



Staff Report

City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Richard Thompson, Interim City Manager *RT*

FROM: Laurie B. Jester, Acting Director of Community Development *LB*
Eric Haaland, Associate Planner *EH*

DATE: May 18, 2010

SUBJECT: Consideration of Planning Commission Approval of a Coastal Development Permit and Minor Exception to Allow an Addition to an Existing Single Family Home at 132 El Porto Street

RECOMMENDATION:

Staff recommends that the City Council **RECEIVE AND FILE** the decision of the Planning Commission approving the project subject to certain conditions.

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The Planning Commission, at its regular meeting of April 28, 2010, **APPROVED** (3-2) a 628 square foot addition to a 2-story single-family residence on a slightly larger than typical "half-lot" in the El Porto/North End area. In addition to a Coastal Development Permit, a Minor Exception is proposed to retain nonconforming parking and open space, and to retain and alter walls with nonconforming setbacks. Most coastal permit applications involving single-family homes and duplexes are processed administratively, but in this case, the City's Coastal Program requires Planning Commission approval due to the additional Minor Exception request. Additionally, Minor Exceptions are typically approved administratively, but in this case the combination with the Coastal Permit requires Planning Commission approval.

The Planning Commission supported the project since it generally conforms to coastal program zoning requirements, and complies with the regulations and intent of the Minor Exception procedure. The resulting 1,586 square feet of total floor area would be 65% of the site's allowable 2,441 square feet. The existing building height would be expanded to the maximum 3-stories but a large portion of that would be open deck area, and both upper levels would be set back approximately twice the minimum front setback. While the building's existing front, rear, and east side yards would remain nonconforming, they are not extremely deficient. A substantial amount of functional deck and patio area are provided by the project, although much of it does not technically meet the definition of useable open space. Only one of the two required parking

spaces exist, however, a one-car garage is allowable for residences of this size by the Minor Exception criteria. Staff had recommended that the existing garage be extended forward about 6 to 10 inches to the minimum front setback line since it is nonconforming in depth. The majority did not agree and that condition was deleted.

The Planning Commission also found the Minor Exception request to be appropriate since it met the required findings, and is consistent with the intention and criteria of these specific types of Minor Exception items as established by the City's "Mansionization" project of 2008. One of the key purposes of the Minor Exception is to encourage the retention of existing smaller buildings rather than prompting property owners to completely demolish, and construct new maximum size buildings.

A public notice for the project was mailed to property owners within 100 feet of the site and published in the Beach Reporter newspaper. The Planning Commission received no comments or testimony from neighbors during the public hearing.

ALTERNATIVES:

The alternatives to the staff recommendation include:

1. **REMOVE** this item from the Consent Calendar, **APPEAL** the decision of the Planning Commission, and direct that a public hearing be scheduled.

Attachments:

- A. Resolution No. PC 10- 02
- B. P.C. Minutes excerpt, dated 4/28/10
- C. P.C. Staff Report and attachments, dated 4/28/10
- D. Subsequent applicant material, dated 4/28/10
- E. Plans (separate/NAE)

(NAE) – not available electronically

- C: Ivo Skorin & Paula Mendoza, Applicant/Owner
Michael Lee, Project Architect

RESOLUTION NO PC 10-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT AND MINOR EXCEPTION TO ALLOW CONSTRUCTION OF AN ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE WITH NONCONFORMING SETBACKS, NONCONFORMING PARKING, AND REDUCED OPEN SPACE ON THE PROPERTY LOCATED AT 132 EL PORTO STREET (Skorin/Mendoza)

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 April 28, 2010 to consider an application for a Coastal Development Permit and Minor Exception for the property legally described as Portion of Lot 25, Block 2, Tract 4103, located at 132 El Porto Street in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Coastal Development Permit and Minor Exception is Ivo Skorin & Paula Mendoza, the property owner.
- D. The applicant proposes an upper story addition of 628 square feet that exceeds a 50% remodel of the existing single-family residence with retention and alteration of nonconforming setbacks, retention of nonconforming parking, and a reduction of useable open space to a total of 119 square feet, instead of the required 238 square feet.
- E. The property is located within Area District IV and is zoned RH High Density Residential. The surrounding land uses consist of single and multiple family residences.
- F. The General Plan designation for the property is High Density Residential, and the Local Coastal Program/Land Use Plan designation is High Density Residential.
- G. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301, and 15332 based on staff's determination that the project is a minor development/infill project.
- H. 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.
- I. The Planning Commission made the following findings with respect to the Minor Exception application:
 - a) The proposed project will be compatible with properties in the surrounding area since the building size will be well below the maximum size permitted and the addition area is relatively low in bulk from a front perspective.
 - b) The project will not be detrimental to surrounding neighbors since the new construction will observe required setbacks, and be well below the maximum floor area.
 - c) Practical difficulties warrant deviation from code standards including demolishing living area or building into required setbacks.
 - d) Existing nonconformities will not be brought into conformance since significant changes are not proposed for those locations and required conformance would not be reasonable.
 - e) The project is consistent with the General Plan, the intent of the zoning code, and other applicable policies of the City.

EXHIBIT A
CC Mtg 5/18/2010

J. The Planning Commission determined that the project is consistent with the following applicable Minor Exception Criteria:

1. New construction must conform to all current Code requirements except as permitted by this Chapter.
2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e., stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (i.e., roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
 - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
 - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
3. A minimum of ten percent (10%) of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a one foot (1') reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
6. Projects under two thousand (2,000) square feet in area per dwelling unit shall provide a minimum one (1) car fully enclosed garage per dwelling unit.
7. All development on the site which is existing legal non-conforming development for zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current zoning requirements to the extent that it is reasonable and feasible.
8. The existing legal non-conforming portions of the structure that remain shall provide a minimum of fifty percent (50%) of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than fifty percent (50%) of the minimum required setback may be retained.
9. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
10. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

K. The project is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:

- a) The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
- b) The proposed structure is consistent with building density standards of the Local Coastal Program in that it proposes a floor area ratio factor less than the allowable.
- c) The proposed structure will be consistent with the 30-foot Coastal Zone residential height limit. This is consistent with the residential development policies of the Land Use Plan, Policy II.B.1-3 as follows:

1. Maintain building scale in coastal zone residential neighborhoods.
2. Maintain residential building bulk control established by development standards.
3. Maintain Coastal Zone residential height limit not to exceed 30'.

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

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

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

M. This Resolution upon its effectiveness constitutes the Coastal Development Permit and Minor Exception approval for the subject project.

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

Standard Conditions

1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. *Expiration.* The Coastal Development Permit 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.
3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
5. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. a completed application and application fee as established by the City's Fee Resolution;
 - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
 - e. a copy of the original permit showing that it has not expired.
6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
7. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.

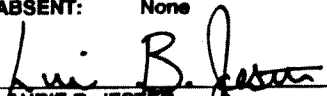
Special Conditions

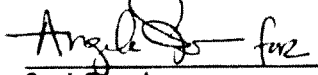
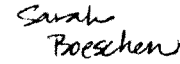
- 8. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
- 9. The plans shall be in substantial conformance with the plans submitted to the Planning Commission on April 28, 2010.
- 10. The project shall comply with all requirements of the RH zoning district except for the existing front, rear, and east side yards, single-car garage, and open space.
- 11. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.
- 12. 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 April 28, 2010 and that said Resolution was adopted by the following vote:

AYES: Lesser, Paralusz, Seville-Jones
 NOES: Andreani, Chairman Fasola
 ABSTAIN: None
 ABSENT: None


 LAURIE B. JESTER,
 Secretary to the Planning Commission


 Sarah Boesch
 Recording Secretary 

Commissioner Lesser said that he would also suggest to the Council that the Commission would like information regarding the origin of some of the projects that are included as part of the CIP to help their review process in future years.

