



Agenda Item #: 06/0307.8

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Angelica Ochoa, Assistant Planner

DATE: March 7, 2006

SUBJECT: Consideration of Planning Commission Approval of a Variance to Allow Construction of a 3-Story Single Family Residence to Project Into the Required Front Yard Setback, for the Property Located at 413 9th Place

RECOMMENDATION:

Staff recommends that the City Council **RECEIVE** and **FILE** this report.

FISCAL IMPLICATION:

There are no fiscal implications with the recommended action.

BACKGROUND:

On October 4, 2005, the Community Development Department received a Variance application for the property located at 413 9th Place. The site is zoned Single Family Residential (RS) and is located within Area District III on the north side of 9th Place between Valley Drive and Crest Drive. The applicant is seeking a variance to allow a building projection of two feet into the required five-foot front yard setback at the second and third levels of the proposed residence.

After receiving public testimony at its regular meeting of February 8, 2006, the Planning Commission **ADOPTED** Resolution No. PC 06-02 (5-0), approving the subject application.

DISCUSSION:

The applicant is seeking a Variance from Section 10.12.030 ("Property Development Regulations") to allow a two (2) foot building projection into the required five (5) front yard setback at the second and third levels. The proposed projection would allow approximately 65.3 square feet of living area and will maintain a three (3) foot clearance to the property line. The subject site fronts on 9th Place, an alley, and is substandard for lot size (30' x 45').

The Municipal Code Section 10.12.030 (G) of Title 10 allows the width of the required rear yard adjoining an alley in Area Districts III and IV to be reduced to two (2) feet at a height not less than eight (8) feet above the street grade. This rear yard exception only applies to properties which utilize the alley as their rear yard. In this case, however, the subject site uses 9th Place as their front yard and consequently, this exception does not apply. The applicant is therefore requesting

approval of a variance to allow additional floor area to project into the front yard on the two upper floors. Out of 36 properties on the subject block, 31 properties can have living area building projections allowed through the rear alley setback exception. Currently, 11 of these properties maintain building projections at the second and/or third floors.

At the public hearing of January 11, 2006, the Planning Commission unanimously (5-0) supported the variance for the proposed project (Exhibit B). There was discussion on the need to clarify the applicability of the Code section that allows projections, as part of the Variance process and clarification language was incorporated into the Resolution. There was no public testimony and the Planning Commission felt that the opposing letters received did not specifically apply to the subject Variance.

The Planning Commission also requested that the City Council consider addressing front yard setbacks on an alley for lots fronting on an alley through a Zoning Code amendment. The exception for rear yard building projections stated in Section 10.12.030 (G) only applies to full size lots and does not allow for alley projections for "half" lots that have the alley as a front, not a rear yard. Since previous variance applications for "half" lots were also approved, the Commission recommended that a provision in the Code be added for exceptions to rear yard building projections. As a result, "half" lots could take advantage of the exception without having to go through a variance process. Staff will present this for Council consideration at the next Work Plan meeting.

Staff presented the attached resolution at the Planning Commission meeting of February 8, 2006 (Exhibit "C") addressing the required Variance findings. The Planning Commission unanimously (5-0) adopted Resolution No. 06.02 (Exhibit "A") taking into consideration the size of the lot, the surrounding neighborhood, and that it would not grant a special privilege.

ALTERNATIVES

The alternatives to the staff recommendation include:

- **RECEIVE** and **FILE** the Planning Commission's decision of **APPROVAL**
- **APPEAL** the decision of the Planning Commission and schedule the subject item for a public hearing

Attachments: A. Resolution No. PC 06-02
B. Final Planning Commission Minutes excerpts; 01/11/06
C. Final Planning Commission Minutes excerpts; 02/08/06
D. Planning Commission Staff Report and attachments; 02/08/06 and 01/11/06

cc: John Berryman, Property Owner
Dean Nota, Project Architect

RESOLUTION NO PC 06-02

8

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A VARIANCE TO ALLOW A TWO-FOOT BUILDING PROJECTION INTO THE REQUIRED FRONT YARD SETBACK AT THE SECOND AND THIRD LEVELS FOR A NEW 3-STORY SINGLE FAMILY RESIDENCE ON THE PROPERTY LOCATED AT 413 9TH PLACE (Berryman)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on January 11, 2006, to consider an application for a Variance for the property legally described as the Southerly 45 feet of Lot 29, Block 4, Tract No. 4795, Map Book 58, pages 99 and 100 of Maps, Los Angeles County in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Variance is John Berryman, property owner.
- D. The applicant proposes to demolish an existing nonconforming single family residence and construct a new 3-story single family residence on a parcel fronting on an alley.
- E. The parcel is a 1,350 square foot portion of an original standard lot, and is legal nonconforming for required area (minimum 2,700 square feet) located in the "RS" zone, Area District III.
- F. The property fronts on the south side of 9th Place between Valley Drive and Crest Drive. Multiple properties within this neighborhood have less than 5-foot upper level setbacks along 9th Place.
- G. The Variance application involves a two-foot projection into the required five-foot front yard setback adjacent to 9th Place. The area of projection involves 65.3 square feet of living area at the second and third levels which will cantilever over the ground floor garage area. The ground floor will comply with the five-foot setback requirement.
- H. The requested Variance would grant relief from Section 10.12.030 ("Property Development Regulations") regarding the minimum five (5) foot front yard required setback in the "RS" zone, Area District III.
- I. Section 10.12.030 (G) of the Manhattan Beach Municipal Code contains a provision which allows properties in Area Districts III and IV to reduce the width of a required rear yard adjoining an alley to two feet at a height of eight feet above the alley grade. Because the subject property utilizes 9th Place as a front yard, the above referenced provision, Section 10.12.030 (G), does not apply.
- J. The General Plan designation for the property is Low Density Residential. The General Plan encourages development solutions tailored to each neighborhood's unique characteristics.

EXHIBIT
A

- K. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061, (b) (3) based on staffs determination that the project is a minor development and will not have a significant impact on the environment.
- L. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- M. Pursuant to the Manhattan Beach Municipal Code, 10.84.060 B., the Planning Commission made the following findings regarding the Variance application:
1. Because of special circumstances or conditions applicable to the subject property, including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions, strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property, *since the lot is substandard in size(30'x45') and the front yard is adjacent to an alley, not a street.*
 2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare, *since the proposed projection of two(2) feet on the second and third floors (65.3 square feet) into the alley is consistent with similar allowed projections from the neighboring properties and there will be no view obstruction.*
 3. Granting the application is consistent with the purposes of this title and will not constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district, *since full size lots in the vicinity and zone are allowed to project three (3) feet into the setback adjacent to the alley by code.*
- N. This resolution upon its effectiveness constitutes the Variance for the subject property.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Variance subject to the following conditions:

1. The project shall be in conformance with the plans submitted to, and approved by the Planning Commission on January 11, 2006.
2. Maximum projections of 2 feet shall be provided for the second and third levels of the building as shown on the submitted plans.
3. All landscape irrigation backflow devices must meet current City requirements for proper installation.
4. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
5. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
6. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
7. If any existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works

Department. The Public Works Department will review the tape and determine at that time if the sanitary lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition.

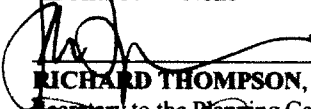
8. Residential properties must provide an enclosed storage area for refuse containers. These areas must be constructed to meet the requirements of M.B.M.C. 5.24.030. The area must be shown in detail on the plans before a permit is issued.
9. The back of driveway approach must be six inches higher than the flow line on the street. M.B.M.C. 9.76.030.
10. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
11. The water meter box must be purchased from the City, and must have a traffic lid if the box is located in the driveway.
12. Any unused water or sanitary lateral must be abandoned at the City main line.
13. The water supply line for the property on 413 9th Pl. must be placed inside a 2" PVC sleeve from the water meter on 412 10th St. to the south property line of the 413 9th Pl. property.
14. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water from entering the site.
15. All storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
16. All runoff water from the roof and side yards and patios must be discharged onto 9th Pl. Drains must be shown on plans.
17. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.
18. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
19. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
20. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code Section 711.4(c), the project is not operative, vested or final until the required filing fees paid.
21. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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 decision, or

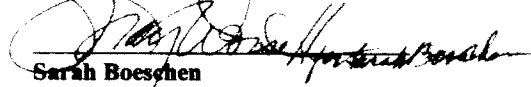
concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of 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.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **February 8, 2006** and that said Resolution was adopted by the following vote:

**AYES: Bohner, Lesser, Savikas,
Schlager, Chairman Simon**
NOES: None
ABSTAIN: None
ABSENT: None



RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary

PLANNING COMMISSION MINUTES
January 11, 2006
Page 4

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06/0111.1 Consideration of a Variance to Allow Construction of a Three-Story Single Family Residence to Project into the Required Front Yard Setback at 413 9th Place

Assistant Planner Angelica Ochoa summarized the staff report. She indicated that the subject property is a 30' by 45' half lot that is non-conforming in size for this area. She stated that on a half lot with access facing the alley, the front along the alley is the front yard because it provides the only access. She indicated that on a full lot, the portion of the lot facing the alley is the rear yard. She indicated that the applicant is proposing to construct a new three story residence which will conform with all requirements except for a 2 foot projection on the second and third levels along the alley. She stated that the Variance request is for a 2-foot projection within the 5 foot required setback. She indicated that the Code allows an exception for a 3 foot projection into the 5 foot setback if the rear yard adjoins an alley. However, it does not apply to lots such as this where the front yard faces the alley. She said that the applicant is requesting significantly less than the permitted amount of buildable floor area (BFA). She indicated that the existing residence projects 2 feet into the required 5 foot front setback. She stated that the new residence would be set back 5 feet at the ground level, with the second and third levels projecting 2 feet into the 5 foot setback. She indicated that such a projection is consistent with other homes along 9th Place. She commented that there is another half lot that also has a projection onto 9th Place within the 5 foot required setback. She stated that notice was sent to property owners within 500 feet of the subject property. She indicated that four letters were received in response to the variance with concerns regarding the bulk of the home; the loss of views in the area; the narrowness of the alley; and the height of the home.

Commissioner Lesser commented that the Variance is based on Section 10.12.030(G) of the Municipal Code, which is titled "Rear Alley Setback Exceptions." He asked if the Commission would have any other basis for granting the Variance request if they were to find that the specified provision of the Municipal Code does not allow for approval because it addresses rear setbacks. He stated that the specified Code provision solely pertains to rear alley setbacks, and the proposal is for a front alley setback because it is on a half lot.

In response to a question from Commissioner Savikas, Assistant Planner Ochoa indicated that the structure for the half lot on 9th Place was approved by the Planning Commission in 1947. However, no variance was on file for this projection.

Commissioner Schlager indicated that he is unclear as to the reasoning behind requiring the 5 foot setback for the proposed residence.

Director Thompson indicated that when similar issues were raised in the past, direction was



PLANNING COMMISSION MINUTES

January 11, 2006

Page 5

1 given by the Planning Commission that the Code should probably be changed to accommodate
2 such properties. He said that because of the number of other issues that were considered higher
3 priority, the issue has not yet been addressed further.

