



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

**TO:** Planning Commission

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

**BY:** Eric Haaland, Associate Planner 

**DATE:** February 14, 2007

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

**RECOMMENDATION**

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

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

**PROJECT OVERVIEW**

L O C A T I O N

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

LAND USE

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

PROJECT DETAILS

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

**BACKGROUND**

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

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

## **DISCUSSION**

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

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

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

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

All minor exception approvals are subject to the following criteria:

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

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

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

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

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

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

## **CONCLUSION**

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

## **ALTERNATIVES**

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

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

Attachments:

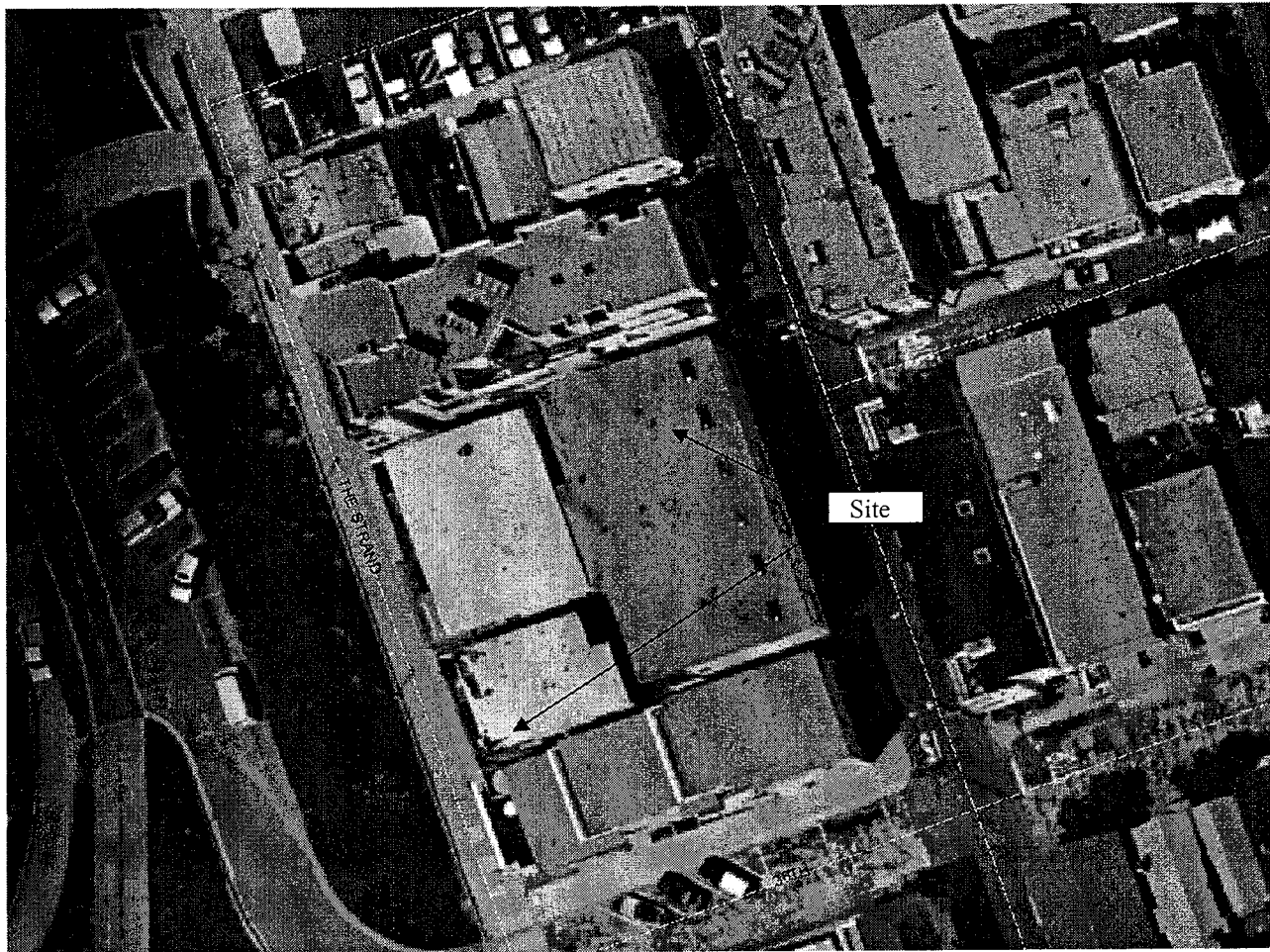
- A. Vicinity map/photos
- B. Applicant material
- C. Code excerpts

