


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

TO: Planning Commission

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

BY: Esteban Danna, Assistant Planner *EP by VBJ*

DATE: November 10, 2010

SUBJECT: Appeals of an Administrative Decision for a Remodel Project Located at
3404 The Strand and 3405 Ocean Drive

RECOMMENDATION

Staff recommends that the Planning Commission uphold the Community Development Director's decision to **APPROVE** the remodel for 3404 The Strand and 3405 Ocean Drive and **DENY** the subject appeals.

APPELLANTS

Thornton Stone
113-34th Place
Manhattan Beach, CA 90266

David and Bonnie Rickles
3414 Ocean Drive
Manhattan Beach, CA 90266

BACKGROUND

On January 22, 2010, a Building permit application was submitted to the Community Development Department for the remodel of an existing detached duplex. The two separate structures, each with one unit, were originally built in 1973 and are located on one property at 3404 The Strand and 3405 Ocean Drive. The Ocean Drive unit includes a six car garage which provides parking for both units.

Staff reviewed the plans and issued corrections on February 5, 2010. Upon the applicant's request, Staff issued a demolition permit on March 5, 2010 prior to building permit approval. Several neighboring residents subsequently contacted the City expressing concerns that the demolition was beyond the scope of the approved demolition plans. The Building Division issued a Stop Work order on June 24, 2010.

The scope of work on the approved demolition plans was not consistent with work performed in the field. The demolition included 100% of the interior of both structures. Staff subsequently requested additional information from the project architect, contractor, and home owner and conducted numerous site inspections.

Upon review, the Building Division determined that under the current building valuation (effective May 1, 2010), the project did not exceed 50% building valuation. On September 15, 2010, the applicant withdrew the building permit application (Exhibit A) and submitted a new application for the remodel project to accurately reflect the scope of work for the project on September 29, 2010.

On October 1, 2010, the Community Development Department issued a courtesy Notice of Decision to interested parties stating that the proposed remodel project complied with all applicable Planning and Building codes (Exhibit B). On October 15 and 18, 2010, Staff received two appeals for the administrative decision to approve the remodel project (Exhibit C), in accordance with Chapter 10.100.

DISCUSSION

Existing Non-Conformities

The existing structures on the site were legally constructed under Permit No. 93304 issued on February 22, 1973. Zoning Code requirements have since changed and a number of existing legal non-conformities for each structure exist as follows. Neither structure exceeds the maximum allowed Buildable Floor Area (BFA).

3404 The Strand

- South side setback (3' 1" existing, 3' 4" minimum)
- Open space (245.28 square feet existing, 511 square feet minimum)
- Deck projection length per level (28' 8" existing, 17' 10" maximum)

These non-conformities are typical of older structures in the City.

3405 Ocean Drive

- Height (122' 2" existing, 115' 1½" maximum—7' -½" above the maximum)
- Number of stories (four-stories existing, three-story maximum)
- South side setback (3' 2" existing, 3' 4" minimum)
- North side setback (access stairs to front door and third story required exit)
- East/rear setback (2' 2" at second and third stories, 5' minimum)
- Open Space (257.28 square feet existing, 289 square feet minimum)

At the time of permit application in 1973 the method of height measurement was different than the method currently used. MBMC Section 10.68.030E allows an exception to the non-conforming height of structures, regardless of building valuation, if the reason for the excess height is due to the method under which the structure was measured, as is the case with this structure. The height measurement methodology was revised in 1991 as part of the Zoning Ordinance Revision Program (ZORP).

The structure's lowest level of the four stories is used as storage closet located beneath the garage level. It is accessible only through a six-foot high door adjacent to the courtyard that separates the two structures, it is not livable floor area, and it does not have any windows, however it is a story as defined by the Zoning Code (Chapter 10.04).

Manhattan Beach Municipal Code (MBMC) – Chapter 10.68-Non-conformity

MBMC Section 10.68.030E requires that if the total estimated construction cost for any non-conforming structure **exceeds 50% of the existing building valuation** all structures on the site must be brought into conformance with the current zoning code. Exceptions to this section include one non-conforming front or interior side yard (a 3 foot minimum clearance must be maintained), street side yard, rear yard adjacent to a public street or alley, or when an existing structure is over height as a result of previous methods used to measure height. The code allows these non-conformities to remain even if the project exceeds 50% building valuation.

Section 10.68.010 of the MBMC states in part “While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.” The proposed project is not increasing the discrepancy between existing conditions and the current Code standards and is therefore consistent with the purpose and intent of the non-conforming portion of the Code. Section 10.68.030F states “Nonconforming structures that would be enlarged or altered in any manner that serves to increase the degree of nonconformity shall not be permitted unless a variance or minor exception is obtained, as appropriate.” The project is also consistent with this Code section in that the alteration does not increase the degree of non-conformity.

The project does not exceed the 50% valuation under the current building valuation figures. Thus, pursuant to MBMC 10.68.030E, the applicant is not required to address the existing legal non-conformities on the property.

Building Valuation (Effective 05/01/2010)				
Existing Values per Square Feet (both structures)				
<i>Type</i>	<i>Value</i>	<i>Square Feet</i>	<i>Total</i>	
Floor Area	\$160.00	5,334	\$853,440.00	
Garage	\$57.33	960	\$55,036.80	
Decks	\$58.75	444	\$26,085.00	
Total Existing Valuation			\$934,561.80	
Proposed Values per Square Feet (both structures)				
<i>Type</i>	<i>Value</i>	<i>Square Feet</i>	<i>Total</i>	<i>Project Percentage</i>
Remodel Floor Area	\$80.00	5,334	\$426,720.00	
Remodel Garage	\$28.67	960	\$27,523.20	
Remodel Decks	\$29.38	444	\$13,044.72	
Total Proposed Valuation			\$467,287.92	50.00

SUBJECT APPEALS

Appellant Stone's application challenges the legality of the original building permit issued in 1973 and the Building Department's building valuation determination (Exhibit C).

Appellants Rickles' application also challenges the legality of the original building permit and the Building Department's building valuation determination. Additionally, the application challenges the need for a Minor Exception and the Community Development Department's authority and jurisdiction to issue a building permit for the subject property (Exhibit C).

Legality of Original 1973 Structures—Permit No. 93304

Plans for Building Permit No. 93304, permitting the construction of the existing structures in 1973 were approved by City Staff, issued, inspected and subsequently the building permit was finalized. On November 25, 1974, the City of Manhattan Beach issued a Certificate of Occupancy (Exhibit D), certifying that the structures were in compliance with the Municipal Code regulating building construction. Additionally, the statute of limitations for filing an appeal or lawsuit challenging the legality of the 1973 permit has long expired.

The appellants believe that hand-written notes on plans available on the City's public records show that the structures were built illegally in 1973. The plans referenced by the appellants are **not** the approved plans used for the construction of the existing structures in 1973. A stamp on these plans indicates that they were plans for a proposed balcony in the 1980's that was approved in concept on June 4, 1980, with notes, and subsequently approved and permits issued in May 1981 (Exhibit E). The approved plans for Permit No. 93304 issued in 1973 are shown in Exhibit J, and show no hand written notes.

The plans to which the appellants refer to as the 1973 original duplex plans were actually concept plans submitted in 1980, as is shown by the stamp on sheets 1 and 10 of 15 stating: "approval in concept only not valid for building permit purposes." which is dated June 4, 1980 and signed by a City Official (Exhibit E). Additionally, there is a hand-written note on page 1 of 15 that states: "Plans Same as Permit #93304 See Sheet 1 and 10 for notes." The notes on Sheet 10 indicate "2' clear to P/L required" next to the north side setback on the east elevation. Between the east and west elevations there is another note that states "Height must comply with MC". These concept plans relate to a building permit and final plans issued May 18, 1981 (Exhibit E) to extend a balcony on the Ocean Drive unit and not the original duplex construction in 1973.

The structures were permitted, inspected and a Certificate of Occupancy was issued; there is no reason to believe that they were illegally constructed in 1973, 37 years ago.

Building Valuation

Section 10.68.030 of the Manhattan Beach Municipal Code (MBMC) states that if a non-conforming structure exceeds 50% of the total cost of reconstructing the entire structure then it must be made conforming, with a number of exceptions. The building valuation is

determined by the Community Development Director, and the building permit fees are used for this valuation calculation. The appellants disagree with the Director's determination that the building valuation does not exceed 50%. This is the only determination that is appealable.

Building permits issued by the City are assigned a total estimated construction cost based on the type and square footage of the proposed work. These are standard costs used by municipalities, which are periodically updated, and do not always reflect actual construction costs. The Building Official updated the building valuation numbers to be consistent with similar cities on May 1, 2010. These were previously updated on July 1, 2008. These valuations, published as Building Valuation Data (Exhibit F) are used to determine the cost of the plan check, the building permit fees, and to estimate the amount of work proposed relative to what is existing. These valuation figures are specific to the type of use of an area such as living area, garage area, or deck area. The Building Official is responsible for determining these values pursuant to the 2007 California Building Code, Appendix Chapter 1, Section 108.3 (Exhibit G). This section states: "Final building permit valuation shall be set by the building official."

The City's published Building Valuation Data sheet differentiates between a standard and major remodel. The project valuation is determined by the Building Plan Check Engineer based on the proposed scope of work. Remodel projects similar to the subject project, where the majority of the structure is remaining, are considered a standard remodel valued at \$80 per square-foot. A project is typically considered a major remodel and is assigned \$140 per square-foot when the majority of the existing structure is completely removed and rebuilt, utilizing some of the existing foundations and walls. These are the only two valuations provided for residential remodels. New residential construction has a valuation of \$160 per square foot.

Staff will provide examples of other currently permitted remodel projects within the City classified as standard remodels (valued at \$80 per square foot) and major remodels (valued at \$140 per square foot) at the Planning Commission meeting.

Upon review of the proposed plans for the subject remodel, the Plan Check Engineer determined that the project was well within the scope of a standard remodel. The remodel proposes to keep almost the entire structural frame of the existing buildings, including the roof framing, floor framing and foundation. Additionally, exterior walls, including most of the stucco and some interior walls remain. The Plan Check Engineer and Community Development Department find that the scope of this project is a very typical proposal for a standard remodel, is consistent with the valuation of remodels of similar scope, and is well within the scope of an \$80 per square foot standard remodel.

Applicability of Minor Exception

On September 8, 2010, the Community Development Department received two Minor Exception applications for the projects located at 3404 The Strand and 3405 Ocean Drive. Upon review, Staff determined that the total estimated construction costs of the subject project did not exceed 50% of the building valuation or did not propose to alter any non-

conforming portion of the structure except life-safety features as required by the Building Division. Thus, a Minor Exception is not required for this project as proposed (Exhibit H).

Community Development Department's Authority

The Community Development Department has authority and jurisdiction to issue building permits for new construction, additions to existing structures, remodels to existing structures, or a combination thereof if and when such projects meet all necessary MBMC requirements. The Community Development Department does not have a legal reason to deny a building permit for the subject project since it is not a discretionary application, does not exceed 50% in building valuation, and meets all necessary Municipal Code requirements. Furthermore, the City does not have the authority to require conformance with current zoning standards for the non-conforming portions of the building that are not altered as the project does not exceed 50% building valuation.

CONCLUSION

The subject appeals challenge the legality of the original building permit issued in 1973, the Building Department's building valuation determination, the need for a Minor Exception, and the Community Development Department's authority to issue a building permit for the subject property.

The original building permit issued in 1973 for the construction of the existing structures was issued, inspected and a Certificate of Occupancy was issued. There is no reason to believe the structures are illegal. The building valuation assigned by the Plan Check Engineer is consistent with other similar remodel projects within the City, is well within the scope of a standard remodel, valued at \$80 a square foot, and does not exceed 50% building valuation. A Minor Exception is not required for the subject project as it does not exceed the 50% valuation calculation as determined by the Plan Check Engineer. The Community Development Director has the authority to issue a building permit for the subject project and has no legal reason to deny a building permit since the proposed scope of work is well within the scope of MBMC requirements.

Staff recommends that the Planning Commission uphold the Community Development Director's decision to **APPROVE** the remodel for 3404 The Strand and 3405 Ocean Drive and **DENY** the subject appeals. A Resolution will be presented as a consent item at the next Planning Commission meeting documenting the Planning Commission discussion, action, facts and findings.

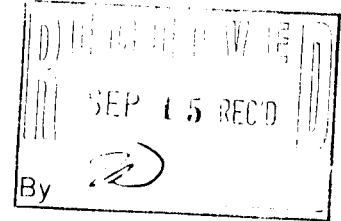
Attachments:

- Exhibit A – Building Permit Withdrawal Letter
- Exhibit B – Notice of Decision
- Exhibit C – Appeal Applications
- Exhibit D – Certificate of Occupancy
- Exhibit E – Balcony Approval in Concept 6/4/80 and Approved Plans and Permit 5/81 (enlarged to show stamp and notes)

Exhibit F – Building Valuation Data
Exhibit G – 2007 California Building Code Section 108.3
Exhibit H – Minor Exception Withdrawal Letter
Exhibit I – Correspondence
Exhibit J – 1973 Building Plans for Original Duplex—Permit No. 93304
Exhibit K – Remodel Plans- (Not available electronically)

ANGELA & TODD NELSON
1717 N. POINSETTIA AVENUE
MANHATTAN BEACH, CA 90266
310-545-3262

September 17, 2010



Dear Community Development Department:

Please accept this letter as an official request to withdraw our application for building permit #10-01251 & #10-01252 for plan check.

The addresses associated with the permits are 3404 The Strand and 3405 Ocean Drive.

Please feel free to contact me with any questions at 310-545-3262.

Sincerely,

Angela D. Nelson

EXHIBIT A
PC Mtg. 11/10/10

THIS PAGE

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INTENTIONALLY

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City of Manhattan Beach

Community Development

Phone: (310) 802-5500

FAX: (310) 802-5501

TDD: (310) 546-3501

October 1, 2010

Re: Notice of Decision for a Building Permit Application for 3404 The Strand and 3405 Ocean Drive

To Whom It May Concern:

Please see the attached Notice of Decision for the remodel project located at 3404 The Strand and 3405 Ocean Drive. Community Development Staff is available to answer any questions or to meet with any interested party.

Pursuant to MBMC Section 10.100, the decision of the Community Development Director may be appealed to the Planning Commission within fifteen (15) working days following the action. The necessary appeal forms and procedures will be provided upon request. Appeals shall be accompanied by a fee in the amount of \$465.

Additional information may be obtained by contacting Esteban Danna, project planner at (310) 802-5514 or edanna@citymb.info.

Sincerely,


LAURIE B. JESTER
Acting Director of Community Development

EXHIBIT B
PC MH. 11/10/10



City of Manhattan Beach

Community Development

Phone: (310) 802-5500

FAX: (310) 802-5501

TDD: (310) 546-3501

NOTICE OF DECISION

The Department of Community Development has approved a Building Permit application for 3404 The Strand and 3405 Ocean Drive pursuant to Manhattan Beach Municipal Code Titles 9 and 10 and the 2007 California Building Code.

BACKGROUND

On January 22, 2010, a Building permit application was submitted to the Community Development Department for the remodel of an existing detached duplex. The two separate structures, each with one unit, were originally built in 1973 and are located on one property at 3404 The Strand and 3405 Ocean Drive. The Ocean Drive unit includes a six car garage which provides parking for both units.

Staff reviewed the plans and issued corrections on February 5, 2010. Upon the applicant's request, Staff issued a demolition permit on March 5, 2010 prior to building permit approval. Several neighboring residents subsequently contacted the City expressing concerns that the demolition was beyond the scope of the approved demolition plans. The Building Division issued a Stop Work order on June 24, 2010.

The scope of work on the approved demolition plans was not consistent with work performed in the field. The demolition included 100% of the interior of both structures. Staff subsequently requested additional information from the project architect, contractor, and home owner and conducted numerous site inspections. The applicant submitted a building inspection report dated February 20, 2009 from a private inspector which indicated that there was evidence of water damage in both structures. The general contractor stated that he continued demolition beyond the approved demolition plans as a result of the discovery of mold throughout the structure.

Upon review, the Building Division determined that under the current building valuation (effective May 1, 2010), the project did not exceed 50% building valuation. Therefore, a Minor Exception, to retain a number of legal non-conformities, is not required for either structure.

On September 15, 2010, the applicant withdrew the building permit application. The applicant revised the plans to accurately reflect the scope of work for the project and submitted those plans to the City on September 29, 2010.

DISCUSSION

Manhattan Beach Municipal Code (MBMC) Section 10.68.030E

MBMC Section 10.68.030E requires that if the total estimated construction cost for any non-conforming structure exceeds 50% of the existing building valuation all structures on the site must be brought into conformance with the current zoning code. Exceptions to this section include one non-conforming front or interior side yard (a 3 foot minimum clearance must be maintained), street side yard, rear yard adjacent to a public street or alley, or when an existing structure is over height as a result of previous

methods used to measure height. MBMC Section 10.68.030E allows these non-conformities to remain even if the project exceeds 50% building valuation.

Valuation Analysis

Building permits issued by the City are assigned a total estimated construction cost based on the type and square footage of the proposed work. These are standard costs used by municipalities, which are periodically updated, and do not always reflect actual construction costs. The Building Official updated the building valuation numbers Citywide to be consistent with similar cities on May 1, of 2010. These were previously updated on July 1, 2008. These construction values are used to determine the cost of a building permit and to estimate the amount of work proposed relative to what is existing. These valuation figures are specific to the type of use of an area such as living area, garage area, or deck area. The Building Official is responsible for determining these values pursuant to the 2007 California Building Code, Appendix Chapter 1, Section 108.3. This section states: "Final building permit valuation shall be set by the building official."

The project does not exceed the 50% valuation under the current building valuation figures. Thus, pursuant to MBMC 10.68.030E, the applicant is not required to address the existing legal non-conformities on the property.

Building Valuation (Effective 05/01/2010)				
Existing Values per Square Feet (both structures)				
<i>Type</i>	<i>Value</i>	<i>Square Feet</i>	<i>Total</i>	
Floor Area	\$160.00	5,334	\$853,440.00	
Garage	\$57.33	960	\$55,036.80	
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Total Existing Valuation			\$934,561.80	
Proposed Values per Square Feet (both structures)				
<i>Type</i>	<i>Value</i>	<i>Square Feet</i>	<i>Total</i>	<i>Project Percentage</i>
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Remodel Decks	\$29.38	444	\$13,044.72	
Total Proposed Valuation			\$467,287.92	50.00

Existing Non-Conformities

The existing structures on the site were legally constructed under permit number 93304 issued on February 22, 1973. Zoning Code requirements have changed and therefore there are a number of existing legal non-conformities for each structure as follows:

3404 The Strand

- South side setback (3' 1" existing, 3' 4" minimum)
- Open space (245.28 square feet existing, 511 square feet minimum)
- Deck projection length per level (28' 8" existing, 17' 10" maximum)

These non-conformities are typical of older structures in the City.

3405 Ocean Drive

- Height (122' 2" existing, 115' 1½" maximum—7' -½" above the maximum)
- Number of stories (four-stories existing, three-story maximum)
- South side setback (3' 2" existing, 3' 4" minimum)
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At the time of permit application in 1973 the method of height measurement was different than the method currently used. MBMC Section 10.68.030E allows an exception to the non-conforming height of structures, regardless of building valuation, if the reason for the excess height is due to the method under which the structure was measured, as is the case with this structure. The height measurement methodology was revised in 1991 as part of the Zoning Ordinance Revision Program (ZORP).

The structure's lowest level of the four stories is used as storage closet located beneath the garage level. It is only accessible through a six-foot high door adjacent to the courtyard that separates the two structures, it is not livable floor area, and it does not have any windows.

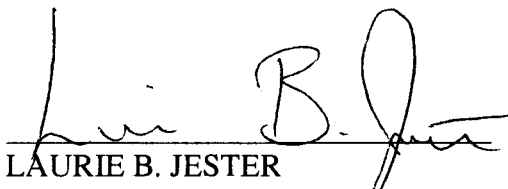
CONCLUSION

The proposed scope of work for the project located at 3404 The Strand and 3405 Ocean Drive does not exceed 50% in building valuation. Therefore, the non-conforming portions of the buildings may remain. Furthermore, a Minor Exception for this project is not required since it does not exceed 50% building valuation, does not propose to alter any non-conforming portion of the structure except life-safety features as required by the Building Division, and there is no increase in the discrepancy between existing conditions and current Zoning Code standards.

APPEALS

Pursuant to MBMC Section 10.100, the decision of the Community Development Director may be appealed to the Planning Commission within fifteen (15) working days following the action. The necessary appeal forms and procedures will be provided upon request. Appeals shall be accompanied by a fee in the amount of \$465.

Additional information may be obtained by contacting Esteban Danna, project planner at (310) 802-5514 or edanna@citymb.info.


LAURIE B. JESTER
Acting Director of Community Development

Date: October 1, 2010



CITY OF MANHATTAN BEACH MASTER APPLICATION FORM

OCT 15 PM 11:01

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only	
Date Submitted:	10/15/2010
Received By:	[Signature]
F&G Check Submitted:	N/A

3404 THE STRAND AND 3405 OCEAN DRIVE
Project Address

(ASSESSORS (O NO. 4175-028-017) LOT 1 CONDOMINIUM TRACT NO. 39368
Legal Description AKA: PECKS MANHATTAN BEACH, TRACT NO. 2, LOT 9, M.B.10, PAGE 37

MEDIUM DENSITY RESIDENTIAL R1M III
General Plan Designation Zoning Designation Area District

For projects requiring a Coastal Development Permit, select one of the following determinations¹:

- | | |
|---|--|
| <input type="checkbox"/> Project located in Appeal Jurisdiction | <input type="checkbox"/> Project <u>not</u> located in Appeal Jurisdiction |
| <input type="checkbox"/> Major Development (Public Hearing required) | <input type="checkbox"/> Public Hearing Required (due to UP, Var., etc.) |
| <input type="checkbox"/> Minor Development (Public Hearing, if requested) | <input type="checkbox"/> No Public Hearing Required |

Submitted Application (check all that apply)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Appeal to PC/PWC/BBA/CC <u>46465</u> | <input type="checkbox"/> Use Permit (Residential) _____ |
| <input type="checkbox"/> Coastal Development Permit _____ | <input type="checkbox"/> Use Permit (Commercial) _____ |
| <input type="checkbox"/> Environmental Assessment _____ | <input type="checkbox"/> Use Permit Amendment _____ |
| <input type="checkbox"/> Minor Exception _____ | <input type="checkbox"/> Variance _____ |
| <input type="checkbox"/> Subdivision (Map Deposit)4300 _____ | <input type="checkbox"/> Public Notification Fee / \$65 _____ |
| <input type="checkbox"/> Subdivision (Tentative Map) _____ | <input type="checkbox"/> Park/Rec Quimby Fee 4425 _____ |
| <input type="checkbox"/> Subdivision (Final) _____ | <input type="checkbox"/> Lot Merger/Adjustment/\$15 rec. fee _____ |
| <input type="checkbox"/> Subdivision (Lot Line Adjustment) _____ | <input type="checkbox"/> Other _____ |

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes _____ No _____ Date: _____ Fee: _____

Amount Due: \$ 465⁰⁰ (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

THORNTON STONE
Name

113 34TH PLACE
Mailing Address

PROPERTY IS DIRECTLY ACROSS THE STREET FROM MY PROPERTY
Applicant(s)/Appellant(s) Relationship to Property

THORNTON STONE (SCRE) 310-545-6510 / pattistone@scadrunner.com
Contact Person (include relation to applicant/appellant) Phone number / e-mail

113 34TH PLACE, MANHATTAN BEACH, CA 90266
Address,

[Signature] 310-545-6510
Applicant(s)/Appellant(s) Signature Phone number

Complete Project Description- including any demolition (attach additional pages if necessary)

APPEAL REQUESTING RESCINDING / DENYING APPROVAL OF BILLING PERMIT
FOR 3404 THE STRAND AND 3405 OCEAN DRIVE RESOURCES


¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

PAID
10-15-2010

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I/We THORNTON STONE being duly sworn,
depose and say that I am/we are the owner(s) of the property involved in this application and
that the foregoing statements and answers herein contained and the information herewith
submitted are in all respects true and correct to the best of my/our knowledge and belief(s).


Signature of Property Owner(s) – (Not Owner in Escrow or Lessee)

THORNTON STONE
Print Name

113 34TH PLACE, MANHATTAN BEACH, CA 90266
Mailing Address

310-545-6510
Telephone

Subscribed and sworn to before me,
this _____ day of _____, 20____
in and for the County of _____
State of _____

Notary Public

Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply – refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment.

Submitted Application (circle applicable fees, apply total to Fee Summary on application)

Coastal Development Permit

Filing Fee (public hearing – no other discretionary approval required): \$ 4,275
Filing Fee (public hearing – other discretionary approvals required): \$ 815
Filing Fee (no public hearing required): \$ 560

Use Permit

Use Permit Filing Fee: \$ 5,200
Master Use Permit Filing Fee: \$ 8,145
Amendment Filing Fee: \$ 4,730
Master Use Permit Conversion \$ 4,080

Variance

Filing Fee: \$ 4,925

Minor Exception

Filing Fee (with notice): \$ 1,095
Filing Fee (without notice): 547.50

Subdivision

Certificate of Compliance \$1,505
Final Parcel Map / Final Tract Map 585
Lot Line Adjustment or Merger of Parcels 1,010
Mapping Deposit (paid with Final Map application) 473
Quimby (Parks & Recreation) fee (per unit/lot) 1,817
Tentative Parcel Map (less than 4 lots / units) No Public Hearing 805
Tentative Parcel Map (less than 4 lots / units) Public Hearing 3,180**
Tentative Tract Map (more than 4 lots / units) 3,770**

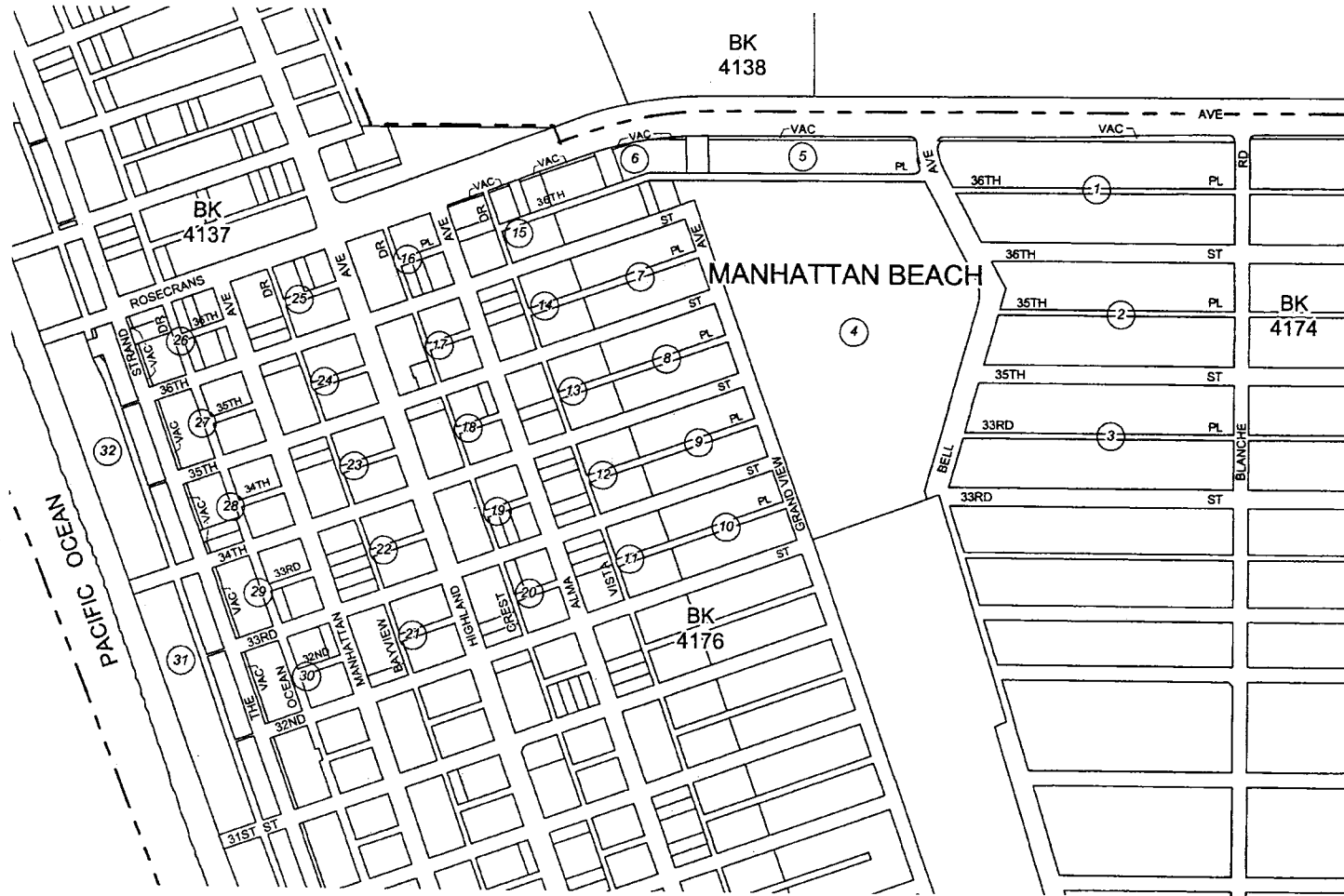
Environmental Review (contact Planning Division for applicable fee)

Environmental Assessment: \$ 215
Environmental Assessment (if Initial Study is prepared): \$ 2,210
Fish and Game County Clerk Fee²: \$ 75

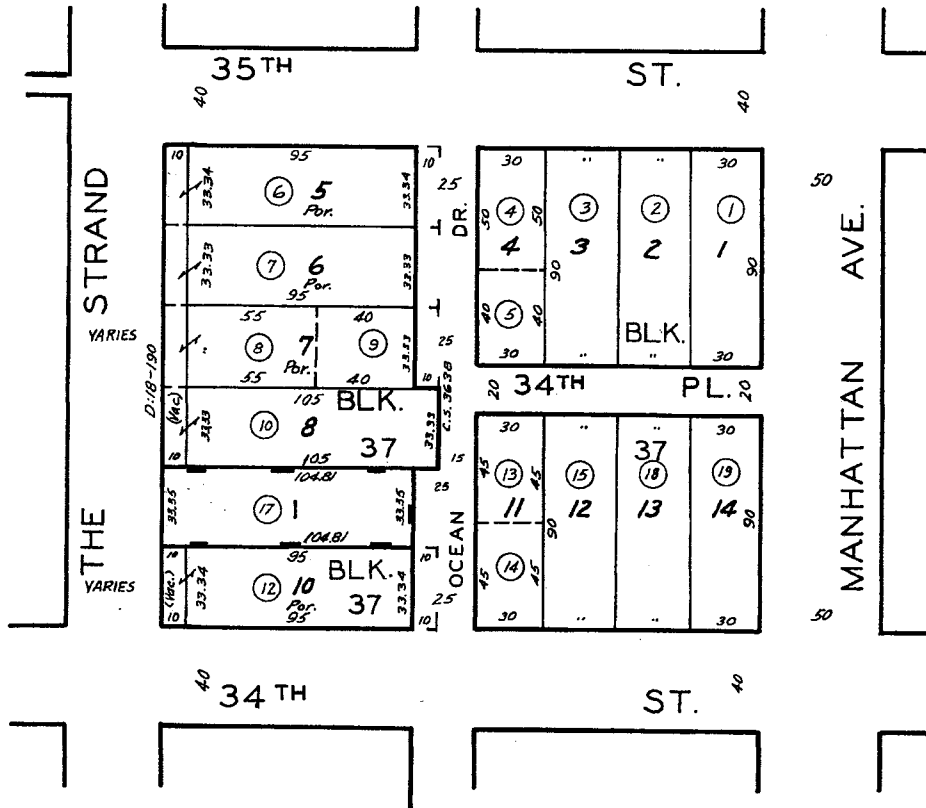
Public Notification Fee applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

² Make \$75 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)

2010



MAPPING AND GIS
SERVICES
SCALE 1" = 300'



PECK'S MANHATTAN BEACH
TRACT NO.2

M.B. 10 - 37

CONDOMINIUM
TRACT_NO_39368

M. B. 999 - 47 - 48

CODE
6174

FOR PREV. ASSMT. SEE: 1710-28

Thornton Stone
113 34th Place
Manhattan Beach, CA 90266
pattistone@roadrunner.com
October 14, 2010

Jim Fasola, Chairperson
Members, Manhattan Beach Planning Commission
City of Manhattan Beach City Hall
1400 Highland Avenue
Manhattan Beach, CA 90266

Subject: Appeal requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

Reference: Cover Letter and Notice 10-1-10.pdf

Dear Chairperson Fasola and Planning Commissioners:

I am writing in regards to the Reference document determination that was received via email on Friday, 2010-10-01 from the City of Manhattan Beach (MB) Community Development Department's Acting Director, Laurie Jester. This letter informed various interested parties of the city's decision to approve a Building Permit application for remodel of the two (2) structures at 3404 The Strand and 3405 Ocean Drive, which were proposed with an assertion of justification based on conforming to the "50% Rule" as defined by, and as relevant to, MBMC 10.68.030., *Alterations and enlargements of nonconforming uses and structures*, par. E.

