


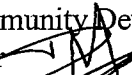



Staff Report

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: March 4, 2008

SUBJECT: Consideration of a Planning Commission Denial of a Variance to Allow a Two-Car Enclosed Garage in Lieu of the Code Required Three-Car Garage, for a Proposed Addition/Remodel at 311 N. Rowell Avenue

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 February 13, 2008 Planning Commission meeting staff presented a proposal which consisted of a request to increase the total overall building square footage to greater than 3,600 square feet and maintain a two-car enclosed garage. The application is part of an addition/remodel of an existing two-story single family residence with an attached two-car garage constructed in 1976.

With the adoption of the ZORP requirements in 1990, and per MBMC Section 10.64.030, Off-Street Parking Spaces Required, a provision was added which requires a 3-car enclosed parking area when dwellings exceed more than 3,600 square feet or more of total Buildable Floor Area.

During the one-year review of the Bulk/Volume standards approved in 2004, and as a result of many buildings being designed with large basement areas (and exempted from countable Buildable Floor Area), the code was revised which included basement area when determining required parking.

The existing two-story single-family residence currently contains approximately 2,900 square feet of living area with an attached 420 square foot 2-car enclosed garage.

The proposed addition would include the construction of a new 452 square foot two-car enclosed area and 43 square foot entry area on the first level; a 483 square foot master bedroom, study and bathroom addition on the second level and a 197 sq. ft. storage area (with full ceiling height) on the second level; and a below grade 745 square foot basement area. With the proposed 1,468 square foot building area plus the existing 2,900 square foot building area the site would contain a total of 4,368 square feet and therefore would be required to provide a 3-car enclosed garage per MBMC Section 10.64.030. The applicant was advised that any basement area, even though it's exempted from countable Buildable Floor Area, cannot be exempt from total floor area for required parking.

With the recently adopted "Mansionization" provisions, which encourage the retention of older homes, no provisions were added to grant an exemption to required parking.

At the February 13, 2008 Planning Commission meeting, after opening the hearing and taking testimony, the Planning Commission denied the subject request on a 5-0-0 vote. At this hearing no one spoke either in favor or in opposition to the subject request.

The Commission denied the subject Variance based on the following findings:

- a) There are no special circumstances or conditions applicable to the subject property whereby strict application of the requirements for relief from required parking would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardship upon the owner of the property.
- b) The relief for required parking cannot be granted without substantial detriment to the public good as the square footage of the proposed building requires a 3-car enclosed area when it exceeds 3,600 square feet. The zoning code does not exempt basement areas. Additionally, the Zoning Code requires that basement area square footage must be included when determining required parking.
- c) Granting the application is not consistent with the purposes of this title and will constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district which requires a 3-car parking area when it exceeds 3,600 square feet of building area.

Attached for Councils review is Resolution No. PC 08-03, as well as other pertinent materials including: excerpt from the Planning Commission minutes and Staff reports to the Commission dated February 13, 2008, 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 08-03 (available electronically)
B Planning Commission Minutes, Reports, attachments and plans, dated 2/13/08 (available electronically except plans)

cc: Robert E. Bickel, Applicant/Property Owner

RESOLUTION NO. PC 08-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DENYING A VARIANCE TO ALLOW A TWO-CAR ENCLOSE GARAGE IN LIEU OF THE CODE REQUIRED THREE-CAR ENCLOSED GARAGE, FOR A PROPOSED ADDITION/REMODEL AT 311 N. ROWELL AVENUE

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 public hearings pursuant to applicable law on February 13, 2008, to consider an application for a Variance from required parking for a proposed addition/remodel, for the property legally described as Lot 2, Tract 32686, at 311 N. Rowell Avenue in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant is Robert E. Bickel, property owner.
- D. The existing two-story single family residence, constructed in 1976 currently contains 2,900 square feet of living area with an attached 420 square foot 2-car enclosed garage. The proposed addition would encompass an additional 1,468 square feet of building area (including a 745 square foot basement) for a total building area of 4,368 square feet.
- E. MBMC Section 10.64.030, Off-Street Parking Spaces, dwellings with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more, must provide a 3-car enclosed area.
- F. The Variance request seeks approval to increase the total overall building square footage to greater than 3,600 square feet and maintain a 2-car enclosed parking area.
- F. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the north, south, east and west.
- G. The General Plan designation for the properties is Low Density Residential.
- H. Based upon State law and MBMC Section 10.84.060, relating to the Variance application for the proposed addition/remodel to an existing single family residence, the Planning Commission is unable to make the necessary findings to approve the Variance application. The Planning Commission hereby makes the following findings.