D. Neighbor input  
Property survey (separate)

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

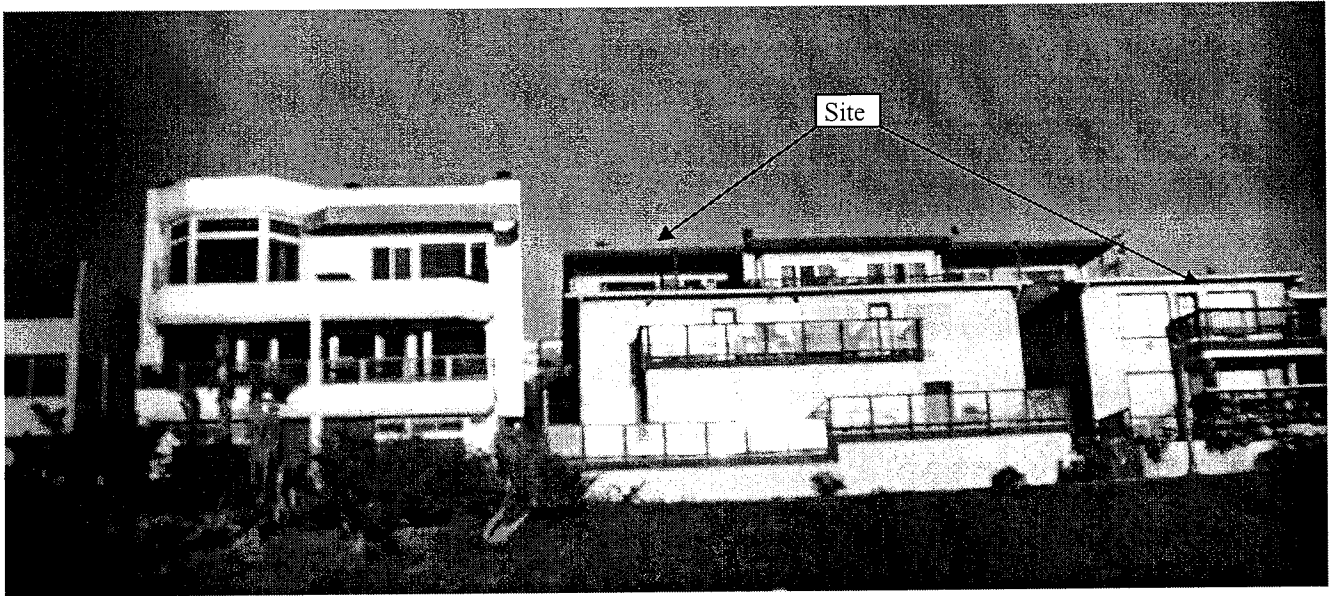
# 3604-3608 The Strand

Vicinity



# 3604-3608 The Strand

Vicinity



# **SUBTEC**

SUBDIVISION TECHNICAL SERVICES

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

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

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

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

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

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



## Eric Haaland

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

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

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

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

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

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

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

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

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

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

Howard Kaminsky MD  
113 Rosecrans Avenue

## Eric Haaland

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

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

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

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

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

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

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

Howard Kaminsky

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

December 10, 2006

Re: The Manhattan Strandhomes, LLC

Dear Mr. Haaland,

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

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

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

Sincerely,

*Julia Gallas*

Julia Gallas  
(310) 545-7160

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

*Sarah Bream & Devon Bream  
121 36<sup>th</sup> Place  
Manhattan Beach, CA . 90266  
310-545-3007*