Given that the statements and associated conclusions offered within the Reference letter are significantly in conflict with the actual facts and codes, and given that this proposed project as currently defined would do continued and ongoing harm to this neighborhood for years to come (stealing what would otherwise be equitably-apportioned volume and resultant unoccupied space allotted to individual houses and protected by the municipal code for the benefit of the community), I do hereby appeal to the Planning Commission on behalf of myself and with support from my neighbors who agree wholeheartedly with the request and basis of this appeal (please see Attachment-B, *Neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels*), to revise this assessment and thereby deny a building permit for the structures at this site unless plans for said remodel are modified to provide compliance with current code for the height of the 3405 Ocean Drive structure.

The below information, and as supplemented by information in Attachment-A, will establish that the planned remodel is not in compliance with requirements and must be brought into compliance:

1. Illegal nonconformities preclude protection of height as might otherwise be allowed by exception provisions within Manhattan Beach Municipal Code (MBMC) that address legal nonconformities;
2. Valuation is incorrectly established, and in accordance with both CA Building code direction and MB Building Department published valuation rates and descriptions should be substantially higher than 50% (as relates to MBMC 10.68.030.E); and
3. Per MBMC 10.68.030.E, the structure at 3405 Ocean Drive structure must be brought into compliance with current MBMC.

The following points justify rescinding/denying approval of the building permit:

I. Illegal nonconformities:

- Per MBMC 10.01.050, no provisions in the code shall legalize land uses or structures that were built or maintained in violation of a prior ordinance that was in effect at that time.

Reference – Per MBMC Section 10.01.050 - General rules for applicability of zoning regulations: *“J. Relation to Prior Ordinance. The provisions of this title supersede all prior zoning ordinances, as amended, of the City of Manhattan Beach, except that no provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the prior zoning ordinance, as amended, unless specifically authorized by this title.”*

- Per MBMC 10.104.010, any approval (e.g. building plan approval or final sign-off approval of a building permit) granted “in conflict with any provision of this title shall be void” (see Attachment-A section X)

Reference -- Per MBMC Section 10.104.010 - Permits, licenses, certificates, and approvals:

“All persons empowered by the City Code to grant permits, licenses, certificates, or other approvals shall comply with the provisions of this title and grant no permit, license, certificate, nor approval in conflict with said provisions. Any permit, license, certificate, or approval granted in conflict with any provision of this title shall be void.”

- Per MBMC 10.04.030 'non-conforming' is defined, and so limited to, addressing legal non-conforming structures and uses. Wherever nonconformities are addressed as allowable by exception those exceptions are limited to legal nonconformities, which is in keeping with MBMC 10.01.050 and MBMC 10.104.010. Accordingly, and as per MBMC 10.01.050, elements that were not legal when a structure was built are illegal nonconformities and are excluded from exceptions addressing 'nonconformities' described within the MBMC. If a structure was illegally over height when built and had no variance for that height, the height and structure were and remain illegal.

Reference -- Per MBMC Section 10.04.030 - Definitions

“Nonconforming Structure: A structure that was lawfully erected but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.

Nonconforming Use: A use of a structure or land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.”

Following are provisions in a number of MBMC codes (see Attachment-A) that allow height violations for 'nonconforming' height, but, in accordance with the definition and established limitation of the use of the term non-conforming with the planning ordinances, these codes are only applicable to legally non-conforming height violations, so shall not be used to allow exception for an illegally non-conforming height:

- MBMC 10.68.030.E - Alterations and enlargements of nonconforming uses and structures
- MBMC 10.68.030.E Exceptions No. 3 (*if only legal nonconforming because of height*) and No. 6 (*by minor exception approved as per MBMC 10.84*)
- MBMC 10.84.120 - Minor exceptions (*have conditions required for approval*)
- MBMC 10.60.050 - Measurement of height. Par C, Exceptions -- The Community Development Director may approve measuring height from finished grade elevation within five feet (5') of front or street side property lines for alterations and additions to preexisting structures which have height nonconformities under the procedures for granting minor exceptions established in Section 10.84.120.

When originally built in 1973, the structures at 3405 Ocean Drive and 3404 The Strand were illegally constructed in a number of respects because they were in significant violation of, and had no recorded variances for, then-applicable Manhattan Beach ordinances in at least the following ways:

- A. When assessed per the 1973 code-defined method of measuring height, the illegal building height for the 3405 Ocean Drive structure was approximately 31' 8", which was 1' 8" higher than then allowed (reportedly, per current requirements the structure is about 7 feet too high).
- B. Per the stated setbacks provided in the Reference letter, the illegal south side yard setbacks of 3'-2" for 3405 Ocean Drive and 3'-1" for 3404 The Strand were also in violation of 1973 code, which required minimum of 10% (3'-4") side-yard setbacks. Stair encroachment into side-yards (South for 3404 The Strand; north for 3405 Ocean Drive) reduced set-backs to approximately 0', which was not in accordance with allowable encroachments of side-yard stairs at the time, which required allowed encroachments to maintain a minimum two (2) feet clearance to the side-yard property line.
- C. The six car garages were a violation of code in 1973, so again, the 3405 Ocean Drive structure was in this respect originally constructed illegally.
- D. The encroachment of the 3405 Ocean Drive structure into the east (front yard) setback [stated in Reference letter as "East/rear setback (2' 2" at second and third stories, 5' minimum)"], violated the minimum height above the street property line intersection, again illegally.

The height of 3405 Ocean Drive violated the 1973-applicable zoning limit as established by the MBMC-defined (MB Ordinance 825, Section 215) method (hereinafter "1973 method") of height measurement. As per survey values in the currently submitted plans for 3404 The Strand and 3405 Ocean Drive (hereinafter referred to as "New Plans"), the 3405 Ocean Drive height per the 1973 method is 31' 8" (please see *Height calculations in Attachment-A, page 2*). In 1973 MBMC (Ordinance 825, Section 501) required a height limit of 30'. Therefore, the height of the 3405 Ocean Drive building was illegal by 1' 8" when originally constructed.

Further evidence that height and stair/landing side-yard encroachments were intentional violations rather than simple oversight can be seen by reviewing the 1973 plans for 3404 The Strand and 3405 Ocean Drive (hereinafter '1973 Plans') that contain a redlined sheet 10 of 15, on file with City of Manhattan Beach (plan fiche page 4; note that un-redlined version is plan fiche page 14 w/o handwritten notes), which has a large handwritten redlined note (see sketch in Figure 1 below), pointing to east and west elevations of the 3405 Ocean Drive structure that says, *Height must Comply With M.C.* (i.e. Height must comply with Municipal Code), and another pointing to the stairs in the north side-yard that says *2' clear to P/L Req'd* (i.e. two (2) feet clear to Property Line Required). Clearly building to legal height and maintaining the required two (2) feet clearance to the side-yard property lines were recognized as requirements and issues with this structure. It is readily apparent that this was a known defect that was not fixed by the original builder, who was obviously aware that the as-built height and stairs in the side-yards did not abide with the requirements and were significantly in violation of code.

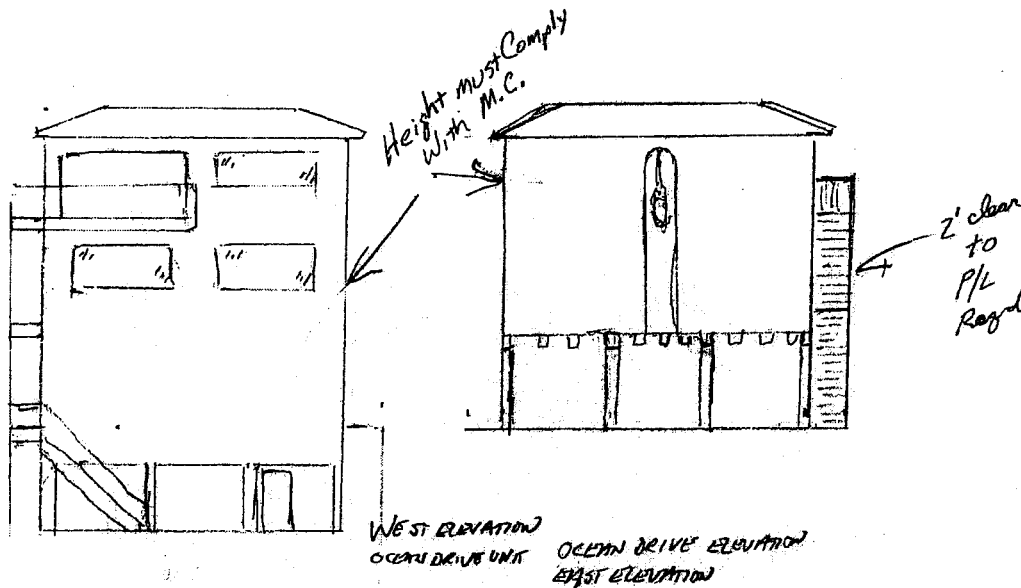


Figure 1 -- Sketch/copy of redlined east/west elevation views of 3405 Ocean Drive from 1973 Plans with notes "Height must Comply With M.C." and "2' clear to P/L Req'd"

II. Valuation above 50%, requiring compliance with current MBMC

The valuation provided in the Reference letter for the remodels of these two buildings has a number of notable flaws, both in its generation and application. Since this valuation establishes the basis for determining whether or not proposed remodels must make the buildings compliant with current code (as per MBMC 10.68.030.E), it is vitally important that they are appropriately generated and used.

As noted in the Reference letter, the 2007 California Building Code, Title 24, Appendix Chapter 1, Section 108.3, entitled 'Building permit valuations' provides that, "Final building permit valuation shall be set by the building official." However, it is important to interpret this sentence in context to the full paragraph of Section 108.3, wherein it is apparent that the valuation is intended by the State of California requirement to appropriately determine valuation reflecting the actual scope of work to be done; 108.3 also states, "Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems." (See Attachment-A Referenced 2007 California Building Code for full text of 108.3)

To comply with 108.3, noted above, Manhattan Beach, as do other municipalities, establishes valuation rates for remodels based on square footage of the area remodeled, the type of area remodeled (decks, garages, or living area), and the extent of work involved for any living area remodeled, currently differentiated in Manhattan Beach by "Standard Remodel" rates (\$80/sf) that are to be applied for remodeling "Kitchen, Bath, Etc" living areas and "Major Remodel" rates (\$140/sf) that are to be applied for living area remodeling with "New floor plan, drywall & stucco replacement". The current base rate for new construction and baseline valuation rate of existing construction is \$160/sf.

The remodels of 3404 The Strand and 3405 Ocean Drive are quite clearly not simple Kitchen or Bath remodels. Although I concur with Ms. Jester in her statement "The demolition included 100% of the interior of both structures," that is an understatement that neglects to mention the scope of all else that is included. The demolition also included removing all windows and virtually all doors, fireplace and chimney, considerable areas of stucco and portions of exterior walls and roof. Furthermore, as based on the plans, the demolition will be removing even more of the structure and rebuilding different structure, with new floor plans, new drywall, and various sections of new stucco. The following elements, when considered in combination, justify classifying much, if not all, of the proposed construction as Major Remodel square footage:

1. Demolition included 100% of the interior of both structures (concur); the original buildings are now mere shells;
2. All finish work was removed;
3. All drywall and/or plaster has been removed;
4. All insulation has been removed;
5. Virtually all plumbing, electrical, and HVAC have been removed (some illegal new plumbing installation has already commenced);
6. All windows were removed;
7. Virtually all doors were removed;
8. Major sections of inside and outside stairs were removed;
9. Fireplace and chimney were removed, leaving a three story gaping hole in the wall from foundation to roof of the 3404 The Strand structure, requiring new wall, roof structure, roofing, and new stucco;
10. Large sections of stucco were removed and will need to be replaced, including around windows and exterior doors;
11. Plans call for new floor plans in both buildings;
12. Plans call for walling up some window openings, which requires framing and stucco;
13. Plans call for cutting-in other windows into new locations in exterior walls, requiring new structural framing and stucco;
14. Various new framing and structure, including multiple stair structures, were removed and require replacement and/or upgrade (constituting virtually the same work to replace as would a "New floor plan");
15. The 3404 The Strand plans require framing new stairwell and reframing sections of 2nd and 3rd story floor structures; some new structure has already (illegally) been installed.

The valuation provided in the Reference letter inappropriately assigns Standard Remodel valuation for the entirety of the square footage of the two structures and does not assign any (not a single square foot!) as Major Remodel square footage despite a significant, if not predominant, portion of this proposed

reconstruction certainly meeting criteria that warrants classification as a Major Remodel. All elements described as the attributes of a Major Remodel are significantly present. Assigning ANY square footage as Major Remodel square footage makes the combined valuations of the two structures significantly in excess of 50% of the previous existing combined valuation and so requires bringing the buildings into compliance, per MBMC 10.68.030.E.

Assessment relative to valuation/cost to rebuild both existing structures:

Valuation to rebuild 3405 Ocean Drive	\$373,931.80	Valuation [1]
Valuation to rebuild 3404 The Strand	\$560,630.00	Valuation [2]
Valuation to rebuild both existing structures	\$934,561.80	Valuation [3] = sum [1]+ [2]
50% of valuation of both existing structures	\$467,280.90	= 0.5 x Valuation [3]
Valuation w/ 100% Std & 0% Major Remodel of both structures	\$467,287.92	\$7.02 greater than (>) 50%
Valuation w/ 90% Std & 10% Major Remodel of both structures	\$499,291.92	\$32,011 > 50%
Valuation w/ 90% Std & 25% Major Remodel of both structures	\$547,297.92	\$80,017 > 50%

Therefore, using appropriate valuation that appropriately accounts for Major Remodel square footage results in the valuation of the total proposed project being significantly greater than 50% of the valuation/cost of reconstructing the both nonconforming structures (even though 3404 The Strand is only minimally non-conforming).

As per the actual text of MBMC 10.68.030.E, if any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming.

Reference -- Per MBMC 10.68.030 - *Alterations and enlargements of nonconforming uses and structures*

“E If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.”

Existing 3404 The Strand non-conformities (see Attachment-A Reference Letter section “Existing Non-Conformities”) are minimal and have minimal impact on the community, and so it is not justifiable to assert that these non-conformities would ever justify demolishing/rebuilding this structure. A such, its inclusion in the 50% of the valuation/cost to replace the non-conforming structure(s) is inappropriate if the intent is to actually assess against that possibility – i.e. there is no reason to believe that this structure, solely by virtue of these discrepancies, would warrant complete replacement, so it should not be included in the 50% of valuation/cost of “reconstructing the entire nonconforming structure.” Following is a more appropriate assessment that relates the total proposed project valuation/costs against the valuation/cost of reconstructing the entire nonconforming 3405 Ocean Drive structure, which does have significant impact on the community and so warrants being made compliant.

Assessment relative to valuation/cost to rebuild only the 3405 Ocean Drive structure:

Valuation to rebuild 3405 Ocean Drive	\$373,931.80	Valuation [1]
50% of Valuation to rebuild 3405 Ocean Drive	\$186,965.90	= 0.5 x Valuation [1]
Valuation w/ 0% Major Remodel of both structures	\$467,287.92	\$280,322.02 > 50%
Valuation w/ 10% Major Remodel of both structures	\$499,291.92	\$312,326.02 > 50%
Valuation w/ 25% Major Remodel of both structures	\$547,297.92	\$360,332.02 > 50%

Therefore, using appropriate valuation applied in accordance with the requirements as stated in MBMC 10.68.030.E results in the valuation of the total proposed project being vastly greater than the valuation/cost of reconstructing the entire nonconforming 3405 Ocean Drive structure.

III. Summation

When considered per "reasonable man" principle, it is apparent when viewed from the street and adjacent properties that given the amount of demolition that has already taken place, this cannot be anything other than a Major Remodel in virtually all respects, which realization absolutely drives this project to requiring major remediation to make these structures compliant to current MB Municipal Codes.

When the structure at 3405 Ocean Drive is viewed from the street, it is overwhelmingly evident that this four story structure is grossly out of place in volume and height relative to its legally constructed neighbors. 3405 Ocean Drive is an eyesore of volume and space imposed as encumbrance that harms the entire neighborhood around and behind it, stealing from what would otherwise be the equitably-apportioned volume and resultant unoccupied space allotted to individual houses and protected by the municipal code. It is a stated intent of MBMC and a responsibility of our city government to equally apply standards that protect that space for all in our neighborhood to enjoy. It is not reasonable for any individual when performing such an extensive remodel to retain an illegally built structure (an illegal non-conformity that specifically results in the above-said detriment) and thereby greedily taking from the community what is not rightfully theirs, the open space provided for all.



Figure 2 – Picture of 3405 Ocean Drive, taken from that street, looking northwest, showing incongruity between this structure and its legally-built neighbors.

Based on the above information and on that in Attachment-A, I respectfully request that the Planning Commission consider this appeal on behalf myself, in order to protect my interests and the interests of our community, and so accordingly deny any building permit for the structures at 3404 The Strand and 3405 Ocean Drive that does not provide for compliance with current code, including height compliance.

Thank you for your help and service to our community.

Best Regards,



Thornton Stone

Attachments:

Attachment-A Details supporting appeal (by Thornton Stone) requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

Attachment-B Neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

ATTACHMENT C COVER LETTER AND NOTICE 10-1-10.pdf

Cc: Manhattan Beach City Council

Attachment-A

Details supporting appeal (by Thornton Stone) requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

This attachment provides an expansion in greater detail on the items noted in Subject appeal letter, addressing statements made in the Reference letter and providing supporting analyses, documentation, and photographs.

Attachment-A Table of Contents

<i>Page(s)</i>	<i>Item</i>
1	Attachment-A Table of Contents
2	Height Calculations
3	Analyses of apparent violations of code applicable in 1973
4-12	Annotated text/copy of Reference letter
13-22	Referenced MB Ordinances in effect ... in 1973 (<i>and photocopies</i>)
23-30	Referenced Current MBMC
31	Referenced 2007 California Building Code
32-40	Additional Photographs

Height Calculations

As per values provided in New Plans, the 3405 Ocean Drive height per 1973 method is either 31' 8" (per survey values) or 32' 10.5" (per elevation view dimensioned values) – either way it was in violation of 1973 MBMC. Additionally, if the dimensioned values (shown in B., below) are actually intended to reflect a planned new height, it would indicate an intention to illegally make the building even taller by 1' 2.5" beyond its already illegal height.

A. Height determined by the survey values on those same plans doesn't correspond to the above:

Per survey values provided in New Plans for 3405 Ocean Drive:

		<i>Elevation</i>	
Lowest elevation for 3405 Ocean Drive			
Footprint (at patio between structures)		86.89	
Garage		94.12	
“2 nd ” (actually 3 rd Story)		102.87	
“3 rd ” (actually 4 th Story)		111.87	
Ridgeline		122.19	
		<i>Height</i>	
Height east side	(=122.19 - 94.12)	= 28.07	28' ¾"
Height west side	(=122.19 - 86.89)	= 35.30	35' 3.6"
Difference	(=35.30- 28.07)	= 7.23	7' 2 ¾"
½ Difference	(=0.5 x 7.23)	= 3.615	3' 7-3/8"
Height per survey values	(=28.07 + 3.615)	= 31.685	31' 8" or 1' 8" too high
(= ½ Difference + Height east side)			

B. Calculations of height based on dimensioned heights of east and west ends (which define high and low points) elevation views:

Per dimensioned heights provided in new plans for 3405 Ocean Drive

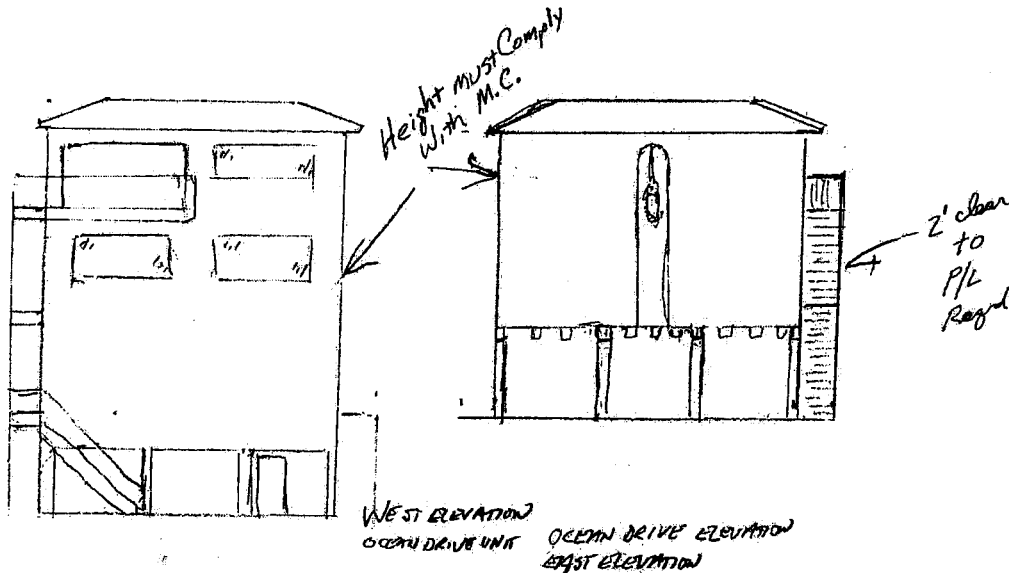
Height of west end (dimensioned value)		<i>Height</i>	
		37' 5"	
Height of east end (dimensioned value)		28' 4"	
Difference	(=37' 5"- 28' 4")	9' 1"	
½ Difference	(=0.5 x 9' 1")	4'6.5"	
Height above average elevation	(= 28' 4" + 4'6.5")	32'10.5" or 2'10.5" too high	

Analyses of apparent violations of code applicable in 1973

(1) The height of 3405 Ocean Drive violated the 1973-applicable zoning limit as established by the MBMC-defined (MB Ordinance 825, Section 215) method ("1973 method") of height measurement. As per survey values in the currently submitted plans for 3404 The Strand and 3405 Ocean Drive (hereinafter referred to as "New Plans"), the 3405 Ocean Drive height per the 1973 method is 31' 8". In 1973 MBMC (Ordinance 825, Section 501) required a height limit of 30'. Therefore, the height of the 3405 Ocean Drive building was illegal by 1' 8" when originally constructed.

(2) The 3405 Ocean Drive north side-yard setback extends approximately to the side-yard lot line (0" clearance), so is not minimal (there was a similar south side-yard discrepancy for the 3404 The Strand structure, but those stairs were demolished and there is no plan to replace them). As such, with regards to required side yard set backs, this building was constructed in direct violation of code section 503 and, notably, without relief for the stairs and landings from section 1413 (since clause "The following intrusions may project into any required yards, but in no case shall such intrusions extend more than three (3') feet into such required yards, provided such extension does not reduce the remaining yard to less than two (2)'" denies relief). Per review of MBMC redlined 1973 Plans, this was a known violation, and, since it has no variance, is illegal.

Further evidence that height and stair/landing side-yard encroachments were intentional violations rather than simple oversight can be seen by reviewing the 1973 plans for 3404 The Strand and 3405 Ocean Drive (hereinafter '1973 Plans') that contain a redlined sheet 10 of 15, on file with City of Manhattan Beach (plan fiche page 4; note that un-redlined version is plan fiche page 14 w/o handwritten notes), which has a large handwritten redlined note (see sketch in Figure 1 below), pointing to east and west elevations of the 3405 Ocean Drive structure that says, *Height must Comply With M.C.* (i.e. Height must comply with Municipal Code), and another pointing to the stairs in the north side-yard that says *2' clear to P/L Req'd* (i.e. two (2) feet clear to Property Line Required). Clearly building to legal height and maintaining the required two (2) feet clearance to the side-yard property lines were recognized as requirements and issues with this structure. It is readily apparent that this was a known defect that was not fixed by the original builder, who was obviously aware that the as-built height and stairs in the side-yards did not abide with the requirements and were significantly in violation of code.



Ref -- Figure 1 from Appeal Letter -- Sketch/copy of redlined east/west elevation views of 3405 Ocean Drive from 1973 Plans with notes "Height must Comply With M.C." and "2' clear to P/L Req'd"

(3) The 3405 Ocean Drive east side encroachment into the front yard set back extends well below the "eight (8') feet above the grade at the intersection of the property line and said street" requirement specified in this section; this encroachment starts at approximately 7' 6" above the intersection of the property line and said street, a direct violation of the code.

(4) In violation of Manhattan Beach Ordinance 825, Section 500, the 3405 Ocean Drive building (which is in an R-2 Zone) exceeds the maximum allowable capacity for garages; four (4) car spaces were allowed by code and there were 6 car spaces included in the garage on the property.

Annotated text/copy of Reference letter

Reference Letter

(Start Reference letter)

City of Manhattan Beach

Community Development

Phone: (310) 802-5500

FAX: (310) 802-5501

TDD: (310) 546-3501

October 1, 2010

NOTICE OF DECISION

The Department of Community Development has approved a Building Permit application for 3404 The Strand and 3405 Ocean Drive pursuant to Manhattan Beach Municipal Code Titles 9 and 10 and the 2007 California Building Code.

BACKGROUND

On January 22, 2010, a Building permit application was submitted to the Community Development Department for the remodel of an existing detached duplex. The two separate structures, each with one unit, were originally built in 1973 and are located on one property at 3404 The Strand and 3405 Ocean Drive. The Ocean Drive unit includes a six car garage which provides parking for both units.

Staff reviewed the plans and issued corrections on February 5, 2010. Upon the applicant's request, Staff issued a demolition permit on March 5, 2010 prior to building permit approval. Several neighboring residents subsequently contacted the City expressing concerns that the demolition was beyond the scope of the approved demolition plans. The Building Division issued a Stop Work order on June 24, 2010.

The scope of work on the approved demolition plans was not consistent with work performed in the field. The demolition included 100% of the interior of both structures. Staff subsequently requested additional information from the project architect, contractor, and home owner and conducted numerous site inspections. The applicant submitted a building inspection report dated February 20, 2009 from a private inspector which indicated that there was evidence of water damage in both structures. The general contractor stated that he continued demolition beyond the approved demolition plans as a result of the discovery of mold throughout the structure.

(Continued 1)

Comments:

1. Issuance of the permit for partial demolition without approved plans apparently violated MBMC and CA Building codes;
2. Commencement of framing and plumbing work installations without a building permit (Reference letter failed to mention this illegal work) was a violation of MBMC and CA Building codes, and any licensed contractor performing such work (if in the capacity of a hired contractor) performed such work in violation of CA laws.
3. Demolition, which was far beyond the scope of the unapproved plans that were provided as basis for demolition permit, was a violation of MBMC, and was not authorized work;
 - a. Since MBMC 10.80.010 states "No building, grading, or demolition permit shall be issued unless the Director of Community Development determines that each new or expanded use or structure complies with all of the requirements of the Municipal Code", and since no approved plans existed, issuance of the demolition permit was a violation and, per MBMC 10.104.010, any approval (e.g. demolition permit) granted shall be void; therefore, there was no legal authorization by the City of MB to demolish 100% of these buildings interiors (plus significantly more – see below);
 - b. The statement 'Evidence of water damage' does not constitute justification for complete interior demolition, but it does suggest that the roof system and/or stucco (part of the remaining post-illegal-demolition structures) may be in a compromised/deficient state;

Attachment-A Details supporting appeal (by Thornton Stone) requesting finding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

- c. Asserted 'discovery of mold throughout the structure' was apparently not documented by professionals licensed to perform such an assessment (e.g. Cal-EPA Registered Environmental Assessors) and does not necessarily constitute justification for complete interior demolition;
- d. The mark-up plans used as the basis to authorize partial demolition correlated to an earlier version of the New Plans that were never approved, but which correlated at that time to 26% to 29% remodels (per statements from the Community Development Department at that time). Based on the then-applicable valuation rates, this correlated to remodeling 40% to 45% of the existing living area. Therefore, unauthorized demolition occurred for 55% to 60% of the existing living area.
- e. Illegal demolition, beyond that authorized based on preliminary submitted plans (which showed 26% to 29% remodels), that included 100% of the interior of both structures (and more) was a consciously-made self-determined choice by the owners and/or their builder – they elected to completely gut them without appropriate demolition authorization and with no approved plans to rebuild them. Having done so, their starting-point for Existing Valuation is arguably from this point (adjusted for the portion for which they had authorization); these shells of two structures were put in that state of the owners and/or builders own volition and without legal authorization; the existing valuation of those shells (even if appropriately adjusted for an approximately 45% demolition portion for which they had authorization) is less than would be justifiable valuation of the serviceable structures that existed prior to commencement of illegal demolition and illegal construction. Note that valuation assessments below do not include this reduction in starting valuation, and even without that reduction show the project to be significantly in excess of a 50% remodel as pertains to requirements within MBMC 10.68.030.E.

Reference Letter (Continued 1)

Upon review, the Building Division determined that under the current building valuation (effective May 1, 2010), the project did not exceed 50% building valuation. Therefore, a Minor Exception, to retain a number of legal non-conformities, is not required for either structure.

(Continued 2)

Comments:

- 4. This part of the chronology fails to inform that the Community Development Department based this asserted 50% (tentative) valuation (which was only for the 3405 Ocean Drive structure; 3404 The Strand was over 50%) on an unjustifiable assumption that CA Building code could be violated and garage walls of the 3405 Ocean Drive structure, though stripped of plaster/drywall, could remain bare, in violation of CA Fire code requirements for exterior walls.
 - a. By this point in time, when it was realized the 26% to 29% remodels were bogus, and that revised valuations would be required, draft valuations based on newly revised drawings and then-applicable MB remodel valuation rates assessed each building separately (both were previously requested as stand-alone building permits),
 - b. Proposed remodel of 3404 The Strand was then tentatively valued at 56%, pending final plans;
 - c. Proposed remodel of 3405 Ocean Drive, when appropriate garage remodel rates were applied, would then tentatively have been valued at about 55%; it is apparently because of this turn of events that the applicant subsequently "withdrew the building permit application" (below).

