



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Eric Haaland, Associate Planner

DATE: April 3, 2007

SUBJECT: Consideration of an Appeal of the Planning Commission Decision of Approval of a Minor Exception for a Lot Merger Resulting in Nonconformities to Existing Structures at 3604 and 3608 The Strand

RECOMMENDATION:

Staff recommends that the City Council **CONDUCT** the public hearing and **UPHOLD** the decision of the Planning Commission approving the proposed minor exception.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of February 14, 2007, **APPROVED** (2-1) a minor exception allowing formal merger of 2.67 original Strand parcels while retaining 3 existing apartment buildings with side yard setbacks less than the required 5 feet. On March 7, 2007, the City Council appealed the Planning Commission decision, and scheduled the item for a public hearing.

A lot merger is a minor administrative process unless zoning nonconformities would result. In this case, increasing the size of the lot increases the required side yard setback from 3.33 feet to 5 feet. Side setbacks of the existing buildings are as small as 3.1 feet. The physical subject property and structures thereon would not change as a result of the merger, but formal approval of the lot combination cannot be done without addressing the resulting nonconformities.

Approval of a minor exception is required to enlarge a site where an existing structure would remain and its zoning nonconformity would increase. Prior to 1999, when this particular minor exception provision was added to the code, a merger application such as this would have required full variance approval. The City Council felt that existing setbacks which resulted in a non-conforming condition as a result of a lot merger should be processed as a minor exception instead of a variance, and approved the change in 1999.

The neighbors' response to the first minor exception notice expressed substantial concern with the application; therefore, the item that would normally be decided by the Community Development Director was scheduled for review by the Planning Commission.

The most prominent objection raised by neighbors was the possibility of a future project having a substantially greater building width than is characteristic of typical Strand development. Currently there is no code restriction on the assembly of lots into larger parcels and there is no building project proposed. On December 6, 2005, an ordinance was presented to the City Council for the purpose of establishing a maximum lot size for residential properties. The City Council did not support the ordinance and instead formed a resident's committee to discuss lot mergers and other issues related to mansionization. On February 20, 2007, the City Council directed that the recommendation made by the committee regarding lot mergers be scheduled for public hearing by the Planning Commission and forwarded to the City Council as quickly as possible. On March 28, 2007, the Planning Commission conducted the hearing and recommended approval of a proposed ordinance. The proposed ordinance is also scheduled for Council consideration on the same April 3, 2007, agenda as the subject item. Having both items on the same agenda will allow the City Council to more fully address the concern of the proposed merger affecting neighborhood character.

The most notable merger project preceding this request was reviewed by the City in 2005 at 212 The Strand. A 3-lot merger was proposed for a new single family residence, which raised concerns at that time, but was ultimately found to be in compliance with current codes and therefore approved.

The Planning Commission received messages and heard testimony with concerns for the merger's potential to result in an unusually large/wide development in the future, and the height and condition of the existing buildings on the site. One speaker supported the proposal, and numerous supporting written statements were also received.

The Commission discussed the issues of large sites and whether it was appropriate to approve a lot merger while a zoning code amendment regulating them is currently being considered by the city. The issue of whether the nonconformity of the existing development could be considered minor was also discussed. One commissioner voted against the request feeling that it could not be considered to be minor pursuant to the applicable criteria. The two commissioners voting in favor of the application indicated that the minor exception was appropriate since there are no restrictions against mergers, and that it would only allow the existing buildings to remain in place. One commissioner was absent from the meeting and another did not participate in this item due to its close proximity to his residence.

The Planning Commission made the findings required to grant a minor exception as follows:

1. The deviation from Code is minor in nature. The nonconforming side yards would be at least 3.1 feet which is comparable to other minor exceptions previously approved
2. Evidence that significant detrimental impact to surrounding neighbors is absent. The setback dimensions in question have existed for many years and no physical change is proposed.
3. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard. Demolition or alteration of the buildings to achieve

- compliance would be very costly.
4. Whether the application is in compliance with any current policy guidelines for Minor Exceptions as may be adopted by the City Council. No guidelines have been established at this time.

The Planning Commission included one special condition with its minor exception approval prohibiting any additions or substantial changes to the existing buildings while the minor exception is in effect. Therefore, any future development must comply with current codes and provide the required setbacks.

Neighboring property owners within 300 feet of the site were notified of the Planning Commission and City Council reviews of this item. The resolution, staff reports and draft minutes excerpts from the Planning Commission's proceedings are attached to the accompanying March 7, 2007 City Council report for reference.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **CONDUCT** the public hearing and **UPHOLD/REVISE** the Planning Commission's minor exception approval.
2. **CONDUCT** the public hearing and **DENY** the Planning Commission's minor exception approval.

Attachments:

- C.C. Report dated 3/7/07, including:
 - Minor Exception approval letter
 - P.C. Minutes excerpt, dated 2/14/07
 - P.C. Staff Report, dated 2/14/07
 - Supplemental public input
 - Property survey (separate)

cc: Robert Schuman, Owner
Cheryl Vargo, Applicant Rep.



Agenda Item #: 07/0307.14

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Eric Haaland, Associate Planner

DATE: March 7, 2007

SUBJECT: Consideration of Planning Commission Approval of a Minor Exception to Merge 2.67 Original Lots into One Combined Parcel, Which will Result in the Existing Structures becoming Nonconforming to the Setback Standards for the Enlarged Site at 3604 and 3608 The Strand

RECOMMENDATION:

Staff recommends that the City Council receive and file the decision of the Planning Commission approving the project subject to certain conditions.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of February 14, 2007, **APPROVED** (2-1) a minor exception allowing formal merger of 2.67 original Strand parcels while retaining 3 existing apartment buildings with side yard setbacks less than the required 5 feet. The submitted application does not include any proposed construction.

A lot merger is a minor administrative process unless zoning nonconformities would result. In this case, increasing the size of the lot increases the required side yard setback from 3.33 feet to 5 feet. Side setbacks of the existing buildings are as small as 3.1 feet. Approval of a minor exception is required to enlarge a site where an existing structure would remain and its zoning nonconformity would increase. The most extreme nonconforming condition occurs at the south side of the rear building where a 3.1 foot setback exists for a wall exceeding the site's height limit by 3.88 feet. Allowing this condition to remain appeared to be the primary challenge to determining the request to be "minor in nature" as required by the minor exception criteria. The neighbors' response to the first minor exception notice expressed substantial concern with the application; therefore, the item that would normally be decided by the Community Development Director was scheduled for review by the Planning Commission.

The most prominent objection raised by neighbors was the possibility of a future project having a

substantially greater building width than is characteristic of typical Strand development. Currently there is no code restriction on the assembly of lots into larger parcels and there is no building project proposed. On December 6, 2005, an ordinance was presented to the City Council for the purpose of establishing a maximum lot size for residential properties. The City Council did not support the ordinance and instead formed a resident's committee to discuss lot mergers and other issues related to mansionization. These issues are still being considered by the committee, however, on February 20, 2007, the City Council directed that the recommendation made by the committee regarding lot mergers be scheduled for public hearing by the Planning Commission and forwarded to the City Council as quickly as possible.

The Planning Commission received messages and heard testimony with concerns for the merger's potential to result in an unusually large/wide development in the future, and the height and condition of the existing buildings on the site. One speaker supported the proposal, and numerous supporting written statements were also received.

The Commission discussed the issues of large sites and whether it was appropriate to approve a lot merger while a zoning code amendment regulating them is currently being considered by the city. The issue of whether the nonconformity of the existing development could be considered minor was also discussed. One commissioner voted against the request feeling that it could not be considered to be minor pursuant to the applicable criteria. The two commissioners voting in favor of the application indicated that the minor exception was appropriate since there are no restrictions against mergers, and that it would only allow the existing buildings to remain in place. One commissioner was absent from the meeting and another did not participate in this item due to its close proximity to his residence.

The Planning Commission's decision of approval is contained in the attached Community Development Department letter that is typical for minor exceptions. The letter includes a special condition imposed by the Planning Commission prohibiting any additions or substantial changes to the existing buildings while the minor exception is in effect.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission, and direct that the item be scheduled for a future meeting.

