear on both the ground and top floors.

An example of this typology that we designed and completed two years ago is called One South, a 52 unit condominium/mixed use project in Redondo Beach located at 1920 S Pacific Coast Highway,

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Staff addresses specific arguments made by the appellant below, with the italicized text taken directly from the appellant's written appeal applications.

1. *Highrose height limits waiver appeal. The developers have asked for a number of waivers but the height waiver is fundamental to the project and exceeds height allowable and should be reduced to meet the 30ft limit.*

The applicant has requested a waiver from the 30 foot height requirement in order to accommodate the proposed 79 units. The applicant submitted a study of the site's buildable envelope, given no incentives or waivers were used to build 79 units (page 05-02 of the plans), and demonstrated that the resulting average unit size would be significantly below the average unit size of other residential rental units in Manhattan Beach. The applicant has provided substantial evidence to demonstrate that the requested waiver of the 30-foot height limit is reasonable, and not granting the waiver would have the effect of physically precluding the construction of the development with the associated density bonus.

Attachment K

Address	Type	Bedrooms	SF	SOURCE
2700 Aviation Blvd	A	1	616	A.Com
2701 Aviation Blvd	A	2	766	A.Com
1930 Manhattan Bch Blvd	A	1	520	A.Com
1312 Manhattan Bch Blvd	A	2	1,200	A.Com
1555 Artesia Blvd	A	1	550	A.Com
1236 Manhattan Bch Blvd	A	1	1,600	A.Com
916 Manhattan Bch Blvd	A	1	650	A.Com
1150 Manhattan Bch Blvd - Unit 4	A	1	1,100	A.Com
1150 Manhattan Bch Blvd - Unit 3	A	1	1,100	A.Com
1151 Manhattan Bch Blvd - Unit 9	A	1	1,100	A.Com
215 El Porto St. - Unit 215 L	A	1	400	A.Com
201 Moonstone St	H	1	700	A.Com
324 Rosecrans Ave	A	2	850	A.Com
1440 Manhattan Bch Blvd - Unit D	A	3	1,300	A.Com
1311 Manhattan Bch Blvd - Unit 2	C	2	925	A.Com
4400 Ocean Dr Unit 1	H	1	800	A.Com
747 12th Street	A	1	803	A.Com
1460 Manhattan Bch Blvd	T	2	1,152	A.Com
123 El Porto	D	1	500	A.Com
3822 Highland - Unit C	A	2	800	A.Com
221 11th Pl Unit A	A	2	1,000	A.Com
1117 Pacific Ave - Unit 3	C	2	1,000	A.Com
729 Manhattan Bch Blvd	A	3	1,250	Z
3012 Manhattan Ave	A	2	1,100	Z
1246 Manhattan Bch Blvd - Unit C	A	1	800	Z
324 Rosecrans Ave	A	2	850	Z
316 35th St	A	2	825	Z
1320 12th St	T	2	1,260	Z
112 19th St	H	2	1,373	Z
1350 12th St - NO. 4	A	2	1,150	Z
7 Santa Rosa Ct	T	2	1,467	Z
130 41st St	D	2	800	Z
4008 Highland Ave #B	D	3	1,400	Z
3411 Bayview	T	2	1,100	Z
413 12th St #A	D	1	900	Z
105 40th St	A	2	1,100	Z
747 12th St #23	A	1	630	Z
1351 Manhattan Bch Blvd Apt 1	D	2	1,152	Z
		2	963	

Averages by # of Bedrooms		
1	1 Bedroom	798
2	2 Bedrooms	1,046
3	3 Bedrooms	1,317