BUILDING VALUATION DATA (EFFECTIVE 07/01/2008)

THE STRAND UNIT				OCEAN DR. UNIT											
		EXISTING VALUATION				REMODEL VALUATION				EXISTING VALUATION				REMODEL VALUATION	
APPENDAGE	AREA	VALUATION (EXISTING)	VALUE	APPENDAGE	AREA	VALUATION (REMODEL)	VALUE	APPENDAGE	AREA	VALUATION (EXISTING)	VALUE	APPENDAGE	AREA	VALUATION (REMODEL)	VALUE
3rd. FLOOR	1,129.0 SF	\$ 104.50	\$ 117,980.00	3rd. FLOOR	1,129.0 SF	\$ 59.00	\$ 66,611.00	3rd. FLOOR	907.0 SF	\$ 104.50	\$ 94,781.50	3rd. FLOOR	907.0 SF	\$ 59.00	\$ 53,513.00
2nd. FLOOR	1,128.0 SF	\$ 104.50	\$ 117,876.00	2nd. FLOOR	1,128.0 SF	\$ 59.00	\$ 66,552.00	2nd. FLOOR	1,020.0 SF	\$ 104.50	\$ 106,590.00	2nd. FLOOR	1,020.0 SF	\$ 59.00	\$ 60,180.00
1st. FLOOR	1,150.0 SF	\$ 104.50	\$ 120,175.00	1st. FLOOR	1,150.0 SF	\$ 59.00	\$ 67,850.00	GARAGE	980.0 SF	\$ 37.72	\$ 36,911.20	GARAGE	980.0 SF	\$ 59.00	\$ 57,820.00
DECKS	264.0 SF	\$ 38.56	\$ 10,179.84	DECKS	284.0 SF	\$ 19.28	\$ 5,086.92	DECK AREA	180.0 SF	\$ 38.56	\$ 6,940.80	DECK AREA	180.0 SF	\$ 10.28	\$ 1,850.40
		TOTAL : \$ 366,211.34				TOTAL : \$ 206,102.92				TOTAL : \$ 244,523.50				TOTAL : \$ 121,003.40	
(%) REMODEL/EXISTING = $\frac{206,102.92}{366,211.34} = 56.28\%$				(%) REMODEL/EXISTING = $\frac{121,003.40}{244,523.50} = 49.49\%$											

Figure 2 -- Tentative Valuation July 2010 (using valuation data effective 07/01/2008) reflecting assessment without drywall of garage walls – Draft provided by MB Associate Planner Esteban Danna

5. MB Community Development department, per statements and actions, has repeatedly appeared to have been partial towards the owners and/or builder and biased against protection of the rights and reasonable expectations of the surrounding community in their (the MB Community Development's) effort to justify allowing this project to go forward as not exceeding a "50% remodel" despite overwhelming evidence to the contrary:
- a. At this point in time, when it was evident that these building would not meet a sub-50% valuation, the MB Community Development department stated to me (and had apparently advised the owners) that if the proposed project did not qualify for the sub-50% valuation the owners could simply reapply and take advantage of the coincidentally-concurrent favorably-revised valuation rates (this would assume that the Building Department valuation would ignore their own published criteria and the obvious scope of the work); note that MBMC 9.01.050 allows extension of a plan review for a total time of 360 days (180 days + 180 day extension); clearly this path was chosen to manipulate the system and get around the required outcome of the previous valuations;
 - b. During the time-frame that all of this was occurring (from January 2010 to September 2010), the MB Community Development had revised the valuation rates and their application in a manner potentially favorable (if inappropriately manipulated) to these proposed projects, electing to split residential remodel rates into "Standard" and "Major" categories. These rates could now be manipulated to allow changing the intent and interpretation of MBMC 10.68.030E such that proposed projects that would not have met 50% remodel criteria, now might.
 - c. When informed and asked about illegalities in the original construction in 1973 (for these illegal features to have been made legal would have required approved variances for each), Ms Jester said that they (the original owners) had a permit, and the permit was 'finaled' [sic] (approved at completion) – implying that final signoff justified and made legal these illegal features – but she would not address or discuss that MBMC has no provisions to authorize a building official the authority to coin law themselves, and that her department has responsibility to uphold this code.

Reference Letter

(Continued 2)

On September 15, 2010, the applicant withdrew the building permit application. The applicant revised the plans to accurately reflect the scope of work for the project and submitted those plans to the City on September 29, 2010.

(Continued 3)

Comments:

- 6. MBMC 10.68.030E., which is a code that establishes the point at which the remodeling of structures is significant enough to warrant bringing all the structures on the site into conformity. The intent of this code should not be manipulated so as to change its intent and application by revision of valuation ratios and methodology performed by the MB Community Development as apparently has happened here. Please see further comments below regarding valuation.
- 7. Considering the timeline of events, since, in an apparent attempt to manipulate the system to avoid the obvious conclusion regarding exceeding a "50% Remodel", the applicant withdrew their building permit applications filed in January 2010. Since they withdrew those applications after having had already performed illegal demolition of significant portions of their buildings, the starting point for making a valuation for the newly requested permit is the state the buildings are in currently, not the state they were in prior to the previous permits being requested.

Reference Letter

(Continued 3)

DISCUSSION

Manhattan Beach Municipal Code (MBMC) Section 10.68.030E requires that if the total estimated construction cost for any non-conforming structure exceeds 50% of the existing building valuation all structures on the site must be brought into conformance with the current zoning code. Exceptions to this section include one non-conforming front or interior side yard (a 3 foot minimum clearance must be maintained), street side yard, rear yard adjacent to a public Street or alley, or when an existing structure is over height as a result of previous methods used to measure height. MBMC Section 10.68.030E allows these non-conformities to remain even if the project exceeds 50% building valuation.

(Continued 4)

Comments:

8. The above Reference letter paraphrase of 10.68.030E is inaccurate and misleading.
 - a. What 10.68.030E actually says is, "If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees."
 - b. A more accurate paraphrase is that if any structure (or structures) on a site is/are non-conforming (height, yards, etc.), and if valuation of all proposed alterations to all structures exceed 50% of the valuation/cost to replace the offending structure (or structures), then no alterations are allowed unless they will also fix these (height, yards, etc.) non-conformities. This is pertinent because the 3404 The Strand non-conformities are small and have insignificant effect on the surrounding community – open space, deck length, and a 3" side-yard violation all have minimal impact to the community and so likely warrant exception or variance. However, 3405 Ocean Drive has violations, predominantly the illegal height non-conformity, that do significantly impact the surrounding community and which absolutely warrant remediation. When total valuation is assessed against only 50% of the valuation/cost to replace 3405 Ocean Drive, the difference is enormous.
 - c. However, even without assessing valuation against just the 50% of the valuation/cost of replacing 3405 Ocean Drive, (i.e. if applying criteria as valuation/cost to replace 50% of the total valuation of both buildings), when appropriately applied, reflecting correct apportionment of Standard and Major Remodel square footage, valuation still significantly exceeds 50% – see below for further details.

Reference Letter

(Continued 4)

Valuation Analysis

Building permits issued by the City are assigned a total estimated construction cost based on the type and square footage of the proposed work. These are standard costs used by municipalities, which are periodically updated, and do not always reflect actual construction costs. The Building Official updated the building valuation numbers Citywide to be consistent with similar cities on May 1, of 2010. These were previously updated on July 1, 2008. These construction values are used to determine the cost of a building permit and to estimate the amount of work proposed relative to what is existing. These valuation figures are specific to the type of use of an area such as living area, garage area, or deck area. The Building Official is responsible for determining these values pursuant to the 2007 California Building Code, Appendix Chapter 1, Section 108.3. This section states: "Final building permit valuation shall be set by the building official."

(Continued 5)

Comments:

9. The valuation provided in the Reference letter for the remodels of these two buildings has a number of notable flaws, both in its generation and application. Since this valuation establishes the basis for determining whether or not proposed remodels must make the buildings compliant with current code (as per MBMC 10.68.030.E), it is vitally important that they are appropriately generated and used.
10. As noted, the 2007 California Building Code, Title 24, Appendix Chapter 1, Section 108.3, entitled 'Building permit valuations' provides that, "Final building permit valuation shall be set by the building official." However, it is important to interpret this sentence in context to the full paragraph of Section 108.3, wherein it is apparent that the valuation is intended by the State of California requirement to appropriately determine valuation reflecting the actual scope of work to be done; 108.3 also states (see Referenced 2007 California

Attachment-A Details supporting appeal (by Thornton Stone) requesting [redacted] [redacted] approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

Building Code below for complete text), "Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems."

- a. *To comply with 108.3, noted above, Manhattan Beach (as do other municipalities) establishes valuation rates for remodels based on square footage of the area remodeled, the type of area remodeled (decks, garages, or living area), and the extent of work involved for any living area remodeled, currently differentiated in Manhattan Beach by "Standard Remodel" rates (\$80/sf) that are to be applied for remodeling "Kitchen, Bath, Etc" living areas and "Major Remodel" rates (\$140/sf) that are to be applied for living area remodeling with "New floor plan, drywall & stucco replacement". The current base rate for new construction and baseline valuation rate of existing construction is \$160/sf.*
11. *The remodels of 3404 The Strand and 3405 Ocean Drive are quite clearly not simple Kitchen or Bath remodels. Although I concur with Ms. Jester in her statement "The demolition included 100% of the interior of both structures," that is an understatement that neglects to mention or reflect the scope of all else that is included. The demolition also included removing all windows and virtually all doors, fireplace and chimney, considerable areas of stucco and portions of exterior walls and roof. Furthermore, as based on the plans, the demolition will be removing even more of the structure and rebuilding different structure, with new floor plans, new drywall, and various sections of new stucco. The following elements, when considered in combination, justify classifying much, if not all, of the proposed construction as Major Remodel square footage:*
- a. *Demolition included 100% of the interior of both structures (concur); the original buildings are now mere shells;*
 - b. *All finish work was removed;*
 - c. *All drywall and/or plaster has been removed;*
 - d. *All insulation has been removed;*
 - e. *Virtually all plumbing, electrical, and HVAC have been removed (some illegal new plumbing installation has already commenced);*
 - f. *All windows were removed;*
 - g. *Virtually all doors were removed;*
 - h. *Major sections of inside and outside stairs were removed;*
 - i. *Fireplace and chimney were removed, leaving a three story gaping hole in the wall from foundation to roof of the 3404 The Strand structure, requiring new wall, roof structure, roofing, and new stucco;*
 - j. *Large sections of stucco were removed and will need to be replaced, including around windows and exterior doors;*
 - k. *Plans call for new floor plans in both buildings;*
 - l. *Plans call for walling up some window openings, which requires framing and stucco;*
 - m. *Plans call for cutting-in other windows into new locations in exterior walls, requiring new structural framing and stucco;*
 - n. *Various new framing and structure, including multiple stair structures, were removed and require replacement and/or upgrade (constituting virtually the same work to replace as would a "New floor plan");*
 - o. *The 3404 The Strand plans require framing new stairwell and reframing sections of 2nd and 3rd story floor structures; some new structure has already (illegally) been installed.*

Reference Letter

(Continued 5)

The project does not exceed the 50% valuation under the current building valuation figures. Thus, pursuant to MBMC 10.68.030E, the applicant is not required to address the existing legal nonconformities on the property.

Building Valuation (Effective 05/01/2010)				
Existing Values per Square Feet (both, structures)				
Type	Value	Square Feet	Total	
Floor Area	\$160.00	5,334	\$853,440.00	
Garage	\$57.33	960	\$55,036.80	
Decks	\$58.75	444	\$26,085.00	
Total Existing Valuation			\$934,561.80	
Proposed Values per Square Feet (both structures)				
Type	Value	Square Feet		Project Percentage
Remodel Floor Area	\$80.00	5,334	\$426,720.00	
Remodel Garage	\$28.67	960	\$27,523.20	
Remodel Decks	\$29.38	444	\$13,044.72	
Total Proposed Valuation			\$467,287.92	50.00

(Continued 6)

Comments:

- The valuation provided in the Reference letter inappropriately assigns Standard Remodel valuation for the entirety of the square footage of the two structures and does not assign any (not a single square foot!) as Major Remodel square footage despite a significant, if not predominant, portion of this proposed reconstruction certainly meeting criteria that warrants classification as a Major Remodel. All elements described as the attributes of a Major Remodel are significantly present. Assigning ANY square footage as Major Remodel square footage makes the combined valuations of the two structures in excess of 50% of the previous existing combined valuation and so requires bringing the buildings into compliance, per MBMC 10.68.030.E.

Assessment relative to valuation/cost to rebuild both existing structures:

Valuation to rebuild 3405 Ocean Drive	\$373,931.80	Valuation [1]
Valuation to rebuild 3404 The Strand	\$560,630.00	Valuation [2]
Valuation to rebuild both existing structures	\$934,561.80	Valuation [3] = sum [1]+ [2]
50% of valuation of both existing structures	\$467,280.90	= 0.5 x Valuation [3]
Valuation w/ 100% Std & 0% Major Remodel of both structures	\$467,287.92	\$7.02 greater than (>) 50%
Valuation w/ 90% Std & 10% Major Remodel of both structures	\$499,291.92	\$32,011 > 50%
Valuation w/ 90% Std & 25% Major Remodel of both structures	\$547,297.92	\$80,017 > 50%

Therefore, using appropriate valuation that appropriately accounts for Major Remodel square footage results in the valuation of the total proposed project being significantly greater than 50% of the valuation/cost of reconstructing the both nonconforming structures (even though 3404 The Strand is only minimally non-conforming).

- As per the actual text of MBMC 10.68.030.E, if any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming.

Attachment Details supporting appeal (by Thornton Stone) requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

The 3404 The Strand existing non-conformities (see next Reference Letter section "Existing Non-Conformities", below) are minimal and have minimal impact on the community, and so it is not justifiable to assert that these non-conformities would ever justify demolishing/rebuilding this structure. A such, its inclusion in the 50% of the valuation/cost to replace the non-conforming structure(s) is inappropriate if the intent is to actually assess against that possibility – i.e. there is no reason to believe that this structure, solely by virtue of these discrepancies, would warrant complete replacement, so it should not be included in the 50% of valuation/cost of "reconstructing the entire nonconforming structure." Following is a more appropriate assessment that relates the total proposed project valuation/costs against the valuation/cost of reconstructing the entire nonconforming 3405 Ocean Drive structure, which does have significant impact on the community.

Assessment relative to valuation/cost to rebuild only the 3405 Ocean Drive structure:

Valuation to rebuild 3405 Ocean Drive	\$373,931.80	Valuation [1]
50% of Valuation to rebuild 3405 Ocean Drive	\$186,965.90	= 0.5 x Valuation [1]
Valuation w/ 0% Major Remodel of both structures	\$467,287.92	\$280,322.02 > 50%
Valuation w/ 10% Major Remodel of both structures	\$499,291.92	\$312,326.02 > 50%
Valuation w/ 25% Major Remodel of both structures	\$547,297.92	\$360,332.02 > 50%

Therefore, using appropriate valuation applied in accordance with the requirements as stated in MBMC 10.68.030.E results in the valuation of the total proposed project being vastly greater than the valuation/cost of reconstructing the entire nonconforming 3405 Ocean Drive structure.

Reference Letter

(Continued 6)

Existing Non-Conformities

The existing structures on the site were legally constructed under permit number 93304 issued on February 22, 1973. Zoning Code requirements have changed and therefore there are a number of existing legal non-conformities for each structure as follows:

3404 The Strand

- South side 'setback (3' 1" existing, 3' 4" minimum).
- Open space (245.28 square feet existing, 511 square feet minimum)
- Deck projection length per level (28' 8" existing, 17' 10" maximum)

These non-conformities are typical of older structures in the City.

3405 Ocean Drive

- Height (122' 2" existing, 115' 11 2" maximum 7'1 2" above the maximum)
- Number of stories (four-stories existing, three story maximum)
- South side setback (3' 2" existing, 3' 4" minimum)
- North side setback (access stairs to front door and third story required exit)
- East/rear setback (2' 2" at second and third stories, 5' minimum)
- Open Space (257.28 square feet existing, 289 square feet minimum)

(Continued 7)

Comments:

14. The height noted for the 3405 Ocean Drive structure (which height references a lot 4-cormer average elevation datum arbitrarily established at 85.13' elevation) is 37' ½" above that 85.13' reference datum, or 7' ½" too high, as per the currently-applicable height measurement method.
15. When originally constructed the height was 31' 8" above the then-applicable reference elevation for this building (established by code as the two-point average of the high and low elevations of the building footprint), or 1' 8" too high. This illegal height non-conformity is evidenced as having been known (it was not inadvertent); a redlined note appears in the City's records, pointing it out. As per MBMC, final sign-off of the building permit did not make this illegal height non-conformity legal. It was and remains illegal. Ms. Jester's assertion that, "existing structures on the site were legally constructed" is in error, because no variance justified, and the final-sign-off signatory had no authority to convey, legal authority for this illegal height non-conformance.
16. I concur that 3405 Ocean Drive has four (4) stories, which is not in accordance with current MBMC. This can be remedied by removal of the fourth story.

Attachment-A Details [redacted] reporting appeal (by Thornton Stone) requesting [redacted] binding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

17. The 3405 Ocean Drive 2" south side-yard setback discrepancy, as with the similar issue noted with 3404 The Strand, is minimal, and I believe has small impact on the community.
18. The 3405 Ocean Drive north side-yard setback extends approximately to the side-yard lot line (0" clearance), so is not minimal (there was a similar south side-yard discrepancy for the 3404 The Strand structure, but those stairs were demolished and there is no plan to replace them). Per review of MBMC redlined 1973 Plans, this was a known violation and, since it has no variance, is illegal. These 3405 Ocean Drive stairs could be moved inside the building perimeter; given that the stairs have already been torn off, and all that remains are landings that will also be torn off to meet fire code, there should be minimal cost difference to rebuild the entry stairs within the required building boundaries. There is a space and volume consequence to leaving these stairs in the side yard.
19. The 3405 Ocean Drive east/front-yard setback, reportedly 2' 2", violates current MBMC, but furthermore, because it was built too low (required 8' clearance above the intersection of the property and the adjacent street; only about 7' 6" were provided), was also an illegal non-conformity, and so not subject to allowance by exceptions available to legal non-conformities.
20. Note that the illegal height nonconformity is not typical of structures on the Strand – nor was it noted as such in the Reference letter. As is apparent from review of The Strand and Strand-side of Ocean Drive structures in the vicinity, the 3405 Ocean Drive structure stands out as significantly atypical (see photos).

Reference Letter

(Continued 7)

At the time of permit application in 1973 the method of height measurement was different than the method currently used. MBMC Section 10.68.030E allows an exception to the non-conforming height of structures, regardless of building valuation, if the reason for the excess height is due to the method under which the structure was measured, as is the case with this structure. The height measurement methodology was revised in 1991 as part of the Zoning Ordinance Revision Program (ZORP).

The structure's lowest level of the four stories is used as storage closet located beneath the garage level. It is only accessible through a six-foot high door adjacent to the courtyard that separates the two structures, it is not livable floor area, and it does not have any windows.

(Continued 8)

Comments:

21. The method of height measurement in 1973 is well understood, completely unambiguous, and well-documented; per Ordinance 825 (applicable in 1973):
 - a. Section 215. BUILDING HEIGHT. "Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the highest point of the structure.
 - b. Section 501. HEIGHT. In the R-2 Zone no building shall exceed a height of thirty (30) feet.
 - c. 3405 Ocean Drive has a height of 31' 8", as per the above 1973 method; this violated the then-applicable height requirement by 1' 8", so this was an illegal non-conformance.
22. MBMC Section 10.68.030E allows an exception for legal non-conforming height; 3405 Ocean Drive has an illegal height non-conformity and so this noted exception (and others within MBMC that similarly address legal non-conforming height violations) does not apply.
23. As noted, the current, post-ZORP, method of measuring height has been in effect for about 20 years. This shows the stability of that decision and reflects the desire of the community for a fair and common standard.
24. While the 1st story of the 3405 Ocean Drive structure is likely best-suited for storage, it is none-the-less still considered a story, which makes this a four-story building, as Ms Jester previously noted in the Reference letter; current MBMC only allows three (3) stories.

Reference Letter

(Continued 8)

CONCLUSION

The proposed scope of work for the project located at 3404 The Strand and 3405 Ocean Drive does not exceed 50% in building valuation. Therefore, the non-conforming portions of the buildings may remain. Furthermore, a Minor Exception for this project is not required since it does not exceed 50% building valuation, does not propose to alter any non-conforming portion of the structure except life-safety features as required by the Building Division, and there is no increase in the discrepancy between existing conditions and current Zoning Code standards.

APPEALS

Pursuant to MBMC Section 10.100, the decision of the Community Development Director may be appealed to the Planning Commission within fifteen (15) working days following the action. The necessary appeal forms and procedures will be provided upon request. Appeals shall be accompanied by a fee in the amount of \$465.

Additional information may be obtained by contacting Esteban Danna, project planner at (310) 802- 5514 or edanna@citymb.info.

(Original signed by Laurie Jester)

LAURIE B. JESTER /
Acting Director of Community Development
Date: October 1, 2010

City Hall Address: 1400 Highland Avenue, Manhattan Beach, CA 90266
Visit the City of Manhattan Beach web site at <http://www.citymb.info>

(End Reference letter)

Comments:

25. *The conclusions stated by Ms. Jester in the Reference letter are based on flawed analysis, improper application of the MBMC, and are to the detriment of the community. An unbiased analysis and review will lead to the conclusion that the 3405 Ocean Drive structure was originally built to an illegal height of (per then-applicable method) 31' 8"; that current demolition and plans for reconstructing the two buildings on the site have combined valuation far exceeding 50% of the valuation/cost to replace the 3405 Ocean Drive structure, or, for that matter, significantly exceeding 50% of the valuation/cost to replace both structures. As such, the decision should be revised, requiring these structures be largely brought into compliance. I believe that the minimal 2" to 3" side-yard discrepancies warrant exception or variance, as might open space deficiencies, but that the major infractions should be brought into conformity.*

Referenced MB Ordinances in effect when 3404 The Strand and 3405 Ocean Drive were built in 1973 (Photo-copies of the below-referenced sections of said zoning are immediately following)

(1) Height

Per Manhattan Beach Ordinance 825

Section 215. BUILDING HEIGHT. "Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the highest point of the structure.

Section 501. HEIGHT. In the R-2 Zone no building shall exceed a height of thirty (30) feet.

(2) Side yards and (3) Front yard encroachment

Per Manhattan Beach Ordinance 825:

Section 502. FRONT YARD. Every lot in the R-2 Zone shall have a front yard as follows:

...

(3) In Area District III, not less than five (5) feet.

Section 503. SIDE YARDS. In the R-2 Zone every lot shall have side yards as follows:

(1) ...

(2) In Area District III:

(a) Interior lots shall have a side yard on each side of the lot with a width equal to ten percent (10%) of the width of the lot, but shall never be less than three (3) feet and need not be more than five (5) feet.

...

Per Manhattan Beach Ordinance 825, as amended by Ordinance 852, and subsequently amended by Ordinance 1110:

Title 10, Chapter 3, Article 14, Section 10-3,
1413 Permitted Intrusions into Required Yards

The following intrusions may project into any required yards, but in no case shall such intrusions extend more than three (3') feet into such required yards, provided such extension does not reduce the remaining yard to less than two (2'); providing further that where the required yard is adjacent to a public alley or street at the rear of the parcel or lot, balconies or overhanging upper stories may not project more than three (3') feet over such yards, provided that no portion of such overhanging construction shall be less than eight (8') feet above the grade at the intersection of the property line and said street or alley; provided further that there be no overhead beams between the wall and the house and that one "return" be permitted, but not two.

...

(c) Stairways, balconies and fire escapes, except that in Area District 3 an open unenclosed stairway with open risers shall be permitted to occupy one side yard per building site;

...

(4) Garage capacity

Manhattan Beach Ordinance 825:

SECTION 400. PERMITTED USES. In an R-1 Zone the following uses only are permitted and as hereinafter specifically provided and allowed by this Article, subject to the general provisions and exceptions set forth in this ordinance beginning with article 13.

(1) One-family dwellings.

Attachment Details supporting appeal (by Thornton Stone requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

- (2) Accessory buildings and structures, including private garages to accommodate not more than three (3) cars.
- (3) ...

SECTION 500. PERMITTED USES. In the R-2 Zone the following uses only are permitted and as hereinafter specifically provided and allowed by this Article subject to the general provisions and exceptions set forth in this ordinance beginning with article 13.

- (1) Any use permitted in the R-1 single-family zone, and under the same conditions prescribed therein except that the dimensions of required yards as set forth in this zone shall apply, and the capacity of garages shall be limited to four (4) cars.
- (2) Two-family dwellings.
- (3) ...

Copies of above-referenced ordinance sections:

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ORDINANCE NO. 825

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ESTABLISHING ZONES IN SAID CITY OF MANHATTAN BEACH AND THEREIN REGULATING THE USE OF LAND, HEIGHT OF BUILDINGS AND YARD SPACES; ESTABLISHING AREA DISTRICTS; PROVIDING FOR THE ADOPTION OF MAPS SHOWING THE BOUNDARIES OF SAID ZONES AND AREA DISTRICTS; PROVIDING FOR ITS ADJUSTMENT, AMENDMENT AND ENFORCEMENT; PRESCRIBING PENALTIES FOR VIOLATIONS AND REPEALING ORDINANCE NO. 502 OF SAID CITY AND ALL AMENDMENTS THEREOF.

The City Council of the City of Manhattan Beach, California, does ordain as follows:

ARTICLE 1

DECLARATION OF PURPOSE

SECTION 100. PURPOSE OF ORDINANCE. An Official Land-Use Plan for the City of Manhattan Beach, California, is hereby adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.

SECTION 101. NAME OF ORDINANCE. This ordinance shall be known as "The Comprehensive Zoning Ordinance".

ARTICLE 2

DEFINITIONS

SECTION 200. PROVISIONS NOT AFFECTED BY HEADINGS. Article and Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

SECTION 201. TENSES. The present tense includes the future, and the future the present.

1 SECTION 215. BUILDING HEIGHT. "Building height" means
2 the vertical distance measured from the average level of the highest
3 and lowest point of that portion of the building-site covered by
4 the building to the highest point of the structure.

5 SECTION 216. BUILDING, MAIN. "Main building" means the
6 principal building on a lot or building-site designed or used to
7 accommodate the primary use to which the premises are devoted; where
8 a permissible use involves more than one structure designed or used
9 for the primary purpose, as in the case of group houses, each such
10 permissible building on one lot as defined by this ordinance shall
11 be construed as comprising a main building.

12 SECTION 217. BUILDING-SITE. "Building-site" means (a) the
13 ground area of one (1) lot or (b) the ground area of two (2) or
14 more lots when used in combination for a building or group of
15 buildings, together with all open spaces as required by this ordinance.

16 SECTION 218. BUSINESS OR COMMERCE. "Business" or
17 "commerce" means the purchase, sale or other transaction involving
18 the handling or disposition of any article, service, substance or
19 commodity for livelihood or profit; or the management of office
20 buildings, offices, recreational or amusement enterprises; or the
21 maintenance and use of offices, structures and premises by pro-
22 fessions and trades rendering services.

23 SECTION 219. CELLAR. "Cellar" means that portion of a
24 building between floor and ceiling which is wholly or partly below
25 grade and so located that the vertical distance from the grade to
26 the floor below is equal to or greater than the vertical distance
27 from grade to ceiling.

28 SECTION 220. CHURCH. "Church" as used in this ordinance
29 shall mean an establishment the principal purpose of which is
30 religious worship and for which the principal structure contains
31 the sanctuary, and including accessory uses in the main structure
32 or in separate buildings, including Sunday School rooms, assembly

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ARTICLE 4

R - 1 ONE-FAMILY RESIDENTIAL ZONE (R-1 ZONE)

SECTION 400. PERMITTED USES. In an R-1 Zone the following uses only are permitted, and as hereinafter specifically provided and allowed by this Article, subject to the general provisions and exceptions set forth in this ordinance beginning with Article 13.

(1) One-family dwellings.

(2) Accessory buildings and structures, including private garages to accommodate not more than three (3) cars.

(3) Churches, provided the following conditions are conformed to:

(a) The depth of the required front yard shall be the same as that required in the zone and area district in which it is located.

(b) Limitations on lot coverage need not apply.

(c) Buildings and structures on the site shall not be closer than twenty-five (25) feet to any property line constituting the boundary of the site, except that a detached one-family dwelling on such site shall conform to the yard requirements and required distance between buildings as prescribed in the zone and area district in which the site is located.

(d) No portion of any building or structure shall exceed a height of thirty (30) feet as measured from the average of the finished ground level at the center of all walls, except that steeples or other architectural features containing no floor space may exceed such height limit.

(e) A five (5) foot masonry wall shall be constructed and maintained on any property lines adjoining residential property, provided such wall shall not extend into any required front yard, and such walls may be built progressively as the site is improved.

(f) All off-street parking requirements shall be conformed to, except that on interior lots the required side yards may be used to provide off-street parking areas and, on corner lots, the interior

1 ARTICLE 5

2 R - 2 TWO-FAMILY RESIDENTIAL ZONE (R-2 ZONE)

3 SECTION 500. PERMITTED USES. In the R-2 Zone the following
4 uses only are permitted and as hereinafter specifically provided
5 and allowed by this Article subject to the general provisions and
6 exceptions set forth in this ordinance beginning with Article 13.

7 (1) Any use permitted in the R-1 single-family zone, and
8 under the same conditions prescribed therein except that the
9 dimensions of required yards as set forth in this zone shall apply,
10 and the capacity of garages shall be limited to four (4) cars.

11 (2) Two-family dwellings.

12 (3) Three-family or a four-family dwelling when the side line
13 of the lot abuts lots zoned for C-1, C-2, C-m, M-1 and M-2, but in
14 no case shall the property used for such three or four family
15 dwelling consist of more than one (1) lot or be more than sixty (60)
16 feet in width, whichever is the least.

17 (4) Foster family day care homes.

18 (5) See Unclassified Uses, Article 12.

19 SECTION 501. HEIGHT. In the R-2 Zone no building shall
20 exceed a height of thirty (30) feet.

21 SECTION 502. FRONT YARD. Every lot in the R-2 Zone shall
22 have a front yard as follows:

23 (1) Area District I, not less than twenty (20) feet.

24 (2) Area District II, not less than twenty (20) feet.

25 (3) Area District III, not less than five (5) feet.

26 SECTION 503. SIDE YARDS. In the R-2 Zone every lot shall
27 have side yards as follows:

28 (1) In Area Districts I and II.

29 (a) Interior lots and corner lots shall have a side yard
30 on each side of the lot with a width equal to ten per cent (10%) of
31 the width of the lot, but shall never be less than three (3) feet
32 and need not be more than five (5) feet.

1 ordinance, shall relate to the future street boundaries as deter-
2 mined by said precise plans.

3 This section does not require a yard of such width or depth
4 as to reduce the buildable width of a corner lot to less than forty
5 (40) feet.

6 SECTION 1409. MEASUREMENT OF FRONT YARDS. Front yard
7 requirements shall be measured from the front property line or the
8 indicated edge of a street for which a precise plan exists.

9 SECTION 1410. VISION CLEARANCE, CORNER AND REVERSED CORNER
10 LOTS. All corner lots and reversed corner lots subject to yard
11 requirements shall maintain for safety vision purposes a triangular
12 area one angle of which shall be formed by the front and side lot
13 lines separating the lot from the streets, and the sides of such
14 triangle forming the corner angle shall each be fifteen (15) feet in
15 length, measured from the aforementioned angle. The third side of
16 said triangle shall be a straight line connecting the last two
17 mentioned points which are distant fifteen (15) feet from the inter-
18 section of the lot front and side lines, and within the area com-
19 prising said triangle no tree shall be allowed, nor any fence, shrub
20 or other physical obstruction higher than forty-two (42) inches
21 above the established grade shall be permitted.