4
5 Commissioner Schlager commented that the alley is fairly wide, and the homes in the area with
6 similar projections to the proposal do not interfere with any trucks driving in the alley. He also
7 pointed out that many homes in the area have such projections.

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9 In response to a question from Commissioner Bohner, Director Thompson indicated that Section
10 10.12.030(G) provides an exception to project 3 feet into the 5 foot rear yard setback, but there is
11 not a provision in the Code that grants authority for half lots to project into the front yard. The
12 Variance requested is to Section 10.R.030, front yard setbacks. He said that the Variance section
13 of the Code gives the Commission the authority to grant Variances.

14
15 **Dean Nota**, the architect for the project, stated that they are proposing an 1,844 square foot
16 structure, and 2,700 square feet is permitted. He indicated that 32 of the 36 properties which face
17 9th Place have the right to build the same type of projection that is proposed for the subject
18 property. He indicated that the projection they are requesting would extend 2 feet into the
19 setback and would be 16'4" wide, and typical projections extend 3 feet into the required setback
20 and are 24 feet wide. He commented that the subject lot is highly restrictive for developing. He
21 commented that the use of the projection is not simply to gain square footage but also for
22 aesthetics. He said that eliminating the projection would result in the structure having a sheer
23 wall at the 5 foot setback that would project within 4 feet of the height limit. He indicated that
24 he always encourages his clients to comply with the Code requirements if at all possible. He
25 commented, however, that he feels this instance is an obscure interpretation of the Code and the
26 requirement is not clearly defined. He indicated that the issue was not raised by staff in the
27 preliminary design phase. He indicated that an already small lot does not deserve the added
28 restriction of subtracting a projection that is permitted for other properties that are on the same
29 street, but it is a rear, not front, yard. He indicated that the subject property is a very small and
30 highly restrictive lot.

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32 Chairman Simon closed the public hearing.

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34 Commissioner Schlager pointed out that none of the letters expressing objections came from
35 adjacent property owners, and none of the objections specifically applied to the Variance request
36 for the projection. He said that the property does present a special circumstance; the proposed
37 projection would not be detrimental to the public good; and it would not grant a special privilege.
38 He indicated that he supports granting of the Variance request.

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PLANNING COMMISSION MINUTES

January 11, 2006

Page 6

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 2 Commissioner Savikas indicated that the other variance request previously denied by the
 3 Commission had projections that were more extensive than the subject proposal and both halves
 4 of the lot had the same owner. She indicated that the architect is working with a handicap if the
 5 Code does not apply to half lots, and changes should be made to the Code to apply to such
 6 properties. She indicated that she believes the project presents a special circumstance that would
 7 fit the criteria for granting the Variance. She stated that the four letters that raised concerns are
 8 not from direct neighbors, and she does not feel it is such an extensive change that it would be a
 9 detriment to the neighborhood. She pointed out that the proposed structure would be smaller
 10 than the existing building, and the project is in compliance with the other properties that have
 11 projections on the alley. She said that she feels the project meets the criteria for granting the
 12 Variance.

13
 14 Commissioner Lesser commented that he was trying to find another policy directive in the Code
 15 to approve the proposal, given that the findings for granting the Variance are met in this case. He
 16 indicated that he acknowledges the concern raised in the letters of opposition of increasing bulk
 17 on the street by way of granting Variances, and he is not certain that there is a policy directive in
 18 the Code for granting additional approvals. He said that he is not entirely comfortable with the
 19 authority of the Commission to grant the Variance. He stated, however, that he does feel the
 20 findings can be met in this case, as pointed out by the other Commissioners. He said that there
 21 are other properties that encroach onto the right-of-way, and the applicant should not be
 22 penalized beyond other property owners simply because the property is a half-lot.

23
 24 Commissioner Bohner said that granting the setback would be consistent with the surrounding
 25 properties and it would not change the character of the neighborhood. He said that it does not
 26 appear that the project would create a loss of view; overhang and interfere with the use of the
 27 alley; or significantly change the bulk or height of the existing structure. He indicated, however,
 28 that it would be helpful if staff could provide the Commissioners with specific Code language
 29 allowing the legal authority for approval of the Variance in the subject case. He commented that
 30 many city codes have a general provision which permits the granting of various exceptions and
 31 variances. He suggested that staff direct the Commission to the language in the Code if there is
 32 such a provision, and he would be satisfied with that as a legal basis for approving the request.
 33 He said that a number of the surrounding properties do have setbacks similar to the proposal, and
 34 special circumstances do apply. He indicated that he is inclined to grant the Variance, but he
 35 would like more direction from staff regarding the legal authority to convince him entirely that
 36 the request should be granted.

37
 38 In response to a question from Commissioner Savikas, Director Thompson stated that if the
 39 project is approved by the Commission, it would be forwarded to the City Council. He said that
 40 if it is the recommendation that changes be made to the Code, such a recommendation would be

PLANNING COMMISSION MINUTES

January 11, 2006

Page 7

1 forwarded to the Council in the staff report.

2

3 Chairman Simon commented that he is not certain that the Commission currently has the
4 background information to make a recommendation that the Code be changed, and he suggested
5 that staff provide the Commissioners with more information regarding the issue at a future date.
6 He commented that there may have been reasoning when the Code language was written as to
7 why half-lots should maintain the required setback. He said that he can relate to the comments of
8 the people who wrote the letters that the project would result in more requests in the future;
9 however, that concern does not apply with the subject project. He said that he does not feel that
10 granting the request would impair on any views, and the new structure would be less bulky and
11 more attractive than the existing home. He stated that he supports the proposal.

12

13 Commissioner Lesser said that he would support the project because the Variance findings can
14 be met. He indicated that he would welcome specific language directing the Council to consider
15 whether or not they wish to amend the Code or for further input as to any reasoning as to why the
16 Code provision only applies to projections in the rear alley .

17

18 Commissioner Bohner said that he would support the proposal. He indicated that he would like
19 the final Resolution to refer to the section being relied on to provide the authority for granting the
20 Variance.

21

22 Director Thompson commented that the Commission clearly has authority to grant the Variance.
23 He indicated that Chapter 10.84 regarding Use Permits, Variances, and Minor Exceptions
24 addresses the authority of the Planning Commission and the purposes of Variances. He indicated
25 that staff will return at the next meeting with more specific information regarding the issue.

26

27 A motion was MADE and SECONDED (Schlager/Lesser) to direct staff to prepare a Resolution
28 to **APPROVE** a Variance to allow construction of a three-story single family residence to project
29 2 feet into the required 5 foot front yard setback at 413 9th Place.

30

31 Also, as a separate request, that the City Council consider adding a provision to the Code
32 relating to front yard setbacks on an alley for half lots; and that the Resolution refer to a specific
33 Code section for the front yard setback for half lots granting authority for approving Variances.

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- 35 AYES: Bohner, Lesser, Savikas, Schlager, Chairman Simon
- 36 NOES: None
- 37 ABSENT: None
- 38 ABSTAIN: None

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**CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
FEBRUARY 8, 2006**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, February 8, 2006, at 6:30 p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

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5 **ROLL CALL**

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7 Chairperson Simon called the meeting to order.

- 8
- 9 Members Present: Bohner, Lesser, Schlager, Savikas, Chairperson Simon
- 10 Members Absent: None
- 11 Staff: Richard Thompson, Director of Community Development
- 12 Eric Haaland, Associate Planner
- 13 Angelica Ochoa, Assistant Planner
- 14 Sarah Boeschen, Recording Secretary
- 15

16 **APPROVAL OF MINUTES** January 11, 2006

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18 A motion was MADE and SECONDED (Bohner/Lesser) to **APPROVE** the minutes of January
19 11, 2006.

- 20
- 21 AYES: Bohner, Lesser, Schlager, Savikas, Chairperson Simon
- 22 NOES: None
- 23 ABSENT: None
- 24 ABSTAIN: None
- 25

26 **AUDIENCE PARTICIPATION** None

27
28 **PUBLIC HEARINGS (CONTINUED)**

29
30 **06/0111.1 Consideration of a Variance to Allow Construction of a Three-Story Single**
31 **Family Residence to Project into the Required Front Yard Setback at 413 9th**
32 **Place**

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34 Director Thompson commented that a public hearing was conducted regarding the issue at the
35 last meeting. He indicated that the proposed Variance request is for a rear setback of the second
36 and third story to the alley which would provide a 3 foot in lieu of the required 5 foot setback.
37 He commented that such projections are permitted for full lots, and the discussion of the
38 Commission was generally in support. He indicated that there was also discussion at the
39 previous meeting regarding the authority of the Commission to grant the Variance, and the staff
40 report describes the Code requirement and the Variance section which gives the Commission
41 authority. He said that staff is recommending that the Commission approve the proposed

EXHIBIT
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1 Resolution. He pointed out that the public hearing was closed at the last meeting, and the
2 direction of the Commission was for staff to prepare a Resolution of approval.

3
4 Commissioner Bohner said that his recollection at the last meeting was that the authority of the
5 Commission for granting the Variance request was the remaining issue. He said that his
6 understanding is that the prior provision that was cited pertained only to rear setbacks and not
7 front setbacks. He asked whether there was a Code section identified in the Resolution that
8 provides such authority.

9
10 Chairman Simon commented that referencing a specific Code section could possibly limit the
11 effect of the Resolution by indicating it is adopted only pursuant to particular Code sections and
12 excluding additional sections that would make it valid.

13
14 Director Thompson commented that Code sections that provide the Commission with such
15 authority are cited in the front page of the Resolution. He indicated that Section M of the
16 Resolution cites the Variance section of the Code granting authority to the Commission and also
17 includes the necessary findings. He stated that staff is comfortable with the Commission
18 approving the draft Resolution.

19
20 In response to a question from Commissioner Lesser, Director Thompson indicated that it would
21 be appropriate to present the Commission's recommendation for considering an additional Code
22 section relating to front yard setbacks as part of the staff report to the City Council rather than
23 for such language to be included in the Resolution.

24
25 A motion was MADE and SECONDED (Savikas/Bohner) to **ADOPT** the draft Resolution to
26 **APPROVE** a Variance to allow construction of a three-story single family residence to project
27 into the required front yard setback at 413 9th Place

- 28
29 AYES: Bohner, Lesser, Schlager, Savikas, Chairperson Simon
30 NOES: None
31 ABSENT: None
32 ABSTAIN: None

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34 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
35 the City Council's Consent Calendar for their review on March 7, 2006.

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41 **06/0111.2 Consideration of a Coastal Development Permit and Vesting Tentative Parcel**
42 **Map to Allow Construction of Two New Condominium Units at 4113 Ocean**
43 **Drive**

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2 Director Thompson said that the project was also continued from the last meeting. He said that it
3 was discovered through testimony that the public notice for the proposal could have been more
4 clear regarding the section numbers under which the project is exempt from the Environmental
5 Quality Act. He indicated that it was noted on the revised notice that it was originally incorrectly
6 cited. He said that the direction of the Commission at the previous hearing was that they were in
7 support of the project subject to the renoticing.

8
9 Chairman Simon reopened the public hearing.

