



Agenda Item # _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Fahey and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Rosemary Lackow, Senior Planner

DATE: October 4, 2005

SUBJECT: Consideration of Planning Commission Approval of a Use Permit Amendment to Allow the Conversion of an Atrium to Living Area, for Condominium Unit No. 5, for the Property Located at 1155 11th Street (Eastman)

RECOMMENDATION:

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

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

On September 14, 2005 the Planning Commission conducted a public hearing and approved a Use Permit Amendment application submitted by John and Lori Eastman, the owners of Unit 5, one of eleven units in a condominium complex located at 1155 11th Street. The Planning Commission approved the project by adopting Resolution PC 05-12 (4-1 vote, one absence, Exhibit A). Mr. and Mrs. Eastman are requesting permission to expand their unit living area by 76 square feet, from 1,750 to 1,826 square feet. This would be accomplished by enclosing an existing open-to-sky atrium accessed from their second story hallway, located between two bedrooms. This in turn would increase the total complex "buildable floor area" (BFA) to 28,332 square feet, which is the limit allowed by the zoning code.

The Eastman's unit is one of seven within the complex that were originally built with second story atriums. In 1992, the Homeowner Association filed a Use Permit application to enclose the atriums for all seven units. The Board of Zoning Adjustment approved that application (Res. BZA 92-21) but imposed a condition that restricted the total number of atriums that could be enclosed to two. The Board limited the atrium enclosures based on its understanding that all of the atriums were the same size and that the applicable limit of BFA (Building Floor Area) would be exceeded if any more than two atriums (each believed to add 78 square feet BFA) were to be enclosed. In 1993, with HOA (Homeowner Association) approval, the owners of Units 1 and 7 converted their atriums.

The Eastmans, who bought their unit in 2001 and have a growing family, looked into enclosing their

atrium to create a home office in 2004. They consulted with the original architect for the complex, who studied the plans and advised that there may be enough BFA reserve to enclose another atrium. Staff reviewed the plans and how the zoning code defines “BFA”, measured the atrium’s as-built finished dimensions and concurred with the architect. Based on this updated information, Mr. and Mrs. Eastman received approval from the HOA (Home Owners Homeowner Association) on February 28, 2004 (Exhibit B) and filed their application in July 2005 with the City to amend the 1992 project Use Permit.

DISCUSSION:

Public Input

The Planning Commission received input from two other condominium owners that have existing atriums (Units 2 and 4, the latter being the abutting unit to the east). The owner of Unit 4 had initial concerns about impacts such as noise, drainage and construction which were alleviated by conditions imposed by the Commission in the adopted Resolution. The owners of both units also expressed concern about equity in that, the owners of the four remaining units with atriums would not be able to increase their living area similarly except with a variance (Exhibits C, D minutes and Staff Report).

Planning Commission Approval

The Planning Commission received extensive testimony in the public hearing from the applicant and the adjoining unit owner and received detailed information from Staff as to how the project BFA of 76 square feet was calculated (Exhibit E). The Planning Commission approved the project with a 4-1 vote (one absence). In addition to conditions which specifically addressed concerns for Unit 4, the Commission approved condition #1 which allows the remaining units to enclose their atriums, without the need to further amend the project Use Permit. In such cases, an owner would need to clearly demonstrate that such a project must comply with the code.

In approving the project the Commission made the following findings:

1. Approval of the project is consistent with all provisions of the Zoning Ordinance (including BFA limit for the entire site and Unit 5) and will be consistent with the policies and goals of the General Plan.
2. The project is compatible and complimentary with existing surrounding land uses, including the abutting condominium.
3. The applicant, in hiring the original architect, having detailed plans prepared, securing HOA approval and filing application for the Use Permit Amendment has been properly diligent in pursuing his property right to improve his unit.
4. The owners of the other units may apply to enclose their atriums with HOA approval, with a building permit application upon demonstrating adequately that such would comply with the zoning code.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. Remove this item from the “Consent Calendar” portion of the agenda, and appeal the Planning Commission’s decision.

Agenda Item #: _____

- Attachments:
- A. Resolution PC 05-12
 - B. HOA meeting minutes: February 28, 2005 (NAE)
 - C. Minutes: PC Meeting 9/14/05
 - D. Staff Report to Planning Commission 9/14/05 (some attachments NAE)
 - E. Graphic depicting calculation of BFA: Unit 5 Atrium
 - F. Project plans (folded 8" x 17" NAE)

(NAE: Not available electronically)

cc: John and Lori Eastman
Owners of Units 2 and 4

RESOLUTION NO PC 05-12

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT ALLOWING ONE OR MORE ATRIUMS TO BE CONVERTED TO LIVING AREA FOR CONDOMINIUM UNIT(S) LOCATED AT 1155 11TH STREET (EASTMAN/JOIE DE VIVRE HOMEOWNER ASSOCIATION)

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. On September 14, 2005 the Planning Commission of the City of Manhattan Beach reviewed a use permit amendment requesting permission to convert an existing second story 72 square foot (clear area) atrium patio to 76 square feet of buildable floor area for Unit 5 of the 17-unit condominium complex located at 1155 11th Street in the City of Manhattan Beach.
- B. The applicants and owner of Unit 5 are John and Lori Eastman, owners of the subject condominium. On February 28, 2005 the condominium Homeowners Association approved of the application per letter received from the HOA President and Secretary.
- C. The subject condominium complex property is legally described as Tract 29657, a subdivision of lots 24, 25, 25, Block 2, Tract 142.
- D. The subject property is located in Area District I and is zoned RH, High Density Residential as are all of the adjoining properties, with the exception of the properties to the south, across 11th Street, which are zoned (RS) Single Family Residential. The subject property is classified High Density Residential in the Manhattan Beach General Plan.
- E. The subject complex consists of three separate structures, and Unit 5 is located in the southerly building that fronts on 11th Street, one of seven units that were originally built with a second floor atrium. Approval of the amendment would allow minimally Unit 5 to be enlarged from 1,750 to 1,826 square feet, per historical plans on file and this application. The ability to enclose this atrium is due to a re-calculation of its buildable floor area which resulted in a conclusion that its buildable floor area is 76, not 78 square feet and therefore the project is at the maximum limit of total amount of building area (28,332 square feet) permitted by MBMC 10.12.030. This conclusion is counter to conclusions reached by the Board of Zoning Adjustment made in Resolution BZA 92-21 adopted November 24, 1992, and therefore that decision is hereby amended to allow at least three (Units 1, 5, 7) but potentially more units' atriums to be converted, provided it can be conclusively determined that such conversion(s) will be consistent with the limit for buildable floor area for the entire project.

