




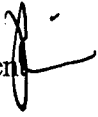

Agenda Item #: 07/0904.19

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Aldinger and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager 

**FROM:** Richard Thompson, Director of Community Development   
Daniel A. Moreno, Associate Planner 

**DATE:** September 4, 2007

**SUBJECT:** Consideration of a Variance and Coastal Development Permit for a Proposed New Single Family Residence to Project into a Required Front Yard Setback on a Portion of a Lot at 124-21<sup>st</sup> Place

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### 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:

At the August 8, 2007 Planning Commission meeting staff presented a proposal which consisted of a request to allow habitable area to project into a required front yard setback area and located adjacent to an alley. The subject property is located at 124-21st Place, zoned RM (Residential Medium Density) and is located in Area District III.

Manhattan Beach Municipal Code Section 10.60.040 allows certain projections into a front yard setback, which include the following:

1. Architectural Features
2. Uncovered porches, platforms, decks, and landings, including access stairs thereto, which do not extend above the floor elevation of an adjoining portion of the first story.
3. Cantilevered archways, awnings, canopies, and entry covers.
4. Stairways above the level of the first floor
5. Patios
6. Balconies and Bay Windows
7. Chimneys

Of the above permitted building projections, habitable area is not a permitted projection into a front setback area and a Variance approval is required.

The subject property is substandard in size (30' x 45') and fronts on 21st Place. Like many portions of lots in Area District III and IV which front on an alley, 21st Place is considered the front of the property.

The existing site currently contains a two-story SFR with an attached two-car garage constructed in 1962. This existing building current provides a living area projection on the second level front which projects approximately 3-feet into the required front yard setback. The submitted preliminary building plans show a proposed three-story 1,799 square foot building with an attached two-car enclosed area. These plans also include proposed living area projections at both the second and third levels (floor and elevation plans not available electronically but can be viewed at the Community Development Department). On the second level the master suite and bathroom would project between 2' to 2'-7" in the setback area; the third level living room would project between 1'-4" to 2' into the setback area. The third level also shows a permitted balcony projection that would maintain a 2' clearance to the property line.

Like many portions of lots in Area District III and IV which front on an alley, 21<sup>st</sup> Place is considered the front of the property and therefore must conform to current projection restrictions into the required 5-foot front yard setback area. The applicants are seeking relief from MBMC Section 10.60.040, requesting approval to allow living area within the front yard setback as is permitted on full size lots which back onto an alley.

The Planning Commission has previously reviewed Variance applications requesting additional living area projections on half lots at 413-9<sup>th</sup> Place and 214-21<sup>st</sup> Street. In those cases the Commission has approved habitable area for these setback areas finding that the size of those parcels are small and constituted a hardship and special circumstance and that the projections would not be detrimental to the public good due to similar projections from surrounding properties and the request did not grant a special privilege, since all full size lots are allowed rear yard projections onto an alley.

The Planning Commission has again recommended that the Code be changed to allow this type of projection for these substandard lots.

At the Planning Commission meeting of August 8, 2007, the Commission voted (5-0-0) to approve the subject application. At this Planning Commission hearing two people spoke in favor of the project while one spoke in opposition to the subject request for the following reasons:

1. The applicants were aware of the limitations when they bought the property.
2. Property values for the property to the east would be negatively impacted by the proposal.
3. The proposal would add density on 21<sup>st</sup> Place.
4. The proposal would affect access for emergency vehicles.
5. There is no public merit to the proposal.
6. Allowing the encroachment would obstruct the view down the street.

The Planning Commission approved the subject Variance based on the following findings:

1. Because of special circumstances or conditions applicable to the subject property, 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'); 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 projections on the second and third levels into the alley is consistent with similarly allowed projections as 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 3-foot into the setback adjacent to the alley by code.*

Attached for Councils review is Resolution No. PC 07-11, as well as other pertinent materials including: excerpt from the Planning Commission minutes and Staff report to the Commission dated August 8, 2007, with more detailed background and analysis.

**ALTERNATIVES**

1. **REMOVE** this item from the Consent Calendar and **APPEAL** the decision of the Planning Commission and schedule for Public Hearing

Attachments: A Resolution No. PC 07-11 (available electronically)  
 B Planning Commission Minutes, Reports, attachments and plans, dated 8/8/07 (available electronically except plans)

cc: Christopher and Mandy Graham, Applicants

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A VARIANCE AND COASTAL DEVELOPMENT PERMIT FOR A PROPOSED SINGLE FAMILY RESIDENCE TO PROJECT INTO A REQUIRED FRONT YARD SETBACK ON A PORTION OF A LOT AT 124-21<sup>ST</sup> PLACE**

**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 8, 2007, to consider applications for a Variance and Coastal Development Permit for the property legally described as that portion of Lot 25, Block 8, Subdivision No. 2 of North Manhattan Beach Tract, 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 applicants for the Variance and Coastal Development Permit are Christopher and Mandy Graham, property owners.
- D. The applicants propose to construct a new three-story single family residence with an attached two-car garage.
- 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 "RM" zone, Area District III.
- F. The property fronts on the north side of 21<sup>st</sup> Place between Ocean Drive and Highland Avenue. Multiple properties within this neighborhood, which are full and half-lots, have less than 5-foot upper level setbacks along 21<sup>st</sup> Place.
- G. The Variance application involves living area projections into the required five-foot front yard setback adjacent to 21st Place. On the second level the master suite and bathroom would project between 2' to 2'-7" in the setback area; the third level living room would project between 1'-4" to 2' into the setback area. The third level also shows a permitted balcony projection that would maintain a 2' clearance to the property line.
- 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 21st 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 Medium Density Residential. The General Plan encourages development solutions tailored to each neighborhood's unique characteristics.
- 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.



RESOLUTION NO. PC 07-11

- 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 projections on the second and third levels 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 and Coastal Development Permit approval for the subject property.

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

1. The project shall be in conformance with the plans submitted to, and approved by the Planning Commission on August 8, 2007.
2. All landscape irrigation backflow devices must meet current City requirements for proper installation.
3. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
4. 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.
5. 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.
6. 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.
7. 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.

