

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 11/16/2010
49th Day: 1/4/2011
180th Day: N/A
Staff: Charles Posner - LB
Staff Report: 12/2/2010
Hearing Date: December 15, 2010
Commission Action:



W15a

STAFF REPORT: APPEAL - NO SUBSTANTIAL ISSUE

APPEAL NUMBER: A-5-MNB-10-272

LOCAL GOVERNMENT: City of Manhattan Beach

LOCAL DECISION: Approval with Conditions

APPLICANT: Caroline Beshke

AGENT: Elizabeth Srour, Srour & Associates, LLC

PROJECT LOCATION: 121 8th Street, City of Manhattan Beach, Los Angeles County.

PROJECT DESCRIPTION: Appeal of City of Manhattan Beach Local Coastal Development Permit No. CA-10-16 approved for the demolition of a duplex and the construction of a three-level, thirty-foot high, 3,946 square foot single-family residence with a three-car garage on a 2,700 square foot lot fronting a walk street.

APPELLANT: William Victor

SUBSTANTIVE FILE DOCUMENTS:

1. City of Manhattan Beach Local Coastal Program (LCP), certified 5/12/1994.
2. Local Coastal Development Permit No. CA-10-16 (Caroline Beshke) (Exhibit #5).
3. Appeal No. A-5-MNB-98-239 (Wm. Victor appeal of Salim house: 124 5th Street).
4. Appeal No. A-5-MNB-96-078 (Wm. Victor appeal of Laverty house: 700 The Strand).
5. Appeal No. A-5-MNB-07-388 (Wm. Victor appeal of Obradovich house: 128 9th Street).
6. Appeal No. A-5-MNB-07-413 (Wm. Victor appeal of Freedman-Barberi house: 121 9th St.).

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that the appeal raises **no substantial issue** with respect to the grounds on which the appeal has been filed for the following reason: The locally approved development (single-family residence) conforms to the City of Manhattan Beach Certified Local Coastal Program (LCP) and the public access policies of the Coastal Act. **The motion to carry out the staff recommendation is on Page Four.**

I. APPELLANT'S CONTENTIONS

On November 16, 2010, the Commission's South Coast District office in Long Beach received the appeal from William Victor (Exhibit #4). Mr. Victor's appeal asserts that the City has erred in calculating the height limit for the proposed house because of inaccuracies in the survey of the project site. The appellant asserts that the elevation of the project site has changed since demolition occurred on the adjacent (eastern) lot. He asserts that the City's method for measuring the height of the house will result in an oversized and out of scale development.

II. LOCAL GOVERNMENT ACTION

On August 2, 2010, the City of Manhattan Beach accepted the applicant's application for a local coastal development permit (No. CA 10-16) for the proposed demolition and construction of a single-family residence on a residentially-zoned lot in Manhattan Beach.

On September 28, 2010, the City issued its public notice for the permit application (Notice of Application - Public Hearing Waiver for Minor Developments) which states that the project is a minor development that does not require a public hearing. The issuance of the public notice commenced a fifteen-day public comment period during which any person could request a public hearing on the matter. Section A.96.260 of the City of Manhattan Beach Local Coastal Program (LCP) allows the City, consistent with the provisions of AB 1303, to issue a local coastal development permit without a public hearing if the proposed "minor development" is consistent with the certified LCP, requires no discretionary approvals (other than a coastal development permit), and no one objects to the project or requests a public hearing during a duly-noticed fifteen-day (working days) public comment period. The City's notice states that the proposed project will not require a public hearing unless a request for a hearing is received by October 19, 2010.

On October 26, 2010, after the expiration of the City's fifteen-day public comment period, the Acting Director of the City of Manhattan Beach Community Development Department approved Local Coastal Development Permit No. CA-10-16 for the demolition of a duplex and construction of a single-family residence (Exhibit #5). The public hearing for the local coastal development permit was waived because no one requested a public hearing. Although Mr. Victor inquired about the project during the public comment period (on October 19, 2010), and expressed his concern about the survey for the proposed project, he did not request a public hearing on the matter. No other comments, objections, or requests for public hearing were received by the City during the public comment period, which expired on October 19, 2010. The Acting Director's approval of the permit was not appealed to the City Planning Commission.

On November 2, 2010, the Commission's South Coast District office in Long Beach received the City's Notice of Final Local Action for Local Coastal Development Permit No. 10-16. The Commission's ten working-day appeal period was then established and noticed.

On November 16, 2010, the Commission's South Coast District office received the appeal submitted by William Victor (Exhibit #4). No other appeals were received. The Commission's appeal period ended on November 17, 2010 with no other appeals filed.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff [Coastal Act Section 30603(a)]. In addition, an action taken by a local government on a coastal development permit application may be appealed to the Commission if the development constitutes a "major public works project" or a "major energy facility" [Coastal Act Section 30603(a)(5)]. In Manhattan Beach, the inland boundary of the appealable area of the City's coastal zone, located three hundred feet from the inland extent of the beach, has been mapped within the Manhattan Avenue right-of-way (Exhibit #2). The proposed project is located entirely within the mapped geographic appealable area.

The City of Manhattan Beach Local Coastal Program (LCP) was certified on May 12, 1994. Section 30603(a)(1) of the Coastal Act identifies the proposed project site as being in an appealable area by virtue of its location within three hundred feet of the beach.