Attachments:

Minor Exception approval letter
P.C. Minutes excerpt, dated 2/14/07
P.C. Staff Report, dated 2/14/07
Supplemental public input
Property survey (separate)

cc: Robert Schuman, Owner
Cheryl Vargo, Applicant Rep.



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5001 TDD (310) 546-3501

February 26, 2007

Robert W. Schumann
Manhattan Strandhomes LLC
905 Manhattan Beach Blvd.
Manhattan Beach, Ca. 90266

Re: Minor Exception to Allow a Parcel Merger for a Site with Existing Apartment Buildings to remain with Nonconforming Side Yard Setbacks on the Property Located at 3604-3608 The Strand.

Dear Mr. Schumann,

On February 14, 2007, the Planning Commission approved a Minor Exception for the captioned project. A 15 day appeal period has been initiated which lasts through March 1, 2007. The City Council will also have an opportunity to appeal at its meeting of March 7, 2007. If no appeal has been filed by those dates, the Commission's approval will stand as a final action. A merger document may then be approved provided you have complied with all applicable conditions. Project conditions of approval are as follows:

1. The property shall comply with all applicable requirements of the zoning, subdivision, building, and other municipal codes.
2. The existing buildings on the property shall not be enlarged or extended in any way. No alterations to existing nonconforming elements of the buildings shall occur as defined by the zoning code.
3. No remodel project valuation shall exceed 50% of the valuation of the existing buildings.

If you have any questions, please feel free to contact me at (310) 802-5511.

Sincerely,
Community Development Department
Richard Thompson, Director

Eric Haaland, AICP
Associate Planner

c: Subtec

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 2

1 Commissioner Powell requested that quotes be included on the passage cited on page 10, line 36
2 of the minutes, which reads: “He indicated that the Coastal Commission ruled on March 17,
3 2004, “that unlimited or expansive reserve seating areas do exclude the general public from the
4 event and the public beach and that Section 20311 of the Coastal Act states that development
5 shall not interfere with the public right of access to the sea, including but not limited to the use of
6 dry sand.”

7
8 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the minutes of January
9 24, 2007, as amended.

10
11 AYES: Cohen, Lesser, Powell, Chairman Bohner
12 NOES: None
13 ABSENT: Schlager
14 ABSTAIN: None

15
16 **AUDIENCE PARTICIPATION** None

17
18 **BUSINESS ITEMS**

19 **06/0726.1 Consideration of an application for a minor exception requesting approval to**
20 **merge 2.7 original lots into one combined parcel, which will result in the**
21 **existing structures becoming nonconforming to the setback standards for the**
22 **enlarged site, at 3604 and 3608 The Strand**

23
24 Director Thompson pointed out that the meeting agenda references the addresses of 3604 and
25 3408 The Strand for the application; however, the correct addresses are actually 3604 and 3608
26 The Strand.

27
28 Commissioner Powell stated that he lives within the noticing radius area for the subject
29 application and was mailed a notice of the hearing. He indicated that since the proposal may
30 impact his property, he is abstaining from considering the issue.

31
32 Commissioner Lesser disclosed that he has been a member of the Mansionization Issues
33 Committee for the past year, and the project applicant has been a contributing participant in the
34 discussions. He said that he has no personal relationship with the project applicant other than
35 through the Committee meetings, and he has no financial interest in the project. He stated that he
36 believes he can rule on the application fairly.

37
38 Associate Planner Haaland summarized the staff report. He stated that the proposal is to
39 formally merge 2.67 original lots and retain three existing apartment buildings. He commented
40 that three walls of the existing buildings are nonconforming to the 5’ required side setback

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 3

1 resulting from a merged parcel. He commented that the most extreme nonconformity is the
2 existing 33.8 foot wall on the southeast portion of the site which has a 3.1' existing side setback.
3 He pointed out that the subject application does not propose any new construction. He indicated
4 that a Minor Exception is required because the enlargement of the site would result in
5 nonconformities with the side setbacks from the 5' requirement. He commented that a Coastal
6 Development Permit is not required since construction or subdivision proposals are not included
7 with the application. He stated that the criteria required for a Minor Exception are that the
8 deviation from the Code is considered minor; that there would be no detrimental impact to the
9 surrounding area; and that there would be a significant practical difficulty present in altering the
10 building to relocate the nonconforming wall. He indicated that the issue is before the
11 Commission because there was significant public opposition to the application. He said that the
12 main opposition to the merger in general is in formally creating a site that is substantially larger
13 than a standard size lot on The Strand. He commented that one criterion for approval of a Minor
14 Exception is that any construction be limited to 50 percent of the valuation of the existing
15 structure. He indicated that a Minor Exception application must involve construction that is less
16 than 50 percent replacement value of the existing structure, and a project that exceeds 50 percent
17 is not eligible for a Minor Exception.

18
19 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that
20 the Code does not require Planning Commission approval for a lot merger application, and they
21 are typically approved by staff. He said that Minor Exceptions are also approved by staff;
22 however this case has been brought to the Commission because of the amount of public input
23 received. He said that the General Plan does not have any criteria that are inconsistent with the
24 subject application, and there is language encouraging the retention of existing buildings.

25
26 In response to a comment from Commissioner Cohen, Director Thompson indicated that there is
27 a State law which obligates the City to approve lot merger applications. He said that there is the
28 possibility of future construction on the properties; however nothing is proposed at this time.

29
30 In response to a question from Commissioner Lesser, Associate Planner Haaland commented that
31 any future development that would occur on the site over 50 percent of the valuation of the
32 existing buildings would either need to comply with the existing Code requirements for
33 construction or else be granted a Variance. He said that the Minor Exception would be
34 conditioned upon the existing structures remaining with no alterations unless a new application is
35 approved.

36
37 In response to a question from Chairman Bohner, Director Thompson indicated that staff's
38 position is that the existing heights of the walls and setbacks have been in place for many years
39 without creating a detrimental impact to the neighborhood, and the finding cannot be made that it
40 would be a detrimental impact to allow them to remain.

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 4

1
2 Commissioner Cohen asked whether it would be better to wait to consider this request until the
3 Mansionization Committee has made their recommendations regarding lot mergers. She
4 commented that she does not see any detriment to the property owner in waiting given that the
5 owner has no plans for demolishing the existing buildings or for new construction.

6
7 Director Thompson pointed out that the recommendations of the Mansionization Committee
8 regarding lot mergers is not the topic of the discussion for this hearing. He stated that the City
9 Council has not passed a moratorium on lot mergers at this time, so the Planning Commission
10 should consider the application in accordance with the current codes.

11
12 Chairman Bohner opened the public hearing.

13
14 **Cheryl Vargo**, representing the applicant, stated that the lot merger is not before the
15 Commission but rather the nonconformities of the existing buildings. She stated that the existing
16 buildings are 55 years old and are very large. She indicated that the existing structures could not
17 be built as they are under the current Code requirements. She said that the applicant has
18 purchased the property as an investment for the future. She commented that they have submitted
19 nine letters in support of the proposal. She pointed out that there were three or four letters
20 submitted in opposition, and there are six residents in total who have expressed opposition to the
21 project. She pointed out that 82 residents were notified of the hearing, and there are a large
22 number of residents who are not objecting to the proposal by passively not responding. She
23 commented that the rear building on the northerly property line adjacent to Ocean Avenue meets
24 the setback requirements at approximately 5.1 feet from the property line, and the front building
25 on The Strand is very close to the 5 foot setback requirement at 4.8 and 4.7 feet. She stated that
26 the largest deviation from the setback requirements is the rear building on Ocean Avenue and the
27 southerly property line with a setback of 3.1 feet from the property line. She said that Minor
28 Exceptions are allowed by Code for site enlargements due to lot line adjustments.