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8. The back of driveway approach must be six inches higher than the flow line on the street. M.B.M.C. 9.76.030.
9. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. The plans must have a profile of the driveway, percentage (%) of slope on driveway, and driveway elevations. In the case where the garage level is below the street drainage flow lines, the combined slope of public and private approach shall not exceed 15%.
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 124-21st Pl. must be placed inside a 2" PVC sleeve from the water meter on 125/127-21<sup>st</sup> Street to the north property line of the 124-21<sup>st</sup> Place 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 21<sup>st</sup> Place. Drains must be shown on plans.
17. Before the utility pole located at the west property line of the lot on 121-21<sup>st</sup> Place can be relocated, approval from PPIC and City Council and a building permit must be obtained.
18. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.
19. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
20. 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).
21. 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.
22. 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.

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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 **August 8, 2007** and that said Resolution was adopted by the following vote:

**AYES:** Powell, Lesser, Schlager, Seville-Jones,  
Chairman Bohner

**NOES:**

**ABSTAIN:**

**ABSENT:**



**RICHARD THOMPSON,**  
Secretary to the Planning Commission



**Sarah Boesch**  
Recording Secretary

**DRAFT**

**CITY OF MANHATTAN BEACH  
[DRAFT]MINUTES OF THE REGULAR MEETING OF THE PLANNING  
COMMISSION  
AUGUST 8, 2007**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, August 8, 2007, at 6:35 p.m. in the City Council Chambers, City Hall, 1400  
3 Highland Avenue.

4

5 **ROLL CALL**

6

7 Chairman Bohner called the meeting to order.

8

9 Members Present: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner

10 Members Absent: None

11 Staff: Richard Thompson, Director of Community Development

12 Laurie Jester, Senior Planner

13 Daniel Moreno, Associate Planner

14 Angelica Ochoa, Assistant Planner

15 Sarah Boesch, Recording Secretary

16

17 **APPROVAL OF MINUTES July 25, 2007**

18

19 Commissioner Lesser requested that page 11, line 3 of the July 25 minutes be revised to read:  
20 "Commissioner Lesser commented that part of the reason why the length of the extension was  
21 felt necessary may be to allow space for the maintenance trucks to extend the arms into the open  
22 hole when the covers are open."

23

24 Commissioner Lesser requested page 12, line 23 be revised to read: "He indicated that he would  
25 feel more comfortable supporting the motion to demand that the county reduce the size of the pad  
26 with some rational basis for supporting the necessary length."

27

28 Commissioner Seville-Jones requested that a hyphen be added to her name on page 1, line 9.

29

30 Commissioner Seville-Jones requested that the comma be removed after the words "Master Use  
31 Permit" on page 3, line 19.

32

33 Commissioner Seville-Jones requested that page 5, line 5 read: ". . . a masonry block wall that  
34 would be built on the property which would provide . . ."

35

36 Commissioner Seville-Jones requested that page 6, line 12, read: ". . .the garage would be access  
37 accessed ."

38

39 Commissioner Seville-Jones requested that page 9 line 33 read: "He indicated that staff did not  
40 have much information with respect to the previous project . . ."

DRAFT





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1  
2 Commissioner Seville-Jones requested that the word “off” be corrected to “of” on page 17, line  
3 3.

4  
5 Commissioner Seville-Jones requested that page 18, line 17, wording be added to read:  
6 “Chairman Bohner said that as long as representation is made in the Resolution that the  
7 aesthetics of the structure will be addressed, he is satisfied.”

8  
9 Commissioner Seville-Jones requested that page 21, line 8 read: “He commented that his clients  
10 are not generally aware of how the Code regulations impact their project.”

11  
12 Commissioner Powell requested that page 23, line 20, read: “Commissioner Powell pointed out  
13 that searching on Google Earth helps to provide a perspective of the relative layout and size of  
14 lots within the City.”

15  
16 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** the minutes of July 25,  
17 2007, as amended.

18  
19 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner  
20 NOES: None  
21 ABSENT: None  
22 ABSTAIN: None

23  
24 **AUDIENCE PARTICIPATION** None

25  
26 **PUBLIC HEARINGS**

27  
28 **07/0808.1 Consideration of a Variance and Coastal Development Permit for a Proposed**  
29 **New Single Family Residence to Project into a Required Front Yard Setback**  
30 **on a Portion of a Lot Located at 124 21<sup>st</sup> Place (Graham)**

31  
32 Associate Planner Moreno summarized the staff report. He indicated that the request is to allow  
33 habitable area projections on the second and third levels within a required front yard setback for the  
34 subject half lot as permitted on full sized lots. He commented that the purpose of the Variance  
35 application is to allow additional livable area due to the small size of the property. He indicated  
36 that such a projection is permitted on a full sized lot in the beach area of 30’ by 90’. He said that  
37 the applicant feels the Code restrictions limit the ability to provide a reasonable amount of living  
38 area. He commented that the Commission has considered other proposals and has granted Variance  
39 applications for half lots on the basis that the smaller properties warrant some special  
40 circumstances; that there is no detriment to the public good; and that a special privilege is not being

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1 granted. He indicated that notice was sent to property owners within 500 feet of the site, and the  
2 public hearing was advertised in the local newspaper. He indicated that the Commissioners have  
3 been provided with a drawing that shows the location of the homes of property owners who have  
4 expressed support and those who have expressed opposition to the proposal.

5  
6 In response to a question from Commissioner Lesser, Associate Planner Moreno said that staff can  
7 support the findings in light of the similar Variance requests that have been approved by the  
8 Commission.

9  
10 In response to a question from Commissioner Lesser, Associate Planner Moreno said that based on  
11 previous applications, staff feels this request is similar to others that have been approved by the  
12 Commission and that it warrants approval.

13  
14 In response to a comment from Commissioner Lesser, Associate Planner Moreno commented that  
15 the subject alley is 20 feet wide, which is standard. He indicated that some of the existing  
16 projections may extend out 1 foot and others may extend out 2 feet.

17  
18 In response to a question from Commissioner Powell, Associate Planner Moreno said that the Code  
19 requires an 8 foot vertical clearance for emergency access. He indicated that the space between the  
20 buildings is sufficient to allow access for emergency vehicles.

21  
22 In response to a question from Commissioner Schlager, Associate Planner Moreno said that  
23 projections could be placed much closer to the setback on a full sized lot up to 2 feet from the  
24 property line.

25  
26 In response to a question from Chairman Bohner, Associate Planner Moreno indicated that all of  
27 the lots in the area have a two-story projection.