Action

A motion was MADE and SECONDED (Andreani/Lesser) to **APPROVE** a determination of consistency of the proposed fiscal year 2010-11 Capital Improvement Plan with the City of Manhattan Beach General Plan without regard to prioritization of projects.

AYES: Andreani, Lesser, Paralusz, Seville-Jones, Chairman Fasola
NOES: None.
ABSENT: None.
ABSTAIN: None

E. PUBLIC HEARINGS

04/28/10-3 Consideration of a Coastal Development Permit and Minor Exception to Allow an Addition to an Existing Single Family Home at 132 El Porto Street

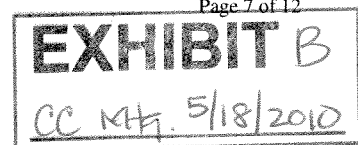
Acting Director Jester pointed out that staff typically approves minor exceptions administratively; however, this proposal was required to come before the Commission as a public hearing because the subject property is because it is located in the appealable area of the Coastal Zone.

Associate Planner Haaland summarized the staff report. He indicated that the proposal is to add 628 square feet to the second and third floor levels of an existing single family residence; to retain and alter existing nonconforming front, rear, and east side yard setbacks; to retain the existing nonconforming one car garage; and to use substandard open space toward half of the 238 square foot open space requirement. He indicated that the project is located in the appealable area of the Coastal Zone, which is the reason that a public hearing is required. He indicated that the project does comply with the zoning standards other than the nonconforming items that require a Minor Exception. He commented that the purpose of the Minor Exception process is to encourage the retention of existing smaller homes rather than replacing existing structures with larger homes.

Associate Planner Haaland commented that a nonconforming one-car garage is permitted to be granted as part of a Minor Exception if the square footage of the structure is below 2,000 square feet. He commented, however, that the length of the subject garage is shorter than has been approved by staff with Minor Exceptions for previous projects. He indicated that the minimum length required for a parking space is 19 feet, and a Code exemption can be granted to allow 18 feet. He said that the garage for the subject property is a minimum of 17 foot long and staff is suggesting a requirement that the garage be extended as much as possible without intruding to the front setback.

In response to a question from Commissioner Lesser, Associate Planner Haaland indicated that the project is eligible for a Minor Exception, as it does not exceed 66 percent of the allowable floor area for the lot.

Chairman Fasola clarified that the project has nonconformities in the rear side yard and the front yard; it has only a one car garage rather than a two car garage as would be required with new construction; and the open space that is provided is not sufficient to meet the Code



requirement. He also pointed out that the project would have been approved by staff except that it is located in the appealable area of the Coastal Zone.

In response to a question from Chairman Fasola, Associate Planner Haaland commented that 10 percent of the value of the existing structure must remain in order for the project to qualify for a Minor Exception.

Chairman Fasola opened the public hearing.

Elizabeth Srour, representing the applicant, stated that reason a hearing is required is because the property is in the Coastal Zone. She indicated that the project does comply with the standards of the coastal plan and the goals of the Minor Exception Ordinance. She commented that the proposal does not change the relationship of the property to the neighborhood. She indicated that the existing home is over 60 years old and very small. She stated that proposal is less than 66 percent of the amount of square footage that would be permitted for the site. She pointed out that the property would be permitted to be rebuilt with two units rather than a single family home. She commented that the addition of the second level and the deck above the second level add architectural interest to the exterior of the building. She indicated that staff has shown how the project complies with the guidelines and goals of the Coastal Plan. She said that the intention of the proposal is to maintain a smaller existing home rather than rebuilding or selling the home. She pointed out that staff has recommended approval based on compliance with the goals of the City.

Ms. Srour commented that the orientation of the existing structure is off center in relation to the orientation of the lot, and there is only a triangular area that could be added to the garage. She said that the extra length would meet the Code requirement for the length but would not add to the functionality of the garage. She indicated that the extra cost of adding to the garage would be substantial, and the applicant does not intend to do any work to the front north facing wall of the structure. She commented that although the open space does not comply with the literal interpretation as provided in the Code, the proposal actually would provide more than the requirement in areas that are very functional. She commented that they accept the conditions in the draft Resolution but are requesting that the extension not be required for the garage.

Jared Gudadaria, the project architect, said that adding 10 ³/₄ inches from the outside of the existing building to the 5 foot setback would only result in adding 5 to 6 inches of usable space to the garage after accounting for the thickness of the garage wall. He indicated that he does not have an estimate for the cost of extending the garage.

In response to a question from Commissioner Lesser, **Mr. Gudadaria** said that a length of 15 1/2 feet is the requirement for a compact parking space.

Chairman Fasola closed the public hearing.

Commission Discussion

In response to a question from Commissioner Lesser, Associate Planner Haaland said that staff is recommending extending the garage because 18 feet is a very common length and staff has not approved a length below 18 feet for Minor Exceptions in the past. He said that the suggestion is that the garage be extended out as close as possible to the front setback, which would allow for a length close to 18 feet.

In response to a question from Commissioner Paralusz, Associate Planner Haaland indicated that the Commission would have the ability to approve the length of the garage at less than 18 feet.

In response to a question from Commissioner Andreani, Associate Planner indicated that the length required for a garage for a new structure would be 19 feet.

Commissioner Andreani said that the size of the proposed addition meets the requirement for allowing a Minor Exception, although it is right at the limit. She commented that she can agree to allow the setbacks to remain nonconforming on the front, rear, and east sides of the property. She said that she is inclined to agree that the open space is adequate as proposed for a remodel on a half lot, although she feels it is a stretch of the Ordinance. She commented that she has a concern with the parking. She indicated that when she drove by the site, there was no available street parking near the property. She pointed out that Section 10.84.120 (G)(6) of the Zoning Code provides that a Minor Exception can be approved for an existing residence under 2,000 square feet with a one car garage but not necessarily that it must be approved. She indicated that the applicant is proposing to retain one garage parking space instead of two parking spaces as would be required with new construction. She commented that she feels that it would be better to have two parking spaces with allowing a reduction for open space. She stated that firemen must also be able to have access through the side yard. She suggested that possibly redesigning the bathroom and parlor areas would allow space for additional parking. She said that she understands that providing tandem parking would be difficult because of the location of the stairwell and forced air unit.

Commissioner Andreani indicated that the additional square footage to be added as a third story is compatible with the neighborhood, as there are many homes in the area that have three levels. She stated that parking is impacted on the adjacent streets and on Highland Avenue. She commented that although she supports the intent of the Minor Exception Ordinance, she does not necessarily feel that Minor Exceptions should be permitted which exacerbate existing problems. She commented that homes are becoming too large to allow for only one parking space. She stated that she cannot support an existing problem being exacerbated with the project when there are other options for the design to allow for an additional parking space.