10
11 **Nagy Bakhoun**, the architect for the project, said that he is available for any questions that the
12 Commissioners may have regarding the proposal.

13
14 Chairman Simon closed the public hearing.

15
16 Commissioner Lesser stated that it is sad that the property is going to be leveled as it is one that
17 is quite old and one of the few remaining beach cottages. He said that while the home is
18 deteriorating, it is sad that there are not more incentives to restore it. He indicated, however, that
19 the age and potential historic significance of the property had no relevance to the applicant's
20 proposal, and he would vote in favor of the project.

21
22 A motion was MADE and SECONDED (Schlager/Bohner) to **APPROVE** Coastal Development
23 Permit and Vesting Tentative Parcel Map to allow construction of two new condominium units at
24 4113 Ocean Drive

- 25
26 AYES: Bohner, Lesser, Schlager, Savikas, Chairperson Simon
27 NOES: None
28 ABSENT: None
29 ABSTAIN: None

30
31 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
32 the City Council's Consent Calendar for their review on March 7, 2006.

33
34 **DIRECTOR'S ITEMS**

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36 Director Thompson announced that Laurie Jester was nominated as employee of the year of
37 Manhattan Beach for the year 2005. He commented that the honor is well deserved. He pointed
38 out that the award is nominated and voted by coworkers rather than management or the public.

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40 A motion was made (Lesser/Savikas) to congratulate Senior Planner Jester on being named
41 employee of the year 2005.

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43 The motion was unanimously passed.

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Director Thompson said that Commissioner Savikas is scheduled to attend the National Planning Conference in San Antonio, Texas on April 22-26, 2006. He said that there is also a League of California Cities conference scheduled in Monterey on March 22-24, 2006, and he would highly recommend that the Commissioners attend. He requested that the Commissioners let staff know whether they plan to attend by February 24.

Commissioner Schlager indicated that he plans to attend the League of California Cities conference. Commissioners Lesser and Bohner indicated that they are also very interested in attending.

PLANNING COMMISSION ITEMS

Commissioner Lesser commented that he is interested in incentives that might be available to property owners to preserve existing homes. He said that he would not wish for staff to work on additional items unless directed by Council.

Director Thompson said that preservation of historic homes is a work plan item, but it has not been placed as a very high priority. He indicated that there is a citizen committee that is working on the issue with limited staff report. He commented that staff does have some background information that will be forwarded to any of the Commissioners who are interested in the issue.

Commissioner Savikas commented that some discussion of the issue might be raised by the mansionization committee.

TENTATIVE AGENDA: February 22, 2006

- A. Use Permit, Coastal Permit and Vesting Tentative Tract Map 065187 to allow the Construction of 34 condominium units for office and retail use at 1300 Highland Avenue

ADJOURNMENT

The meeting of the Planning Commission was **ADJOURNED** at 7:00 p.m. in the City Council Chambers, City Hall, 1400 Highland Avenue, to Wednesday, February 22, 2006, at 6:30 p.m. in the same chambers.


RICHARD THOMPSON
Secretary to the Planning Commission


SARAH BOESCHEN
Recording Secretary

8

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development 

FROM: Angelica Ochoa, Assistant Planner 

DATE: February 8, 2006

SUBJECT: Consideration of a **VARIANCE** to Allow Construction of a 3-Story Single Family Residence to Project Into the Required Front Yard Setback at 413-9th Place

RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** the Attached Resolution

BACKGROUND

The project site is located at 413-9th Place on the north side of the alley, between Valley Drive to the east and Crest Drive to the west. The surrounding land uses include single family residences on the north, east, south and west sides. The project site is the rear portion of an original full size lot (30' x 90') subdivided in 1952 fronting on an alley, 9th Place. The property is substandard (1,350 square feet) for the required lot area of 2,700 square feet for single family (RS) Area District III.

The applicant requests approval of a Variance from Section 10.12.030 ("Property Development Regulations") to allow a two (2) foot projection into the required five (5) foot front yard setback to accommodate 65.3 square feet of floor area for the development of a new 3-story single family residence. The projection will be located on the second and third levels and will maintain a three (3) foot clearance to the property line. The purpose of the proposed Variance is to allow additional floor area, due to the small size of the parcel (30' x 45').

The property is unique because of its parcel size and because the front yard abuts an alley (9th Place). The neighboring properties that are full lots have floor area projections onto 9th Place, with 9th Place serving as their rear yard and the walkstreet serving as their front yard. The Municipal Code (Section 10.12.030 (G) of Title 10) allows the width of a required rear yard adjoining an alley to be reduced to two (2') feet at a height not less than eight (8') feet above street grade. This exception would apply to those properties which utilize 9th Place as their rear yard. However, for the subject site this exception does not apply because it utilizes 9th Place as

EXHIBIT
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the **front** yard. For this reason, the applicant is requesting a Variance for relief from the 5 foot front yard required setback to allow a 2 foot projection of living area.

DISCUSSION

Planning Commission Hearing of January 11, 2006

At the hearing of January 11, 2006, the Commission unanimously (5-0) supported the Variance for the proposed project (Exhibit B). In summary, there was discussion on the need to clarify the applicability of the Code section that allows projections, and the Variance requirements. Section 10.84.010 states that Variances may be granted for “yards” (setbacks), as well as other development standards. Additionally, specifically Section 10.84.020 gives the Planning Commission authority to approve, conditionally approve, or disapprove applications for use permits or Variances. Section 10.84.060 (B) states the required findings for Variances that are required to be met in order for the Planning Commission to approve a project. The findings for the Variance as required by Code Section 10.84 060 (B) are set forth in the attached resolution (Exhibit A). The Commission felt the Variance findings could be met and for the reasons stated below supported the project.

The Commission felt the small size of the parcel constituted a hardship and special circumstance, the proposed projection would not be detrimental to the public good due to similar projections from surrounding properties and the request would not grant a special privilege, since other full lots along 9th Place are allowed rear yard projections onto an alley. The Commission did not feel the opposing issues that were presented in several letters, specifically applied to the Variance request and the granting of the request would not impair any views or interfere with the use of the alley. Approval of the Variance would maintain a uniformity in appearance among the other properties on 9th Place. The proposed projection on the subject site will be less extensive than the previously approved Variances mentioned in the staff report and the proposed new residence will also be smaller in square footage than the existing residence.

A request was proposed by the Planning Commission to add a provision in the Code to address front yard setbacks on an alley for portions of lots. This request will be addressed in the staff report that will be forwarded to the City Council.

ALTERNATIVES

The alternatives to the Planning Commission include:

- 1. **APPROVE** the attached Resolution.
- 2. **MODIFY** the attached Resolution and **APPROVE**.
- 3. **DIRECT** Staff accordingly.

8

Attachments: Exhibit A – Resolution No. PC 06-
Exhibit B – Excerpt from the 'Draft' Minutes of the 01/11/06
Planning Commission Meeting

C: John Berryman, Property Owner
Dean Nota, Project Architect

8

RESOLUTION NO PC 06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A VARIANCE TO ALLOW A TWO-FOOT BUILDING PROJECTION INTO THE REQUIRED FRONT YARD SETBACK AT THE SECOND AND THIRD LEVELS FOR A NEW 3-STORY SINGLE FAMILY RESIDENCE ON THE PROPERTY LOCATED AT 413 9TH PLACE (Berryman)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on January 11, 2006, to consider an application for a Variance for the property legally described as the Southerly 45 feet of Lot 29, Block 4, Tract No. 4795, Map Book 58, pages 99 and 100 of Maps, Los Angeles County in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Variance is John Berryman, property owner.
- D. The applicant proposes to demolish an existing nonconforming single family residence and construct a new 3-story single family residence on a parcel fronting on an alley.
- E. The parcel is a 1,350 square foot portion of an original standard lot, and is legal nonconforming for required area (minimum 2,700 square feet) located in the "RS" zone, Area District III.
- F. The property fronts on the south side of 9th Place between Valley Drive and Crest Drive. Multiple properties within this neighborhood have less than 5-foot upper level setbacks along 9th Place.
- G. The Variance application involves a two-foot projection into the required five-foot front yard setback adjacent to 9th Place. The area of projection involves 65.3 square feet of living area at the second and third levels which will cantilever over the ground floor garage area. The ground floor will comply with the five-foot setback requirement.
- H. The requested Variance would grant relief from Section 10.12.030 ("Property Development Regulations") regarding the minimum five (5) foot front yard required setback in the "RS" zone, Area District III.
- I. Section 10.12.030 (G) of the Manhattan Beach Municipal Code contains a provision which allows properties in Area Districts III and IV to reduce the width of a required rear yard adjoining an alley to two feet at a height of eight feet above the alley grade. Because the subject property utilizes 9th Place as a front yard, the above referenced provision, Section 10.12.030 (G), does not apply.
- J. The General Plan designation for the property is Low Density Residential. The General Plan encourages development solutions tailored to each neighborhood's unique characteristics.

EXHIBIT
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K. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061, (b) (3) based on staffs determination that the project is a minor development and will not have a significant impact on the environment.

L. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

M. Pursuant to the Manhattan Beach Municipal Code, 10.84.060 B., the Planning Commission made the following findings regarding the Variance application:

- 1. Because of special circumstances or conditions applicable to the subject property, including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions, strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property, *since the lot is substandard in size(30'x45') and the front yard is adjacent to an alley, not a street.*
- 2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare, *since the proposed projection of two(2) feet on the second and third floors (65.3 square feet) into the alley is consistent with similar allowed projections from the neighboring properties and there will be no view obstruction.*
- 3. Granting the application is consistent with the purposes of this title and will not constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district, *since full size lots in the vicinity and zone are allowed to project three (3) feet into the setback adjacent to the alley by code.*

N. This resolution upon its effectiveness constitutes the Variance for the subject property.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Variance subject to the following conditions:

- 1. The project shall be in conformance with the plans submitted to, and approved by the Planning Commission on January 11, 2006.
- 2. Maximum projections of 2 feet shall be provided for the second and third levels of the building as shown on the submitted plans.
- 3. All landscape irrigation backflow devices must meet current City requirements for proper installation.
- 4. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
- 5. A property line cleanout must be installed on the sanitary sewer lateral. See City Standard Plan ST-5. Cleanout must be added to the site plan.
- 6. A backwater valve is required on the sanitary sewer lateral if the discharges from fixtures with flood level rims are located below the next upstream manhole cover of the public sewer. See City Standard Plan ST-24. Must be shown on the plan if applicable.
- 7. If any existing sewer lateral is used, it must be televised to check its structural integrity. The tape must be made available for review by the Public Works

Department. The Public Works Department will review the tape and determine at that time if the sanitary lateral needs repairing, replaced, or that it is structurally sound and can be used in its present condition.