28  
29 In response to a question from Commissioner Seville-Jones, Associate Planner Moreno stated that  
30 the applicants for the previous proposal on 12<sup>th</sup> Place were not requesting to add habitable area but  
31 rather only a balcony projection.

32  
33 Commissioner Seville-Jones commented that her understanding with the last Variance application  
34 for a balcony projection on 12 Place is that the Commission suggested that the City Council  
35 consider changing the Ordinance to specifically address half-lots.

36  
37 In response to a question from Commissioner Seville-Jones, Associate Planner Moreno indicated  
38 that the applicant feels there are peculiar and exceptional circumstances for approving the Variance  
39 because they are penalized from having a fair amount of living area for their property.

40

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1 **Elizabeth Srour**, representing the applicants, indicated that the predominant character of properties  
2 in the area is to have second and third level projection encroachments, and the additional amount of  
3 square footage that is being proposed with the Variance request is minimal. She commented that a  
4 home of such a small size results in the actual usable living area being diminished. She indicated  
5 that the proposal is 83 percent of the amount that could be built on the site. She stated that their  
6 interest was having a home that would provide articulation which can only be achieved with some  
7 relief from the Code requirements. She commented that they believe the special circumstance  
8 relates to the size and slope of the lot. She stated that the current residence has nonconforming  
9 setbacks to the east. She indicated that the proposal is in full compliance with the Code  
10 requirements except for the portion of living area that would encroach as proposed by the Variance.  
11 She indicated that most of the lots in the area are condominium units. She pointed out that the side  
12 yard on a corner lot can be built out to 1 foot of the property line.  
13

14 **Ms Srour** indicated that the predominant character on 21<sup>st</sup> Place is one of second and third level  
15 encroachments. She stated that it is very critical that the first story maintain a 5 foot setback to  
16 provide space for the garage and access to the property. She said that the alley is a typical width of  
17 20 feet, and the first level must maintain a setback of 5 feet. She stated that the setback of the  
18 subject proposal at grade ranges from 5 feet on the east side to 5'10" on the west side. She  
19 indicated that the front yard is critical in terms of maintaining light and air, which is the reason for  
20 the 5 foot setback requirement in the beach area. She commented that the request is not unique for  
21 the beach area and the immediate neighborhood, and it is important for the Commissioners to  
22 consider the neighborhood character. She pointed out that the applicant has not requested an  
23 encroachment to within 2 feet to the property line. She stated that complying with the Code would  
24 limit the amount of living space and would limit the articulation of the design. She indicated that  
25 the concern expressed in the letter of the adjacent neighbor actually relates to the portion of the  
26 proposed structure furthest from his westerly elevation, and his property would benefit from the 10  
27 foot separation between the proposed structure and the other half lot. She also pointed out that  
28 there are no decks on the side of the proposed structure adjacent to the neighbor's property and no  
29 windows on the upper level. She commented that staff has indicated that the necessary findings can  
30 be made; that there are unique circumstances in this case; and that strict interpretation of the Code  
31 would be a detriment.  
32

33 **Chris Graham** the applicant, said that they wish to stay in the City, and their existing home has  
34 become too small for their family. He said that they managed to design three bedrooms on the  
35 second level, and they feel the home would suit their long term needs. He indicated that they  
36 attempted to provide articulation to the second and third floors. He said that the neighbors are in  
37 favor of them moving forward with the project. He indicated that the majority of the homes from  
38 Highland Avenue to Ocean Drive cantilever into the setback, which is permitted by the Code for  
39 every home on the south side of the street. He pointed out that they could build a structure with no  
40 articulation that would not require a Variance for much cheaper. He indicated that they received

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1 several signatures from the immediate neighbors in support of the proposed design. He pointed out  
2 that the subject alley is standard in width. He commented that there are people who park in front of  
3 their garage which limits access, but they do not believe approving the Variance would change  
4 people parking on the street. He indicated that they would maintain Code requirements on the  
5 street level which is for a 5 foot setback. He stated that their design is not extravagant; would not  
6 provide a great amount of extra square footage; and is consistent with the development pattern in  
7 the neighborhood.

8  
9 In response to a question from Commissioner Lesser, **Mr. Graham** said that they are comfortable  
10 in their home, and their neighbors would like for them to stay. He indicated that they did not  
11 specifically discuss the bulkiness of the home; however, their project is less bulky than what could  
12 be built on the site.

13  
14 **Mandy Graham**, the applicant, pointed out that their neighbor who lives one home to the east and  
15 across the street from their property expressed his appreciation for the attractiveness of the  
16 proposed design. She pointed out that many of the homes on the north side of the street have not  
17 been redeveloped. She indicated that they have chosen not to construct an elevator and to include  
18 only one closet in order to help maximize the square footage as much as possible.

19  
20 **Mr. Graham** said that a home built with no articulation and no design would appear bulkier than  
21 the proposed structure.

22  
23 **Richard Sprang**, a resident of the 200 block of 21<sup>st</sup> Place, commented that the existing home  
24 currently has three bedrooms, as would the new design. He pointed out that the proposal would  
25 only increase the amount of square footage by 6.9 percent, and the home would still be less than  
26 1,800 square feet. He stated that the applicant should have been aware of the limitations of  
27 substandard lots when they purchased the property. He commented that the structure to the east of  
28 the subject property will eventually be redeveloped, and their property value would be negatively  
29 impacted by the proposal. He indicated that he does not feel there is any public merit in the  
30 proposal. He stated that it would not improve any property value except for that of the applicants,  
31 and it would negatively impact the value of the properties to the east of the subject property. He  
32 said that the street is extremely crowded, and the proposal would add to the density on 21<sup>st</sup> Place.  
33 He pointed out that the previous proposals for similar variance requests had no opposition. He  
34 indicated that there typically are cars parked up and down the street, and it would be impossible to  
35 get a fire truck up the street in an emergency. He stated that variance requests are discretionary, and  
36 he does not see the merit to the proposal given that the proposal would result in an increase of only  
37 7 percent of square footage and the value of the adjacent properties would be decreased.

38  
39 In response to a question from Commissioner Lesser, **Mr. Sprang** said that property owners  
40 should be permitted to build within the zoning regulations, but any Variance request must have

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1 public merit in order to be approved.