Section 30603 of the Coastal Act states:

(a) After certification of its Local Coastal Program, an action taken by a local government on a coastal development permit application may be appealed to the Commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

The grounds for appeal of an approved local coastal development permit in the appealable area are stated in Section 30603(b)(1), which states:

(b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(2) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

Commission staff recommends a finding of no substantial issue. If the Commission decides that the appellant's contentions raise no substantial issue as to conformity with the certified Local Coastal Program or the public access policies of the Coastal Act, the action of the local government stands. Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the standards set forth in the certified Local Coastal Program or the public access policies of the Coastal Act, the local coastal development permit is voided and the Commission typically continues the public hearing to a later date in order to review the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625] Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, the appellant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds for the appeal regarding conformity of the project with the City of Manhattan Beach certified Local Coastal Program and the public access policies of the Coastal Act, pursuant to Public Resources Code Section 30625(b)(2).

Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission determine that Appeal No. A-5-MNB-10-272 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act."*

A majority of the Commissioners present is required to pass the motion.

Resolution to Find No Substantial Issue for Appeal A-5-MNB-10-272

The Commission hereby finds that Appeal No. A-5-MNB-10-272 raises no substantial issue regarding consistency with the Certified Local Coastal Plan and/or the public access policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The proposed project is the demolition of a duplex and the construction of a three-level, thirty-foot high, 3,946 square foot single-family residence with a three-car garage on a 2,700 square foot lot fronting a walk street (See Exhibits). A portion of the 8th Street public right-of-way (in front of the proposed house) will be improved and landscaped, consistent with the LCP walk street standards, as part of the proposed project. The proposed single-family residence has three levels (two-stories above a basement) and measures thirty feet in height (Exhibit #8). Vehicular access to the on-site parking (a 693 square foot three-car garage) is provided from 8th Place, the rear alley.

B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for appeal of a coastal development permit issued by the local government after certification of its Local Coastal Program (LCP) are specific. In this case, the local coastal development permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

Typically, only an “aggrieved person” can file an appeal of a local coastal development permit with the Commission. An aggrieved person is one who participated at the local hearing(s) for the coastal development permit application and has exhausted the local appeal process. Section 13573(a) of the Coastal Commission regulations, however, creates exceptions for the exhaustion of local appeals where an appellant shall be deemed an aggrieved person. One exception is if the local government charges a fee for the filing of an appeal, as is the case in the City of Manhattan Beach. Therefore, the Commission will allow the appellant to file his appeal in this case, even though he did not request a public hearing, because he did object to the size of the proposed project during the City’s fifteen-day public comment period, and the City imposes a \$465 appeal fee for an appeal to the City Planning Commission.

In this case, the appellant objects to the proposed project (a 3,946 square foot single-family residence) because he is concerned that the house will be outsized and out of scale with the surrounding development. The appellant asserts that the site survey, on which the thirty-foot height limit will be measured from, is inaccurate because the elevation of the project site has changed since the demolition occurred on the adjacent (eastern) lot. The appellant has not provided any specific evidence in support his contention.

As previously stated, the substantial issue determination is limited solely to the issue of whether the local approval conforms with the LCP and the public access policies of the Coastal Act. The appeal does not assert that the proposed project conflicts with any specific provision of the certified LCP, and the appeal does not raise any issue with regard to the public access policies of the Coastal Act.

Even though the appeal does not contend that the proposed project does not comply with the certified City of Manhattan Beach LCP, the appeal raises the issue of building scale and community character. The certified LCP does contain specific policies to protect community character and visual resources in the City's residential neighborhoods, consistent with the provisions of Section 30251 of the Coastal Act. The City's zoning ordinance, which is part of the certified LCP, includes building height limit and floor area limits that address the scale of new development in the coastal zone. All development approved within the City's coastal zone, including the proposed project, must comply with the policies and implementing ordinances set forth in the certified Manhattan Beach LCP.

The following policies contained in the certified Manhattan Beach LCP are relevant to the proposed project:

Residential Development

POLICY II.B.1: Maintain building scale in coastal zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan.

POLICY II.B.2: Maintain residential building bulk control established by development standards in Chapter 2 of the Implementation Plan.

POLICY II.B.3: Maintain coastal zone residential height limit not to exceed 30' as required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.

The above-stated LCP policies are implemented by the City's zoning ordinance (Chapter 2 of the LCP Implementation Plan), which is part of the certified LCP. Section A.12.030 (Property Development Regulations: RM and RH Districts) of the certified LCP contains the height, floor area and open space requirements that apply to single family residences in the RM (Medium Density Residential) and RH (Residential High Density) Districts. Section A.12.030 of the certified LCP contains the following applicable building standards for the proposed project, which is on an RM-zoned lot:

Maximum Height: 30 feet

Maximum Buildable Floor Area: 1.6 times lot area

The appeal includes no evidence of non-compliance with the City's building standards. The proposed single-family residence conforms to the thirty-foot height limit set forth by the certified LCP. The proposed project also conforms to the LCP's buildable floor area limit. The lot is 2,700 square feet in size. The maximum amount of buildable floor area allowed by the certified LCP is 1.6 times the lot area ($1.6 \times 2,700 = 4,320$ square feet).