Variance Findings:

- a) There are no special circumstances or conditions applicable to the subject property whereby strict application of the requirements for relief from required parking would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardship upon the owner of the property.
- b) The relief for required parking cannot be granted without substantial detriment to the public good as the square footage of the proposed building requires a 3-car enclosed parking area when it exceeds 3,600 square feet. Additionally, the Zoning Code requires that basement area square footage must be included when determining required parking.
- c) Granting the application is not consistent with the purposes of this title and will constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning districts and area districts which requires a 3-car parking area when it exceeds 3,600 square feet of building area.



RESOLUTION NO. PC 08-03

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Variance application.

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

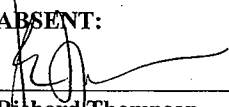
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **February 13, 2008** and that said Resolution was adopted by the following vote:

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

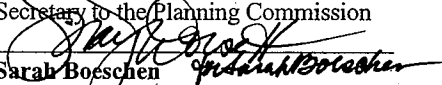
NOES:

ABSTAIN:

ABSENT:



Richard Thompson
Secretary to the Planning Commission


Sarah Boeschen
Recording Secretary

**CITY OF MANHATTAN BEACH
[DRAFT]MINUTES OF THE REGULAR MEETING OF THE PLANNING
COMMISSION**

FEBRUARY 13, 2008

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on
2 Wednesday, February 13, 2008, at 6:35p.m. in the City Council Chambers, City Hall, 1400
3 Highland Avenue.
4

5 **ROLL CALL**

6 Chairman Bohner called the meeting to order.
7

8 Members Present: Fasola, Lesser, Powell, Seville-Jones, Chairman Bohner
9 Members Absent: None
10 Staff: Richard Thompson, Director of Community Development
11 Daniel Moreno, Associate Planner
12 Sarah Boeschen, Recording Secretary
13

14 **APPROVAL OF MINUTES January 23, 2008**

15 Commissioner Fasola requested that the wording be revised on page 9, line 6 to read:, "He said
16 that the ~~property project~~ possibly has more square footage than the property can support."
17

18 Commissioner Fasola requested that the wording of page 11, line 19, be revised to read: "He
19 said that the decision to ~~provide an elevator to~~ build a three story structure is a choice and not a
20 requirement."
21

22 Commissioner Powell requested that on page 9, line 29 be revised to read: "He said that the
23 language of the findings does not ~~indicate~~ require that the property must be extraordinarily sloped
24 ..."
25

26 A motion was MADE and SECONDED (Seville-Jones/Lesser) to **APPROVE** the minutes of
27 January 23, 2008, as amended.
28

29 AYES: Fasola, Lesser, Powell, Seville-Jones, Chairman Bohner
30 NOES: None
31 ABSENT: None
32 ABSTAIN: None
33

34 **REORGANIZATION**

35
36 Commissioner Lesser recognized Chairman Bohner and complimented him for being fair,
37 objective and a good listener while serving as chairman. He provided him with a certificate of
38 appreciation for his service as Chairman of the Planning Commission over the previous year.
39

40 **AUDIENCE PARTICIPATION** None



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BUSINESS ITEMS

PUBLIC HEARINGS

08/0213.1 Consideration of a Variance to Allow a Two-Car Enclosed Garage in Lieu of the Code Required Three-Car Enclosed Garage, for a Proposed Addition/Remodel at 311 N. Rowell Avenue

Associate Planner Moreno summarized the staff report. He commented that Manhattan Beach Code Section 164030 was adopted when the ZORP requirements were enacted in 1990 which requires that any project over 3,600 square feet provide a 3-car enclosed garage. He stated that the existing building has 2,900 square feet of living area and an existing 452 square foot garage. He indicated that the proposal is to add 723 of living and storage area on the second level and 745 square feet of basement area. He said that the applicant is proposing to replace the existing two car garage with a similar new two car garage. He commented that the total square footage based on the plans submitted to staff by the applicant 4,368 square feet. He commented that reasons the applicant has given for granting the Variance include that a three-car garage would necessitate demolition of much of the second story of the existing house in order to provide access to the second story and providing a kitchen due to the slope of the lot; that including both a three car garage and basement area would require demolition of the existing house; that the proposed basement would not be visible from the exterior of the house; that the basement area would be used for storage and would allow space in the garage to be used for parking vehicles; that it would not result in a negative impact to neighbors and would increase the number of open street parking spaces; and that the topography of the lot places the house below the grade of the street which necessitates continued split level entry to the first and second levels of the home.

Associate Planner Moreno indicated that staff is unable to support the Variance because there are no special circumstances or conditions applicable to the subject property whereby strict application of the requirements for relief from required parking would result in peculiar and exceptional difficulties to or exceptional or undue hardship on the property owner; the relief from required parking cannot be granted without substantial detriment to the public good; and it would constitute granting of a special privilege. He indicated that the project was noticed to owners within 500 feet of the subject property and was published in the Beach Reporter. He commented that an e-mail was received in support of the project which was included with the staff report, and a petition of signatures in support is also included with the staff report.