22 SECTION 1411. FRONT AND SIDE YARDS NOT REQUIRED FOR DWELL-
23 INGS AND APARTMENTS ABOVE STORES. Front and side yard requirements
24 shall not be applicable to dwellings and apartments erected above
25 stores.

26 SECTION 1412. PERMITTED INTRUSIONS INTO REQUIRED YARDS.
27 The following intrusions may project into any required yards, but
28 in no case shall such intrusions extend more than two (2) feet into
29 such required yards, provided such extension does not reduce the
30 remaining side yard to less than two (2) feet.

31 (1) Cornices, eaves, belt courses, sills, buttresses or
32 other similar architectural features.

1 (2) Fireplace structures not wider than eight (8) feet
2 measured in the general direction of the wall of which it is a part.

3 (3) Stairways, balconies and fire escapes; except that in
4 Area District 3 an open unenclosed stairway with open risers shall
5 be permitted to occupy one side yard per building site.

6 (4) Uncovered porches and platforms which do not extend
7 above the floor level of the first floor, provided they may extend
8 further into the front yard.

9 (5) Planting boxes or masonry planters not exceeding forty-
10 two (42) inches in height.

11 SECTION 1413, WALL, FENCE OR HEDGE MAY BE MAINTAINED. In
12 any "R" Zone a wall, fence or hedge forty-two (42) inches in height
13 may be located and maintained on any part of a lot. On an interior
14 lot a wall, fence or hedge not more than six (6) feet in height may
15 be located anywhere on the lot to the rear line of the required
16 front yard.

17 On corner lots and reverse corner lots a six (6) foot fence
18 may be located anywhere on the lot to the rear of the rear line of
19 the required front yard, except in the required side yard on the
20 side street side of such lots, which side yard in the case of a
21 reverse corner lot shall include the required triangular open area
22 at the rear of such lots.

23 A fence having additional height is permitted on the wind-
24 ward sides of any lot wherever a six (6) foot fence is allowed,
25 provided such additional height over six (6) feet slopes inward at
26 an angle of not less than thirty degrees (30°) and no more than
27 forty-five degrees (45°) from vertical, and provided further that
28 such additional portion shall not make the total height of the
29 fence more than eight (8) feet from the ground and shall not extend
30 closer to any part of any building than a distance equal to one-
31 half of the width of the required side yard on the lot.
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ORDINANCE NO. 852

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH,
CALIFORNIA, AMENDING THE MANHATTAN BEACH
MUNICIPAL CODE BY AMENDING SECTION 10-3.1413
OF TITLE 10, CHAPTER 3, ARTICLE 14, OF SAID
CODE RELATING TO PERMITTED INTRUSIONS INTO
REQUIRED YARDS.

The Council of the City of Manhattan Beach, California, does
ordain as follows:

SECTION 1. AMENDMENT OF CODE.

Title 10, Chapter 3, Article 14, Section 10-3.1413, of the
Manhattan Beach Municipal Code is hereby amended to read as follows:

SEC. 10-3.1413. Permitted Intrusions into Required Yards.

The following intrusions may project into any required yards,
but in no case shall such intrusions extend more than two (2') feet into
such required yards, provided such extension does not reduce the remain-
ing side yard to less than two (2') feet, providing further that where the
required yard is adjacent to a public alley or street at the rear of the
parcel or lot, balconies or overhanging upper stories may project not more than
three (3') feet over such yards, provided that no portion of such overhanging
construction shall be less than eight (8') feet above the grade at the inter-
section of the property line and said street or alley:

- (a) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
- (b) Fireplace structures not wider than eight (8') feet measured in the general direction of the wall of which it is a part;
- (c) Stairways, balconies and fire escapes, except that in Area District 3 an open unenclosed stairway with open risers shall be permitted to occupy one side yard per building site;

Current Manhattan Beach Municipal Code (MBMC) (quoted excerpts)

Title 9 - BUILDING REGULATIONS

Chapter 9.01 - BUILDING CODE

MBMC, Section 9.01.050 - Expiration of plan review.

Appendix Section 105.3.2 is amended for administrative requirements as follows:

Plan Review and Time limitation. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by applicant for a period not exceeding 180 days upon written request by the applicant and justifiable cause demonstrated. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee and plans shall be reviewed under the current codes and ordinances at the time of the new applications.

(§ 2 (part), Ord. 2109, eff. January 18, 2008)

MBMC, Section 9.01.060 - Permit expiration.

Appendix Section 105.5 is hereby amended for administrative requirements as follows:

Permit Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the building or work authorized by such permit is not completed within 2 calendar years from the issuance date of the permit.

Before such work can be recommenced, a new permit, or a renewed permit as specified below, shall be first obtained. No permit shall be renewed more than once.

For permits where work has not commenced within 180 days from the date of such permit, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; and (2) the expiration has not exceeded two years from the original issuance date.

For permits where work had commenced and was subsequently suspended or abandoned for a period exceeding 180 days, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; and (2) the expiration has not exceeded two years from the issuance date and/or (3) Where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

For permits that have exceeded two years beyond the issuance date, a new permit is required. The applicant shall pay the fee based on the valuation of the uncompleted work required for a plan check and a new permit and plans will be reviewed under the current codes and ordinances at the time of the new applications.

Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he is unable to continue work within the time required by this section. The Building Official may extend the time for action by the permittee for a period not exceeding six calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

If the owner or applicant fails to complete the construction work within the time required, the Building Official is authorized to obtain the abatement of any unsafe condition or nuisance created by such incomplete work. The City Attorney is authorized to file an action for the abatement of any such unsafe condition or nuisance if required to do so by the Building Official.

(§ 2 (part), Ord. 2109, eff. January 18, 2008)

MBMC, Section 9.01.070 - Fees.

Appendix Section 108.2.1 shall be added per administrative requirements as follows:

108.2.1 The fees shall be determined by the most current City Resolution of Fees.

Attachment-A Details supporting appeal (by Thornton Stone) request for rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

Plan Review Fees. When submittal documents are required by the building official, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be determined by the most current City Resolution of Fees.

The plan review fees specified in this section are separate fees from the permit fees and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106.3.4.2, an additional plan review fee shall be charged as determined by the most current City Resolution of Fees.

Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Building Official and the most current Manhattan Beach Resolution of Fees in addition to the required permit fees.

Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Investigation Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be determined by the most current Resolution of Fees. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(§ 2 (part), Ord. 2109, eff. January 18, 2008)

9.01.080 - Violation penalties.

Appendix Section 113.4 is amended for administrative requirements as follows:

Appendix Section 113.4. Violation penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause same to be done, contrary to or in violation of any of the provisions of this Code or directive of the building official.

Every person who willfully resists, delays, obstructs or interferes in any way with any City Building Inspector in the discharge or attempt to discharge any duty of his or her office or employment shall be guilty of a violation of this Chapter

Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of Manhattan Beach shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of Manhattan Beach shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Manhattan Beach is committed, continued, or permitted by any such person, and shall be punished accordingly.

(§ 2 (part), Ord. 2109, eff. January 18, 2008)

Title 10 - PLANNING AND ZONING

MBMC, Section 10.01.050 - General rules for applicability of zoning regulations:

J. Relation to Prior Ordinance. The provisions of this title supersede all prior zoning ordinances, as amended, of the City of Manhattan Beach, except that no provision of this title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the prior zoning ordinance, as amended, unless specifically authorized by this title.

MBMC, section 10.104.010 - Permits, licenses, certificates, and approvals:

All persons empowered by the City Code to grant permits, licenses, certificates, or other approvals shall comply with the provisions of this title and grant no permit, license, certificate, nor approval in conflict with said provisions. Any permit, license, certificate, or approval granted in conflict with any provision of this title shall be void.

MBMC, section 10.04.030 - Definitions

Nonconforming Structure: A structure that was lawfully erected but which does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.

Nonconforming Use: A use of a structure or land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this title or by reason of annexation of territory to the City.

MBMC, Section 10.60.050 - Measurement of height.

This section establishes regulations for determining compliance with the maximum building height limits prescribed for each zoning district and area district or as modified by an overlay district. The procedure involves a two (2) step process: first the reference elevation, defined as the average of the elevation at the four (4) corners on the lot, is determined and then a second limit is imposed to ensure that no building exceeds the maximum allowable height above existing grade or finished grade, whichever is lower, by more than twenty percent (20%).

A. Height shall be measured from a horizontal plane established by determining the average elevation of existing grade at all four (4) corners of the lot. In situations where the elevation of existing grade at a lot corner is not clearly representative of a site' topography (because, for example, of the existence of such structures as retaining walls, property-line walls, or planters) the Community Development Director shall select an elevation that minimizes, to the extent reasonably possible, adverse impacts on adjacent properties and encourages some degree of consistency in the maximum building height limits of adjacent properties. Such interpretations may be appealed pursuant to the provisions of Chapter 10.100.

B. No portion of a building shall exceed the maximum allowable height for the zoning district and area district in which the building site is located by more than twenty percent (20%). For purpose of this requirement, height shall be measured from the existing grade or finished ground level grade, whichever is lower.

C. To determine compliance with this section, the Community Development Director may require applicants to submit a topographic survey of the project site, and, if necessary, portions of adjacent sites, prepared by a licensed surveyor or licensed civil engineer, depicting existing contours and the contours of finished grade, if different from existing grade, at elevation change intervals no greater than five feet (5'). Survey measurements also shall indicate the elevations of adjacent curbs and street pavements where no curb exists.

Exceptions.

1. The Community Development Director may approve measuring height from finished grade elevation within five feet (5') of front or street side property lines for alterations and additions to preexisting structures which have height nonconformities under the procedures for granting minor exceptions established in Section 10.84.120.

2. The Community Development Director may administratively approve measuring height from local grade adjacent to an existing or planned building that is adjacent to a street where substantial grading occurred which lowered the street, which, in turn, affected the elevation of the street property line. The intent of this exception is to accommodate situations which exist, such as, on portions of Ardmore Avenue.

D. The procedure and standards established by this section shall not be amended, whether by change in regulation, by addition of exceptions or by other means, so as to increase the elevation above sea level of the highest point of any building on a given lot beyond the elevation permissible under existing law, unless the amendment is first submitted to a City-wide election and is approved by a majority of the voters. The term "existing law" as used in this subsection includes the outcome of the March 1997 referendum on Ordinance 1933 ("Measurement of Height") and any future amendments to the municipal code.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94)

MBMC, Section 10.68.030 - Alterations and enlargements of nonconforming uses and structures.

A. No structure, the use of which is nonconforming, shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity.

Exception. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.

B. No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use.

Exception. Minor enlargement of a use partially occupying a structure and which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished in one (1) or more project, cumulatively does not exceed ten percent (10%) of the total preexisting buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.

C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site, or another structure or site which it did not occupy on the effective date of the ordinance codified in this title, or of the amendments thereto that caused it to become a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.

D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and area district in which the structure is located, except as provided for in Chapter 10.84, Minor Exception.

E. If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Exceptions.

1. Where a structure is nonconforming only by reason of one (1) substandard front or interior yard, provided that all nonconforming interior yards are not less than three feet (3'), the structure may be enlarged or altered, as defined in this title without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.

2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered, as defined in this title, without regard to the estimated construction cost, provided that no portion of the structure which occupies a required yard is altered, unless the alteration results in the elimination of the non-conformity.

3. Where a pre-existing, legally constructed building is nonconforming by reason of the method of measuring height prescribed by Section 10.60.050, an alteration or enlargement that conforms to all other regulations of this title shall be permitted without regard to the estimated construction cost.

4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (nonconforming exemptions) has been made, processed through the Planning Commission, and approved by the City Council.

Attachment-A Details supporting appeal (by Thornton Stone) requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

5. A chimney projection shall not be considered a nonconforming substandard yard, and therefore shall be allowed in addition to the one (1) non-conforming yard in subsection (E)(1) or (E)(2) of this section. See Section 10.60.040(G), Building projections into required yards or required open space—Chimneys, for standards.

6. Where a minor exception has been approved in accordance with Chapter 10.84 of this Code.

F. Nonconforming structures that would be enlarged or altered in any manner that serves to increase the degree of nonconformity shall not be permitted unless a variance or minor exception is obtained, as appropriate.

G. The nonconforming use of a structure or site may be changed to another nonconforming use if after a duly noticed public hearing, the Planning Commission makes the findings required by Section 10.84.060(A) and issues a use permit.

H. No use which fails to meet the performance standards of Section 10.60.120 shall be enlarged or extended, or shall have equipment that results in failure to meet required conditions replaced unless the enlargement, extension, or replacement will result in elimination of nonconformity with required conditions.

I. Lots Without Vehicular Access. Residential buildings on lots with no vehicular access to public streets constitute nonconforming uses and may not be altered or enlarged except in accordance with the provisions of this section.

Such buildings may be altered as follows:

1. Interior improvement repairs consistent with all applicable building regulations.

2. Additions of exterior architectural features such as a fireplace, chimney, balcony, or bay window, subject to Section 10.60.040, Building projections in yards and required open space.

3. Modification of a roof from flat to pitched or from pitched to flat, provided that the existing or proposed roof does not exceed a four (4) in twelve (12) pitch.

4. Exterior modifications may include a minor increase in square footage (said increase calculated cumulatively), not to exceed ten percent (10%) of the original gross floor area.

5. If there is a fire or casualty loss, the building may be replaced to the buildable square footage and height existing just before the fire or casualty loss and consistent with the requirements of the current building code.

6. No alteration shall increase building height, except for a roof change referred to in subsection (D)(3) of this section.

7. Should any exterior building elements or interior floor area be found to be in an extensively deteriorated condition, as documented in a report prepared by a licensed civil engineer, the Director of Community Development may allow said walls or areas to be entirely removed and replaced as long as the improvement is conforming with respect to required yards and otherwise meets the provisions of this section.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996; § 4, Ord. 1992, eff. February 18, 1999; § 2, Ord. 2068, eff. February 4, 2005, and § 18, Ord. 2111, eff. March 19, 2008)

MBMC, Section 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.

Attachment-A Details Reporting appeal (by Thornton Stone) requesting finding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

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.

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.

Attachment Details supporting appeal (by Thornton Stone) requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

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.

Attachment-A Details of a zoning appeal (by Thornton Stone) requesting a finding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

- 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).

(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)

Referenced 2007 California Building Code [Title 24, Part 2 (1st Printing) , includes Supplements through Jan 09]

Appendix Chapter 1 - Administration

SECTION 108 FEES

108.3 Building permit valuations.

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

SECTION 301 GENERAL

301.1 Scope.

The provisions of this chapter shall control the classification of all buildings and structures as to use and occupancy.

SECTION 310 RESIDENTIAL GROUP R

310.1 Residential Group R.

Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I. Residential occupancies shall include the following:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-3.1, R-4 or I, including:

Buildings *other than townhouses* that do not contain more than two dwelling units.

Townhouses not more than three stories above grade in height with a separate means of egress.

Adult care facilities that provide accommodations for clients of any age for less than 24 hours. Licensing categories that may use this classification include, but are not limited to: *Adult Day-care Facilities, Adult Day-support Center.* [SFM]

Child care facilities that provide accommodations for clients of any age for less than 24 hours. Licensing categories that may use this classification include, but are not limited to: [SFM]

Family Day-care Homes, Day-care Center for Mildly Ill Children, Infant Care Center and School Age Child Day-care Center.

Congregate living facilities with 16 or fewer persons.

SECTION 3403 ADDITIONS, ALTERATIONS OR REPAIRS

3403.1 Existing buildings or structures.

Additions or alterations to any building or structure shall comply with the requirements of the code for new construction. Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any provisions of this code. An existing building plus additions shall comply with the height and area provisions of Chapter 5. Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.

Exceptions: [HCD 1]

1. *Limited-density owner-built rural dwellings.*
2. *Local ordinances or regulations shall permit the replacement, retention and extension of original materials, and the use of original methods of construction, for any building or accessory structure, provided such building or structure complied with the building code provisions in effect at the time of original construction and the building or accessory structure does not become or continue to be a substandard building. For additional information, see Health and Safety Code Sections 17912, 17920.3, 17922(d), 17922.3, 17958.8 and 17958.9.*

Additional Photographs

3404 The Strand and 3405 Ocean Drive additional pictures (all taken from public or adjacent properties)



3404 The Strand



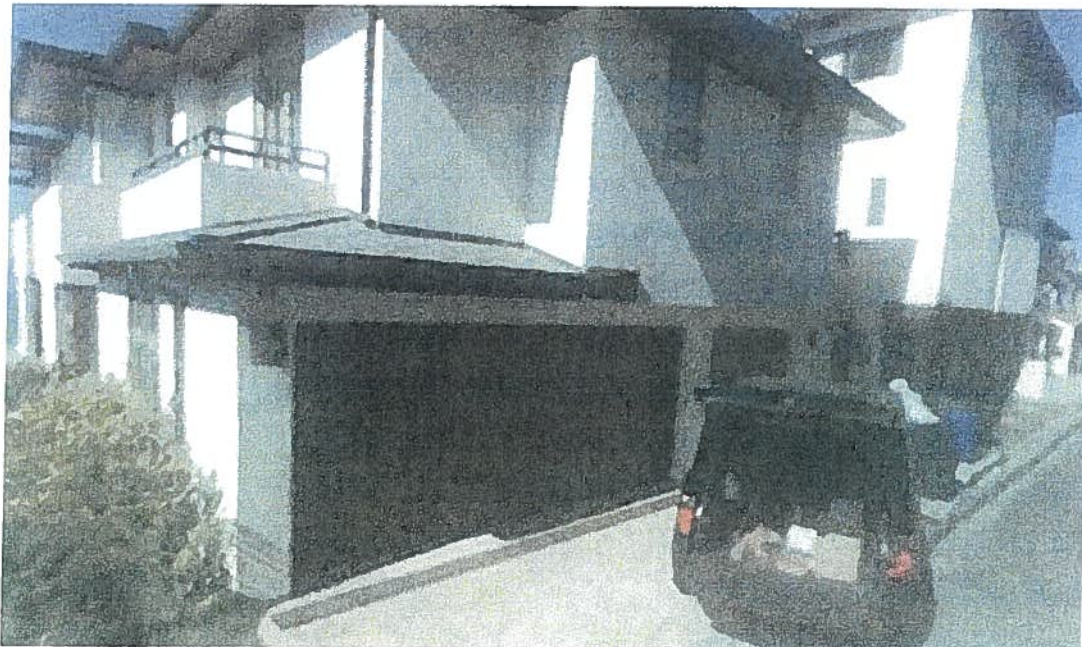
3405 Ocean Drive



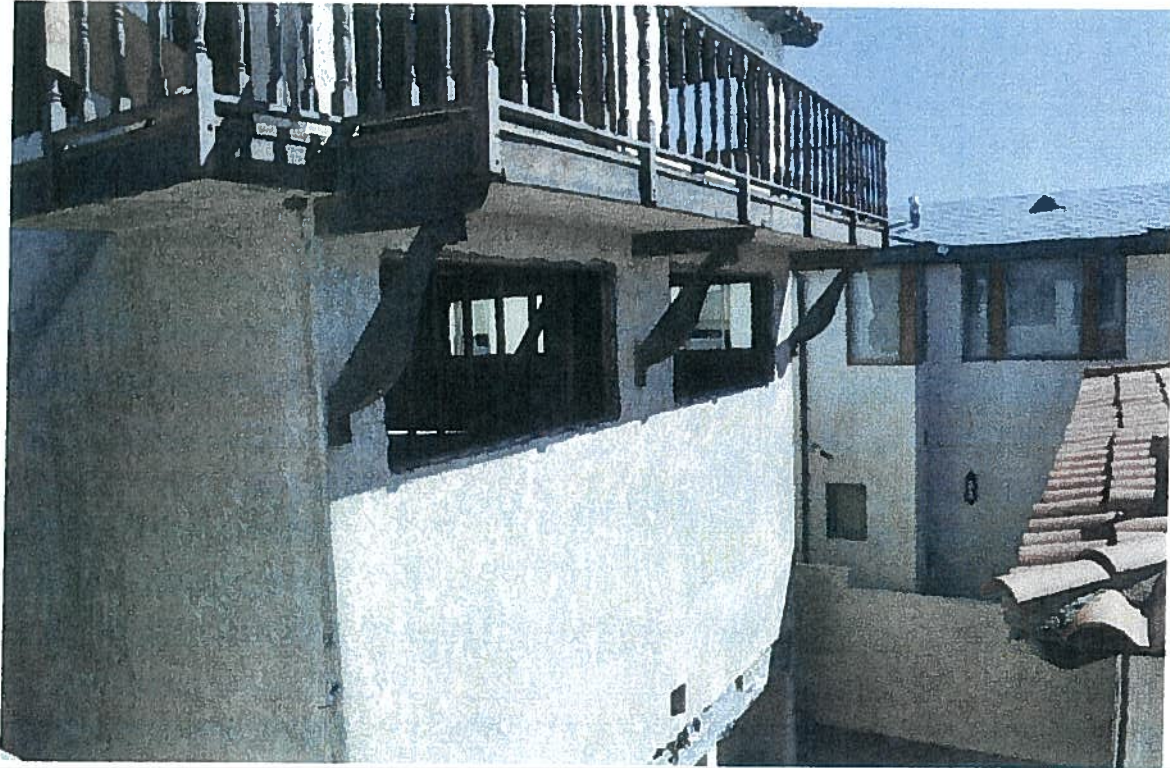
Views of 3405 Ocean Drive projection into front (east) yard and remaining landings where illegal stairs were removed.



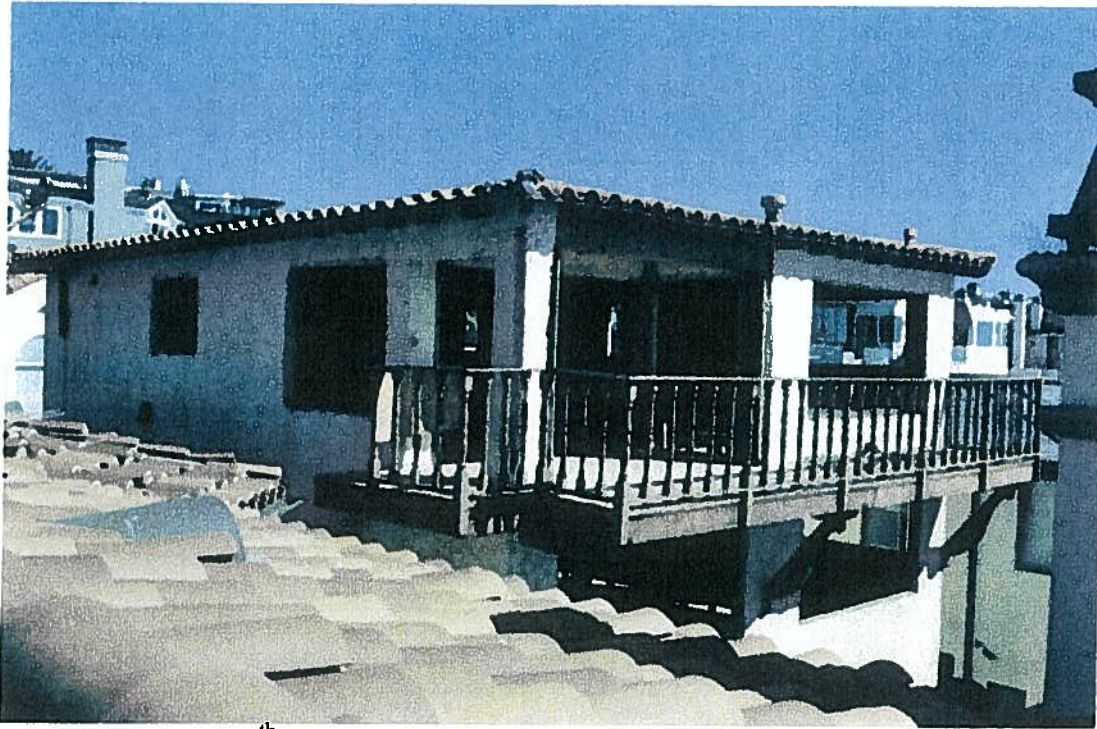
Historical (2009, pre-demolition) picture of 3405 Ocean Drive – note that stairs are solid (not per code) and extend approximately to the north side-yard property line, into side-yard setback



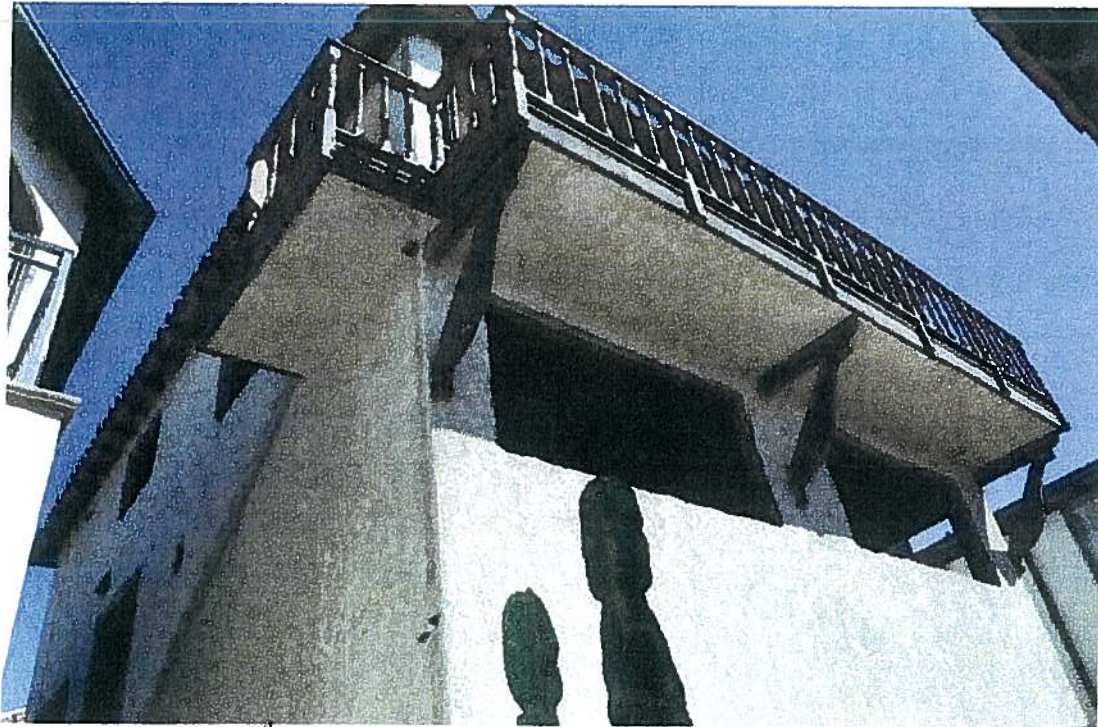
Historical picture of 3405 Ocean Drive – note that stairs extend into east (front) setback



3405 Ocean Drive 3rd story (directly above garages, below the 4th story) is at the same height as the adjacent properties' buildings top floors and has an open view over the top of the 3404 The Strand structure.

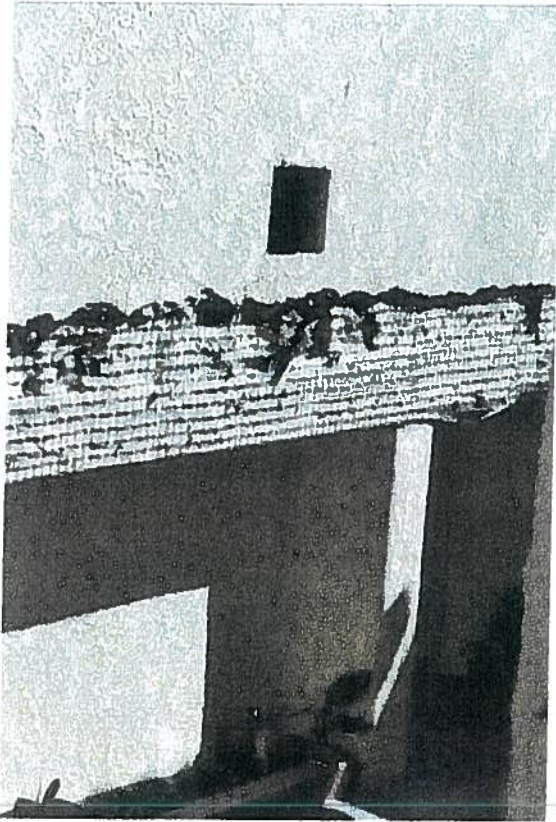


3405 Ocean Drive 4th Story above roof line of legally built adjacent structures



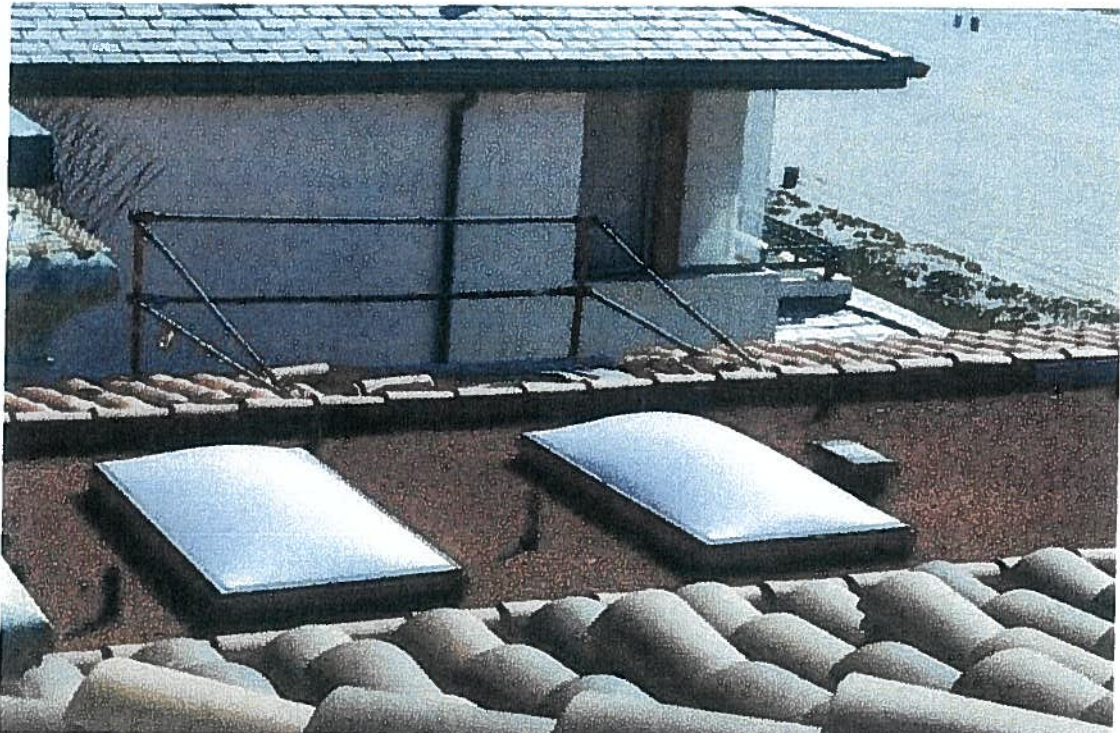
3405 Ocean Drive 4th Story overwhelming the structures next to it.