Staff also investigated the appellant's allegations about the accuracy of the site survey. City staff affirmed that the applicant's site survey was conducted consistent with the City's requirements for determining the elevation from which the thirty-foot height limit is measured. City staff also refuted the applicant's allegations about the survey by pointing out that the survey was conducted on May 24, 2010, prior to the demolition that occurred on the adjacent lot, and that any subsequent "settling" or change in topography would be minimal and

inconsequential to the maintenance of the character of the area (Exhibit #6). Therefore, the appellant's concern about the site survey does not constitute a substantial issue.

Although the proposed three-level single-family residence is larger than the building it will replace, the new building will not be out of scale or out of character with the other structures in the neighborhood. The proposed structure is visually compatible with the scale and character of the surrounding neighborhood, where many other similar-sized houses exist. The certified LCP specifically calls for the subject site (and surrounding lots) to be developed with a single-family residence or duplex up to thirty feet in height. The proposed project complies with the thirty-foot height limit and the floor area limit for the lot set forth by the certified LCP. The appeal is not supported by any evidence to the contrary. The public access and public views of the coast provided by the walk street (8th Street) that fronts the project site will not be affected by the project. Therefore, the proposed project will not adversely affect any coastal resources.

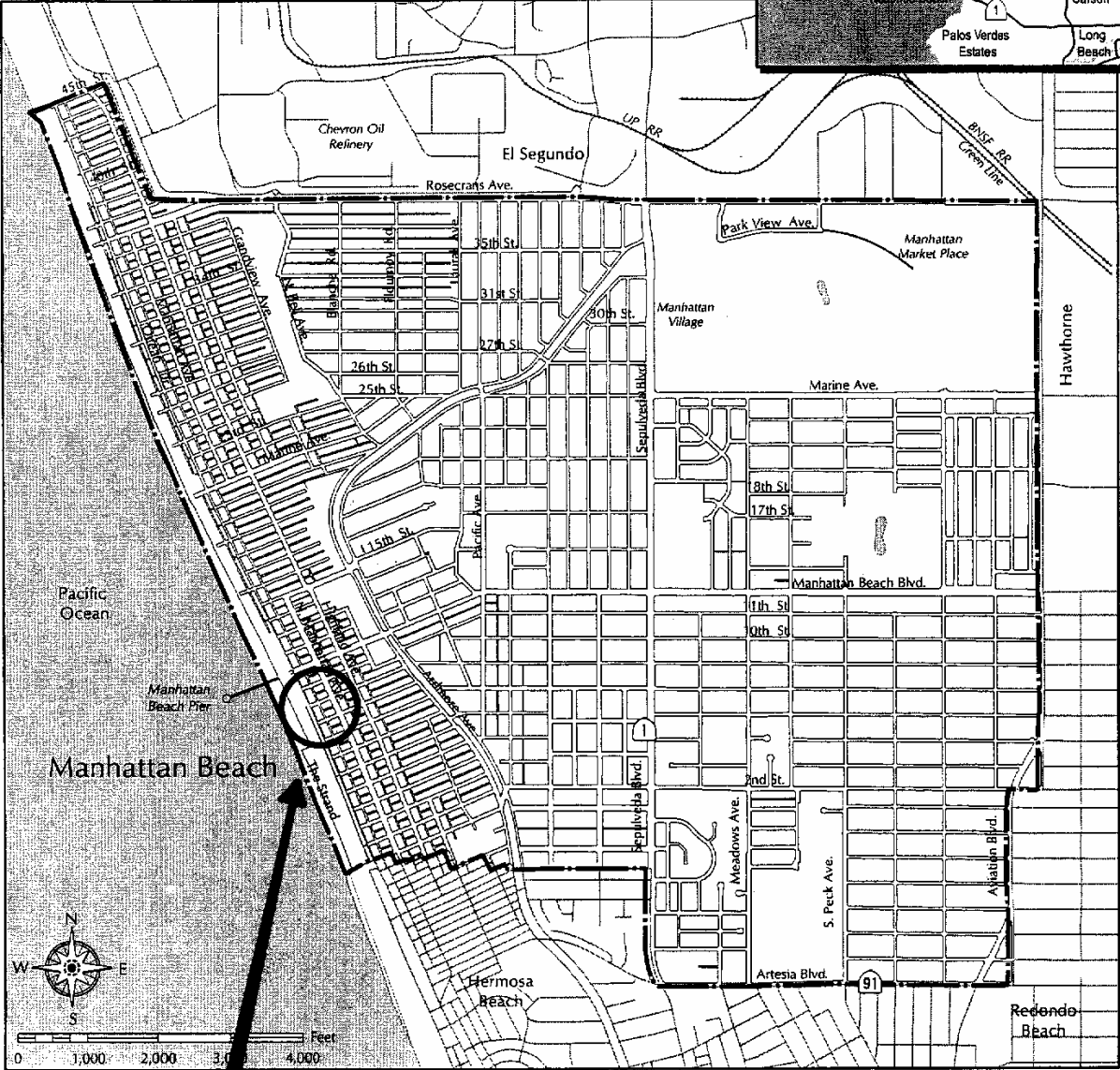
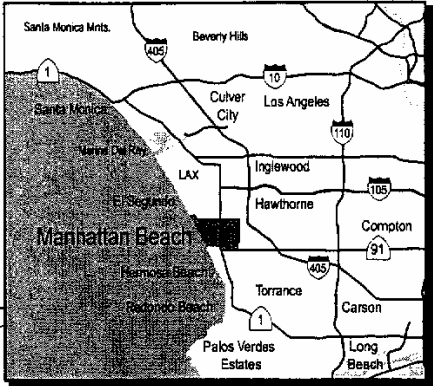
Guided by the following five factors, Commission staff recommends a finding of no substantial issue with respect to the grounds on which the appeals have been filed because the locally approved development is in conformity with the certified LCP and the public access policies of the Coastal Act.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the LCP and the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