Commissioner Seville-Jones indicated that she feels the project does meet the goals of the Minor Exception Ordinance. She indicated that the project is smaller than the maximum that could be built on the site. She said that there is open space on the third level although it does not meet the Code criteria. She commented that she feels it is important to consider that the Minor Exception could be approved administratively by staff if the lot were in a different location. She indicated, however, that she does not support staff's recommendation to require that the garage be extended. She said that she feels that the existing garage should be permitted to remain, which is consistent with the intent of the Minor Exception Ordinance to encourage the retention of smaller existing homes. She also pointed out that it is possible that two units would be built on the site if the existing structure is torn down. She commented that the applicant has every reason to continue to utilize the parking space in the garage because parking is very limited in the area. She said that she does not feel there is much benefit to requiring the applicant to extend the garage. She indicated that the existing space is larger than is typically required for compact spaces and is usable for parking. She commented that she also is taking into account that the applicant does not plan to do any work on the front portion of the house and extending the garage would be a large additional expense. She said that the project is visually attractive and would not impose a greater burden on the neighborhood. She indicated that she supports the project without staff's recommendation to require that the garage be extended.

Commissioner Paralusz said that she agrees with the comments of Commissioner Seville-Jones. She indicated that she does not believe any neighbors have objected to the proposal. She commented that she does not feel there is any benefit to requiring the garage to be extended. She said that the architect has indicated that there would be no utility in extending it. She said that any precedent that would be set by allowing the exception for the applicant's garage would be limited because no other work is proposed to be done to that portion of the structure in this case. She stated that she supports the proposal without requiring the extension of the garage as suggested by staff.

Commissioner Lesser commented that he feels the project does meet the intent of allowing for Minor Exceptions to encourage owners to retain existing smaller homes rather than rebuilding a much larger structure. He said that a question was raised in the discussions regarding the Mansionization Ordinance regarding the degree to which existing nonconformities should be overlooked in allowing for Minor Exceptions. He said, however, that there is a question as to the amount of benefit that is gained by such a small change to the garage in order to bring it into compliance considering that it would be a major economic burden to the applicant. He indicated that he does feel the findings can be met for allowing the Minor Exception.

Chairman Fasola commented that he feels it is a good project. He indicated that although the open space that is provided does not meet the Code requirement, it is very close. He stated that the current owner may have a smaller vehicle, but future owners of the property may have larger vehicles that are not able to fit in the garage. He said that he is concerned with setting a precedent for the next project that requests a similar exception. He commented that there is a big difference in a parking space that is 17 feet long and one that is 18 feet long. He said that the project is expensive, and making an addition to the garage would not be that significant of an expense in relation to the rest of the construction. He commented that he is concerned with setting a precedent, and he would support staff's recommendation for requiring the extension to the garage. He indicated that he would like to ask the applicant if they would be able to meet the Code requirement if the garage is extended.

Commissioner Lesser pointed out that if the property were not in the appealable zone, the project would have been approved by staff with the condition that the garage be extended. He stated that he is also concerned with setting a precedent.

Commissioner Seville-Jones commented that the applicant would have had the option of appealing the project to the Commission to grant an exception if staff had been able to approve it administratively. She said that she does not understand the benefit that would be gained by adding a few extra inches beyond simply complying with the Code standard for 18 feet. She indicated that she might feel differently if the length of the space were 15 ½ feet. She stated that she does not understand the clear benefit to the public of requiring the applicant to incur the extra expense of extending the garage.

Commissioner Paralusz said that a smaller sized car can fit in the existing garage space. She commented that any people who may consider buying the home in the future would most likely take the length of the garage into account. She indicated that requiring an extra parking space would require additional demolition and expense. She commented that she is certain that staff would have a different recommendation if there were a safety issue. She said that she does not see the public benefit of requiring an extension of 10 additional inches for the garage when other work is not being performed in that portion of the property.

Chairman Fasola indicated that his main concern is setting a precedent by allowing the exception for the garage when the applicant is also getting the benefit of retaining the other existing nonconformities. He said that asking for a standard parking space is not an undue burden on the applicant.

Commissioner Paralusz pointed out that the applicant is not asking to create a smaller parking space as part of new construction but rather to retain their existing garage.

Commissioner Andreani said that she also has concerns with setting a precedent for allowing less space for parking than the standard. She commented that there is an existing parking problem in the area. She stated that she feels that a demolition of the existing structure would allow the applicant to build the home that they would like and also allow for two parking spaces to be provided. She commented that building a new structure is a possibility that the applicant may wish to consider. She said that she agrees that the project does meet the intent for allowing a Minor Exception, although she would not support allowing less than staff's recommendation for the garage.

Chairman Fasola reopened the public hearing.

In response to a question from Chairman Fasola, **Mr. Gudadaria** said that the garage parking space would be between 7'8" and 18" if the garage were extended out to the front setback. He commented that extending the garage would require new structural footing along with demolition and construction of a new wall.

In response to a question from Commissioner Seville-Jones, **Mr. Gudadaria** said that it is not guaranteed that they would be able to extend the garage to 18 feet across the entire length if it is pushed to the front setback because of the angle in relation to the orientation of the lot.

Ivo Skorin, the applicant, said that it would be difficult to park in the garage if it is extended to the front setback because of the angle of the garage from the street. He indicated that he has a permit from the City indicating that he can park in front of the house.

Acting Director Jester commented that the City does not issue such permits. She said that the area in front of the garage is only 5 feet wide, and any car that is parked in the space would hang into the alley.

Chairman Fasola closed the public hearing.

Commissioner Seville-Jones said that a precedent would be set even if the garage is extended because it is not certain that the space would be able to reach 18 feet. She said that her understanding is that staff's recommendation is that the garage be expanded as much as possible to the front setback and not that the applicant be required to extend into the building envelope and move the staircase in order to achieve 18 feet.

A motion was MADE and SECONDED (Paralusz/Seville-Jones) to **APPROVE** the draft Resolution for a Coastal Development Permit and Minor Exception to Allow an Addition to an Existing Single Family Home at 132 El Porto Street with the elimination of the portion of Condition 9 under "Special Conditions" requiring an extension of the garage.

AYES: Lesser, Paralusz, Seville-Jones
NOES: Andreani, Chairman Fasola
ABSENT: None.

ABSTAIN: None

F. DIRECTORS ITEMS

None.