2

3 In response to a question from Commissioner Schlager, **Mr. Sprang** said that people buy homes  
4 in the area to be close to the beach and because of the view to the ocean. He stated that there is  
5 an ocean view down the street, and allowing the encroachment would depreciate the value of the  
6 properties up the street because their view would be obstructed. He said that currently the zoning  
7 regulations protect views, which acts in lieu of a view ordinance. He indicated that it is possible  
8 to see the ocean down the street with the existing two and three story homes.

9

10 In response to a question from Commissioner Schlager, **Mr. Sprang** commented that when he  
11 bought his home, the encroachments that existed were legally permitted in the 1960s.

12

13 In response to a question from Commissioner Seville-Jones, **Mr. Sprang** stated that the entire  
14 encroachment as proposed would obstruct the view down the street. He commented that he  
15 could support having the setback encroachment be articulated on the second floor and having the  
16 third floor set back to the current zoning requirements because it would not change the current  
17 situation.

18

19 **Patrick Kuren**, a resident of the 100 block of 21<sup>st</sup> Place, said that the proposed structure would  
20 look like all of the other homes on the block. He commented that the neighborhood has been  
21 built up in the past 14 years since he has lived on the street. He indicated that the applicants need  
22 the extra living space. He stated that he is afraid the applicants would move if the Variance  
23 request is not approved.

24

25 **Greg Binani**, a resident of 21<sup>st</sup> Place, stated that the applicants are very good friends with their  
26 family. He said that he understands the need of the applicants to expand their home, and they  
27 welcome the applicants to build the home that they wish. He commented that if any view would  
28 be directly impacted on the street from the proposal, it would be theirs. He stated that they have  
29 an ocean view above their home; however, they welcome the applicants to build the home they  
30 wish in order for them to stay in the neighborhood.

31

32 **Jim Youngblood** said that they do not have an issue with the proposal, and they would not want  
33 the home to appear as a box with no articulation. He stated that they do not feel the proposed  
34 structure would create a great impact. He commented that they would prefer a well designed  
35 structure be constructed rather than a home that is built out to the maximum permitted on the lot.

36

37 **Ms. Srou** stated that the proposal will conform with the new development that is occurring on  
38 the street.

39

40 Chairman Bohner closed the public hearing.

## PLANNING COMMISSION [DRAFT] MINUTES

August 8, 2007

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1  
2 Commissioner Powell stated that a box like bulky structure could be built on the site with no  
3 articulation. He stated that the lot size of the subject property is skewed and is a half lot. He said  
4 that the alley is considered the rear of the home on a full lot and is considered the front of the  
5 home on a half lot. He commented that the existing homes on the street project into the alley.  
6 He said that the proposed design would provide articulation; would remediate the substandard  
7 setbacks on the sides; and would be an improvement to the existing structure. He commented  
8 that strict interpretation of the Code is inconsistent in the subject case because the projection is  
9 not permitted in the area that is considered the front of the house for a half lot. He stated that the  
10 amount of encroachment into the setback would be minimal. He indicated that he feels the  
11 required findings can be met for granting the proposed Variance.

12  
13 Commissioner Lesser said that he is concerned with bulk and density in the beach area. He  
14 commented that it is brave for a neighbor to raise objections, and it is important for the  
15 Commissioners to hear such concerns. He stated that he is concerned with how the Code unfairly  
16 treats half lots. He indicated that designs such as the subject proposal are less bulky and provide  
17 more articulation which improves the neighborhood. He said that the proposal is up to 84  
18 percent of the allowed BFA and would provide articulation. He commented that he would like  
19 the City Council to address the issue of half lots. He stated that the project has the support of  
20 staff and several neighbors. He also pointed out that the Fire Department has indicated that they  
21 would be able to access the street with the proposed projection. He said that he would support  
22 the proposed Variance application.

23  
24 Commissioner Schlager stated that half lots are penalized by the Code, and three or four previous  
25 similar requests have been received. He indicated that articulation of the subject proposal would  
26 create a much better architectural design and would increase the values of the surrounding  
27 homes. He said that he would support the Variance request.

28  
29 Commissioner Seville-Jones indicated that she agrees that there needs to be better direction from  
30 City Council regarding half lots. She stated that it will become more difficult to make the  
31 finding for peculiar and exceptional circumstances as the Commission hears more Variance  
32 requests. She said that she is satisfied that the findings can be made in this case because of the  
33 lot pattern in the neighborhood. She indicated that while she understands that the opponent's  
34 view may be obstructed somewhat by the project, she does not feel it would weigh against  
35 granting of the Variance. She indicated that she is in general agreement with the comments of  
36 the other Commissioners.

37  
38 Chairman Bohner said that he also feels the findings can be met for special circumstances  
39 including the topography, the sloping and steepness of the lot, and the non conforming side yard.  
40 He said that to grant the relief as requested would not cause a substantial detriment to the public

**PLANNING COMMISSION [DRAFT] MINUTES**

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1 good. He said that he does not feel any views would be materially obstructed by granting the  
2 Variance, and emergency vehicles would not be obstructed from accessing the alley. He said that  
3 granting the Variance would make the subject property consistent with other properties in the  
4 City that have similar limitations and would not change the nature of the neighborhood. He  
5 stated that the structure could have been designed as a box. He indicated that the proposal meets  
6 all of the criteria for granting the Variance.

7

8 A motion was MADE and SECONDED (Lesser/Powell) to **APPROVE** a Variance and Coastal  
9 Development Permit for a Proposed New Single Family Residence to Project into a Required Front  
10 Yard Setback on a Portion of a Lot Located at 124 21<sup>st</sup> Place as presented by staff.

11

12 AYES: Lesser, Powell, Schlager, Seville-Jones, Chairman Bohner

13 NOES: None

14 ABSENT: None

15 ABSTAIN: None

16

17 Director Thompson explained the 15 day appeal period and stated that the item will be placed on  
18 the City Council's Consent Calendar for their meeting of September 4, 2007.