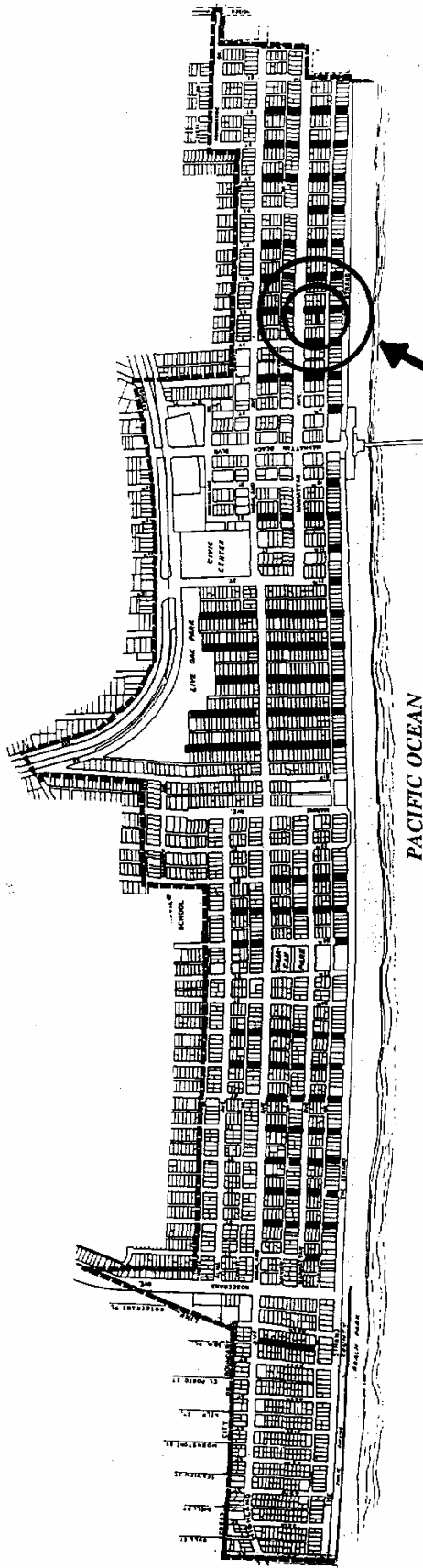
In this case the local government's decision is very clear that the approved development is required to conform to the certified LCP without exception. The scope of the development applies only to a new thirty-foot high single-family residence, which is a minor development in the context of the Manhattan Beach coastal zone. No significant coastal resources will be affected by the decision or the development, and no precedent is being set in this case. The issue raised by the appeal is strictly a local one with no regional or statewide significance.

Therefore, the Commission finds that no substantial issue exists with respect to the City's approval of Local Coastal Development Permit No. CA-10-16 because the locally approved project conforms to the City of Manhattan Beach certified LCP and the public access policies of the Coastal Act.