RESOLUTION NO. PC 05-12

- F. The proposed conversion of one or more patios will not decrease the amount usable open space required for the complex in that the atriums were not counted as usable open space when originally constructed and the current requirement for open space is met by other ground level walkways, yards and patios which are not proposed to be altered.
- G. The complex has nonconformities for front setback (12 feet instead of 20 feet) rear setback (6.66 feet instead of 17 feet), building intrusions of patios into the front yard (degree of intrusion and solid design) and parking (2 instead of 3 parking spaces per unit). The enclosure of one or more atriums to the maximum permitted will not require these nonconformities to be corrected in that the valuation of these enclosure projects will not exceed 50% of the total reconstruction value of the existing structures as provided in MBMC 10.64.020.A. and 10.68.030.E. The enclosure of the atrium for Unit 5 or others will also not increase the degree of these existing nonconformities.
- H. This Resolution hereby replaces Resolution No. BZA 92-21 and, upon its effectiveness is the governing use permit for the condominium complex, required per MBMC 10.12.020.
- I. The project is determined to be a Categorical Exemption (Section 15061 (b) (3)) from the requirements of the California Environmental Quality Act in that it is a minor development that will not have a significant impact on the environment.
- J. A de minimis impact finding is hereby made that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- K. The subject project will have a low-profile appearance, will not add to building bulk and will not remove any existing landscaped areas and is therefore consistent with Goal LU-1 of the General Plan which is to maintain the low-profile development and small town atmosphere of Manhattan Beach. The project is consistent with Policy LU-1.1 by limiting the height to 3 stories in a 30-foot height limit zone and by protecting privacy of adjacent condominium units. The project is also consistent with Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. The project is consistent with this goal in that it provides a mechanism to improve the livability of the units of the subject multi-family housing complex to the degree permitted in the code. This approval also addresses impact and equity issues brought forth in the public hearing.
- L. Pursuant to MBMC 10.84.060 the following findings are hereby made:
 - 1. The project is in accord with the objectives of the Municipal Code and the purposed of the RH zoning district in that the enclosure will be in compliance with applicable zoning

RESOLUTION NO. PC 05-12

regulations and will be a meaningful enhancement of the applicants' or possibly other similar condominium units within the same project.

2. The project will be consistent with the General Plan in that it will have a low-profile appearance, will not increase the appearance of building bulk, and will not remove any existing landscaped green areas.
3. The project will comply with all applicable zoning and building requirements of the Municipal Code and other building regulations.
4. The project will not have an adverse impact on or be adversely impacted by other adjoining or nearby properties in that the enclosure will not result in a roof area that will block sunlight or any view of the adjoining unit, and in that the construction of the enclosure will require compliance with sound transmission standards applicable to condominium units and a roof design that will divert water to the street via a gutter.

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

1. The implementation of this use permit shall be in substantial compliance with the submitted project description, findings and conditions, and plan except that, with the approval of the applicant (owners of Unit 5) and the complex Homeowner Association, the project is amended to include conversion of the second floor atrium of Unit 5 first, and thereafter any additional atriums for Units 2 through 6 (Units 1 and 7 already having their atriums converted), if through re-calculation of original approved plans, the entire complex is found to have an amount of buildable floor area not exceeding the limit allowed for the site.
2. The conversion of atrium to living area shall include construction or upgrading of separation wall assemblies between condominium dwelling units in conformity with current condominium standards per MBMC 10.52.110.B.
3. The construction of atriums shall employ roof drainage systems to collect and divert runoff water to the street as reviewed and approved by the City in plan-check.
4. To avoid construction noise impacts the hours of construction activity including set-up and actual work shall be permitted only after 9:00 a.m. and otherwise shall observe the City construction hours per the Municipal Noise Ordinance.
5. This Resolution shall become effective within fifteen days unless 1) an appeal is filed previously by a party other than the City Council, or 2) an appeal is made by the City Council subsequently

RESOLUTION NO. PC 05-12

at a regularly scheduled meeting.

- 6. This approval shall expire one year from the date of approval, unless implemented in conformity with the approved plan. Construction of one atrium will implement the Resolution.
- 7. 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 are paid.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedures 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 proceeding required by Code of Civil Procedure Section 1094.6.

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on September 14, 2005 and that said Resolution was adopted by the following vote:

AYES:	Chair Savikas, Commissioners Schlager, Bohner, and Lesser
NOES:	None
ABSENT:	Vice-Chairman Simon
AYES:	None
ABSTAIN	None

Richard Thompson
Secretary to the Planning Commission

Sarah Boeschen, Recording Secretary

CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
SEPTEMBER 14, 2005

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, September 14, 2005, at 6:40 p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.

4
5 **ROLL CALL**

6
7 Chairperson Savikas called the meeting to order.

8
9 Members Present: Bohner, Lesser, Schlager, Chairperson Savikas

10 Members Absent: Simon

11 Staff: Laurie Jester, Senior Planner

12 Rosemary Lackow, Senior Planner

13 Sarah Boesch, Recording Secretary

14
15 **APPROVAL OF MINUTES** August 24, 2005

16
17 Commissioner Bohner requested that page 10, line 11 of the August 24 be revised to read: "He
18 said that there is an issue with not articulating the methodology is in opposing a fine."

19
20 A motion was MADE and SECONDED (Lesser/Schlager) to **APPROVE** the minutes of August
21 24, 2005, as amended.

22
23 AYES: Bohner, Lesser, Schlager, Chairperson Savikas

24 NOES: None

25 ABSENT: Simon

26 ABSTAIN: None

27
28 **AUDIENCE PARTICIPATION** None

29
30 **BUSINESS ITEMS**

31
32 **PUBLIC HEARINGS**

33
34 05/0914.1 USE PERMIT AMENDMENT to Allow the Conversion of an Atrium to Living
35 Area, for Condominium Unit No. 5, Located at 1155 11th Street (Eastman)

36 Senior Planner Lackow summarized the staff report. She stated that the proposal is to enclose a
37 second story atrium or patio for Unit 5. As a result of the project, 76 square feet of buildable floor
38 area (BFA) will be added to the subject unit, increasing its size to 1,826 square feet and increasing
39 the overall total square footage of the entire complex to 28,332 square feet BFA, which is the
40 maximum permitted for the zoning district and the property. She stated that in 1992 the complex's
41 Homeowners Association (HOA) applied for a Use Permit for the ability to cover the atriums for

