



Agenda Item #: 06/1017.17

# 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  
Daniel A. Moreno, Associate Planner

**DATE:** October 17, 2006

**SUBJECT:** Appeal of an Administrative Decision Regarding Maximum Building Height Denied by the Planning Commission for a Proposed Single-Family Residence at 511 Pacific Avenue

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### RECOMMENDATION:

Staff recommends that the City Council **UPHOLD** the Planning Commission decision and **DENY** the subject appeal.

### APPELLANT

Jerry Jamgotchian  
P.O. Box 1810  
Manhattan Beach, Ca. 90266

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### BACKGROUND:

The subject property is an east/west through lot that is bordered by Pacific Avenue to the east and Ardmore Avenue to the west. Historically, Pacific Avenue has been used both for vehicle access and as the front of the property due the severe slope change on Ardmore Avenue. City records show that the original 1,066 square foot single family residence was built in 1948 and located on the higher portion of the lot. City records also show that a 575 square foot second story addition was approved in 1980.

On October 10, 2002 staff received a letter from Jerry Jamgotchian requesting information regarding the maximum permitted building height for the subject property. Mr. Jamgotchian, who owns the two properties to the north at 529 Pacific Avenue (see attached Vicinity Map) abutting the subject site, was concerned about the potential height of the proposed building at the subject site as he prepared to build on his property. A survey commissioned by Mr. Jamgotchian for the 511 Pacific Avenue property (see attached survey dated 10/6/02, Riahi Engineering & Surveying) was submitted for staffs review in 2002.

In a letter to Mr. Jamgotchian dated October 22, 2002 (attached) he was advised that building height in the City of Manhattan Beach is utmost concern and the City diligently implements a system to ensure that building heights are appropriate and accurate. In this letter he was advised that a maximum building height for the subject property had been determined based on the Director's discretion of averaging property corner elevations particularly the N/W and S/W property corner elevations (adjacent to Ardmore Avenue) per Manhattan Beach Municipal Code Section 10.60.050 (C) (2). Furthermore, the decision that established the height of building was based on the existing conditions of the site as a severe slope occurs at the rear setback area adjacent to Ardmore Avenue. The Director's decision to average the N/W and S/W property corners with the existing top of slope elevations provides height elevation points consistent with maximum building height in the surrounding area and minimizes impacts to adjoining properties. Additionally, this same height determination is consistent with the methodology that was used for the adjoining property to the south at 505 Pacific Avenue and many other properties along Ardmore Avenue. The Director approved a maximum building height elevation of 123.59' based on the following elevations:

- N/W corner -  $92.35'$  ( $85.56' + 99.14'/2 = 92.35'$ ) – Ardmore Avenue
- S/W corner -  $90.97'$  ( $84.18' + 97.77'/2 = 90.97'$ ) – Ardmore Avenue
- N/E corner -  $106.64'$  – Pacific Avenue
- S/E corner -  $100.41'$  – Pacific Avenue

Total             $390.37'/4 = 97.59' + 26 = 123.59'$

On November 29, 2002 staff received a letter from Mr. Jamgotchian which indicated his desire to appeal staffs height determination of 123.59' because he asserted that it would have an adverse impact on his adjoining property. In a letter to Mr. Jamgotchian dated December 4, 2002 (attached), he was advised that an appeal request was denied as his request was for an advisory or hypothetical height determination where there was no pending project.

On June 16, 2006, plans were submitted for the demolition of the existing two-story single family residence and construction of a new two-story plus basement single family residence at 511 Pacific Avenue. Accompanying this application was a new survey commissioned by the applicant prepared by Denn Engineers (copy attached, dated 8/16/05). Shortly after the application was filed, the appellant inquired about the height of building based on this newly submitted survey and he was advised that the survey elevations shown are consistent with the survey he submitted in 2002 (different survey company with different base elevations), and therefore did not change the maximum building height determination that was established in 2002.

On August, 8, 2006, an appeal application was filed challenging the Director's height determination. Staff requested that the applicant provide justification for the appeal. Staff has explained on several occasions that the height determination is documented in the letter dated October 22, 2002. This letter cites the code section that the Director relied upon in rendering his decision and the reasons for supporting it. Furthermore, staff provided the appellant information that he had requested to his attorney and architect.

On September 13, 2006, the Planning Commission reviewed the request and voted (4-0-1) to **DENY** the appeal, finding that the building height as determined by staff is appropriate and in full compliance with the code. At this meeting the appellant presented a 49-page document (attached, Exhibit B) of correspondences between him and the City, with the Commission expressing concern as the information presented lacked any basis for appealing the height of building as determined by staff. Also at this meeting two people spoke in favor of approving the building height as recommended by staff, including a representative of the property owners.

On September 27, 2006, the appellant filed an appeal of the Planning Commission decision to uphold staff's height determination for the subject property (see attached application). In filing the appeal application the appellant has again not provided any justification for his appeal.

### **DISCUSSION**

Section 10.60.050 (C) (2) of the Zoning Code establishes the methodology for determining maximum building height. This section provides that building height is determined by adding an applicable development standard (e.g. 26 feet) to the average property elevations at the four property corners. The Code further states:

*"The Community Development Director may administratively approve measuring height from "local grade" to an existing or planned building that is adjacent to a street where substantial grading occurred which lowered the street, affecting the elevation of the street property line. The intent of this exception is to accommodate situations which exist, such as, on portions of Ardmore Avenue."*

Municipal Code 10.60.050 (C) (2) allows the Director to administratively approve alternative height elevations that are adjacent to a street where substantial grading occurred. When this portion of the Code was adopted in 1993, the intent of this exception was to accommodate situations which exist, such as portions of Ardmore Avenue, which in several areas have been substantially graded. It is the standard practice of City staff, when examining the elevations of property corners, to review the identified property corners in relation to the surrounding elevations. In situations where there is evidence that existing grade has been lowered at the property corners, alternative reference elevations are warranted. When substantial grading has occurred which affects the elevations of the street, staff considers averaging the property corners with a higher elevation.

In order to confirm that street grading had occurred on Ardmore Avenue, Staff contacted the City's Engineering Division to obtain historic information of the street improvements on Ardmore Avenue. City right-of-way records show that street improvements had occurred in 1933 and 1954 which lowered the grade at the curb line an average of 2 feet along the 500 block of Ardmore Avenue. Along the westerly property line staff has extrapolated that the average grade was lowered approximately 6.5 feet. This is clear evidence that substantial grading occurred which lowered the street affecting the elevations of the N/W and S/W property corners. Therefore, averaging the corners is consistent with the exception allowed under Code Section 10.60.050 (C) (2) to accommodate situations which exist such as this area of Ardmore Avenue.

***Height Comparison***

The project architect provided a height comparison which illustrates the difference between the appellant's home and the proposed building. This plan (attached, Sheet A-01A) shows that the proposed building on the subject site would be approximately 12 feet below the appellant's existing house. The height of the proposed building will be 1 foot 6 inches below the height of the building which was recently demolished on the subject site.

***Surrounding Properties Height Determinations.***

The appellant requested building height information for the properties at 505 Pacific Avenue, 516 and 520 Ardmore Avenues, and staff provides the following height determinations:

In 2001 a second story addition was approved for the property at 505 Pacific Avenue which abuts the subject site to the south. Due to the same severe slope topography, the same height determination was made to average the N/W and S/W property corners, which is consistent with the methodology used for 511 Pacific Avenue and many other properties along Ardmore Avenue.

The property at 516 Ardmore Avenue, located directly to the north of the subject site, was built in 1955 and City records do not show information as to how the building height was determined at that time. In 1994, the height determination for 520 Ardmore Avenue was made by using the elevations of the existing four corners of the property. Although the owner of the property could have requested an alternative method for determining no such request was made.

**CONCLUSION**

Staff believes that the appellants' request to further reduce the overall height of building for the subject site with no regards to the topography of the site is unreasonable. Furthermore, the height determination encourages consistency with the application of the building height determination as it applies under the current Zoning Code to all properties along Ardmore Avenue. The appellant has failed to provide compelling justification for determining a new methodology for the subject site.

Staff believes that the maximum building height of 123.59' limits potential impacts to the extent reasonably possible, meets the intent of the code, provides consistency with the application of the code, and provides equitable property corner elevations for development on all properties located on Ardmore Avenue which have unusual topography. Staff recommends that the City Council deny the subject appeal, upholding the Planning Commission decision.

- Attachments:
- A. Resolution No. 6064
  - B. Planning Commission Minutes, Report and attachments, dated 9/13/06, except plans (available electronically).
  - C. Forty-Nine Page Document submitted to Planning Commission by Appellant
  - D. Letters dated 9/13/06 and 9/14/06 from the Appellant
  - E. Letter dated 9/14/06 from the Director of Community Development
  - F. Appellants Appeal application, dated 9/27/06

cc: Jerry Jamgotchian, Appellant

06/10/17.17

RESOLUTION NO. 6064

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MANHATTAN BEACH, CALIFORNIA, DENYING AN APPEAL OF  
AN ADMINISTRATIVE DECISION REGARDING MAXIMUM  
BUILDING HEIGHT FOR A SINGLE-FAMILY RESIDENCE AT 511  
PACIFIC AVENUE

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA  
HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby ratifies the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a hearing pursuant to applicable law on September 13, 2006 to consider an appeal of an administrative decision regarding maximum building height at 511 Pacific Avenue, legally described as Lot 4, Block 25, Tract 1 in the City of Manhattan Beach.
- B. The appellant for the subject appeal of the administrative decision is Jerry Jamgotchian.
- C. The appeal application was filed on September 29, 2006. No justification was submitted by the appellant for the appeal.
- D. The subject site is located in Area District I and is zoned (RS) single-family residential.
- E. On October 10, 2002 the appellant requested information regarding the maximum permitted building height for the subject property as he prepared to build on his property at 529 Pacific Avenue located directly northeast of the subject site. A survey commissioned by the appellant for 5 Pacific Avenue, prepared by Riahi Engineering & Surveying, dated October 6, 2002, was submitted for staff review in 2002.
- F. Based on the submitted survey the Director approved a maximum building height elevation of 123.59' on the following elevations:

NW corner –  $92.35' (85.56' + 99.14'/2 = 92.35')$  – Ardmore Avenue  
SW corner –  $90.97' (84.18' + 97.77'/2 = 90.97')$  – Ardmore Avenue  
NE corner – 106.64' – Pacific Avenue  
SE corner – 100.41' – Pacific Avenue

Total:  $390.37/4 = 97.59' + 26 = 123.59'$

- G. In a letter to the appellant dated October 22, 2002, he was advised that a maximum building height for the subject property had been determined based on the Director's discretion of averaging property corner elevations particularly the NW and SW property corner elevations per Manhattan Beach Municipal Code Section 10.60.050 (C)(2). The Director's decision to average the SW property corners with the top of slope elevations provides height elevation points consistent with maximum building height in the surrounding area and minimizes impacts to adjoining properties. This height determination is consistent with the methodology that was used for the adjoining properties to the south at 505 Pacific Avenue and many other properties along Ardmore Avenue.
- H. Municipal Code Section 10.60.050 (C) (2) of the Zoning Code establishes the methodology for determining maximum building height. This section provides that building height is determined by adding an applicable development standard (e.g. 26 feet) to the average property elevation of four property corners. The Code further states:  

"The Community Development Director may administratively approve measuring the "local grade" to an existing or planned building that is adjacent to a street where street grading occurred which lowered the street, affecting the elevation of the street property. The intent of this exception is to accommodate situations which exist, such as, property along Ardmore Avenue.
- I. City right-of-way records show that street improvements had occurred in 1933 and 1934 which lowered the grade at the curb line an average of 2 feet along the 500 block of Ardmore Avenue. Furthermore, staff has extrapolated that along the westerly property line of the subject property the average grade was lowered approximately 6.5 feet. This is clear evidence that substantial street grading occurred which lowered the street affecting the elevations of the NW and SW property corners of the subject site. Therefore, averaging the corners is consistent with the exception allowed by Manhattan Beach Municipal Code Section 10.60.050 (C) (2).
- J. This matter is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines sections 15302, 15303 and 15332 and will not have a significant impact on the environment.

SECTION 2. Based on the foregoing findings the City Council of the City of Manhattan Beach hereby DENIES the subject appeal of an administrative decision.

17

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this such decision or to determine the reasonableness, legality or validity of any condition attached to this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

SECTION 4. This resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of October, 2006.

Ayes:  
Noes:  
Absent:  
Abstain:

/s/  
\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

/s/  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM.

By   
\_\_\_\_\_  
City Attorney

06/10/17.17

**DRAFT      CITY OF MANHATTAN BEACH      DRAFT**  
**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION**  
**SEPTEMBER 13, 2006**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, September 13, 2006, at 6:35p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4  
5 ~~**ROLL CALL**~~

6  
7 Chairman Schlager called the meeting to order.

8  
9 Members Present:            Bohner\*; Lesser, Powell, Chairman Schlager  
10 Members Absent:            Cohen  
11 Staff:                         Richard Thompson, Director of Community Development  
12                                     Daniel Moreno, Associate Planner  
13                                     Eric Haaland, Associate Planner  
14                                     Sarah Boeschen, Recording Secretary

15  
16 \* Commissioner Bohner arrived at 6:50 p.m.

17  
18 **APPROVAL OF MINUTES**            August 9, 2006

19  
20 Commissioner Powell requested that page 2, line 39 of the August 9 minutes be revised to state:  
21 “. . . whereas the required setback is 5 feet.” “He said that his concern is that not including a  
22 requirement for open space as a condition does not meet the General Plan goal of maintaining the  
23 small town atmosphere . . .”

24  
25 A motion was MADE and SECONDED (Powell/Lesser) to **APPROVE** the minutes of August 9,  
26 2006, as amended.

27  
28 AYES:            Lesser, Powell, Chairman Schlager  
29 NOES:            None  
30 ABSENT:        Bohner, Cohen  
31 ABSTAIN:       None

32  
33 ~~**AUDIENCE PARTICIPATION**    None~~

34  
35 **BUSINESS ITEMS**

36  
37 **A.    Consideration of an Appeal of an Administrative Decision Regarding Maximum**  
38 **Building Height for a Proposed Single Family Residence at 511 Pacific Avenue**  
39

DRAFT

**EXHIBIT**  
**B**

17

## PLANNING COMMISSION MINUTES

September 13, 2006

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1 Director Thompson said that staff has received two letters from the appellant and a letter from  
2 the appellant's architect since the staff report was written, which have been provided to the  
3 Commissioners. He indicated that the appellant is requesting a continuance of the hearing.

4  
5 Commissioner Lesser commented that he is a neighbor and friend of the project architect at 511  
6 Pacific Avenue, Louie Tomaro, but he has no financial interest in the project and feels he can  
7 consider it fairly.

8  
9 Associate Planner Daniel Moreno summarized the staff report. He indicated that the appellant  
10 submitted a letter to staff in October of 2002 expressing interest in the maximum height a  
11 building can be built on the property based on a survey prepared by Riahi Engineering. He  
12 indicated that a determination was made by the director based on Code Section 10.60.050 (C) (2)  
13 to average the northwest and southwest elevations with the upper level of the slope of the  
14 property. He commented that the original building had a height elevation of 125.10, and staff  
15 determined a maximum building height elevation for the proposed project of 123.59 which was  
16 1.5 feet below the existing building height. He indicated that Pacific Avenue has historically  
17 been used both for vehicle access and as the front of the property due to the severe slope change  
18 adjacent to Ardmore Avenue. He stated that the appellant submitted a letter in November of  
19 2002 and wanted to appeal the height determination made by the director. He was advised in a  
20 letter on December 4, 2002 that the appeal request was denied because it was an advisory height  
21 determination where there was no pending project.

22  
23 Associate Planner Moreno commented that the Engineering Division has indicated that there  
24 were grade changes made to the 500 block of Ardmore Avenue in the 1930s and the 1950s which  
25 lowered the street between 2 and 8 feet. He stated that the existing structure at 529 Pacific  
26 Avenue would be higher than the proposed building at 511 Pacific Avenue, with a difference of  
27 approximately 12 feet. He indicated that staff believes that the appellant's request to further  
28 reduce the overall height of the proposed building on the subject site with no regard to the  
29 topography is not reasonable, and that the height determination encourages consistency with the  
30 application of the building height determination as it applies under the current Zoning Code to all  
31 properties adjacent to Ardmore Avenue. He indicated that staff is requesting that the appeal be  
32 denied because of the allowance in the Code to average numbers specifically for properties on  
33 Ardmore Avenue; the building has historically been allowed to be built taller than the proposed  
34 building; the existing building was 1½ feet taller than the proposed structure; and there is a 12  
35 foot difference between the existing structure at 529 Pacific Avenue and the proposed structure.  
36 He pointed out that there is no View Ordinance that applies in this case.

37  
38 **Jerry Jamgotchian**, the appellant, indicated that he has requested a continuance in order to meet  
39 with staff to further address the issue. He said that there has been a major lack of communication  
40 between him, his architect, his attorney, and staff over the last four years. He stated that they



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1 have expressed good faith by adjusting the pad elevation, and they have been unable to get a  
 2 meeting or receive the public records they have requested to substantiate the methodology for  
 3 staff's height determination. He indicated that the maximum building height for the subject  
 4 parcel that was approved by the architect in October of 2002 was 120.20 based upon the survey  
 5 provided to the City. He indicated that they offered to provide a 3 foot boost to the northwest  
 6 and southwest property corners which increased the height elevation of the property to 121.69.  
 7 He said that staff then arrived at an elevation of 123.59 based upon the averaging method. He  
 8 commented that there is no reference to averaging of grade elevations in Section 10.60.050(c)  
 9 of the Code. He indicated that the Code section allows the Director discretion to approve  
 10 measuring heights from local street grade in instances where substantial grading has occurred.  
 11 He indicated, however, that there was no substantial grading to Ardmore Avenue, and it was  
 12 actually filled rather than cut. He indicated that railroad drawings from the City show that it was  
 13 a fill and the elevation was increased rather than decreased. He stated that the intent of the  
 14 exception of the Code is to accommodate situations such as occurs on portions of Ardmore  
 15 Avenue; however the portion of the street containing the subject property does not fall under the  
 16 Code section. He reviewed his history of correspondence with the City. He commented that they  
 17 may be able to reach an agreement with staff if they could see the methodology used for the  
 18 height determination for the properties at 505, 516, and 520 Pacific Avenue; however staff has  
 19 been unwilling to meet with them. He stated that there is no mention in the Code section  
 20 regarding using averaging to reach the height determination and nothing to support the record for  
 21 substantial grading on Ardmore Avenue. He indicated that the dispute is for a difference of 3  
 22 feet, which is significant.