19

20 **07/0808.2 Consideration of a Master Use Permit Amendment for Proposed On-Site Wine**  
21 **Tasting Within an Existing Supermarket Located at 2700 Sepulveda**  
22 **Boulevard (Ralph's)**

23

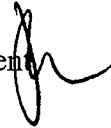
24 Assistant Planner Ochoa summarized the staff report. She indicated that the subject proposal is  
25 to add a Type 42 license to allow consumption of alcohol on-site for the Ralph's supermarket in  
26 the Manhattan Village Center. She stated that the location for the proposed wine tasting would  
27 be in the existing wine cellar room at the rear of the store. She commented that the proposal does  
28 require a Use Permit Amendment to the Master Use Permit of the Manhattan Village shopping  
29 center to add a Type 42 license for consumption of alcohol on-site. She indicated that the  
30 existing Type 21 license only allows the sale of alcohol for off-site consumption. She  
31 commented that the wine tasting would be conducted only within the existing 131 square foot  
32 wine cellar room; would be limited to 2 ounces per glass per person; would allow for no food  
33 service and no seating; and would be limited to the hours of 10:00 a.m. and 10:00 p.m. She said  
34 that no minors would be permitted in the area. She indicated that notice was provided to  
35 properties within a 500 foot radius. She stated that staff feels that the addition of wine tasting  
36 would not be an intensification of use; would be for on-site consumption only during limited  
37 hours; and would be incidental to the current use.


38

39 Commissioner Lesser asked for further information on the hours of other businesses that offer  
40 wine tasting within the City and asked whether staff has a concern with allowing wine tasting

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

**TO:** Planning Commission

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

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

**DATE:** August 8, 2007

**SUBJECT:** Consideration of a Variance and Coastal Development Permit For a Proposed New Single Family Residence to Project into a Required Front Yard Setback on a Portion of a Lot at 124-21<sup>st</sup> Place (Graham)

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING**, and **APPROVE** the subject request.

**APPLICANTS/OWNERS**

Christopher and Mandy Graham  
124-21<sup>st</sup> Place  
Manhattan Beach, Ca. 90266

**BACKGROUND**

On June 19, 2007, the applicants submitted a Variance application seeking approval to allow habitable area to project into a required front yard setback area. The application is part of a proposal to build a new three-story single family residence with an attached two-car garage.

Manhattan Beach Municipal Code Section 10.60.040 allows certain projections into a front yard setback, which include the following:

1. Architectural Features
2. Uncovered porches, platforms, decks, and landings, including access stairs thereto, which do not extend above the floor elevation of an adjoining portion of the first story.
3. Cantilevered archways, awnings, canopies, and entry covers.
4. Stairways above the level of the first floor
5. Patios
6. Balconies and Bay Windows
7. Chimneys

Of the above permitted building projections, habitable area is not a permitted projection into a front setback area.





Per Manhattan Beach Municipal Code Section 10.12.020, Property Development Regulations, the minimum required front yard setback for the subject property located in Area District III, is 5-feet. A Variance approval is required to permit habitable area into this required front yard. 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 lots (30' x 90') abutting an alley per Section 10.12.030 (G), as on a full lot the alley is considered the rear of the property.

## PROJECT OVERVIEW

### LOCATION

<u>Location:</u>	124-21 <sup>st</sup> Place between 22 <sup>nd</sup> Street and 21 <sup>st</sup> Place (See Site Location Map, Exhibit A).
<u>Legal Description:</u>	Portion of Lot 25, Block 8, Subdivision #2 North MB.
<u>Area District:</u>	III

### LAND USE

<u>General Plan:</u>	Medium Density Residential				
<u>Zoning:</u>	RM, Residential Medium Density				
<u>Land Use:</u>	<table><thead><tr><th><u>Existing</u></th><th><u>Proposed</u></th></tr></thead><tbody><tr><td>1,212 sq. ft. SFR (2-story SFR)</td><td>1,799 sq. ft. (3-story SFR)</td></tr></tbody></table>	<u>Existing</u>	<u>Proposed</u>	1,212 sq. ft. SFR (2-story SFR)	1,799 sq. ft. (3-story SFR)
<u>Existing</u>	<u>Proposed</u>				
1,212 sq. ft. SFR (2-story SFR)	1,799 sq. ft. (3-story SFR)				
<u>Neighboring Land Uses:</u>					
North, across 12 <sup>th</sup> Place	3-story Duplex (half-lot), 125-121st Place				
South,	3-story SFR (half-lot), 125-21 <sup>st</sup> Street				
East,	2-story Duplex (full-lot), 128-12 <sup>th</sup> Place				
West,	2-story Duplex (full-lot), 121-21st St.				

### PROJECT DETAILS

<u>Parcel Size:</u>	1,350 sq. ft. (30' x 45')
<u>Building Area:</u>	1,799 sq. ft.
<u>Building Height:</u>	30 feet (3-stories)
<u>Parking:</u>	410 sq. ft. (enclosed 2-car garage)
<u>Vehicle Access:</u>	21 <sup>st</sup> Place

<u>Building Setbacks:</u>	<u>Existing</u>	<u>Proposed</u>
Front (north)	5-6 ft. (first level)	5 ft.
	2-3 ft. (second level)	2'-2'-7"
	- (third level)	1'-4"-2'
Sides (east/west)	3 ft.	3 ft.
Rear (south)	5 ft.	5 ft.

**DISCUSSION**

The existing site currently contains a two-story SFR with an attached two-car garage constructed in 1962. This existing building current provides a living area projection on the second level front which projects approximately 3-feet into the required front yard setback. The submitted preliminary building plans show a proposed three-story 1,799 square foot building with an attached two-car enclosed area. These plans also include proposed living area projections at both the second and third levels (see floor and elevation plans). On the second level the master suite and bathroom would project between 2' to 2'-7" in the setback area; the third level living room would project between 1'-4" to 2' into the setback area. The third level also shows a permitted balcony projection that would maintain a 2' clearance to the property line.

As mentioned above living area is not a permitted projection in a required front yard setback. The subject property is 30 feet in width and therefore provides 24 feet of buildable width (30 feet of width minus both required side yards of 3 feet). This property is substandard for lot area and fronts on 21<sup>st</sup> Place. Like many portions of lots in Area District III and IV which front on an alley, 21<sup>st</sup> Place is considered the front of the property and therefore must conform to current projection restrictions into the required 5-foot front yard setback area.

The applicant is seeking relief from MBMC Section 10.60.040, requesting approval to allow living area within the front yard setback as is permitted on full size lots which back onto an alley.

In order to grant a Variance request, Section 10.84.060 (B) of the zoning code requires that the Planning Commission must make required findings as follows:

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 hardship 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 would 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.

MBMC Section 10.84.010, Purpose of a Variance, states that Variances may be granted for “yards” (setbacks), as well as other development standards. Additionally, this Code Section gives the Planning Commission authority to approve, conditionally approve, or disapprove findings for Use Permits and Variances provided that the project meets the required findings.