- 8. Residential properties must provide an enclosed storage area for refuse containers. These areas must be constructed to meet the requirements of M.B.M.C. 5.24.030. The area must be shown in detail on the plans before a permit is issued.
- 9. The back of driveway approach must be six inches higher than the flow line on the street. M.B.M.C. 9.76.030.
- 10. Water meters shall be placed near the property line and out of the driveway approach whenever possible. Water meter placement must be shown on the plans.
- 11. The water meter box must be purchased from the City, and must have a traffic lid if the box is located in the driveway.
- 12. Any unused water or sanitary lateral must be abandoned at the City main line.
- 13. The water supply line for the property on 413 9th Pl. must be placed inside a 2" PVC sleeve from the water meter on 412 10th St. to the south property line of the 413 9th Pl. property.
- 14. Erosion and sediment control devices BMPs (Best Management Practices) must be implemented around the construction site to prevent discharges to the street and adjacent properties. BMPs must be identified and shown on the plan. Control measures must also be taken to prevent street surface water from entering the site.
- 15. All storm water, nuisance water, etc. drain lines installed within the street right of way must be constructed of ductile iron pipe. Drains must be shown on plans.
- 16. All runoff water from the roof and side yards and patios must be discharged onto 9th Pl. Drains must be shown on plans.
- 17. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.
- 18. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
- 19. The Variance shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A).
- 20. Pursuant to Public Resources Code section 21089(b) and Fish and Game Code Section 711.4(c), the project is not operative, vested or final until the required filing fees paid.
- 21. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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 decision, or

8

concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this 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.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **February 8, 2006** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RICHARD THOMPSON,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

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

TO: Planning Commission
THROUGH: Richard Thompson, Director of Community Development
FROM: Angelica Ochoa, Assistant Planner *AO*
DATE: January 11, 2006
SUBJECT: Consideration of a VARIANCE to Allow Construction of a 3-Story Single Family Residence to Project Into the Required Front Yard Setback at 413 9th Place

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING, CONSIDER** the request, and **DIRECT** Staff as determined to be appropriate.

LOCATION

Location

413 9th Place on the north side of 9th Place, between Valley Drive on the east and Crest Drive on the west. (Exhibit A).

Legal Description

S'ly 45 feet of Lot 29, Block 4, Tract No. 4795, Map Book 58, pages 99 and 100 of Maps, Los Angeles County.

Area District

III

LAND USE

General Plan

Low Density Residential

Zoning

RS, Single Family Residential

Neighboring Zoning/Land Uses

RS/Single Family Residences on the south, north, west and east sides.

PROJECT DETAILS

	<u>Existing</u>	<u>Proposed</u>	<u>Code Requirement</u>
Parcel Size:	1,350 sq. ft.	1,350 sq. ft.	2,700 sq. ft. min.
Building Floor Area:	1,925 sq. ft.	1,844 sq. ft.	2,160 sq. ft. max.
Height:	30 ft.	30 ft.	30 ft.
Parking:	3 spaces	2 enclosed spaces	2 enclosed spaces
Vehicle Access:	9 th Place	9 th Place	N/A
Setbacks:			
Front (south) (alley)	1.33 ft.	2 ft.(Var. Req.)	5 ft. min.
Rear (north)	5.58 ft.	5 ft.	5 ft. min.
Right Side (east)	3 ft.	3 ft.	3 ft. min.
Left Side (west)	2.75 ft.	3 ft.	3 ft. min.

BACKGROUND

The project site is the rear portion of an original full size lot (30'x 90') legally subdivided in 1952. The subdivision resulted in the subject site fronting on an alley, 9th Place, which was the rear yard of the original full lot. The municipal code allows a 3 foot projection into a 5 foot rear yard abutting an alley. However, for a half lot parcel that fronts an alley, as in this case, this projection is not allowed by zoning regulations. The front alley setback reduction for small size parcels requires variance approval from the Planning Commission.

The applicant is requesting a variance from Section 10.12.030 (G) of a front alley setback to allow a two (2) foot projection into the required five (5) foot front yard setback to accommodate 65.3 square feet of floor area (Exhibit E). The two (2) foot projection will be located on the second and third levels of a new single family residence and will maintain a three (3) foot clearance to the property line. The purpose of the variance is to allow additional living area due to the small size of the parcel (30' x 45'). This projection is allowed on full size (30' x 90') lots abutting an alley per Section 10.12.030 (G), as on a full lot the alley is the rear property line.

DISCUSSION

The site at 413 9th Place is currently developed as a 3 level single-family residence including a 3 car garage on a 30' x 45' lot totaling 1,925 square feet . The submitted plans for this project propose a new 1,802 square foot 3-story residence with a 442 square foot garage (Exhibit G, separate package). The proposed total square footage of 1,844 (400 square feet of garage is exempt from total living area per zoning code) is less than the maximum allowable floor area of 2,160 square feet. The proposed project complies with the 5 foot front yard setback requirement on the ground level except for the second and third floors which encroach 2 feet into the 5 foot front setback. The projection on the second and third floors in the front only extends 16'4" in width compared to the entire width of the building of 23 feet. The unique size of the subject

property causes a challenge in the design of a new home and therefore the front yard projection presents a potential alternative to the applicant to gain living area.

Other neighboring full lot properties to the east and west along 9th Place have living area projections on the second and third levels, as 9th Place serves as their rear yard, not front yard. Section 10.12.030 (G) of the Municipal Code allows the width of a required rear yard adjoining an alley to be reduced to two (2') feet at a height not less than eight (8') feet above street grade. This exception would apply to those properties which utilize 9th Place as a rear yard. In this case, the subject property utilizes 9th Place as the front yard and is not subject to this exception.

The proposed design of the subject property is consistent with surrounding properties that have living area projections toward the alley on the second and third levels. Out of 42 properties along 9th Place between Valley and Crest Drive, twelve (12) properties have living areas projecting onto the alley (9th Place) and three (3) properties have balconies projecting onto the alley. A total of two (2) half lot properties (one being the subject site) utilize 9th Place as their front yard. The half lot located at 328 9th Place with an existing single family residence has living area projecting towards the alley on 9th Place. A vicinity map and photos are attached to identify the mentioned properties (Exhibit B).

The request for living area projections adjacent to an alley has been approved through at least two other variances, and one such variance request was denied. In 2000, a variance was approved for a 1,369 square foot home on a 1,066 square foot lot located at 1209 Bayview Drive. In 2002, a variance was approved for a 1,736 square foot home on a 1,200 square foot lot located at 228 5th Place. In 2004, a variance was denied for a 1,763 square foot home on a 1,200 square foot lot located at 216 23rd Place. Resolutions and photos of these projects are attached to this report (Exhibit C and D).

The two approved variances are similar to the subject site in the unique size of the parcel, the alley being used as their front yard, and neighboring properties projecting rear living area into the alley. The denial of the variance located at 216 23rd Place involved the issue of the applicant owning the two half lots and having the opportunity to merge the lots back to a full lot. In this case, the owner of the subject site does not own the other parcel and therefore does not have the option to merge the parcels to become a full lot.

Staff has reviewed the proposed plans for this site and finds the plans in conformance with the development standards with the exception of the front projection of the second and third floors adjacent to the alley.

PUBLIC INPUT

Staff received four letters opposing the proposed variance in response to the notice for the project. The opposing issues discussed in the letters refer to the bulk and over-building of homes in the area, the loss of views to neighboring properties, the narrowness of the alley and the height of the home. The comment letters received are attached (Exhibit F).

DEPARTMENT COMMENTS

If the variance is approved, the comments received from the Public Works Department will be incorporated in the resolution. The Building Department’s comments will be addressed during the plan check process.

ENVIRONMENTAL REVIEW

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303.

CONCLUSION

Staff requests that the Planning Commission conduct a public hearing, consider the request, and provide direction on one of the following to staff:

- 1. **APPROVE** the subject Variance and **DIRECT** Staff to prepare a Resolution of Approval, including conditions.
- 2. **DENY** the subject Variance and **DIRECT** Staff to prepare a Resolution of Denial.
- 3. **DIRECT** Staff accordingly.

ATTACHMENTS:

- Exhibit A - Vicinity Map
- Exhibit B - Photos of Surrounding Properties to Subject Site
 - Photo of Neighboring Half-Lot
 - Map of Neighboring Projecting Properties
- Exhibit C - Previous Variance Resolution Nos. PC 00-3, PC 02-31 & PC 04-16 (NAE)
- Exhibit D - Previous Variance Photos
- Exhibit E – Applicant Project Material
- Exhibit F - Public Comment Letters
- Exhibit G - Development Plans (separate package, NAE)