G. PLANNING COMMISSION ITEMS

H. TENTATIVE AGENDA May 12, 2010

I. ADJOURNMENT

The meeting was adjourned at 9:20 p.m. to Wednesday, May 12, 2010, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

LAURIE JESTER
Acting Community Development Director

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

TO: Planning Commission

FROM: Laurie B. Jester, Acting Director of Community Development *LBJ*

BY: Eric Haaland AICP, Associate Planner *EH*

DATE: April 28, 2010

SUBJECT: Consideration of a Coastal Development Permit and Minor Exception to Allow an Addition to an Existing Single Family Home at 132 El Porto Street.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **APPROVE** the subject request

APPLICANT /OWNER

Ivo Skorin & Paula Mendoza
132 El Porto Street
Manhattan Beach, CA 90266

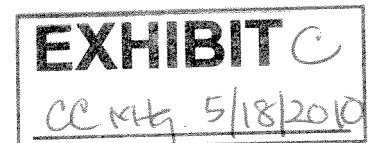
LOCATION

<u>Location</u>	132 El Porto Street between Highland & Ocean Dr. (See Site Location Map).
<u>Legal Description</u>	Tract 4103, Portion of Lot 25, Blk 2
<u>Area District</u>	IV

LAND USE

<u>General Plan</u>	High Density Residential	
<u>Zoning</u>	RH, Residential High Density	
<u>Land Use</u>	<u>Existing</u> 958 sq. ft SFR	<u>Proposed</u> 1,586 sq. ft. SFR

<u>Neighboring Zoning/Land Uses</u>	North	RH/Vacant
	South	RH/Duplex
	East	RH/Duplex
	West	RH/Duplex



PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	1,436 sq. ft.	2,700 sq. ft. min
Building Floor Area:	1,586 sq. ft.	2,441 sq. ft. max.
Height	30 ft.	30 ft. max.
Parking:	1 enclosed space (*)	2 enclosed
Vehicle Access	El Porto Street	N/A
Setbacks		
Front (north)	4.06 ft. (*)	5 ft. (*)
Rear (south)	3.86 ft. (*)	5 ft. min
Interior Side (east)	2.72 ft. (*)	3 ft. min.
Interior Side (west)	3 ft.	3 ft. min
Usable Open Space	119 sq. ft.	237.9 sq. ft.

(*) – Minor remodel project may remain nonconforming for setbacks and parking.

BACKGROUND

The subject site is a “half-lot” fronting on an alley (El Porto St.). A Coastal Development Permit is required because the project includes a greater-than-10% addition within the appealable portion (where a decision is appealable to the State Coastal Commission) of the Coastal Zone. A public hearing is required, without the option of a waiver, because the application includes a Minor Exception request to retain nonconforming parking and open space, and to retain and alter walls with nonconforming setbacks.

Most appealable coastal permit applications involving single-family homes and duplexes may proceed administratively through the waiver process provided by the coastal program. However, applications that require supplemental approvals such as minor exceptions, variances, use permits, and subdivision maps, must be reviewed by the Planning Commission at a public hearing.

DISCUSSION

The applicant proposes to construct a 628 square foot addition to a 2-story single-family residence on a slightly larger than typical “half-lot” in the El Porto/North End area. The proposed upper additions would result in a full second story, and a partial third story living area with a large open deck area. The upper stories would be recessed well behind the minimum front setback line consistent with the existing partial second story. A side patio contiguous with the rear yard would be retained.

The 3rd story roof would be at the maximum 30-foot height limit. While most of the building’s existing setbacks are nonconforming and would have some upgrades, the new construction would conform to current setback requirements. Only one of the two required garage spaces exists, with

no proposed changes. A substantial amount of patio and deck space is proposed, although much of it is not eligible to be counted toward required useable open space. The project exceeds 50% of the existing building's replacement valuation, therefore must generally correct all nonconformities to coastal program zoning requirements unless a Minor Exception is approved. The resulting 1,586 square feet of total floor area would be 65% of the site's allowable 2,441 square feet of Buildable Floor Area (BFA), which makes the project eligible for Minor Exception approval (under 66% of BFA) to allow the setback, parking, and open space nonconformities as proposed.

Setbacks:

The existing building's front, rear, and east side walls are proposed to remain nonconforming and will likely involve structural and other building upgrades or other alterations. These setbacks are all at least 75% of the minimum required setback, while 50% of the minimum setback is generally required for a Minor Exception. Additionally, they do not appear obtrusive, which is a condition routinely approved in Minor Exception procedures.

Parking:

Section 10.84.120(G)(6) of the Zoning Code provides that a Minor Exception can be approved for an existing residence under 2,000 square feet in area with a 1-car garage instead of the required 2-car garage. This condition is also routinely approved for Minor Exception applications, and the subject property does possess the 1-car garage, although the garage is smaller than Staff has approved for these cases thus far. The project's existing garage has only a 17.3 foot clear length compared to the 19-foot standard, and the 18-foot administrative allowance for existing nonconforming garages. The applicant prefers not to alter the garage since no construction is planned for that portion of the building, however, Staff has included a condition requiring that the garage length be extended forward as much as possible (approximately 6 inches) without violating the front setback with the garage door.

Open Space:

The required amount of useable open space for the project is 238 square feet. The 119 square feet of clearly countable open space for the property is provided by the proposed third story deck area. The actual deck would be more than twice that amount, but not more than half the requirement is countable at the third story. A combined patio and rear yard area located at the southeast corner of the site includes over 200 square feet of area except that most of it is either covered by floor area above, or too narrow to be counted. Although the patio area is covered by the new addition, the ceiling clearance is relatively high, and the slightly narrow rear yard provides a practical extension of the patio space.

Section 10.84.120 of the zoning code allows minor exception approval of a reduction in the 15% open space requirement "small, wide, shallow, multiple front yard, and/or unusually shaped lots or other unique conditions". Staff believes that the proposal is appropriate with respect to open space since the site is small relative to a standard lot, the building size would be one-third less than the

maximum, and it includes substantial quantities of uncountable deck and patio area that do appear useable even though they do not quite meet the definition of useable open space.

The issue of covering or semi-enclosing open space is a current City Council Work Plan item which will be studied by the Planning Commission in the future and brought up as a concern by the Planning Commission in the past. The code currently limits useable open space from being entirely covered by floor area, but roof/deck covers and side openness have become recent concerns. The patio area in this project is a relevant example as it does not qualify as open space under current code, but appears to have a useable quality due to its 11-foot high ceiling clearance, and the almost 50% openness around its perimeter.

Minor Exception and Coastal Permit Findings:

Section 10.84.120 of the Zoning Code (attached) provides for Minor Exception approval of nonconforming setbacks, nonconforming parking, and reduced open space for residential remodel projects. In order to approve this Minor Exception, the following findings must be made:

- a. The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height.
- b. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air.
- c. There are practical difficulties which warrant deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
- d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
- e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

Staff believes that these findings can be made since the resulting building will be well below the maximum size, and the new construction will be compatible with the neighborhood. The project is also consistent with a primary intention of Minor Exceptions (MBMC 10.84.010), which is to encourage retention of smaller buildings rather than prompting property owners to build new maximum size buildings due to nonconformity challenges.

Staff believes that the Minor Exception criteria of Section 10.84.120(G), applicable to nonconforming setbacks and parking, are met by the proposal as listed in the attached resolution, including: appropriate building code compliance, appropriate zoning conformity, and appropriate parking conformity (subject to garage length determination).

Staff also finds that that the project will comply with applicable coastal program regulations. The project is consistent with policies II.B 1, 2, 3 of the City's Local Coastal Program which seek to maintain neighborhood building scale, control residential building bulk, and establish building height standards.

PUBLIC INPUT

A public notice for the project was mailed to property owners and residents within 100 feet of the site and published in the Beach Reporter newspaper. Staff has received no inquiries or opposition from project neighbors or other members of the community.

ENVIRONMENTAL REVIEW

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15301 & 15332 based on staff's determination that the project is a minor infill development and will not have a significant impact on the environment.

CONCLUSION

Staff supports the request finding that the project: 1) meets the findings required to approve a Minor Exception, 2) conforms to applicable zoning objectives and development standards, 3) is not expected to have a detrimental impact on nearby properties; 4) is consistent with the goals and policies of the General Plan, and; 5) would conform to the City's Local Coastal Program.