The applicant’s attached material (Exhibit B – Applicant’s Findings) states that variance approval is appropriate for the following reasons:

1. The Code restriction limits the ability of the owner to provide a reasonable and usable amount of living area for their new home.
2. The permitted projection is permitted on full lots which back onto alley and such a pattern has already been established in the immediate neighborhood.
3. The proposed projections result in an attractive articulation facing the alley that would otherwise not be possible.
4. The requested exception is minor in this setting and would not be detrimental to the surrounding area.
5. The proposed plan is an actual improvement as it replaces existing development having substandard side yards.
6. The requested encroachment is not a unique configuration for this neighborhood. The proposed design is compatible with adjacent development and is totally consistent with the zoning code and residential development policies of the General Plan and the Coastal Plan.
7. Other similar encroachments have been permitted in some situations and this alternative is the simplest and least intrusive design element that can be used to compensate for the confined living area.

***Staff Comments***

While the subject property is not a full size lot and nonconforming for minimum lot area, it is not unique as there are many portions of lots located in Area District III and IV. The Planning Commission has previously reviewed Variance applications requesting additional living area projections on half lots that front on an alley. In those cases the Commission has approved habitable area for these setback areas finding that the size of those parcels are small and constituted a hardship and special circumstance and that the projections would not be detrimental to the public good due to similar projections from surrounding properties and the request did not grant a special privilege, since all full size lots are allowed rear yard projections onto an alley.

The Planning Commission did deny one Variance request because the adjacent property was under the same ownership.

***Public Input:***

A public notice for the project was mailed to the property owners within 500 feet of the site and published in the Beach Reporter newspaper. At the writing of this report, staff has received two phone calls requesting general information about the project. Two letters in opposition to the project have been received and are attached (Exhibit C) including a petition of signatures gathered from surrounding property owners in support of the project (attached, Exhibit D).

### **CONCLUSION**

Staff recommends that the Planning Commission conduct the public hearing, consider the information presented, and APPROVE the project and attached 'draft' Resolution.

#### Attachments:

Exhibit A	Site Location Map
Exhibit B	Applicants Narrative and Findings
Exhibit C	Letters in Opposition
Exhibit D	Applicant's Petition of Signatures
Exhibit E	Conceptual Plans

cc: Christopher and Mandy Graham, Applicants

124-21<sup>st</sup>PlacePCRpt 8-8-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A VARIANCE AND COASTAL DEVELOPMENT PERMIT FOR A PROPOSED SINGLE FAMILY RESIDENCE TO PROJECT INTO A REQUIRED FRONT YARD SETBACK ON A PORTION OF A LOT AT 124-21<sup>ST</sup> PLACE**

**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 8, 2007, to consider applications for a Variance and Coastal Development Permit for the property legally described as that portion of Lot 25, Block 8, Subdivision No. 2 of North Manhattan Beach Tract, 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 applicants for the Variance and Coastal Development Permit are Christopher and Mandy Graham, property owners.
- D. The applicants propose to construct a new three-story single family residence with an attached two-car garage.
- 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 "RM" zone, Area District III.
- F. The property fronts on the north side of 21<sup>st</sup> Place between Ocean Drive and Highland Avenue. Multiple properties within this neighborhood, which are full and half-lots, have less than 5-foot upper level setbacks along 21<sup>st</sup> Place.
- G. The Variance application involves living area projections into the required five-foot front yard setback adjacent to 21st Place. On the second level the master suite and bathroom would project between 2' to 2'-7" in the setback area; the third level living room would project between 1'-4" to 2' into the setback area. The third level also shows a permitted balcony projection that would maintain a 2' clearance to the property line.
- 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 21st 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 Medium Density Residential. The General Plan encourages development solutions tailored to each neighborhood's unique characteristics.
- 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.

'DRAFT' RESOLUTION NO. PC 07-

- 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 projections on the second and third levels 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 and Coastal Development Permit approval for the subject property.

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

1. The project shall be in conformance with the plans submitted to, and approved by the Planning Commission on August 8, 2007.
2. All landscape irrigation backflow devices must meet current City requirements for proper installation.
3. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted.
4. 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.
5. 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.
6. 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.
7. 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.

'DRAFT' RESOLUTION NO. PC 07-

8. The back of driveway approach must be six inches higher than the flow line on the street. M.B.M.C. 9.76.030.
9. Sidewalk, driveway, curb, and gutter repairs or replacement must be completed per Public Works Specifications. See City Standard Plans ST-1, ST-2, and ST-3. The plans must have a profile of the driveway, percentage (%) of slope on driveway, and driveway elevations. In the case where the garage level is below the street drainage flow lines, the combined slope of public and private approach shall not exceed 15%.
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 124-21st Pl. must be placed inside a 2" PVC sleeve from the water meter on 125/127-21<sup>st</sup> Street to the north property line of the 124-21<sup>st</sup> Place 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 21<sup>st</sup> Place. Drains must be shown on plans.
17. Before the utility pole located at the west property line of the lot on 121-21<sup>st</sup> Place can be relocated, approval from PPIC and City Council and a building permit must be obtained.
18. Plan holder must have the plans rechecked and stamped for approval by the Public Works Department before the building permit is issued.
19. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.030.
20. 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).
21. 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.
22. 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 **August 8, 2007** 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



STATEMENT OF FACTS RELATING TO VARIANCE APPLICATION FOR  
124 – 21<sup>st</sup> PLACE, MANHATTAN BEACH

June 2007

The subject 1342 sf site is the rear half of a 30 x 90 lot and faces 21<sup>st</sup> Place, typically considered an alley. This property does provide the opportunity for a small residence and the goal of the owners is to build a new home with a reasonable amount of usable living area for them and a young family. Because of its size and sloping topography, the lot poses interesting and complicated challenges to the architect. However, it is possible to design an attractive, albeit modest, home.

The purpose of the variance application is to relax the front yard setback requirement at the upper two levels and permit an encroachment of approximately 2' over the front set back (21<sup>st</sup> Place elevation). The garage level will comply with the 5' set back and height clearance requirements. The Code allows a 3' encroachment over the rear yard set back in Area District III. However, because this is a half lot, the 21<sup>st</sup> Place elevation is considered the "front" yard rather than the rear yard.