23  
 24 In response to a question from Commissioner Lesser, **Mr. Jamgotchian** stated that they agreed  
 25 to boost the northwest and southwest property corners to increase the height elevation from  
 26 120.20 to 121.69. He indicated that the Code section grants the Director discretion to determine  
 27 the height elevation if there is substantial grading that had an effect on the elevation of the  
 28 property line; but there has not been substantial grading on that portion of Ardmore Avenue.

29  
 30 In response to a question from Commissioner Bohner, Director Thompson stated that he prides  
 31 himself and his staff with communication with the community, and it is difficult to hear that **Mr.**  
 32 **Jamgotchian** feels staff was not willing to communicate with him. He said that staff has been  
 33 responding to faxes and phone calls from him requesting information and provided all of the  
 34 documents that were requested. He indicated that staff suggested meeting on a number of  
 35 occasions, and **Mr. Jamgotchian** did not make himself available. He indicated that it was  
 36 agreed to meet with staff to review the staff report and the materials, and instead staff received a  
 37 fax requesting a continuance. He stated that the appellant has been requesting a continuance  
 38 since the appeal was filed, and he has not brought forth any information to staff justifying the  
 39 appeal. He commented that **Mr. Jamgotchian** stated that he would be willing to accept a height  
 40 difference between the proposed structure and the structure at 529 Pacific Avenue of 10 feet

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1 rather than slightly under 12 feet as proposed.

2  
3 **Peter Alby**, a resident of the 700 block of Avenue D in Redondo Beach, representing the  
4 property owners of the subject property, said that the height of the proposed structure is 1 ½ feet  
5 lower than the existing structure, which they consider to be a compromise. He indicated that the  
6 appellant has not contacted the subject property owners during any point of the process. He said  
7 that the building would become very difficult to build if it is lowered further, and the first floor of  
8 the side facing Pacific Avenue would be underground if the natural four corners were used to  
9 determine the building elevation. He indicated that a continuance should be denied because the  
10 appeal was filed over a month ago and was set for the current hearing at the request of the  
11 appellant. He indicated that another delay would be detrimental to the property owners for  
12 beginning the project. He stated that his understanding is that the main concern of the appellant  
13 is regarding his view; however, the City does not have a view ordinance. He commented that the  
14 appeal was filed very late in the process considering that the appellant was aware of the issue in  
15 2002.

16  
17 Director Thompson pointed out that the appellant requested an appeal in 2002; however, he was  
18 not granted the right to appeal at that time because no specific project was yet proposed.

19  
20 **Susan Sweeney**, a resident of the 3200 block of The Strand, a property owner of the subject site,  
21 stated that the appellant has had his right to appeal; however, the appeal has now resulted in  
22 additional continuances and delays for the project. She indicated that they would prefer that the  
23 project be decided by the Commission at this point and appealed to the City Council if the  
24 appellant does not agree with the decision rather than being continued again by the Commission.

25  
26 In response to a question from Commissioner Bohner, Director Thompson said that staff's  
27 understanding, from the Engineering Division, is that Ardmore Avenue was graded lower. He  
28 stated that it has been the practice of the City to use the averaging method for certain properties  
29 located adjacent to Ardmore Avenue.

30  
31 In response to a question from Commissioner Lesser, Director Thompson commented that the  
32 basis for the change of the 123.59 from 120.20 was because of the points of reference used on the  
33 same engineering plans done by two engineering firms starting from different data points. He  
34 indicated that the overall height is essentially the same from both figures, and the variation is less  
35 than 1 inch. He also indicated that the proposed new structure would be 1 ½ feet lower than the  
36 previous structure on the property which has been removed.

37  
38 In response to a question from Commissioner Lesser, Director Thompson indicated that the role  
39 of the Commission in considering such an appeal is to consider whether the Code was  
40 administered correctly in the decision made by the Director.

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Commissioner Powell stated that he believes the legislative intent of the Code is to establish fairness in terms of elevation when there are multiple points in the terrain. He said that the determination of the Director for the subject site has been applied consistently with the surrounding properties. He said that he is inclined not to continue the project, as the appellant has presented the Commission with information that basically has very little substance. He said that he feels the averaging in determining the elevation is appropriate, is reasonable, and has been applied to surrounding properties. He said that he would rule to deny the appeal.

Commissioner Bohner commented that he agrees with the comments of Commissioner Powell. He stated that the Code does allow averaging of the four corners in determining elevation and allows for the discretion of the Director when there is substantial grading to lower the street. He indicated that he feels the duty of the Commission is to determine whether there is any substantial evidence to support the decision that has been made by the City. He indicated that he would not vote to overturn the decision of the City if there is sufficient information in the record to show that it was reasonable. He indicated that there were allegations made by the appellant that there was not any substantial grading done to the street; however, it appears that there is substantial evidence to support that the street was graded. He stated that he feels the Code provided the Director direction to reach the determination that was made and that the standard was followed. He said that the appeal did not set forth any basis of an argument for overturning the City's decision. He said that he would be in favor of denying the appeal.

Commissioner Lesser said that he agrees with the comments of the other Commissioners. He indicated that he is not certain what would be added by granting a continuance, and he believes there is a rational basis for staff's determination. He stated that he feels the Commissioners would be receptive to a claim that staff and the Director had not been communicative; however, such a claim by the appellant is not supported by the record. He commented that his working relationship with the development department has shown that staff does take extra effort in communicating with residents and representatives in reaching amicable conclusions to issues. He commented that he is not sure that the appellant has arrived at a methodology that he believes should be applied in determining the correct elevation for the site. He stated that the Code section allows a great deal of discretion to the Community Development Director, and he believes it has been applied appropriately and reasonably in this case. He said that he also would support denying the appellant's request.

Chairman Schlager indicated that he feels this appeal process has been continuing for far too long. He commented that with the time and energy spent by the appellant that the Commission would not receive a 49 page documents at the time of the hearing and a presentation that had no basis. He indicated that the responsibility of the Commission is to base their decisions on fact, and the facts in this case support of the City's decision. He said that he would also support

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1 denying the appeal.

2  
3 A motion was MADE and SECONDED (Bohner/Powell) to DENY an Administrative Decision  
4 Regarding Maximum Building Height for a Proposed Single Family Residence at 511 Pacific  
5 Avenue

6  
7 AYES: Bohner, Lesser, Powell, Chairman Schlager

8 NOES: None

9 ABSENT: Cohen

10 ABSTAIN: None

11  
12 Director Thompson explained the 15 day appeal process and stated that the item will be placed  
13 on the City Council's Consent Calendar for their meeting of October 3, 2006.

14  
15 ~~**PUBLIC HEARINGS**~~

16  
17 **06/0913.1 Consideration of a Use Permit to Allow the Remodel of an Existing Service**  
18 **Station to Include a Convenience Store with Beer and Wine Sales at 3633**  
19 **North Sepulveda Boulevard**

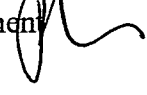
20  
21 Associate Planner Eric Haaland summarized the staff report. He stated that the proposal is to  
22 reconstruct an existing service station to include five fuel pumping stations and a 1,999 square  
23 foot building with a convenience store with beer and wine sales. He indicated that a Use Permit  
24 is required for the gasoline station and alcohol sales. He stated that the project does conform to  
25 the City's requirements for parking, height, landscaping setbacks and signs. He indicated that  
26 the proposal is in general conformance with requirements regarding traffic. He stated that the  
27 City's Traffic Engineer did not determine that the project would result in a substantial increase in  
28 traffic to warrant a traffic study. He commented that there are currently five curb cuts for the  
29 existing service station use, and two of the driveways are proposed to be combined into a single  
30 driveway to reduce the redundancy in curb cuts and improve traffic efficiency on Sepulveda  
31 Boulevard. He commented that the new configuration would also provide for improvements to  
32 an existing bus stop to allow for buses to pull out of traffic lanes. He said that the location is  
33 buffered being on the corner of Sepulveda Boulevard and Rosecrans Avenue, with a refinery  
34 across the street and adjoining commercial properties. He stated that the existing site has two  
35 large pole signs which exceed current Code requirements, and they are proposed to be removed  
36 and replaced with a monument sign.


37  
38 In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that  
39 the applicant has proposed hours permitted for the sale of alcohol between 6:00 a.m. and 1:00  
40 a.m. which matches the entitlement of the existing Use Permit. He commented that 1:00 a.m.

09/10/07. 7

**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Planning Commission

**THROUGH:** Richard Thompson, Director of Community Development 

**FROM:** Daniel A. Moreno, Associate Planner 

**DATE:** September 13, 2006

**SUBJECT:** Appeal of an Administrative Decision Regarding Maximum Building Height for a Proposed Single-Family Residence at 511 Pacific Avenue

**RECOMMENDATION**

Staff recommends that the Planning Commission **DENY** the subject appeal.

**APPLICANT**

Jerry Jamgotchian  
P.O. Box 1810  
Manhattan Beach, Ca. 90266

**BACKGROUND**

The subject property is an east/west through lot that is bordered by Pacific Avenue to the east and Ardmore Avenue to the west. Historically, Pacific Avenue has been used both for vehicle access and as the front of the property due the severe slope change on Ardmore Avenue. City records show that the original 1,066 square foot single family residence was built in 1948 and located on the higher portion of the lot. City records also show that a 575 square foot second story addition was approved in 1980.

On October 10, 2002 staff received a letter from Jerry Jamgotchian requesting information regarding the maximum permitted building height for the subject property. Mr. Jamgotchian, who owns the two properties to the north at 529 Pacific Avenue (see attached Vicinity Map, Exhibit A) abutting the subject site, was concerned about the potential height of the proposed building at the subject site as he prepared to build on his property. A survey commissioned by Mr. Jamgotchian for the 511 Pacific Avenue property (see attached survey dated 10/6/02, Riahi Engineering & Surveying, Exhibit B) was submitted for staffs review in 2002.

In a letter to Mr. Jamgotchian dated October 10, 2002 (attached, Exhibit C) he was advised that building height in the City of Manhattan Beach is utmost concern and the City diligently implements a system to ensure that building heights are appropriate and accurate. In this letter he was advised that a maximum building height for the subject property had been determined based on the Director's discretion of averaging property corner elevations particularly the N/W and S/W property corner elevations (adjacent to



Ardmore Avenue) per Manhattan Beach Municipal Code Section 10.60.050 (D). Furthermore, the decision that established the height of building was based on the existing conditions of the site as a severe slope occurs at the rear setback area adjacent to Ardmore Avenue. The Director's decision to average the N/W and S/W property corners with the existing top of slope elevations provides height elevation points consistent with maximum building height in the surrounding area and minimizes impacts to adjoining properties. Additionally, this same height determination is consistent with the methodology that was used for the adjoining property to the south at 505 Pacific Avenue and many other properties along Ardmore Avenue. The Director approved a maximum building height elevation of 123.59' based on the following elevations:

- N/W corner -  $92.35' (85.56' + 99.14'/2 = 92.35')$  – Ardmore Avenue
- S/W corner -  $90.97' (84.18' + 97.77'/2 = 90.97')$  – Ardmore Avenue
- N/E corner - 106.64' – Pacific Avenue
- S/E corner - 100.41' – Pacific Avenue

Total  $390.37'/4 = 97.59' + 26 = 123.59'$

On November 29, 2002 staff received a letter from Mr. Jamgotchian which indicated his desire to appeal staffs height determination of 123.59' because he asserted that it would have an adverse impact on his adjoining property. In a letter to Mr. Jamgotchian dated December 4, 2002 (attached, Exhibit D), he was advised that an appeal request was denied as his request was for an advisory or hypothetical height determination where there was no pending project.

On June 16, 2006, plans were submitted for the demolition of the existing two-story single family residence and construction of a new two-story plus basement single family residence at 511 Pacific Avenue. Accompanying this application was a new survey commissioned by the applicant prepared by Denn Engineers (copy attached, Exhibit E). Shortly after the application was filed, the appellant inquired about the height of building based on this newly submitted survey and he was advised that the survey elevations shown are consistent with the survey he submitted in 2002 (different survey company with different base elevations), and therefore did not change the maximum building height determination that was established in 2002.

On August, 8, 2006, an appeal application was filed challenging the Director's height determination. Staff has asked the applicant to provide additional justification for the appeal. Staff has explained on several occasions that the height determination is documented in the letter dated October 22, 2002. This letter cites the code section that the Director relied upon in rendering his decision and the reasons for supporting it. Furthermore, staff provided the appellant information that he had requested for his attorney and architect.

**DISCUSSION**

Section 10.60.050 (D) of the Zoning Code establishes the methodology for determining maximum building height. This section provides that building height is determined by adding an applicable development standard (e.g. 26 feet) to the average property elevations at the four property corners. The Code further states:

*“The Community Development Director may administratively approve measuring height from “local grade” to an existing or planned building that is adjacent to a street where substantial grading occurred which lowered the street, affecting the elevation of the street property line. The intent of this exception is to accommodate situations which exist, such as, on portions of Ardmore Avenue.”*

Municipal Code 10.60.050 (D) allows the Director to administratively approve alternative height elevations that are adjacent to a street where substantial grading occurred. When this portion of the Code was adopted in 1993, the intent of this exception was to accommodate situations which exist, such as portions of Ardmore Avenue, which in several areas have been substantially graded. It is the standard practice of City staff, when examining the elevations of property corners, to review the identified property corners in relation to the surrounding elevations. It is not standard for the property corners to be discounted altogether. In situations where there is evidence that existing grade has been lowered at the property corners, alternative reference elevations are warranted. When substantial grading has occurred which affects the elevations of the street, staff considers averaging the property corners elevation.

In order to confirm that street grading had occurred on Ardmore Avenue, Staff contacted the City’s Engineering Division to obtain historic information of the street improvements on Ardmore Avenue. City right-of-way records show that street improvements had occurred in 1933 and 1954 which lowered the grade between 4 – 8 feet along the 500 block of Ardmore Avenue. This is clear evidence that substantial grading occurred which lowered the street affecting the elevations of the N/W and S/W property corners. Therefore, averaging the corners is consistent with the exception allowed under Code Section 10.60.050 (D) to accommodate situations which exist such as this area of Ardmore Avenue.

***Height Comparison***

When the appellant bought the two properties at 529 Pacific Avenue and merged them for development of a single family residence this raised the N/W and N/E property corners providing an increase in maximum building height for the property at 529 Pacific Avenue. As a result this building was able to gain an additional 1'-10" in building height.

Because the appellant’s primary concern is the impact the proposed building would have on his property, staff requested that the project architect provide a height comparison which illustrates the difference between the two buildings. This plan (attached Exhibit F) shows that the proposed building on the subject site would be approximately 12 feet below the appellant’s existing house.

At tonight's meeting staff will graphically illustrate the averaging of the property corners and a comparison of height differential of both properties.

**CONCLUSION**

Staff's decision to allow the maximum building height of 123.59' for the subject site is in accordance with MBMC Section 10.60.050 (D) and was based on the existing site conditions. The Director's decision to average the N/W and S/W property corners with the existing top of slope elevations provides height elevation points consistent with the maximum building height in the surrounding area and minimizes impacts to adjoining properties, particularly to the property located at 529 Pacific Avenue.

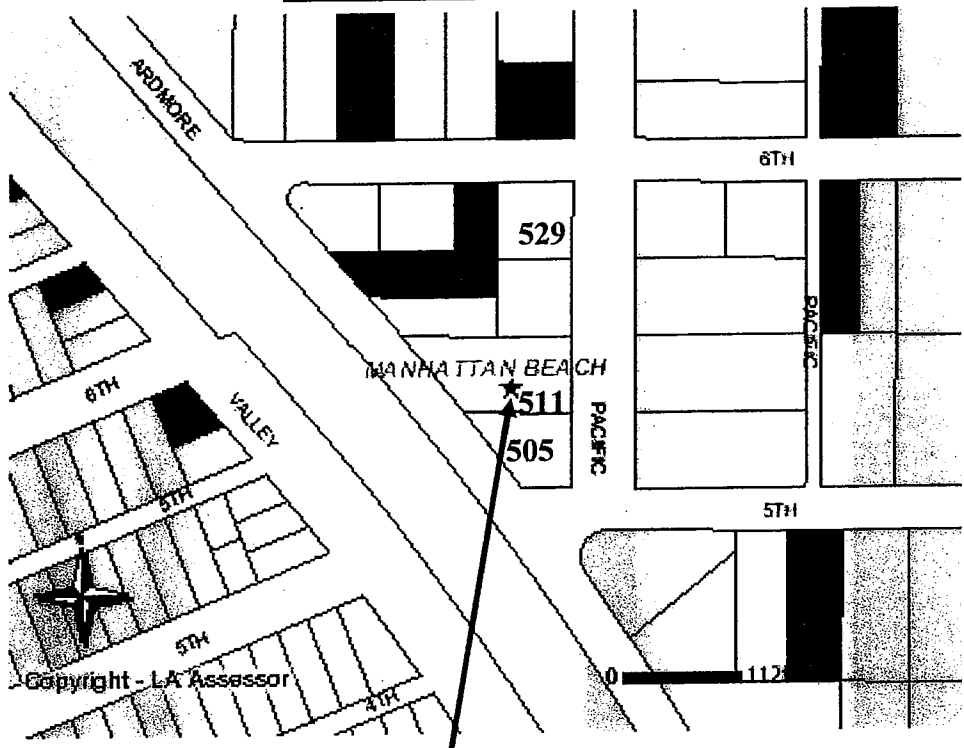
Staff believes that the appellants' request to further reduce the overall height of building for the subject site with no regards to the topography of the site is unreasonable. Furthermore, the height determination encourages consistency with the application of the building height determination as it applies under the current Zoning Code to all properties along Ardmore Avenue.