- c: John Berryman, Applicant
- Dean Nota, Project Architect

413 9th Place Vicinity Map



SITE

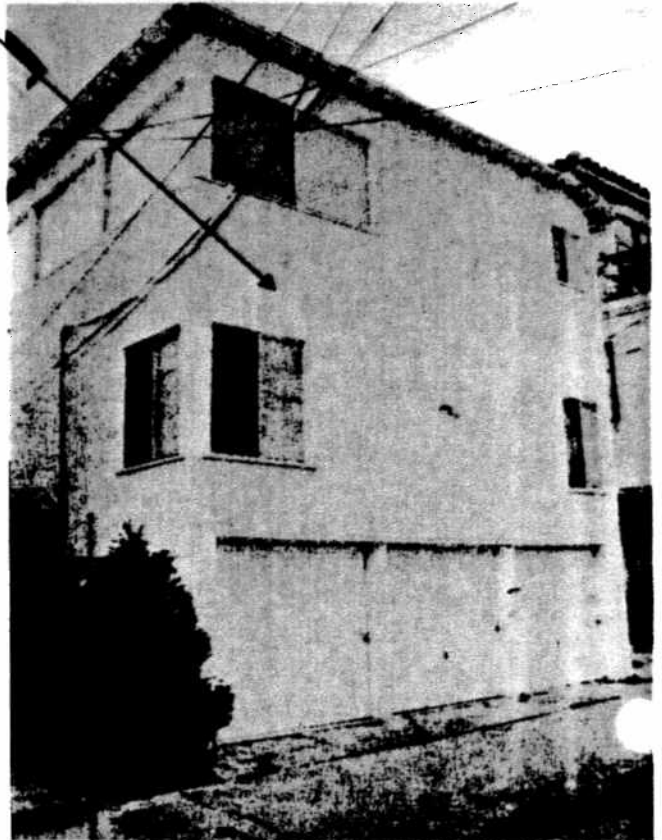
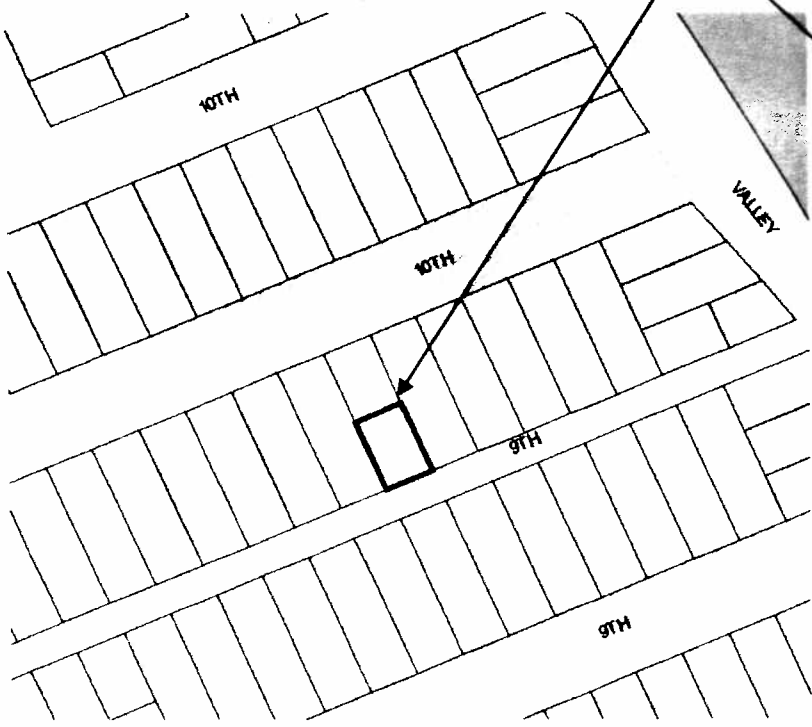
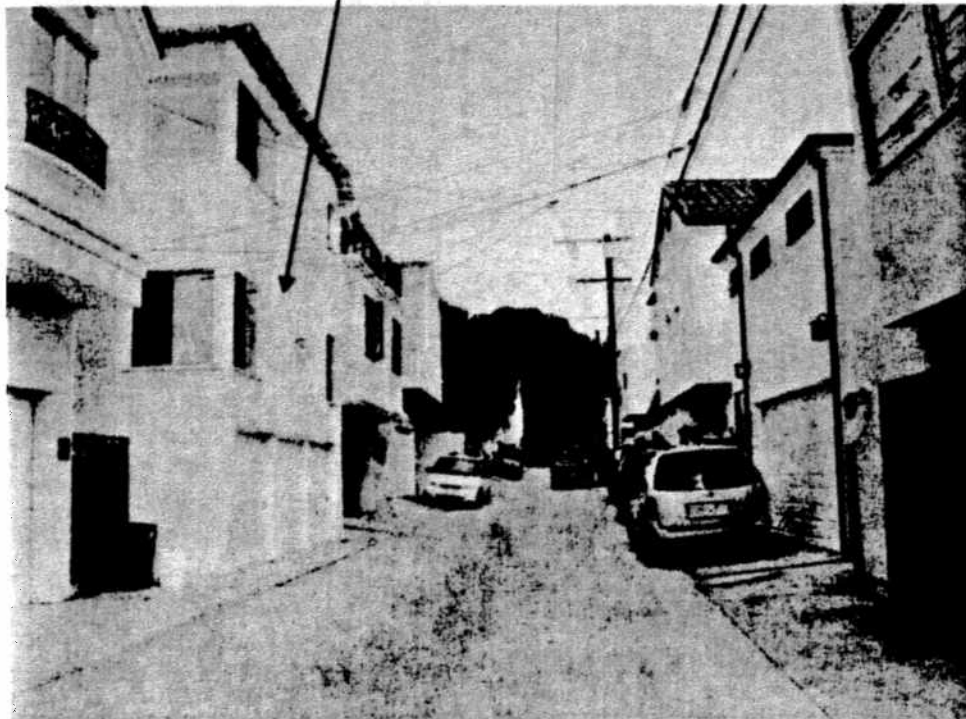


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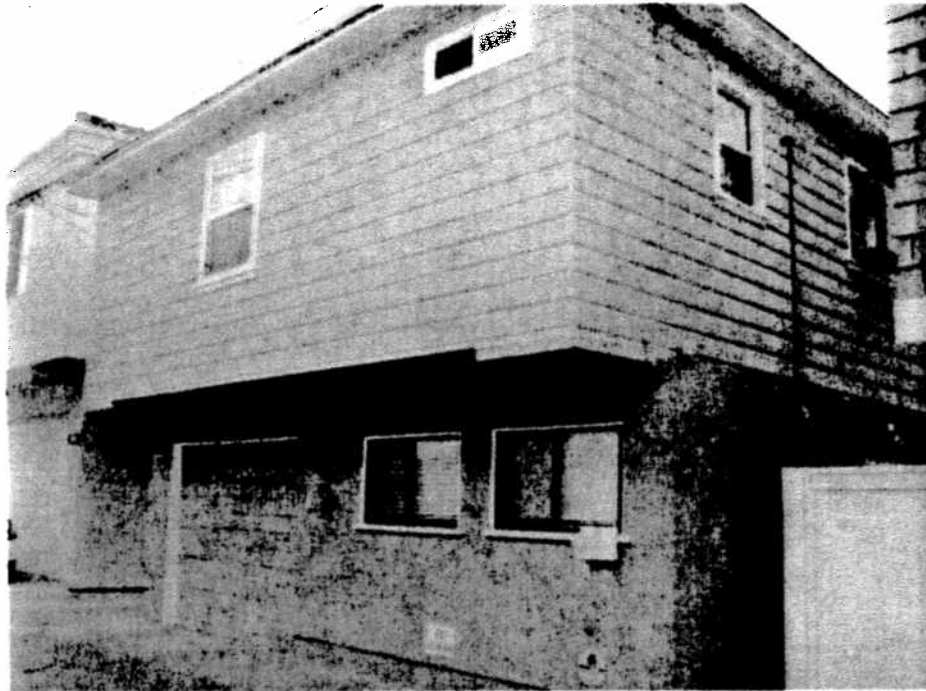
413 9th Place
Neighboring Properties to Subject Site



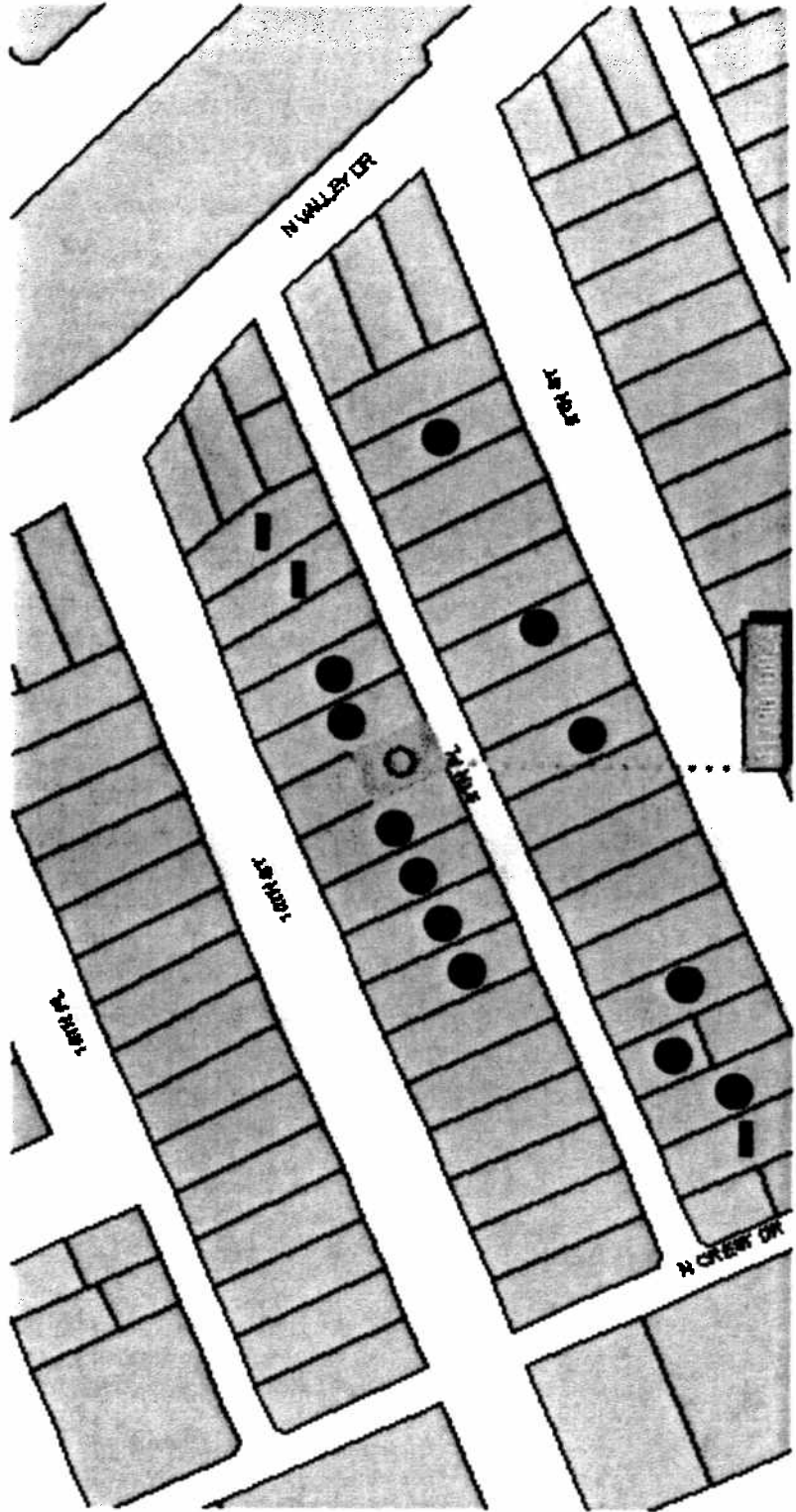
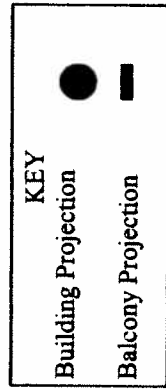
SITE



413 9th Place
Neighboring Half Lot Building Projection



413 9th Place Neighboring Projecting Properties



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EXHIBIT

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RESOLUTION NO. PC 00 - 3

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, APPROVING A COASTAL
DEVELOPMENT PERMIT AND VARIANCE FOR THE PROPERTY
LOCATED AT 1209 BAYVIEW DRIVE (Zee)**

**THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES
HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on February 9, 2000 at the request of the property owner (Zee), to consider a coastal development permit and variance application for the property located at 1209 Bayview Drive (Portion of Lot 4, Block 65, Manhattan Beach Division #2).
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received at said hearing.
- C. The proposed project involves the demolition of an existing single-family residence and construction of a three-story, single family residence.
- D. The required front setback distance within the "RH" (Residential, High Density), Area District III, zoning district is five (5) feet.
- E. The dimensions of the lot are 33 feet in width and 32 feet in depth totaling approximately 1,066 square feet.
- F. The lot is nonconforming for required area (2,700 square feet) in the "RH" zoning district.
- G. The property fronts on the west side of Bayview Drive between 12th and 13th Streets. All other properties within this block have frontage on Manhattan Avenue and utilize Bayview Drive as a rear yard for vehicular access.
- H. Bayview Drive is defined as an "alley", having a width of less than 20 feet.
- I. The small size, and substandard depth of the property, creates a physical hardship regarding compliance with the required 5 foot front setback.
- J. The purpose of the proposed variance application is to provide relief from the requirements of Section 10.12.030 regarding the minimum front setback in the "RH" zoning district.
- K. The application involves a 2 foot, 8 inch encroachment into the required 5 foot front yard setback adjacent to the Bayview Drive frontage. The area of encroachment involves living area at the second and third floors which will cantilever over the ground floor garage area. The ground floor will comply with the 5 foot setback requirement.
- L. Section 10.12.030 (G) of the Manhattan Beach Municipal Code contains a provision which allows properties in Area Districts III and IV to reduce the width of a required rear yard adjoining an alley to 2 feet at a height of 8 feet above street grade.
- M. Because all other properties in this block utilize Bayview Drive as a rear yard the above referenced Code provision would apply, and allow a 3 foot encroachment into the required rear yard at a height above 8 feet.
- N. Because the subject property utilizes Bayview Drive as a front yard the above referenced Code provision does not apply.