PLANNING COMMISSION MINUTES

September 14, 2005

Page 2

1 all of the seven units which front on 11th Street, the only units that have such atriums. She
2 indicated that the Board of Zoning Adjustment approved the Use Permit at that time, but allowed
3 only two units to be covered based on the understanding that the absolute limit for BFA for the
4 complex would be attained if more than two units converted their atriums. She stated that Units 1
5 and 7 then proceeded with HOA approval to cover their atriums. She indicated that the applicants
6 in Unit 5 sought information about enclosing their atrium in 2004. Staff determined that the
7 proposal would not exceed the limit of the BFA for the complex after exploring information
8 provided by the original architect for the project and inspecting the atrium. She commented that
9 the owners within 500 feet of the site including all of the other condominium units were provided
10 notice and informed that the proposal would bring the square footage of the entire complex to the
11 permitted maximum. She indicated that staff received correspondence from the owners of Units 2
12 and 4 which raised the issue that it was inequitable for one last unit to be permitted to be enclosed
13 and not for the other 4 remaining units which front along 11th Street. She stated that other concerns
14 were also raised by the owner of Unit 4 regarding noise and drainage. She said that the City
15 departments responded that issues regarding potential impacts with noise and drainage could be
16 mitigated with conditions of approval. She indicated that staff is recommending approval but
17 further, that the Resolution, while allowing this applicant to proceed, is flexible in that it would
18 allow any remaining units to cover their atriums to the extent it is further determined that any
19 additional BFA reserve exists. The Resolution provides that such approvals would be able to be
20 processed with a Building Permit and would require HOA approval but would not have to come
21 back to the Planning Commission.

22 In response to a question from Commissioner Lesser, Ms. Lackow indicated that the atriums for
23 Units 1 and 7 had not been re-measured at this time, and it is possible there is a discrepancy in the
24 measurement of BFA square footage in those units.

25 Commissioner Bohner commented that the Commission has been asked to consider the application
26 with regard to Unit 5, and it was unclear in the staff report as to any action the Commission is being
27 asked to consider regarding the other units.

28 In response, Ms. Lackow indicated that the Commission is being asked to allow the atriums of
29 other units to be permitted to be covered through a Building Permit if the determination is made in
30 the future that there is sufficient square footage of BFA available. She said that the subject
31 proposal under consideration would be approved, however, before any determination is made
32 regarding sufficient space for the other units because Staff is very comfortable that the proposal
33 will not exceed the maximum BFA allowed.

34 Commissioner Schlager commented that the issue appears to be of fairness. He asked whether the
35 issue would be before the Commission if there were no objections.

36 Senior Planner Lackow responded by explaining that this proposal would still have to come before
37 the Commission if objections had not been raised, because it would be required by the last approval

PLANNING COMMISSION MINUTES

September 14, 2005

Page 3

1 by the Board of Zoning Adjustment in 1992, the “governing” Use Permit. She indicated that if
2 approved, the proposed Resolution would replace the 1992 Resolution and would become the new
3 governing resolution for the project.

4 In response to a question from Commissioner Schlager, Ms. Lackow stated that she believes the
5 HOA made the original determination regarding covering the atriums of only Units 2 and 7.

6 Chairperson Savikas opened the public hearing.

7 **John Eastman**, the applicant, indicated that the layout of the atrium is an 8’ by 9’ square that is
8 open to the sky, with one wall 30” taller than the rest of the roof. He stated that Unit 4 is 30 inches
9 taller than theirs because of the sloping topography of the ground. He stated that when they looked
10 into covering the atrium, he was originally informed by staff that a variance would be necessary
11 because the BFA would be 2 square feet beyond the maximum allowable. He indicated that staff
12 later suggested that they remeasure because the requirements had changed since 1992 when the
13 original measurements were taken. He stated that the original measurements included the square
14 footage of the semi-subterranean garage entry vestibule, which might be able to be excluded under
15 the new Code BFA regulations. He commented that such vestibules are below the first floors of all
16 of the units that have atriums. He said that their atrium was re-measured and determined to be 72
17 square feet on the exterior walls, which was significantly less than 76 square feet of the original
18 measurement. He stated that there is sufficient square footage, and their request was approved by
19 the HOA.

20 In response to a question from Commissioner Bohner, **Mr. Eastman** stated that he has spent
21 approximately \$2,100 on plans and consulting with the architect. He commented that enclosing the
22 space would not be visible to the other units. He said that he is not aware of any additional requests
23 to enclose atriums from the owners of the other units, and he is only aware of two objections to
24 their request that were raised at the HOA meeting in October of 2004 regarding the proposal.

25 In response to a question from Chairperson Savikas, **Mr. Eastman** said that there are five units left
26 that have open atriums and two have already enclosed their atriums. He commented that he spoke
27 at two HOA meetings. At the first meeting, the major concern expressed was that plans be
28 produced that could be understood and there were concerns regarding water drainage. He stated
29 that after concerns were expressed at this first meeting, he prepared a thorough report with plans to
30 divert water from the roof and presented it at the annual meeting in February. He commented that
31 there was only one vote in opposition to his proposal at that meeting. He commented that he was
32 forthcoming at the HOA meeting and explained the process by which they discovered that there
33 was sufficient square footage. He stated that he is not aware that the owners of any other units
34 have taken any steps towards enclosing their atriums.

35 In response to a question from Commissioner Schlager, **Mr. Eastman** indicated that the HOA is
36 composed of the 17 owners of the units in the entire complex. He indicated that there were 11
37 owners represented at the meeting, and the other 8 owners did not attend. He said that a majority of

PLANNING COMMISSION MINUTES

September 14, 2005

Page 4

1 9 votes is needed for approval of the HOA.

2 In response to a question from Commissioner Bohner, **Mr. Eastman** stated that notice of the
3 meeting was included in the monthly statement provided to the owners of the units in the complex.

4 Chairperson Savikas opened the public hearing.

5 **Alfred Aswad**, 1155 11th Street, Unit 4, stated that his atrium abuts the atrium of the subject unit.
6 He commented that he was not present at the February HOA meeting because there was not an
7 agenda published and he did not want a confrontation with the applicant at that meeting. He said
8 that he filed an objection to the proposal with staff. He commented that the HOA originally stated
9 that all units that fronted the street could cover their atriums. He commented that the atrium is
10 more than a box, and does serve to provide light. He said that water problems were increased when
11 the owners of Unit 1 enclosed their atrium. He indicated that the issue is under consideration
12 because he objected when staff was willing to waive the requirements for a Use Permit for the
13 request. He provided staff with a copy of his previous letter objecting to the request.

14 In response to a comment from **Mr. Aswad**, Senior Planner Jester commented that all information
15 and correspondence provided to staff is part of the public record and is provided to the City
16 Council when they consider the issue.