**Attachments:**

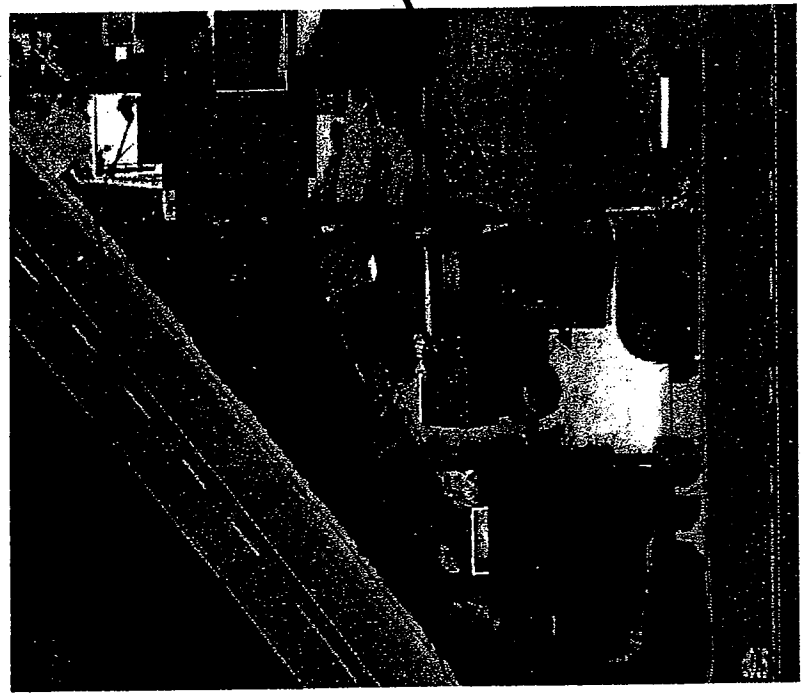
- Exhibit A – Vicinity Map (available electronically)
- Exhibit B – Riahi Engineering & Surveying survey, dated 10/6/02
- Exhibit C – Letter to Mr. Jamgotchian, dated 10/22/02 (available electronically)
- Exhibit D – Letter to Mr. Jamgotchian, dated 12/4/02 (available electronically)
- Exhibit E – Denn Engineers survey, dated 8/16/05
- Exhibit F – Height Comparison plan – Tomaro Architecture
- Exhibit G – Appeal Application, dated 8/8/06 (available electronically)



# Vicinity Map



## 511 Pacific Avenue





October 22, 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, Ca. 90266

Re: Maximum Height Determination for the Property Located at 511 Pacific Avenue

Dear Mr. Jamgotchian:

The Community Development Department has received your letter, dated October 10, 2002, regarding height determination for the subject property. Building height in the City of Manhattan Beach is of utmost concern and the City diligently implements a system to ensure that building height is appropriate and accurate.

Manhattan Beach Municipal Code Section 10.60.050 of the Zoning Code establishes the methodology for determining maximum building height. This section provides that height is determined by adding an applicable development standard (e.g. 26 feet) to the average property elevation at the four lot corners. The Code further states:

*"The Community Development Director may administratively approve measuring height from local grade adjacent to an existing or planned building that is adjacent to a street where substantial grading occurred which lowered the street, affecting the elevation of the street property line. The intent of this exception is to accommodate situations which exist, such as, on portions of Ardmere Avenue."*

To determine compliance an updated survey must be submitted with the required information. You submitted a survey, dated October 6, 2002, for staff review. Based on this information, a determination has been made that the lot reference elevations used to determine maximum height shall be as follows:

NE 106.64, SE 100.41, NW 92.35 ( $85.56 + 99.14/2 = 92.35$ ), SW 90.97 ( $84.18 + 97.77/2 = 90.97$ ):  
resulting in a maximum height elevation of 123.59.

This decision is based on the existing conditions at the site. Because a severe slope of property occurs at the rear setback area adjacent to Ardmere Avenue, averaging of the NW and SW property corners with existing top of slope elevations provides height elevation points that provides a degree of consistency in the maximum building height and minimizes impacts to adjoining properties. The maximum height determination is consistent with the methodology that was used for the adjacent property at 505 Pacific Avenue. This property received approval for a second addition on June 13, 2001 (permit # 01-02599).

In accordance with Section 10.100.030, this decision may be appealed to the Planning Commission within 15 days. A written request for an appeal with the appropriate filing fee must be received no later than November 6, 2002, and accompanied by reason as to why the above reference height determination is not appropriate.

Should you have any questions, please contact Associate Planner Daniel A. Moreno at (310) 802-5516.

Sincerely,

Richard Thompson  
Director of Community Development



City Hall 2400 Highland Avenue Manhattan Beach, CA 90266-4795  
Telephone (310) 802-5000 FAX (310) 802-5001 TDD (310) 846-3501

December 4, 2002

Jerry Jamgotchian  
1768 Ruhland Ave. ✓  
Manhattan Beach, 90266

Re: Request To Appeal Height Determination

Dear Mr. Jamgotchian,

This letter is in response to your letter of November 29, 2002 in which you indicate your desire to appeal a height determination which was made at your request. You assert in your letter that a height of 123.59 would have an adverse impact on adjacent properties. As the applicant you would be free to build to a lower height than what is legally permitted to avoid such impacts. Thus, it would appear that as an applicant you lack standing to appeal since the decision is not adverse to your interests and as an adjacent property owner you lack standing to appeal as the only pending applicant is yourself and as the applicant you have the power to mitigate any impacts your project would have on your own property. Thus an appeal would serve no practical purpose as there is no aggrieved individual and would be a waste of City resources. It is our policy not to permit appeals in such circumstances.

In all candor we sense that what you are really requesting is an advisory or hypothetical height determination where there is actually no pending project and that this determination would be used to limit any future project proposed by the property owner. As indicated above this is an inappropriate use of the City's appeal process which is intended to be used to resolve genuine pending disputes between adverse parties. For this reason and those stated above your request for an appeal is denied. This denial is without prejudice to appeal any future height determination requested by a potential developer of the property other than yourself.

**EXHIBIT**

Sincerely,

  
Richard Thompson,  
Director of Community Development

cc: Robert V. Wadden, Jr., City Attorney

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us> or <http://www.citymb.info>



# MASTER APPLICATION FORM 17

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

**Office Use Only**  
Date Submitted: 8/8/06  
Received By: AD  
F&G Check Submitted: N/A

511 Pacific Ave, M.B., Ca.

Project Address

469-090-19

Legal Description

General Plan Designation

Zoning Designation

Area District

For projects requiring a Coastal Development Permit, select one of the following determinations:

- Project located in Appeal Jurisdiction
- Major Development (Public Hearing Required)
  - Minor Development (Public Hearing Requested)

- Project not located in Appeal Jurisdiction
- Public Hearing Required (due to UP, Var., etc.)
  - No Public Hearing Required

Submitted applications check all that apply

- Appeal to PCA/PWC/DB/UC
- Coastal Development Permit
- Environmental Assessment
- Minor Exception
- Subdivision (Map Deposit) 4300
- Subdivision (Tentative Map)
- Subdivision (Final)
- Subdivision (Lot Line Adjustment)
- Use Permit (Residential)
- Use Permit (Commercial)
- Use Permit Amendment
- Variance
- Public Notification Fee
- Park/Rec Quimby Fee 4425
- Other \* \$465

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes \_\_\_ No \_\_\_ Date: \_\_\_ Fee: \_\_\_

Amount Due: \$ 465.00 (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: \_\_\_ Date Paid: \_\_\_ Cashier: \_\_\_

### Applicant(s)/Appellant(s) Information

Name Jerry Jamgotchian

Mailing Address P.O. BOX 1810 M.B., Ca 90267 (310-408-5806)

Applicant(s)/Appellant(s) Relationship to Property Neighbor @ 529 Pacific Ave, MB, Ca 90267

Contact Person (include relation to applicant/appellant)

Address, and Phone Number

Applicant(s)/Appellant(s) Signature

Fax Number and e-mail address

**EXHIBIT**

Complete Project Description- including any demolition (attach additional pages if necessary)

\* SFR in plan check (06-02574) - MAXIMUM Building Height Challenge due to violation of MB Code Section 10.60.050 -

PAID AUG 08 2006 CASHIER: J

An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

# OWNER'S AFFIDAVIT

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I, Jerry Jamgotchian being duly sworn, depose and say that I ~~am~~ are the owner of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

Jerry JAMGOTCHIAN

Print Name

P.O. Box 1810 M, B, Ca. 90267

Mailing Address

310-408-5806

Telephone



Subscribed and sworn to before me, this 19th day of July, 2006

in and for the County of Los Angeles

State of California

Notary Public Kam Machado

Kam Machado

## Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply - refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment in January of each year.

### Submitted Application (circle applicable fees, apply total to Fee Summary on application)

#### Coastal Development Permit

- Filing Fee (public hearing - no other discretionary approval required): \$ 1,824 ☒
- Filing Fee (public hearing - other discretionary approvals required): \$ 124 ☒
- Filing Fee (no public hearing required): \$ 124

#### Use Permit (Master)

- Residential Filing Fee: \$ 2,420 ☒
- Commercial Filing Fee: \$ 3,005 ☒
- Amendment Filing Fee: \$ 1,209 ☒

#### Variance

- Filing Fee: \$ 3,005 ☒

#### Minor Exception

- Filing Fee: \$ 966 ☒

#### Subdivision

- Tentative Parcel/Tract Map Filing Fee: \$ 585 ☒
- Final Parcel Map/Tract Map Filing Fee: \$ 585
- Mapping Deposit: \$ 473
- Quimby Parks and Recreation Fee (new lot/unit): \$ 1,817
- Certificate of Compliance Filing Fee: \$ 564.50

#### Environmental Review (contact Planning Division for applicable fee)

- Environmental Assessment: \$ 124
- Environmental Assessment (if Initial Study is prepared): \$ 1,557
- Fish and Game County Clerk Fee<sup>2</sup>: \$ 25



Public Notification Fee applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

<sup>2</sup> Make \$25 check payable to LA County Clerk, (do not put date on check).

06/10/17.17



1768 Ruhland Ave. Manhattan Beach, CA 90266-7132  
310 374-3567 - FAX 310 374-8840

August 19, 2002

Via Fax: 310-802-5501  
Mr. Richard Thompson, Community Development Director  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, CA 90266

Dear Richard:

On August 12<sup>th</sup>, Steve Wilson of Tomaro Architecture met with Daniel Moreno and Rosemary Lackow, to discuss a building corner issue for a parcel located at 511 Pacific Ave., APN 4169-09-19. (See Exhibit "A") In order to clarify their discussion further in my mind, I would appreciate your direction and response to the following questions:

- 1) How will the NW and SW property line corners (herein "corners") of the referenced parcel be determined? Will the corner elevations be based upon their "existing" Ardmore elevations or through some sort of "averaging method"? If by averaging, please explain the averaging process in greater detail and provide me with the relevant City Code Sections relating to the averaging process.
- 2) What was the depth of Ardmore's street cut at the referenced parcel, if any?
- 3) What will the front and backyard setback requirement be for a "through lot", if this residence is expanded or demolished?
- 4) Is the current height of the existing two-story (recently expanded) residence located on the referenced parcel in excess of the allowable building height, based upon the new Height Ordinance?

Please feel free to call me with any questions and I await your response. Thank you.

Sincerely,

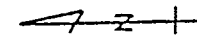
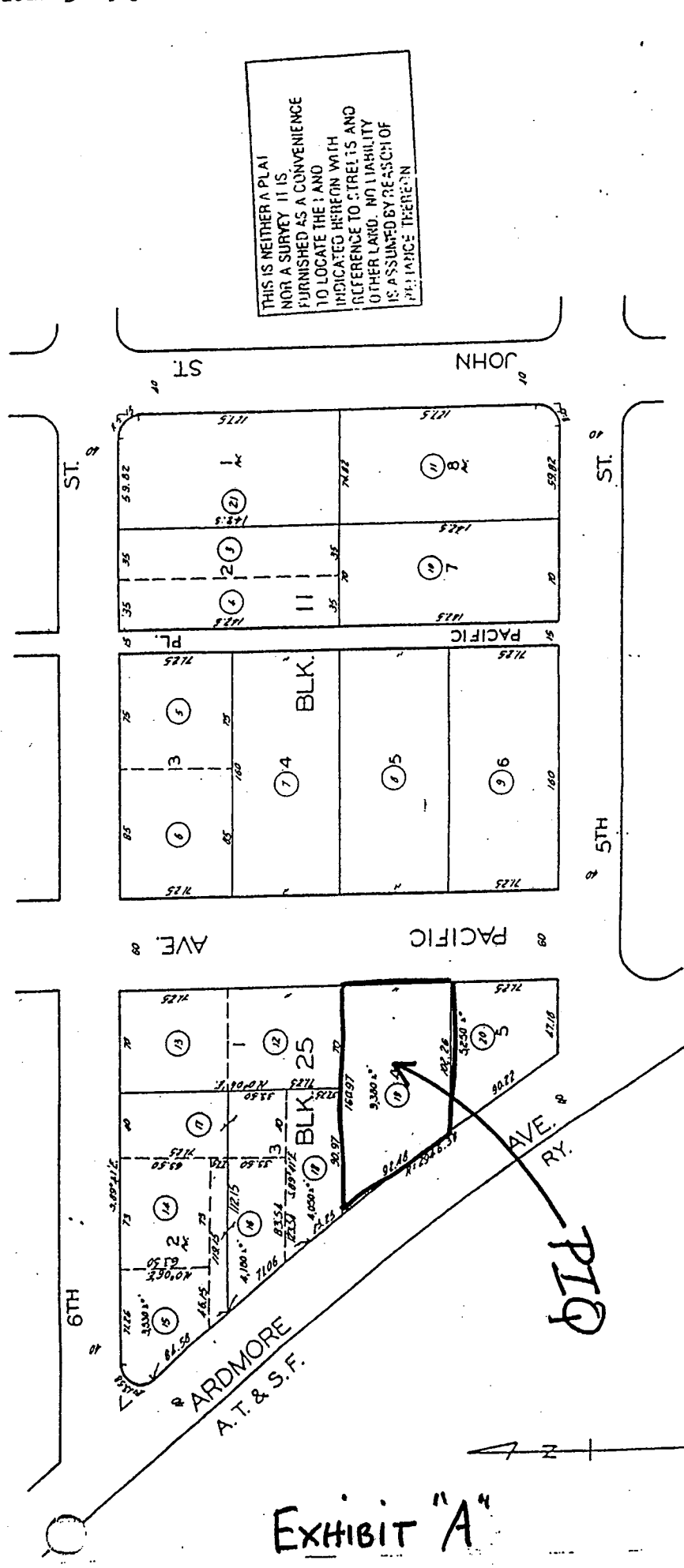
Jerry Jamgotchian

Cc: Louie Tomaro, AIA  
Mike Davis



4169 9  
SCALE 1" = 60'

THIS IS NEITHER A PLAN  
NOR A SURVEY. IT IS  
FURNISHED AS A CONVENIENCE  
TO LOCATE THE LOTS AND  
INDICATED HEREON WITH  
REFERENCE TO STREETS AND  
OTHER LAND. NO LIABILITY  
IS ASSUMED BY REASON OF  
NEGLIGENCE THEREIN.



CODE  
6174

TRACT NO. 3393  
M.B. 40-28

FOR PREY. ASSMNT. SEE: 359-26 & 28

ASSY'S MAP  
COUNTY OF  
SANTA BARBARA, CALIF.

EXHIBIT "A"



October 9, 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, CA 90266


Re: Height Calculation  
511 Pacific Avenue, Manhattan Beach

Dear Jerry:

I have calculated the height limit for the above referenced project and found it to be 120.20'. Based on my calculations, I believe the survey provided to us by John Riahi dated October 6, 2002, is accurate.

If you have any questions, please contact me at (310) 318-8089.

Sincerely,



Louie M. Tomaro, A. I. A.  
Tomaro Architecture, Incorporated

LMT/atm

Enclosure

**TOMARO**  
ARCHITECTURE  
INCORPORATED

▪ Architecture

▪ Planning

▪ Landscape  
Design

▪ Construction  
Administration

1001 Sixth Street  
Suite No. 100

Manhattan Beach,  
California 90266

Tel: 310.318.8089

Fax: 310.318.9400

www.Tomaro.com

C:\mydocuments\word\letters\jamgotchian\riahisurvey.doc



1768 Ruhland Ave. Manhattan Beach, CA 90266-7132  
310 374-3567 FAX 310 374-8840

October 10, 2002

Certified Mail #7000 0520 0018 0788 3139  
Mr. Richard Thompson, Community Development Director  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, CA 90266

Dear Richard:

Pursuant to my August 19, 2002 letter and subsequent direction, please find enclosed a Survey Map (completed by John Riahi, R.C.E.) dated October 6, 2002 for the property located at 511 Pacific Ave., Manhattan Beach, CA - APN 4169-09-19. (See Exhibit "A")

I am providing this Survey Map to help you determine the Maximum Building Height (herein "MBH") allowable on this parcel if a new residential structure is erected thereon. After doing extensive due diligence and closely reviewing all relevant Manhattan Beach Municipal Code provisions, including but not limited to Section 10.60.050 (Measurement of Height), I have determined that the MBH for this parcel should not exceed 120.20 feet.

Additionally, Mike Davis, John Riahi and Louie Tomaro (See Exhibit "B") all have confirmed and accept this 120.20' MBH elevation and have also closely reviewed the "Plan and Profile of Ardmore Avenue" dated February 2, 1954. This Plan was provided to me by Ken Kim of the Manhattan Beach Public Works Department and was quite helpful in determining that the former Ardmore Avenue elevations have changed very little, if at all, prior to reconstruction of Ardmore Avenue.

Therefore, please review and confirm, on or before October 16, 2002, your agreement that the MBH for this parcel should not exceed 120.20', as I need this information and direction to make future real property based decisions. Thank you for your review of this information Richard, and please call me with any questions. Thank you.