A draft resolution of approval is attached, which would act as the project minor exception approval and coastal development permit, if the project is approved by the Commission with no further appeal. Several standard conditions typically included have been placed in the draft Resolution as well as project specific conditions.

Attachments:

- A. Draft Resolution No. PC 10-
- B. Vicinity Map
- C. Minor Exception Code
- D. Development Plans (separate - NAE)

(NAE = not available electronically)

c: Ivo Skorin & Paula Mendoza, Applicant/Owner
Michael Lee, Project Architect

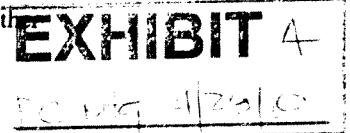
RESOLUTION NO PC 10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT AND MINOR EXCEPTION TO ALLOW CONSTRUCTION OF AN ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE WITH NONCONFORMING SETBACKS, NONCONFORMING PARKING, AND REDUCED OPEN SPACE ON THE PROPERTY LOCATED AT 132 EL PORTO STREET (Skorin/Mendoza)

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 April 28, 2010 to consider an application for a Coastal Development Permit and Minor Exception for the property legally described as Portion of Lot 25, Block 2, Tract 4103, located at 132 El Porto Street in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant for the Coastal Development Permit and Minor Exception is Ivo Skorin & Paula Mendoza, the property owner.
- D. The applicant proposes an upper story addition of 628 square feet that exceeds a 50% remodel of the existing single-family residence with retention and alteration of nonconforming setbacks, retention of nonconforming parking, and a reduction of useable open space to a total of 119 square feet, instead of the required 238 square feet.
- E. The property is located within Area District IV and is zoned RH High Density Residential. The surrounding land uses consist of single and multiple family residences.
- F. The General Plan designation for the property is High Density Residential, and the Local Coastal Program/Land Use Plan designation is High Density Residential.
- G. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301, and 15332 based on staff's determination that the project is a minor development/infill project.
- H. 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.
- I. The Planning Commission made the following findings with respect to the Minor Exception application:
 - a) The proposed project will be compatible with properties in the surrounding area since the building size will be well below the maximum size permitted and the addition area is relatively low in bulk from a front perspective.
 - b) The project will not be detrimental to surrounding neighbors since the new construction will observe required setbacks, and be well below the maximum floor area.
 - c) Practical difficulties warrant deviation from code standards including demolishing living area or building into required setbacks.
 - d) Existing nonconformities will not be brought into conformance since significant changes are not proposed for those locations and required conformance would not be reasonable.
 - e) The project is consistent with the General Plan, the intent of the zoning code, and other applicable policies of the City.



J. The Planning Commission determined that the project is consistent with the following applicable Minor Exception Criteria:

1. New construction must conform to all current Code requirements except as permitted by this Chapter.
2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e., stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (i.e., roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
 - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
 - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
3. A minimum of ten percent (10%) of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a one foot (1') reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
6. Projects under two thousand (2,000) square feet in area per dwelling unit shall provide a minimum one (1) car fully enclosed garage per dwelling unit.
7. All development on the site which is existing legal non-conforming development for zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current zoning requirements to the extent that it is reasonable and feasible.
8. The existing legal non-conforming portions of the structure that remain shall provide a minimum of fifty percent (50%) of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than fifty percent (50%) of the minimum required setback may be retained.
9. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
10. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

K. The project is in accordance with the objectives and policies of the Manhattan Beach Coastal Program, as follows:

- a) The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Manhattan Beach Coastal Zone Zoning Code.
- b) The proposed structure is consistent with building density standards of the Local Coastal Program in that it proposes a floor area ratio factor less than the allowable.

- c) The proposed structure will be consistent with the 30-foot Coastal Zone residential height limit. This is consistent with the residential development policies of the Land Use Plan, Policy II.B.1-3 as follows:
 - 1. Maintain building scale in coastal zone residential neighborhoods.
 - 2. Maintain residential building bulk control established by development standards.
 - 3. Maintain Coastal Zone residential height limit not to exceed 30'.

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

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

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

- M. This Resolution upon its effectiveness constitutes the Coastal Development Permit and Minor Exception approval for the subject project.

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

Standard Conditions

- 1. *Compliance.* All development must occur in strict compliance with the proposal as set forth in the application for said permit, subject to any special conditions set forth below. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.

- 2. *Expiration.* The Coastal Development Permit 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.

- 3. *Interpretation.* Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.

- 4. *Inspections.* The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.

- 5. *Assignment.* The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. a completed application and application fee as established by the City's Fee Resolution;
 - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
 - c. evidence of the assignee's legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. the original permittee's request to assign all rights to undertake the development to the assignee; and,
 - e. a copy of the original permit showing that it has not expired.

- 6. *Terms and Conditions are Perpetual.* These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

7. *Effective Date.* This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section 10.100.030, and the City of Manhattan Beach Local Coastal Program - Implementation Program Section A.96.160 have expired; and, following the subsequent Coastal Commission appeal period (if applicable) which is 10 working days following notification of final local action.

Special Conditions

8. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
9. The plans shall be in substantial conformance with the plans submitted to the Planning Commission on April 28, 2010, except that the existing garage shall be extended forward to the front setback line to improve the 1-car parking space length clearance.
10. The project shall comply with all requirements of the RH zoning district except for the existing front, rear, and east side yards, single-car garage, and open space.
11. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.
12. 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 April 28, 2010 and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

LAURIE B. JESTER,
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

Vicinity Map
132 El Porto Street



EXHIBIT B
DC 14 425 2010

10.84.120 - Minor exceptions.

The Community Development Director may grant minor exceptions from certain regulations contained in the ordinance codified in this chapter for projects as follows:

Valuation No Limitation. Projects that involve new structures or remodels without limits of project valuation [i.e., may exceed fifty percent (50%) valuation provisions of Section 10.68.030(E)], as provided below. Notice may be required for exceptions to Sections 10.68.030(D) and (E), see subsection A and B of this section for noticing requirements.

Applicable Section	Exception Allowed
10.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
10.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.
10.12.030 (M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
10.12.030 (P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
10.12.030 (T)	Reduction in percentage of additional 6% front yard setback, or 8% front/streetside yard setback on corner lots, required in the RS Zone—Area Districts I and II, 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots or other unique conditions.
10.12.030 (T)	Reduction in percentage of additional 6% front yard setback required in the RS Zone—Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12.030 (T)	Reduction in percentage of additional 8% front/streetside yard setback required on corner lots in the RS Zone—Area Districts I and II for remodel/additions to existing dwelling units if the additional setback area is provided elsewhere on the lot.
10.12—10.68	Non-compliant construction due to Community Development staff review or inspection errors.
10.68.030 (D) and (E), 10.12.030 and 10.12.030 (R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
10.68.030 (D) and (E)	Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
10.68.030 (E)	Alterations and remodeling to existing legal non-conforming structures.