17 **Mr. Aswad** stated that the letter he provided to the City indicated that his understanding was that if
18 there was an objection to enclosing the subject atrium that the requirement for a Use Permit would
19 not be waived. He stated in the letter that he wanted the City to follow due process and have Unit 5
20 apply for a Use Permit to allow for public hearing where he and the applicant would have an
21 opportunity to be heard. He commented that he wanted the opinion of the City regarding the
22 impacts of the proposal. He commented that only seven of the units in the complex have atriums,
23 and two are enclosed. He indicated that he has had damage to his unit because of water leaking
24 into his unit. He stated that the owner of Unit 3 also expressed her concerns in a letter to the
25 Commission. He commented that one of the owners who voted in support of the project in
26 February knew he was going to be moving and was not concerned with the impacts. He indicated
27 that he is not certain whether the new owner of Unit 6 had notice of the proposal, and he or she
28 might be interested in enclosing their atrium to increase the value of their property. He also
29 commented that many of the unit owners who voted in support do not live adjacent to the subject
30 unit and would not directly impacted by the proposal. He commented that the minutes of the
31 February HOA meeting indicated that the members voted 9 to 1 to approve the request after having
32 been shown the plans and City approvals. He indicated that he was not present at the meeting;
33 however, that he is not certain regarding the approvals that were granted by the City before
34 February.

35 **Mr. Aswad** stated that it is not clear how staff verified the measurements taken by the applicant's
36 architect of 76 rather than 78 feet of BFA. He said that the report prepared by the architect
37 verifying that the BFA is actually 76 square feet was not provided as an attachment to the staff

PLANNING COMMISSION MINUTES

September 14, 2005

Page 5

1 report. He said that in his letter to the Commission he has asked for an unbiased assessment of the
2 measurements to verify the measurements of the architect and critique his report. He pointed out
3 that the architect was paid to find the extra space to allow for a waiver of the variance requirement.

4 Senior Planner Jester pointed out that the dimensions as measured by the applicant's architect were
5 verified by staff.

6 Senior Planner Lackow said that she went to the site and measured the exterior wall dimensions
7 and applied the Code definition of BFA to the measurements based on the plans on record of the
8 wall thicknesses and standard construction methods.

9 **Mr. Aswad** stated that the staff report should be clarified regarding staff's verification of the
10 measurements taken by the architect. He stated that the 2 additional square feet is insignificant
11 given the size of the entire structure, and he asked why the City does not waive the 2 additional
12 square feet and allow all the units with atriums the ability to enclose them without the necessity of
13 a Variance. He indicated that if the City would have the ability to waive the requirement for 2
14 additional square feet they may want to delay voting on the issue. He said that he and the other unit
15 owners were offered the opportunity to find additional square footage. He said that his concern is
16 not the cost but rather the uncertainty of receiving approval for a variance request. He said that he
17 would like for wording to be included to assure that a future variance application for enclosing an
18 atrium would be looked upon favorably by the City.

19 **Mr. Eastman** commented that there was no City approval presented at the February HOA meeting
20 as **Mr. Aswad** pointed out was included in the HOA minutes.

21 There being no further testimony, Chairperson Savikas closed the public hearing.

22 Commissioner Bohner said that he feels **Mr. Aswad's** objections are without merit, and his
23 arguments do not impeach the information provided by the applicant's architect and staff. He said
24 that he accepts staff's analysis and determination that the proposal fits in with the allowable BFA to
25 meet the requirements of the complex. He commented that it was **Mr. Aswad's** decision not to
26 attend the February HOA meeting, and the applicant did receive a sufficient number of votes of
27 approval from the other members. He indicated that the other objections of drainage and noise are
28 addressed by the requirements that would be imposed by the City. He commented that the
29 applicants verified that there was sufficient room in the atrium to be enclosed to meet the BFA
30 requirements of the complex and went to the expense of hiring an architect. He commented that it
31 has not been indicated that any of the other owners have expressed intent to enclose their atrium.
32 He said that he sees no reason to deny the Use Permit. He commented that any other owner could
33 have questioned whether the original measurements were correct and hired an architect. He noted
34 that the equity issue should be in favor of the applicant, consistent with legal principles in that the
35 applicant has been "vigilant" in pursuing what he wants, while all other owners have "slumbered"
36 or have not done anything to enclose their atriums. He pointed out that no other owners have
37 indicated that they presently have intent to enclose their atriums. He said that it would be fair to

PLANNING COMMISSION MINUTES

September 14, 2005

Page 6

1 allow the applicant to enclose their atrium and to allow other residents an opportunity to verify
2 additional space as did the applicants. He said that he is in favor of approving the application.

3 Commissioner Schlager said that he agrees with the comments of Commissioner Bohner. He said
4 that due process has been served in this case. He indicated that the majority of members of the
5 HOA agreed to support the proposal, and it was **Mr. Aswad's** prerogative not to attend the HOA
6 meeting to vote. He indicated that he is satisfied with the staff report. He indicated that staff is the
7 experts, and the Commissioners must trust their opinions. He stated that he is also satisfied with
8 the report provided by the applicant's architect. He stated that all of the issues have been
9 addressed, and he is in favor of the proposal.

10 Commissioner Lesser stated that the applicants have followed the process of going to the HOA and
11 worked with staff and a professional architect. He pointed out that staff has independently
12 investigated their application. He said that the objections were primarily concerning restricting the
13 ability of the other unit owners to prospectively enclose their atriums and not due to aesthetics or
14 construction. He commented that the applicants have expended a great deal of time and expense on
15 the project. He indicated that as a Commissioner he is not in a position to second guess staff's
16 opinion unless there are significant grounds, which he does not find in this case. He said that he
17 supports the proposal.

18 Chairperson Savikas said that she concurs with the statements of the other Commissioners. She
19 stated that the issue does appear to be an objection to fairness made by owners of Units 3 and 5;
20 however, the other owners would have the ability to petition the City as did the applicants. She
21 pointed out that the applicants have taken the steps in hiring an architect, and she does not question
22 the measurements taken by the architect. She said that she would support the proposal.

23 A motion was MADE and SECONDED (Schlager/Bohner) to **ADOPT a USE PERMIT**
24 **AMENDMENT** to Allow the Conversion of an Atrium to Living Area, for Condominium Unit No.
25 5, Located at 1155 11th Street

26 AYES: Bohner, Lesser, Schlager, Chairperson Savikas

27 NOES: None

28 ABSENT: Simon

29 ABSTAIN: None

30

31

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Rosemary Lackow, Senior Planner

DATE: September 14, 2005

SUBJECT: Use Permit Amendment to Allow the Conversion of an Atrium to Living Area, for Condominium Unit No. 5, Located at 1155 11th Street (Eastman)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING, APPROVE** the request, and **ADOPT** the attached draft Resolution (Exhibit A).