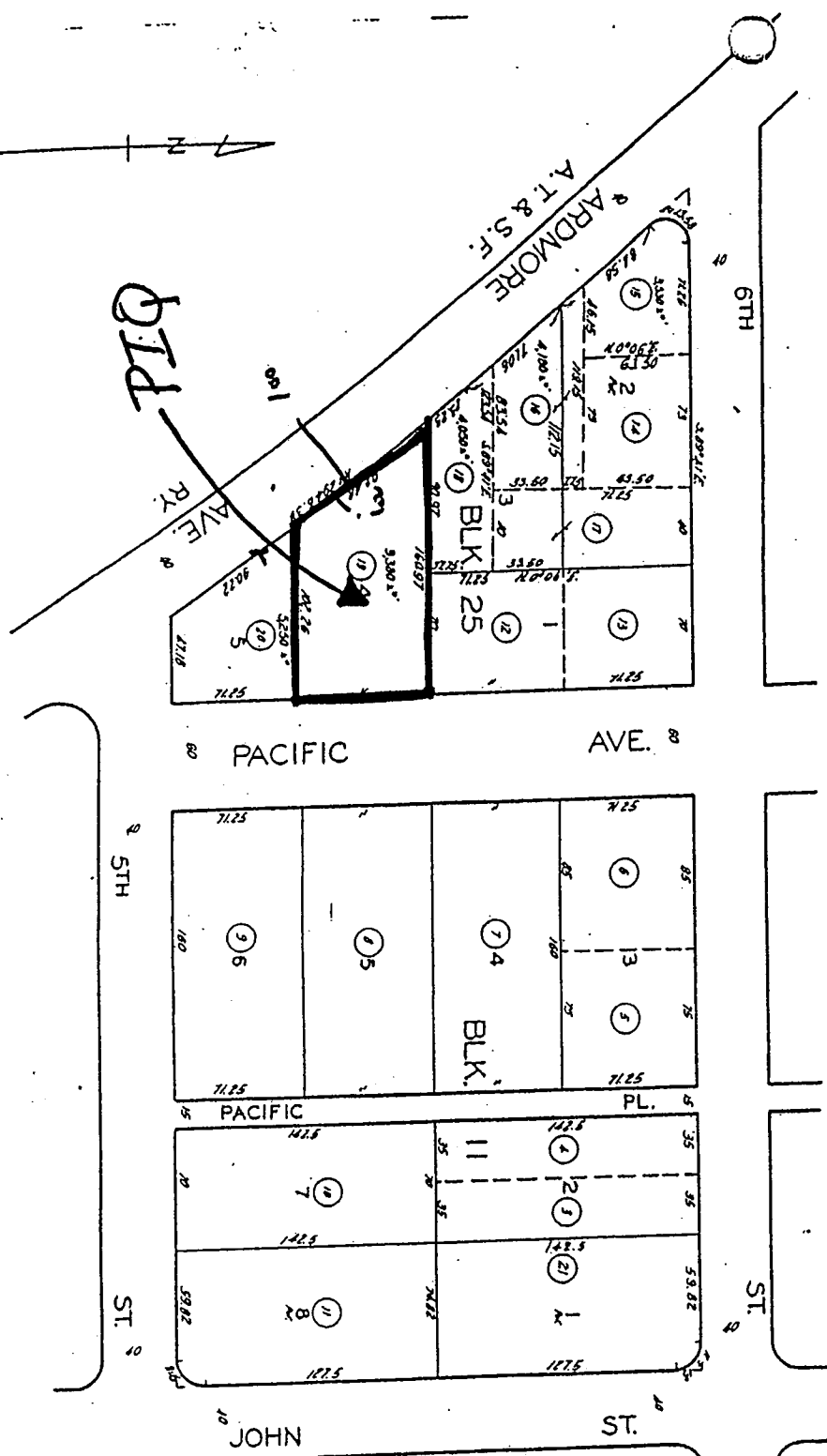
Sincerely,

Jerry Jarogochian

Cc: Louie Tomaro, AIA      Mike Davis      Daniel Moreno, Associate Planner  
Carol Jacobson, C.B.O.      John Riahi, R.C.E.      Dan Jordan

CODE  
 6174

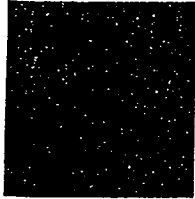
FOR PREV. ASSM'T. SEE: 359-26 & 28



TRACT NO. 3393  
 M.B. 40-28

THIS IS NEITHER A PLAT  
 NOR A SURVEY. IT IS  
 FURNISHED AS A CONVENIENCE  
 TO LOCATE THE LAND  
 INDICATED HEREON WITH  
 REFERENCE TO STREETS AND  
 OTHER LAND. NO LIABILITY  
 IS ASSUMED BY REASCH OF  
 PALMANCE THEREON

**EXHIBIT "A"**



TOMARO  
ARCHITECTURE  
INCORPORATED

▪ Architecture

▪ Planning

▪ Landscape  
Design

▪ Construction  
Administration

1001 Sixth Street  
Suite No. 100

Manhattan Beach,  
California 90266

Tel: 310.318.8089

Fax: 310.318.9400

www.Tomaro.com

October 9, 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, CA 90266

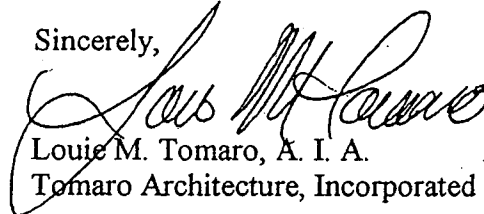
Re: Height Calculation  
511 Pacific Avenue, Manhattan Beach

Dear Jerry:

I have calculated the height limit for the above referenced project and found it to be 120.20'. Based on my calculations, I believe the survey provided to us by John Riahi dated October 6, 2002, is accurate.

If you have any questions, please contact me at (310) 318-8089.

Sincerely,



Louie M. Tomaro, A. I. A.  
Tomaro Architecture, Incorporated

LMT/atm

Enclosure

C:\mydocuments\word\letters\jamgotchian\riahisurvey.doc



1768 Ruhland Ave. Manhattan Beach, CA 90266-7132  
310 374-3567 - FAX 310 374-8840

October 10, 2002

Via Fax: 310-802-5001  
Mr. Richard Thompson, Community Development Director  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: Maximum Height Determination for the Property located at 511 Pacific Avenue

Dear Richard:

Enclosed, please find some information that I ask you to consider in finally establishing a Maximum Building Height (MBH) elevation for the above referenced parcel.

To quickly summarize my discussion with Dan Moreno, I fully understand the various factors that Dan used to prepare the October 22, 2002 preliminary determination. The only real issue that concerned me in our discussion was the "eight (8') foot Estimated Ardmore Cut Amount" that he referenced at the Northwest (NW) and Southwest (SW) property corners. As indicated, Ish (MB Public Works Dept.) later confirmed to me that the Actual Ardmore Cut Amount at the NW and SW property corners of this parcel was not 8', but actually only 2' - 3'. He and I both closely reviewed the "Plan and Profile of Ardmore Avenue" (herein "Profile") dated February 2, 1954, and this Profile clearly supports Ish's Actual Ardmore Cut Amount determination, especially when you review segment 16 & 17 of the Profile. (See Exhibit "A")

Additionally, Mike Davis, John Riahi and Louie Tomaro all have reviewed and confirm the Actual Ardmore Cut Amount of 2' - 3', as identified in the Profile that was provided to me by Ken Kim of the Manhattan Beach Public Works Department.

Therefore, to minimize any adverse impact on adjoining properties in this area and to accurately reflect the Actual Ardmore Cut Amount, we believe that the MBH of this parcel should be increased from our original MBH request of 120.20 to 121.69, based upon the Established Natural Grade located at the four property corners of this parcel (which includes a 2-3' Ardmore Cut Credit), as referenced below:

NE: 106.64 (No Change)      SW: 87.18 (84.18 + 3' of Actual Ardmore Cut)  
SE: 100.41 (No Change)      NW: 88.56 (85.56 + 3' of Actual Ardmore Cut)

After you, Dan and members of your staff have had a chance to review the information submitted herein, I am hopeful that you will certify the MBH of 121.69 for this parcel. Also, since my right to file a Written Appeal Request is due on or before November 6, 2002, please provide me your response on or before October 30, 2002. Thank you for your review/consideration and please call me with any questions.

Sincerely,

  
Jerry Jangschian

Cc: Louie Tomaro, AIA      Mike Davis      Daniel Moreno, Associate Planner  
Carol Jacobson, C.B.O.      John Riahi, R.C.E      Dan Jordan

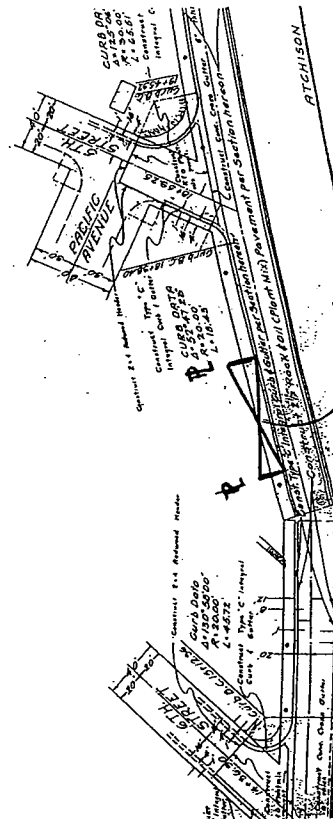
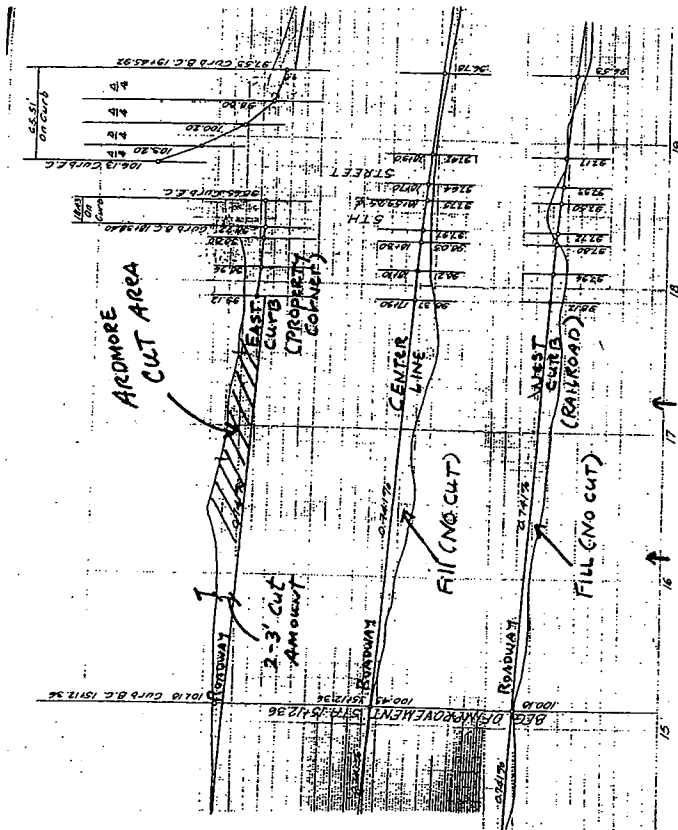


EXHIBIT "A"



City Hall

1400 Highland Avenue

Manhattan Beach, CA 90266-4795

Telephone (310) 802-5000

FAX (310) 802-5001

TDD (310) 546-3501

October 22, 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, Ca. 90266

Re: Maximum Height Determination for the Property Located at 511 Pacific Avenue

Dear Mr. Jamgotchian:

The Community Development Department has received your letter, dated October 10, 2002, regarding height determination for the subject property. Building height in the City of Manhattan Beach is of utmost concern and the City diligently implements a system to ensure that building height is appropriate and accurate.

Manhattan Beach Municipal Code Section 10.60.050 of the Zoning Code establishes the methodology for determining maximum building height. This section provides that height is determined by adding an applicable development standard (e.g. 26 feet) to the average property elevation at the four lot corners. The Code further states:

*"The Community Development Director may administratively approve measuring height from local grade adjacent to an existing or planned building that is adjacent to a street where substantial grading occurred which lowered the street, affecting the elevation of the street property line. The intent of this exception is to accommodate situations which exist, such as, on portions of Ardmore Avenue."*

To determine compliance an updated survey must be submitted with the required information. You submitted a survey, dated October 6, 2002, for staff review. Based on this information, a determination has been made that the lot reference elevations used to determine maximum height shall be as follows:

NE 106.64, SE 100.41, NW 92.35 ( $85.56 + 99.14/2 = 92.35$ ), SW 90.97 ( $84.18 + 97.77/2 = 90.97$ ); resulting in a maximum height elevation of 123.59.

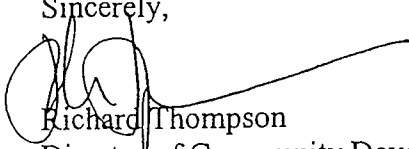
This decision is based on the existing conditions at the site. Because a severe slope of property occurs at the rear setback area adjacent to Ardmore Avenue, averaging of the NW and SW property corners with existing top of slope elevations provides height elevation points that provides a degree of consistency in the maximum building height and minimizes impacts to adjoining properties. The maximum height determination is consistent with the methodology that was used for the adjacent property at 505 Pacific Avenue. This property received approval for a second addition on June 13, 2001 (permit # 01-02599).

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us> or <http://www.citymb.info>

In accordance with Section 10.100.030, this decision may be appealed to the Planning Commission within 15 days. A written request for an appeal with the appropriate filing fee must be received no later than November 6, 2002, and accompanied by reason as to why the above reference height determination is not appropriate.

Should you have any questions, please contact Associate Planner Daniel A. Moreno at (310) 802-5516.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Thompson', with a long horizontal flourish extending to the right.

Richard Thompson  
Director of Community Development





1768 Ruhland Ave. Manhattan Beach, CA 90266-7132  
310 374-3567 - FAX 310 374-8840

November 6, 2002

Via Fax: 310-802-5001  
Mr. Richard Thompson, Community Development Director  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: Maximum Height Determination ("MBH") for the Property located at 511 Pacific Avenue

Dear Richard:

Thank you for meeting with me today to discuss the above referenced matter. I believe that all of us understand the many important factors involved and I trust that you will render a final decision that minimizes adverse impacts on adjoining properties and maintains consistency with adjacent properties.

After once again considering all factors discussed in our meeting; the Ardmore Avenue Road Profile Plan and yet another quick review of all relevant MBMC Sections, I still strongly believe that the MBH for this parcel should not exceed 120.20, based upon the Established Natural Grade located at the four (4) property corners of this parcel. (See my letter dated October 10, 2002) My proposed MBH does *not* include the three (3') foot "property corner boosting" of the NW and SW property corners along Ardmore Avenue that we discussed. I personally believe that artificially boosting any property corner based upon "prior site grading work done to form a man-made slope" should not be considered or *averaged* when you are establishing property corners at a pre-determined and Established Natural Grade. Further, boosting these property corners might also create potential planning problems for you in future MBH determinations because "boosting" creates a new gray area, where one currently does not exist. Therefore, I am hopeful that you will certify a MBH of 120.20 for this parcel or, in the alternative, set the MBH at 121.69, based upon the 3' boosting associated with Ardmore Avenue conditions, as set forth in MBMC 10.60.050.

Finally, since you have verbally agreed to extend my right to file a Written Appeal Request to a "future appeal deadline date to be determined", please provide me with your MBH decision as soon as possible along with a specific appeal deadline date. Thank you for your review and consideration Richard. Please contact me with any questions on my cell phone at 310-408-5806.

Sincerely,

Jerry Jamgotchian

Cc. Louie Tomaro, AIA

Mike Davis

Daniel Moreno, Associate Planner



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

November 15, 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, Ca. 90266

Re: Building Height Limit for the Residential Property at 511 Pacific Avenue.

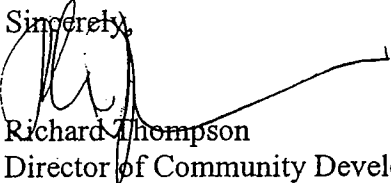
Dear Mr. Jamgotchian:

The Community Development Department has carefully reviewed the additional material provided by you regarding height determination for the subject property. Staff has determined, based on information provided, that you can built to the height limit as you propose which is within the height limit restriction for the single family zoned property located in Area District I.

Based on your desire to restriction the building height to a 120.20' elevation, there is no dispute with the City and therefore no grounds for appeal.

Should you have any questions, or need further clarification, please contact Daniel A. Moreno at (310) 802-5516.

Sincerely,

  
Richard Thompson  
Director of Community Development



1768 Ruhland Ave. Manhattan Beach, CA 90266-7132  
310 374-3567 - FAX 310 374-8840

November 18, 2002

Via Fax: 310-802-5001  
Mr. Richard Thompson, Community Development Director  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, CA 90266

**Re: Maximum Height Determination ("MBH") for  
Property located at 511 Pacific Avenue**

Dear Richard:

It's been nearly two (2) weeks since we met and I was hoping that you would have already determined the MBH for the above referenced property.

Would you please provide me with your MBH determination because I need this information to make future real estate related decisions.

Thank you for your review/consideration Richard and please contact me with any questions on my cell phone at 310-408-5806.

Sincerely,



Jerry Jamgotchian

Cc: Daniel Moreno, Associate Planner



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

November 15, 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, Ca. 90266

Re: Building Height Limit for the Residential Property at 511 Pacific Avenue.


Dear Mr. Jamgotchian:

The Community Development Department has carefully reviewed the additional material provided by you regarding height determination for the subject property. Staff has determined, based on information provided, that you can built to the height limit as you propose which is within the height limit restriction for the single family zoned property located in Area District I.

Based on your desire to restriction the building height to a 120.20' elevation, there is no dispute with the City and therefore no grounds for appeal.

Should you have any questions, or need further clarification, please contact Daniel A. Moreno at (310) 802-5516.

Sincerely,

  
Richard Thompson  
Director of Community Development

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us> or <http://www.citymb.info>

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1768 Ruhland Ave. Manhattan Beach, CA 90266-7132  
310 374-3567 - FAX 310 374-8840

November 20, 2002

Mr. Richard Thompson, Community Development Director  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: Maximum Building Height ("MBH") at 511 Pacific, Manhattan Beach, CA

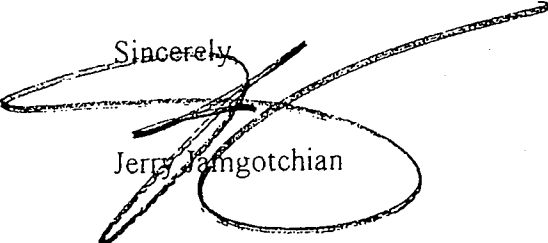
Dear Richard:

Thank you for your letter of November 15, 2002 and agreement that the MBH for any new construction (under the City's current code) on the above referenced site shall not exceed 120.20'. You have determined this pursuant to all applicable City of Manhattan Beach Code sections, including but not limited to 10.06.050 (Measurement of Height); as well as your detail review of the additional material we have provided to you.

To recap our correspondence and establish the proper record in this matter, we have communicated in writing on August 19, 2002 (2 page letter), October 10, 2002 (Two letters totaling 6 pages and Survey dated 10/6/2002), October 22, 2002 (2 page letter), November 6, 2002 (1 page letter), November 15, 2002 (1 page letter) and November 18, 2002 (1 page letter). Therefore, our respective positions are clear and without ambiguity.

I accept your administrative MBH determination for this property, as provided in 10.06.050C2, and therefore agree with you that there are no grounds for appeal because there is no dispute in the MBH that you have administratively determined. Therefore, I thank you for your timely cooperation Richard and please let me know if anything in this letter does not reflect our agreement and/or your final MBH determination.

Sincerely,

  
Jerry Jamgotchian

Cc: Daniel Moreno, Associate Planner



City Hall

1400 Highland Avenue

Manhattan Beach, CA 90266-4795

Telephone (310) 802-5000

FAX (310) 802-5001

TDD (310) 546-3501

November 22 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, Ca. 90266

Re: Building Height Determination for the Property Located at 511 Pacific Avenue

Dear Mr. Jamgotchian:

Per your letter of November 20, 2002, Staff provides the following clarification regarding the maximum permitted building height for the subject property.

As I explained to you over the phone on November 18, 2002, Staff's final building height determination is based on the height elevation addressed in the letter forwarded to you on October 22, 2002. Your desire to restrict the building height to a 120.20' elevation is below Staff's height determination for the site, and therefore no dispute exists with the City and no ground for appeal.