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RESOLUTION NO. PC 00 - 3

- O. Pursuant to Section 15303 (a) of the California Environmental Quality Act (CEQA) Guidelines, and the City of Manhattan Beach CEQA Guidelines, the project is exempt (Class 3) from the environmental review provisions of CEQA.
- P. Pursuant to Section 10.84.060 (B) of the MBMC, the Planning Commission made the following findings with regards to the subject application:
1. The limited depth of the lot (32'), and limited area of the lot (1,066.5 square feet), constitutes a unique and / or special condition. Additionally the fact that the property, unlike other lots in the block between 12th and 13th Street, doesn't have frontage on Manhattan Avenue is regarded as a special circumstance.
 2. There is no evidence that granting the subject variance would be detrimental to the public good, injurious to property or improvements in the vicinity, or impact natural resources. The existing (nonconforming) development is currently built in a similar fashion as the proposed project. The existing first floor (garage) is located approximately five (5') feet from the property line along Bayview Drive, and the second floor (living area) cantilevers over the garage for a distance of approximately two (2') feet. This situation has existed since the original construction in 1939 with no evidence of any detriment to the surrounding neighborhood.
 3. Given the configuration of the existing lots on this block of Bayview Drive (frontage on Manhattan Avenue), with Bayview serving as the rear yard, all of these properties may utilize the exception allowed in Section 10.12.030 (G). This Section, "Rear Alley Setback Exceptions", states that:

Area Districts III and IV: The width of a required yard adjoining an alley may be reduced to 2 feet at height elevations not less than 8 feet above the street grade at the rear property line.

Given this exception, in conjunction with the existing lot pattern, all new development along this block of Bayview Drive can maintain a 2 foot clearance to the property line at an elevation above 8 feet. Therefore, there is nothing associated with this proposal which constitutes a special privilege inconsistent with the limitations on other properties in the *immediate* vicinity of this site. There are a considerable number of half-lots (30' x 45') within Area Districts III (Beach Area) and IV (North End) that have property frontage on alleys (less than 20' right of way). However, these lots do not share the same limited lot depth as the subject site. Therefore the variance does not represent a grant of special privilege, nor does it establish a precedence.

4. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically Policies II. B. 1, 2, & 3, as follows:
 - II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program-Implementation Plan;
 - II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program-Implementation Plan;
 - II.B.3: The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program-Implementation Plan.

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RESOLUTION NO. PC 00 - 3

- 5. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:

Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along 12th and 13th Streets.

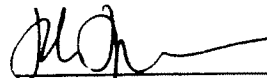
Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the proposed coastal development permit and variance subject to the following:

- 1. The project shall be developed in substantial compliance with the plans and materials presented to the Planning Commission at their regular meeting of February 9, 2000.
- 2. The project shall be developed in compliance with all applicable development regulations of Title 10 of the Manhattan Beach Municipal Code.
- 3. Unless appealed, the coastal development permit and variance shall become effective after expiration of the time limits established by MBMC Section 10.100.030 and LCP Section A.96.160 (A) (15 days from the date of approval).
- 4. The variance shall be effective for a two year period following the date of approval (February 23, 2002).

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of February 23, 2000 and that said Resolution was adopted by the following vote:

AYES: Chairman Kirkpatrick, Kuch, Milam, Ward
NOES: None
ABSTAIN: None
ABSENT: Simon



Richard Thompson
 Director of Community Development



Sarah Boesch
 Recording Secretary

RESOLUTION NO. PC 02-31

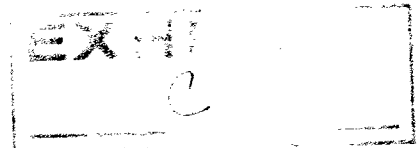
8

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MANHATTAN BEACH
APPROVING A VARIANCE AND COASTAL
DEVELOPMENT PERMIT TO ALLOW A TWO-
FOOT BUILDING PROJECTION INTO THE
REQUIRED FRONT YARD SETBACK AT THE
SECOND AND THIRD LEVELS FOR A PROPOSED
NEW RESIDENCE LOCATED AT 228 5TH PLACE
(SILVA)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN
BEACH DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on September 25, 2002, to consider a Variance and Coastal Development Permit application for the property located at 228 5th Place (Portion of Lot 10 and 15, Block 73, Manhattan Beach Division No. 2).
- B. The project applicants are Louis and Staci Silva, property owners of the subject site.
- C. The public hearing was advertised pursuant to applicable law, testimony was invited and received at said hearing.
- D. The applicant proposes to demolish an existing nonconforming residence and construct a new three-story, 1,736 square foot single-family residence at 228 5th Place.
- E. The subject site is approximately 30 feet wide by 40 feet deep and comprises 1,700 square feet. The lot is zoned "RM" (Residential Medium Density), Area District III, and is designated Medium Density Residential in the General Plan, as are all of the surrounding land uses.
- F. The lot is nonconforming for required area (minimum 2,700 square feet) in the "RM" zoning district.
- G. The property fronts on the south side of 5th Place between Bayview Drive and Highland Avenue. All other properties within this block, with the exception of the adjacent property to the east, have frontages along 5th or 6th Streets and utilize 5th Place as a rear yard.
- H. The required front yard setback within the "RM", Area District III, zoning district is five feet.
- I. The Variance application involves a two-foot projection into the required five-foot front yard setback adjacent to 5th Place. The area of projection involves living area at the second and third levels which will cantilever over the ground floor garage area. The ground floor will comply with the five-foot setback requirement.
- J. The requested Variance would grant relief from Section 10.12.030 ("Property Development Regulations") regarding the minimum front yard setback in the "RM" zoning district.
- K. Section 10.12.030 (G) of the Manhattan Beach Municipal Code contains a provision which allows properties in Area Districts III and IV to reduce the width of a required rear yard adjoining an alley to two feet at a height of eight feet above the alley grade.



- L. Because the subject property utilizes 5th Place as a front yard, the above referenced provision does not apply.
- M. The project has been determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).
- N. Pursuant to the Manhattan Beach Municipal Code, 10.84.060 B., the following findings are made regarding the Variance and Coastal Development Permit application:

1. The unusually shallow depth of the lot constitutes a special condition. Additionally, the front yard is located along the alley, making it the only interior lot on this block not utilizing 5th Place as a rear yard.
2. There is no evidence that granting the Variance would be detrimental to the public good, injurious to property or improvements in the vicinity, or impact natural resources as the second floor of the existing residence (built in 1926) currently projects to the front property line.
3. Granting this application is consistent with the purposes of the Manhattan Beach Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties within Area District III, "RM" Zone, in that four of the ten lots in this block maintain a cantilever of the second and/or third level. Section 10.12.030 (G) of the Manhattan Beach Municipal Code permits lots in Area Districts III and IV to reduce the standard five-foot rear yard setback at an alley to two feet at the second and third levels.
4. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically Policies II.B.1,2, and 3 as follows:
 - II.B.I and II: The proposed structure is consistent with the building scale and residential bulk control in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program - Implementation Program.
 - II.B.III: The proposed structure is consistent with the 30 foot Coastal Zone residential height limit as required by the Local Coastal Program - Implementation Program.
5. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows:

Section 30212(a)(2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along 5th Place.

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

Section 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the Variance and Coastal Development Permit subject to the following conditions:

1. All development must occur in substantial compliance with the plans and materials presented to the Planning Commission at their regular meeting of September 25, 2002, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.

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2. The Variance shall expire two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090 (A). The applicant or authorized agent prior to the expiration of the two-year period shall request said time extension in writing.
3. Any questions of intent or interpretation of any conditions will be resolved by the Planning Commission.
4. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030 have expired.
5. The subject Variance shall be developed in conformance with all applicable development regulations of the City of Manhattan Beach Municipal Code.
6. The applicant agrees, as a condition of approval of this project, to pay for all reasonable legal and expert fees and expenses of the City of Manhattan Beach, in defending any legal actions associated with the approval of this project brought against the City. In the event such a legal action is filed against the project, the City shall estimate its expenses for the litigation. Applicant shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

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 decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this 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.


I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 25, 2002 and that said Resolution was adopted by the following vote:

AYES: Kuch, Montgomery, Simon, Ward

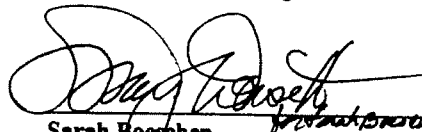
NOES:

ABSTAIN:

ABSENT: Kirkpatrick



RICHARD THOMPSON,
 Secretary to the Planning Commission



Sarah Boeschen
 Recording Secretary

8

RESOLUTION NO PC 04-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DENYING A COASTAL DEVELOPMENT PERMIT AND VARIANCE FROM SETBACK REQUIREMENTS CONCERNING A NEW 3-STORY SINGLE FAMILY RESIDENCE ON THE PROPERTY LOCATED AT 216 23RD PLACE (McPeak)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on August 25, 2004, to consider an application for a Variance and Coastal Development Permit for the property legally described as a Portion of Lot 12, Block 15, Peck's Manhattan Beach Tract, located at 216 23rd Place in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Variance is Charles J. McPeak, the property owner.
- D. The applicant proposes to demolish an existing nonconforming residence and construct a new 3-story single family residence on a parcel fronting on an alley with a 2-foot minimum setback in lieu of the code required 5-foot setback.
- E. The parcel is a 1,200 square foot portion of an original standard lot, and is nonconforming for required area (minimum 2,700 square feet) in the "RH" zoning district. The applicant also owns the other portion of the original lot.
- F. The property fronts on the south side of 23rd Place between Bayview Drive and Highland Avenue. Many properties within this neighborhood have less than 5-foot upper level setbacks along 23rd Place.
- G. The required front yard setback within the "RH", Area District III, zoning district is five feet.
- H. The Variance application involves a two-foot projection into the required five-foot front yard setback adjacent to 23rd Place. The area of projection involves living area at the second and third levels which will cantilever over the ground floor garage area. The ground floor will comply with the five-foot setback requirement.
- I. The requested Variance would grant relief from Section 10.12.030 ("Property Development Regulations") regarding the minimum front yard setback in the "RH" zoning district.
- J. Section 10.12.030 (G) of the Manhattan Beach Municipal Code contains a provision which allows properties in Area Districts III and IV to reduce the width of a required rear yard adjoining an alley to two feet at a height of eight feet above the alley grade.
- K. Because the subject property utilizes 23rd Place as a front yard, the above referenced provision does not apply. The applicant does have the option of merging the subject parcel with the adjacent parcel restoring the original lot configuration and causing the proposed alley setback to be permitted without requiring variance approval.