In response to a question from Chairman Lesser, Associate Planner Moreno said that the City Council approved an additional parking requirement for homes above 3,600 square feet because they felt that properties over a certain size should provide a third enclosed parking space in order to reduce the amount of cars that are parked on the street. He indicated that a Variance has not

1 been granted to the requirement since the Ordinance was enacted.

2
3 In response to a question from Commissioner Fasola, Associate Planner Moreno commented that
4 none of the issued under consideration with the Mansionization Ordinance would impact the
5 project.

6
7 Commissioner Fasola indicated that there is a home two doors down the street from the subject
8 property that does have a three car garage across the side.

9
10 In response to a question from Commissioner Bohner, Associate Planner Moreno indicated that
11 there are properties with a more severe slope than the subject property that have been able to
12 incorporate a three car garage. He commented that the typical design for a three car garage is for
13 two parking spaces to be side by side and for the third parking space to be tandem. He said that
14 the argument of the applicant is that providing the tandem space effects an existing portion of the
15 building which is proposed to be the area for the kitchen.

16
17 **Bob Bickel**, the applicant, commented that the main discrepancy with the BFA calculations
18 provided by them and staff are regarding the attic storage area. He indicated that they were not
19 aware that a storage area was not permitted to have a full ceiling height, and they can reduce it to
20 staff's satisfaction if necessary. He commented that the purpose of the attic area is for storage
21 and not a room. He indicated that staff's calculations arrived at a BFA of 4,300 square feet. He
22 said that the other discrepancy between their calculation and staff's was regarding the basement
23 area. He stated that the calculation of BFA is required to include 30 percent of the basement
24 BFA after a 200 square foot exception is taken for storage or a utility area, which was not taken
25 into account in the calculations shown in the staff report.

26
27 In response to a question from Chairman Lesser, **Mr. Bickel** commented that he agrees that
28 parking is a major issue in certain portions of the City. He indicated, however, that there are
29 areas where parking is not an issue, which is the case on his street. He said that there may only
30 be three or four cars parked on the street over three blocks on a typical day. He commented that
31 he has never had to park very far away from his house. He indicated that their goal was to do a
32 remodel without having to tear down the entire structure. He stated that they need extra storage
33 space. He said that adding a tandem garage space would require them to eliminate the utility
34 room and would block any natural light from reaching the kitchen. He indicated that
35 incorporating a tandem garage space would require them to demolish most of the layout of the
36 kitchen, living room, downstairs guest bedroom, and bathroom. He commented that they would
37 rather tear down the existing structure and build a new home than do such an extensive
38 renovation to the existing structure. He commented that it also would not be practical to build on
39 the south side of the property because the area for the third garage space would extend into their
40 living room, dining room and kitchen, as well as to the staircase. He said that they would then
41 need to provide another staircase and redesign the second floor. He indicated that they do not

February 13, 2008

Page 4

1 have a need for a three car garage. He commented that with the proposed design they would
2 have two garage spaces and two open parking spaces in front of the garage. He indicated that
3 they meet the spirit of the Code requirement which is intended to reduce parking on the street.

4
5 Commissioner Fasola commented that the subject lot has a width of 68-feet, which is very wide
6 for the City. He said that with such a lot, it should be quite feasible to accommodate a three car
7 garage in the design. He indicated that the existing stairway could be moved further to the south
8 on the lot if the garage was widened. He commented that the proposed project would be
9 substantial and would expand the home to a large extent, and widening the garage would seem to
10 be fairly simple.

11
12 **Mr. Bickel** indicated that they have not been able to arrive at a design which would
13 accommodate a three car garage that would not necessitate making major changes to the existing
14 structure.

15
16 In response to a question from Commissioner Bohner, **Mr. Bickel** indicated that the alternative
17 to their design would be to scrape the existing home and build a new structure, which they feel
18 would be a hardship because of the large cost and because they would be out of the home for
19 much longer. He commented that he feels they are being punished because they are attempting to
20 remodel the existing structure. He pointed out that the intent of the requirement of an extra
21 parking space is to retain additional on-street parking, which is not an issue in their
22 neighborhood.

23
24 In response to questions from Commissioner Seville-Jones, **Mr. Bickel** indicated that the total
25 square footage would be 4,092 square feet. He said that the proposal is 492 square feet over the
26 threshold of 3,600 square feet for the three car garage requirement because of the basement area.
27 He indicated that it would not be feasible to build the basement area and the home remodel in
28 stages because it would necessitate changing the roof and tearing out the wall for the kitchen
29 twice. He said that it would be possible to only build the basement; however, it makes sense to
30 remodel at the same time because building the basement requires tearing down the garage and
31 entry way and tearing off the wall to the kitchen.

32
33 In response to a question from Commissioner Seville-Jones, **Mr. Bickel** said that their property
34 is fairly unique, and there are very few homes in the neighborhood that have a split level entry.
35 He pointed out that they are proposing to remodel the existing structure rather than build a new
36 home. He said that the slope of the property also is a unique feature, which is the reason for the
37 split level entry.