2. *They requested the waivers; does it mean we are powerless to refuse them?*

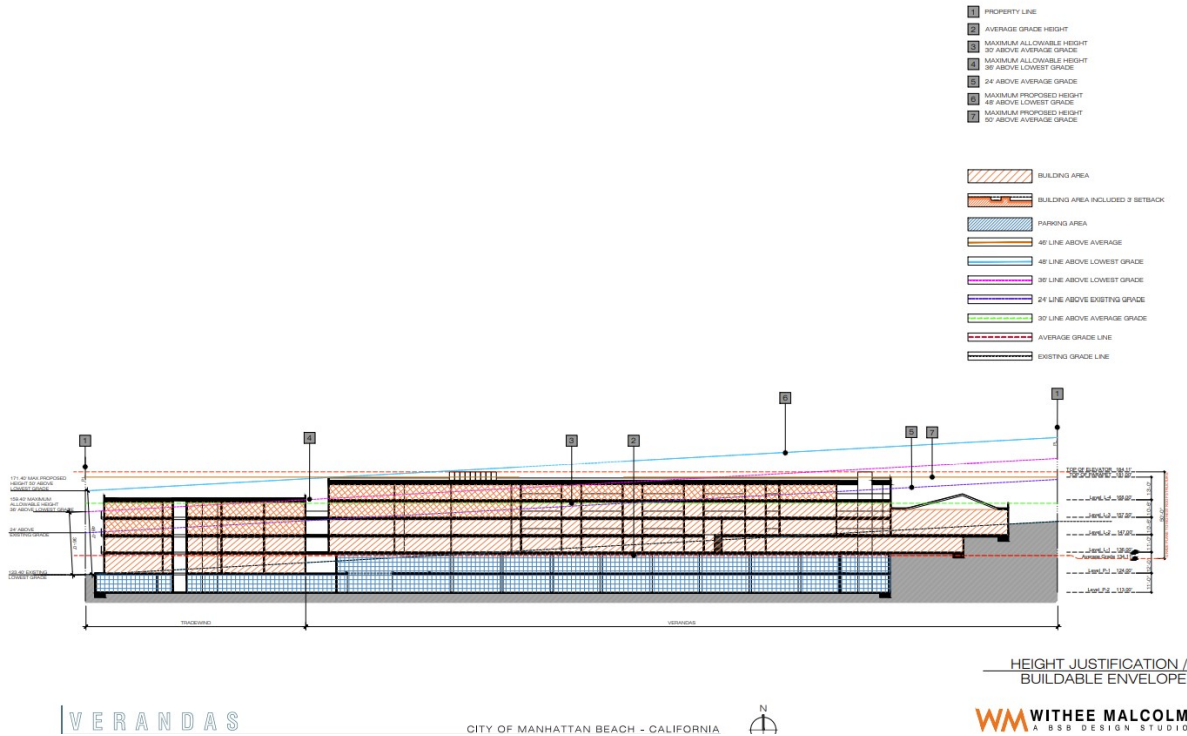
The City has building codes for a reason to protect its citizens and the character of the community. If we are to ignore the code will the next very affordable development be, 150 units 80 feet high with 15 very affordable units? What is there to stop that?

Per California Government Code Section 65915 (a)(2), State law "does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p)."

The applicant has provided documentation that establishes the project's eligibility for requesting a density bonus, concession, and waivers from development standards. This documentation includes written explanations on why waivers and concessions are

necessary (page 05-01 of the plans), a study of the buildable envelope and resulting average unit size for a project that did not request any concessions and waivers from development standards (page 05-02 of the plans), an analysis of the height limitations and how it affects the resulting structure (page 05-03), an analysis of average residential rental unit size in Manhattan Beach (Attachment K), and a letter from the project architect describing the typical ceiling heights for new residential projects, including affordable housing project (Attachment L).

All of the aforementioned documentation constitutes substantial evidence on the project's eligibility for a density bonus, concessions, and waivers from development standards.