APPLICANT/UNIT OWNER

Lori and John Eastman
1155 11th Street, Unit 5
Manhattan Beach, CA 90266

SITE INFORMATION

<u>Location</u>	Unit #5 within a 17 unit condominium complex, located on the north side 11 th St. between Sepulveda and Meadows Ave. (Aerial Map: Exhibit B).
<u>Legal Description</u>	Tract No. 29657, Condo Unit #6, a subdivision of Lots 24, 25, 26, Block 2, Tract 142
<u>Area District</u>	I
<u>Parcel Size</u> (entire complex)	28,980 sq. ft. (126' x 230')

LAND USE

<u>General Plan</u>	High Density Residential	
<u>Zoning</u>	RH, Residential High Density	
<u>Land Use</u>	<u>Existing</u> 17 unit condominium complex	<u>Proposed</u> Small enlargement of Unit #5

Neighboring Zoning/Land Uses

North and west	RH, High Density Residential (4 and 5 unit apartment complexes)
East and south	RS, Single Family Residential

PROJECT DETAILS

	<u>Existing</u>	<u>Proposed</u>	<u>Code Allowed/ Required</u>
Buildable Floor Area (BFA) ¹			
Entire complex:	28,256 sq. ft.	28,332 sq. ft.	28,332 sq. ft.
Unit 5 (76 sq. ft. added)	1,750 sq. ft.	1,777 sq. ft.	N/A
Height above finished grade	32.5 ft. ²	30 ft.	30 ft./36 ft. max.
Usable Open Space ³	6,621.5 sq. ft. ⁴	6,621.5 sq. ft.	4,438 sq. ft.

PROJECT DESCRIPTION

The subject condominium complex has 17 units developed as three separate structures and addressed as 1155 and 1201 11th Street. John and Lori Eastman are the owners of Unit 5. They have submitted an application for a Use Permit Amendment with approval by the Home Owner Association (HOA) to enclose an atrium patio space that is part of their three bedroom unit (Exhibit C, applicant narrative). The atrium, measuring approximately eight by nine feet, and which is not visible from a public view, will increase the living area of Unit 5 to 1,777 square feet and to 28,332 square feet for the entire condominium complex. Based on available records, Staff believes that this is the maximum amount of enclosed living area (“buildable floor area”) permitted for this complex.

BACKGROUND

Section 10.12.020 of the Municipal Code requires a Use Permit for a multi-family project with four or more units. Modifications that increase the floor area require amendment of the Use Permit. The subject complex was originally constructed in 1973, at which time a Use Permit was not required. In 1992, the HOA applied for a Use Permit seeking permission to enclose the atriums (similar to the applicants’) in all seven units that were built with this feature. It was believed that all seven atriums were identical, and would add 78 square feet to each unit or 546 square feet to the whole complex. The Board of Zoning Adjustment (BZA) approved the enclosure of only two atriums (156 square feet) because the increase for all of the seven units would have exceeded the total amount of floor area allowed for the site (Resolution BZA 92-21, Exhibit D). Subsequently Units 1 and 7, located at the east and west ends of the buildings fronting on 11th Street, were enclosed. The BZA advised that a Variance would be required to enclose any additional atriums.

¹ BFA is the enclosed living area, measured to the outside of a wall (not counting stucco). Max. BFA = .9 x lot area (28,980) + 2,250 = 28,332 sf. All data for existing BFA taken from City plans and records.

² Height based on first atrium enclosure in 1992; this unit height is somewhat lower.

³ Usable open space requirement is based on size & number of units, but applies overall to entire complex

⁴ This amount taken from 1992 Use Permit Amendment Staff Report.

In 2001 Mr. and Mrs. Eastman purchased their unit and in 2004 looked into enclosing their atrium with the assistance of the project architect, Steven Jones. After measuring their existing atrium it was discovered that it had 72 square feet (measured wall to wall) but was actually no more than 76 square feet of BFA (as opposed to 78 square feet as thought in 1992). This was important because this small difference is in compliance with the code. This was brought to the attention of Staff, who verified this on site. Therefore the Eastmans were advised that they would need to have approval from the HOA and the Planning Commission, but a Variance was not required because this last enclosure would be within the zoning limit for the project. On July 19, 2005 the Eastmans filed a Use Permit amendment.

DISCUSSION

Code Analysis: density, height, parking, open space

As noted, the enclosure of this space represents the maximum amount of buildable floor area that can be added to this complex, based on detailed analysis of Unit 5 and historical records (232 square feet, including 156 square feet for Units 1 and 7 plus 76 square feet for Unit 5).

With respect to density (i.e. increase the number of units), the site is zoned RH, High Density Residential, which permits one dwelling unit per 1,000 square feet of lot area for this district. This minor addition will not affect the permitted density and the project will continue to be consistent with surrounding developments, including other multi-family complexes.

The atriums for the project are private patios located at the second story and are enclosed on all sides, but open to the sky. With the exception of the two end units that already have enclosed the atriums, all other atriums adjoin their own living area on three sides and the living area of the neighboring condominium unit on the fourth side (separated by a 12-inch thick wall). When the first two atriums were enclosed, the roof, which was more exposed at those locations, was raised approximately 4 feet to give an architectural element at both ends of the project. In this case the roof will only be raised about 2 feet to approximate the height of the adjoining Unit 5. The building height at this point is estimated to be 30 feet. This height is consistent not only with the existing building but with the code, which permits up to three stories and 30 feet, and 36 feet maximum to adjoining finished grade.

The site is nonconforming for parking in that each condominium unit has two spaces, as opposed to three that are required by current zoning regulations. However, the code does not require compliance to proceed with this minor project.

Although the atriums provide private patios, the total amount of required usable open space for the complex would not change. The requirement for the complex is an aggregate based on a minimum of 15% of the total living area of each unit, with a maximum of 350 square feet. Staff recalculated this to be 4,438 square feet, given the following sizes of units:

7 units @ 1,750 square feet =	1,837.5 square feet
8 units @ 1,630 square feet =	1,956.5 square feet
1 unit @ 1,970 square feet =	295.5 square feet

1 unit @ 2,750 square feet = 350.0 square feet
Total: 4,438.0 square feet OS required

The 1992 Staff Report for the first enclosures noted that the atriums were not originally counted as required open space for the project. Units 1 through 7 (ironically) have private patios at the front (south side) that function as open space, but are not counted because they are located within the building front setback. However the entire project has approximately 6,600 square feet of other open space areas in common areas such as patios, walkways and backyards and this complies with the amount required.