38
39 Chairman Lesser asked about the possibility of incorporating a three car garage and using the
40 third garage space for storage.

February 13, 2008

Page 5

1 **Mr. Bickel** said that with all of the designs they have considered, it does not make sense to
2 incorporate a third car garage. He indicated that incorporating a third tandem garage space
3 would have a large impact on the existing home. He said that there is not a need for a third
4 parking space. He commented that the purpose of a Variance is to allow exceptions for problems
5 in the Code because the language cannot be written to apply to every property. He commented
6 that the neighbors are all in support of the proposal.

7
8 Chairman Lesser opened the public hearing.

9
10 **Sally Bickel**, the applicant, said that incorporating a three car garage would not be possible with
11 a remodel and would require them to demolish the house. She indicated that their proposal is for
12 a remodel, and they are attempting to maintain the existing footprint of the existing home. She
13 commented that the majority of the work would be changes to the interior and some changes
14 above the existing first level. She said that the topography of the site and the placement of the
15 existing structure on the site create a special circumstance. She pointed out that the home on
16 their street that has similar topography and includes a third car garage was built new rather than
17 remodeled. She indicated that the garage spaces on that home are even across, and the Code now
18 requires that one of the parking spaces have a greater setback. She stated that all of the neighbors
19 they spoke to are in support of the proposal. She indicated that they feel their project is within
20 the spirit of the Code. She commented that the project is designed to have the least amount of
21 impact to their property and the neighborhood. She said that adding a third garage space would
22 add to the bulk at the front of the home. She pointed out that their lot is the wider and shallower
23 than most in the neighborhood. She commented that their lot would support building a home
24 with a BFA of 5,000 square feet, and a new home on the lot would be significantly larger than
25 their proposed remodel. She indicated that they considered alternative options for providing
26 storage. She indicated that they could build a separate structure in the back yard that would not
27 be counted toward the garage parking requirement; however, they feel it would be detrimental to
28 their property and would impact their neighbors' views of the property.

29
30 **Wena Dows**, the project architect, said that the reason they are rebuilding the garage is to allow
31 for the basement. She indicated that the new garage would be the same as is existing. She
32 indicated that adding a tandem garage space would remove 10 by 20 feet of area for the kitchen
33 and would block natural light from reaching the kitchen. She commented that adding a third
34 garage space to the left of the entry would block the living room which has a bay window toward
35 the street.

36
37 Chairman Lesser closed the public hearing.

38
39 Commissioner Bohner indicated that in order to grant the Variance, there must be something
40 about the nature of the property that makes it difficult to comply with the Code requirement and
41 that would make it difficult to build a functional home on the lot. He said that the applicant's

February 13, 2008

Page 6

1 argument is simply that their design cannot accommodate a three car garage. He indicated that
2 there is nothing about the property that would prevent a functional house that is over 3,600
3 square feet to include a three car garage. He said that he does not believe the first finding for
4 special circumstances can be met and he cannot support granting the Variance.
5

6 Commissioner Seville-Jones said that she agrees with the comments of Commissioner Bohner.
7 She commented that she understands that the applicant does not feel that granting the Variance
8 would be harmful to the neighborhood. She said, however, that it is not known if parking in the
9 area will become a problem in the future and there is not precedence for granting such an
10 exception. She pointed out that the current community standard is for homes over 3,600 square
11 feet to have a three car garage. She indicated that the first finding for granting the Variance is
12 very difficult to meet. She commented that she believes there are other homes in the community
13 where the application of the rule will mean that they are not able to build a home larger than
14 3,600 square feet because they are unable to accommodate a three-car garage. She said that there
15 are competing concerns of preserving existing homes and of reducing traffic and parking
16 congestion. She indicated that there was not consensus by the Commissioners or the City
17 Council in the discussions regarding mansionization that additional relief should be allowed in
18 such situations. She commented that she does not believe there is a special hardship in this
19 circumstance, and she could not support a Variance.
20

21 Commissioner Fasola said that he also agrees that a Variance is not appropriate in this
22 circumstance. He indicated that he shares the same concerns as Commissioner Bohner that there
23 must be other options for the design of the home and there is not a hardship in this case that
24 justifies granting the Variance.
25