29
30 **Ms. Vargo** indicated that they believe that the deviation of the application request from the Code
31 is minor in nature because it is retaining a building that is 55 years old and always had a 3.1 foot
32 side setback. She commented that the existing structure would almost meet the required setback
33 for a typical lot on The Strand of 3.33 feet. She indicated that they do not feel there is a
34 detrimental impact to the neighborhood because the building has existed for 55 years and
35 maintained the same setback and height. She commented that bringing the building into
36 compliance for the required setback would not be feasible and would be a significant hardship.
37 She said that there are no current policy guidelines that the City Council is considering regarding
38 Minor Exceptions. She commented that many substandard setbacks have been approved for
39 projects in the past under the Minor Exception process. She commented that the two sites have
40 always been under a single ownership and have been treated as one parcel. She said that the

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 5

1 assessor's office is in the process of tying the parcels together with one parcel number.

2
3 **Cindy Fisk**, a resident of the 3600 block of The Strand, said that the narrowest setback is
4 actually 2.6 feet rather than 3.1 feet because of the boxes that have been installed on the side of
5 the existing building to accommodate the undergrounding of utilities. She commented that the
6 front buildings are 52 years old; however, the nonconforming building in the rear was built in the
7 1970s.

8
9 **John Clark**, a resident of the 3600 block of The Strand, said that he has sent the Commissioners
10 an e-mail regarding the issue. He stated that the deviation from the Code is not minor in nature,
11 as the height exceeds the maximum allowable by about 4 feet and creates visual bulk. He
12 indicated that the height violation is further compounded by various satellite dishes and antennas
13 on the structure. He stated that the people reacting to the application are the various surrounding
14 neighbors to the north, south and east of the site who are the most impacted. He indicated that
15 the application is contrary to the City's General Plan which requires that structures not be bulky
16 and out of scale with the surrounding residential neighborhood. He indicated that the present
17 building is out of scale, and any new construction that is close to the existing size would not be
18 compatible with the neighborhood. He commented that the property owner bought the existing
19 property inexpensively knowing the nonconformities and is now attempting to make a profit. He
20 said that it is clear that the property owner plans to rebuild on the site. He indicated that the
21 exception being requested is not minor nor does it meet the required legal findings and should be
22 denied. He indicated that if an Ordinance is approved that is damaged by precedents is
23 detrimental to other issues.

24
25 Commissioner Cohen commented that the complaints of the residents who have spoken appear to
26 be with the setbacks and height of the rear structure exceeding the limit.

27
28 In response to a question from Commissioner Cohen, **Mr. Clark** said that he is concerned with
29 the bulk of a structure that could be built on the site with any new development. He said that any
30 new development on a merged lot could potentially dwarf all of the other buildings in the area.

31
32 **John Golden**, a resident of the 3600 block of The Strand, said that the lot merger could be
33 approved administratively if there were no existing buildings on the site. He said that he would
34 like to see the existing buildings demolished, as any new construction could open up the view for
35 the properties to the east of the site. He commented that the surrounding residents have upgraded
36 their properties, but the subject site has not been well maintained. He said that allowing the way
37 for new construction would result in a reduction in density, and any new development would
38 result in a reduction from 11 to possibly 6 units. He said that any new development would be
39 reduced in height, density, and parking demand. He said that new construction would also help
40 to improve the look of the neighborhood. He commented that the applicant should not be

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 6

1 penalized by being prevented from developing to the maximum permitted. He indicated that he
2 feels there is no reason to deny the application as long as it is an improvement to the surrounding
3 properties and the look of the neighborhood.

4
5 **Diane Decker**, a resident of the 3600 block of Ocean Drive, stated that approving the proposed
6 Minor Exception would basically be ratifying the existing structure and its nonconformities. She
7 indicated that the view from her property is completely hampered by the rear structure on the
8 subject property because of the nonconforming height and setback. She indicated that she agrees
9 that the existing building is an eyesore and would welcome new construction, but that is not
10 being considered by the Commission with this application. She said that the issue with the
11 subject application is the detrimental impact and whether the exceptions to the Code are
12 considered minor in nature.

13
14 Commissioner Cohen said that the subject property will be developed in the future, and it seems
15 the most likely opportunity for the neighbors to have new development that would improve their
16 views would be for the lot merger to be permitted.

17
18 Director Thompson commented that this application is unique because no development is
19 proposed at this time, and what is being reviewed is the current development on the site. He
20 indicated that staff does not feel there is a concern with setting a precedent by approving or
21 denying the subject application in terms of future building construction.

22
23 **Charles Nau** said that the neighboring residents appear to be attempting to control the activity of
24 the applicant. He indicated that a property owner has the right to build on their property within
25 the framework of the Code requirements. He commented that the bulk of structures is regulated
26 by the amount of square footage that is permitted by the Code, and the appearance of bulk can be
27 subjective.

28
29 **David Hennessy**, a resident of the 3600 block of The Strand, commented that there is a reason
30 that the two subject parcels have separate addresses. He said that he feels there are no findings
31 that can be made to approve the application. He said that no one in the neighborhood is asking
32 the applicant to demolish any structures or conform to the current Code. He said that there have
33 been no improvements to the existing structures. He said that the nonconformities are not minor
34 in nature, and there are no precedents for such an approval. He stated that there are no
35 development plans being proposed for the subject property. He indicated that the lots in the area
36 are 33 feet or slightly larger, and there is space between the structures. He said that there would
37 not be an objection if the applicant proposed a new development that would maintain the
38 neighborhood character, but that is not known at this time. He said that the applicant has a desire
39 to have the lot merger approved before any development is proposed; however, the discussion
40 should occur when a new construction plan is brought forward. He said that the neighbors do not

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 7

1 want a single lot of 88 feet, and there is no other construction in the neighborhood to that size.
2 He also commented that the setback is less than 3.1 feet with the underground equipment.
3

4 **Terry McCall**, a resident of the 3600 block of The Strand, said that she is uncertain of the
5 reasoning behind why the application is being considered now before any development is being
6 proposed. She indicated that no one is asking the applicant to make any changes to the existing
7 structure. She said that she feels that the reasoning behind approving the application should not
8 be because new construction is not proposed when it is quite certain that the property will be
9 redeveloped in the future. She indicated that she would be much more comfortable if building
10 plans were brought forward so that the neighbors could have an idea of the new development.
11

12 **Paul McCall**, a resident of the 3600 block of The Strand, said that the property is certain to be
13 developed. He indicated that the applicant wishes to take advantage of a hiatus in the decision
14 making process regarding lot mergers. He said that the applicant is requesting the lot merger
15 now so that the plans would not be subjected to any new rules that would be put into place in the
16 future.
17

18 **Wayne Partridge**, a resident of the 3500 block of The Strand, said that the only request currently
19 being made is for a lot merger. He indicated that the only reason the application is before the
20 Commission is because the historical buildings do not conform to the modern Code requirements
21 that have been amended many times since they were built. He indicated that the existing
22 buildings will remain whether or not the subject application is approved until the applicant
23 decides to tear them down. He commented that all of the surrounding property owners bought
24 their properties after the subject structures were built at a discounted price from what they
25 otherwise may have paid, and the property owners will have a significant benefit when the
26 structures are removed. He indicated that he does not see any reasonable basis for objecting to
27 the application, and he does not feel the Commission has the discretion to deny the request. He
28 indicated that the impacts to the neighbors result from the existing structures, and the decision
29 regarding the subject request will not change the existing conditions. He pointed out that the
30 Code permits lot mergers independently from submitting construction plans, and requiring
31 development plans to be submitted before allowing the lot merger would be a violation of the
32 Code. He stated that the neighbors are objecting to construction that might occur in the future;
33 however, any future construction must conform to the Code requirements that are in place at the
34 time the plans are submitted. He indicated that if future construction plans conform to the Code
35 requirements including setbacks and open space, it will not come back before the Commission.
36 He said that the objections of the neighbors would be appropriate only if a non-conforming
37 application is submitted in the future.
38

39 **Robert Schuman**, 900 block of Manhattan Beach Boulevard, said that he and his partner
40 purchased the property in order to acquire 88 feet on the ocean front. He indicated that they

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 8

1 wanted to be very measured about what would be done with the property. He pointed out that
2 they would never receive an entitlement to have 11 units on the site as currently exist with any
3 new development. He stated that whatever development that may occur in the future would be
4 done in the highest quality. He said that their concerns are to preserve the property rights which
5 they received when they purchased the property and that the former owner had for 30 years. He
6 indicated that the properties have been developed as a single lot, used as a single lot, and
7 purchased as a single lot. He indicated that having the parcels considered as one lot allows a
8 variety of options which would result in the highest and best use for the property. He commented
9 that they are not prepared at this time and do not want to be rushed into making a decision
10 regarding development plans. He said that any future project would be a substantial
11 improvement over what currently exists. He indicated that a reduction of units from 11 to 6 or 7
12 would greatly reduce density and improve parking, and the quality of design and the amount of
13 open space would be improved with a new project. He commented that the easterly building on
14 the west side of Ocean Drive would be reduced from three to two stories which would greatly
15 increase the quality of life of every neighboring resident within the view corridor.