Should you have any questions, or need further clarification, please contact Daniel A. Moreno at (310) 802-5516

Sincerely,

Richard Thompson  
Director of Community Development

JamgotchianNov22 2002



1768 Ruhland Ave. Manhattan Beach, CA 90266-7132  
310 374-3567 - FAX 310 374-8840

November 22, 2002

Mr. Richard Thompson, Community Development Director  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: Maximum Building Height ("MBH") at 511 Pacific, Manhattan Beach, CA

Dear Richard:

I just received your letter dated November 22, 2002 and am confused by your statement, which says that I *desire to restrict* the building height of this site to 120.20. That is not accurate because my position regarding the 120.20' MBH is that after reviewing all applicable/relevant City Codes, the 120.20' is the accurate MBH for this site. Therefore, if my assessment is **not** supported by staff's MBH determination for the site, then would you please offer me staff's final MBH determination. If it is different than 120.20', then we now have a dispute and I will consider filing a formal appeal of staff's MBH determination.

Therefore, please provide me in writing on or before November 27, 2002, with your Height Determination for this site and any supporting documentation. I would like to review these materials prior to making a final decision to appeal Staff's MBH determination. Thank you and call me with any questions.

Sincerely,

Jerry Jamgotchian

Cc: Daniel Moreno, Associate Planner



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

November 22 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, Ca. 90266

Re: Building Height Determination for the Property Located at 511 Pacific Avenue

Dear Mr. Jamgotchian:

Per your letter of November 20, 2002, Staff provides the following clarification regarding the maximum permitted building height for the subject property.

As I explained to you over the phone on November 18, 2002, Staff's final building height determination is based on the height elevation addressed in the letter forwarded to you on October 22, 2002. Your desire to restrict the building height to a 120.20' elevation is below Staff's height determination for the site, and therefore no dispute exists with the City and no ground for appeal.

Should you have any questions, or need further clarification, please contact Daniel A. Moreno at (310) 802-5516

Sincerely,

Richard Thompson  
Director of Community Development

JamgotchianNov22 2002

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us> or <http://www.citymb.info>

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1768 Ruhland Ave. Manhattan Beach, CA 90266-7132  
310 374-3567 - FAX 310 374-8840

November 29, 2002

Mr. Richard Thompson, Community Development Director  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: **REQUEST TO APPEAL** under Chapter 10.100 the Director's Maximum Building Height Determination ("MBH") of 123.59' for 511 Pacific, Manhattan Beach, CA

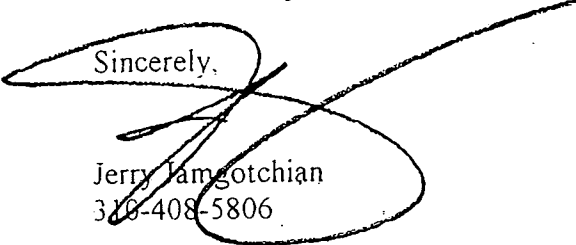
Dear Richard:

Thank you for your letter dated November 22, 2002 and our subsequent telephone call. I have again revisited 10.60.050 (Measurement of Height) in the Code and have determined that your MBH determination of 123.59' for the above referenced property adversely impacts adjacent properties, is not consistent with the maximum height limits of adjacent properties and does not adequately consider the fact that the averaged NW and SW property corners used in your analysis are not representative of the site's natural topography.

Therefore, I herein request that your department accept this letter as my Request to Appeal your MBH Interpretation. I believe that this is necessary because your department has improperly averaged the NW and the SW Property Corners with two other non-property corner points that are totally without foundation and were created by man-made grading of a slope. There is no justification to do this under 10.60.050C2 because there was not any "substantial grading" done which affected the elevation of the street property line. As agreed, quite the contrary occurred and Ardmore Street was actually filled, and not cut, in this specific roadway area.

Please provide me with direction on filing the appeal on or before December 4, 2002 and I am available to meet with you to prepare the Appeal paperwork or discuss this matter further. Thank you Richard and I await your call. Happy Holidays.

Sincerely,



Jerry Jamgotchian  
310-408-5806

Cc: Daniel Moreno, Associate Planner



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

December 4, 2002

Jerry Jamgotchian  
1768 Ruhland Ave.  
Manhattan Beach, 90266

Re: Request To Appeal Height Determination

Dear Mr. Jamgotchian,

This letter is in response to your letter of November 29, 2002 in which you indicate your desire to appeal a height determination which was made at your request. You assert in your letter that a height of 123.59 would have an adverse impact on adjacent properties. As the applicant you would be free to build to a lower height than what is legally permitted to avoid such impacts. Thus, it would appear that as an applicant you lack standing to appeal since the decision is not adverse to your interests and as an adjacent property owner you lack standing to appeal as the only pending applicant is yourself and as the applicant you have the power to mitigate any impacts your project would have on your own property. Thus an appeal would serve no practical purpose as there is no aggrieved individual and would be a waste of City resources. It is our policy not to permit appeals in such circumstances.

In all candor we sense that what you are really requesting is an advisory or hypothetical height determination where there is actually no pending project and that this determination would be used to limit any future project proposed by the property owner. As indicated above this is an inappropriate use of the City's appeal process which is intended to be used to resolve genuine pending disputes between adverse parties. For this reason and those stated above your request for an appeal is denied. This denial is without prejudice to appeal any future height determination requested by a potential developer of the property other than yourself.

Sincerely,

Richard Thompson,  
Director of Community Development

cc: Robert V. Wadden Jr., City Attorney

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us> or <http://www.citymb.info>

20

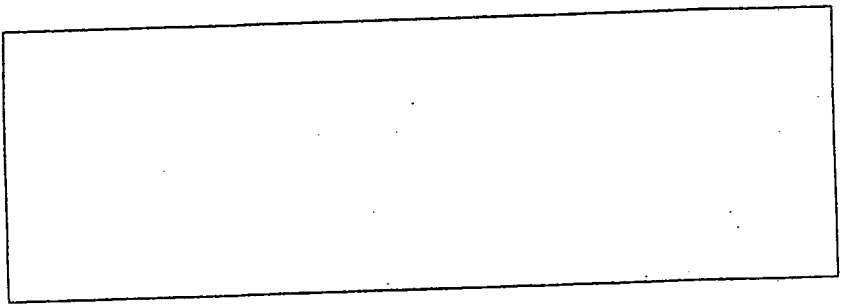
CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

Height Verification / Pre-Demolition  
Field Inspection Report

1. Height and clearance of Power Line(s), including neighbors' wires.
2. Proposed utility locations, including sewer and water meter locations (City), telephone (Verizon), TV (Adelphia), electric (SCE), and gas (SCGC). Sources should be spotted or determined from site plan and at job site.
3. Document all corner points with camera.
4. Verify corner point elevations with hand level as compared to signed survey.
5. Photo existing retaining walls.
6. Determine if new soil has been added to site.
7. Determine if drainage device(s) required.
8. Minimum 5-foot fence installed at time of inspection. REQ'D, N/A, AP, CO, NR
9. Catch basin at street to be sandbagged.
10. Check cesspool card file. If cesspool abandoned where structure is to be built, require hole and fill.
- \*11. Previous cesspool: YES..... NO..... 12. Sewer cap location:.....
13. Determine if **front yard trees** are in preservation district. Check protection fence for trees, or tree removal permit.  
\_\_\_\_ Take photo(s) of existing tree(s) and tree protection  
\_\_\_\_ Photo(s) to planner

14. Elevations for roof height calcs:

NE 121.74  
NW 101.57  
SE 116.04  
SW 100.12



Site Plan / Cesspool Location

Job Address: 511 Pacific Ave

Activity Number: 05-03395

\* Comments: To be located during demo of SFR

Inspector: [Signature] Date: 10/3/01

JS

<p style="text-align: center;"><b>NOTICE OF POTENTIAL LITIGATION</b></p>
------------------------------------------------------------------------------

1/31/06

To: Louie Tomaro

From: Jerry Jamgotchian (310-408-5806)

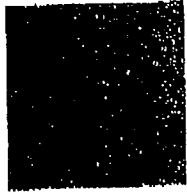
Re: 511 Pacific Ave



Pursuant to our recent discussion, please provide me with all documents associated with your height study as I wish to compare them against the analysis prepared for me last year.

I need all of these documents provided to me *on or before February 3, 2006*, so please let me know when they are available for pick-up.

Also, let me know if you are **not** able to release these documents to me so I can immediately pursue other remedies, as necessary. Thank you.



**TOMARO**  
ARCHITECTURE  
INCORPORATED

February 3, 2006

Jerry Jamgotchian  
529 Pacific Avenue  
Manhattan Beach, CA 90266

Re: 511 Pacific Avenue, Manhattan Beach

Dear Jerry:

In response to your "Notice of Potential Litigation", my client, the owner of the above-referenced property, has requested that I do not release any design drawings or documents associated with this project to any other party except those associated with the filing of the plan check through the City of Manhattan Beach. These documents, as well as any other documents associated with calculating height limits, are public record and are available at the City of Manhattan Beach for public review.

Sincerely,

Louie M. Tomaro, A. I. A.  
Tomaro Architecture, Incorporated

LMT/atm

Cc: Mike Davis

Architecture

Planning

Landscape  
Design

Construction  
Administration

1001 Sixth Street  
Suite No. 100

Manhattan Beach,  
California 90266

Tel: 310.318.8089

Fax: 310.318.9400

www.Tomaro.com

C:\nydocuments\office\word\letters\jmgotchian-511 pacific.doc

CASWELL & ASSOCIATES  
*Attorneys at Law*

1625 Warnall Avenue, Suite 100  
Los Angeles, California 90024  
Ph. (310) 282-8150 - Fax (310) 282-8140  
rscaswell@sbcglobal.net

February 14, 2006

**Via Facsimile and U.S. Mail**

Mr. Warren Hughes  
Beach City Brokers, Inc.  
200 S. Pacific Coast Highway  
Redondo Beach, CA

Re: Notice of Potential Litigation, 511 Pacific Avenue, Manhattan Beach, CA

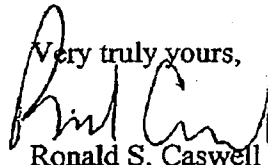
Dear Mr. Hughes:

On January 31, 2006, my client, Jerry Jamgotchian, who resides at 529 Pacific Avenue, Manhattan Beach, CA, requested information from Architect Louie Tomaro regarding the height study associated with the above-referenced property. On February 3, 2006, Mr. Tomaro informed Mr. Jamgotchian that the study would not be provided to him.

However, by letter dated October 9, 2002, Mr. Tomaro informed Mr. Jamgotchian that the height limit for the property is 120.20 feet, as established by the Manhattan Beach Municipal Code. Therefore, please be advised that should the height of the proposed residence on the property exceed the limit, as determined by Mr. Tomaro, Mr. Jamgotchian is prepared to take immediate legal action to obtain an injunction compelling the owner to develop the property within the herein referenced permitted height limit. As a courtesy to Mr. Tomaro, I am providing him with a copy of this letter.

Should you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,



Ronald S. Caswell  
of CASWELL & ASSOCIATES

RC/

cc: Mr. Jerry Jamgotchian (via facsimile only)  
Mr. Louie Tomaro (via facsimile only - 310-318-9400)

# REQUEST FOR HEIGHT CALCULATION ANALYSIS

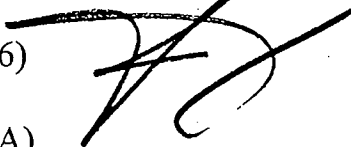
7/14/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development

From: Jerry Jamgotchian (310-408-5806)

Re: 06-02574 (511 Pacific Ave, MB, CA)



In speaking with Daniel Moreno, he requested that I send a letter to you regarding the above project which is being planned on a parcel contiguous to my residence.

As you are aware, we have discussed the **Maximum Building Height** ("MBH") relating to this property back in 2002 and never reached a final resolution of same. I have now been advised that you have made a MBH decision for this parcel based upon code provisions contained in 10.60.050 and utilizing an "averaging method" which is not clearly defined in the code.

Therefore, so I can fully understand the basis for your administrative decision and how you determined the MBH, would you please explain in detail your analysis and methodology in a letter to me.

As mentioned to Dan, I will hold my appeal to the Planning Commission of the MBH until I receive and review your analysis. Upon receipt of your analysis, I can then determine if an appeal, and/or litigation in the L.A. Superior Court, regarding your MBH determination will be necessary.

Thank you and I look forward to a timely response so that we can quickly resolve this matter and move forward.

Cc: Louie Tomaro, AIA (Fax: 318-9400)

Dan Moreno, Associate Planner

Ron Caswell, Esquire

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

July 20, 2006

Jerry Jamgotchian  
P.O. Box 1810  
Manhattan Beach CA 90267

Re: Maximum Height Determination for the Property Located at 511 Pacific Avenue

Dear Mr. Jamgotchian:

I have received your letter, dated July 14, 2006, regarding height determination for the subject property. Since you mentioned that you might be litigating this matter your request was also reviewed by the City Attorney. You requested that I provide you with an explanation and methodology in establishing the maximum height for the project at the subject location. You made a similar request in 2002, which I responded to (copy of letter attached). My letter in 2002 clearly explained the decision and the 15 day appeal period in accordance with Section 10.100.030 of the Municipal Code. The decision was not appealed and is now final. Since you were afforded the opportunity to appeal the decision in 2002, which has since expired you have no further appeal rights regarding this decision.

I hope this clarifies the city's position. Please call me with any questions regarding this matter.

Sincerely;

Richard Thompson  
Director of Community Development

CC: Dan Moreno, Associate Planner  
Robert Wadden, City Attorney

Fire Department Address: 400 15TH Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15TH Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
Visit the City of Manhattan Beach Web Site at [www.citymb.info](http://www.citymb.info)

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CASWELL & ASSOCIATES  
Attorneys at Law

1625 Warnall Avenue, Suite 100  
Los Angeles, California 90024  
Ph. (310) 282-8150 · Fax (310) 282-8140  
rscaswell@sbcglobal.net

August 7, 2006

**Via Facsimile and U.S. Mail**

Richard Thompson, Director of Community Development ✓  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, Ca 90266

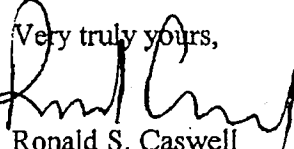
Re: 06-02574 (511 Pacific Ave. MB. CA)

Dear Mr. Thompson:

I represent Jerry Jamgotchian. In your letter of July 20, 2006, you stated that Mr. Jamgotchian has no further appeal rights with respect to the above-mentioned property. However, by letter dated December 4, 2002, you advised my client that he could "appeal any future height determination requested by potential developer of the [above-mentioned] property, other than [him]self." A copy of your letter is enclosed herewith for your reference. Based on your previous representation, I assume that the statement in the recent letter was in error.

As such, please be advised that Mr. Jamgotchian hereby appeals the height determination that has been rendered on behalf of the property's current developer. Pursuant to your discussion today with Mr. Jamgotchian, enclosed please find a copy of a Master Application Form/Appeal that will be filed this week with the Planning Commission. See Exhibit "A".

To permit us to properly exhaust all of our administrative remedies, we ask that you immediately provide us with a copy of your maximum building height determination analysis. The document will be provided to our consultants for analysis and comment to expedite the Planning Commission process and clarify the issues for judicial review, if such action is required.

Very truly yours,  
  
Ronald S. Caswell  
of CASWELL & ASSOCIATES

RC/

cc: Louie Tomaro (via facsimile only)  
Jerry Jamgotchian (via facsimile only)  
Dan Moreno, Associate Planner (via facsimile only)



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

December 4, 2002

Jerry Jamgotchian  
1768 Ruhland Ave.  
Manhattan Beach, 90266

Re: Request To Appeal Height Determination

Dear Mr. Jamgotchian,

This letter is in response to your letter of November 29, 2002 in which you indicate your desire to appeal a height determination which was made at your request. You assert in your letter that a height of 123.59 would have an adverse impact on adjacent properties. As the applicant you would be free to build to a lower height than what is legally permitted to avoid such impacts. Thus, it would appear that as an applicant you lack standing to appeal since the decision is not adverse to your interests and as an adjacent property owner you lack standing to appeal as the only pending applicant is yourself and as the applicant you have the power to mitigate any impacts your project would have on your own property. Thus an appeal would serve no practical purpose as there is no aggrieved individual and would be a waste of City resources. It is our policy not to permit appeals in such circumstances.

In all candor we sense that what you are really requesting is an advisory or hypothetical height determination where there is actually no pending project and that this determination would be used to limit any future project proposed by the property owner. As indicated above this is an inappropriate use of the City's appeal process which is intended to be used to resolve genuine pending disputes between adverse parties. For this reason and those stated above your request for an appeal is denied. This denial is without prejudice to appeal any future height determination requested by a potential developer of the property other than yourself.

Sincerely,

Richard Thompson,  
Director of Community Development

cc: Robert V. Wadden Jr., City Attorney

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us> or <http://www.cityymb.info>

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# MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only

Date Submitted:  
Received By:  
F&G Check Submitted:

511 Pacific Ave, M.B., Ca.

Project Address

469-090-19

Legal Description

General Plan Designation

Zoning Designation

Area District

For projects requiring a Coastal Development Permit, select one of the following determinations:

Project located in appeal jurisdiction

Project not located in Appeal Jurisdiction

Major Development (Public Hearing Required)

Public Hearing Required (due to UP, Var., etc.)

Minor Development (Public Hearing Requested)

No Public Hearing Required

Submitted application, check all that apply

Appeal to PC/PWC/BO/VEC

Subdivision (Lot Line Adjustment)

Coastal Development Permit

Use Permit (Residential)

Environmental Assessment

Use Permit (Commercial)

Minor Exception

Use Permit Amendment

Subdivision (Map Deposit) 4300

Variance

Subdivision (Tentative Map)

Public Notification Fee

Subdivision (Final)

Park/Rec Quimby Fee 4425

Other \*

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes \_\_\_ No \_\_\_ Date: \_\_\_\_\_ Fee: \_\_\_\_\_

Amount Due: \$ \_\_\_\_\_ (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Cashier: \_\_\_\_\_

Applicant(s)/Appellant(s) Information

Jerry Jamgotchian

Name

P.O. Box 1810 M.B., Ca 90267 (310-408-5806)

Mailing Address

Neighbor @ 529 Pacific Ave, MB, Ca 90267

Applicant(s)/Appellant(s) Relationship to Property

Contact Person (include relation to applicant/appellant)

Address and Phone Number

Applicant(s)/Appellant(s) Signature

Fax Number and e-mail address

Complete Project Description- including any demolition (attach additional pages if necessary)

\* SFR in plan check (06-02574) - MAXIMUM Building Height Challenge due to violation of MB Code Section 10.60.050 -

\* An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

Fx "A" (1/2)

# OWNER'S AFFIDAVIT

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I, Jerry Jamgotchian being duly sworn, depose and say that I ~~am~~ are the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

Jerry JAMGOTCHIAN

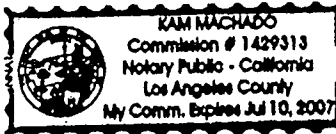
Print Name

P.O. BOX 4810 M, B, C. 90267

Mailing Address

310-408-5806

Telephone



Subscribed and sworn to before me, this 19th day of July, 2006

in and for the County of Los Angeles

State of California

Notary Public Kam Machado

*Kam Machado*

## Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply - refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment in January of each year.