Attachment-A Details supporting appeal (by Thornton Stone) requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

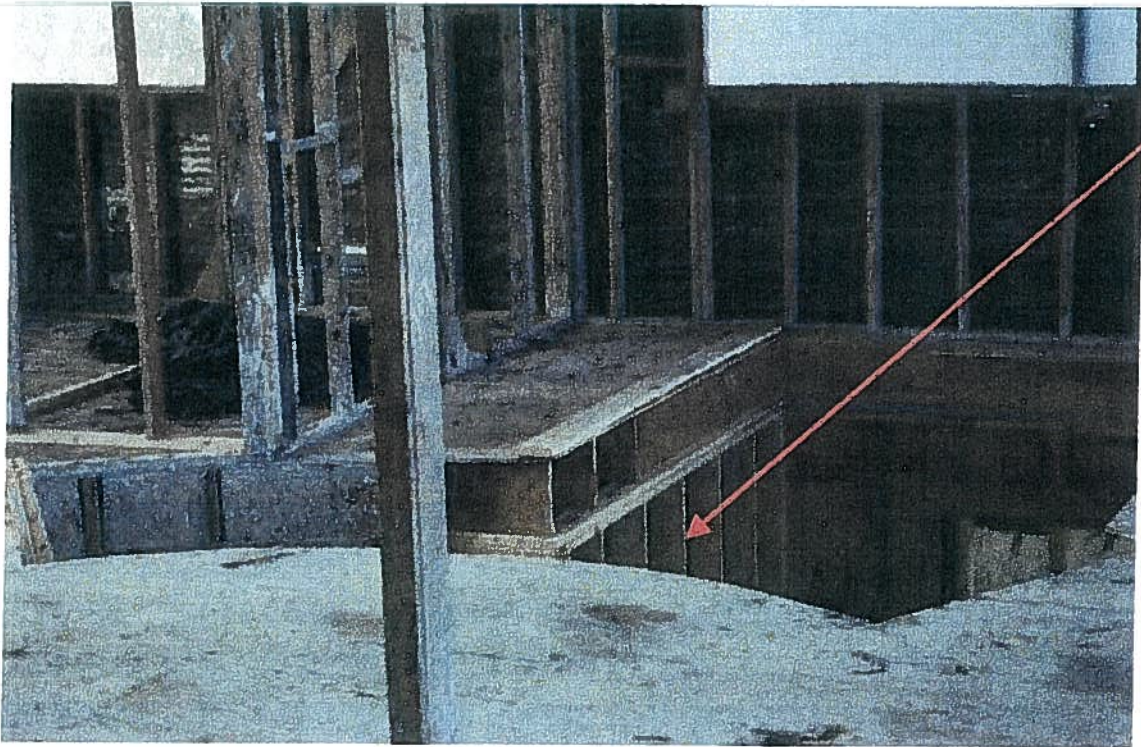


Some of the already removed Stucco

Attachment-A Details supporting appeal (by Thornton Stone) requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

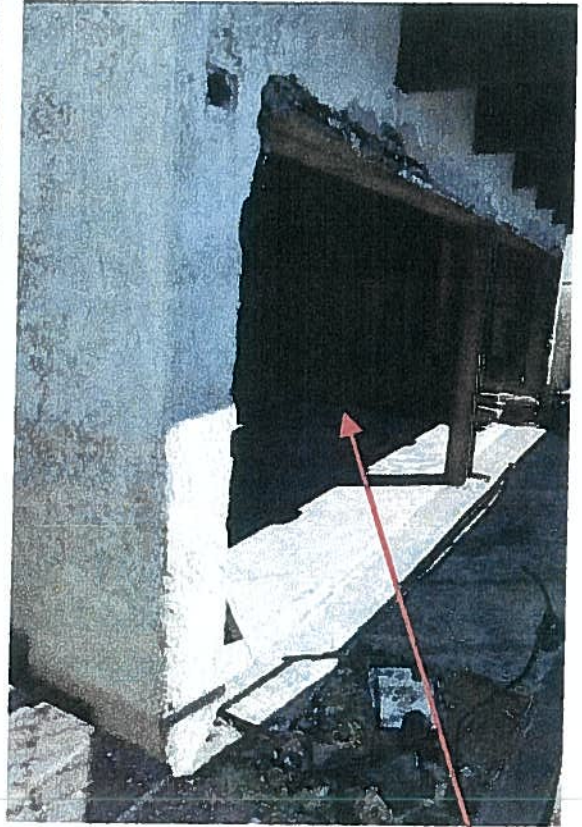
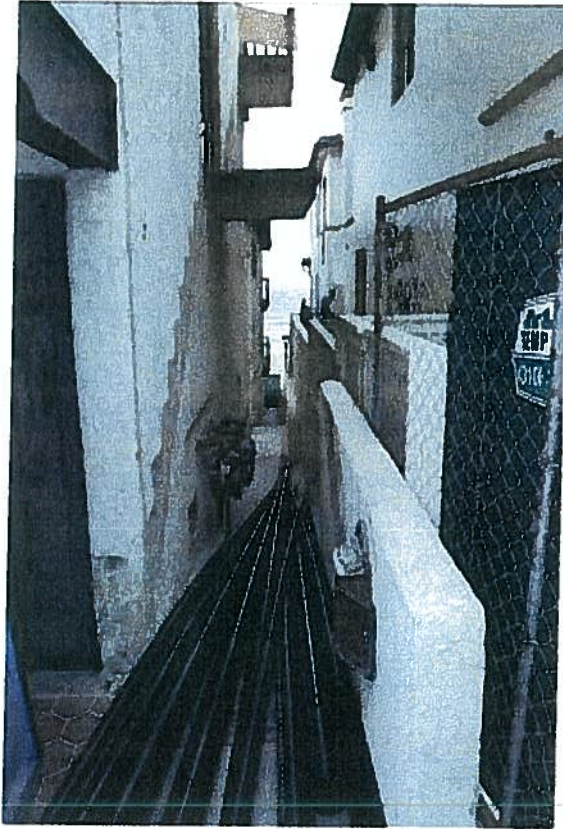


Scaffolding around hole where portion of roof and roof structure removed from 3404 The Strand



Illegal work commenced 3404 The Strand (picture taken from adjacent property)


Attachment Details supporting appeal (by Thornton Stone, requesting rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels



**Concrete cuts :
lines (location
plumbers were**

Delivered plumbing drain lines appear to have been illegally installed (plumbers were observed working) in 3404 The Strand -- note concrete cuts, now filled (pictures taken from Ocean Drive, adjacent property, and The Strand)

Major Remodel


NOTIFICATION

Please be advised that a new construction project will soon be started in your neighborhood, consisting of: Single Family Residence Multiple Units Other

Major Remodel

Located at: 3404 Strand / 3405 Ocean Dr.

The Builder is: Mike Davis Custom Homes

The Builders phone number is: 310-796-5655

To provide for a smoother process as construction goes forward you are invited to attend a meeting that will be held at the construction site with the Builder and the City's Residential Construction Officer.

The meeting will be held on M Tu W **Th** F 3/18/10 at 10 am

For additional information, please contact the Residential Construction Officer at (310) 802-5506 or by e-mail at rlarson@citymb.info Thank you

Notification sent to neighbors for kick-off meeting March 18, 2010 to address Major Remodel of 3404 The Strand and 3405 Ocean Drive

CITY OF MANHATTAN BEACH



RICK LARSON
RESIDENTIAL CONSTRUCTION OFFICER

License A/B/C-10
#817205/560946


1020 Manhattan Beach Blvd.
Manhattan Beach,
California 90266

(310) 796-5655
Fax: (310) 796-5657

1400 HIGHLAND AVE.
MANHATTAN BEACH, CA 90286
rlarson@citymb.info

Mike Davis
CUSTOM HOME BUILDING, INC.

Claudio Diaz
Job Coordinator


CITY OF MANHATTAN BEACH

RICK LARSON
RESIDENTIAL CONSTRUCTION OFFICER

1400 HIGHLAND AVE.
MANHATTAN BEACH, CA 90286
rlarson@citymb.info

(310) 802-5506
FAX (310) 802-5501

Dear 3/18/10 *John DEN PRINCE*

Hi,

I was in the neighborhood checking on some of the construction projects.

One of the construction projects near you is 3404 Strand / 3405 Ocean Dr.

The Builders: Mike Davis Custom Homes

The Builder's office phone number is 310-796-5655

If you have any questions or concerns pertaining to the above project, please feel free to contact the Builder directly. If you would like to talk to me, please call me. My business card is attached below. Please keep it for your records and call me now or at any time in the future.

PARKING

We know that parking is a major concern in our city, especially around construction sites. In order to allow the Builder to perform the job, we normally issue a limited number of parking permits that allow parking adjacent to the project.

The permit **DO NOT** allow blocking of adjacent driveways or blocking the flow of traffic.

If you need parking enforcement, please call dispatch at (310) 802-5159 and the Police Department will send an officer out to investigate the situation.

CONSTRUCTION HOURS

Authorized Construction Hours are:

7:30 am to 6:00 pm (Monday through Friday)
9:00 am to 6:00 pm (Saturday)

All construction activity is prohibited on Sundays.

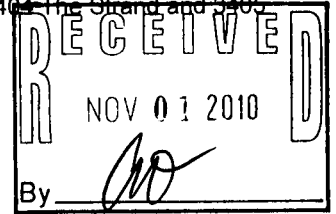
PUBLIC HOLIDAYS

All construction activity is prohibited on the following public holidays:

New Year's Day	Martin Luther King Day
Memorial Day	Independence Day
Thanksgiving Day	Veterans Day
Christmas Day	Friday after Thanksgiving

If you have any questions please call:

Residential Construction Officer: (310) 802-5506
Parking Enforcement (dispatch): (310) 802-5159
City Hall after Hours: (310) 802-5140



Attachment-B

Neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

Rev-1; 2010-11-01

This attachment provides a list of neighbors who are in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels.

Attachment-B Table of Contents

<i>Page(s)</i>	<i>Item</i>
1	Attachment-B Table of Contents
2-3	(Photocopies of signature sheets) Names/signatures of neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels
4	Figure B-1 (Per Assessor's maps) Properties of neighbors (owners and/or residents) who have signed Attachment-B

Neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

We the undersigned residents are in favor of rescinding/denying approval of the Building Permit for 3404 The Strand and 3405 Ocean Drive remodels unless brought into conformance with current Manhattan Beach Municipal Code. We believe and concur with the assertion that this proposed project as currently defined would do continued and ongoing harm to this neighborhood for years to come, stealing what would otherwise be equitably-apportioned volume and resultant unoccupied space allotted to individual houses and protected by the municipal code for the benefit of the community.

(TO BE COMPLETED AND PROVIDED AS AN UPDATE PRIOR TO APPEAL HEARING)

	Name (print)	Address	Owner/ Resident	Signature
1	Michael Desjard	3408 The Strand	Yes Both.	<i>Michael Desjard</i>
2	WENDY McLAUGHLIN	116 35th ST.	R.	<i>W. McLaughlin</i>
3	Veronica McLaughlin	120 35th St 121 34th St	yes both	<i>Veronica McLaughlin</i>
4	LEANNE MAYERS	3405 Manhattan DRIVE	yes both	<i>Leanne Mayers</i>
5	Roger Davidson	120 34th St	yes yes	<i>Roger Davidson</i>
6	PAUL GREY	208 34th ST	NO/yes	<i>Paul Grey</i>
7	Douglas W. Smith	3401 Ocean	OWNER	<i>Douglas W. Smith</i>
8	BARBI PAPPAS	124 34th ST. Manhattan Beach	Owner residents	<i>Barbi Pappas</i>
9	Paula Serne	3408 The Strand MB	Yes Both.	<i>Paula Serne</i>
10	Bonnie Riddle	3414 Ocean Dr	owner	<i>Bonnie Riddle</i>

Neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

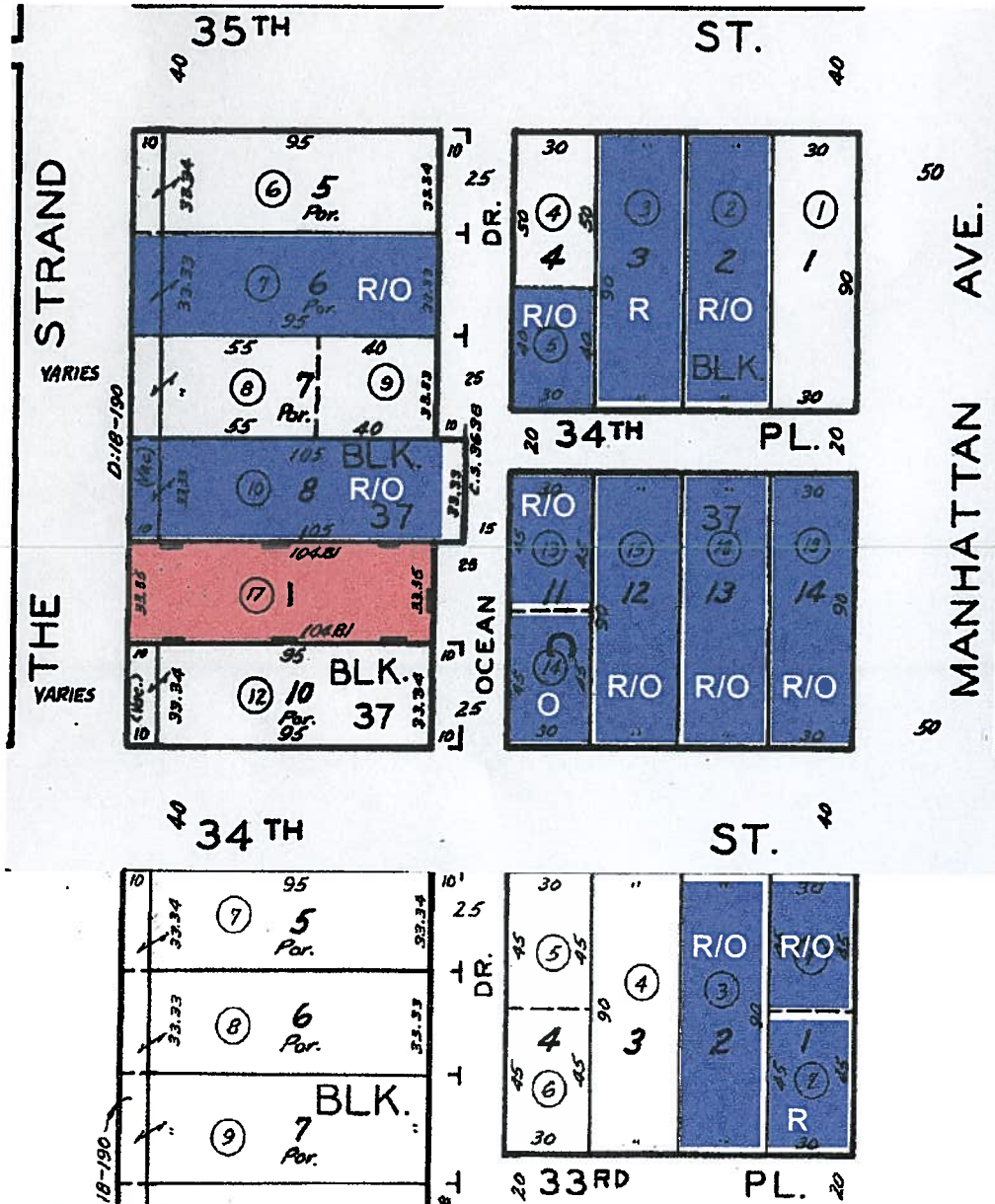
We the undersigned residents are in favor of rescinding/denying approval of the Building Permit for 3404 The Strand and 3405 Ocean Drive remodels unless brought into conformance with current Manhattan Beach Municipal Code. We believe and concur with the assertion that this proposed project as currently defined would do continued and ongoing harm to this neighborhood for years to come, stealing what would otherwise be equitably-apportioned volume and resultant unoccupied space allotted to individual houses and protected by the municipal code for the benefit of the community.

(TO BE COMPLETED AND PROVIDED AS AN UPDATE PRIOR TO APPEAL HEARING)

	Name (print)	Address	Owner/ Resident	Signature
11	MARK S. RUDERMAN	121 34th St		<i>[Signature]</i>
12	EDWINA RUDERMAN	117116 34th St		<i>[Signature]</i>
13	DAVID RICKLES MD	3414 Ocean Ave	yes yes	<i>[Signature]</i>
14	Ryan Winter	3313 Manhattan	Resident	<i>[Signature]</i>
15	DANIEL CAPEN	3416 The Strand	owner	<i>[Signature]</i>
16				
17				
18				
19				
20				

Attachment-B Neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

Ref. per maps from LA County Assessor – Properties of neighbors (owners and/or residents) Blue who have signed Attachment-B in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels (located at Condominium Tract No. 39368, Lot 1, M.B. 999-47-48; previously aka Peck’s Manhattan Beach Tract No. 2 M.B. 10-37, Lot 9), **Pink**



Pink = 3405 Ocean Drive and 3404 The Strand Lot
(Condominium Tract No. 39368, Lot 1, M.B. 999-47-48)

R/O Blue = Neighbors (owners and/or residents) who have signed Attachment-B in favor of rescinding/denying approval
 R/O = Resident and Owner
 R = Resident
 O = Owner

Figure B-1 (Per Assessor’s maps) Properties of neighbors (owners and/or residents) who have signed Attachment-B

Attachment-B

Neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

This attachment provides a list of neighbors who are in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels.

Neighbors in favor of rescinding/denying approval of Building Permit for 3404 The Strand and 3405 Ocean Drive Remodels

We the undersigned residents are in favor of rescinding/denying approval of the Building Permit for 3404 The Strand and 3405 Ocean Drive remodels unless brought into conformance with current Manhattan Beach Municipal Code. We believe and concur with the assertion that this proposed project as currently defined would do continued and ongoing harm to this neighborhood for years to come, stealing what would otherwise be equitably-apportioned volume and resultant unoccupied space allotted to individual houses and protected by the municipal code for the benefit of the community.

(TO BE COMPLETED AND PROVIDED AS AN UPDATE PRIOR TO APPEAL HEARING)

	Name (print)	Address	Owner/ Resident	Signature
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				



City of Manhattan Beach

Community Development

Phone: (310) 802-5500
FAX: (310) 802-5501
TDD: (310) 546-3501

October 1, 2010

Re: Notice of Decision for a Building Permit Application for 3404 The Strand and 3405 Ocean Drive

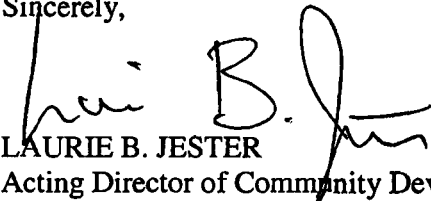
To Whom It May Concern:

Please see the attached Notice of Decision for the remodel project located at 3404 The Strand and 3405 Ocean Drive. Community Development Staff is available to answer any questions or to meet with any interested party.

Pursuant to MBMC Section 10.100, the decision of the Community Development Director may be appealed to the Planning Commission within fifteen (15) working days following the action. The necessary appeal forms and procedures will be provided upon request. Appeals shall be accompanied by a fee in the amount of \$465.

Additional information may be obtained by contacting Esteban Danna, project planner at (310) 802-5514 or edanna@citymb.info.

Sincerely,



LAURIE B. JESTER
Acting Director of Community Development



City of Manhattan Beach

Community Development

Phone: (310) 802-5500

FAX: (310) 802-5501

TDD: (310) 546-3501

NOTICE OF DECISION

The Department of Community Development has approved a Building Permit application for 3404 The Strand and 3405 Ocean Drive pursuant to Manhattan Beach Municipal Code Titles 9 and 10 and the 2007 California Building Code.

BACKGROUND

On January 22, 2010, a Building permit application was submitted to the Community Development Department for the remodel of an existing detached duplex. The two separate structures, each with one unit, were originally built in 1973 and are located on one property at 3404 The Strand and 3405 Ocean Drive. The Ocean Drive unit includes a six car garage which provides parking for both units.

Staff reviewed the plans and issued corrections on February 5, 2010. Upon the applicant's request, Staff issued a demolition permit on March 5, 2010 prior to building permit approval. Several neighboring residents subsequently contacted the City expressing concerns that the demolition was beyond the scope of the approved demolition plans. The Building Division issued a Stop Work order on June 24, 2010.

The scope of work on the approved demolition plans was not consistent with work performed in the field. The demolition included 100% of the interior of both structures. Staff subsequently requested additional information from the project architect, contractor, and home owner and conducted numerous site inspections. The applicant submitted a building inspection report dated February 20, 2009 from a private inspector which indicated that there was evidence of water damage in both structures. The general contractor stated that he continued demolition beyond the approved demolition plans as a result of the discovery of mold throughout the structure.

Upon review, the Building Division determined that under the current building valuation (effective May 1, 2010), the project did not exceed 50% building valuation. Therefore, a Minor Exception, to retain a number of legal non-conformities, is not required for either structure.

On September 15, 2010, the applicant withdrew the building permit application. The applicant revised the plans to accurately reflect the scope of work for the project and submitted those plans to the City on September 29, 2010.

DISCUSSION

Manhattan Beach Municipal Code (MBMC) Section 10.68.030E

MBMC Section 10.68.030E requires that if the total estimated construction cost for any non-conforming structure exceeds 50% of the existing building valuation all structures on the site must be brought into conformance with the current zoning code. Exceptions to this section include one non-conforming front or interior side yard (a 3 foot minimum clearance must be maintained), street side yard, rear yard adjacent to a public street or alley, or when an existing structure is over height as a result of previous

methods used to measure height. MBMC Section 10.68.030E allows these non-conformities to remain even if the project exceeds 50% building valuation.

Valuation Analysis

Building permits issued by the City are assigned a total estimated construction cost based on the type and square footage of the proposed work. These are standard costs used by municipalities, which are periodically updated, and do not always reflect actual construction costs. The Building Official updated the building valuation numbers Citywide to be consistent with similar cities on May 1, of 2010. These were previously updated on July 1, 2008. These construction values are used to determine the cost of a building permit and to estimate the amount of work proposed relative to what is existing. These valuation figures are specific to the type of use of an area such as living area, garage area, or deck area. The Building Official is responsible for determining these values pursuant to the 2007 California Building Code, Appendix Chapter 1, Section 108.3. This section states: "Final building permit valuation shall be set by the building official."

The project does not exceed the 50% valuation under the current building valuation figures. Thus, pursuant to MBMC 10.68.030E, the applicant is not required to address the existing legal non-conformities on the property.

Building Valuation (Effective 05/01/2010)				
Existing Values per Square Feet (both structures)				
<i>Type</i>	<i>Value</i>	<i>Square Feet</i>	<i>Total</i>	
Floor Area	\$160.00	5,334	\$853,440.00	
Garage	\$57.33	960	\$55,036.80	
Decks	\$58.75	444	\$26,085.00	
Total Existing Valuation			\$934,561.80	
Proposed Values per Square Feet (both structures)				
<i>Type</i>	<i>Value</i>	<i>Square Feet</i>	<i>Total</i>	<i>Project Percentage</i>
Remodel Floor Area	\$80.00	5,334	\$426,720.00	
Remodel Garage	\$28.67	960	\$27,523.20	
Remodel Decks	\$29.38	444	\$13,044.72	
Total Proposed Valuation			\$467,287.92	50.00

Existing Non-Conformities

The existing structures on the site were legally constructed under permit number 93304 issued on February 22, 1973. Zoning Code requirements have changed and therefore there are a number of existing legal non-conformities for each structure as follows:

3404 The Strand

- South side setback (3' 1" existing, 3' 4" minimum)
- Open space (245.28 square feet existing, 511 square feet minimum)
- Deck projection length per level (28' 8" existing, 17' 10" maximum)

These non-conformities are typical of older structures in the City.

3405 Ocean Drive

- Height (122' 2" existing, 115' 1½" maximum—7'-½" above the maximum)
- Number of stories (four-stories existing, three-story maximum)
- South side setback (3' 2" existing, 3' 4" minimum)
- North side setback (access stairs to front door and third story required exit)
- East/rear setback (2' 2" at second and third stories, 5' minimum)
- Open Space (257.28 square feet existing, 289 square feet minimum)

At the time of permit application in 1973 the method of height measurement was different than the method currently used. MBMC Section 10.68.030E allows an exception to the non-conforming height of structures, regardless of building valuation, if the reason for the excess height is due to the method under which the structure was measured, as is the case with this structure. The height measurement methodology was revised in 1991 as part of the Zoning Ordinance Revision Program (ZORP).

The structure's lowest level of the four stories is used as storage closet located beneath the garage level. It is only accessible through a six-foot high door adjacent to the courtyard that separates the two structures, it is not livable floor area, and it does not have any windows.

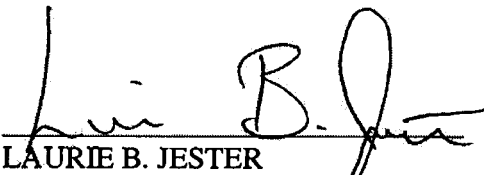
CONCLUSION

The proposed scope of work for the project located at 3404 The Strand and 3405 Ocean Drive does not exceed 50% in building valuation. Therefore, the non-conforming portions of the buildings may remain. Furthermore, a Minor Exception for this project is not required since it does not exceed 50% building valuation, does not propose to alter any non-conforming portion of the structure except life-safety features as required by the Building Division, and there is no increase in the discrepancy between existing conditions and current Zoning Code standards.

APPEALS

Pursuant to MBMC Section 10.100, the decision of the Community Development Director may be appealed to the Planning Commission within fifteen (15) working days following the action. The necessary appeal forms and procedures will be provided upon request. Appeals shall be accompanied by a fee in the amount of \$465.

Additional information may be obtained by contacting Esteban Danna, project planner at (310) 802-5514 or edanna@citymb.info.


LAURIE B. JESTER
Acting Director of Community Development

Date: October 1, 2010

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

TO: See distribution below

FROM: Angela Soo, Executive Secretary
c/o (Esteban)

DATE: OCTOBER 15, 2010

SUBJECT: Review Request for Proposed Project at:
3404 THE STRAND / 3405 OCEAN DR

(Appeal of Director's Decision to Allow a Remodel, <50%)

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by **OCTOBER 29**, we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

Copy provided →

Yes / <input checked="" type="radio"/> No	Building Div. - Emailed (Sal)	Yes / <input checked="" type="radio"/> No	City Attorney
Yes / <input checked="" type="radio"/> No	Fire Dept - Emailed	Yes / <input checked="" type="radio"/> No	Police Dept.:
Yes / <input checked="" type="radio"/> No	Public Works (Roy) ✓	___	Traffic
Yes / <input checked="" type="radio"/> No	Engineering (Steve F) John G.	___	Detectives
Yes / <input checked="" type="radio"/> No	Waste Mgmt (Anna)	___	Crime Prevention
Yes / <input checked="" type="radio"/> No	Traffic Engr. (Erik) Dan D.	___	Alcohol License (Chris Vargas)

CITY OF MANHATTAN BEACH

**COURTESY NOTICE OF TWO APPEALS OF AN ADMINISTRATIVE DECISION TO APPROVE
A REMODEL PROJECT APPLICATION FOR 3404 THE STRAND / 3405 OCEAN DRIVE
BEFORE THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH**

Appellants: Thornton Stone
David and Bonnie Rickles

Filing Dates: October 15, 2010
October 18, 2010

Project Location: 3404 THE STRAND / 3405 OCEAN DRIVE

Project Description: Appeal of Staff decision to approve a proposed remodel project with no addition of new square footage and not exceeding 50% in building valuation. Reasons for appeals include Staff's project building valuation determination and the legality of the construction of the original duplex in 1973.

Project Planner: Esteban Danna, 310-802-5514, edanna@citymb.info

Appeal Date: Wednesday, November 10, 2010

Time: 6:30 p.m.

Location: Council Chambers, City Hall, 1400 Highland Avenue, Manhattan Beach

Further Information: Proponents and opponents may be heard at that time. For further information contact project Planner. The project file is available for review at the Community Development Department at City Hall.

A Staff Report will be available for public review at the Civic Center Library on Saturday, November 6, 2010, or at the Community Development Department on Monday, November 8, 2010, or City website: www.citymb.info on Friday, November 5, 2010 after 5 p.m.

Public Comments: Anyone wishing to provide written comments for inclusion in the Staff Report must do so by November 3, 2010. Written comments received after this date will be forwarded to the Planning Commission at, or prior to the public hearing, but will not be addressed in the Staff Report.

Appeals: The Planning Commission's decision is appealable to the Manhattan Beach City Council within 15 days from the date of the Planning Commission's decision. Appeals to the City Council shall be accompanied by a fee in the amount of \$465.

Mail: October 27, 2010

*Manuel
10/20/10
ASW
JLW*

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MASTER APPLICATION FORM

2010 OCT 10 11:09 AM CITY OF MANHATTAN BEACH COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only

Date Submitted: 10/18/10
Received By: SD
F&G Check Submitted:

3404 The Strand and 3405 Ocean Drive

Project Address

(Assessors ID no. 4175-028-017) Lot 1, condominium Tract No 3936
Legal Description Area: Pecks Manhattan Beach, Tract No 2, Lot 9, M.B. 10, pg 35

medium Density Residential
General Plan Designation

Rm
Zoning Designation

III
Area District

For projects requiring a Coastal Development Permit, select one of the following determinations¹:

Project located in Appeal Jurisdiction

Project not located in Appeal Jurisdiction

Major Development (Public Hearing required)

Public Hearing Required (due to UP, Var., etc.)

Minor Development (Public Hearing, if requested)

No Public Hearing Required

Submitted Application (check all that apply)

- Appeal to PC/PWC/BBA/CC 465 Use Permit (Residential) _____
- Coastal Development Permit _____ Use Permit (Commercial) _____
- Environmental Assessment _____ Use Permit Amendment _____
- Minor Exception _____ Variance _____
- Subdivision (Map Deposit) 4300 _____ Public Notification Fee / \$65 _____
- Subdivision (Tentative Map) _____ Park/Rec Quimby Fee 4425 _____
- Subdivision (Final) _____ Lot Merger/Adjustment/\$15 rec. fee _____
- Subdivision (Lot Line Adjustment) _____ Other _____

Fee Summary: Account No. 4225 (calculate fees on reverse)

Pre-Application Conference: Yes _____ No _____ Date: _____ Fee: _____

Amount Due: \$ 465.00 (less Pre-Application Fee if submitted within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

David and Bonnie Rickles

Name

3414 Ocean Drive, Manhattan Beach, CA 90266

Mailing Address

Property is across the street from 3414 Ocean Dr.

Applicant(s)/Appellant(s) Relationship to Property

davidrickles@yahoo.com

David + or Bonnie Rickles

310-5463604

Contact Person (include relation to applicant/appellant)

Phone number / e-mail

3414 Ocean Drive, Manhattan Beach, CA 90266

Address. Also contacts: Rena Rickles, attorney - (510) 452-1600

David Rickles / Bonnie Rickles 3105463604 rena.rickles@law.com
Applicant(s)/Appellant(s) Signature Phone number Oakland, CA 94612

Complete Project Description- including any demolition (attach additional pages if necessary)

Appeal for 3404 The Strand and 3405 Ocean Dr.
remodel project.

¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

FORM 1017/001 01/27/04 10-18-10 11:09 AM

OWNER'S AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I/We _____ being duly sworn,
depose and say that I am/we are the owner(s) of the property involved in this application and
that the foregoing statements and answers herein contained and the information herewith
submitted are in all respects true and correct to the best of my/our knowledge and belief(s).

Signature of Property Owner(s) – (Not Owner in Escrow or Lessee)

Print Name

Mailing Address

Telephone

Subscribed and sworn to before me,
this _____ day of _____, 20____
in and for the County of _____
State of _____

Notary Public

Fee Schedule Summary

Below are the fees typically associated with the corresponding applications. Additional fees not shown on this sheet may apply – refer to current City Fee Resolution (contact the Planning Department for assistance.) Fees are subject to annual adjustment.