A. **Minor Exception Application Without Notice.** All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in subsection B of this section. Additionally, a minor exception from Section 10.68.030(D) and (E) must meet the following criteria:

1. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and seventy-five percent (75%) of the maximum allowed (Area Districts I and II) or three thousand (3,000) square feet, whichever is less .
2. **Alterations and remodeling to existing legal non-conforming structures.** No limit to the total existing Buildable Floor Area, as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

EXHIBIT C
10/24/10
12:11P

B. Minor Exception Application with Notice.

1. Applications for minor exceptions from Section 10.68.030(D) and (E) which do not meet the criteria in subsection (A)(1) of this section, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section 10.68.030(D) and (E) must meet the following criteria, and notice as provided in subsection D of this section, must be provided:
 - a. **Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures.** The total proposed Buildable Floor Area as defined in Section 10.04.030 which excludes certain garage and basement areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and seventy-five percent (75%) of the maximum allowed (Area Districts I and II) and the Buildable Floor Area exceeds three thousand (3,000) square feet but does not exceed four thousand (4,000) square feet.

C. Submittal Requirements—All Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
2. Written statements to support the required findings and criteria of this Code section.
3. A vicinity map showing the location and street address of the development site.

D. Submittal Requirements—Minor Exception Applications with Notice. Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.
2. Written statements to support the required findings and criteria of this Code section.
3. A vicinity map showing the location and street address of the development site;
4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within three hundred feet (300') of the boundaries of the property; and
5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within three hundred feet (300') of the boundaries of the property. This list shall be keyed to the map required by subsection (D)(4) of this section and shall be accompanied by mailing labels.

E. Notice to Property Owners—Minor Exception with Notice. After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in subsection D of this section. Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.**F. Director's Review and Action—All Minor Exceptions.**

1. **Notice of Decision.** After the commenting deadline date, if any, and within thirty (30) days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this chapter. The letter also shall state that the Director's decision is appealable under the provisions of subsection K of this section. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection E of this section.
2. **Findings.** In making a determination, the Director shall be required to make the following findings:
 - a.

The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height.

- b. There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air.
- c. There are practical difficulty which warrants deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.
- d. That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.
- e. That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

G. Additional Criteria—Sections 10.68.030(D) and (E). When making a determination to approve an exception to Sections 10.68.030(D) and (E), the Director shall also require the following criteria to be met, in addition to the findings in subsection (F)(2), as stated above:

1. New construction must conform to all current Code requirements except as permitted by this Chapter.
2. Structural alterations or modifications, as regulated by Chapter 10.68, to existing non-conforming portions of structures shall only be allowed as follows:
 - a. To comply with Building Safety access, egress, fire protection and other safety requirements (i.e., stairs, windows) as determined to be significant by the Building Official.
 - b. For architectural compatibility (i.e., roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.
 - c. Minor alterations to integrate a new 2nd or 3rd floor into an existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.
 - d. Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.
 - e. Other minor alterations or modifications as determined to be necessary by the Director of Community Development.
3. A minimum of ten percent (10%) of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained.
4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section 10.64.090 Exceptions, which allows a one foot (1') reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.
5. All existing parking, required in accordance with Chapter 10.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.
6. Projects under two thousand (2,000) square feet in area per dwelling unit shall provide a minimum one (1) car fully enclosed garage per dwelling unit.
7. Projects two thousand (2,000) square feet in area and up to two thousand eight hundred (2,800) square feet per dwelling unit shall provide a minimum two (2) car off-street parking with one (1) fully enclosed garage and one (1) unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.
8. Projects two thousand eight hundred (2,800) square feet in area and up to three thousand six hundred (3,600) square feet per dwelling unit shall provide a minimum two (2) car fully enclosed garage per dwelling unit.
9. Projects three thousand six hundred (3,600) square feet in area per dwelling unit and over shall provide a minimum three (3) car fully enclosed garage per dwelling unit.

10. All development on the site which is existing legal non-conforming development for zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current zoning requirements to the extent that it is reasonable and feasible.
 11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of fifty percent (50%) of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than fifty percent (50%) of the minimum required setback may be retained.
 12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.
 13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.
- H. **Additional Criteria—Section 10.12.030(T). Interior Lots.** When making a determination to approve an exception to Section 10.12.030(T) for a reduction in percentage of additional front yard setback for alterations, remodeling and additions (enlargements) to existing homes if the additional setback area is provided elsewhere, the Director shall also require compliance with the following criteria, in addition to the criteria stated in subsection (F)(2) of this section:
1. A minimum of three percent (3%) of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
 2. The percentage of area that is provided outside of the additional front setback area, as established in Section 10.12.030(T), shall be required to be two (2) times the percentage if it was provided in the front yard (i.e., six percent (6%) required, if three percent (3%) in the front [three percent (3%) balance due] - provide six percent (6%) outside of the front yard equals nine percent (9%) total).
 3. The area provided outside of the additional front setback area shall be located adjacent to a required setback (i.e., not an interior courtyard).
 4. The area provided outside of the additional front setback area shall meet all of the criteria established in Section 10.12.030(T)(2) through (4).
 5. The proposed project is consistent with the purpose stated in Section 10.12.010(H).
- I. **Additional Criteria Section 10.12.030(T)—Corner Lots.** When making a determination to approve an exception to Section 10.12.030(T) on corner lots for alterations, remodeling and additions (enlargements) to existing homes if the additional front setback area is provided on the streetside frontage, the Director shall also require compliance with the following criteria, in addition to the criteria stated in subsection (F)(2) of this section:
1. A minimum of three percent (3%) of the additional front setback shall be provided within the front and shall meet the criteria established in Section 10.12.030(T).
 2. A minimum of three percent (3%) of the additional front setback shall be provided in a location that is largely directly abutting the streetside setback, and the balance of the required eight percent (8%) shall be located adjacent to another required setback (i.e., not an interior courtyard).
 3. The area abutting the streetside setback shall meet all of the criteria established in Section 10.12.030(T)(2) through (4).
 4. The proposed project is consistent with the purpose stated in Section 10.12.010(H).
- J. **Conditions of Approval.** In approving a minor exception permit, the Director may impose reasonable conditions necessary to:
1. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;
 2. Protect the public health, safety, and general welfare; or
 3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

- K. **Effective Date—Appeals.** Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 Manhattan Beach Municipal Code.