Regional Map



Site: 121 8th Street COASTAL COMMISSION A.S-MNB-10-272 EXHIBIT # 1 PAGE 1 OF 1



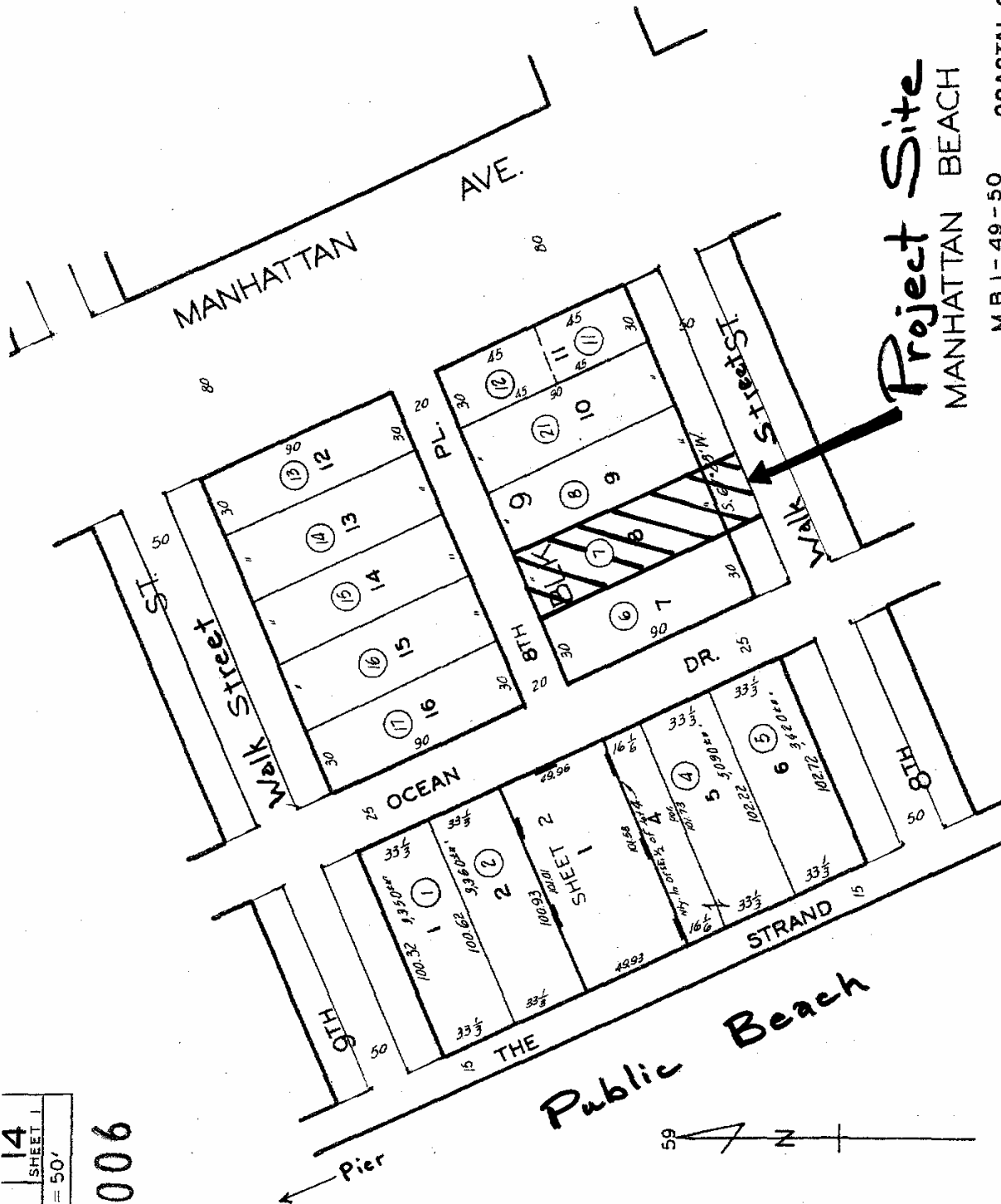
Site: 1218th Street

Map III-2
 Coastal Access
 City of Manhattan Beach Local Coastal Plan
 Source: City of Manhattan Beach, 1994

A-5-MNB-10-272

4179 | 14 | SHEET I
SCALE 1" = 50'

2006



Project Site
MANHATTAN BEACH

MB 1-49-50

COASTAL COMMISSION
A-5-MNB-10-272

EXHIBIT # 3

PAGE 1 OF 1

RECEIVED
South Coast Region

CALIFORNIA COASTAL COMMISSION

NOV 16 2010



SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

**CALIFORNIA
COASTAL COMMISSION**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: WILLIAM VICTOR

Mailing Address: POST OFFICE BOX 811

City: ROCKVILLE CENTRE

Zip Code: NY 11571

Phone: 516-670-2590

SECTION II. Decision Being Appealed

1. Name of local/port government:

CITY OF MANHATTAN BEACH

2. Brief description of development being appealed:

Demolition of existing duplex and construction of new single family residence with incomplete height measurements

3. Development's location (street address, assessor's parcel no., cross street, etc.):

121 8th Street, aka Lot 8, Block 9 Manhattan Beach Tract

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	<u>A-5-MNB-10-272</u>
DATE FILED:	<u>11/16/10</u>
DISTRICT:	<u>South Coast/Long Beach</u>

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EXHIBIT # 4
PAGE 1 OF 2

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

There is/are error(s) in the method of calculation of the height of the proposed building. The method requires measurement of the height of four corners of the property. One corner was calculated by an arbitrary averagenot substantiated by the survey. The surveyor/engineer , Mr. Gary Roehl, was contacted on the telephone by the undersigned on October 19, 2010 and he confirmed that since there is excavation being conducted on the property immediately adjacent to the east of this property, the subject property would need to be surveyed again since there is a likelihood of settling of the sand especially since on that day (and for days after that date) there was no shoring on the hill of the adjacent property leading downward to this subject applicant's property while the excavation had already proceeded well below the level of the subject property.

In the event of settling , the corners would in all likelihood be lower , resulting in a lower maximum height measurement under the Local Coastal Plan in effect. After numerous visits to the City Planning Department and not being able to see the stamped set of plans, finally when located by the planner, the planner made a joke out of the inquiry when he was approached about this by the undersigned asking the undersigned to estimate how much the sand would sink, by saying "would it sink ten feet?" and when the undersigned explained that it had to be surveyed once the excavation was more completed: the planner went around his office in a joking manner , laughing that the undersigned estimated that the sinking would be "ten feet"rather than undertaking an updated pre-construction survey to comply with the existing Local Coastal Plan.

The arbitrary manner in which the maximum height is measured by the City of Manhattan Beach favors certain developers at the expense of the LCP and the Coastal Act and has been a source of problems in Manhattan Beach resulting in oversized , out of scale development, especially in the Manhattan Beach sand section for years and now appears even more blatant than ever. Also the acting Director of Community Development has been known to attempt to intimidate persons who criticize this .

The undersigned has pictures which it will attempt to add to the file ; the undersigned reserves the right to supplement this document adequately prior to any hearing.