Although the increased square footage (approximately 115 sf) does not appear to be critical, the additional interior two feet enhances the interior living area and results in a meaningful expansion of important living areas such as the master bedroom & bath, living room and open deck. The total living area proposed is 1779 sf. Without the requested projection, the total living area would be approximately 1664 sf.

FINDINGS TO SUPPORT APPROVAL OF THE VARIANCE

1. **SPECIAL CIRCUMSTANCES** The special circumstances relate to the small size of the lot and the fact that it faces 21<sup>st</sup> Place, which is the rear yard area for each of the adjacent properties as well as most other properties on this alley. Many properties are full lots with front yards facing either 20<sup>th</sup> or 21<sup>st</sup> Street and possess the ability to derive very conventional building design and interior environments within standard application of the Code.

Because of the small size of the lot, the only way to enhance the living area and derive a bit more floor area, while still observing all critical development standards, is to allow a projection on the upper levels at the 21st Place elevation which ranges from 2 – 2.5'. This projection is permitted by Code in many other circumstances, and in fact, there is already such a pattern of development established in the immediate neighborhood incorporating the very same configuration.

A similar encroachment has been permitted in some situations, and this alternative is the simplest and least intrusive design element that can be used to compensate for the confined living area. The proposed building delineation results in an attractive articulation facing the alley that would otherwise not be possible. In addition, the proposed building delineation will maintain a greater setback than will be required for either adjacent property when they are developed.

**EXHIBIT**  
**B**

2. **NO SUBSTANTIAL IMPACT ON PUBLIC GOOD:** The requested exception is minor in this setting, and there will be no resulting detriment to the public good or natural resources, nor will there be any impact on community health, safety or welfare. Other properties in the immediate neighborhood either are presently developed or have the ability to be developed with a similar encroachment configuration.

The proposed plan is actually an improvement as it replaces existing development having substandard side yards, with a contemporary home that complies with all requirements, with the exception of the requested encroachment.

In fact, a denial of this request would unnecessarily limit the ability of the family to provide a reasonable and usable amount of living area for their new home. Granting of the variance application is totally consistent with the goals of the Municipal Code that seek to provide opportunities for single family housing compatible with surrounding development.

This neighborhood is a fairly high density area with a great deal of condominium development. The requested configuration is an established neighborhood pattern and the proposal is an improvement over the existing structure. This minor exception will not inhibit the ability of the City to enforce residential standards in other, more normal circumstances.

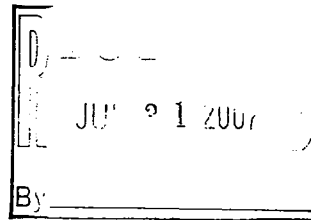
3. **CONSISTENCY WITH TITLE:** The requested encroachment is not a unique configuration for this neighborhood. What is disadvantageous about this site is the small size of the lot and that the "front " yard is in fact the rear yard for most other properties along the alley. The proposed design is compatible with adjacent development and is totally consistent with the zoning code and residential development policies of the General Plan and the Coastal Plan.

In conclusion, there is sufficient basis to grant the requested exception, given the small lot size, the established pattern of development for the neighborhood and consistency with established policies.

The proposed plan is well within the spirit of the Zoning Code, and it poses a reasonable balance between constraints resulting from a small lot and its location on what is thought of as an alley and, in reality, a rear yard area. This is not a situation in which strict interpretation of the Code would be beneficial for the neighborhood, and it would certainly be a burden for the property owner. The purpose of this variance is to consider relief from strict application of the Code where an unreasonable hardship would result - which is an appropriate solution in this particular situation.

RE: 124-21<sup>st</sup> Place, Manhattan Beach, CA

Date: July 28, 2007



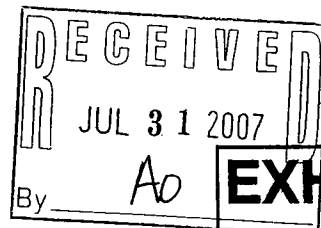
Regarding the applicants request for variance approval, I object for several reasons:

- 21<sup>st</sup> Place is a substandard street. The street is extremely narrow and the setback is necessary for the obvious reason that the street width is substandard and overcrowded to begin with. There are current life safety issues on the street. At any given time three to five cars are illegally parked on the street. If there is an emergency such as a fire it will be nearly impossible for fire trucks to access the street and this could result in an absolute catastrophe and the loss of human life.
- The lot at 124 21<sup>st</sup> Place is substandard to begin with. Substandard lots contain inherent construction limitations for the reason that they are substandard and too small to contain a typical structure to begin with. Allowing this variance would result in a structure that is substantially larger than should be on a lot of this size.
- There is a legitimate reason that the city has this setback in place currently. There is no legitimate reason for the owner/developer to request additional space except for the developer's own profit. If this encroachment had public benefit and merit than it might be acceptable. However, this encroachment will impinge on the rights and views of every other structure to the east of this property. Nobody else on the street has been provided the ability to impinge on other's rights by blocking their views. The values of every property to the east of this structure will diminish because of this development.
- While there is not a view ordinance in the city of Manhattan Beach, the current zoning regulations act in lieu of a view ordinance. If variances become common place in this area entire streets will depreciate as their rights are taken away by developers obtaining variances to build structures. Their can not be a precedent to automatically or easily grant these variances unless it is for the good of the public such as the construction of a school or affordable housing.

While I am not necessarily pro development I can not deny the owner of this property his or her right to develop this property per current zoning regulations. However, the developer should not have the ability to encroach into a set back unless it is for the good of the entire neighborhood. The reality, as previously mentioned, is that this encroachment will diminish the value of every other house east of this property which is detrimental to the entire neighborhood.

Again, I disapprove of the city providing a variance to allow for an encroachment in the construction of a new residential dwelling at 124 21<sup>st</sup> Place in Manhattan Beach. I currently own a residence on this block and I object to allowing this encroachment.