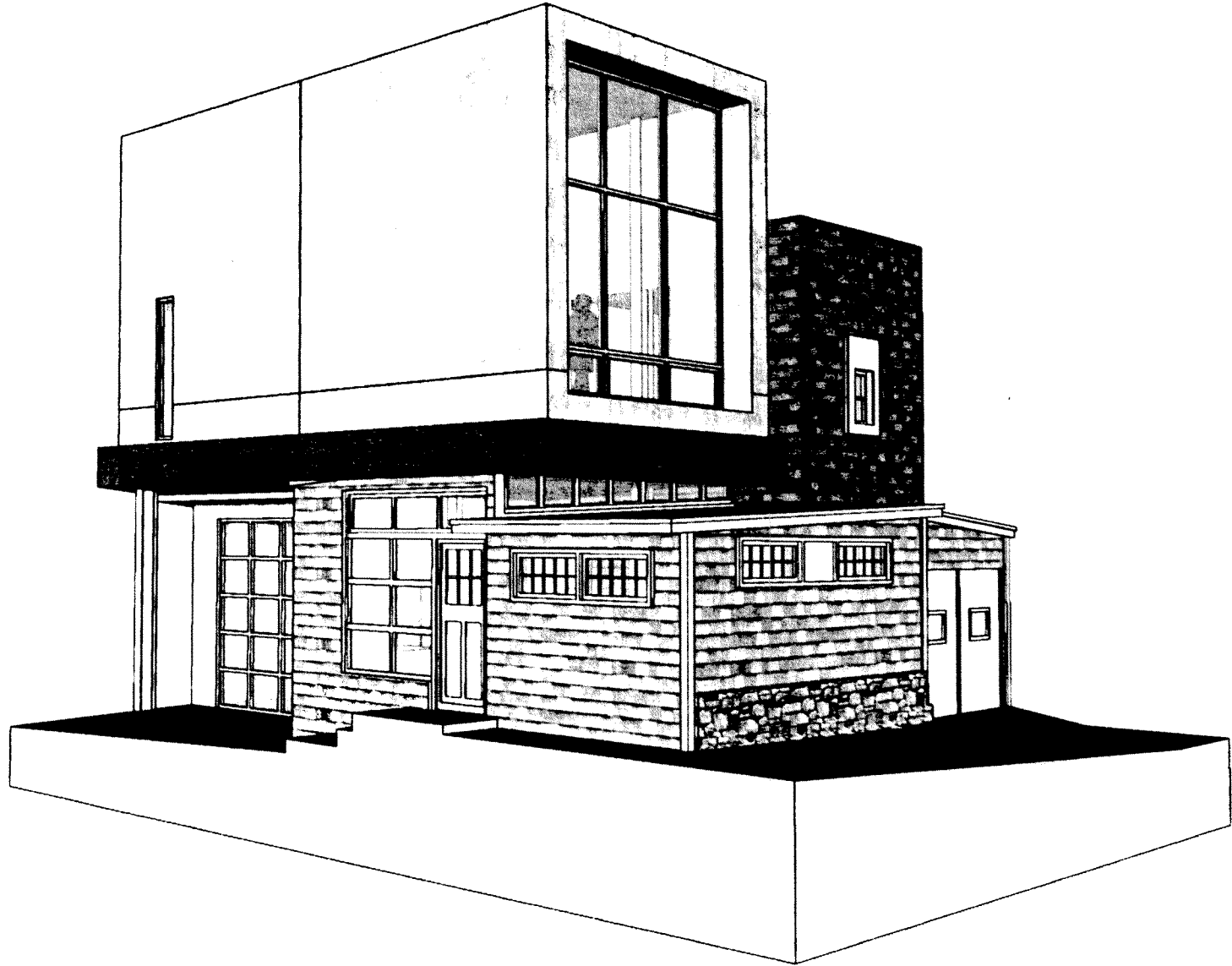
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 12/03/92; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996; § 5, Ord. 1992, eff. February 18, 1999; § 2, Ord. 2032, eff. May 16, 2002; § 2, Ord. 2050, eff. January 1, 2004; § 3 (part), Ord. 2068, eff. February 4, 2005, and § 20, Ord. 2111, eff. March 19, 2008)