Submitted Application (circle applicable fees, apply total to Fee Summary on application)

Coastal Development Permit

Filing Fee (public hearing – no other discretionary approval required): \$ 4,275 ☒
Filing Fee (public hearing – other discretionary approvals required): \$ 815 ☒
Filing Fee (no public hearing required): \$ 560

Use Permit

Use Permit Filing Fee: \$ 5,200 ☒
Master Use Permit Filing Fee: \$ 8,145 ☒
Amendment Filing Fee: \$ 4,730 ☒
Master Use Permit Conversion \$ 4,080 ☒

Variance

Filing Fee: \$ 4,925 ☒

Minor Exception

Filing Fee (with notice): \$ 1,095 ☒
Filing Fee (without notice): 547.50

Subdivision

Certificate of Compliance \$1,505
Final Parcel Map / Final Tract Map 585
Lot Line Adjustment or Merger of Parcels 1,010
Mapping Deposit (paid with Final Map application) 473
Quimby (Parks & Recreation) fee (per unit/lot) 1,817
Tentative Parcel Map (less than 4 lots / units) No Public Hearing 805
Tentative Parcel Map (less than 4 lots / units) Public Hearing 3,180** ☒
Tentative Tract Map (more than 4 lots / units) 3,770** ☒

Environmental Review (contact Planning Division for applicable fee)

Environmental Assessment: \$ 215
Environmental Assessment (if Initial Study is prepared): \$ 2,210
Fish and Game County Clerk Fee²: \$ 75

☒ ***Public Notification Fee*** applies to all projects with public hearings and covers the city's costs of envelopes, postage and handling the mailing of public notices. Add this to filing fees above, as applicable. \$ 65

² Make \$75 check payable to LA County Clerk, (DO NOT PUT DATE ON CHECK)

RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 451-4115

October 18, 2010

Jim Fasola, Chairperson
Members, Manhattan Beach Planning Commission
City of Manhattan Beach City Hall
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: 3405 Ocean Drive; 3404 The Strand ("Ocean/Strand Property"); Appeal Decision of Community Development Director that the 1) illegally constructed structures are 'legal' nonconforming , 2) application of the 'Standard Remodel' valuation to this 100% interior demolition, structural, floor plan, stucco changes to determine it does not exceed the 50% 'building evaluation', 3) Minor Exception is not needed, and 4) Department of Community Development has jurisdiction or authority to approve a Building Permit for said property.

Dear Chairperson Fasola and Planning Commissioners:

This is an appeal on behalf of David and Bonnie Rickles; who own and live at 3414 Ocean Drive, across the street from the above-captioned property; from the Interim Community Development Director's ("Staff") decision to approve a Building Permit for the above captioned property. This decision is both legally and factually unsustainable. As such we request that you grant this appeal to overturn that decision.

Background

The homes at 3405 Ocean Drive; 3404 The Strand (hereinafter "Ocean/Strand Property") were constructed in 1973 in violation of the then existing Manhattan Beach Municipal Code ("MBMC") regarding height, setbacks and garage size. The violations of the height and setback regulations were redlined on the construction drawings,¹ yet, Jack Guy, the owner, completed both structures without correcting those violations.

In 2009 the Nelsons purchased this property from the daughter of original owner, Jack Guy. In January through March, 2010, they applied for and received building and demolition permits. We concur with Staff's recitation of the facts that

¹ See Attachment A for sketched copy of 1973 construction drawings

the work exceeded the scope of the application, leading to a Stop Work Order, and discovery that 100% of the interior of both structures had been demolished.²

We do question Staff's acceptance of the general contractor's justification of his unpermitted, excessive demolition: a 2009 letter indicating the existence of water damage in both structures coupled with his 'discovery of mold throughout the structure.'³

Bonnie and David Rickles and other neighbors conducted their own investigation of the applicable ordinances, the original construction and approvals, and presented their findings to Staff with their conclusion that not only are the structures illegal and non-conforming⁴, but also that said construction, if the proper valuation method were used, exceeds 50% of the existing building evaluation, and that as such the structures must be brought into conformance with the current zoning code. At no time, contrary to the Acting Director's email to the City Council on October 1, did my clients or to my knowledge, any neighbor, request "the buildings to be demolished and new buildings constructed to the current Zoning Codes".

I. The Ocean/Strand Structures are Illegal Non-Conforming Structures, in that they were Illegal When Built and are Not Allowed under Current Zoning Ordinances. As Such the City May Not Process Any Applications for Said Structures Until a Variance is Obtained.

A. While both structures have illegal elements, it is the illegal non-conformities on the 3405 Ocean Drive unit that are of major concern.

As set out in the chart below, the 3405 Ocean Drive unit, when built, significantly violated (among others) the then existing height, north setback, east/front setback requirements.

3405 Ocean Drive	1973 Requirement	Current Requirement	Actual
Height	30' max above high-low average of footprint	30' max above average of 4 lot corners	31' 8" (by 1973 requirement) 37' 1/2" (by current requirement)
South Side-yard Setback	10% lot width (3'4")	10% lot width (3'4")	3'2"
North Side-yard Setback	10% lot width (3'4")	10% lot width (3'4")	0'
East/Front Setback	5' min; 2' min at 8' minimum above street	5' (no encroachment allowed)	2'2", 7'6" above street
Garage	4 spaces max	2 per unit (4 total)	6 spaces

² The demolition of 100% interior is an understatement of the work already undertaken.

³ Staff does not explain how this letter materialized after the violation of the permits occurred, or, why the contractor did not, at the time of his 'discovery', simply ask to amend his permits. Now with the 100% of the interior demolished there is no way to determine the accuracy of the contractor's justification.

⁴ See September 22, 2010 letter from this office to Richard Thompson formally advising the City of Manhattan Beach of this issue (see Attachment B). Said letter and its contents, which were never acknowledged by the City, are hereby incorporated into this appeal.

B. There is no legal or factual support for Staff's determination that the excessive height and other non-conformities come under an 'exception', are legal because they were approved, or are 'typical' of older structures in this District.

Staff incorrectly relies on MBMC §10.68.030E which "allows an exception to non-conforming of structures***if the reason for the excess is due to method under which the structure was measured" to allow the height violation. In this case, the reason for the excess (2' of 7') was the builders knowing violation of the code not the 1973 height measurement methodology.⁵ As such that exception does not apply.

Also, unsupported by the MBMC are Staff statements that the illegal height and setbacks are legal as a Minor Exception. While MBMC §10.84.120, permits the Director to grant minor exceptions if the "Non-compliant construction is due to Community Development staff review or inspection errors." (§10.12—10.67), said "Minor Exception, cannot be granted because to grant this exception, Staff must make all five findings in MBMC §10.84.120.F.2. Three of those findings—(a.) compatibility with properties in the surrounding area⁶, (b.) no significant detrimental impact upon surrounding neighbors (the views of Bonnie and David and other houses on the Strand are significantly negatively impacted; and (c.) the project is consistent with the current General Plan and zoning district.

Staff erroneously contends that Staff's 'final sign off' confers legal status. The MBMC states otherwise: any approval of a building permit 'in conflict with any provision of this [title 10] "is deemed to be void. (§10.104.010)

Equally incorrect is Staff's conclusion that "these non-conformities are typical of older structures in the City" as least insofar as this neighborhood. David and Bonnie Rickles surveyed circa 1940-80 homes on Manhattan Strand from the Hermosa Beach border north to 45th Street and found that out of 113 structures; only three had the potential to exceed the 1973 height limit.

⁵ MBMC 1973 (Ordinance 825, Section 501)

⁶ See Attachment C photo of 3405 Ocean compared to adjacent structures

The height and setback violations must be presumed to be intentional. The City files for the 1973 Plans for the Nelson Property⁷ show the City advised the then owner/contractor that the Plans showed non-compliance for height and setback. Yet the structure was built with those violations.

I. Even if the non-conformities are determined to be legal, under MBMC §10.68.030, this remodel is anything but a "Standard" Remodel: the 'Major Remodel' Valuation should have been applied to arrive at an excess of 50% valuation⁸; as such the Building Permit may not issue unless the structures are brought into conformance with current code.

- A. The building official sets the valuation rates for remodels. In Manhattan Beach the rates for "Standard Remodels" (\$80/square') are applied for remodeling "Kitchen, Bath, etc" living areas"; and "Major Remodel" (\$140), "New floor plan, drywall and stucco replacement. Here, in addition to 100% interior demolition, the remodel includes new drywall, new floor plans and large areas of stucco replacement. Clearly this work falls much more under the "Major Remodel" category.
- B. This is Major Remodel under 'Reasonable Person' Standard: When in doubt as to which definition to apply, the law requires a determination that does not lead to an 'absurd result.' Any dispassionate/reasonable person review of the work done here, would find calling this remodel 'standard' to be absurd.
- C. Since this remodel exceeds the 50% valuation, a Minor Exception would be required; however, Minor Exceptions are only allowed for one non-conformity (§10.84.120). These structures each have three or more non-conformities.
- D. Even if a Minor Exception were allowed for one or more non-conformities: none can be granted, unless all five findings (see I.B. above) can be made for each non-conformity. As discussed above, at least three of those findings cannot be made.

⁷ See Attachment B

⁸ Even under the 'Standard Remodel' the valuation exceeds 50%.

CONCLUSION

Because Staff's Decisions that, 1) the illegally constructed structure is a 'legal' nonconforming structure, that, 2) "Standard Remodel" valuation rate applies to this entire remodel in which there was, in addition to a 100% interior demolition, extensive floor plan changes, structural framing, outside stucco, and exterior windows and stairways replaced, a valuation rate that defies both the MBMC, and common sense; and, that, 3) a Minor Exception could be granted even though the requisite findings cannot be made;

Therefore, we request that this Commission grant Bonnie and David Rickles' appeal and,

- **Find that no permits may be issued until either variances are granted, or the structures are brought into conformity;**
- **Find that under the facts of this case, the remodel exceeds 50% valuation, and**
- **The Findings to Support a Minor Exception cannot be made.**

Thank you for your time and courtesy to this matter.

Very truly yours,



RENA RICKLES

Attachments:
Attachment-A
Attachment-B
Attachment-C

Cc: David and Bonnie Rickles

Attachment A: Sketch copy of redlined east/west elevation views of 3405 Ocean Drive from 1973 Plans, with notes stating height and setback not compliant, and must be brought into compliance.

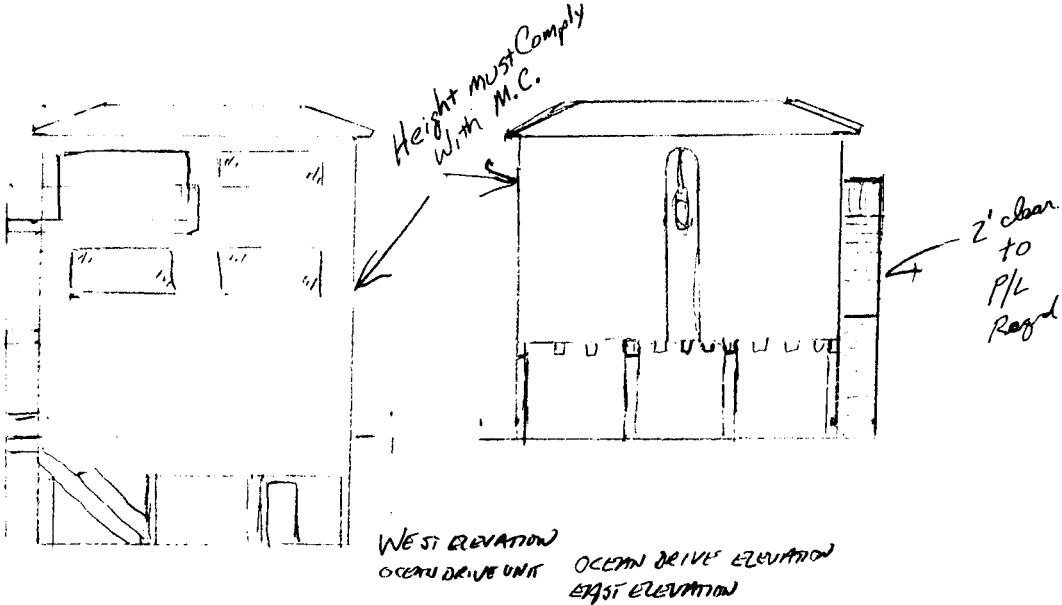


Figure 1 -- Sketch/copy of redlined east/west elevation views of 3405 Ocean Drive from 1973 Plans with notes "Height must Comply With M.C." and "2' clear to P/L Req'd".

Attachment B: Letter Re: 1973 Illegalities

RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 451-4115

September 22, 2010

Richard Thompson
Interim City Manager
City of Manhattan Beach City Hall
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: 3405 Ocean Drive; 3404 The Strand
Todd and Angela Nelson

Dear Mr. Thompson:

This office represents David and Bonnie Rickles. They own and live in the house at 3414 Ocean Drive across the street from the above-captioned property. However, many of the Nelsons' abutting and confronting neighbors share and join the concerns which are expressed in this letter and in previous communication with your Planning Department, and Esteban Danna in particular regarding the Nelson's total renovation of their property, a renovation application which, it turns out is in violation of the '50% rule' (reference MB Ordinance 2112, Section 17, par. E) and so affects the approval process of their proposed plans for work at 3405 Ocean Drive/3404 The Strand. I am writing now to put the City of Manhattan Beach on formal notice of another issue that has arisen; that affects any proposed construction to 3405 Ocean Drive/3404 The Strand.

It appears that 3405 Ocean Drive/3404 The Strand consists of an unlawful non-conforming structure at the 3405 Ocean Drive building; because, when the home was constructed in 1973, the structure violated Manhattan Beach development standards in the following ways:

- (1) the height exceeds what was allowed,
- (2) the side yard set back is less than what was allowed,
- (3) the structure's east side encroachment into the front yard set back extends lower than what was allowed (8' required; approximately 7'6" provided),
- (4) the building exceeds the maximum allowable capacity of garage spaces (4 were allowed; there are 6)

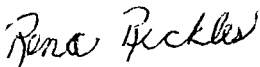
Because the building was constructed in violation of the then existing development standards, and because there is no record of the City granting a Variance for said violations, the house must be categorized as an illegal non-conforming structure.

Attached to this letter are the Manhattan Beach Ordinances in effect when the property was built in 1973 along with an analysis showing that the Nelson property as constructed violates those ordinances (as well as the ordinances now in effect).

As an illegal non-conforming structure, a variance must be obtained prior to approval or issuance of any building or planning permits for 3405 Ocean Drive/3404 The Strand. See Municipal Code 10.01.050.

Please confirm that you agree that 3505 Ocean Drive/3404 The Strand is currently an illegal (unlawful) non-conforming structure that requires a Variance prior to the processing or approval of any building plans, use permits and/or the issuance of any building or use permits.

Very truly yours,



Rena Rickles

Attachments: Manhattan Beach Ordinances in effect in 1973 when Nelson property constructed

Cc: Estaban Danna
David and Bonnie Rickles (via email)

Attachment C



Figure 2 – Picture of 3405 Ocean Drive, taken from that street, looking northwest, showing incongruity between this structure and its legally-built neighbors.

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

TO: See distribution below

FROM: Angela Soo, Executive Secretary
c/o (Esteban)

DATE: OCTOBER 18, 2010

SUBJECT: Review Request for Proposed Project at:
3404 THE STRAND / 3405 OCEAN DR
**(2nd Submitted Appeal of Director's Decision to
Allow a Remodel, <50% -- Rickles)**

The subject application has been submitted to the Planning Division. Please review the attached material(s) and provide specific comments and/or conditions you recommend to be incorporated into the draft Resolution for the project. Conditions should be primarily those which are not otherwise addressed by a City Ordinance.

If no response is received by **OCTOBER 29**, we will conclude there are no conditions from your department.

Comments/Conditions (attach additional sheets as necessary):

<u>Yes</u> / <u>No</u> Building Div.	Yes / <u>No</u> City Attorney
<u>Yes</u> / <u>No</u> Fire Dept	Yes / <u>No</u> Police Dept.:
<u>Yes</u> / <u>No</u> Public Works (Roy)	___ Traffic
<u>Yes</u> / <u>No</u> Engineering (Steve F)	___ Detectives
<u>Yes</u> / <u>No</u> Waste Mgmt (Anna)	___ Crime Prevention
<u>Yes</u> / <u>No</u> Traffic Engr.(Erik)	___ Alcohol License (Chris Vargas)

CITY OF MANHATTAN BEACH

**COURTESY NOTICE OF TWO APPEALS OF AN ADMINISTRATIVE DECISION TO APPROVE
A REMODEL PROJECT APPLICATION FOR 3404 THE STRAND / 3405 OCEAN DRIVE
BEFORE THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH**

Appellants: Thornton Stone
David and Bonnie Rickles

Filing Dates: October 15, 2010
October 18, 2010

Project Location: 3404 THE STRAND / 3405 OCEAN DRIVE

Project Description: Appeal of Staff decision to approve a proposed remodel project with no addition of new square footage and not exceeding 50% in building valuation. Reasons for appeals include Staff's project building valuation determination and the legality of the construction of the original duplex in 1973.

Project Planner: Esteban Danna, 310-802-5514, edanna@citymb.info

Appeal Date: Wednesday, November 10, 2010

Time: 6:30 p.m.

Location: Council Chambers, City Hall, 1400 Highland Avenue, Manhattan Beach

Further Information: Proponents and opponents may be heard at that time. For further information contact project Planner. The project file is available for review at the Community Development Department at City Hall.

A Staff Report will be available for public review at the Civic Center Library on Saturday, November 6, 2010, or at the Community Development Department on Monday, November 8, 2010, or City website: www.citymb.info on Friday, November 5, 2010 after 5 p.m.

Public Comments: Anyone wishing to provide written comments for inclusion in the Staff Report must do so by November 3, 2010. Written comments received after this date will be forwarded to the Planning Commission at, or prior to the public hearing, but will not be addressed in the Staff Report.

Appeals: The Planning Commission's decision is appealable to the Manhattan Beach City Council within 15 days from the date of the Planning Commission's decision. Appeals to the City Council shall be accompanied by a fee in the amount of \$465.

Mail: October 27, 2010

*Marked
10/27/10
ASW
Julie*

City of Manhattan Beach



Department of Building CERTIFICATE OF OCCUPANCY

This Certificate is issued pursuant to the requirements of the Manhattan Beach Municipal Code, certifying that at the time of its issuance this building was in compliance with pertinent provisions of the Municipal Code regulating building construction and use for the following:

Use Classification Two family dwelling
Group I Type Construction V Fire Zone 3 Use Zone R-2
Special Conditions _____
Building Address 3404 The Strand and 3405 Ocean Dr., Manhattan Beach, CA. 90266
Lot 9 Block 37 Tract Peck's Man. Beach No. 2 Map Book _____ Page _____ Parcel _____

Any change in the use, or occupancy of this building automatically voids this certificate.

Date of Issue November 25, 1974

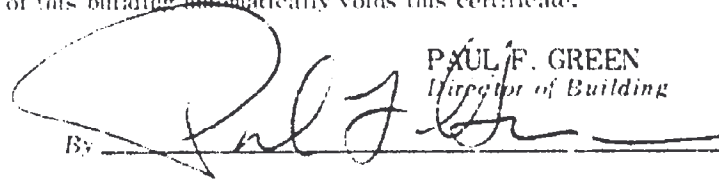
By  _____
PAUL F. GREEN
Director of Building

EXHIBIT D
PC MTG 11-10-10

USED BRICK
 4-8" x 8" x 16"
 4-8" x 8" x 16"
 4-8" x 8" x 16"
SECTION C
 SCALE 1/4" = 1'-0"

- LEGEND**
- 1 PLOT PLAN & PATIO LAYOUT
 - 2 STRUCTURAL FLOOR LAYOUT PLANS
 - 3 STRUCTURAL PLANS
 - 4 ROOF PLAN & DETAILS
 - 5 FLOOR PLAN & DETAILS
 - 6 FLOOR PLAN
 - 7 SECTION & DETAILS
 - 8 SECTION & INTERIOR ELEVATIONS
 - 9 INTERIOR ELEVATIONS
 - 10 ELEVATIONS & DETAILS
 - 11 ELEVATIONS & DETAILS
 - 12 ELEVATIONS & SPECIAL NOTES
 - 13 SCHEDULES
 - 14 FOUNDATION DETAILS
 - 15 HEATING LAYOUT

PLANS
 SAME AS
 Permit # 93374
 See sheet 10
 for notes

~~APPROVAL~~
 IN CONCEPT ONLY
 NOT FOR BUILDING
 PERMITS
 DATE 11/10/10 BY [Signature]

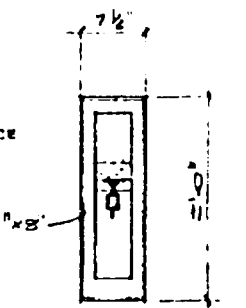
AL UNIT FOR MR. & MRS. JACK GUY
 N BEACH

IQ DESIGNER REG. 1070 REG. 289	JACK GUY TITLE: DUPLEX PLOT PLAN & PATIO LAYOUT	DATE 11/10/10 BY [Signature]	SHEET 15
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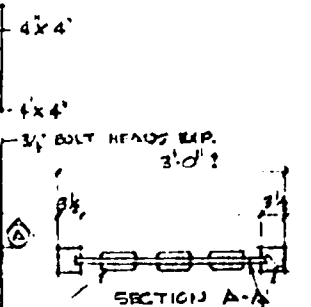
EXHIBIT E
 PE KH 11/10/10
 Pg. 185

2 1/2" OC.
SOLID BLK

DETAIL (W)

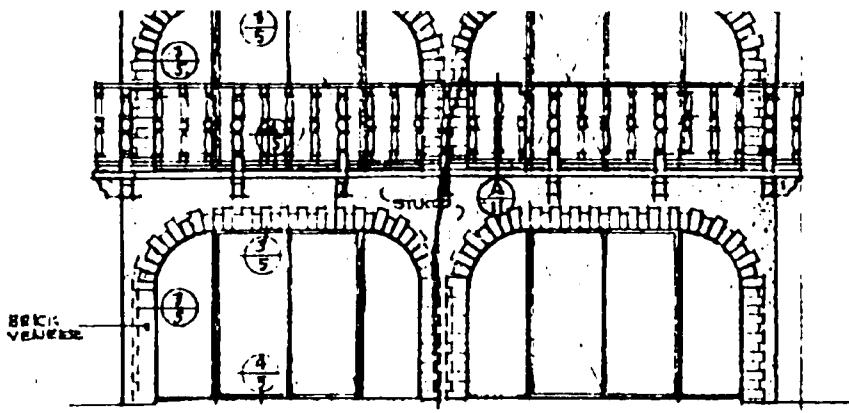


USE DOUGLAS FIR
SAND BLASTED FINISH
SHEET (L)

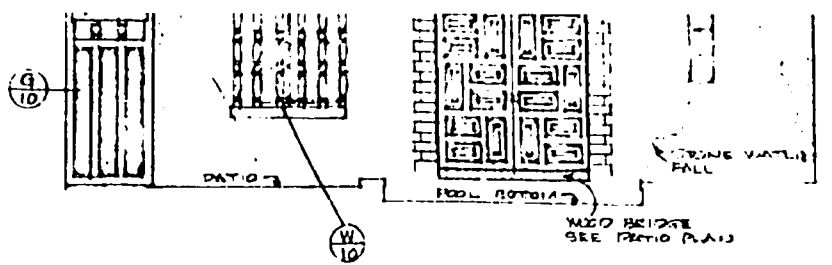


5 1/2\" x 6\" BOARDS
EA. SIDE
4\" x 4\"
3/4\" PLYWOOD CENTER BOARD
4\" x 6\"
USE DOUGLAS FIR
SAND BLASTED FINISH

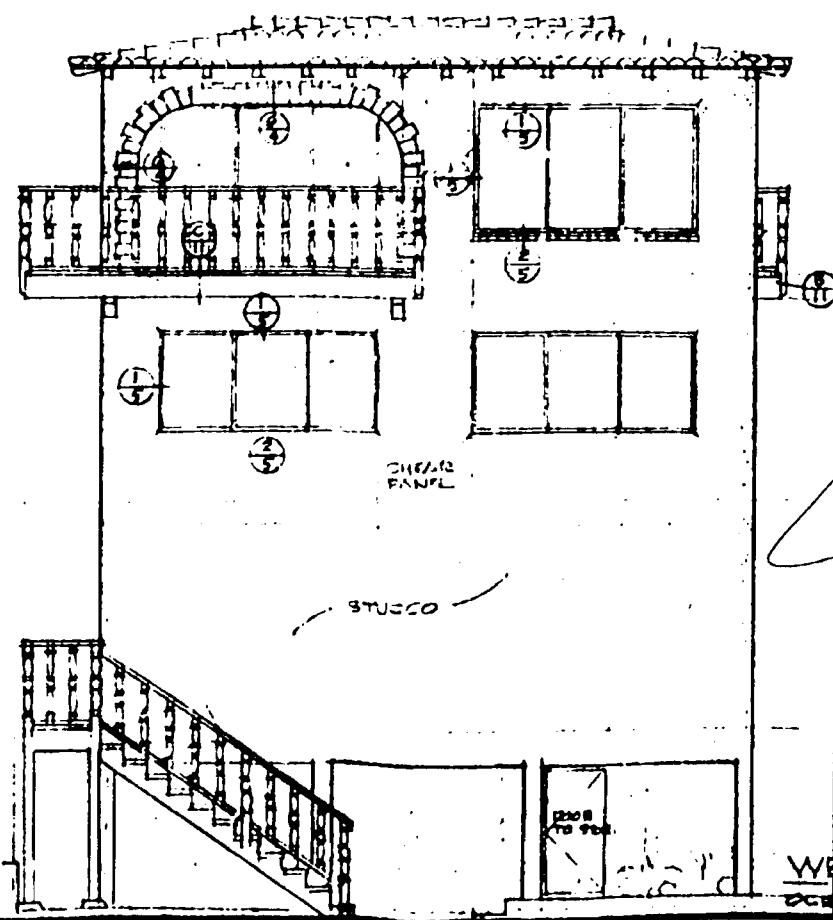
(G)



STRAND ELEVATION
WEST ELEVATION

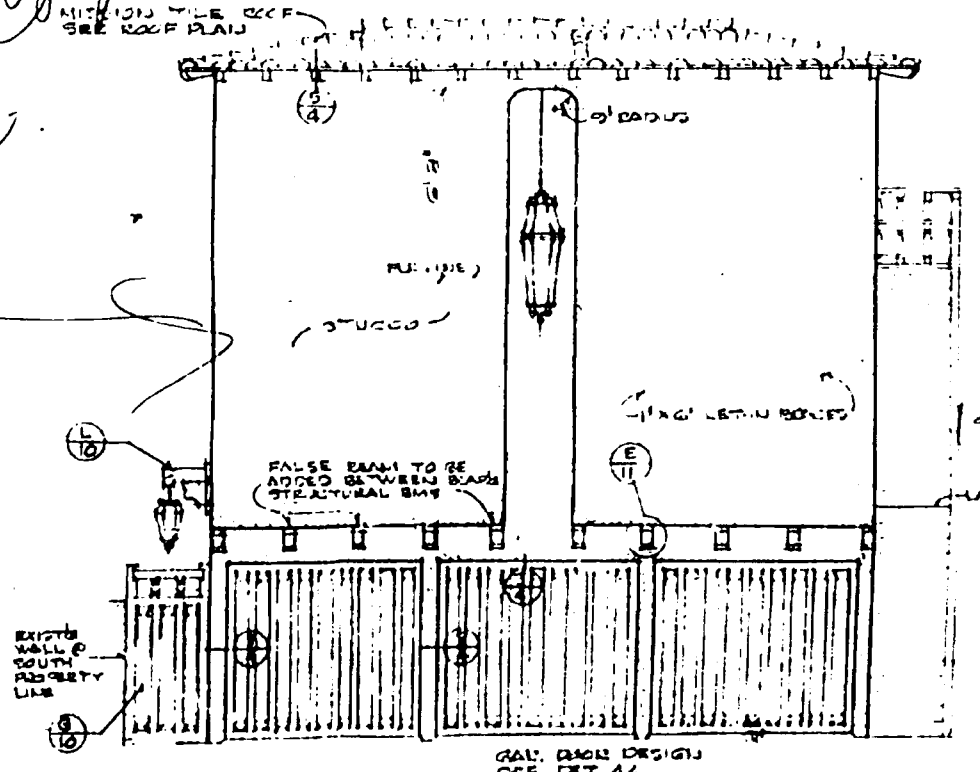


ENTRANCE STRAND UNIT
EAST ELEVATION



WEST ELEVATION
OCEAN DRIVE UNIT

*Height must comply
with M.C.*



OCEAN DRIVE ELEVATION
EAST ELEVATION

*4 to
P/L
Key*

APPROVAL
IN CONCEPT ONLY
DATE 6-1-10 BY *KG*

LEE HOVIS BUILDING DESIGNER
REDONDO BEACH, CALIF. PHONE FR 8-1078 REG. 289

TITLE
JACK GUY - DUPLEX
ELEVATIONS
DATE 1/10/10
DRAWN BY
REVIEWED
SHEET
15

EXHIBIT E
PCMH 4/10/10
Pg. 2 of 5

Building Permit

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPT

APPLICANT FILL IN AREA BELOW

545-5621 1400 HIGHLAND AVENUE

FOR CITY USE ONLY

Job Address 3404 STRAND		Verified by	
Lot No. 9	Block No. 37	Tract PECK'S #2	
Owner's Name HACK GUY		Phone No. 9453104	
Owner's Address 3404 STRAND			
Contractors Name		State Id. No.	City Id. No.
Contractors Address		Phone No.	
Architect/Engineer DON HOWLS		State Id. No.	Phone No.
Draftsman		Phone No.	
Description of Job ADDITION OF 4' X 26'-8" BALCONY ON 3RD LEVEL REAR UNIT.			
Name of Constructor/Lender			
Address			
No. Stories	Bldg. Height	Sq. Ft. of New Work	Sq. Feet of Removal
		26 BALCONY	
Building Use		Valuation Estimate 1,300	

Description of Job		
Zone	Date Received	Received by
Group	Use of Bldg (if commercial or industrial)	Checked by
Fire Zone	Type Construction	
No. Units Existing	Audited This Permit	Total Units on Completion
No. of Units of Special Use or Commercial Spaces		

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 2000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

State License No. _____ Lic. Class _____
City License No. _____
Contractor _____ Date _____
Address _____

I am exempt from the licensing requirements as I am a licensed architect or a registered professional engineer acting in my professional capacity (Section 7051 Business and Professions Code)

SIGNATURE Date _____

OWNER/BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractors License Law for the following reasons (Section 7044 Business and Professions Code)

- I am owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Section 7044 Business and Professions Code)
- I, as owner of the property, am exclusively contracting with licensed contractor to construct the project (Section 7044 Business and Professions Code)

I certify that I have read this application and state that the above information is correct. I agree to comply with all City ordinances and State laws relating to building construction, and hereby authorize representatives of this City to enter upon the above mentioned property for inspection purposes.

X Exempt by City 5/18/81
Signature of Permittee or Agent Date

SEE SEPARATE FORM FOR EXPLANATORY LANGUAGE

Special Assessments 1,300	Initial Plan 31.00
	New Unit Tax
	Micro Filing Charge
	Public Response Fee 50
	Plat/Track Fee
	Permit Fee 31.00
	Total Fee 31.50

CERTIFICATE OF EXEMPTION FROM WORKERS COMPENSATION INSURANCE

(This section need not be completed if the permit is for one finished dwelling (SIOC) or less)

I certify that in the performance of the work for which this permit is issued, I will not employ any person in any manner so as to become subject to the Workers Compensation Laws.

Date _____ Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you wish to employ any person in any manner so as to become subject to the Workers Compensation Laws, you must forthwith comply with such provisions as this permit shall be deemed to exempt.