16
17 In response to a question from Commissioner Lesser, **Mr. Schuman** said that they are requesting
18 a lot merger to preserve the rights that they have to develop the property in the best possible
19 manner. He said that he feels it is in his best interest to confirm the usage that has existed for
20 over 50 years of the parcels as one lot.

21
22 In response to a question from Commissioner Lesser, **Mr. Schuman** indicated that he does feel
23 the existing nonconformities are minor in nature, and the application would have been approved
24 by staff if opposition had not been received by the neighboring residents. He pointed out that
25 guidelines regarding mansionization are not intended to apply to large buildings that currently
26 exist but rather to prevent huge buildings from being constructed in the future.

27
28 Chairman Bohner closed the public hearing.

29
30 Commissioner Cohen commented that she feels it is the responsibility of the Planning
31 Commission to discuss mansionization because it is an issue that is of great concern in the
32 community. She indicated that there is not a specific building design being considered with this
33 application but rather a Minor Exception application to a lot merger. She said that the Minor
34 Exception rule allows mergers unless such a merger does not meet the four criteria that has been
35 discussed by staff. She commented that the existing structures will remain even if the height
36 deviation from the Code is considered major rather than minor, which is the unique nature of the
37 subject application. She indicated that the neighboring residents have been living with the
38 existing structures and came to the neighborhood knowing the existing conditions. She also
39 commented that it would be extremely economically difficult for the applicant to bring the
40 current structures into compliance with the current Code requirements. She indicated that there

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 9

1 currently is not a law against permitting lot mergers, and there has not been direction from the
2 City Council for a moratorium on lot mergers until the Mansionization Committee gives its
3 recommendations. She said that she does not find any legal means to deny the application. She
4 indicated that there has been nothing presented to indicate that any future development would not
5 comply with the Code and General Plan guidelines.

6
7 Commissioner Lesser indicated that he is concerned with the scale of the existing structure with
8 the narrowness of the setbacks and the height of 3.88 feet above the permitted maximum. He
9 said that restricting property rights is taking away from the marketability of properties; however,
10 there is a balance with the community as to where it is appropriate to limit rights. He said that
11 the discussion of limiting property rights is not directly relevant to considering the Minor
12 Exception. He stated that he believes the exception that is being requested is more than minor in
13 nature. He said that it would be helpful if there were a specific development project proposed
14 and that it was not before the Commission as a Minor Exception. He said that a specific
15 development project being proposed could allow the neighbors to realize that it would be far
16 preferable to the existing structures. He indicated that the City has already approved a merger for
17 three lots and is considering a second with this proposal. He stated that he feels there needs more
18 of a community discussion as to what constitutes the small town character of the City. He said
19 that he would vote to deny the application.

20
21 Chairman Bohner commented that the structure which is noncompliant currently exists, and there
22 is not a proposal for new construction of such a large of a structure. He said that the criteria does
23 exist for allowing a minor deviation from the Code. He stated that the nonconforming structure
24 already exists, and there is nothing before the City regarding a plan for new construction on the
25 property. He said that the significant detrimental impact to the surrounding neighbors results
26 from the structure as it currently exists. He said that any new development in the future would
27 have to comply with the Code in terms of open space and parking and height, and the scale
28 would have to be reduced from the current building. He said that there is some evidence of
29 practical difficulty or economic hardship that warrants deviation from the Code, as it would be
30 difficult for the applicant to relocate the three exterior building walls. He commented that there
31 is no current policy guideline that would prohibit the merger where there is no new construction
32 involved. He said that there is a concern regarding mansionization, but the subject application is
33 to allow a minor exception with regard to an existing property. He stated that he understands the
34 concerns of the neighbors regarding the structure and their concern with future development. He
35 indicated that the existing structure would not be replaced with a development that is near its size
36 or that would be as noncompliant with current Code requirements. He indicated that he would
37 approve the application.

38
39 Director Thompson recommended a condition that no further additions can occur on the existing
40 structures without bringing the site into compliance with the current Code requirements.

PLANNING COMMISSION [DRAFT] MINUTES

February 14, 2007

Page 10

1
2 A motion was MADE and SECONDED (Cohen/Bohner) to **APPROVE** an application for a
3 MINOR EXCEPTION requesting approval to merge 2.7 original lots into one combined parcel,
4 which will result in the existing structures becoming nonconforming to the setback standards for
5 the enlarged site, at 3604 The Strand with a condition that no new additions be permitted on the
6 existing buildings without bringing all nonconformities on the site into full compliance with
7 current Code requirements.

8
9 AYES: Cohen, Chairman Bohner
10 NOES: Lesser
11 ABSENT: Schlager
12 ABSTAIN: Powell

13
14 Director Thompson explained the 15 day appeal period and indicated that the item will be placed
15 on the City Council’s Consent Calendar for their meeting on March 7, 2007.

16
17 **DIRECTOR’S ITEMS** None

18
19 **PLANNING COMMISSION ITEMS**

20
21 Commissioner Powell stated that he attended the Planning Commissioner Seminar in Sacramento
22 on February 2, 2007, sponsored by U.C. Davis. He indicated that the class was taught by a well
23 known land use professor and a well known land use attorney. He indicated that he received a lot
24 of information about the legal foundation and principles in planning decisions, and there was
25 discussion of urban planning concepts. He stated that he received reference guides that he will
26 share with the other Commissioners.

27
28 **TENTATIVE AGENDA: February 28, 2007**

29 **A. Coastal Development Permit and Variance requesting approval to exceed the**
30 **maximum allowable balcony area in a required yard in conjunction with the**
31 **construction of a new three-story single family residence at 124 12th Place**

32
33 **ADJOURNMENT**

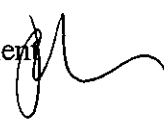
34 The meeting of the Planning Commission was **ADJOURNED** at 8:40 p.m. in the City Council
35 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, February 28, 2007, at 6:30 p.m. in
36 the same chambers.


37
38
39 _____
40 RICHARD THOMPSON
Secretary to the Planning Commission

37
38
39 _____
40 SARAH BOESCHEN
Recording Secretary

**CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Eric Haaland, Associate Planner 

DATE: February 14, 2007

SUBJECT: Minor Exception to Merge 2.67 Original Lots into One Combined Parcel, Which will Result in the Existing Structures becoming Nonconforming to the Setback Standards for the Enlarged Site (Manhattan Strandhomes, LLC)

RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** the Minor Exception request.

APPLICANT/ OWNER
Manhattan Strandhomes, LLC
905 Manhattan Beach Blvd.
Manhattan Beach, CA 90266

PROJECT OVERVIEW

LOCATION

<u>Location</u>	3604 & 3608 The Strand, between 36 th Street and Rosecrans (Exhibit B: Site Location Map).
<u>Legal Description</u>	Lots 8, 9, & Por. Lot 7, & 10 ft. vacated Strand
<u>Assessors Parcel Number</u>	4175-026-009 thru 011
<u>Area District</u>	III

LAND USE

<u>General Plan</u>	High Density Residential	
<u>Zoning</u>	RH, Residential High Density	
<u>Land Use</u>	<u>Existing</u>	<u>Proposed</u>
	11-unit Apartment Complex	No Change
<u>Neighboring Zoning/Land Uses</u>	North	RH/ 3 Condos
	South	RH/ 5 Apartments
	East	RH/ Condos
	West	OS/Public Beach

PROJECT DETAILS

	<u>Existing</u>	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Area:	2379 + 3568 + 3568 sq. ft.	9,516 sq. ft.	2,700 sq. ft. min
Parcel Frontage:	33.33 + 33.33 +22.22 ft.	88.88 ft.	30 ft. min.
Height:	33.88 ft	No change	30 ft. max.
Vehicle Access	Ocean Dr.	No change	N/A
Setbacks		No change	
Front (west)	11.4 ft. min.		5 ft. min
Rear (east)	6.9 ft. min.		5 ft. min.
Side (north)	4.7 ft. min.		5 ft. min.
Side (south)	3.1 ft. min.		5 ft. min.