COASTAL COMMISSION
A-5-MNB-10-272

EXHIBIT # 4
PAGE 2 OF 2



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5001 TDD (310) 802-3501

COASTAL DEVELOPMENT PERMIT

Project No: CA 10-16
Page 1 of 4

On October 26, 2010, the Community Development Department of the City of Manhattan Beach granted Caroline Beshke, (property owner) this permit for the development described below, subject to the attached Standard and Special conditions.

Site: 121-8th Street

Description: Demolition of an existing duplex and construction of a new single family residence

Issued by: Esteban Danna, Assistant Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Laurie B. Jester, Acting Director

Acknowledgment:

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

Signature of Permittee: Caroline Beshke Date: 10.27.10

COASTAL COMMISSION
A-5-MNB-10-272

EXHIBIT # 5
PAGE 1 OF 4

Required Findings: (Per Section A.96.150 of the Local Coastal Program)

Written findings are required for all decisions on Coastal Development Permits. Such findings must demonstrate that the project, as described in the application and accompanying material, or as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program.

1. The property is located within Area District III (Beach Area) and is zoned Residential Medium Density, RM.
2. The General Plan and Local Coastal Program/Land Use Plan designation for the property is Medium Density Residential.
3. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically Policies II. B.1, 2, & 3, as follows:
 - II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program-Implementation Plan;
 - II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program-Implementation Plan;
 - II.B.3: The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program-Implementation Plan.
4. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows;

Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along 8th Street.

Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 4

5. The proposed use is permitted in the RM zone and is in compliance with the City's General Plan designation of Medium Density Residential; the project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Community Development Department.
2. Expiration. The Coastal Development Permit shall expire one-year from the date of approval if the project has not been commenced during that time. The Director of Community Development may grant a reasonable extension of time for due cause. Said time extension shall be requested in writing by the applicant or authorized agent prior to the expiration of the one-year period.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the Director of Community Development.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Director of Community Development.
5. Inspections. The Community Development Department staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. A completed application and application fee as established by the City's Fee Resolution;
 - b. An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;

COASTAL COMMISSION

EXHIBIT # 5
PAGE 3 OF 4

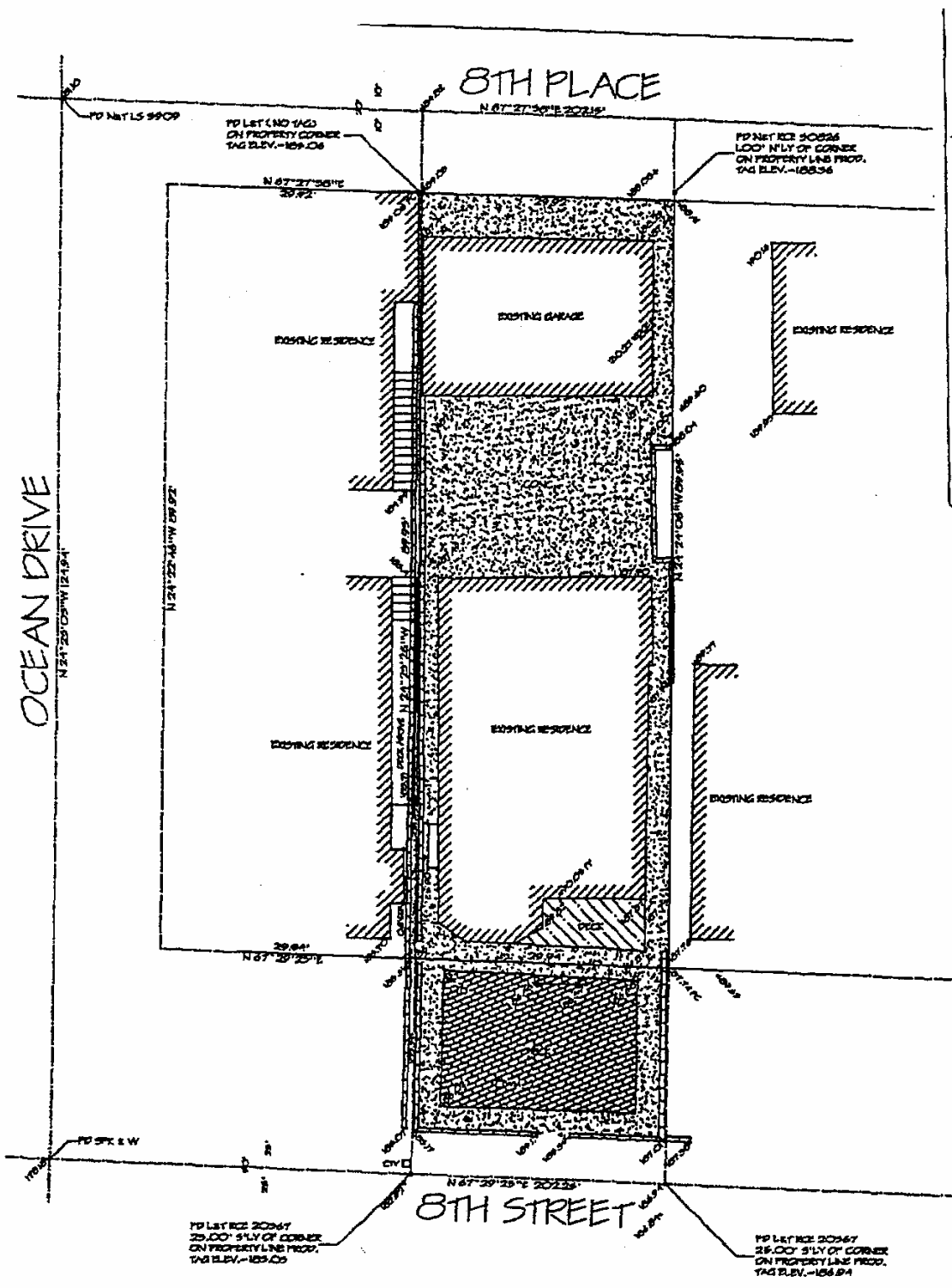
- c. Evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. The original permittee's request to assign all rights to undertake the development to the assignee; and,
 - e. A copy of the original permit showing that it has not expired.
7. Terms and Conditions are Perpetual. These terms and conditions shall be *perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.*