26 Commissioner Powell that the intent of the Minor Exception process is to preserve existing
27 structures rather than for them to be demolished and rebuilt to the maximum that is permitted.
28 He stated that a much larger home could be built on the subject lot than is being proposed. He
29 commented that he feels the second finding can be met that there would be no substantial
30 detriment to the public good because of the fact that there is adequate parking in the
31 neighborhood and there has been support from the neighbors. He indicated, however, that the
32 most difficult finding to make is regarding exceptional or extraordinary circumstances of the
33 subject property that would warrant granting of the Variance. He indicated that exceptional or
34 extraordinary circumstances typically would involve steep topography or an irregularly shaped
35 lot which would make it difficult to build a structure. He indicated that it was agreed during the
36 hearings regarding the Mansionization Ordinance that any home over 3,600 square feet must
37 provide a three car garage for new construction as well as remodels. He said that it is also
38 difficult to make the finding that granting the Variance would not grant a special privilege. He
39 said that the Commissioners must apply the language of the Code which does not allow for any
40 latitude. He said that he would not be able to support granting the Variance.
41

1 Chairman Lesser indicated that he appreciates the intent of the applicants to remodel their
2 existing home and not built to the maximum allowable. He said, however, that the
3 Commissioners must be able to make the necessary findings in order to grant the Variance. He
4 stated that it is very difficult to meet the first finding for special circumstances or extraordinary
5 hardship. He said that the Commissioners have not always been able to make the required
6 findings with other applications where there have been much greater grade differentials. He
7 stated that he also would not be able to support the request.

8
9 A motion was MADE and SECONDED (Bohner/Seville-Jones) to **APPROVE** the draft
10 Resolution to **DENY** a Variance to Allow a Two-Car Enclosed Garage in Lieu of the Code
11 Required Three-Car Enclosed Garage, for a Proposed Addition/Remodel at 311 N. Rowell
12 Avenue

- 13
14 AYES: Bohner, Fasola, Powell, Seville-Jones, Chairman Lesser
15 NOES: None
16 ABSENT: None
17 ABSTAIN: None

18
19 Director Thompson explained the 15-day appeal period and stated that the item will be placed on
20 the City Council's Consent Calendar for their meeting of March 4, 2008.

21
22 **DIRECTOR'S ITEMS**

23 Director Thompson commented that the proposal for the Rite Aid store which was previously
24 denied by the Commission was appealed to the City Council. He said that the City Council
25 approved the project subject to a revision of the south elevation subject to review by the Planning
26 Commission. He indicated that the project will most likely come before the Commission again
27 in March.

28
29 **PLANNING COMMISSION ITEMS**

30 Commissioner Seville-Jones said that the Neptunians Womens Club is having their annual
31 fashion show which benefits schools on March 29, 2008, at 11:30 a.m.

32
33 **TENTATIVE AGENDA: February 28, 2008**

34
35 **ADJOURNMENT**


36 The meeting of the Planning Commission was **ADJOURNED** at 7:40 p.m. in the City Council
37 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, February 28, 2008, at 6:30 p.m. in
38 the same chambers.

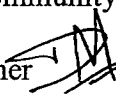
39
40 _____
41 RICHARD THOMPSON
Secretary to the Planning Commission

40 _____
SARAH BOESCHEN
Recording Secretary

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development 

BY: Daniel A. Moreno, Associate Planner 

DATE: February 13, 2008

SUBJECT: Consideration of a Variance to allow a Two-Car Enclosed Garage in Lieu of the Code Required Three-Car Enclosed Garage, for a Proposed Addition/Remodel at 311 N. Rowell Avenue

RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** the attached Resolution **DENYING** the subject request.

APPLICANT/OWNER

Robert E. Bickel
311 N. Rowell Avenue
Manhattan Beach, Ca. 90266

BACKGROUND

On December 28, 2007, the applicant submitted a Variance application seeking approval to increase the total overall building square footage to greater than 3,600 square feet and maintain a two-car enclosed garage. The application is part of an addition/remodel of an existing two-story single family residence with an attached two-car garage constructed in 1976.

Per MBMC Section 10.64.030, Off-Street Parking Spaces Required, dwellings with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more, must provide a 3-car enclosed parking area.

PROJECT OVERVIEW

LOCATION

Location: 311 N. Rowell Avenue between 2nd Street and 6th Street
(See Site Location Map, Exhibit B).

Legal Description: Lot 2, Tract 32586

Area District: I



LAND USE

General Plan: Low Density Residential

Zoning: RS, Residential Single Family

<u>Land Use:</u>	<u>Existing</u>	<u>Proposed</u>
	2,900 sq. ft. (living area)	723 sq. ft. (above grade)
	452 sq. ft (garage area)*	745 sq. ft. (basement)
		452 sq. ft. (garage)*
		1,468 sq. ft. (total proposed)
		<u>2,900 sq. ft. (total existing)</u>
		4,368 sq. ft. (countable BFA)

* Area not counted towards Buildable Floor Area

<u>Buildable Floor Area:</u>	<u>Allowable</u>	<u>Proposed</u>
	5,228 sq. ft.	4,368 sq. ft.

PROJECT DETAILS

Parcel Size: 7,675 sq. ft. (65' x 118')

<u>Building Setbacks:</u>	<u>Existing</u>	<u>Proposed</u>
Front (east)	20 ft.	20 ft.
Side (north)	5 ft.	5 ft.
Side (south)	5 ft.	5 ft.
Rear (west)	15.37 ft.	40 ft.