Submitted Application (circle applicable fees, apply total to Fee Summary on application)

Coastal Development Permit

Filing Fee (public hearing - no other discretionary approval required):	\$ 1,824 ☒
Filing Fee (public hearing - other discretionary approvals required):	\$ 124 ☒
Filing Fee (no public hearing required):	\$ 124

Use Permit (Master)

Residential Filing Fee:	\$ 2,420 ☒
Commercial Filing Fee:	\$ 3,005 ☒
Amendment Filing Fee:	\$ 1,209 ☒

Variance

Filing Fee:	\$ 3,005 ☒
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Minor Exception

Filing Fee:	\$ 966 ☒
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Subdivision

Tentative Parcel/Tract Map Filing Fee:	\$ 585 ☒
Final Parcel Map/Tract Map Filing Fee:	\$ 585
Mapping Deposit:	\$ 473
Quimby Parks and Recreation Fee (new lot/unit):	\$ 1,817
Certificate of Compliance Filing Fee:	\$ 564.50

Environmental Review (contact Planning Division for applicable fee)

Environmental Assessment:	\$ 124
Environmental Assessment (if Initial Study is prepared):	\$ 1,557
Fish and Game County Clerk Fee <sup>2</sup> :	\$ 25



Public Notification Fee applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

<sup>2</sup> Make \$25 check payable to LA County Clerk, (do not put date on check).

EX "A" (2/2)

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August 8, 2006

**VIA FACSIMILE/PERSONAL DELIVERY - 310-802-5001**

Richard Thompson, Director of Community Development  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, Ca 90266

Re: 06-02574 (511 Pacific Ave, MB, CA)

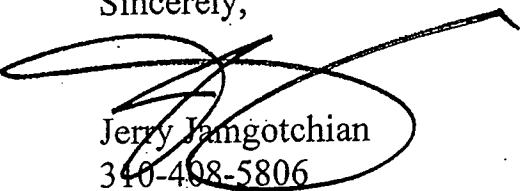
Dear Mr. Thompson:

I noticed today at around 1:30pm that excavation equipment was delivered to the above referenced site. I am concerned that notice regarding my Appeal to the Planning Commission has not yet been provided to the contractor and owner of this property.

Please let me know if such notice has been provided and if any type of construction permit have been issued to the owner or contractor.

Please contact me at your earliest convenience.

Sincerely,



Jerry Jangotchian  
310-408-5806

Cc: Louie Tomaro (Via Fax)  
Dan Moreno, Assoc Planner (Via Fax)

# REQUEST FOR HEIGHT CALCULATION ANALYSIS

8/14/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development  
From: Jerry Jamgotchian (310-408-5806)  
Re: 06-02574 (511 Pacific Ave, MB, CA)

In speaking with Daniel Moreno today, it just doesn't seem that we are establishing an effective line of communication. Therefore, since I will be out of town through August 28<sup>th</sup>, I herein ask that you forward all future communications regarding this matter, as well as the pending appeal to the MB Planning Commission, to my attorney, Ron Caswell\*.

As you are aware, we discussed the **Maximum Building Height** ("MBH") relating to this property back in 2002 and never reached a final resolution of same. I have now been advised that you have made a MBH decision for this parcel based upon code provisions contained in 10.60.050 and utilizing an "averaging method" which is not clearly defined in the code. According to this code provision, the Community Development Director *may administratively approve* measuring height from local grades where substantial grading occurred. Therefore, it is very important that my consultants know the basis for any "administrative approval/s" granted to the applicant so that we can analyze it further.

Upon receipt of your analysis, I can then begin preparing for the Planning Commission Hearing and any other judicial related hearing and motions which become necessary.

Thank you.

Cc: Louie Tomaro, AIA (Fax: 318-9400)

Dan Moreno, Associate Planner

Ron Caswell, Esquire

(\*Caswell & Associates – 1625 Warnall Ave #100 –

Los Angeles, CA 90024 P: 310-282-8150 F: 310-282-8140)

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**UNAUTHORIZED  
CONSTRUCTION WORK**

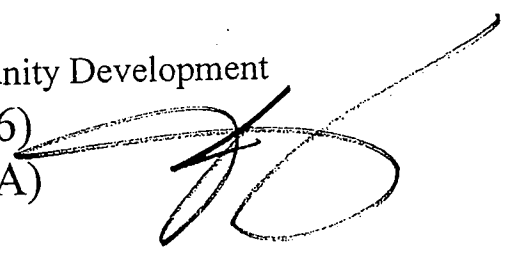
8/15/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development

From: Jerry Jamgotchian (310-408-5806)

Re: 06-02574 (511 Pacific Ave, MB, CA)



Please be advised that there are construction workers from KLM Engineering working at the referenced site as of 10:15am today.

Since, according to our discussion, no permits have been issued other than demolition permits, would you please notify them of this fact.

Thank you.

Cc: Louie Tomaro, AIA (Fax: 318-9400)

Dan Moreno, Associate Planner

Ron Caswell, Esquire



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

August 15, 2006

Jerry Jamgotchian  
P.O. Box 1810  
Manhattan Beach CA 90267

Via Fax: 310-408-5806

Re: Height Determination for the Property Located at 511 Pacific Avenue

Dear Mr. Jamgotchian:

I have received your letter, dated August 14, 2006, regarding the height determination for the property at 511 Pacific Avenue. You requested the basis for determining the maximum height for the project currently proposed on the subject site.

As we have explained to you on several occasions, the height determination is documented in the attached letter dated October 22, 2002. The letter was provided to you at that time you requested a height determination. It cites the code section that I relied upon in making the decision and the reasons that support it. The determination and reasons have not changed. You have filed an appeal to my decision which has been scheduled for Planning Commission consideration on September 13, 2006. Staff will prepare a report for that meeting and will attach any information you would like the commission to consider. At this time you have not given any reasons to support your appeal. To ensure that your information is included in the staff report you must submit it by September 1, 2006.

As you requested I have faxed a copy of this letter to your attorney. Please contact me or Dan Moreno at (310) 802-5504 with any questions regarding this matter.

Sincerely,

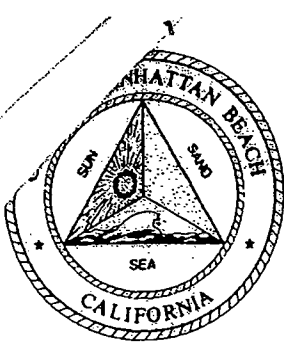
Richard Thompson  
Director of Community Development

Cc: Ron Caswell, Attorney Fax (310) 282-8140  
Dan Moreno, Associate Planner  
Robert Wadden, City Attorney

Fire Department Address: 400 15TH Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15TH Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
Visit the City of Manhattan Beach Web Site at [www.citymb.info](http://www.citymb.info)

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City Hall

1400 Highland Avenue

Manhattan Beach, CA 90266-4795

Telephone (310) 802-5000

FAX (310) 802-5001

TDD (310) 546-3501

October 22, 2002

Jerry Jamgotchian  
1768 Ruhland Avenue  
Manhattan Beach, Ca. 90266

Re: Maximum Height Determination for the Property Located at 511 Pacific Avenue

Dear Mr. Jamgotchian:

The Community Development Department has received your letter, dated October 10, 2002, regarding height determination for the subject property. Building height in the City of Manhattan Beach is of utmost concern and the City diligently implements a system to ensure that building height is appropriate and accurate.

Manhattan Beach Municipal Code Section 10.60.050 of the Zoning Code establishes the methodology for determining maximum building height. This section provides that height is determined by adding an applicable development standard (e.g. 26 feet) to the average property elevation at the four lot corners. The Code further states:

*"The Community Development Director may administratively approve measuring height from local grade adjacent to an existing or planned building that is adjacent to a street where substantial grading occurred which lowered the street, affecting the elevation of the street property line. The intent of this exception is to accommodate situations which exist, such as, on portions of Ardmore Avenue."*

To determine compliance an updated survey must be submitted with the required information. You submitted a survey, dated October 6, 2002, for staff review. Based on this information, a determination has been made that the lot reference elevations used to determine maximum height shall be as follows:

NE 106.64, SE 100.41, NW 92.35 ( $85.56 + 99.14/2 = 92.35$ ), SW 90.97 ( $84.18 + 97.77/2 = 90.97$ ):  
resulting in a maximum height elevation of 123.59.

This decision is based on the existing conditions at the site. Because a severe slope of property occurs at the rear setback area adjacent to Ardmore Avenue, averaging of the NW and SW property corners with existing top of slope elevations provides height elevation points that provides a degree of consistency in the maximum building height and minimizes impacts to adjoining properties. The maximum height determination is consistent with the methodology that was used for the adjacent property at 505 Pacific Avenue. This property received approval for a second addition on June 13, 2001 (permit # 01-02599).

Fire Department Address: 400 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15<sup>th</sup> Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
City of Manhattan Beach Web Site: <http://www.ci.manhattan-beach.ca.us> or <http://www.citymb.info>

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In accordance with Section 10.100.030, this decision may be appealed to the Planning Commission within 15 days. A written request for an appeal with the appropriate filing fee must be received no later than November 6, 2002, and accompanied by reason as to why the above reference height determination is not appropriate.

Should you have any questions, please contact Associate Planner Daniel A. Moreno at (310) 802-5516.

Sincerely,

Richard Thompson  
Director of Community Development

# REQUEST FOR METHODOLOGY USED ON PERMIT 01-02599

8/15/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development

From: Jerry Jamgotchian (310-408-5806)

Re: 06-02574 (511 Pacific Ave, MB, CA)

Prior to my departure, I received your letter today and wanted to request that you provide me with *“the methodology that was used for the adjacent property at 505 Pacific Avenue”* as referenced in your October 22, 2002 letter. We need the specific and detailed methodology that you used to better understand how you determined the MBH for the property in question.

Therefore, please provide this methodology to Mr. Caswell as soon as possible, so upon my return I can provide it to my land use consultants for their review and consideration. It seems that we will not be able to submit any information further supporting my appeal until I get this methodology from you, so maybe we should consider continuing the 9/13/06 hearing date.

Please advise Mr. Caswell when you will be able to produce the written methodology that you relied upon and where it is referenced in the Manhattan Beach Code.

Cc: Louie Tomaro, AIA (Fax: 318-9400)  
Dan Moreno, Associate Planner  
Ron Caswell, Esquire

**UNAUTHORIZED  
CONSTRUCTION WORK**

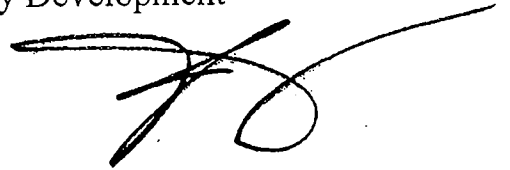
8/20/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development

From: Jerry Jamgotchian (310-408-5806)

Re: 06-02574 (511 Pacific Ave, MB, CA)



I have been advised that construction work has commenced on the above parcel.

Since, according to our discussion last week, no permits have been issued (other than demolition permits), would you please explain how construction has started without permits.

Thank you.

Cc: Louie Tomaro, AIA (Fax: 318-9400)

Dan Moreno, Associate Planner

Ron Caswell, Esquire

# REQUEST FOR METHODOLOGY USED ON PERMIT 01-02599

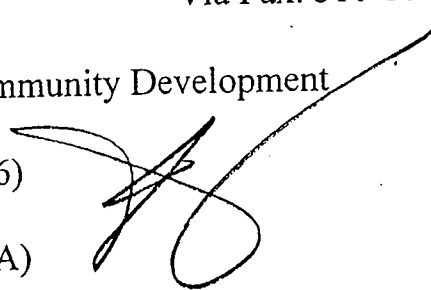
8/27/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development

From: Jerry Jamgotchian (310-408-5806)

Re: 06-02574 (511 Pacific Ave, MB, CA)



On August 15<sup>th</sup>, I asked that you provide me with *"the methodology that was used for the adjacent property at 505 Pacific Avenue"* as referenced in your October 22, 2002 letter. We need the specific and detailed methodology that you used to better understand how you determined the MBH for the property in question.

Therefore, please provide this methodology to Mr. Caswell as soon as possible, so we can provide it to my land use consultants for their review and consideration. It seems that we will not be able to submit any information further supporting my appeal until I get this methodology from you, so please continue the 9/13/06 hearing date to the next scheduled Planning Commission meeting.

Please advise Mr. Caswell when you will be able to produce the written methodology that you relied upon and where it is referenced in the Manhattan Beach Code.

Cc: Louie Tomaro, AIA (Fax: 318-9400)  
Dan Moreno, Associate Planner  
Ron Caswell, Esquire

# KLM General Engineering Contractors

541 3<sup>rd</sup> Street  
Hermosa Beach, California 90254  
(310) 379.6762; Fax: (310) 531.7358  
CA STATE LICENSE 646478 / CLASS A

May 23, 2006

## CERTIFIED MAIL/HAND DELIVERED

Neighbors of:  
511 Pacific  
Manhattan Beach, CA 90266

Re: 511 Pacific Construction

Dear Neighbor:

Mike Davis Custom Homes ("Davis") is the owner/developer of the real property located at the above-referenced address ("Job site"). Davis hired my company, KLM General Engineering Contractors ("KLM"), for the placement of shoring at certain locations on the property. Shoring necessitates that some excavation will be necessary. We expect to begin the pile driving phase on the job site on Wednesday, ~~June 7, 2006~~. *MONDAY, August 21, 2006*

We will be excavating to a approximate depth of eight (8') to ten ("10") feet. The purpose of this letter is to give you notice, as required by the Uniform Building Code Section 3301.2 and section 832 of the California Civil Code, that excavation is taking place and that all necessary measures to protect your property will be provided. If the planned excavation is to be of a depth greater than the foundations of any of your buildings or other structures on your property, then you may want to consider some additional protective work during the excavation. The excavation will be protected as is required by California State law. Also, in sending you this letter, Davis is giving you reasonable license to enter upon their land, if necessary, for the purpose of protecting your property.

All reasonable steps will be taken to insure that your property will be protected and that the surface of your property will not be disturbed. If you have any questions regarding the precautionary measures we plan to take during the excavation work on the jobsite, please do not hesitate to call me.

MIKE DAVIS CUSTOM HOMES  
MIKE DAVIS  
OWNER/BUILDER  
310.374.0217; FAX 310.796.5657

Or

KENT MCKEOWN  
KLM GENERAL ENGINEERING CONTRACTORS  
SHORING SUB-CONTRACTOR  
(310) 379.6762; Fax (310) 531.7358

Sincerely,

Kent L. McKeown  
KLM General Engineering Contractors

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# REQUEST FOR METHODOLOGY USED ON PERMIT 01-02599

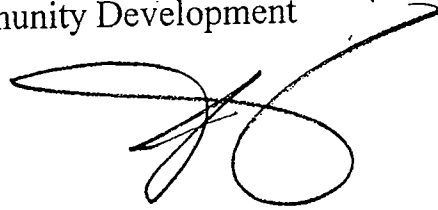
8/29/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development

From: Jerry Jamgotchian (310-408-5806)

Re: 06-02574 (511 Pacific Ave, MB, CA)



On August 15th and August 29, 2006, I asked that you provide me with "*the methodology that was used for the adjacent property at 505 Pacific Avenue*" as referenced in your October 22, 2002 letter. We need the specific and detailed methodology that you used to better understand how you determined the MBH for the property in question.

It seems that you will not provide this information to me without my filing of a Public Records Request. Therefore, pursuant to all relevant sections of the California Public Records Act, please provide me with all documents which explain the methodology referenced above as soon as possible, so we can provide it to our land use consultants for their review and consideration. I herein request a continuance of the 9/13/06 Planning Commission hearing date due to the delay in receiving the methodology. Please advise me on the next scheduled Planning Commission meeting date so we can target that meeting.

I await receipt of these Pubic Record Documents at your earliest convenience.

Cc: Louie Tomaro, AIA (Fax: 318-9400)  
Dan Moreno, Associate Planner  
Ron Caswell, Esquire

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**UNAUTHORIZED  
CONSTRUCTION WORK  
CONTINUES**

8/29/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development  
From: Jerry Jamgotchian (310-408-5806)  
Re: 06-02574 (511 Pacific Ave, MB, CA)

I note that unauthorized excavation and other work continues to occur *without any City Building Permits* at the above referenced site by KLM General Engineering and Mike Davis Custom Homes.

Since, according to our recent discussion and my letters to you dated 8/15/06 and 8/20/06, no permits have been issued (other than demolition permits). Would you please stop this construction which not only violates City Codes but also could create an unsafe and dangerous condition due to possible cave in or foundation damage to my property.

Thank you and please provide me with your written position as soon as possible.

Cc: Louie Tomaro, AIA (Fax: 318-9400)  
Ron Caswell, Esquire  
KLM General Engineering

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# PRELIMINARY CONCERN LETTER

August 28, 2006

To: Kent McKeown – KLM Engineering (Via Fax: 310-531-7358)

From: Jerry Jamgotchian (310-408-5806)

Re: 511 Pacific Avenue, Manhattan Beach, CA

As discussed, I received your letter dated May 23, 2006 (herein Exhibit "A") today and ask that you address the following matters *on or before September 1, 2006*, so the job can progress forward pursuant to applicable City, State and UBC code sections:

- 1) Provide me with two (2) full sets of excavation plans relating to any excavation work taking place on the property for the advance review and approval of my legal counsel, structural engineer, architect and/or retained consultant. As a coterminous property owner, I have some very major concerns related to Civil Code 832(1-4) and the overall protection of my property.
- 2) Please identify in writing all of the necessary measures that you will provide to protect the adjoining properties so that the excavation work will not cave in, settle or damage my property, as referenced in your letter and relevant code sections,
- 3) Will any of the excavations be at a depth greater than any of my building foundations? If so, what additional protective work will be done to insure safety and guard against excavation related damage?
- 4) Who is the contact person for the work? Please provide a telephone number and/or cell-phone number. Are they authorized to bind KLM General Engineering Contractors?
- 5) Pursuant to Section 3301.2 requirements, I trust that you will once again provide proper notice to all adjoining properties **before** the excavation work commences.

Finally, some excavation work has already commenced on this site **without the issuance of a Building Permit by the City of Manhattan Beach**. I have documented and will continue to video-tape and photograph any work associated with this project and herein request that you cease doing any further excavation work until all applicable building permits have been issued. Additionally, I will discuss your activities with the adjoining property owners and see if they too have concerns regarding your work, which need to be addressed. This is only a *Preliminary Concern Letter* and I herein reserve all rights to supplement this letter with additional requests after I have had a chance to discuss this matter further with legal counsel, my insurance carrier and other retained consultants. Thank you and call me with any questions.