- L. Two nearby neighbors testified that they would be impacted by the proposed reduced setback in the form of visual bulk, shading, and view obstruction.
- M. The General Plan designation for the property is High Density Residential. The General Plan encourages development solutions tailored to each neighborhood's unique characteristics.
- N. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061, (b) (3) based on staffs determination that the project is a minor development and will not have a significant impact on the environment.
- O. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- P. Pursuant to the Manhattan Beach Municipal Code, 10.84.060 B., the following findings must be made regarding the Variance application:
 - 1. Because of special circumstances or conditions applicable to the subject property, including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions, strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property.
 - 2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.
 - 3. Granting the application is consistent with the purposes of this title and will not constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.
- Q. The Planning Commission could not make the required variance findings due to the following determinations:
 - 1. The small size of the site is not an exceptional difficulty or undue hardship upon the property owner since he also owns the adjacent lot portion which could be merged with the subject lot portion to permit the requested setback.
 - 2. The request would be detrimental or injurious to property or improvements in the vicinity of the development site, since it was found that the two adjacent neighbors would be impacted by the proposed setback reduction.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Variance and Coastal Development Permit.

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 decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this 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.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of September 8, 2004 and that said Resolution was adopted by the following vote:

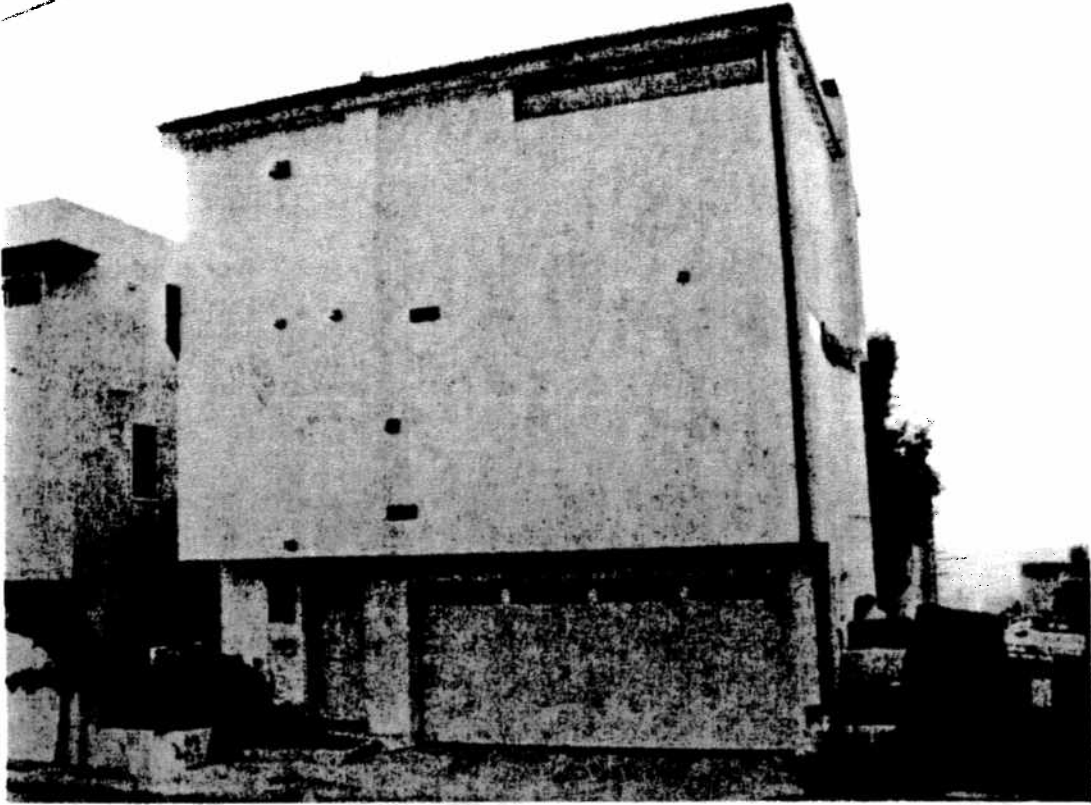
AYES: Kuch, O'Connor, Savikas,
Simon, Chairman Montgomery
NOES: None
ABSTAIN: None
ABSENT: None

RICHARD THOMPSON,
Secretary to the Planning Commission

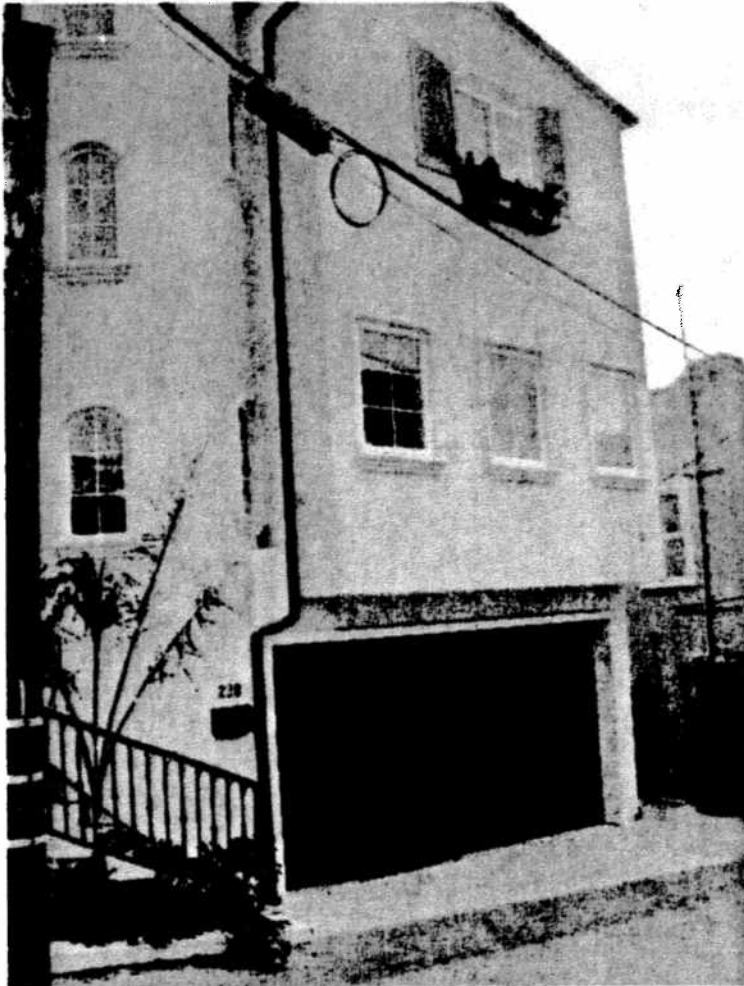
Sarah Boeschen
Recording Secretary

Approved Variances

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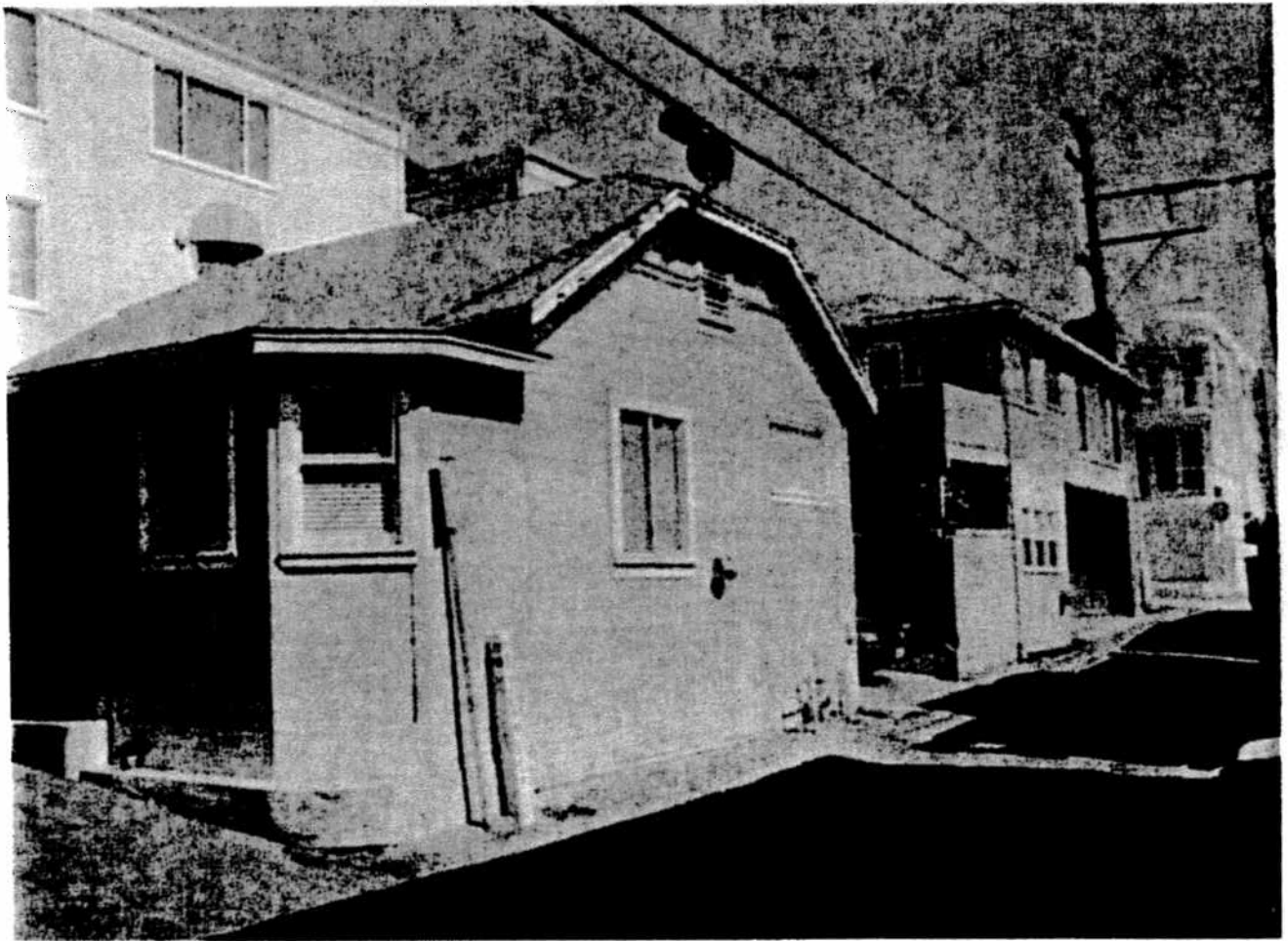
1209 Bayview Drive



228 5th Street

EXHIBIT
8

Denied Variance



216 23rd Place

EXHIBIT
D

8

Dean Nota Architect AIA

Mail: 2465 Myrtle Avenue, Hermosa Beach, California USA 90254
Email: mail@nota.net
Voice: 310.374.5535
Facsimile: 310.376.2352

Application for Variance 413 9th Place, Manhattan Beach

Date: September 15, 2005, Revised December 28, 2005
To: City of Manhattan Beach, Community Development Department
1400 Highland Avenue
Manhattan Beach, CA 90266

Project Description

Site: The site is a 1,349 square foot "half lot" (approximately 30' X 45'). The property fronts the north side of 9th Place, a 20' wide alley, and is currently developed as 3 level single-family residence. The existing residence is approximately 1375 square feet of living area in 2 stories over a 550 square foot basement garage. Existing setbacks are non-conforming: 1"-4" alley, 3'-0" east, 2'-9" west, and 5'-7" north. The site is bordered on the east and west by recently constructed, fully developed, 3 level residences and on the north by a single story residence that occupies the half lot between the subject property and 10th Street, which is a walk street.