BACKGROUND

The subject property is comprised of 1 partial, and 2 full original Strand lots. The site was developed with apartment units in 1952 but the lots were never formally merged together. The owner is currently requesting approval of the lot merger while keeping the existing buildings unaltered. A lot merger is a minor administrative process unless zoning nonconformities would result. In this case, increasing the size of the lot increases the required side yard setback from 3.33 feet to 5 feet. Side setbacks of the existing buildings are as small as 3.1 feet. Approval of a minor exception is required to enlarge a site where an existing structure would remain and its zoning nonconformity would increase. The neighbors' response to the first minor exception notice expressed substantial concern with the application; therefore, the item that would normally be decided by the Community Development Director was scheduled for review by the Planning Commission.

The subject property is located within the appealable area of the city's coastal zone, however a coastal development permit is not required since no development or subdivision is proposed in the application.

DISCUSSION

The submitted request proposes to formally merge 2.66 original Strand lots into one combined parcel, while retaining 3 existing apartment buildings containing 11 dwelling units on the site. The lots are informally merged by the fact that the rear building straddles both common lot lines (additional deed lines are shown on tax maps) within the site. Three of the four building walls adjacent to the outer side property lines of the site have setbacks less than the 5 feet required for the merged site. The most extreme nonconforming condition occurs at the south side of the rear building where a 3.1 foot setback exists for a wall exceeding the site's height limit by 3.88 feet. Approval of a merger further formalizing these nonconformities would not be permitted without a specific code exception.

Section 10.84.120 of the zoning code provides for minor exception approval of projects not exceeding 50% reconstruction valuations described as:

Site enlargements (e.g., mergers, lot line adjustments) which result in existing structures becoming nonconforming to residential development regulations.

The proposal is therefore eligible for minor exception consideration since it involves a merger resulting in nonconformities and no construction is currently proposed. Future projects that involve new construction or major remodels would be required to bring both side yards into conformance with current setback requirements.

All minor exception approvals are subject to the following criteria:

1. Whether deviation from Code is minor in nature.
2. Evidence that significant detrimental impact to surrounding neighbors is absent.
3. Evidence of significant practical difficulty or economic hardship which warrants deviation from Code standard.
4. Whether the application is in compliance with any current policy guidelines for Minor Exceptions as may be adopted by the City Council.

Staff's review of the proposal finds that the minor exception criteria may be met since the existing side yards are at least 3 feet minimum, there is currently no construction or physical change proposed for the site, and relocating 3 exterior building walls would be very expensive and disruptive to the existing buildings. No minor exception policy guidelines have been adopted as of yet.

The criteria primarily warranting discussion is whether the code deviation is minor in nature. Minor exception applications involving nonconforming side setbacks of approximately 3 feet instead of 5 feet are commonly approved, however, this case includes one building exceeding the height limit. The south wall of the rear building on the site is set back 3.1 feet and rises to be 33.88 feet above the average grade of the site. This height substantially exceeds the permitted 30 foot height limit. The Planning Commission may consider this condition not to be minor in nature due to the sensitivity to building height in this area.

The merger proposal does not conflict with the city's General Plan since no actual development is proposed at this time, and is consistent with the goal of preserving residential neighborhood features.

A substantial amount of neighbor input (see attached) has been received in response to the project notice. Most concerns pertain to permitting the merger of lots at this location, rather than the subject setback nonconformity issue. The most prominent objection is to the possibility of a future project having a substantially greater building width than is characteristic of typical Strand development. Currently there is no code restriction on the assembly of lots into larger parcels and there is no building project proposed. The issues of mansionization and maximum site sizes are being considered by a committee established by the City Council, however, any resulting restrictions are not expected to be effective until the summer of 2007.

One letter supporting the application, since it primarily allows existing development conditions to remain, is also attached.

CONCLUSION

Staff believes that the requested minor exception for a lot merger allowing nonconforming side yard setback dimensions to remain can satisfy the required criteria and recommends that the Planning Commission approve this application. Upon the effectiveness of the Commission's decision, staff would complete the appropriate minor exception and merger documentation.

ALTERNATIVES

The alternatives to the staff recommendation available to the Planning Commission include:

1. **DENY** the request subject to public testimony received, based upon finding that the minor exception criteria are not satisfied.

Attachments:

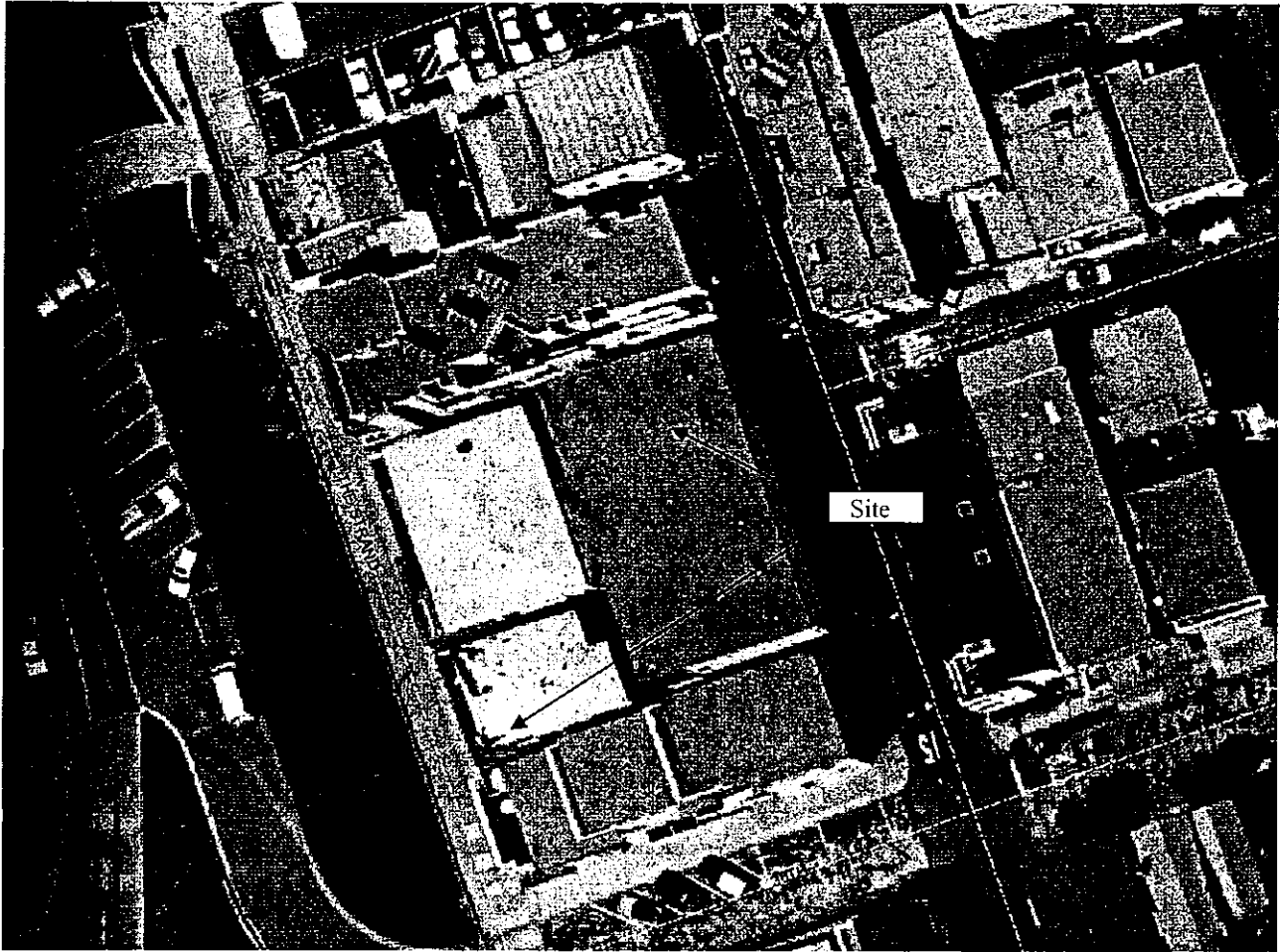
- A. Vicinity map/photos
- B. Applicant material
- C. Code excerpts

D. Neighbor input
Property survey (separate)

cc: Robert Schuman, Owner
Cheryl Vargo, Applicant Rep.