CC: Richard Thompson, City of MB Planning Director (Via Fax: 310-802-5501)  
Louie Tomaro, AIA (310-318-9400)  
Ron Caswell, Esq (310-282-8140)

## PRELIMINARY CONCERN LETTER

August 31, 2006 (11:30am)

To: Kent McKeown – KLM Engineering  
(Via Fax: 310-531-7358)

From: Jerry Jamgotchian (310-408-5806)

Re: 511 Pacific Avenue, Manhattan Beach, CA

On August 28, 2006, I sent you a **Preliminary Concern Letter** asking you to address various matters and concerns I have with the proposed excavation of the subject property. To date, I have had no written response from you regarding any of these matters and concerns.

Your letter dated 5/23/06 asked me to contact you with any questions, which I have done. Will you be responding to these matters and concerns pursuant to your responsibilities as contained in Civil Code Section 832?

Once again, I have concerns that your excavation might endanger foundations at my property and extend a duty of liability to you for any work undertaken.

Please address this matter at your earliest convenience and if necessary, I will engage legal counsel to seek your cooperation. Thank you.

CC: Richard Thompson, City of MB Planning Dir (Via Fax: 310-802-5501)

Louie Tomaro, AIA (310-318-9400)

Ron Caswell, Esq (310-282-8140)

**PRELIMINARY CONCERN LETTER  
RESPONSE BY KLM ENGINEERING**

August 31, 2006

To: Kent McKeown – KLM Engineering (Via Fax: 310-531-7358)

From: Jerry Jamgotchian (310-408-5806)

Re: 511 Pacific Avenue, Manhattan Beach, CA

Thank you for contacting me today. I fully understand and accept your position that you cannot release any drawings or information without the owner's approval.

I further understand that you will not commence any further work on the site without a permit and will not knowingly violate any Manhattan Beach ordinances or State Laws.

In light of the above, I ask that you re-notice each coterminous property owner prior to the recommencement of any excavation work pursuant to relevant UBC and State Law because as we agreed proper protections must be established (when necessary) to limit your liability.

Finally, as previously stated, I have great concerns that your excavation work might endanger foundations at my property and extend a duty of liability to you for any work undertaken. I can't be totally sure until my structural engineer can review the plans though. Maybe sometime soon they will be provided to me.

I thank you for calling me and ask that we meet prior to the restarting of your excavation work at the site to address our mutual concerns.

CC: Richard Thompson, City of MB Planning Dir (Via Fax: 310-802-5501)

Louie Tomaro, AIA (310-318-9400)

Ron Caswell, Esq (310-282-8140)

## 2<sup>ND</sup> CONSULTANT CONTACT REQUEST

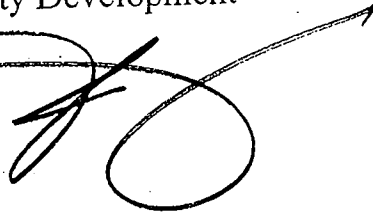
9/5/06

Via Fax: 310-802-5501

To: Richard Thompson, Director of Community Development

From: Jerry Jamgotchian (310-408-5806)

Re: 06-02574 (511 Pacific Ave, MB, CA)



As I referenced last week in my 9/1/06 letter, one of my consultants, Robert McClellan, AIA, has been trying to reach you to schedule an appointment to meet with you and fully understand your position on the Maximum Building Height ("MBH"). Would you please take his call and discuss your methodology with him.

Also, as requested, we need to reschedule the Planning Commission Hearing to the next available meeting date so that we can be fully prepared and have a complete record for any appeal to the City Council.

Additionally, please provide me with your MBH calculations for the following addresses which I believe are relevant calculations to the MBH analysis for the above parcel:

516 Ardmore Ave.  
520 Ardmore Ave.

Finally, I am still awaiting a response to my Public Records Request so when those documents are available, please let me know. Thank you.

Cc: Bob McClellan, AIA  
Louie Tomaro, AIA (310-318-9400)

## McClellan Pendlebury Studios

September 11, 2006

ARCHITECTS

Via Fax: 310-882-5501

Mr. Richard Thompson, Director of Community Development  
Manhattan Beach City Hall  
1400 Highland Ave  
Manhattan Beach, CA 90266

Re: Appeal of Administrative Decision (511 Pacific Avenue)

Dear Mr. Thompson,

I am writing this letter to once again request on behalf of the applicant that this hearing be rescheduled to the next Planning Commission Meeting so that we can address our concerns with staff prior to the meeting. Additionally, since I am out of town through September 14<sup>th</sup>, and unavailable to attend the meeting or meet prior to the meeting, a continuance seems reasonable, appropriate and necessary.

To date, we have not yet received any information regarding the specific methodology used on the 505 Pacific Avenue property, nor the properties located at 516 and 520 Ardmore. The receipt of this information is very important to our analysis, as we do not believe that the averaging method used to determine the Maximum Building Height is authorized under the code because "substantial grading" did not occur on the street adjacent to this specific property. Furthermore, we are concerned by your position that "the subject site would be *approximately* 12 feet below the appellant's existing house" because this statement is not specific, nor supported by any analysis. This needs to be clearly defined and all the benchmark points need to be established. This assurance must be made a part of any back-check or permitting approvals for the new residence and therefore cannot be *approximate* because that could lead to serious problems down the road.

Please call me with any questions and I look forward to receiving the above analysis as soon as possible so we can further understand the methodology used to determine the Maximum Building Heights on the contiguous properties.

Sincerely,



Robert R. McClellan

cc: Jerry Jamgotchian, Applicant (Fax: 310-374-8840)  
Louie Tomaro, AIA  
Chairman Schlager and Members of the Planning Commission

ROBERT MCCLELLAN  
505 E COLORADO BLVD, STE MB  
PASADENA, CA 91101  
626-449-7336

THOMAS PENDLEBURY  
370 W SIERRA MADRE BLVD, STE D  
SIERRA MADRE, CA 91024  
626-355-7797

September 11, 2006

**VIA FACSIMILE - 310-802-5001**

Richard Thompson, Director of Community Development  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, Ca 90266

Re: 06-02574 (511 Pacific Ave, MB, CA)

Dear Richard:

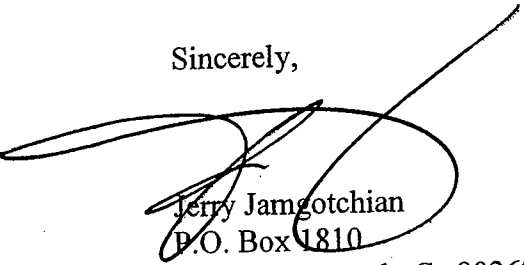
In light of my architect's letter dated today, I also believe that it would be appropriate to continue the hearing until the next Planning Commission meeting for the reasons stated therein.

I really believe that full disclosure of the MBH Calculations for the three referenced parcels need to be provided to us as we have requested previously. It's pretty difficult to really understand your position when we can't review the specific methodology used.

Finally, this is a very important issue to me Richard and I believe that everything about the MBH process should be fully disclosed and understood by all parties.

Therefore, please continue the hearing so we can get together with you and go over all the relevant documents and hopefully come to some resolution which is reasonable and pursuant to the Manhattan Beach code. I await your immediate written response.

Sincerely,



Jerry Jamgotchian  
P.O. Box 1810  
Manhattan Beach, Ca 90267

Cc: Louie Tomaro, AIA (Via Fax: 310-318-9400)  
Bob McClellan, AIA (Via Fax: 626-793-2278)

48

September 12, 2006

**VIA FACSIMILE - 310-802-5001**

Richard Thompson, Director of Community Development  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, Ca 90266

Re: 06-02574 (511 Pacific Ave, MB, CA)

Dear Richard:

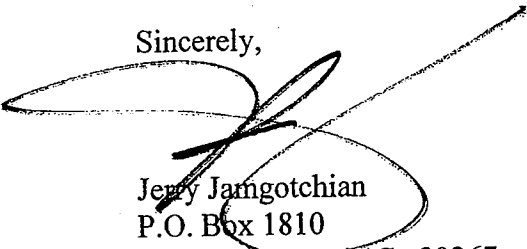
I sent you a letter yesterday regarding my request to continue tomorrows hearing until the next Planning Commission meeting for the reasons stated in my architect's letter dated September 11, 2006.

I asked that you contact me to discuss this request and also provide us with the MBH Calculations used for the three (3) parcels referenced in my architect's letter

Unfortunately, I have not heard from you or received any of the requested documents. Therefore, I don't know what your position is but really need to hear from you as soon as possible.

Finally, I once again ask that tomorrows hearing be continued until the next Planning Commission Meeting so that we can get together with you and go over all the relevant documents. Hopefully we can come to some sort of resolution which is reasonable to everyone and pursuant to Manhattan Beach code provisions. I await your immediate response.

Sincerely,



Jerry Jamgotchian  
P.O. Box 1810  
Manhattan Beach, Ca 90267  
310-408-5806

Cc: Louie Tomaro, AIA (Via Fax: 310-318-9400)  
Bob McClellan, AIA (Via Fax: 626-793-2278)

06/10/17.17

September 13, 2006

**VIA FACSIMILE/PERSONAL DELIVERY - 310-802-5001**

→ Richard Thompson, Director of Community Development  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, Ca 90266

Re: 06-02574 (511 Pacific Ave, MB, CA)

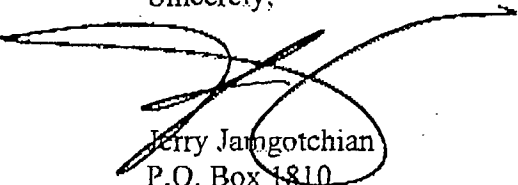
Dear Mr. Thompson:

On August 29, 2006 and September 5, 2006, I requested that you provide documents pursuant to the California Public Records Act ("Act") relating to the methodology used by the Community Development Director to determine the Maximum Building Height for the properties identified as 505 Pacific Avenue, 516 Ardmore Avenue and 520 Ardmore Avenue. You have stated publicly that these documents exist and I look forward to receiving them to determine how they apply to the current case referenced above.

To date, you have not provided any documents responsive to these Public Record Requests and the time to provide these documents pursuant to the Act will soon (or ready has) expire/d. Therefore, I need to know if you intend on providing these documents pursuant to the Act or if judicial assistance to acquire these documents will be necessary.

Please provide me with a written response *on or before noon on September 15, 2006*, so that I know how to proceed in acquiring these Public Records.

Sincerely,

  
Jerry Jangotchian  
P.O. Box 1810  
Manhattan Beach, CA 90267  
310-408-5806

Cc: Louie Tomaro (Via Fax)  
Robert Wadden, City Attorney (Via Fax)  
Dan Moreno, Assoc Planner (Via Fax)

**EXHIBIT**  
D



September 14, 2006

**VIA FACSIMILE - 310-802-5501**

Richard Thompson, Director of Community Development  
City of Manhattan Beach  
1400 Highland Ave  
Manhattan Beach, Ca 90266

Re: 06-02574 (511 Pacific Ave, MB, CA)

Dear Mr. Thompson:

Thank you for your telephone call today assuring me that all Public Records requested will be provided to me tomorrow. I appreciate your cooperation in this regard and look forward to picking these documents up as soon as possible.

As further discussed, I believe that the final elevation for the above referenced property should be *15' feet lower* than my residence based upon relevant code provisions. As stated, I do not believe that Section 10.60.050C (Exception #2) of the code is applicable because as I stated at the meeting, this portion of Ardmore had no substantial grading which lowered the street and therefore the elevation of the street property line could not have been substantially affected. Further, the code cited condition might affect portions of Ardmore Ave, where cuts for the street did take place, but it did not occur at this location because Ardmore at this property point was a "fill" condition.

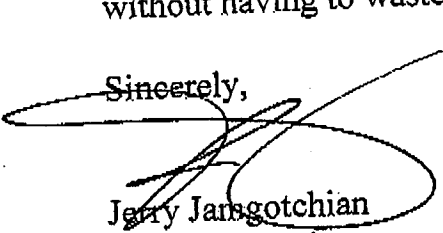
In our telephone call today, you finally admitted for the first time that the property corners for the 620 Ardmore property were not averaged nor adjusted in any way and that the four existing corners were used to determine the maximum building height. That is a very telling piece of information which you failed to disclose to me until today. That bolsters my argument that the City knew that 10.60.050C (Exception #2) was not applicable and should not have been applied to the referenced property.

17

In hopes of resolving this dispute and allow development of the property to commence, I will extend my offer (through September 22, 2006) to arbitrarily boost up the NW and SW property corners by 3'. Therefore, this will make a 14' elevation difference between our respective properties. I hope that this concession will be accepted by all parties and will solve this dispute. Either way, I further believe that we need to get the surveys in sync and I'm sure that Louie Tomaro can handle this matter as this will clarify the problems associated with the dual surveys.

Finally, as stated I will appeal the Planning Commission's decision and look to the City Council for direction and resolution of this dispute. If necessary, I will seek a Writ of Mandate to compel the City to properly enforce their code but hope that we (with the City Council's help) can resolve this matter without having to waste further time and money.

Sincerely,



Jerry Jamgotchian  
P.O. Box 1810  
Manhattan Beach, CA 90267

Cc: Louie Tomaro (Via Fax)  
Jerry Jamgotchian (Via Fax)  
Ron Caswell, Esquire  
Robert Wadden, City Attorney (Via Fax: 310-802-5061)  
Robert McClellan, AIA  
Mayor and City Council (Via Fax: 310-802-5501)  
Manhattan Beach Planning Commission (Via Fax: 310-802-5501)



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

September 14, 2006

Jerry Jamgotchian  
P.O. Box 1810  
Manhattan Beach, CA 90267

Re: Height Appeal 511 Pacific Avenue

Dear Mr. Jamgotchian:

This letter is provided in response to your letter dated September 13, 2006, which you requested information regarding how the height of structures were determined for properties at 505 Pacific, 516 Ardmore and 520 Ardmore.

As I explained to you over the phone today, the information you requested regarding 505 Pacific was faxed to your attorney Ron Caswell on August 30, 2006 as you requested (copies attached), in which we averaged the lower corners of the property. The height determination that was made for 505 Pacific was the same methodology used for 511 Pacific Avenue. The house at 516 Ardmore was built in 1955, and we have no information as to how the height was determined at that time. In 1994, the height determination for 520 Ardmore was made by using the elevations of the four corners of the property. Although the owner of that property could have requested an alternative method for determining height they did not.

Once again I would like to meet and discuss your concerns as to the impacts the pending project will have on you, or why you believe the height approved by the City does not comply with the codes. Last Friday you stated that you would be satisfied if the house on the subject site was built 10 feet below your house. The fact of the matter is the house will be over 11 feet below your house, which is based on the City's determination made in accordance with Section 10.60.050(C) of the Municipal Code and illustrated on the drawings presented to the Planning Commission last night. Your current suggestion to lower the house 15 feet below your house is not supported by the Municipal Code and therefore cannot be required.

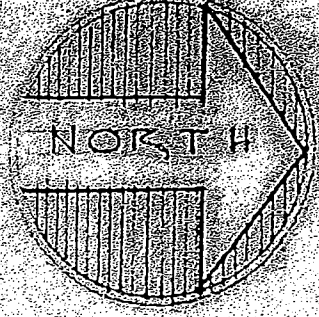
Sincerely;

Richard Thompson  
Director of Community Development



Attachments

Fire Department Address: 400 15TH Street, Manhattan Beach, CA 90266 FAX (310) 802-5201  
Police Department Address: 420 15TH Street, Manhattan Beach, CA 90266 FAX (310) 802-5101  
Public Works Department Address: 3621 Bell Avenue, Manhattan Beach, CA 90266 FAX (310) 802-5301  
Visit the City of Manhattan Beach Web Site at [www.citymb.info](http://www.citymb.info)



RAILROAD DR.  
90.22'

FIFTH ST.