Special Conditions:

1. The project shall be developed in conformance with all applicable development standards of the RM zoning district, and Chapter 2 of the Local Coastal Program - Implementation Program.
2. Areas counted towards the usable open space requirement shall be revised to comply with City's open space "openness" policy.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 4



LEGEND

[Symbol]	EXISTING BUILDING
[Symbol]	CONCRETE
[Symbol]	BRICK
[Symbol]	WOOD BRICK
[Symbol]	EXISTING ELEVATION
[Symbol]	EXISTING CONTROL
[Symbol]	BLOCK WALL
[Symbol]	EXISTING FENCE
[Symbol]	TOP SURFACE OF CURB OR WALK
[Symbol]	PAVEMENT
[Symbol]	FOUND
[Symbol]	FINISH FLOOR
[Symbol]	FLOOR LINE
[Symbol]	FINISH FLOOR
[Symbol]	OUT WIRE
[Symbol]	LAND AND TUG
[Symbol]	MANHOLE
[Symbol]	NEEDLE
[Symbol]	PROPERTY CORNER
[Symbol]	PROPERTY LINE
[Symbol]	TRUNK PIPE
[Symbol]	SPRINKLER VALVE
[Symbol]	SPRINKLER
[Symbol]	TOP OF CURB
[Symbol]	TOP OF WALL
[Symbol]	TOP OF DRIVEWAY APRON
[Symbol]	NEEDLE
[Symbol]	WATER METER

NOTE: ALL SERVICES SHOWN ARE NEARBY TO EXISTING SURFACE OF ELEVATION UNLESS OTHERWISE NOTED.

BOUNDARY MONUMENTS ARE NOT NECESSARILY SET ON PROPERTY CORNERS. PLEASE REFER TO THE NOTATION ON THE PLANS FOR EXISTING MONUMENTS. IF THERE ARE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT THE ENGINEER FOR CLARIFICATION AT (949) 449-4499, M-F 8:00 AM TO 5:00 PM.

SCALE: 1" = 8'

1218th St.
JOB ADDRESS
121 8TH STREET
MANHATTAN BEACH, CA

LEGAL DESCRIPTION
LOT 8, BLOCK 9
MANHATTAN BEACH TRACT
M.B. 148-90
APN 479-04-007

COASTAL COMMISSION
A.5-MNB-10.272

EXHIBIT # 6

PAGE 1 OF 1

SURVEY & TOPOGRAPHY
FOR
JRD CONSTRUCTION
952 MANHATTAN BEACH BLVD. # 20
MANHATTAN BEACH, CA 90266
(910) 999-1980

DATE 5-24-10

DESIGNED BY: [Signature]

DATE 5-24-10

REVISION: [Signature]

DATE 5-24-10

BY: [Signature]