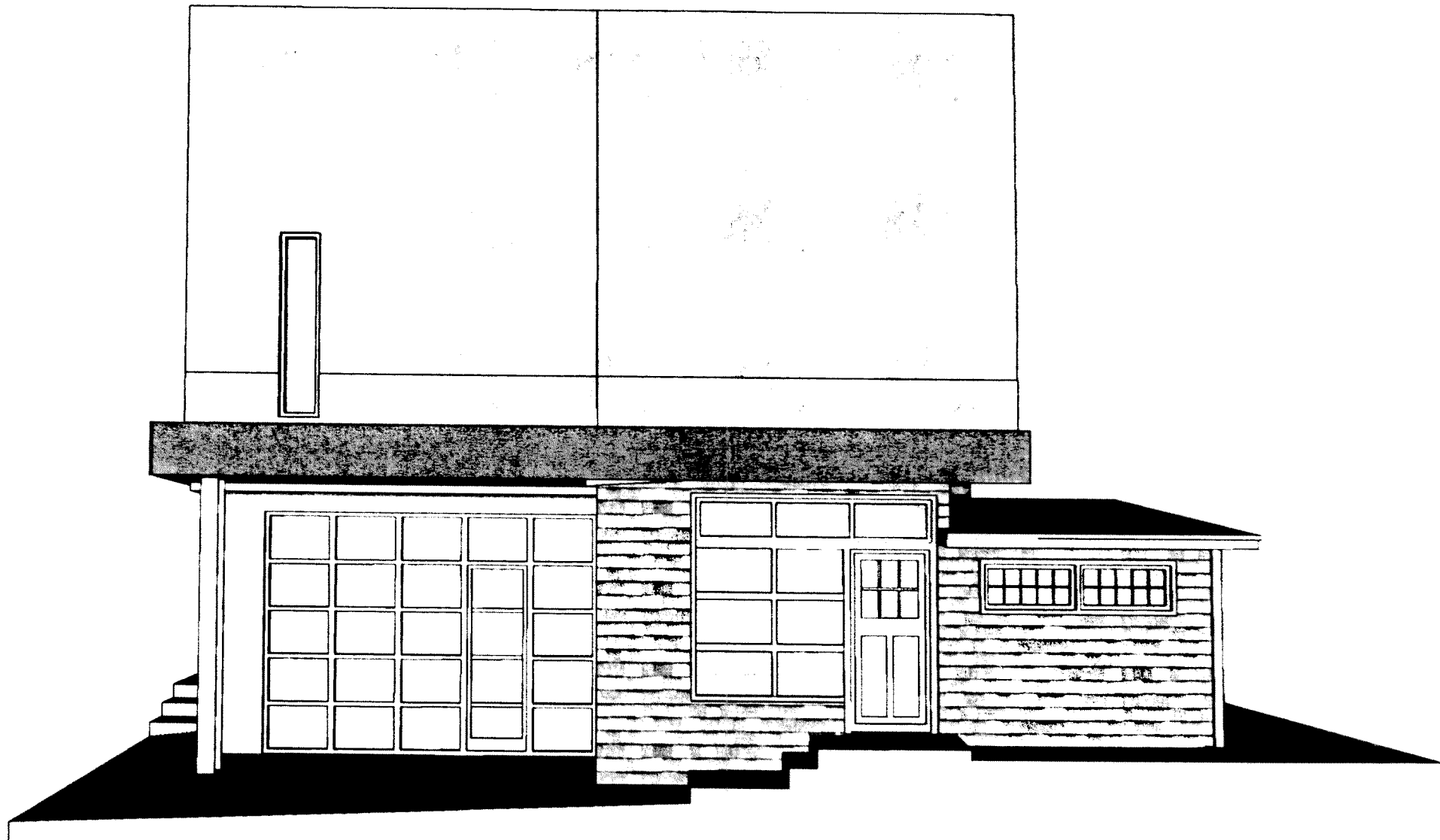


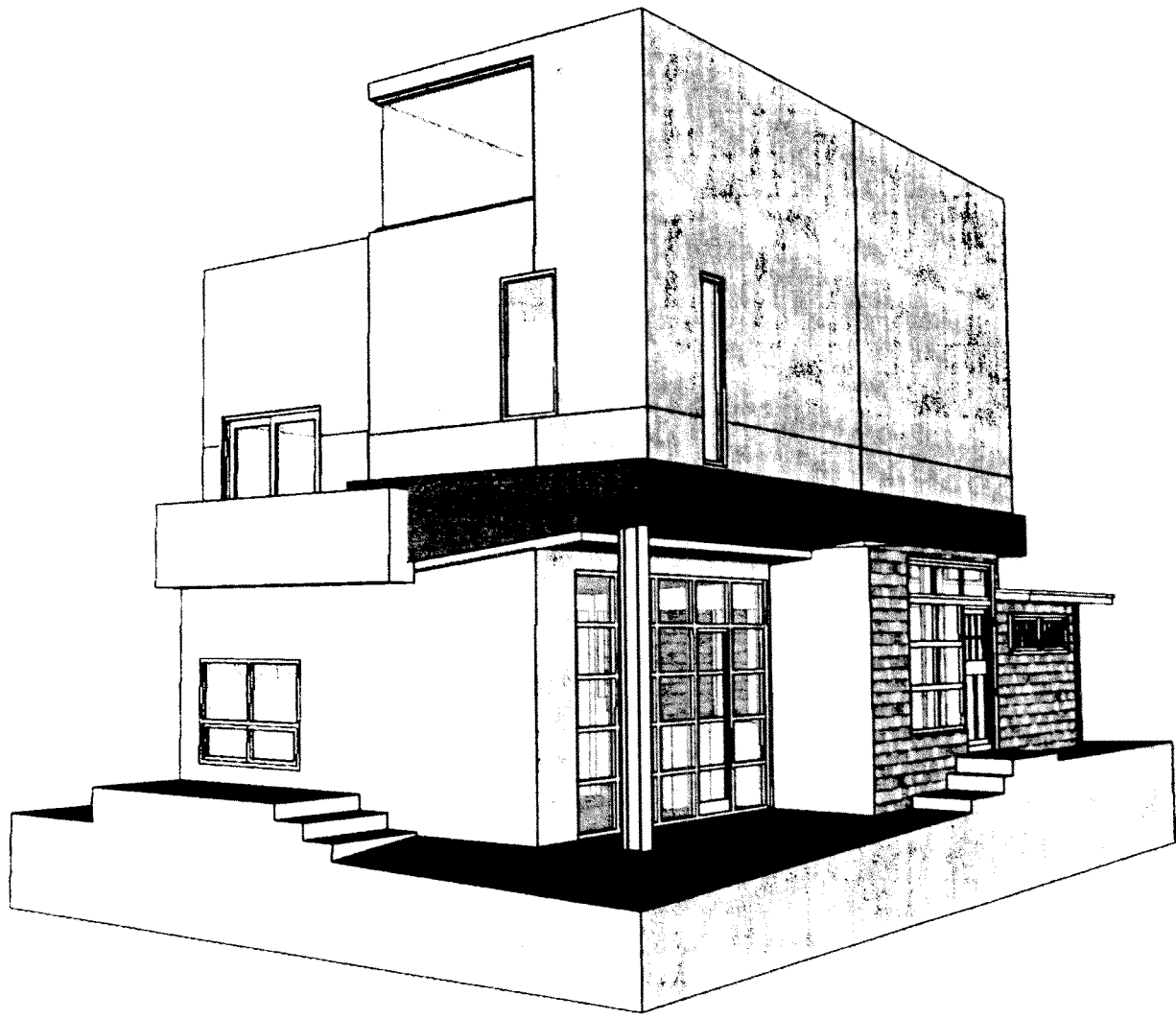
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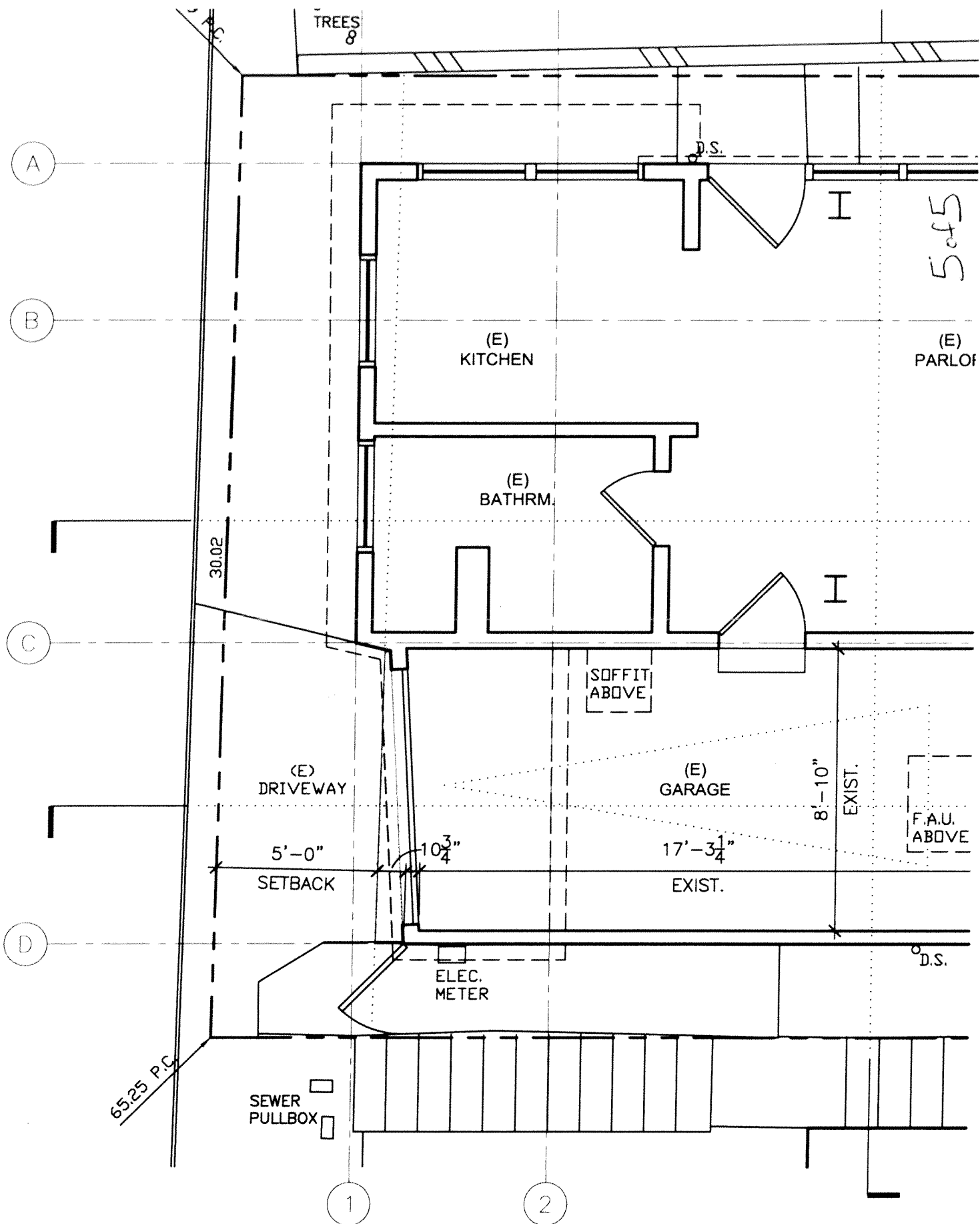
132 El Porto

Distributed at
4/28/10 P.C.
meeting 1 of 5









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FIRST FLOOR PLAN
1/4" = 1'-0"

PROPOSED