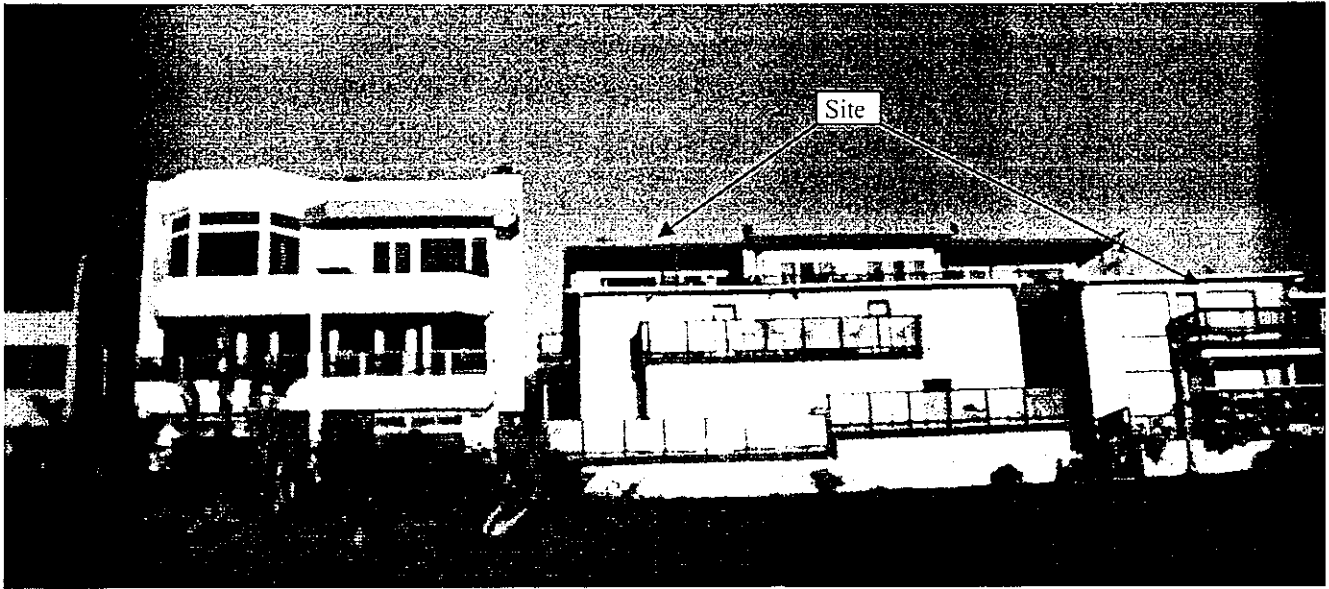
3604-3608 The Strand

Vicinity



3604-3608 The Strand

Vicinity



SUBTEC

SUBDIVISION TECHNICAL SERVICES

5147 WEST ROSECRANS AVENUE, HAWTHORNE, CA 90250 (310) 644-3668

APPLICANT'S REQUEST: A minor exception pursuant to Section 10.84.120 of the Zoning Ordinance.

Per the Code, the Community Development Director may grant minor exceptions from certain regulations contained in the Code for projects that do not exceed fifty percent reconstruction valuation pursuant to the provisions of Section 10.68.030(E). There are 4 exceptions which are ALLOWED.

The exception applicable to this case is: "Site enlargements (e.g., mergers, lot line adjustments) which result in the existing structures becoming nonconforming to residential development regulations. In the subject case, the lot-line adjustment will result in the existing structures becoming nonconforming to the setback standards.

The only issue for consideration is the project's non-compliance with the sideyard setback requirements of 5 feet.

**The existing northerly sideyard is 4.8' rather than 5'.
The existing southerly sideyard is 3.1' rather than 5'.**

Eric Haaland

From: HOWHUGHMD@aol.com
Sent: Wednesday, December 06, 2006 7:16 PM
To: Eric Haaland
Cc: Mitch Ward; Joyce Fahey; Jim Aldinger; Nick Tell; Richard Montgomery; Geoff Dolan
Subject: No New Monsters on the (3604 & 3408) Strand!

I feel as if there is more to know about this "project" however, I am going out of town during the very small window made available to residents to study the matter and render an opinion (7-15) before the decision on the project is made, and therefore feel I must express my opinion based on assumptions and/or ignorance.

I oppose joining these lots into one monster parcel. Therefore the minor exception must be denied.

I can see no purpose in joining these lots except to be able to tear down the present ill proportioned ugly structure and replace it with a larger, out-sized Strand monstrosity. These lots and their building are in my direct view (looking south) and I don't want them replaced with another monstrosity.

If there is some other goal for this action I would like to know about it. What other purpose can it be, but reconstruction?

You say "No construction is proposed." I find that disingenuous. Certainly the sentence should have ended with "at the present time."

I don't know how these lots were built over with one structure, (although your map suggests two separate residences(?more disinformation)), but times have changed and I certainly look forward to the day when the present building is torn down because of its old age, and the lots are returned to single homes.

If I am mistaken as to the impact and goal of joining the lots I would appreciate being corrected.

I also vaguely recall some council policy not to recombine previously split parcels.

I suggest the application for the exception, in order to the merge lots, be submitted at the appropriate time, along with the construction plans, so the whole project can be judged.

Howard Kaminsky MD
113 Rosecrans Avenue

Eric Haaland

From: HOWHUGHMD@aol.com
Sent: Wednesday, December 20, 2006 6:53 PM
To: Eric Haaland
Cc: Mitch Ward; Joyce Fahey; Jim Aldinger; Nick Tell; Richard Montgomery; Geoff Dolan
Subject: 3694 Strand/Follow-up

I can only assume the decision to join the Strand lots has been taken. But since you shared my e-mail with the property owner/manager, who contacted me, I think it is appropriate to inform you of the results of our conversation.

Before the details, let me say that I still oppose the requested action.

It appears that all my assumptions were correct. The action requested is an attempt to have a clear path toward replacing the eleven unit structure now on the site. The context is even more interesting than I had imagined. The present owner recently acquired the property, I am sure at a price that reflected the risk of an unguaranteed ability to replace the structure, because the underlying problems with the lots. Now they (the new owners) are trying to enhance the value of the property by asking that the lots be joined, thereby removing a potential obstacle and ensuring the ability to replace the large multiunit structure, reaching the end of it projected lifetime.

The present(?) lot arrangement has been in place for thirty years, I still contend there is no reason to change it. Certainly the city of MB has nothing to gain and only loses another layer of control on the future use of the lots.

The lots should be left as they are until such time as the present owners decide what they want to do with the property. At that time, if the city agrees that the best use of the land would be to replace with a single large edifice, it can join the lots in the context of approving the construction. Even for the current owners, unjoined lots give them more flexibility for future use, but admittedly less assurance.

The public good is not served in any way by allowing the lots to be joined at this time, lots unchanged, without problem, for thirty years.