Required Findings

Section 10.84.060 of the Municipal Code provides that the Commission make four findings in approving a Use Permit. Staff believes that these findings are met as follows:

1. The project is in accord with the objectives of the Municipal Code and the purposed of the RH zoning district in that the enclosure will be in compliance with applicable zoning regulations and will be a meaningful enhancement of the applicants' multi-family unit.
2. The project will be consistent with the General Plan in that it will have a low-profile appearance, will not increase the appearance of building bulk, and will not remove any existing landscaped green areas.
3. The project will comply with all applicable zoning and building requirements of the Municipal Code and other building regulations.
4. The project will not have an adverse impact on or be adversely impacted by other adjoining or nearby properties in that the enclosure will not result in a roof area that will block sunlight or any view of the adjoining unit, and in that the construction of the enclosure will require compliance with sound transmission standards applicable to condominium units (meeting a sound transmission class, or STC of 50) and an impact insulation class, or ILC of 60). The roof will be designed to slope away and divert water to the street via a gutter.

Public Input

The applicants have provided a letter from the Joie De Vivre HOA which documents its support of the project (9-1 vote, not including the applicant). Pursuant to legal requirements, Staff provided notice of the pending application and public hearing to all owners of record (including all Joie De Vivre owners) within 500 feet. Staff has received two letters from the owners of the Units 3 and 4, to the east of the applicant. The owner of Unit 4 adjoining the project, has concerns that the project may: cause water damage to his unit; create additional on-going noise in that the new office will be next to his existing atrium; cause construction noise and impacts and lastly the approval of this atrium enclosure would be the last that could be permitted without a variance, which is an equity issue for those remaining units who may in the future want to do the same. The second correspondence is an e-mail from the owner of Unit 3, who expresses the same concern of equity as the other owner. All three letters are attached (Exhibit E).

The above design and construction issues are addressed as follows:

1. Drainage impacts can be avoided by requiring a standard rain gutter system that will collect water and carry it out to the public street. This will be included as a condition of approval (COA).
2. Noise impacts should not be a problem in that the use of the space is going to be a home office (will not have a closet), and construction will be required to be in accordance with the City's standard for condominium and sound transmission. This will be included as a COA.
3. Construction impacts can be avoided by requiring special caution be taken and by imposing restrictions on the hours of construction. This will be included as a COA.

Equity issue

Staff has suggested to the applicants that they consider requesting the Planning Commission to delay a decision to allow the remaining four atrium unit owners time to further investigate whether the plans originally approved may have overstated the size of the units or atriums. If they are willing to do this, and they find that the project was built to less floor area stated on the original plans, they, or the HOA could join the applicant in their amendment. If it is found that no additional atriums may be constructed other than for Unit 5, then the Planning Commission may simply approve the application as submitted by the Eastmans. If it is determined that only Unit 5 can convert its atrium, the Planning Commission cannot waive the requirement for a Variance for the other units.

The attached draft Resolution is written with flexibility so that the Planning Commission can approve a Use Permit for only the Eastman's request, or for additional units as described above.

ENVIRONMENTAL REVIEW

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.

CONCLUSION

The project has been approved by the complex HOA, meets all applicable zoning regulations and is consistent with the General Plan. Concerns of impacts may be addressed in the conditions of approval. Concern that there is no equity for other similar units is a difficult issue, but may be addressed to the extent that, based on a professional analysis, reviewed and approved by Staff, the conversion of additional atriums can be accomplished within the limit of allowed buildable floor area. If it is found that not all owners can convert their atriums, the Planning Commission cannot waive the requirement for a Variance.

The Commission may make a decision now and adopt the attached Resolution that has built in flexibility that leaves the determination of BFA code compliance to be worked out with Staff. Another option is to continue the hearing, if agreed by the applicant, to allow time for the other

owners to further investigate and verify the size of the project and to report back to the Commission, which would then make a decision as to a specific number of atriums that could be enclosed.

ATTACHMENTS

Exhibit A: Draft Resolution No. PC 05-

Exhibit B: Site Aerial Map (NAE)

Exhibit C: Applicant Project Description and Findings

Exhibit D: Reso. BZA 92-21 (NAE)

Exhibit E: Correspondence: HOA, and two neighbors (NAE)

Exhibit F: Plans (NAE)

c: Applicants

Joie De Vivre HOA

NAE = attachment not available electronically

**RESOLUTION NO. PC 05 -
(D R A F T)**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A USE PERMIT AMENDMENT
ALLOWING ONE OR MORE ATRIUMS TO BE CONVERTED TO LIVING
AREA FOR CONDOMINIUM UNIT(S) LOCATED AT 1750 11TH STREET
(EASTMAN/JOIE DE VIVRE HOMEOWNER ASSOCIATION)**

**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. On September 20, 2005 the Planning Commission of the City of Manhattan Beach reviewed a use permit amendment requesting permission to convert an existing second story 72 square foot (clear area) atrium patio to 76 square feet of buildable floor area for Unit 5 of the 17-unit condominium complex located at 1155 11th Street in the City of Manhattan Beach.
- B. The applicants and owner of Unit 5 are John and Lori Eastman, owners of the subject condominium. On February 28, 2005 the condominium Homeowners Association approved of the application per letter received from the HOA President and Secretary.
- C. The subject condominium complex property is legally described as Tract 29657, a subdivision of lots 24, 25, 25, Block 2, Tract 142.
- D. The subject property is located in Area District I and is zoned RH, High Density Residential as are all of the adjoining properties, with the exception of the properties to the south, across 11th Street, which are zoned (RS) Single Family Residential. The subject property is classified High Density Residential in the Manhattan Beach General Plan.
- E. The subject complex consists of three separate structures, and Unit 5 is located in the southerly building that fronts on 11th Street, one of seven units that were originally built with a second floor atrium. Approval of the amendment would allow minimally Unit 5 to be enlarged from 1,750 to 1,826 square feet, per historical plans on file and this application. The ability to enclose this atrium is due to a re-calculation of its buildable floor area which resulted in a conclusion that its buildable floor area is 76, not 78 square feet and therefore the project is at the maximum limit of total amount of building area (28,332 square feet) permitted by MBMC 10.12.030. This conclusion is counter to conclusions reached by the Board of Zoning Adjustment made in Resolution BZA 92-21 adopted November 24, 1992, and therefore that decision is hereby amended to allow at least three (Units 1, 5, 7) but potentially more units' atriums to be converted, provided it can be conclusively determined that such conversion(s) will be consistent with the limit for buildable floor area for the entire project.