## Richard Thompson

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

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Haaland:

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

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

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

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

Respectfully,

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

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

Dyan Decker  
3612 Ocean Drive  
Manhattan Beach, CA 90266

VIA OVERNIGHT MAIL

December 14, 2006

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

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

Dear Mr. Haaland,

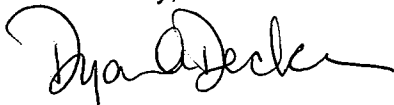
I am in receipt of the notice concerning the proposed merger of three parcels into one at 3604 and 3608 The Strand. I am writing to express my concern over this proposal.

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

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

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

Sincerely,

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

Dyan Decker

## Eric Haaland

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

Please include in staff report.

Richard Thompson  
Director of Community Development

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

Hi Richard ~ FYI below. :)

Portia Cohen, Esq.  
portiacohen@aol.com  
310.991.7366

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

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

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

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

David Hennessy

Director of Marketing

Research Affiliates, LLC

155 No Lake Ave

ERIC

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

January 8, 2007

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

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

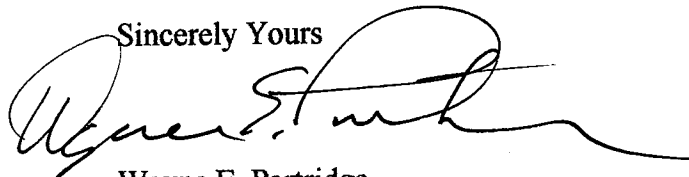
Dear Mr. Haaland:

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

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

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

Sincerely Yours



Wayne E. Partridge

cc: Richard Thompson



11.32.070

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

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

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

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

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

**11.32.080 Merger of contiguous parcels—Request by property owner.**

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

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

FD L&T RCE 14356

FD L&T (NO TAG)

# ROSECRANS AVENUE

N 70°13'04"E 117.28'

FD SPK & W LS 5411

7.50'

30.00'

30'

30'

N 70°13'04"E 117.22'  
97.22'

10.00'

W'LY LINE OF \*

E'LY LINE OF \*

NOT A PART  
OF THIS SUBDIVISION

S'LY LINE OF  
PARCEL MAP NO. 14697  
P.M.B. 172-68

EXIST RESIDENCE  
N 70°14'02"E 117.06'

ROOF ELEV = 121.6

FD L&T RCE 18593  
0.14' W'LY OF CORNER  
ON PROPERTY LINE PROD.

## THE STRAND

N 19°45'01"W 250.17'

N 19°45'01"W

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## DRIVE

SET N&T RCE  
10.00' E'LY OF  
ON PROPERTY  
L&T ELEV =

10'

10'

2' WIDE CONC. SWALE

## OCEAN

SET N&T RCE 3082  
10.00' E'LY OF COR  
ON PROPERTY LINE  
N&T ELEV = 101.50

15'

15'

15'

15'

15'

15'

15'

15'

15'

15'

15'

# 36TH STREET

FD L&T RCE 24027  
(NOT INTERSECTION)

FD SPK & W LS 5411

FD L&T (NO TAG)

7.50'

20.00'

20'

20'

20.01'

N 70°15'29"E 116.78'

N 70°15'11"E 116.82'

N 70°15'05"E

N 70°15'05"E

N 70°15'05"E

N 70°15'05"E

N 70°14'02"E

N 70°13'04"E

N 70°13'04"E

N 70°13'04"E

N 70°13'04"E

N 70°13'04"E

N 70°13'04"E

N 70°13'04"E

ROOF ELEV = 122.4

ROOF ELEV = 127.22

ROOF ELEV = 121.6

THE STRAND

OCEAN

DRIVE

36TH

# ROSECRANS AVENUE