Program: The current owner, Mr. John Berryman, has owned and occupied this property for 20 years and now wishes to construct and occupy a new, 2 bedroom, 2.5 bath, 1,802 square foot living area, single family dwelling with a 442 square foot garage, to replace the existing residence now in place. The new residence will be sited per City setbacks and height limit, approximately 4 feet farther back from the alley than is the existing structure. The elevations are symmetrical organizations of small-scale, stepped stucco and glass elements, situated over a plinth of concrete block.

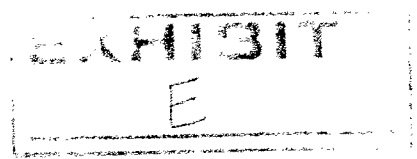
The proposed buildable floor area (BFA) per the City of Manhattan Beach Municipal Code is 1,844 square feet (2,244 sf - 400 sf allowance for garage.) The allowable BFA is 2,158 square feet by Code (lot area X 1.6 FAR), or 314 square feet more than what is proposed. In short the proposed building is 15% smaller than what is allowed by code.

The Variance Mr. Berryman's original intention was to design a residence that meets or exceeds all development standards set forth in the City of Manhattan Beach Municipal Code. Recognizing that the building site is extremely small, the design, as proposed, intended to take advantage of a 2 foot reduction of the rear yard setback, adjoining an alley, for living area 8 feet above the ground level. This rear yard setback reduction is allowed for full depth lots per (MBMC 10.12.030 G).

The project is currently in Plan Check and review by the Planning Department Staff has indicated that because the site is a portion of a lot and fronts only on an alley, the alley frontage is considered the front yard. Therefore, no projections of living area are allowed in the alley setback if the alley is also the front yard.

Mr. Berryman is requesting a variance to allow a 2'- 0" X 16'- 4" projection of living area on the second and third levels of his proposed new residence, into the front yard, alley setback. He is asking for a 2'- 0" X 16'- 4" foot projection where 3'- 0" X 24'- 0" is allowed for nearly every other property on Ninth Place. 32 out of 36 properties enjoy this right. Recently constructed homes, with this projection on Ninth Place often take advantage of the entire buildable width of the lot (24 feet). The proposed design requests a projection that is only 16'- 4" wide.

Member: American Institute of Architects



8

Dean Nota Architect AIA

Mail: 2465 Myrtle Avenue, Hermosa Beach, California USA 90254
Email: mail@nota.net
Voice: 310.374.5535
Facsimile: 310.376.2352

Application for Variance 413 9th Place, Manhattan Beach

Required Findings for Variances

1. *Special circumstances or conditions applicable to the subject property...where strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property*

The subject property is one half the size of a typical lot in this vicinity and fronts only on an alley. This condition exists for only 4 properties out of 36 that adjoin Ninth Place and 8 out of 205 properties that fall within 500 feet of this parcel. This reduced lot size and unique front yard configuration results in the following design difficulties and undue hardships for the current owner:

- This is a small property by any measure, totaling only 1,349 square feet. The total allowable BFA for a lot this size is 2,158 square feet based on an FAR of 1.6. A three level residence utilizing every square foot of the buildable envelop allowed (not a *desirable* design strategy) would yield a BFA of approximately 2100 square feet, or less than that allowed by the FAR rule. In this, case the FAR derived square footage would be unattainable, a clear indication that the property is too small for the design standards as indicated by the Code.
- The loss of the upper floor projections on the alley side results in an additional reduction of *potential* square footage totaling 144 square feet. This variance, requesting only 65.3 square feet, would allow a small, but important projection to a dwelling already impacted by a highly restricted site.

2. *The relief may be granted without substantial detriment to the Public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.*

- The proposed variance is for a projection of 2 feet into the required 5 foot setback adjacent to the 20 foot wide alley. As already noted, a 3 foot projection is allowed by the City of Manhattan Beach Municipal Code and deemed safe and of no detriment to the public good for 32 of the 36 (89%) properties adjoining Ninth Place.
- Parcels directly adjacent to the subject property (408 and 416 10th Street) are of relatively new construction and enjoy projections into the alley setback that exceed that requested by this variance.

3. *Granting the application is consistent with the purposes of Title 10 and will not constitute a grant of special privilege inconsistent with limitation on other properties in the vicinity and in the same zoning district and area district.*

- The approval of this variance would not result in the granting of a special privilege inconsistent with other properties. In fact, as already noted, 32 of the 36 properties adjoining Ninth Place have or can construct this projection and more by right. The variance would be consistent with the development rights of the full sized lots on this block.

Dean Nota Architect AIA

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Mail: 2465 Myrtle Avenue, Hermosa Beach, California USA 90254
Email: mail@nota.net
Voice: 310.374.5535
Facsimile: 310.376.2352

Application for Variance 413 9th Place, Manhattan Beach

Required Findings for Variances (Continued)

- 328 Ninth Place is a mid block, half lot, approximately equal in size to the subject property. It is currently developed with a residence that incorporates a second floor projection into the alley setback.

Respectfully Submitted,

Dean Nota AIA
For John Berryman, Property Owner.

8

December 29, 2005

Planning Commission
Manhattan Beach City Hall
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: Variance Application for 413 9th Street

To Whom It May Concern:

I live at 505 8th Street, Manhattan Beach. I received the request for a variance application for 413 9th Street. I would like to unequivocally state that I am *appalled* that any variance would be considered on a 3-story house on a walkstreet. By definition, the house is already TOO LARGE for our quaint walkstreets, which are being desecrated daily by builders of mansions on 2700 square feet. There is NO WAY this should be allowed. It is a frivolous request and I am 100% opposed. (I will "rally" the neighbors if need be.)

As a matter of fact, I am shocked that the planning commission is allowing other nuisances such as SUNKEN front patios on the walkstreets (see 433 8th Street, for one example). There was never even a variance request for that one and, I assure you, it changes the feel of the walkstreet. In addition, it allows yet an even more enormous structure to be built. We now have what amounts to 3.5 stories on that small lot. What is everybody thinking?

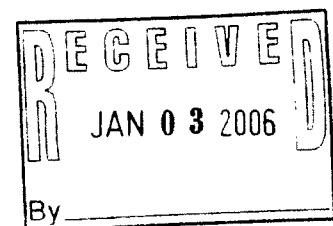
Please try to maintain what we love(d) about the walkstreets and their picturesque appeal – we don't need ANYTHING crowding our already crowded space – not even a 2 foot infringement. These mansions do NOT need to be any larger than they already are....the builders need to live within the limits of our, in my opinion, somewhat weak building codes.

Sincerely,



Sheila Halcomb
505 8th Street
Manhattan Beach, CA
Phone: (310) 374-7737

EXHIBIT
F



December 29, 2005

8

City of Manhattan Beach
Planning Commission
1400 Highland Avenue
Manhattan Beach, CA
90266

Dear Sir:

This letter is to oppose the suggested variance to allow a two foot overhang into the required five foot front yard at the 413 9th Place -portion of Lot 29. Block 4, Tract #4795 requested by Angelica Ochoa.

I live at the corner of 9th Place and Valley my sideyard facing the alley. Over the past two years, I have watched the alley and walk street change as the high rise houses have become more massive. The street and ally are over-built. The small areas were not meant for the extreme population of these large structures. I have also watched how inconsider the builders have been with large trucks hitting cars and knocking down planters because the alley is narrow and there is no room for these large construction vehicles. If you grant this variance which will block the view of others on the adjoining streets and 9th ally as well as mine, you will have to grant others in which case we will lose both the view and value of our homes.

We need to stay within the city approved requirements that all of us got to have input. When you send out a notice during a major holiday with little time to respond, it is apparent that the applicant Mr. Berryman is trying to have the least amount of opposition.

I feel that everyone on the block should be able speak at the council meeting on January 11, 2006 even if they did not write an opposition. My vote for Mr. Berryman's variance is NO. Thank you for your notification.

Sincerely,

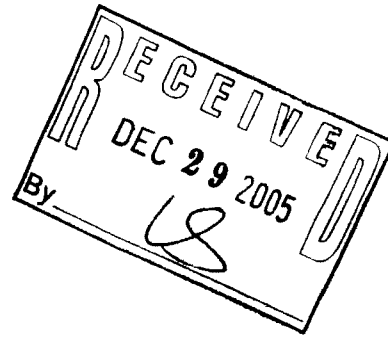


Judith Kredatus
913 N. Valley Dr.
Manhattan Beach, California 90266
(310) 798-1760

EXHIBIT
F

RECEIVED
DEC 30 2005
By 11.55 am *BAK* *Mansaw*

December 29, 2005



City of Manhattan Beach
Planning Commission
1400 Highland Avenue
Manhattan Beach, CA
90266

Dear Sir:

This letter is to oppose the suggested variance to allow a two foot overhang into the required five foot front yard at the 413 9th Place -portion of Lot 29. Block 4, Tract #4795 requested by Angelica Ochoa.

I have lived at the corner of 9th Street for 30 years and have watched various structures built as single family dwellings. The street and ally are over-built. The small areas were not meant for the extreme population of large structure. If you grant this variance which will block the view of others on the adjoining streets and 9th ally, you will have to grant others in which case other people will lose both the view and value of their homes.

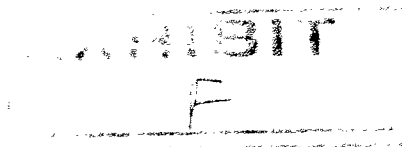
We need to stay within the city approved requirements that all of us got to have input. When you send out a notice during a major holiday with little time to respond, it is apparent that applicant Mr. Berryman is trying to have the least amount of opposition.

I feel that everyone on the block should be able speak at the council meeting on January 11, 2006 even if they did not write an opposition. My vote for Mr. Berryman's variance is no. Thank you for your notification.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Darling".

Karen Darling
441 9th Street
Manhattan Beach, California 90266
(310) 374-7741



8

Maria & Gregory Zebrowski
437 8th Street
Manhattan Beach, CA 90266
310-379-0529
zebrowm@aol.com

1/5/06

TO: Richard Thompson – Director of Community Development
Angelica Ochoa – Assistant Planner

FROM: Maria & Gregory Zebrowski

RE: Opposition to Variance Application – 413 9th Place, MB

We oppose the application for a variance to allow a 2-foot encroachment into the setback on 9th Place for these reasons:

- Even houses built to code are already gravely cutting off light, breezes and any view of the sky let alone 2 more feet
- The many cars parked in the alley already make it feel like there is no open space
- With utility lines in the alley (9th Place), how would it be safe with the lines practically touching the structure
- We should be eliminating the 2-on-a-lot homes in this tight area, not building them
- The lot at 413 9th Place was purchased with the awareness of the building codes, why should it be changed now

Therefore, we oppose any further encroachment into the already limited space surrounding our homes.

EXHIBIT
F