RESOLUTION NO. PC 05-
(D R A F T)

- F. The proposed conversion of one or more patios will not decrease the amount usable open space required for the complex in that the atriums were not counted as usable open space when originally constructed and the current requirement for open space is met by other ground level walkways, yards and patios which are not proposed to be altered.
- G. The complex has nonconformities for front setback (12 feet instead of 20 feet) rear setback (6.66 feet instead of 17 feet), building intrusions of patios into the front yard (degree of intrusion and solid design) and parking (2 instead of 3 parking spaces per unit). The enclosure of one or more atriums to the maximum permitted will not require these nonconformities to be corrected in that the valuation of these enclosure projects will not exceed 50% of the total reconstruction value of the existing structures as provided in MBMC 10.64.020.A. and 10.68.030.E. The enclosure of the atrium for Unit 5 or others will also not increase the degree of these existing nonconformities.
- H. This Resolution hereby replaces Resolution No. BZA 92-21 and, upon its effectiveness is the governing use permit for the condominium complex, required per MBMC 10.12.020.
- I. The project is determined to be a Categorical Exemption (Section 15061 (b) (3)) from the requirements of the California Environmental Quality Act in that it is a minor development that will not have a significant impact on the environment.
- J. A de minimis impact finding is hereby made that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- K. The subject project will have a low-profile appearance, will not add to building bulk and will not remove any existing landscaped areas and is therefore consistent with Goal LU-1 of the General Plan which is to maintain the low-profile development and small town atmosphere of Manhattan Beach. The project is consistent with Policy LU-1.1 by limiting the height to 3 stories in a 30-foot height limit zone and by protecting privacy of adjacent condominium units. The project is also consistent with Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics. The project is consistent with this goal in that it provides a mechanism to improve the livability of the units of the subject multi-family housing complex to the degree permitted in the code. This approval also addresses impact and equity issues brought forth in the public hearing.
- L. Pursuant to Section 10.84.060 the following findings are made with respect to the subject Use Permit:

RESOLUTION NO. PC 05-
(D R A F T)

1. The project is in accord with the objectives of the Municipal Code and the purposed of the RH zoning district in that the enclosure will be in compliance with applicable zoning regulations and will be a meaningful enhancement of the applicants' or possibly other similar condominium units within the same project.
2. The project will be consistent with the General Plan in that it will have a low-profile appearance, will not increase the appearance of building bulk, and will not remove any existing landscaped green areas.
3. The project will comply with all applicable zoning and building requirements of the Municipal Code and other building regulations.
4. The project will not have an adverse impact on or be adversely impacted by other adjoining or nearby properties in that the enclosure will not result in a roof area that will block sunlight or any view of the adjoining unit, and in that the construction of the enclosure will require compliance with sound transmission standards applicable to condominium units and a roof design that will divert water to the street via a gutter.

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

1. The implementation of this use permit shall be in substantial compliance with the submitted project description, findings and conditions, and plan except that, with the approval of the applicant (owners of Unit 5) and the complex Homeowner Association, the project is amended to include conversion of the second floor atrium of Unit 5 first, and thereafter any additional atriums for Units 2 through 6 (Units 1 and 7 already having their atriums converted), if through re-calculation of original approved plans, the entire complex is found to have an amount of buildable floor area not exceeding the limit allowed for the site.
2. The conversion of atrium to living area shall include construction or upgrading of separation wall assemblies between condominium dwelling units in conformity with current condominium standards per MBMC 10.52.110.B.
3. The construction of atriums shall employ roof drainage systems to collect and divert runoff water to the street as reviewed and approved by the City in plan-check.
4. To avoid construction noise impacts the hours of construction activity including set-up and actual work shall be permitted only after 9:00 a.m. and otherwise shall observe the City construction hours per the Municipal Noise Ordinance.

RESOLUTION NO. PC 05-
(D R A F T)

5. This Resolution shall become effective within fifteen days unless 1) an appeal is filed previously by a party other than the City Council, or 2) an appeal is made by the City Council subsequently at a regularly scheduled meeting.
6. This approval shall expire one year from the date of approval, unless implemented in conformity with the approved plan. Construction of one atrium will implement the Resolution.
7. 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 are paid.

SECTION 3. Pursuant to Government Code Section 65009 and Code of Civil Procedures 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 proceeding required by Code of Civil Procedure Section 1094.6.

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on September 20, 2005 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Richard Thompson
Secretary to the Planning Commission

Sarah Boesch
Recording Secretary

August 19, 2005

Dear Planning Commissioners of Manhattan Beach;
Muriel Savikas, David Simon, Jim Schlager, Bob Bohner, and David Lesser,

As the owners and occupants of 1155 11th Street, Unit #5, a townhome here in Manhattan Beach, my wife Lori and I have applied for approval to enclose our atrium. This atrium is an 8' x 9' open space on the second floor. We would like to put a roof over it to make a small office. Seven of the 17 units in our complex were built with similar atriums. Two of them (Units 1 and 7) have already been enclosed .

We have lived in our 3 bedroom home since August 2001. Originally, we were using the 2 small bedrooms as a guest room and an office. However, our guest bedroom disappeared when our son Zackary was born in May of 2003, and our office was turned into another bedroom following the birth of our daughter Amy in November of 2004. In 4 years of living here we have yet to find any use for the atrium.

In addition to needing the office and the atrium being a waste of space, it is a potential water hazard, in that it naturally collects rainwater and has to have a drain system, which often gets blocked. Several of the atriums have had leaks. Despite us being lucky enough to not have any leaks in our 4 years, there were large spots on the ceiling beneath the atrium when we moved in. I have also needed to clear the drain of the atrium during rain storms to allow drainage on several occasions.

This has been a long process for us. Shortly after moving here in 2001 we inquired about enclosing the atrium. A Manhattan Beach Planner showed me that the Use Permit (Resolution No. BZA 92-21, adopted November 24, 1992) for the condominium development permitted only two of the seven atriums to be enclosed. Enclosing more would exceed the allowable "buildable floor area". Since unit 1 was enclosed in 1992 and unit 7 was enclosed in 1998, it appeared that a variance our project. At that time, we considered the expense and risk of a Variance to be too great.

When we were expecting our second child in 2004, we revisited the enclosure idea and discovered that enclosing another 78 square foot atrium would exceed the limit by only 2 square feet, but in measuring, we found our atrium is actually no larger than 73 square feet. This was verified by City Staff. Our proposal was discussed among planning Staff and it was agreed that we could apply for a use permit amendment, instead of a variance. The Staff required that we get approval from our Home Owners Association and any other owner of any of the remaining unenclosed atriums. We proceeded and got approval from our HOA. Our neighbor in unit 4 however, would not approve our enclosure. Therefore, we are applying for an official amendment to the current use permit to allow the enclosure of our atrium.