DISCUSSION

With the adoption of the ZORP requirements in 1990, a provision was added which required a 3-car enclosed parking area when dwellings exceeding more that 3,600 square feet or more of total Buildable Floor Area.

During the one-year review of the Bulk/Volume standards approved in 2004, and as a result of many buildings being designed with large basement areas (and exempted from countable Buildable Floor Area), the code was revised which included basement area when determining required parking.

The approved two story single-family residence currently contains approximately 2,900 square feet of living area with an attached 420 square foot 2-car enclosed garage.

Several months ago the applicant contacted staff regarding an addition/remodel to the existing residence, which included the demolition of the existing two-car garage, powder room, and entry way. The proposed addition would include the construction of a new 452 square foot two-car enclosed area and 43 square foot entry area on the first level; a

197 sq. ft. storage area (with full ceiling height) on the second level; and a below grade 745 square foot basement area. With the proposed 1,468 square foot building area plus the existing 2,900 square foot building area the site would contain a total of 4,368 square feet and therefore would be required to provide a 3-car enclosed garage per MBMC Section 10.64.030. The applicant was advised on several occasions that any basement area, even though it's exempted from countable Buildable Floor Area, cannot be exempt from total floor area for required parking.

With the recently adopted "Mansionization" provisions, which encourage the retention of older homes, no provisions were added to grant an exemption to required parking.

Variance Findings

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location or existing structures thereon; from geographic, topographic, or physical conditions on the site or in the immediate vicinity. Per MBMC Section 10.84.060 (B), in order to grant a Variance request, the Planning Commission must make the following findings:

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.

The applicant's attached narrative (attached, Exhibit C) states that the variance should be approved for the following reasons:

1. Due to the slope of the lot requiring a 3-car garage would necessitate demolition of much of the existing two story section of the house in order to provide access to the second story and a workable kitchen space.
2. If the project would include both a basement area and a 3-car garage there would be no option other than to demolish the existing house.
3. The proposed basement will not be visible from the exterior of the house.
4. Incorporating a basement area affords space in the home for all the belongings and opens-up space in the garage for the parking of vehicles.
5. Granting the Variance would have a negative impact on the neighbors and would increase open parking spaces.
6. The topography of the lot places the house substantially below the grade of the street and an adjacent parking lot, necessitating continued split level entry to both the first and second floors of the existing house.

7. Granting the Variance would preserve the 30 year old house, will improve neighborhood parking and will not increase the bulk of the existing house.
8. The proposal is consistent with the goals of the Mansionization committee to retain older homes, encourage open space and reduces the bulk of houses as presented to the street.

Staff Recommendation

Staff recommends that the Planning Commission deny the subject request as the project does not meet the required Variance finding. A 'draft' resolution of denial is attached for the Commission's review.

Variance Findings:

- a) There are no special circumstances or conditions applicable to the subject property whereby strict application of the requirements for relief from required parking would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardship upon the owner of the property.
- b) The relief for required parking cannot be granted without substantial detriment to the public good as the square footage of the proposed building requires a 3-car enclosed area when it exceeds 3,600 square feet. The zoning code does not exempt basement areas. Additionally, the Zoning Code requires that basement area square footage must be included when determining required parking.
- c) Granting the application is not consistent with the purposes of this title and will constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district which requires a 3-car parking area when it exceeds 3,600 square feet of building area.

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 one e-mail (attached, Exhibit D) in support of the project. Additionally, the applicant has submitted a petition of signature from surrounding property owners in support of the project (attached, Exhibit E).

Attachments:

- | | |
|-----------|------------------------------------|
| Exhibit A | 'Draft' Resolution PC 08-0 |
| Exhibit B | Site Location Map |
| Exhibit C | Applicants Narrative and Findings |
| Exhibit D | Letter in Support |
| Exhibit E | Applicant's Petition of Signatures |
| Exhibit F | Conceptual Plans |

cc: Robert E. Bickel, Applicant/Property Owner

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DENYING A VARIANCE TO ALLOW A TWO-CAR ENCLOSE GARAGE IN LIEU OF THE CODE REQUIRED THREE-CAR ENCLOSED GARAGE, FOR A PROPOSED ADDITION/REMODEL AT 311 N. ROWELL AVENUE