2017 J. DENN ECE 50226

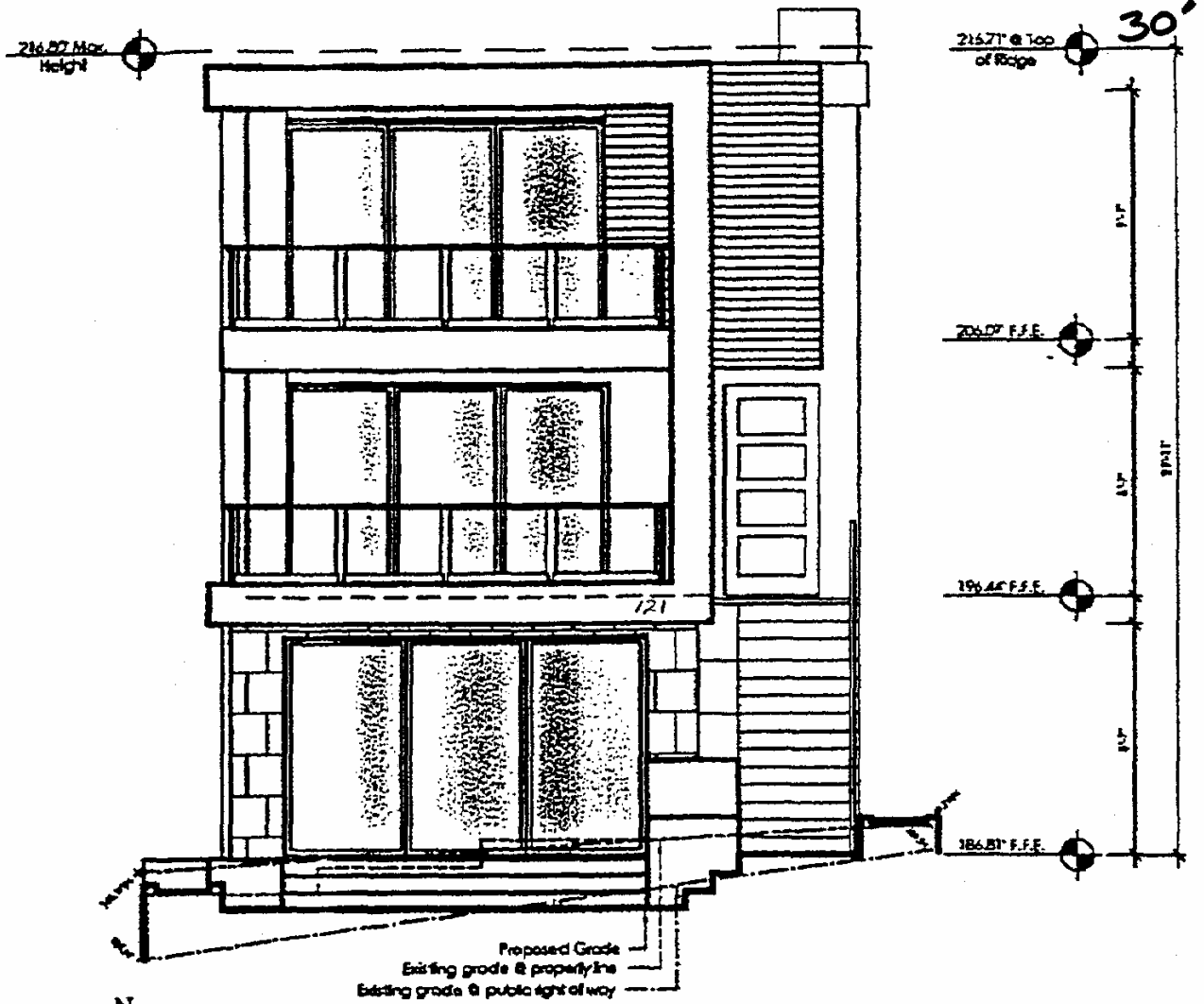
DENN
ENGINEERS

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SHEET 1

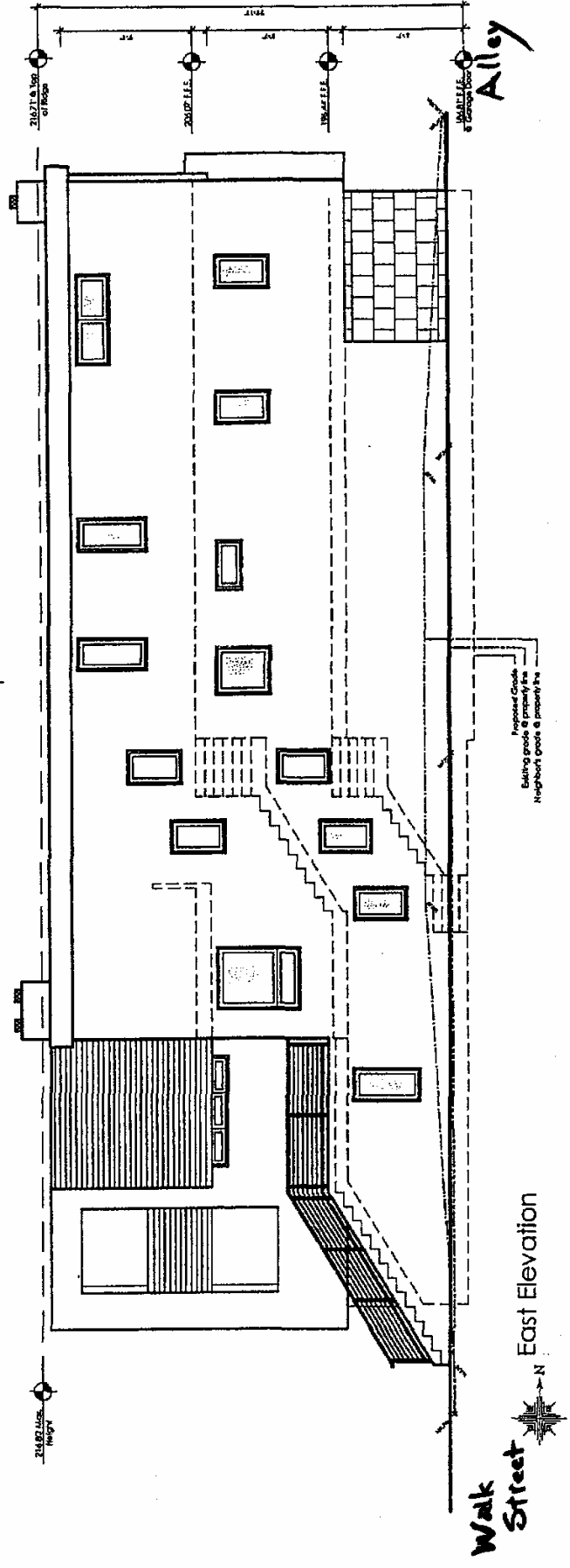
OF 1




 South Elevation - 8th Street

COASTAL COMMISSION
 A-5-MNB-10-272

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 PAGE 1 OF 1



COASTAL COMMISSION
 A.S.M.N.B. 10-272

EXHIBIT # 7
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Walk Street
 East Elevation