Howard Kaminsky

Mr. Eric Haaland
Associate Planner
Community Development Dept.
1400 Highland Ave.
Manhattan Bch., Ca. 90266

December 10, 2006

Re: The Manhattan Strandhomes, LLC

Dear Mr. Haaland,

For 14 years I have owned my home at 112 36th Place which is across the street from the above mentioned parcels. I am very much against this request for an exemption to allow 3 parcels to become combined into one of the largest, if not the largest property on the Strand. Manhattan Bch. is already very built up, what with the McMansions popping up everywhere, but at least they are on the standard lots. If you allow three existing parcels to combine, the density that can be built there will completely overwhelm the feel of the neighborhood. Additionally, the potential to build one mega structure would not allow for the space in between that exists when buildings are built on individual parcels. This situation would also impact the views of all of the neighbors who look to the west. The apartment building is an existing structure. No one would want the next construction to have the same ability to impact the views of the surrounding neighborhood. I would have no problem with combining one parcel with the third 20 foot parcel, but not all three. Manhattan Beach homes are currently close together, but at least the standard parcels allow for a feeling of an individual home with some distance from the house next door.

I find it somewhat contradictory that the exemption petition states that no construction is planned, when some neighbors state they have already been shown plans of the new construction.

Thank you for your consideration of my concerns, and those of my neighbors.

Sincerely,

Julia Gallas

Julia Gallas
(310) 545-7160

*Carolyn Fehmers -
113 36th Street
Manhattan Beach
CA 90266
(310) 546-2149*

*Sarah Bream + Devon Bream
Sarah Bream + Devon Bream
121 36th Place
Manhattan Beach, CA . 90266
310-545-3007*

Richard Thompson

From: John Clark [flyfast@earthlink.net]
Sent: Tuesday, December 12, 2006 8:38 PM
To: Eric Haaland; Richard Thompson
Cc: Mitch Ward; Joyce Fahey; Jim Aldinger; Nick Tell; Richard Montgomery; Portia Cohen; Wayne Powell; Jim Schlager; Bob Bohner; David Lesser
Subject: RE: Application for Minor Exemption, 3604 and 3608 The Strand

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Haaland:

As I told you in our phone conversation yesterday, I would follow up with a written statement regarding the application by Manhattan Strandhomes, LLC for a "minor exemption" to merge three existing parcels into one at 3604 and 3608 The Strand.

I am the President of Sea Court HOA and our building with three units is located adjacent to the northern most parcel in question. I have spoken with the two other owners and we are in agreement on our position in opposition to this "minor exemption." Our building is also situated on two parcels and to the best of my ability to determine we have no exemption such as the one being sought by Manhattan Strandhomes, LLC. We rise in opposition to the application for the following reasons:

- 1) Though Manhattan Strandhomes, LLC states, "no construction is proposed" in their application, it seems quite probable they are awaiting the outcome of this application before they submit a construction proposal.
- 2) While the setbacks on the merged parcels would increase from 3 feet, 4 inches to 5 feet, the net result you told me is there would be no setback at all between the existing parcels, thus allowing a much more dense, contiguous building to be built. So if this exemption is granted and if demolition and construction does occur, Manhattan Strandhomes, LLC will likely be able to construct a much more dense building than would otherwise be the case with no merger of the existing three parcels.
- 3) If a more dense building is built, there will likely be more units and a greater population on the merged parcels than presently exists. This would result in more vehicular traffic and parking problems where there is already a shortage. We would not know this for sure until construction plans are submitted, but it seems clear the plans will be much different if the "minor exemption" is not granted.
- 4) If the parcels are merged, you told me there would likely be an increase in the overall height restriction for the combined parcels. This would create the potential to increase the obstruction of the views we have to the south, the views to the north from the building on the corner of 36th Street and The Strand and the views those on Ocean Drive and 36th Place may otherwise have if a less dense building were to be constructed on the presently non-merged parcels.
- 5) We are aware the city is presently contemplating a change that would prohibit or place more restrictions on this type of "minor exemption" and feel this application should not be granted pending the outcome of a decision by the Manhattan Beach City Council. To do so would potentially go directly against the added protections presently being contemplated by our city leaders.

If you have any questions or I can provide any additional information, please do not hesitate to contact me. Thank you for your time and consideration.

Respectfully,

John B. Clark Jr.
President, Sea Court HOA
3616 The Strand
Manhattan Beach, CA
310.796.1166

CC: MB City Council
MB Planning Commission
Robert X. Perry, Owner, Unit B
Paul and Terri McCaul, Owners, Unit C

Dyan Decker
3612 Ocean Drive
Manhattan Beach, CA 90266

VIA OVERNIGHT MAIL

December 14, 2006

Eric Haaland
Associate Planner, Community Development Department
1400 Highland Avenue
Manhattan Beach, CA 90266

In regards to: 3604 and 3608 The Strand / Notice of Application for
Minor Exception

Dear Mr. Haaland,

I am in receipt of the notice concerning the proposed merger of three parcels into one at 3604 and 3608 The Strand. I am writing to express my concern over this proposal.

The proposed merged parcel would be much larger than existing parcels in the area and would not be in keeping with the aesthetics of the neighborhood.

A possible alternative to merging the three parcels into one would be to consider merging the three parcels into two. This alternative would overcome what some would say is the undesirable size of the most northerly parcel, currently at 22 feet wide. The two parcels could be configured in one of two ways. Either all three parcels are re-drawn to be evenly divided into two parcels at approximately 44 feet wide each, or the two more northerly units are merged to create one 55 foot wide parcel and keep the most southerly parcel at 33 feet wide. The parcel sizes under both options would be in keeping with existing parcels in the neighborhood.

I may be reached at my office at (213) 217-3347 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Dyan Decker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dyan Decker

Eric Haaland

From: Richard Thompson
Sent: Monday, February 05, 2007 10:33 AM
To: Eric Haaland
Subject: FW: Planning Commissions

Please include in staff report.

Richard Thompson
Director of Community Development

-----Original Message-----

From: portiacohen@aol.com [mailto:portiacohen@aol.com]
Sent: Monday, February 05, 2007 10:28 AM
To: Richard Thompson
Subject: Fwd: Planning Commissions

Hi Richard ~ FYI below. :)

Portia Cohen, Esq.
portiacohen@aol.com
310.991.7366

-----Original Message-----

From: hennessy@rallc.com
To: pcohen@citymb.info; wpowell@citymb.info; jschlager@citymb.info;
bbohner@citymb.info; dlessner@citymb.info
Sent: Mon, 5 Feb 2007 6:06 AM
Subject: Planning Commissions

I live at 112 36th place across from a property that will come before you requesting an exemption in order to combine 3 parcels into 1 single lot. This property was acquired just a few years ago for approximately \$6 million and has 88 feet of strand footage (2.66 times the normal lot size). There is no financial burden because the developer/owners could easily sell it for twice their cost. The developer/owners claim that they have no plans to develop it yet all of the tenants (none with less than 3 years living there and over 70% residing there for over 7 years) are on a month to month lease

The issue my neighbors and I have is with the developer/owners desire to construct one single building. Such a structure would be far larger than any existing property from the pier to ElSegundo. This is mansionization that Manhattan Beach does not want. Those of us on either side and across the street unanimously

do not want the door opened for a huge development on a super sized lot. We are not against development but we request that there be both a consideration of size and the requirement for space somewhere within the boundaries of the existing property

David Hennessy

Director of Marketing

Research Affiliates, LLC

155 No Lake Ave

ERIC
WAYNE AND MASAKO PARTRIDGE
3520 THE STRAND
MANHATTAN BEACH, CA 90266

January 8, 2007

Eric Haaland
Associate Planner
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: Application for Minor Exception in re Lot Line Adjustment 3604/3608 The Strand

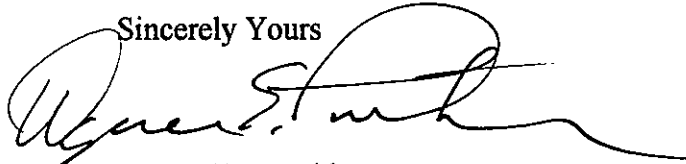
Dear Mr. Haaland:

We live at 3520 the Strand, in the block immediately South of the property with respect to which a change is proposed, and within about one half block of that property. We are aware that at least one resident objects to the proposed change based on that resident's particular circumstances and desire's for her own property.