I hereby affirm that I have a certificate of consent to self-insure under a certificate of Workers Compensation Insurance or a certificate of consent to self-insure under a certificate of Workers Compensation Insurance (Section 2600 Labor Code)

Policy No. _____

- Certified copy is hereby furnished
- Certified copy is filed with the City Engineer

Date _____ Applicant _____

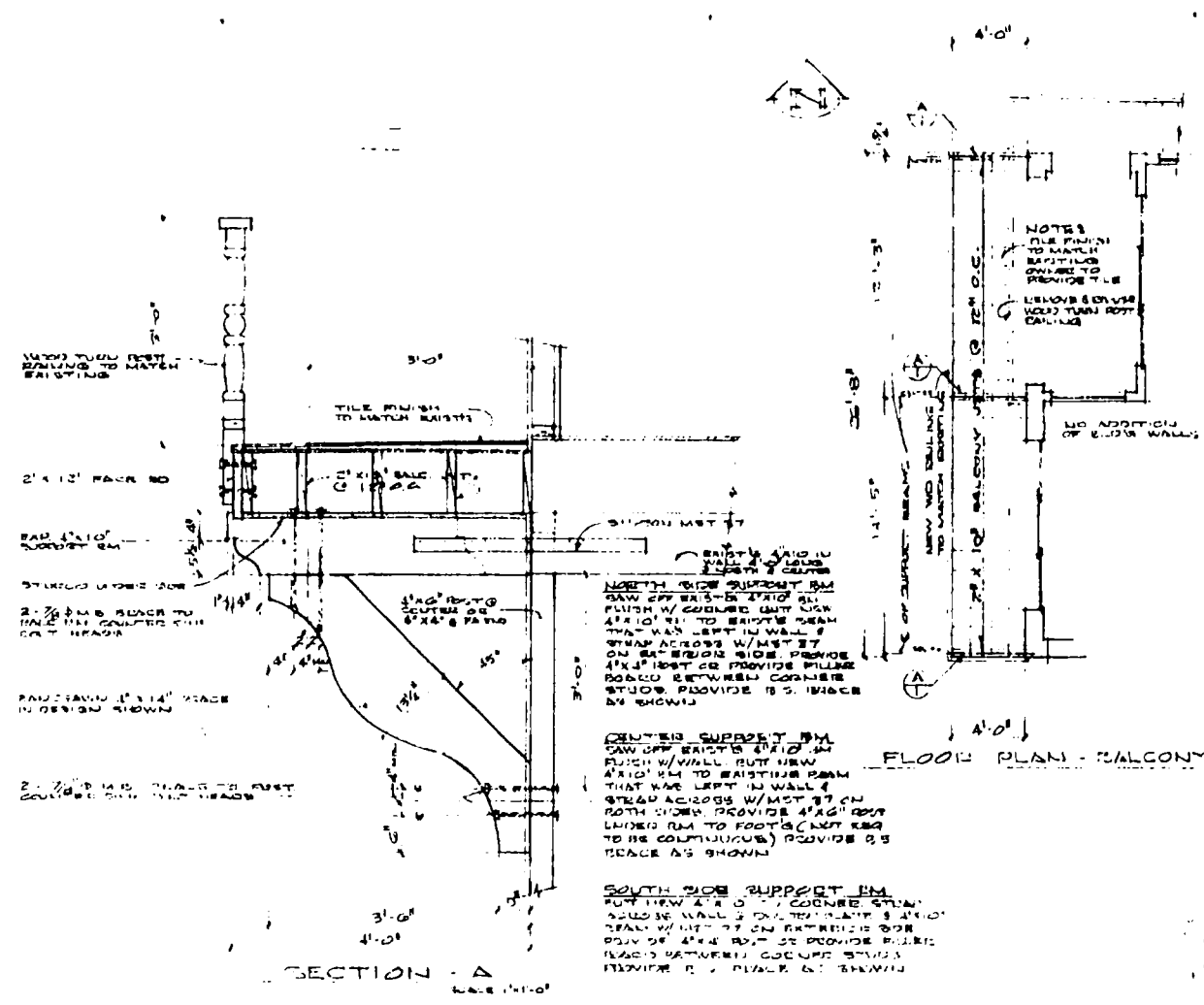
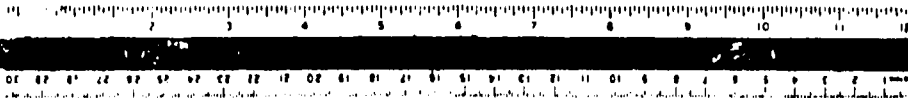
VALIDATION

This permit when approved is valid for 120 days from the date of issuance. Extensions for an additional 120 days occur with each inspection. Renewal fee for an expired permit is one-half of the original permit fee.

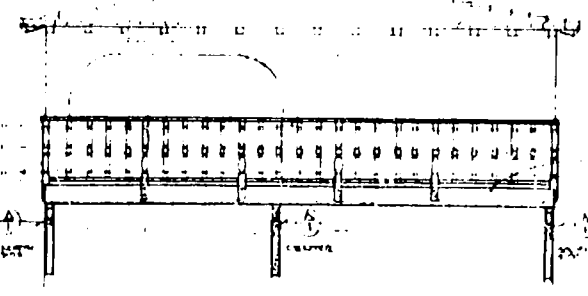
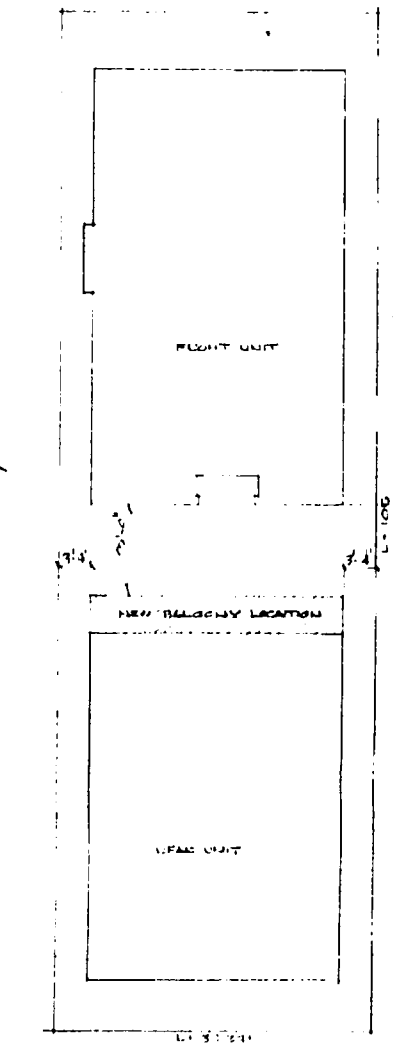
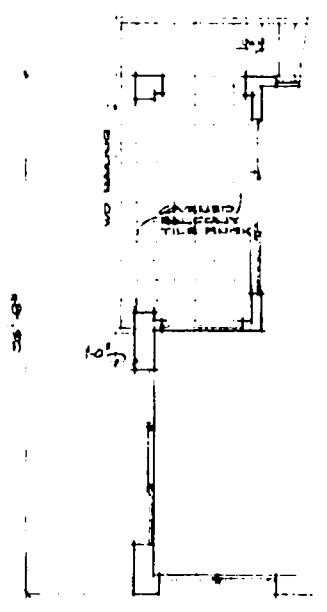
THIS FORM WHEN PROPERLY VALIDATED IS A PERMIT TO DO THE WORK DESCRIBED.

EXHIBIT E

PC KHJ 11/10/10



FLOOR PLAN - BALCONY ADDITION
SCALE 1/8" = 1'-0"

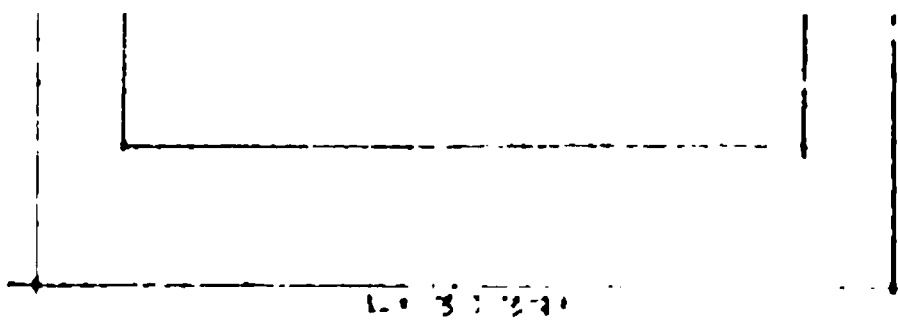
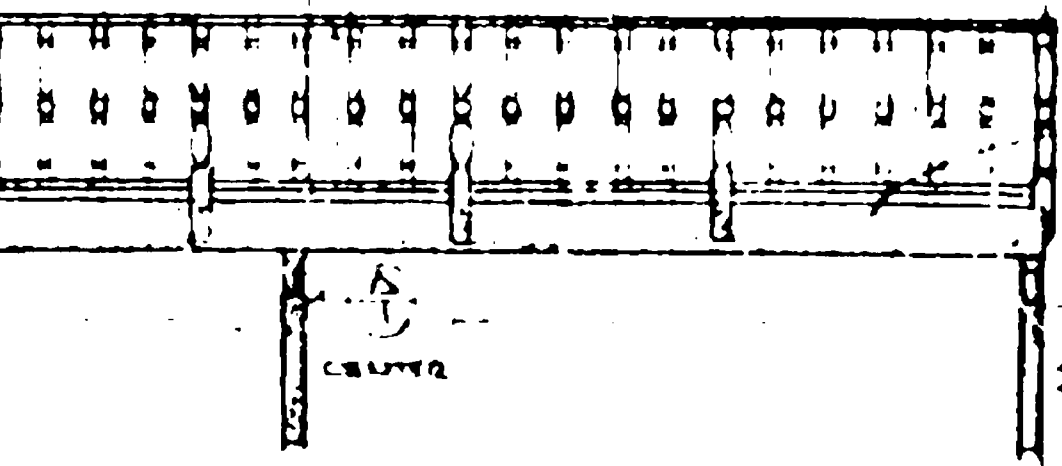


DATCHED STUCCO TO MATCH EXIST. IN COLOR & TEXTURE

APPROX. AREA	180 SQ. FT.
TOTAL AREA	180 SQ. FT.

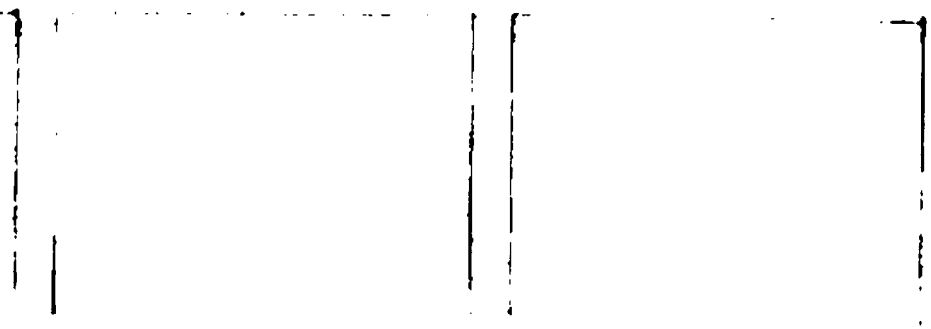
EXHIBIT E
PC HQ. 11/10/70
Pg. 4 of 5

#1
5-8-81



3 STUCCO IN EXISTING OR TEXTURE
 4" X 4" POST SET INTO WALL

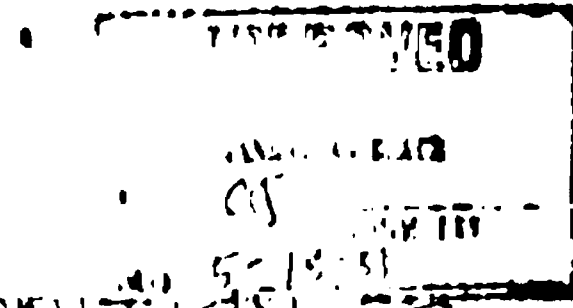
4" X 4" POST SET INTO WALL



FACING ELEVATION
 SCALE 1/8" = 1'-0"

EXISTING WALL
 DEPT OF EXISTING
 URW

APPROXIMATE
 PLOT PLAN
 SCALE 1/8" = 1'-0"
 BALCONY 40.50
 24.14
 TOTAL 180.64



BALCONY ADDITION FOR
 UPPER FLOOR OF BEACH
 UNIT @ 3404 STANFORD
 MANHATTAN BEACH

EXHIBIT E
 PC # 11/10/16
 Pg. 5 of 5

LEGAL 3
 LOT 25 (HACRBY ELY 10')
 TR. 10
 TR. 1055 M.R. TRACT 8

NER
 REG. '889

TITLE
 BALCONY ADDITION FOR
 MR & MRS JACK GUY PH 5455104
 3404 STANFORD MANHATTAN BEACH, CAL.

DATE 7/21
 DRAWN BY
 CHECKED BY

SHEET
 1 of 1

535

**BUILDING VALUATION DATA
(Effective 05/01/2010)**

Revised 7/6/10

DWELLINGS

NSFR / CONDO / APTS.....	160.00
Addition.....	160.00
Basement.....	160.00

PRIVATE GARAGES

Garage.....	57.33
Remodel Garage.....	28.67

DECKS

30" or more above grade.....	58.75
Deck at Grade.....	35.25
Covered porches.....	40.80
Retaining walls.....	38.65
Fence/Block wall.....	17.65

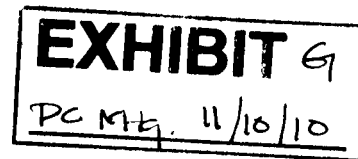
RESIDENTIAL REMODEL

Standard Remodel: Kitchen, Bath, Etc.....	80.00
Major Remodel: New floor plan, drywall & stucco replacement.....	140.00

**INTERIOR WORK of Existing Building
(TENANT IMPROVEMENT)**

T/I: Basic Office.....	40.00
T/I: Executive Office.....	100.00
T/I: Retail.....	100.00
T/I: Medical/Dental Office.....	120.00
T/I: Restaurant.....	120.00

EXHIBIT F
PC MH. 11/10/10



igned occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

106.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

106.3.4 Design professional in responsible charge.

106.3.4.1 General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1709, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704).

106.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and

been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**SECTION 107
TEMPORARY STRUCTURES AND USES**

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *California Electrical Code*.

107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

**SECTION 108
FEES**

108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such

as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

108.6 Refunds. The building official is authorized to establish a refund policy.

SECTION 109 INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.3 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.10.

109.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

109.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary

equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

109.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

109.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

109.3.5 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

109.3.6 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

109.3.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U* values, fenestration *U* value, duct system *R* value, and HVAC and water-heating equipment efficiency.

109.3.8 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

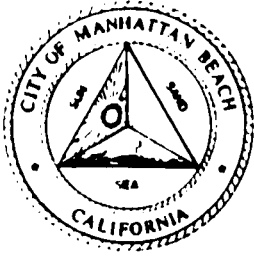
109.3.9 Special inspections. For special inspections, see Section 1704.

109.3.10 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

109.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

109.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

109.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or



City of Manhattan Beach

Community Development

Phone: (310) 802-5500

FAX: (310) 802-5501

TDD: (310) 546-3501

September 17, 2010

Angela Nelson
1717 N. Poinsettia Ave
Manhattan Beach CA 90266

Re: Minor Exception Applications for 3404 The Strand and 3405 Ocean Drive

Dear Ms. Nelson:

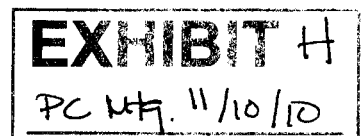
On September 8, 2010, the Community Development Department received two Minor Exception applications for the projects located at 3404 The Strand and 3405 Ocean Drive. Upon review, Staff determined that the total estimated construction costs of your projects do not exceed 50% of the building valuation. Therefore, Minor Exceptions are not required.

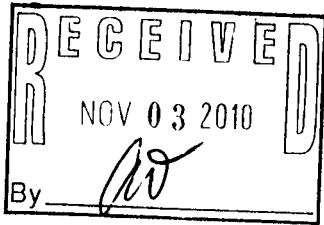
Angela Soo, Executive Secretary (310-802-5503 or asoo@citymb.info) will process the paperwork for your refund. Should you have any questions, please contact the project Planner, Esteban Danna at 310-802-5514 or edanna@citymb.info.

Sincerely,

LAURIE B. JESTER
Acting Director of Community Development

CC.
Angela Soo
Esteban Danna





Angela Nelson
1717 N. Poinsettia Avenue
Manhattan Beach, CA 90266
October 20, 2010

Dear Chair Fasola and City of Manhattan Beach Planning Commissioners:

Thank you for your service to our community and for allowing me to address you on behalf of our re-model located on 3404 The Strand and 3405 Ocean Drive.

On October 1, 2010, Laurie Jester and the Department of Community Development staff approved a Building Permit application for 3404 The Strand and 3405 Ocean Drive pursuant to Manhattan Beach Municipal Code Titles 9 and 10, and 2007 California Building Code.

You can imagine my excitement to receive this good news considering my remodel project has been in limbo since June 24, 2010.

Unfortunately two of our future neighbors have appealed the approval. In reviewing those Master Application Forms and attachments, it is crystal clear that both neighbors have several missed findings and incorrect information. During the November 10 Planning Commission meeting and subsequent hearing in City Council Chambers, I will provide the correct information, additional details and challenge all of their findings. I will be supported by more than a dozen neighbors who stand in support of our project.

My family enjoys living in Manhattan Beach. We are good citizens who appreciate the value of preservation and responsible improvements. In purchasing these properties for our family, our only intention was and continues to be to preserve these buildings and simply remodel them in hopes of enhancing the neighborhood while increasing the value of surrounding homes.

It is not our intention to demolish the buildings and build another McMansion on The Strand. These buildings have been there since 1973 and we saw this as a wonderful opportunity to restore these unique and

special buildings. A full demolition and new construction would take years while our remodel will take months. As a resident who has endured the inconvenience of new construction over time, I am especially sensitive and respectful where imposing construction on my neighbors and residential community is concerned.

I sincerely appreciate your support of our effort to preserve these buildings that have stood with character and uniqueness in Manhattan Beach for over 35 years. You might also imagine how this entire ordeal has affected myself and my entire family financially, emotionally and spiritually.

Please support the Department of Community Developments ruling and affirm Laurie Jester and Department of Community Development's approval of our Building Permit application so we can move forward and simply build our home.

Many thanks!

A handwritten signature in black ink, appearing to read 'AD Nelson', with a long horizontal flourish extending to the right.

Angela D. Nelson

True facts about 3404 The Strand and 3405 Ocean Drive

- **FACT: THE CITY APPROVED THE REMODEL**
- **FACT: On October 1, 2010 The Department of Community Development APPROVED a remodel building permit for BOTH structures**
- **FACT: Structures have been here for almost 40 years**
- **FACT: Both Structures were LEGALLY built in 1973 under permit under 93304**
- **FACT: Remodel does NOT exceed the 50% valuation under the current building valuation figures**
- **FACT: Over the past decades, Zoning Codes have changed - as a result, many existing LEGAL non-conforming structures are in existence**
- **FACT: Owners are legally improving and preserving original structures without changes to the actual height of the buildings**
- **FACT: Both structures still have many existing interior walls intact and conform to the City's Building Codes**
- **FACT: Toxic FIBERGLASS AND WATER DAMAGE were discovered from a certified inspector in both structures. Both are safety hazards. Owners took precautions to remove ALL potential life threatening wood, insulation, drywall and other interior material (please review attached physical inspection)**
- **FACT: North side exterior stairs on Ocean Drive Structure were deemed unsafe. Upper portion of stairs were NOT SAFELY attached to landing and were LEGALLY removed**
- **FACT: LEGAL plumbing tests (pipes had to be snaked) were done on the Strand structure. As a result, a clogged piped was discovered and therefore was removed. NO ILLEGAL PLUMBING WAS INSTALLED**
- **FACT: All windows and doors were LEGALLY removed to bring up to current safely codes**
- **FACT: A 6-car garage in Ocean Drive provides parking for BOTH structures. Overall, this allows for more parking and LESS car congestion on side streets.**
- **FACT: All faulty electrical and HVAC removed to bring to up to current code**
- **FACT: Strand structure has only THREE livable floors. There exists a small walk-in storage area under house with no windows**
- **FACT: A full demolition and new construction would take years while a remodel will take months- less noise pollution, less construction congestion**

BUILDING INSPECTION REPORT

Please note all highlighted discoveries from the professional physical inspector. These items address areas of concern. While both structures are sound and well-built, the interior parts of both have many issues, which identify safety hazards. All safety precautions were taken during the demolition process. Water damage, potential mold and mildew and any remnants of fiberglass were removed to protect the homeowners.

Building Inspection Report

3404 The Strand, Manhattan Beach, Ca

Inspection Date:
February 20, 2009

Prepared For:
Todd & Angela Nelson

Prepared By:
Professional Inspection Network, Inc
17931 Beach Blvd., Suite 212
Huntington Beach, Ca 92647

(800)454-6630
(714)841-0971 Fax

Inspector:
Alexander Kuczynski

Report Overview

THE HOUSE IN PERSPECTIVE

This is a well built 35 year old (approximate age) home that has been lacking maintenance somewhat. Apart from the short term need to deal with this lacking maintenance, *the improvements that are recommended in this report are not considered unusual for a home of this age and location.* Please remember that there is no such thing as a perfect home.

CONVENTIONS USED IN THIS REPORT

For your convenience, the following conventions have been used in this report.

- **Major Concern:** denotes a major improvement recommendation that is uncommon for a home of this age or location.
- **Safety Issue:** denotes an observation or recommendation that is considered an immediate safety concern.
- **Improve:** denotes improvements that should be anticipated over the short term.
- **Monitor:** denotes an area where further investigation and/or monitoring is needed. Repairs may be necessary. During the inspection, there was insufficient information. Improvements cannot be determined until further investigation or observations are made.

Please note that those observations listed under "Discretionary Improvements" are not essential repairs, but represent logical long term improvements.

NOTE: For the purpose of this report, it is assumed that the house faces east.

IMPROVEMENT RECOMMENDATION HIGHLIGHTS

IMPORTANT NOTE-PLEASE READ: The Report Overview is provided to allow the reader a brief overview of the findings of the report. This page is not all encompassing. Reading this page alone is not a substitute for reading the report in its entirety. The entire Inspection Report, including the CREIA Standards of Practice, Scope of Inspection, limitations, and Standard Inspection Agreement must be carefully read to fully assess the findings of this inspection. This list is not intended to determine which items may need to be addressed per the contractual requirements of the sale of the property. Any areas of uncertainty regarding the sale contract should be clarified by consulting an attorney or your real estate agent.

It is recommended that any deficiencies and the components/systems related to these deficiencies noted in the report be evaluated/inspected as needed by licensed contractors/professionals prior to the close of escrow. Further evaluation prior to the close of escrow is recommended so a properly licensed professional can evaluate our concerns further and inspect the remainder of the system or component for additional concerns that may be outside our area of expertise or the Scope of the Inspection.

Inspection Attendees

Buyer Buyer's Agent Seller _____ Sellers Agent

Client understands that the lack of a signed inspection agreement voids all warranties as well as any applicable Errors and Omissions Insurance.

1. **Major Concern/Safety Issue:** The main floor furnace displayed an orange wavering flame when operated that is indicative of a cracked heater exchanger.
 2. **Major Concern/Safety Issue:** The upper floor forced air heater is located in the closet of the master bedroom which is a safety concern.
 3. **Major Concern/Monitor:** Wood damage and water staining were observed in the attic area.
 4. **Safety Issue/Monitor:** It is suspected that the moisture barrier at the north and east retaining walls in the lower floor may have been breached.
 5. **Safety Issue:** Although proper at the time of original construction, balcony railing spacing is wider than is currently acceptable.
 6. **Safety Issue:** The use of unprotected incandescent bulbs in closets is a safety concern.
 7. **Safety Issue:** Although not required at the time of original construction, the installation of a ground fault circuit interrupter (GFCI) is recommended in the kitchen, bathrooms, exterior and garage outlets. A ground fault circuit interrupter (GFCI) offers protection from shock or electrocution.
-

8. **Safety Issue:** The lower floor furnace platform has sustained water rot that makes the system susceptible to mixing of return and combustion air.
 9. **Safety Issue:** It is suggested that solid pipe be added at the point where the flexible gas line penetrates the side wall of the forced air heaters.
 10. **Safety Issue/Monitor:** The heater ducting is composed of a fiberglass tube which cannot be cleaned and may be prone to entrainment of fibers into the airstream.
 11. **Safety Issue/Monitor:** Excessive moisture and ceiling damage were observed at the lower southeast storage closet.
 12. **Safety Issue/Monitor:** Excessive moisture damage was observed in the wall under the bar sink at the lower floor.
 13. **Safety Issue/Monitor:** Excessive moisture and ceiling damage were observed at mechanical room in the lower story.
 14. **Safety Issue/Monitor:** Excessive moisture damage was observed at the laundry closet on the second floor.
 15. **Safety Issue/Monitor:** Excessive moisture damage was observed under the bathroom sink on the lower floor
 16. **Safety Issue:** Window glass situated less than 18" above floor level should be tempered glass or coated with a 3M safety film.
 17. **Safety Issue:** The openings in the in various locations stairway railing are large enough to allow a child to fall through. It is recommended that this condition be altered for improved safety.
 18. **Safety Issue:** The installation of smoke detectors in all sleeping areas is recommended.
 19. **Improve:** Cracked/ displaced roof tiles should be replaced on an as needed basis.
 20. **Monitor:** The roofing is nearing the end of its life cycle. Gravel on the membrane is missing. This typically leads to a shortened life expectancy. Missing gravel could be replaced.
 21. **Improve:** Gutter downspouts have rusted out.
 22. **Improve:** Localized damage of the stucco exterior walls should be repaired. This is most prevalent at the west facing sections of the building although some damage was observed at all walls.
 23. **Improve:** The soffit and fascia should be painted.
 24. **Improve:** Localized rot was observed at several rafter tails. Repair is suggested in accordance with the Structural/Pest Control Report.
 25. **Improve:** The light switch system is a low voltage ballast driven system that is difficult to service and prone to breakdown.
 26. **Improve:** Many "mystery" switches serving no perceivable function were observed. Seller demonstration is suggested.
 27. **Improve:** The light is inoperative. If the bulbs are not blown, the circuit should be investigated.
 28. **Improve:** Exterior lights have been removed at several locations. Re-installation is suggested.
 29. **Improve:** The lower half of the east outlet in the exercise room is inoperative.
 30. **Improve:** The South outlet in the exercise room has an open neutral.
 31. **Improve:** The southwest outlet at the southeast bedroom is reverse polarity.
 32. **Monitor:** Occupant's belongings prevented testing of all outlets. Due to the number of issues observed, it is urged that ALL outlets be tested prior to usage.
 33. **Monitor:** Given the age of the furnaces, they may be nearing the end of their useful life. It would be wise to budget for a new system.
 34. **Improve:** The lower floor furnace was inoperative at the time of inspection.
 35. **Monitor:** Due to the age of the home, it is suggested that a video inspection be performed to determine the condition of the main sewer line.
 36. **Improve:** The toilets in the powder room and upper hallway bath are loose.
 37. **Improve:** The mosaic tub/shower in the upper hallway bathroom leaks.
 38. **Improve:** Excessive corrosion was observed at the trap arm of the upper hallway bathroom sink.
 39. **Improve:** The sink fixture in the lower bathroom is damaged. Replacement is suggested.
 40. **Improve:** Water damage was noted at the ceiling in the living room.
 41. **Improve:** Water damage was at the wall and floor areas at the living room sliding glass doors and windows.
 42. **Improve:** Excessive oxidation has rendered many of the sliding glass windows inoperative.
 43. **Improve:** Excessive oxidation was observed a ocean facing sliding glass doors.
 44. **Improve:** The kitchen countertop has settled relative to the wall.
 45. **Improve:** The built in blender could not be opened for testing.
 46. **Improve:** The trash compactor was either locked or inoperative.
 47. **Improve:** Water discharged from the air gap on the dishwasher drain cycle. Repair is suggested.
 48. **Improve:** Although not technically required, the addition of a ventilation system at the gas cooktop would be a logical improvement.
 49. **Improve:** The central vacuum was inoperative at the time of inspection.
 50. **Monitor:** A hole in the kitchen back splash to the right of the cooktop used to house what may have been a built in can opener.
-

THE SCOPE OF THE INSPECTION

WEATHER CONDITIONS

Dry weather conditions prevailed at the time of the inspection. The estimated outside temperature was 70 degrees F. Weather conditions leading up to the inspection have been relatively dry.

All components designated for inspection in the CREIA® Standards of Practice are inspected, except as may be noted in the "Limitations of Inspection" sections within this report.

This inspection is visual only. A representative sample of building components are viewed in areas that are accessible at the time of the inspection. No destructive testing or dismantling of building components is performed.

Important Note:

Due to the potential of resultant water damage to personal property, Professional Inspection Network does not physically test main water valves, under-sink angle stops or water heater fill valves. We strongly urge that the seller demonstrate the operability of these items to the buyer prior to close of escrow.

Client is advised that subsequent inspections by specialty contractors are recommended in this report, including, but not limited to roofers, plumbers, electricians, environmental specialists, chimney contractors and others, may uncover additional defects not specifically noted in this report. Client is advised that these latent issues are beyond the scope of the generalist inspection.

It is the goal of the inspection to put a home buyer in a better position to make a buying decision. Not all improvements will be identified during this inspection. Unexpected repairs should still be anticipated. The inspection should not be considered a guarantee or warranty of any kind. Client understands that non-receipt of a signed contract in our office voids errors and omissions insurance coverage and all warranties implied or otherwise.

Please refer to the pre-inspection contract for a full explanation of the scope of the inspection.

Structural Components

DESCRIPTION OF STRUCTURAL COMPONENTS

Foundation:	•Poured Concrete •Slab on Grade
Floor Structure:	•Wood Joist •Concrete
Wall Structure:	•Wood Frame
Ceiling Structure:	•Joist
Roof Structure:	•Rafters •Plywood Sheathing

STRUCTURAL COMPONENT OBSERVATIONS

Positive Attributes

The construction of the home is considered to be good quality. The materials and workmanship, where visible, are above average.

General Comments

No major defects were observed in the accessible structural components of the house.

RECOMMENDATIONS / OBSERVATIONS

Foundation

- **Monitor:** Common minor cracks were observed in the foundation walls of the house in various locations. This implies that some structural movement of the building has occurred, as is typical of most houses.
- **Safety Issue/Monitor:** It is suspected that the moisture barrier at the north and east retaining walls in the lower floor may have been breached.

Exterior Walls

- **Monitor:** Typical minor cracking was observed on the exterior walls of the house in various locations. This implies that some structural movement of the building has occurred, as is typical of most houses.

LIMITATIONS OF STRUCTURAL COMPONENT INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. Assessing the structural integrity of a building is beyond the scope of a typical home inspection. A certified professional engineer is recommended where there are structural concerns about the building. Inspection of structural components was limited by (but not restricted to) the following conditions:

- Structural components concealed behind finished surfaces could not be inspected.
- Only a representative sampling of visible structural components were inspected.
- Furniture and/or storage restricted access to some structural components.
- Geological and/or soils conditions are specifically excluded from the scope of this inspection.
- Identifying the presence of a rodent infestation is beyond the scope of this inspection.
- Engineering or architectural services such a calculation of structural capacities, adequacy, or integrity are not part of a home inspection.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Roofing System

DESCRIPTION OF ROOFING SYSTEM

Roof Covering:	•Hot Mop and Rock •Clay Tile
Chimneys:	•Masonry
Gutters and Downspouts:	•Copper •Downspouts discharge above grade
Method of Inspection:	•Viewed from window

ROOFING OBSERVATIONS

RECOMMENDATIONS / OBSERVATIONS

Gutters & Downspouts

- Improve: Gutter downspouts have rusted out.