47.18'

19.25'

CESS POOL  
10' 0" FROM  
HOUSE

ROOF PLAN

FENCE  
LAMP POST

71.25'

3' 6" BRICK  
WALKS  
MACADAM

102.26'

20" SERS  
VAL

CONTING  
TO PAVE

505

PACIFIC

**BUILDING PERMIT  
CITY OF MANHATTAN BEACH**

JOB ADDRESS: 505 PACIFIC AVE MANB  
LOCATION:

PERMIT NO: 01-02599  
STATUS: ISSUED  
APPLIED: 03/30/2001  
DATE ISSUED: 06/13/2001  
TO EXPIRE: 12/10/2001  
FINAL:

PARCEL NO: 4169-009-020 -

APPLICANT: TRIAD DESIGN ASSOCIATES  
OWNER: CRICHTON, GEORGE D AND  
CONTRACTOR: DAVE MILLER  
ADDRESS: 2616 OAK AVENUE  
CITY, STATE, ZIP: MANHATTAN BEACH, CA 90265

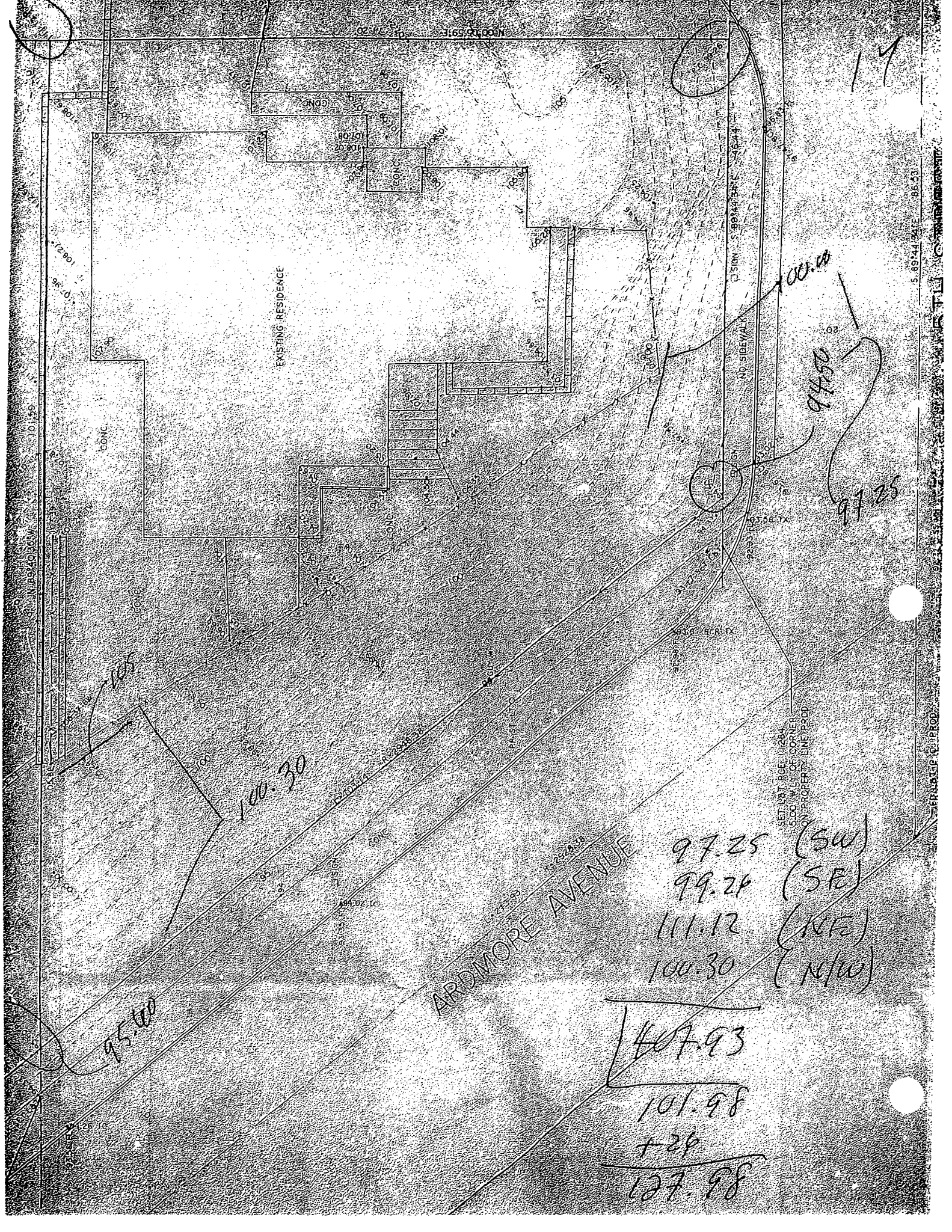
PHONE NO: 310/376-8849  
PHONE NO:  
PHONE NO: (310) 796-0660  
LIC #: 10254

DESCRIPTION: ADDITION TO SINGLE FAMILY RESIDENCE

VALUATION:	CONST. TYPE:		ASFR
	Occupancy	Type	Factor
	Dwellings	Type V-Wood Frame	86.30
		Totals...	540
			540
			\$46,602.00
			\$46,602.00*

OCCUPANCY:	R2/U1	CONST. TYPE:	VN	TYPE OF USE:	ASFR	
PLAN CHECK FEE	:	\$767.60		FIRE PLAN REVIEW	:	\$0.00
ADD'L PLAN CHECK FEE	:	\$0.00		NEW UNIT TAX	:	\$0.00
PERMIT FEE	:	\$785.50		AFTER THE FACT FEE	:	\$0.00
SEISMIC FEE	:	\$4.66		OTHER FEE	:	\$1.00
MICROFILM	:	\$10.80				
TOTAL CALCULATED FEE:		\$1,569.56				
PAYMENTS:		\$1,569.56				
BALANCE DUE:		\$0.00				



EXISTING RESIDENCE

ARDMORE AVENUE

- 97.25 (SW)
- 99.24 (SE)
- 111.12 (NE)
- 100.30 (NW)

~~407.93~~  
 101.98  
 127.98

SET BACK 1/2" 284  
 5.00' W. OF CORNER  
 ON PROPERTY LINE PERD.

- (b) For single family dwellings in Area Districts III and IV, and multifamily dwelling units in all districts, containing greater than 2,333 square feet of buildable floor area, the minimum requirement is 350 square feet per dwelling unit.
- (c) The amount of a dwelling unit's required open space located above the second story shall not exceed the proportion of the unit's total Buildable Floor Area which is located at the same level or story (where permitted by height regulations).
- (d) Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, or within an RM or RH zone in Area District I and II, additional usable open space shall be provided equal to 15% of the added buildable floor area until the total open space requirement provided in this Section is attained.

10. Required landscaping adjoining streets. At least 20% of all visible portions of a required front or corner side yard adjoining a street shall be planting area (MBMG 10.12.030(O)).

Exception: The Director of Community Development may grant an exception for a portion of the amount of required landscaping, not to exceed 75% of the total, in order to accommodate driveways and walkways.

11. Provide a topographic survey which is stamped, signed and dated within 12 months by licensed Land Surveyor or Civil Engineer. See Survey Handout for detailed survey requirements.  
*Survey must be recertified (older than 12 months)*

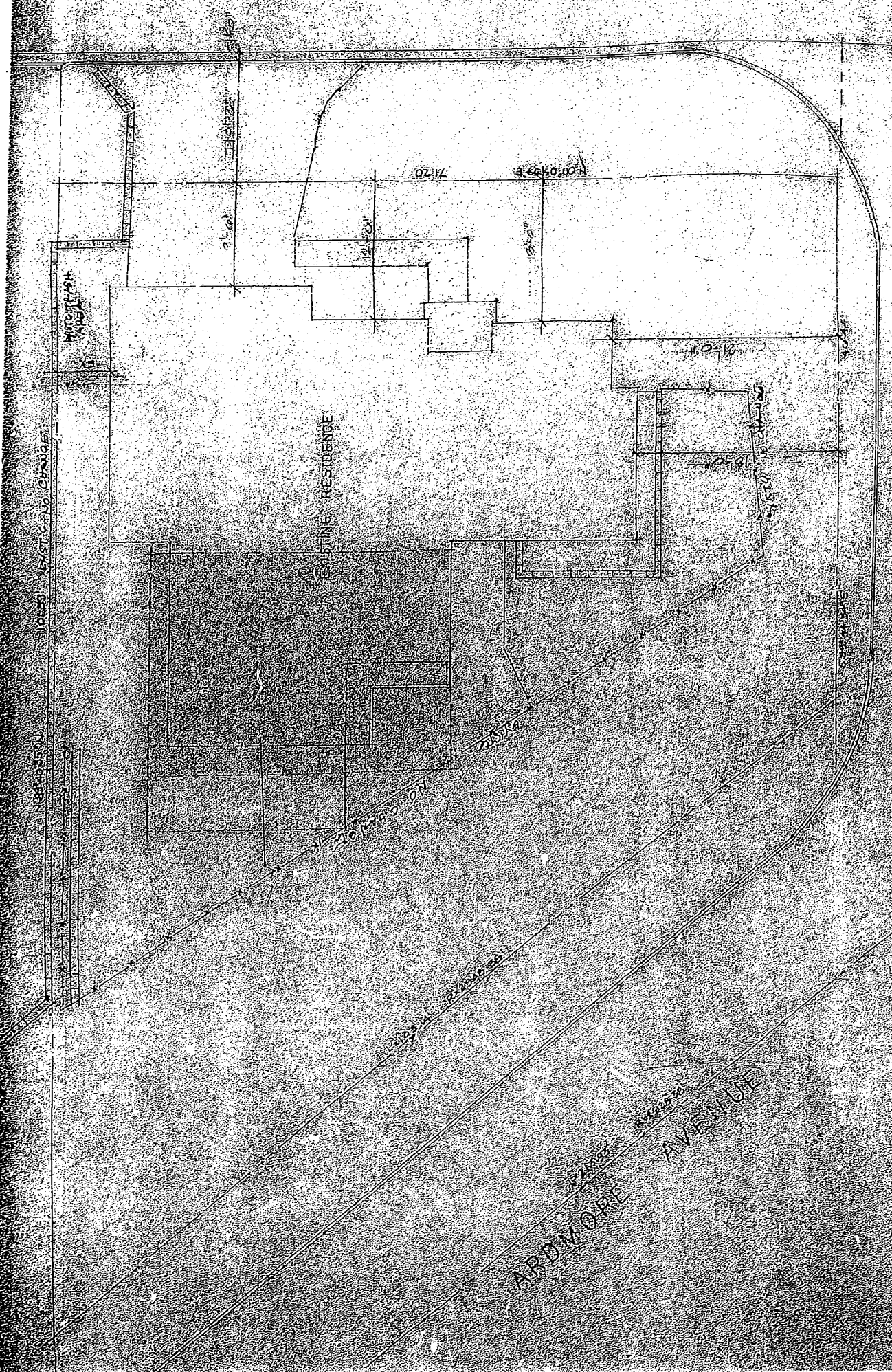
12. Provide proof of survey (property corners) verification by the City Building Inspector. Apply for Demo Permit (pre-demo/height inspection) through Building Division.

13. Height calculation: Corner (or alternate) elevations  
(1) 100.3 + (2) 97.25 + (3) 111.12 + (4) 99.26 = (5) 407.93 / 4 = Average grade elev. (6) 101.98 + height limit (7) 26 = Maximum allowable height elevation (8) 127.98 (MBMG 10.60.050)

Secondary Height Calculation: (each building perimeter location): Top Bldg. elev. (9) \_\_\_\_\_ - adjacent existing/finished ground level grade (10) \_\_\_\_\_ = (11) \_\_\_\_\_ - (7) \_\_\_\_\_ = (12) \_\_\_\_\_ / (7) = (13) \_\_\_\_\_ [ $> 20\%$ ]; ((\*) - whichever is lower, see definition of finished ground level grade - MBMG 10.60.050).

14. On at least one longitudinal section/elevation for each building, show the following information and notes:

- (a) Maximum allowable height elevation (# 12 above).
- (b) Actual/prop. height elevation (excluding chimneys & antennae only).
- (c) Finished ground floor elevation.
- (d) Floor-to-roof dimension (b minus c) in feet & inches.
- (e) Provide note: Parapets, satellite antennae, rails, skylights, roof equipment must be within the height limit.
- (f) Provide chimney dimensions (depth/width/height) for that portion exceeding the height limit. Chimneys may exceed the maximum



W. 10th St.

ENGINE RESIDENCE

W. 11th St.

W. 12th St.

W. 13th St.

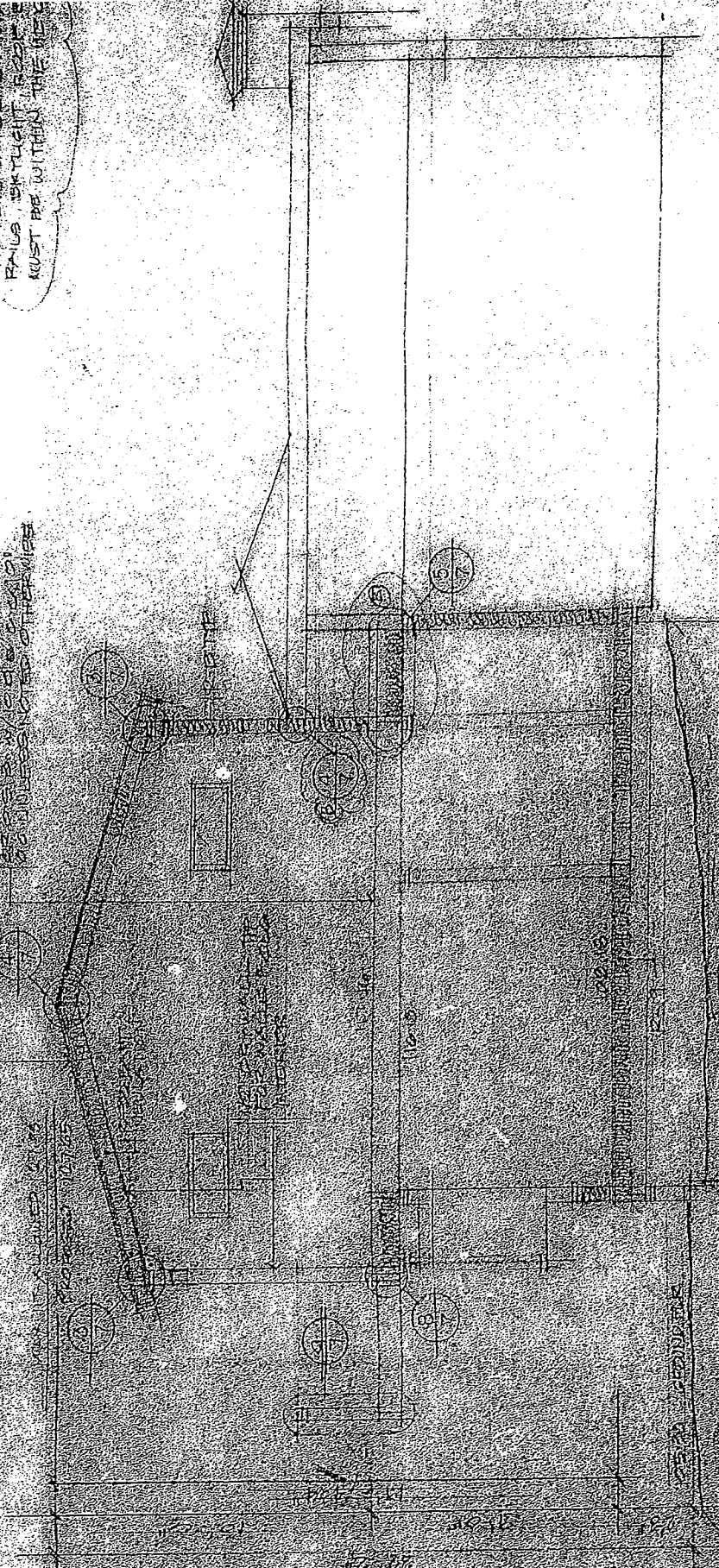




PARABOLIC GATE CURVE  
RADIUS 50' TIGHT POINT  
MUST BE WITHIN THE

SECTION LINE

SECTION LINE



SECTION LINE



# MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only

Date Submitted:  
Received By:  
F&G Check Submitted:

511 Pacific Avenue, MB, Ca.  
Project Address

4169-090-19  
Legal Description

General Plan Designation \_\_\_\_\_ Zoning Designation \_\_\_\_\_ Area District \_\_\_\_\_

For projects requiring a Coastal Development Permit, select one of the following determinations<sup>1</sup>:

- |                                                                           |                                                                            |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <input type="checkbox"/> Project located in Appeal Jurisdiction           | <input type="checkbox"/> Project <u>not</u> located in Appeal Jurisdiction |
| <input type="checkbox"/> Major Development (Public Hearing required)      | <input type="checkbox"/> Public Hearing Required (due to UP, Var., etc.)   |
| <input type="checkbox"/> Minor Development (Public Hearing, if requested) | <input type="checkbox"/> No Public Hearing Required                        |

**Submitted Application (check all that apply)**

- |                                                                   |                                                                  |
|-------------------------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Appeal to PC/PWC/BBA/CC _____ | <input type="checkbox"/> Subdivision (Lot Line Adjustment) _____ |
| <input type="checkbox"/> Coastal Development Permit _____         | <input type="checkbox"/> Use Permit (Residential) _____          |
| <input type="checkbox"/> Environmental Assessment _____           | <input type="checkbox"/> Use Permit (Commercial) _____           |
| <input type="checkbox"/> Minor Exception _____                    | <input type="checkbox"/> Use Permit Amendment _____              |
| <input type="checkbox"/> Subdivision (Mapping Deposit) _____      | <input type="checkbox"/> Variance _____                          |
| <input type="checkbox"/> Subdivision (Tentative Map) _____        | <input type="checkbox"/> Public Notification Fee _____           |
| <input type="checkbox"/> Subdivision (Final) _____                | <input type="checkbox"/> Other: _____                            |

**Fee Summary: Account No. 4225 (calculate fees on reverse)**

Pre-Application Conference: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_ Fee: \_\_\_\_\_

Amount Due: \$ \_\_\_\_\_ (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Cashier: \_\_\_\_\_

**Applicant(s)/Appellant(s) Information**

Jerry Jango Tchian  
Name

P.O. BOX 1810, M.B., Ca. 90267 (310-408-5806)  
Mailing Address

Neighbor  
Applicant(s)/Appellant(s) Relationship to Property

Applicant(s)/Appellant(s) Relationship to Property \_\_\_\_\_

Contact Person (include relation to applicant/appellant) \_\_\_\_\_

Address, and Phone Number \_\_\_\_\_ 310-374-8840

Applicant(s)/Appellant(s) Signature address \_\_\_\_\_

Fax Number and e-mail \_\_\_\_\_

**Complete Project Description- including any demolition (attach additional pages if necessary)**

SFR IN PLAW CHECK (06-02574) - MAXIMUM BUILDING HEIGHT CHALLENGE - VIOLATION OF MB CODE

<sup>1</sup> An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

**EXHIBIT F**

10.60.05  
PAID  
01-0217727  
SEP 27 2006  
CASHIER: C  
BVL/S.C.

# OWNER'S AFFIDAVIT

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I/We Jerry Tsangtchuan being duly sworn,  
depose and say that I am/we are the owner(s) of the property involved in this application and that  
the foregoing statements and answers herein contained and the information herewith submitted  
are in all respects true and correct to the best of my/our knowledge and belief(s).

Jerry Tsangtchuan  
Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

Jerry Tsangtchuan  
Print Name

P.O. Box 1810, M.B., Ca 90267  
Mailing Address

310-408-5806  
Telephone

Subscribed and sworn to before me,  
this 25<sup>th</sup> day of Sept, 2000  
in and for the County of Los Angeles  
State of CA  
Notary Public Don Ruane



\*\*\*\*\*  
\*\*\*\*

## Fee Schedule Summary<sup>2</sup>

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply. Contact the Planning Department for assistance. Fees are subject to annual adjustment in January.

### Submitted Application (circle applicable fees, apply total to Fee Summary on application)

<i>Coastal Development Permit</i>	
Filing Fee (public hearing – no other discretionary approval required):	\$ 1,824
Filing Fee (public hearing – other discretionary approvals required):	\$ 124
Filing Fee (no public hearing required):	\$ 124
<i>Use Permit (Master)</i>	
Residential Filing Fee:	\$ 2,420
Commercial Filing Fee:	\$ 3,005
Amendment Filing Fee:	\$ 1,209
<i>Variance</i>	
Filing Fee:	\$ 3,005
<i>Minor Exception</i>	
Filing Fee:	\$ 966
<i>Subdivision</i>	
Tentative Parcel/Tract Map	
Filing Fee:	\$ 585
Final Parcel Map/Tract Map	
Filing Fee:	\$ 585
Mapping Deposit:	\$ 473
Quimby Parks and Recreation Fee (new lot/unit):	\$ 1,817
Certificate of Compliance	
Filing Fee:	\$ 564.50
<i>Environmental Review (contact Planning Division for applicable fee)</i>	
Environmental Assessment:	\$ 124
Environmental Assessment (if Initial Study is prepared):	\$ 1,557
Fish and Game County Clerk Fee <sup>3</sup> :	\$ 25

<sup>2</sup> Refer to the City of Manhattan Beach 2001-02 Resolution of Fees for a complete list of fees.