However, our consideration of the proposed lot line adjustment has led us to conclude (1) that it will merely ratify the existing conditions and (2) is entirely consistent with both established public policy and community interests. If any action is taken to replace the building on the enlarged lot, the developer will be required to meet the requirements of the Code as in force at that time. Under the current Code, it appears that any new structure on the enlarged lot would be limited to fewer units than now exist, some reduced height on the East side and perhaps more parking. Development of this kind should be encouraged, but would be blocked by the historical but currently irrelevant lot configurations.

We therefore support the Application for a Minor Exception in this matter.

Sincerely Yours



Wayne E. Partridge

cc: Richard Thompson

11.32.070

chapter shall be approved by the City Engineer prior to being filed by the City Clerk for recordation with the County Recorder.

(§ 2, Ord. 1990, eff. December 3, 1998)

11.32.070 Merger of contiguous parcels—Determination of non-merger.

If the Planning Commission makes a determination that the parcels shall not be merged, a release of the notice of intention to determine status shall be recorded with the County Recorder within thirty (30) calendar days after the Planning Commission determination, and a clearance letter shall be mailed to the owner by Community Development.

(§ 2, Ord. 1990, eff. December 3, 1998)

11.32.080 Merger of contiguous parcels—Request by property owner.

Notwithstanding the requirements of Section 11.32.030 of this chapter, the owner of contiguous parcels may request a merger of the parcels, without reverting to acreage. Such request shall be submitted with the appropriate forms, fees, and property information as prescribed by Community Development. A certificate of compliance reflecting the merger shall be issued by the Community Development Department, with or without conditions, and recorded pursuant to the Subdivision Map Act.

(§ 2, Ord. 1990, eff. December 3, 1998)

January 5, 2007

Eric Haaland
Associate Planner
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach CA 90266

I am not opposed to the City approving an application for minor exception in conjunction with a lot line adjustment for the property located at 3604/3608 The Strand, Manhattan Beach, California.

Peggy Lee Duggan
Property Owner Name

3704 The Strand #1, Manhattan Beach
Property Owner Address

Peggy Lee Duggan
Property Owner Signature
1-5-07

January 5, 2007

Eric Haaland
Associate Planner
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach CA 90266

I am not opposed to the City approving an application for minor exception in conjunction with a lot line adjustment for the property located at 3604/3608 The Strand, Manhattan Beach, California.

DOUG DUGGAN

Property Owner Name

3701 THE STRAND #2, M.B.

Property Owner Address

D. Haaland

Property Owner Signature

January 5, 2007

Eric Haaland
Associate Planner
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach CA 90266

I am not opposed to the City approving an application for minor exception in conjunction with a lot line adjustment for the property located at 3604/3608 The Strand, Manhattan Beach, California.

M. J. O'Connell
Property Owner Name

116 ROSENBERG AVE
Property Owner Address

[Signature]
Property Owner Signature

January 5, 2007

Eric Haaland
Associate Planner
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach CA 90266

I am not opposed to the City approving an application for minor exception in conjunction with a lot line adjustment for the property located at 3604/3608 The Strand, Manhattan Beach, California.

Deborah Howard / Marcelle Howard
Property Owner Name

3517 Manhattan Ave
Property Owner Address

Marcelle Howard
Property Owner Signature

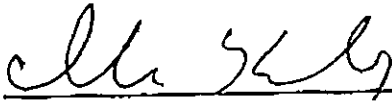
January 5, 2007

Eric Haaland
Associate Planner
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach CA 90266

I am not opposed to the City approving an application for minor exception in conjunction with a lot line adjustment for the property located at 3604/3608 The Strand, Manhattan Beach, California.

Charles Knisley
Property Owner Name

117-36th St.
Property Owner Address


Property Owner Signature

January 5, 2007

Eric Haaland
Associate Planner
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach CA 90266

I am not opposed to the City approving an application for minor exception in conjunction with a lot line adjustment for the property located at 3604/3608 The Strand, Manhattan Beach, California.

Mary Swartz
Property Owner Name

3600 Manhattan Ave.
Property Owner Address

Mary J Swartz
Property Owner Signature

January 5, 2007

Eric Haaland
Associate Planner
Community Development Department
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach CA 90266

I am not opposed to the City approving an application for minor exception in conjunction with a lot line adjustment for the property located at 3604/3608 The Strand, Manhattan Beach, California.

Kyle R. Gustafson
Property Owner Name

3601 Manhattan Ave
Property Owner Address


Property Owner Signature

Eric Haaland

From: dyan.a.decker@us.pwc.com
Sent: Tuesday, February 13, 2007 7:16 AM
To: Portia Cohen; Wayne Powell; Jim Schlager; Bob Bohner; David Lesser
Cc: Richard Thompson; Eric Haaland
Subject: 3604 & 3608 The Strand - Review of Staff Report
Importance: High

Dear Planning Commission Members,

I am the owner of 3612 Ocean Drive which is east of subject property. I have reviewed the staff report and am extremely disappointed by its recommendation to approve the request to merge the three lots at 3604 & 3608 The Strand. I may not be able to attend Wednesday's Planning Commission meeting due to work commitments. I am writing to you directly to express my concerns in case I am unable to do so in person.

Two aspects of my ocean view are impaired by the existing structure. The existing structure is almost four feet higher than the allowable 30 foot limit and obstructs my view from my top floor and balcony. The setbacks on the north and south sides of the existing structure will be nonconforming if the lot merger is approved. My sand / whitewater view is directly affected by the width of the setback on the north side. Approval of the lot merger will ratify these nonconforming points and consequently harm my potential property value.

Having lived in the neighborhood for five years and in the South Bay for my entire life, I am very displeased by the mansionization of Manhattan Beach and the accompanying loss of a family neighborhood feel. The Strand lots, if allowed to merge, would create the potential for an extremely large, out-of-scale development to be built. I understand that the owners have not proposed construction at this time, but that it is not the point. Approving the request to merge the lots will provide the owners with the option to build such an out-of-scale development. Denying the request will result instead in the development of reasonable sized buildings that are in keeping with the neighborhood feel.

Regards,

Dyan Decker, Partner
PricewaterhouseCoopers LLP
350 South Grand Avenue
Los Angeles, CA 90071
Office (213) 217-3347
Cell (310) 344-6473
Fax (813) 741-7160

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer. PricewaterhouseCoopers LLP is a Delaware limited liability partnership.

May Dorsett

From: Richard Thompson
Sent: Tuesday, February 13, 2007 12:59 PM
To: May Dorsett
Subject: FW: 3604/3608 Strand merger

Please make copies for the commission.

Richard Thompson
Director of Community Development

-----Original Message-----

From: julie gallas [mailto:julie.gallas@gmail.com]
Sent: Tuesday, February 13, 2007 12:11 PM
To: Richard Thompson
Subject: 3604/3608 Strand merger

Manhattan Bch. City Planning Commission

I am HOA of the condominium building at 112 36th Place, which is directly across the alley from the 3604/3608 property. I am also speaking on behalf of the other condominium owner in our building. I have sent a prior e-mail to Eric Haaland and another to Joyce Fahey regarding my feelings on this merger issue. To simplify, a merger of three lots will eventually allow for the construction of a very large structure which most likely will take up as much land space as allowed by the city. The opportunity for some open air space between structures built on individual lots will be lost. I realize that the proposal states "no construction is proposed", but it is difficult to believe that statement will last for long, especially in this town. The merger request presents itself as innocuous, a simple request. I ask you to look forward. The owner is in the real estate business, the existing structure is quite old and would need a major overhaul to exist for many more years. The odds of it being torn down and a new structure built far exceed the overhaul solution. It is because of this that all of the neighbors in close proximity to this proposed merger object. The request is "opening the door" for a structure whose potential density could greatly affect the feel of our neighborhood. This is not a mere request for a minor exception.

Thank you for your consideration.

Julia Gallas
February 13, 2007