Requested Waivers from Development Standards		
Code Section	Standard	Explanation
BFA		
10.12.030(I)	The maximum buildable floor area on a lot shall be determined by multiplying the lot area times 1.7.	The project's density bonus entitlement allows the development of 79 units on the site. Adherence to the City's development standards for buildable floor area (BFA), building height, and height of retaining walls would have the effect of physically precluding the construction of the development with the by-right density bonus in any feasible manner, pursuant to Government Code section 65915 subdivision (e)(1).
Height		
10.12.030(H)	The maximum number of stories permitted shall be 3 where the height limit is 30'.	Existing constraints on BFA and building height would limit the project's average unit size to 512 square feet, essentially relegating the entirety of the project to studios. The project would be physically precluded from having the mix of unit sizes needed to make it feasible, as well as consistent with the City's Local Coastal Program and Housing Element, which, among other things, promote projects with a variety of housing opportunities and otherwise require the City to ensure that development standards in the CNE Zone do not pose unreasonable constraints on housing. (See, e.g., Housing Element (2014), Goal II, Program 3.4, p. V-6.) Moreover, the interplay of these standards makes it impossible to segregate their impact on the design of 79 units. Attaining the allowed BFA area precludes compliance with the height limit, and compliance with the height limit precludes compliance with the allowed BFA. The standard requiring additional setbacks at heights over 24 feet precludes feasible layout and design of the mechanical, electric, plumbing, and shear walls for the upper floors. The setback standard would create a significant structural discontinuity of both gravity and lateral systems, affecting the transfer of all seismic forces through the offset area. The setback also creates design problems with waterproofing and the exterior fire envelope, and requires relocation of elevator and stairway structures in a way that significantly increases construction costs of the subterranean levels.
10.60.050(B)	No portion of a building shall exceed the maximum allowable height for the zoning district and area district in which the building site is located by more than 20%.	To support below-market-rate units under the density bonus entitlement, the project must be able to allocate a significant proportion of rentable area to a mix of units -- from studios to three-bedrooms -- that are representative of the area rental market. The average market-rate unit sizes in Manhattan Beach are: 1-Bedroom -- 798 sq. ft.; 2-Bedroom -- 1,046 sq. ft.; and 3-Bedroom -- 1,317 sq. ft. Developing only studios of 512 square feet renders the project infeasible. As a housing project, such a configuration would not fit any feasible market or financing model. It would exclude the broadest segments of the housing market, including most family sizes, as well as apartment sharing, which is a growing market segment. The City's Housing Element Goal II calls for the provision of a variety of housing opportunities for all segments of the community. Similarly, as noted, the City's Housing Element calls on the City to ensure that development standards for residential uses in the CNE District do not pose unreasonable constraints to housing. Waivers of the BFA and height limit standards are required to allow development with a viable unit-size mix representative of the Manhattan Beach rental market.
10.12.030(F)	The width of a required interior side, corner side or rear yard adjoining a building wall exceeding 24' in height, excluding any portion of a roof, shall be increased 3' over the basic requirement.	Development of a 79-unit project requires the installation of a stand-alone electrical transformer in a location accessible to SoCal Edison from a public right-of-way. There are two areas of the property that adjoin a public right-of-way: the frontage on Rosecrans Avenue and the corner of 38th St. and Crest Drive. Access from Rosecrans Avenue is not feasible, due to the change in grade from the street to the property. Therefore, the transformer must be located at the corner of 38th St. and Crest Drive. Due to the required sidewalk dedication along the building's frontage on 38th St., there is no room to locate a transformer without moving the north wall of the building and losing four units. There is adequate room to locate a transformer where 38th St. meets Crest Dr., if the transformer can be located within the 10' side setback on Crest Dr. Locating the transformer outside the 10' setback will not leave sufficient clearance between the transformer and the north property line wall, which runs at an angle to the side yard at Crest Drive. Because this transformer is required in order to build the project and cannot feasibly be located elsewhere, a waiver is necessary to allow the transformer to be located within the 10' side yard setback at the corner of 38th St. and Crest Dr.
Side Setback		
10.12.030(E)(1)	Side yard setbacks must be 10% of lot width but not less than 3'. In the RM and RH Zones side setbacks need not exceed 10'.	On the basis of the foregoing, the Applicant seeks a waiver of the above standards pursuant to Government Code section 65915 subdivision (e)(1).
Requested Concessions from Development Standards		
Retaining Wall		
10.12.030(P)	The maximum height of a fence, wall, or hedge shall be six feet (6') in required side or rear yards, and forty-two inches (42") in required front yards. #	Due to the sloping nature of the lot, and the project's compliance with the City's "four corner average" to establish Average Grade, the project requires structural shoring at setback and secondary shoring at PL. Compliance with the 42" maximum height of secondary shoring and fence height at PL causes an unfavorable height condition of the structural retaining wall at setback, as well as increases shoring costs by more than 18% and overall construction costs by more than 16% given the elevated concrete floor required at Level 1 (136). For these reasons, the Applicant will use a concession to allow limited exceptions to the development standard for retaining wall height within setback.