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 public hearings pursuant to applicable law on February 13, 2008, to consider an application for a Variance from required parking for a proposed addition/remodel, for the property legally described as Lot 2, Tract 32686, at 311 N. Rowell Avenue in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant is Robert E. Bickel, property owner.
- D. The existing two-story single family residence, constructed in 1976 currently contains 2,900 square feet of living area with an attached 420 square foot 2-car enclosed garage. The proposed addition would encompass an additional 1,468 square feet of building area (including a 745 square foot basement) for a total building area of 4,368 square feet.
- E. MBMC Section 10.64.030, Off-Street Parking Spaces, dwellings with Buildable Floor Area (BFA), plus any exempted basement floor area, totaling 3,600 square feet or more, must provide a 3-car enclosed area.
- E. The Variance request seeks approval to increase the total overall building square footage to greater than 3,600 square feet and maintain a 2-car enclosed parking area.
- F. The project is located in Area District I and is zoned (RS) Residential Single Family as are the properties to the north, south, east and west.
- G. The General Plan designation for the properties is Low Density Residential.
- H. Based upon State law and MBMC Section 10.84.060, relating to the Variance application for the proposed addition/remodel to an existing single family residence, the Planning Commission is unable to make the necessary findings to approve the Variance application. The Planning Commission hereby makes the following findings.

Variance Findings:

- a) There are no special circumstances or conditions applicable to the subject property whereby strict application of the requirements for relief from required parking would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardship upon the owner of the property.
- b) The relief for required parking cannot be granted without substantial detriment to the public good as the square footage of the proposed building requires a 3-car enclosed parking area when it exceeds 3,600 square feet. Additionally, the Zoning Code requires that basement area square footage must be included when determining required parking.
- c) Granting the application is not consistent with the purposes of this title and will constitute granting of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning districts and area districts which requires a 3-car parking area when it exceeds 3,600 square feet of building area.



'DRAFT' RESOLUTION NO. PC 08-

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Variance application.

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

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **February 13, 2008** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

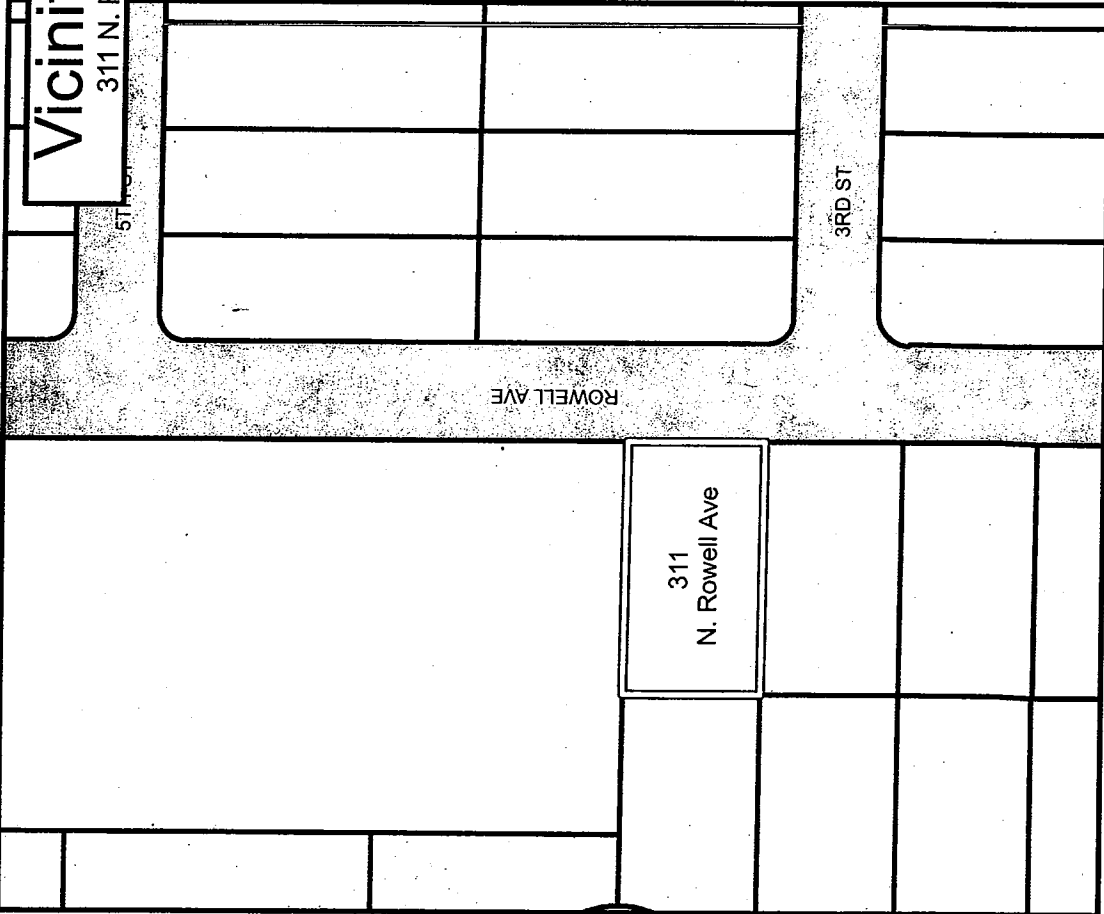
ABSENT:

Richard Thompson
Secretary to the Planning Commission


Sarah Boeschen
Recording Secretary


Vicinity Map

311 N. Rowell Ave




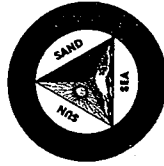
Legend

 311 N. Rowell Ave

 Parcels

Zoning

 RS - Residential Single Family



City of Manhattan Beach
Community Development

Exhibit B



**311 N. Rowell Ave.
Manhattan Beach, CA 90266**

Description of How Variance Findings Are Met

December 28, 2007

**R. E. Bickel
(310) 372-7842
bickel.family@verizon.net**



PC

Introduction

- ▶ We have a two story split level house that we are remodeling. The house has a two story section in the rear and a one story section in the front. The front section is comprised of an entrance and garage at street level. The rear section 1st story is 4' below street grade due to the slope of the lot.
- ▶ The lot itself is considerably shallower and slightly wider than standard lots in the neighborhood. The property to the north contains a parking lot immediately adjacent to our property. This is church property and maintains street grade all the way to the rear of their property which extends far beyond and above the rear of our property.
- ▶ Our remodeling project rebuilds the current garage, sized for two cars, over a new basement. The project BFA is 3551 with SF of 4092 due to the added basement provided for storage and workspace. The remodel retains the existing footprint of our house. Living area is added to the second floor, at the rear of the home, and basement storage is added at the front under the entry and garage.
- ▶ We added a basement to our plans specifically to allow us to remove stored possessions from the garage and from a remote storage facility. The added 2nd story space is insufficient for this purpose. This will make room in the garage for our cars, which we currently must park on the street, without increasing the bulk impact of our house.

For Variances – Finding B.1.

- ▶ **Due to the slope of the lot, the current footprint of the house, and the fact that this is a remodel, requiring a three car garage would necessitate demolition of much of the existing two story section of the house in order to provide access to the second story and to provide for a workable kitchen space.**
- ▶ **To make financial sense, if our project were to include a basement as planned and a three car garage as required under current code, there would be no option other than to demolish the existing house and construct an entirely new house. This would impose an undue financial hardship on us with an expected minimum three fold increase in the cost of the project.**

For Variances – Finding B.2.

- ▶ **The planned basement is within the footprint of the existing house. Retaining walls at the periphery of the basement are engineered to be sufficiently strong to prevent ground movement or impact to the adjacent properties. The basement will not be evident outside of the house, other than the low profile egress well hidden behind front yard landscaping.**
- ▶ **Incorporation of a basement into our project allows space in our home for all of our belongings and opens up space in our garage for our cars. This improvement removes our cars from street parking.**
- ▶ **Due to the nearly invisible nature of the added basement space, granting this variance will not have any negative impact on the neighbors, the neighboring property/improvements, or the neighborhood. Granting this variance will actually improve the general welfare of the neighborhood due to the increase in open parking spaces.**
- ▶ **We have spoken to many of our neighbors on many occasions regarding this variance. Not only have we not encountered any objections, we have received overwhelming support and encouragement in our pursuit of this variance. Yesterday afternoon and early evening, on 12/27/2007, we visited as many people in our 500' radius as we could find at home and discussed this variance with them. Each and every one we met with signed the attached petition in support of our application for variance.**

For Variances – Finding B.3.

- ▶ **Our situation is unique with a number of distinguishing characteristics.**
 - We are proposing a remodel of an existing house to add a basement for storage and workspace.
 - We are not changing the footprint of the house.
 - The topography of our lot places our house substantially below the grade of the street and an adjacent parking lot, necessitating continued split level entry to both the 1st and 2nd floors of the existing house.
- ▶ **Granting this variance will preserve our 30 year old house, will improve neighborhood parking, and will not increase the bulk of our house as presented to the street. This is wholly consistent with the purposes of this title. Because of our unique situation, granting this variance will not confer special privilege over other properties in our district. This is also consistent with the goals of the mansionsization committee to retain older homes, discourage tear downs, encourage open space, and reduce the bulk of houses as presented to the street.**

Daniel Moreno

From: Dale Kitchen [dljkit@msn.com]
Sent: Wednesday, February 06, 2008 8:23 AM
To: Daniel Moreno
Cc: bickel.family@verizon.net
Subject: Public Hearing -Variance Application to the Robert Bickel home

Dear Daniel Moreno

We are neighbors and friends of the Bickel family. We have seen and reviewed their plans for the remodel/addition to their home at 311 N. Rowell. We support the project and view it as an enhancement to the home and the neighborhood. We do not foresee any problems with the request for a variance to provide a two-car garage rather than the required three-car garage. Parking is not an issue on Rowell near the Bickel home. Please allow them to proceed with their plans.

Sincerely,

Dale & Laura Kitchen

1420 5th St

Manhattan Beach, CA 90266

310-372-3353



02/06/2008

PL