Report on Required Findings

1. Accordance with Objectives of District Location: Our home is in a RH High-Density Residential District. Our proposed enclosure meets the goals of the zoning ordinance and will enhance the goals of the zoning district. Increasing the enclosed square footage by 73' is a minor enhancement, but it would be very meaningful to us. Like the previous enclosures, our proposed office will not contain a closet, so as not to be confused with adding another bedroom.
2. Accordance with the General Plan: Our project is consistent with the goals and policies of the Manhattan Beach General Plan. Our roof design is so low-profile and unobtrusive that it will be virtually invisible when viewing the building from ground-level (please see photographs on following pages). Additionally, we will not be developing any existing landscaped open space
3. Compliance with Title Provisions: The project will comply with all applicable building and development standards. We will meet or exceed all current Eligibility Requirements for new Residential Condominiums, including sound transmission requirements. We will be reducing a small amount of open space but we will not go below the limit for required open space.
4. Adverse Impact on Nearby Properties: I believe our plans show that this proposed construction will have little to no impact on anyone. It will utilize the last bit of buildable floor area for our complex, meaning that any further enclosures may require a Variance. We disclosed this information at our HOA meeting and still received approval of our proposal by a 9 to 1 vote. Our neighbor in unit 4 has an atrium adjacent to ours. The atriums share a common wall. He expressed concerns about sun-blockage, obstruction of his view, and water drainage. I showed him that our plans are to start the roof 1" below the top of the wall that separates our atriums. His unit is 30" taller than ours because of the slope of the hill that our building is on. Our roof will slope away from his unit where any water will be collected by a gutter and diverted to the street in front of the building. He will not be able to see the roof without going across the street and deep into the yard, or by climbing a ladder inside his atrium. Having met his first set of objections, he told me he was concerned about noise. He said that while we are very quiet, he thought we may move and the new occupants might be noisy. To answer this objection we will be installing a sound-proof layer of additional material. Therefore to my knowledge, we will have no adverse impact on any nearby properties.



View of atrium from Master Bedroom facing NE corner. Unit 4 atrium is on other side of East (right-side) wall which is 30" higher than our roof.



Inside atrium facing SW corner. Satellite dish is approximate height of proposed roof.



Front (North) view of our unit #5, unit #4 is on the right (East) side, 30" higher than unit #5. Satellite is not visible from the sidewalk on the other side of the street. Water will drain through downspout to street, like downspout on East side of unit #6 (left of #5).



View from yard on hill across the street.
Top of satellite dish is barely visible.
This will be the only way to see the top of
our proposed roof.



Zoom from across street to show top of
satellite dish.

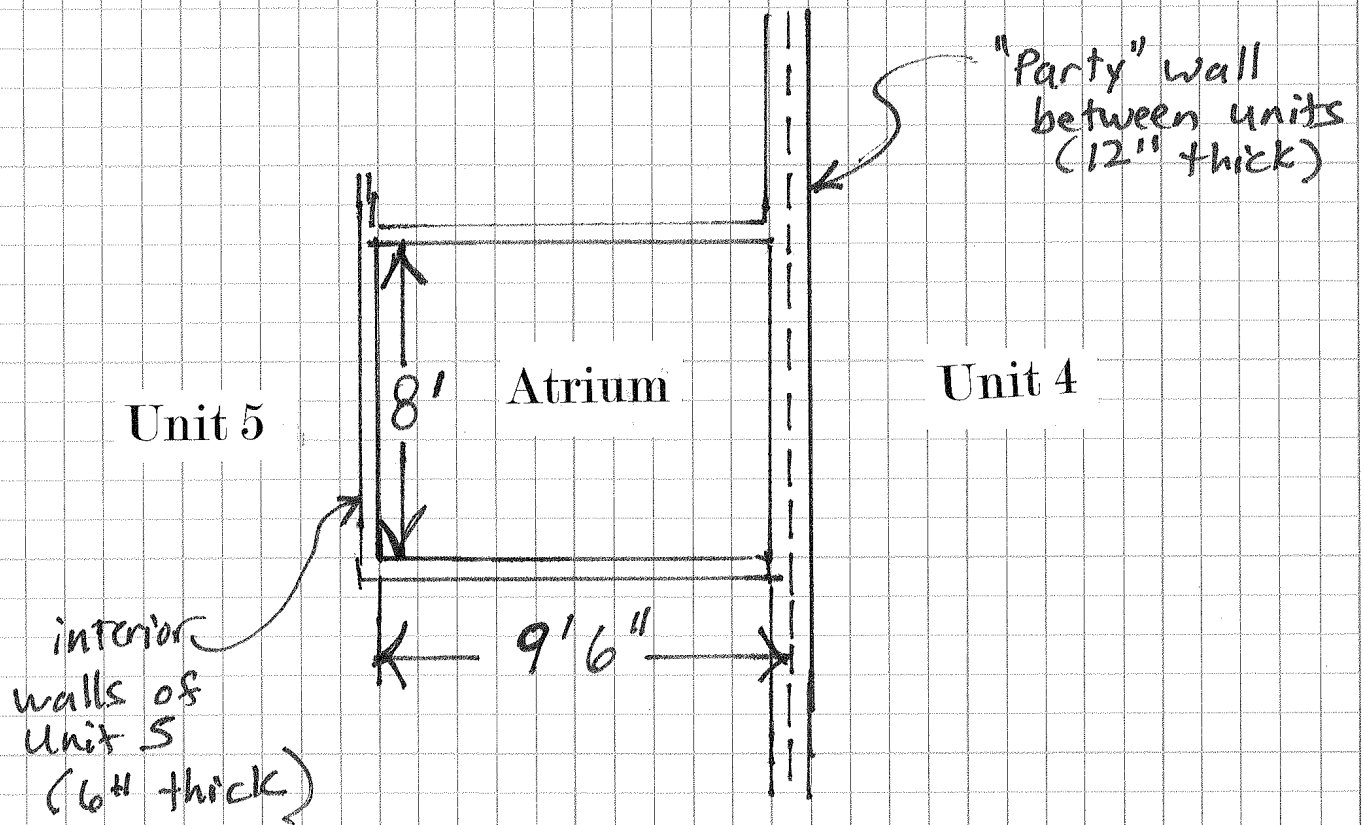


View towards NW of complex, taken from approximately 20 yards up Johnson Street.
This shows the peaked roofs of the enclosures on unit #1 (far right, East side of building)
and unit #7 (far left, West side of building). Our satellite dish is not visible from here, so
the roof will not be visible either.



Zoom to show that satellite dish cannot be seen.
Page 4

BFA Calculation



BFA: the enclosed living area, measured to the outside of a wall