Richard "Brent" Sprenkle of 209 21<sup>st</sup> Place



RE: 124-21<sup>st</sup> Place, Manhattan Beach, CA

Date: July 31st, 2007

This morning I had the opportunity to review the plans for the above mentioned project with Angelica who was the city planner on duty. There are some additional comments which need to be addressed which were not in the July 28<sup>th</sup> memo that I provided to Angelica to be placed in the file:

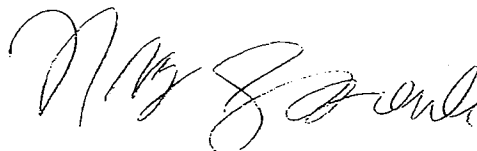
Overall, the request for a variance lacks merit for simple reasons:

- According to the plans and Angelica, the variance will only allow in the increase in square footage of 115 square feet. This is hardly worth granting an easement as it will barely increase the living area of the development. If the variance would increase the square footage from 1,664 square feet to over 2,000 square feet the developer would have a serious argument over its value, but the proposed building square footage is only 1,779 square feet. This is only an increase of 6.91% and hardly worth granting a variance.
- I was told that on 9<sup>th</sup> Street a similar property was given this variance so the same variance is being sought here. You can not justify another variance being granted as precedence for granting another. Granting a variance is discretionary and on a case by case basis. What happened on 9<sup>th</sup> Street is irrelevant on 21<sup>st</sup> Place. 9<sup>th</sup> Street is probably not a substandard street. 21<sup>st</sup> Place is substandard. 21<sup>st</sup> Place is 20 feet wide which is barely wide enough for a fire truck to turn into and go down which is inherently a life safety issue. 9<sup>th</sup> Street is 50 feet wide and 21<sup>st</sup> Street is 40 feet wide compared to 20 feet on 21<sup>st</sup> Place. This is quite a difference and alone enough of a reason to not grant a variance.
- The variance is being justified because if the property was on a full lot there would not be issues with this setback. The current owner, when they purchased the property, was or should have been aware that it was a substandard half lot with inherent limitations. It should not be the burden of the neighbors to grant them the variance because of their own error when they purchased this property.
- The zoning has not changed since when they purchased this property. I could understand that if, when they purchase the property, the setback didn't exist. Again, it should not be the neighborhood's responsibility for the owner not researching this matter when they purchased this asset.
- As mentioned in the July 28<sup>th</sup>, 2007 letter, there is no public merit or benefit to granting this easement for an encroachment. The developer is not constructing a school or low income housing which would benefit the community. Instead the developer seeks to encroach into a setback which will seriously reduce the property values of the other surrounding properties; especially the houses to the east that only have a 20 foot wide substandard street to begin with.

Again, granting an easement to encroach in the setback lacks merit for multiple reasons as listed above. The owner may retain the ability to develop the property but must do so under the current zoning and setback limitations which may not be altered for this project under any circumstance.

Sincerely,

Richard "Brent" Sprengle of 209 21<sup>st</sup> Place



OBJECTIONS TO VARIANCE AT 124-21<sup>ST</sup> PLACE, MANHATTAN BEACH

TO: City of Manhattan Beach Planning Commission

FROM: Mark Rosenblatt, Owner, 220 21<sup>st</sup> Street, Manhattan Beach

DATE: July 31, 2007

Our property faces 21<sup>st</sup> Street and is one house above the property that abuts 124-21st Place. Our upstairs kitchen window and the sole window in the back bedroom on the second level face the area of the property in question closest to 21<sup>st</sup> Street, and what is being called the front yard setback for this property is visible through these windows. If a variance is approved and if the living area encroaches into the required front yard setback, the portion of the living area built closest to 21<sup>st</sup> Street will significantly reduce the light that enters our house through the second story window and through the kitchen. While the kitchen has a secondary light source, the bedroom does not and allowing this variance would prevent light from entering the bedroom.

# **NEIGHBORS' LETTER OF APPROVAL FOR VARIANCE**

To: Community Development Department  
Applicant: Chris and Mandy Graham  
Project Location: 124 21<sup>st</sup> Place, Manhattan Beach, Ca 90266  
Date: July 31, 2007

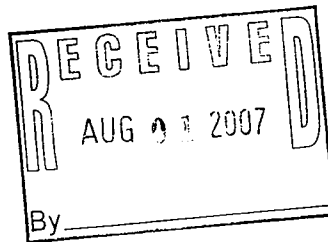
## **RE: VARIANCE APPROVAL TO ALLOW LIVING AREA TO ENCROACH INTO REQUIRED FRONT YARD SETBACK**

By signing below, the owners of the surrounding properties that immediately surround the applicant's property are providing their approval for the proposed variance request. These neighbors are aware of the special circumstances that relate to the applicant's half-lot size and that it faces 21<sup>st</sup> Place, where a similar encroachment has been permitted for such neighboring properties.

Below is a list of neighbors who are aware that properties within the immediate neighborhood are either presently developed or have the ability to be developed with a similar encroachment configuration and approve of the applicant's variance request (neighbor approval signatures listed below).

The applicant's appreciate their neighbors' support and ensure the proposed project will create a substantial improvement over the existing structure, ultimately improving the neighborhood for everyone's benefit.

[SIGNATURE PAGES FOLLOW]



NEIGHBOR APPROVAL SIGNATURES FOR 124 21<sup>ST</sup> PLACE VARIANCE REQUEST

SIGNATURE: A. Hammond PRINT: AZAR HAMMOND  
ADDRESS: 2116 OCEAN DRIVE, MB. CA

SIGNATURE: Patrick Durham PRINT: PATRICK DURHAM  
ADDRESS: 117 21<sup>ST</sup> PLACE, MB CA

SIGNATURE: [Signature] PRINT: Dennis Zimmerman  
ADDRESS: 129 21<sup>ST</sup> PLACE MB CA 90266 310 545-8820

SIGNATURE: [Signature] PRINT: Alan ElFage  
ADDRESS: 125 21<sup>ST</sup> PLACE MB CA 90266 310 546-6454

SIGNATURE: [Signature] PRINT: ALLEN & JANET ADDEN  
ADDRESS: 125-21<sup>ST</sup> ST MB 90266

SIGNATURE: Lisa M. McArdle PRINT: 310-546-6647  
ADDRESS: 116-21<sup>ST</sup> PL MB CA 90266

SIGNATURE: [Signature] PRINT: Jim Youngblood  
ADDRESS: 123 21<sup>ST</sup> PLACE

SIGNATURE: Fearl Bonani PRINT: Fearl Bonanni  
ADDRESS: 132 21<sup>ST</sup> PLACE + ~~201~~ 201 21<sup>ST</sup> PLACE

\* OWNER OF TWO SEPARATE PROPERTIES ON 21<sup>ST</sup> PLACE.