Sloped Roofing

- Improve: Cracked/ displaced roof tiles should be replaced on an as needed basis.

Flat Roofing

- Monitor: The roofing is nearing the end of its life cycle. Gravel on the membrane is missing. This typically leads to a shortened life expectancy. Missing gravel could be replaced.

LIMITATIONS OF ROOFING INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. Roofing life expectancies can vary depending on several factors. Any estimates of remaining life are approximations only. This assessment of the roof does not preclude the possibility of leakage. Leakage can develop at any time and may depend on rain intensity, wind direction, ice build up, etc. The inspection of the roofing system was limited by (but not restricted to) the following conditions:

- The entire underside of the roof sheathing is not inspected for evidence of leakage.
- Evidence of prior leakage may be disguised by interior finishes.
- Estimates of remaining roof life are approximations only and do not preclude the possibility of leakage. Leakage can develop at any time and may depend on rain intensity, wind direction, ice build up, and other factors.
- Antennae, chimney/flue interiors which are not readily accessible are not inspected and could require repair.
- Roof inspection may be limited by access, condition, weather, or other safety concerns.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Exterior Components

DESCRIPTION OF EXTERIOR

Wall Cladding:	•Stucco
Soffit and Fascia:	•Wood •Open Rafters
Window/Door Frames and Trim:	•Wood •Metal
Driveways:	•Concrete
Walkways and Patios:	•Concrete
Porches, Decks, and Steps:	•Wood
Overhead Garage Door(s):	•Wood •Automatic Opener
Lot Grading:	•Graded Towards House
Retaining Walls:	•Concrete
Fencing:	•Wood

EXTERIOR OBSERVATIONS

General Comments

The exterior of the home has lacked maintenance.

RECOMMENDATIONS / OBSERVATIONS

Exterior Walls

- **Monitor:** Typical minor cracking was observed on the exterior walls of the house. This implies that some structural movement of the building has occurred, as is typical of most houses.
- **Improve:** Localized damage of the stucco exterior walls should be repaired. This is most prevalent at the west facing sections of the building although some damage was observed at all walls.

Exterior Eaves

- **Improve:** The soffit and fascia should be painted.
- **Improve:** Localized rot was observed at several rafter tails. Repair is suggested in accordance with the Structural/Pest Control Report.

Balconies

- **Safety Issue:** Although proper at the time of original construction, balcony railing spacing is wider than is currently acceptable.

LIMITATIONS OF EXTERIOR INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection of the exterior was limited by (but not restricted to) the following conditions:

- A representative sample of exterior components was inspected.
- The inspection does not include an assessment of geological conditions and/or site stability.
- Screening, shutters, awnings, or similar seasonal accessories, recreational facilities, outbuildings, seawalls, docks, erosion control and earth stabilization measures are not inspected unless specifically agreed-upon and documented in this report.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Electrical System

DESCRIPTION OF ELECTRICAL SYSTEM

Size of Electrical Service:	•120/240 Volt Main Service - Service Size: 100 Amps
Service Entrance Wires:	•Underground
Main Disconnect:	•Main Service Rating 100 Amps •Breakers •Located: Front Building
Service Ground:	•Ground Rod Connection
Main Distribution Panel:	•Breakers •Located: Front Building
Branch/Auxiliary Panel(s):	•Breakers •Located: Lower Storage Room
Distribution Wiring:	•Copper
Receptacles:	•Grounded
Ground Fault Circuit Interrupters:	•Master Bathroom

ELECTRICAL OBSERVATIONS

Positive Attributes

The size of the electrical service is sufficient for typical single family needs.

General Comments

Inspection of the electrical system revealed the need for numerous improvements. These improvements should be considered high priority for safety reasons. *Unsafe electrical conditions represent a shock hazard.* A licensed electrician should be consulted to undertake the improvements recommended below.

RECOMMENDATIONS / OBSERVATIONS

Switches

- **Improve:** The light switch system is a low voltage ballast driven system that is difficult to service and prone to breakdown.
- **Improve:** Many "mystery" switches serving no perceivable function were observed. Seller demonstration is suggested.

Lights

- **Improve:** The light is inoperative. If the bulbs are not blown, the circuit should be investigated.
- **Improve:** Exterior lights have been removed at several locations. Re-installation is suggested.
- **Safety Issue:** The use of unprotected incandescent bulbs in closets is a safety concern.

Outlets

- **Improve:** The lower half of the east outlet in the exercise room is inoperative.
- **Improve:** The South outlet in the exercise room has an open neutral.
- **Improve:** The southwest outlet at the southeast bedroom is reverse polarity.
- **Monitor:** Occupant's belongings prevented testing of all outlets. Due to the number of issues observed, it is urged that ALL outlets be tested prior to usage.
- **Safety Issue:** Although not required at the time of original construction, the installation of a ground fault circuit interrupter (GFCI) is recommended in the kitchen, bathrooms, exterior and garage outlets. A ground fault circuit interrupter (GFCI) offers protection from shock or electrocution.

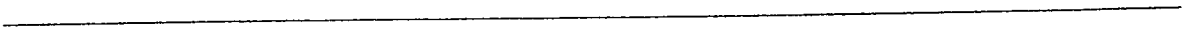
LIMITATIONS OF ELECTRICAL INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection does not include low voltage systems, telephone wiring, intercoms, alarm systems, TV cable, timers or smoke detectors. The inspection of the electrical system was limited by (but not restricted to) the following conditions:

- Electrical components concealed behind finished surfaces could not be inspected.
 - Only a representative sampling of outlets and light fixtures were tested.
 - Testing of intercoms is beyond the scope of this inspection.
 - Furniture and/or storage restricted access to some electrical components.
-

- The inspection does not include remote control devices, alarm systems and components, low voltage wiring systems and components, ancillary wiring systems and other components which are not part of the primary electrical power distribution system.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.



Heating System

DESCRIPTION OF HEATING SYSTEM

Primary Energy Source:	•Gas
Heating System Type:	•Forced Air (Three Systems)
Heat Distribution Methods:	•Ductwork

HEATING OBSERVATIONS

General Comments

The heating system for the home has lacked maintenance. As is not uncommon in homes of this age and location, the heating system is older and may be approaching the end of its life cycle.

RECOMMENDATIONS / OBSERVATIONS

Furnace

- **Monitor:** Given the age of the furnaces, they may be nearing the end of their useful life. It would be wise to budget for a new system.
- **Improve:** The lower floor furnace was inoperative at the time of inspection.
- **Major Concern/Safety Issue:** The main floor furnace displayed an orange wavering flame when operated that is indicative of a cracked heater exchanger.
- **Major Concern/Safety Issue:** The upper floor forced air heater is located in the closet of the master bedroom which is a safety concern.
- **Safety Issue:** The lower floor furnace platform has sustained water rot that makes the system susceptible to mixing of return and combustion air.
- **Safety Issue:** It is suggested that solid pipe be added at the point where the flexible gas line penetrates the side wall of the forced air heaters.

Supply Air Ductwork

- **Safety Issue/Monitor:** The heater ducting is composed of a fiberglass tube which cannot be cleaned and may be prone to entrainment of fibers into the airstream.

LIMITATIONS OF HEATING INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection of the heating system is general and not technically exhaustive. A detailed evaluation of the furnace heat exchanger is beyond the scope of this inspection. The inspection was limited by (but not restricted to) the following conditions:

- The adequacy of heat distribution is difficult to determine during a one time visit to a home.
- **We do not test for indoor air pollution, which the Consumer Product Safety Commission rates fifth among contaminants. Nevertheless, inasmuch as health is a personal responsibility, we recommend that you have the indoor air quality tested as a prudent investment in environmental hygiene, and particularly if your or any member of your family suffers from allergies or asthma.**
- Determining the operability and/or integrity of radiant heating coils is beyond the scope of this inspection.
- **Note:** Determining the operability and/or performance characteristics of the electronic air filter is beyond and scope of this inspection. Seller inquiry is advised.
- **The interior of flues or chimneys which are not readily accessible are not inspected.**
- The furnaces heat exchanger, humidifier, and dehumidifier are not inspected.
- Solar space heating equipment/systems are not inspected.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Insulation / Ventilation

DESCRIPTION OF INSULATION / VENTILATION

Attic Insulation:	• Fiberglass in Main Attic
Exterior Wall Insulation:	• Unknown in Exterior Walls
Roof Ventilation:	• Roof Vents
Exhaust Fan/vent Locations:	• Bathroom

INSULATION / VENTILATION OBSERVATIONS

Positive Attributes

Insulation levels are typical for a home of this age and construction.

RECOMMENDATIONS / ENERGY SAVING SUGGESTIONS

Vent Fans

- **Monitor:** Bathroom vent fans were marginally operational.

Attic

- **Major Concern/Monitor:** Wood damage and water staining were observed in the attic area.

LIMITATIONS OF INSULATION / VENTILATION INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection of insulation and ventilation was limited by (but not restricted to) the following conditions:

- Insulation/ventilation type and levels in concealed areas cannot be determined. No destructive tests are performed.
- Potentially hazardous materials such as Asbestos and Urea Formaldehyde Foam Insulation (UFFI) cannot be positively identified without a detailed inspection and laboratory analysis. This is beyond the scope of the inspection.
- An analysis of indoor air quality is beyond the scope of this inspection.
- Any estimates of insulation R values or depths are rough average values.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Plumbing System

DESCRIPTION OF PLUMBING SYSTEM

Water Supply Source:	•Public Water Supply
Service Pipe to House:	•Copper
Main Valve Location:	•Front Wall
Supply Piping:	•Copper
Waste System:	•Public Sewer System
Drain / Waste / Vent Piping:	•Plastic •Cast Iron
Water Heater:	•Gas •Approximate Capacity (in gallons): 50

PLUMBING OBSERVATIONS

General Comments

The plumbing system is showing signs of age. Updating the system will be required over time.

RECOMMENDATIONS / OBSERVATIONS

Waste / Vent

- **Monitor:** Due to the age of the home, it is suggested that a video inspection be performed to determine the condition of the main sewer line.

Fixtures

- **Monitor:** The majority of plumbing fixtures are older.
- **Improve:** The toilets in the powder room and upper hallway bath are loose.
- **Improve:** The mosaic tub/shower in the upper hallway bathroom leaks.
- **Improve:** Excessive corrosion was observed at the trap arm of the upper hallway bathroom sink.
- **Improve:** The sink fixture in the lower bathroom is damaged. Replacement is suggested.

Water Heater

- **Monitor:** Water heaters have a typical life expectancy of 7 to 12 years. The existing unit is approaching this age range. One cannot predict with certainty when replacement will become necessary.

LIMITATIONS OF PLUMBING INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection of the plumbing system was limited by (but not restricted to) the following conditions:

- Portions of the plumbing system concealed by finishes and/or storage (below sinks, etc.), below the structure, and beneath the yard were not inspected.
- Water quality is not tested. The effect of lead content in solder and or supply lines is beyond the scope of the inspection.
- Cloths washing machine connections and valves are not tested or inspected.
- Interiors of flues or chimneys which are not readily accessible are not inspected.
- Water conditioning systems, solar water heaters, fire and lawn sprinkler systems, and private waste disposal systems are not inspected unless explicitly contracted-for and discussing in this or a separate report.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Interior Components

DESCRIPTION OF INTERIOR

Wall and Ceiling Finishes:	•Drywall/Plaster •Paneling
Floor Surfaces:	•Carpet •Vinyl/Resilient •Wood
Windows Style and Glazing:	•Sliders •Fixed Pane •Single Pane
Doors:	•Wood •Metal •Sliding Glass
Fireplaces:	•Masonry Firebox

INTERIOR OBSERVATIONS

General Condition of Interior Finishes

On the whole, the interior finishes of the home are considered to be in average condition. Typical flaws were observed in some areas.

General Condition of Windows and Doors

The majority of the doors and windows are modest quality. While there is no rush to substantially improve these doors and windows, replacement units would be a logical long term improvement.

RECOMMENDATIONS / OBSERVATIONS

Wall / Ceiling Finishes

- **Monitor:** Occupant's belongings prevented full view of all surfaces.
- **Improve:** Water damage was noted at the ceiling in the living room.
- **Improve:** Water damage was at the wall and floor areas at the living room sliding glass doors and windows.
- **Safety Issue/Monitor:** Excessive moisture and ceiling damage were observed at the lower southeast storage closet.
- **Safety Issue/Monitor:** Excessive moisture damage was observed in the wall under the bar sink at the lower floor.
- **Safety Issue/Monitor:** Excessive moisture and ceiling damage were observed at mechanical room in the lower story.
- **Safety Issue/Monitor:** Excessive moisture damage was observed at the laundry closet on the second floor.
- **Safety Issue/Monitor:** Excessive moisture damage was observed under the bathroom sink on the lower floor

Windows

- **Improve:** Excessive oxidation has rendered many of the sliding glass windows inoperative.
- **Safety Issue:** Window glass situated less than 18" above floor level should be tempered glass or coated with a 3M safety film.

Doors

- **Improve:** Doors in various locations should be trimmed or adjusted as necessary to work properly.
- **Improve:** Excessive oxidation was observed a ocean facing sliding glass doors.

Kitchen Counters

- **Improve:** The kitchen countertop has settled relative to the wall.

Stairways

- **Safety Issue:** The openings in the in various locations stairway railing are large enough to allow a child to fall through. It is recommended that this condition be altered for improved safety.

LIMITATIONS OF INTERIOR INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. Assessing the quality and condition of interior finishes is highly subjective. Issues such as cleanliness, cosmetic flaws, quality of materials, architectural appeal and color are outside the scope of this inspection. Comments will be general, except where functional concerns exist. No comment is offered on the extent of cosmetic repairs that may be needed after removal of existing wall hangings and furniture. The inspection of the interior was limited by (but not restricted to) the following conditions:

- Furniture, storage, appliances and/or wall hangings restricted the inspection of the interior.
 - Carpeting, window treatments, central vacuum systems, household appliances, recreational facilities, paint, wallpaper, and other finish treatments are not inspected.
-

- The interior of flues of chimneys are not inspected.
- Fire screens, fireplace doors, appliance gaskets and seals, automatic fuel feed devices, mantles and fireplace surrounds, combustion make-up air devices, and heat distribution assists (gravity or fan-assisted_) are not inspected.
- The inspection does not involve igniting or extinguishing fires nor the determination of draft.
- Fireplaces inserts, stoves, or firebox contents are not moved.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Appliances

DESCRIPTION OF APPLIANCES

Appliances Tested:	•Built-in Electric Oven •Gas Cooktop •Dishwasher •Waste Disposer •Trash Compactor
Laundry Facility:	•Gas Piping for Dryer •Dryer Vented to Building Exterior •120 Volt Circuit for Washer •Hot and Cold Water Supply for Washer
Other Components Tested:	•Door Bell •Smoke Detectors

APPLIANCE OBSERVATIONS

General Comments

The appliances are showing signs of aging. As such, they are more prone to breakdowns. A few years of serviceable life should still remain.

RECOMMENDATIONS / OBSERVATIONS

Food Processor

- **Improve:** The built in blender could not be opened for testing.

Trash Compactor

- **Improve:** The trash compactor was either locked or inoperative.

Dishwasher

- **Improve:** Water discharged from the air gap on the dishwasher drain cycle. Repair is suggested.

Gas Cooktop

- **Improve:** Although not technically required, the addition of a ventilation system at the gas cooktop would be a logical improvement.

Central Vacuum

- **Improve:** The central vacuum was inoperative at the time of inspection.

Mystery Appliance

- **Monitor:** A hole in the kitchen back splash to the right of the cooktop used to house what may have been a built in can opener.

Smoke Detectors

- **Safety Issue:** The installation of smoke detectors in all sleeping areas is recommended.

LIMITATIONS OF APPLIANCE INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. Appliances are tested by turning them on for a short period of time. It is strongly recommended that a Homeowner's Warranty or service contract be purchased to cover the operation of appliances. It is further recommended that appliances be tested during any scheduled pre-closing walk through. Like any mechanical device, appliances can malfunction at any time (including the day after taking possession of the house). The inspection of the appliances was limited by (but not restricted to) the following conditions:

- Thermostats, timers and other specialized features and controls are not tested.
- The effectiveness, efficiency and overall performance of appliances is outside the scope of this inspection.
- Central vacuums are outside the scope of this inspection

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

#815

Building Inspection Report

34305 Ocean Drive, Manhattan Beach, Ca

Inspection Date:
February 20, 2009

Prepared For:
Todd & Angela Nelson

Prepared By:
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Report Overview

THE HOUSE IN PERSPECTIVE

This is a well built 35 year old (approximate age) home that has been lacking maintenance somewhat. Apart from the short term need to deal with this lacking maintenance, ***the improvements that are recommended in this report are not considered unusual for a home of this age and location.*** Please remember that there is no such thing as a perfect home.

CONVENTIONS USED IN THIS REPORT

For your convenience, the following conventions have been used in this report.

- **Major Concern:** denotes a major improvement recommendation that is uncommon for a home of this age or location.
- **Safety Issue:** denotes an observation or recommendation that is considered an immediate safety concern.
- **Improve:** denotes improvements that should be anticipated over the short term.
- **Monitor:** denotes an area where further investigation and/or monitoring is needed. Repairs may be necessary. During the inspection, there was insufficient information. Improvements cannot be determined until further investigation or observations are made.

Please note that those observations listed under "Discretionary Improvements" are not essential repairs, but represent logical long term improvements.

NOTE: For the purpose of this report, it is assumed that the house faces north.

IMPROVEMENT RECOMMENDATION HIGHLIGHTS

IMPORTANT NOTE-PLEASE READ: The Report Overview is provided to allow the reader a brief overview of the findings of the report. This page is not all encompassing. Reading this page alone is not a substitute for reading the report in its entirety. The entire Inspection Report, including the CREIA Standards of Practice, Scope of Inspection, limitations, and Standard Inspection Agreement must be carefully read to fully assess the findings of this inspection. This list is not intended to determine which items may need to be addressed per the contractual requirements of the sale of the property. Any areas of uncertainty regarding the sale contract should be clarified by consulting an attorney or your real estate agent.

It is recommended that any deficiencies and the components/systems related to these deficiencies noted in the report be evaluated/inspected as needed by licensed contractors/professionals prior to the close of escrow. Further evaluation **prior** to the close of escrow is recommended so a properly licensed professional can evaluate our concerns further and inspect the remainder of the system or component for additional concerns that may be outside our area of expertise or the Scope of the Inspection.

Inspection Attendees

Buyer X Buyer's Agent X Seller _____ Sellers Agent _____

Client understands that the lack of a signed inspection agreement voids all warranties as well as any applicable Errors and Omissions Insurance.

1. **Safety Issue:** Proper fire separation between the garage and house proper is recommended. Plumbing repairs have necessitated partial removal of drywall at the ceiling.
2. **Safety Issue:** The exterior steps have deteriorated noticeably. Repairs are recommended.
3. **Safety Issue:** Although not required at the time of original construction, the installation of a ground fault circuit interrupter (GFCI) is recommended in the kitchen, bathrooms, exterior and garage outlets. A ground fault circuit interrupter (GFCI) offers protection from shock or electrocution.
4. **Safety Issue/Monitor:** The heater ducting is composed of a fiberglass tube which cannot be cleaned and may be prone to entrainment of fibers into the airstream.
5. **Safety Issue/Monitor:** Water damage was noted at the living room ceiling.
6. **Safety Issue/Monitor:** Water damage was observed around the window at the upper bedroom.
7. **Safety Issue/Monitor:** Water damage and rot was observed at the west floor area of the master bedroom as well as the ceiling in this room.
8. **Safety Issue:** The glass in the sliding portion of the window has popped out of its frame in the northeast bedroom.

9. **Safety Issue:** The installation of smoke detectors in all sleeping areas is recommended.
10. **Improve:** The metal chimney requires a cap.
11. **Improve:** Damaged gutters should be repaired or replaced as necessary.
12. **Improve:** Localized damage of the stucco exterior walls should be repaired.
13. **Monitor:** Caulking was observed around several window frames suggestive of past water intrusion issues which are common to ocean front properties.
14. **Improve:** The soffit and fascia should be painted.
15. **Improve:** Localized rot was observed in the rafter tails. Improvement is suggested in accordance with recommendations in the Structural/Pest Control Report.
16. **Improve:** The overhead garage doors show evidence of excessive wear and tear. Repairs should be undertaken as necessary.
17. **Monitor:** The north garage door opener could not be operated due to lack of a remote control. This unit does not have a manual push button.
18. **Improve:** The wrought iron gate is rusted out. Replacement is suggested.
19. **Improve:** The balcony/sliding door interface has a crack that may allow water to enter the lower portion of the building. In addition, lack of a flashing/counterflashing system at the Dex OTex/wall interface is a maintenance and water concern.
20. **Monitor:** Most of the light switches consist of an older obsolete low voltage ballast type system which is difficult to repair and prone to malfunction.
21. **Improve:** The upper bathroom outlet has reversed polarity (i.e. it is wired backwards) and lacks GFCI protection. This outlet and the circuit should be investigated and improved as necessary.
22. **Improve:** Numerous lights were inoperative. If the bulbs are not blown, circuits should be investigated.
23. **Monitor:** Given the age of the furnace, it may be nearing the end of its useful life. It would be wise to budget for a new furnace.
24. **Monitor:** The water heater is an older unit that may be approaching the end of its useful life. It would be wise to budget for a new unit. One cannot predict with certainty when replacement will become necessary.
25. **Improve:** The kitchen faucet assembly is loose and in poor condition. Replacement is suggested.
26. **Improve:** Past water damage was observed under the kitchen sink.
27. **Improve:** The jalousie window at the wet bar is frozen in the closed position.
28. **Improve:** The pocket door in the master bedroom closet is frozen.
29. **Improve:** Loose stairway handrails should be better secured.
30. **Monitor:** The Jenn-Aire countertop grill and vent system have lacked maintenance and should be removed.
31. **Improve:** The dishwasher door gasket is loose at its base.
32. **Improve:** The waste disposer power cord lacks a cable clamp at the unit.

THE SCOPE OF THE INSPECTION

WEATHER CONDITIONS

Dry weather conditions prevailed at the time of the inspection. The estimated outside temperature was 72 degrees F. Weather conditions leading up to the inspection have been relatively dry.

All components designated for inspection in the CREIA® Standards of Practice are inspected, except as may be noted in the "Limitations of Inspection" sections within this report.

This inspection is visual only. A representative sample of building components are viewed in areas that are accessible at the time of the inspection. No destructive testing or dismantling of building components is performed.

Important Note:

Due to the potential of resultant water damage to personal property, Professional Inspection Network does not physically test main water valves, under-sink angle stops or water heater fill valves. We strongly urge that the seller demonstrate the operability of these items to the buyer prior to close of escrow.

Client is advised that subsequent inspections by specialty contractors are recommended in this report, including, but not limited to roofers, plumbers, electricians, environmental specialists, chimney contractors and others, may uncover additional defects not specifically noted in this report. Client is advised that these latent issues are beyond the scope of the generalist inspection.

It is the goal of the inspection to put a home buyer in a better position to make a buying decision. Not all improvements will be identified during this inspection. Unexpected repairs should still be anticipated. The inspection should not be considered a guarantee or warranty of any kind. Client understands that non-receipt of a signed contract in our office voids errors and omissions insurance coverage and all warranties implied or otherwise.

Please refer to the pre-inspection contract for a full explanation of the scope of the inspection.

Structural Components

DESCRIPTION OF STRUCTURAL COMPONENTS

Foundation:	•Poured Concrete •Slab on Grade
Floor Structure:	•Wood Joist •Concrete
Wall Structure:	•Wood Frame
Ceiling Structure:	•Joist
Roof Structure:	•Rafters •Plywood Sheathing

STRUCTURAL COMPONENT OBSERVATIONS

Positive Attributes

The construction of the home is considered to be good quality. The materials and workmanship, where visible, are above average.

General Comments

No major defects were observed in the accessible structural components of the house.

RECOMMENDATIONS / OBSERVATIONS

Foundation

- **Monitor:** Common minor cracks were observed in the foundation walls of the house in various locations. This implies that some structural movement of the building has occurred, as is typical of most houses.

LIMITATIONS OF STRUCTURAL COMPONENT INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. Assessing the structural integrity of a building is beyond the scope of a typical home inspection. A certified professional engineer is recommended where there are structural concerns about the building. Inspection of structural components was limited by (but not restricted to) the following conditions:

- Structural components concealed behind finished surfaces could not be inspected.
- Only a representative sampling of visible structural components were inspected.
- Furniture and/or storage restricted access to some structural components.
- **Geological and/or soils conditions are specifically excluded from the scope of this inspection.**
- Identifying the presence of a rodent infestation is beyond the scope of this inspection.
- Engineering or architectural services such a calculation of structural capacities, adequacy, or integrity are not part of a home inspection.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Roofing System

DESCRIPTION OF ROOFING SYSTEM

Roof Covering:	•Roll Roofing •Clay Tile
Chimneys:	•Metal
Gutters and Downspouts:	•Copper •Downspouts discharge above grade
Method of Inspection:	•Walked on roof

ROOFING OBSERVATIONS

Positive Attributes

The roof coverings are considered to be in generally good condition.

RECOMMENDATIONS / OBSERVATIONS

Chimneys

- **Improve:** The metal chimney requires a cap.

Gutters & Downspouts

- **Improve:** Damaged gutters should be repaired or replaced as necessary.

LIMITATIONS OF ROOFING INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. Roofing life expectancies can vary depending on several factors. Any estimates of remaining life are approximations only. This assessment of the roof does not preclude the possibility of leakage. Leakage can develop at any time and may depend on rain intensity, wind direction, ice build up, etc. The inspection of the roofing system was limited by (but not restricted to) the following conditions:

- The entire underside of the roof sheathing is not inspected for evidence of leakage.
- Evidence of prior leakage may be disguised by interior finishes.
- Estimates of remaining roof life are approximations only and do not preclude the possibility of leakage. Leakage can develop at any time and may depend on rain intensity, wind direction, ice build up, and other factors.
- Antennae, chimney/flue interiors which are not readily accessible are not inspected and could require repair.
- Roof inspection may be limited by access, condition, weather, or other safety concerns.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Exterior Components

DESCRIPTION OF EXTERIOR

Wall Cladding:	•Stucco
Soffit and Fascia:	•Wood •Open Rafters
Window/Door Frames and Trim:	•Wood •Metal
Driveways:	•Concrete
Walkways and Patios:	•Concrete
Porches, Decks, and Steps:	•Dex OTex
Overhead Garage Door(s):	•Wood •Automatic Opener
Lot Grading:	•Level Grade
Retaining Walls:	•Concrete
Fencing:	•Wood •Steel/Iron

EXTERIOR OBSERVATIONS

General Comments

The exterior of the home has lacked maintenance.

RECOMMENDATIONS / OBSERVATIONS

Exterior Walls

- **Monitor:** Typical minor cracking was observed on the exterior walls of the house. This implies that some structural movement of the building has occurred, as is typical of most houses.
- **Improve:** Localized damage of the stucco exterior walls should be repaired.
- **Monitor:** Caulking was observed around several window frames suggestive of past water intrusion issues which are common to ocean front properties.

Exterior Eaves

- **Improve:** The soffit and fascia should be painted.
- **Improve:** Localized rot was observed in the rafter tails. Improvement is suggested in accordance with recommendations in the Structural/Pest Control Report.

Garage

- **Improve:** The overhead garage doors show evidence of excessive wear and tear. Repairs should be undertaken as necessary.
- **Monitor:** The north garage door opener could not be operated due to lack of a remote control. This unit does not have a manual push button.
- **Monitor:** The garage floor slab has typical cracks. This is usually the result of shrinkage and/or settling of the slab.
- **Safety Issue:** Proper fire separation between the garage and house proper is recommended. Plumbing repairs have necessitated partial removal of drywall at the ceiling.

Steps

- **Safety Issue:** The exterior steps have deteriorated noticeably. Repairs are recommended.

Fencing

- **Improve:** The wrought iron gate is rusted out. Replacement is suggested.

Balcony

- **Improve:** The balcony/sliding door interface has a crack that may allow water to enter the lower portion of the building. In addition, lack of a flashing/counterflashing system at the Dex OTex/wall interface is a maintenance and water concern.

LIMITATIONS OF EXTERIOR INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection of the exterior was limited by (but not restricted to) the following conditions:

- A representative sample of exterior components was inspected.
- The inspection does not include an assessment of geological conditions and/or site stability.
- Screening, shutters, awnings, or similar seasonal accessories, recreational facilities, outbuildings, seawalls, docks, erosion control and earth stabilization measures are not inspected unless specifically agreed-upon and documented in this report.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Electrical System

DESCRIPTION OF ELECTRICAL SYSTEM

Size of Electrical Service:	•120/240 Volt Main Service - Service Size: 100 Amps
Service Entrance Wires:	•Underground
Main Disconnect:	•Main Service Rating 100 Amps •Breakers •Located: Exterior Wall
Service Ground:	•Ground Rod Connection
Main Distribution Panel:	•Breakers •Located: Exterior Wall
Branch/Auxiliary Panel(s):	•Breakers •Located: Upper Hallway
Distribution Wiring:	•Copper
Receptacles:	•Grounded
Ground Fault Circuit Interrupters:	•Bathroom(s) •Kitchen

ELECTRICAL OBSERVATIONS

Positive Attributes

The size of the electrical service is sufficient for typical single family needs. The electrical panel is well arranged and all fuses/breakers are properly sized. Generally speaking, the electrical system is in good order. The distribution of electricity within the home is good. All 3-prong outlets that were tested were appropriately grounded. Ground fault circuit interrupter (GFCI) devices have been provided in some areas of the home. These devices are extremely valuable, as they offer an extra level of shock protection. All GFCI's that were tested responded properly. Dedicated 220 volt circuits have been provided for all 220 volt appliances within the home. All visible wiring within the home is copper. This is a good quality electrical conductor.

General Comments

Inspection of the electrical system revealed the need for minor improvements, as is typical of most homes. Although these improvements are not costly to repair, they should be considered high priority for safety reasons. *Unsafe electrical conditions represent a shock hazard.* A licensed electrician should be consulted to undertake the improvements recommended below.

RECOMMENDATIONS / OBSERVATIONS

Switches and Lights

- **Monitor:** Most of the light switches consist of an older obsolete low voltage ballast type system which is difficult to repair and prone to malfunction.
- **Improve:** Numerous lights were inoperative. If the bulbs are not blown, circuits should be investigated.

Outlets

- **Improve:** The upper bathroom outlet has reversed polarity (i.e. it is wired backwards) and lacks GFCI protection. This outlet and the circuit should be investigated and improved as necessary.
- **Safety Issue:** Although not required at the time of original construction, the installation of a ground fault circuit interrupter (GFCI) is recommended in the kitchen, bathrooms, exterior and garage outlets. A ground fault circuit interrupter (GFCI) offers protection from shock or electrocution.

LIMITATIONS OF ELECTRICAL INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection does not include low voltage systems, telephone wiring, intercoms, alarm systems, TV cable, timers or smoke detectors. The inspection of the electrical system was limited by (but not restricted to) the following conditions:

- Electrical components concealed behind finished surfaces could not be inspected.
 - Only a representative sampling of outlets and light fixtures were tested.
 - Testing of intercoms is beyond the scope of this inspection.
 - Furniture and/or storage restricted access to some electrical components.
 - The inspection does not include remote control devices, alarm systems and components, low voltage wiring systems and components, ancillary wiring systems and other components which are not part of the primary electrical power distribution system.
-

Heating System

DESCRIPTION OF HEATING SYSTEM

Primary Energy Source:	•Gas
Heating System Type:	•Forced Air
Heat Distribution Methods:	•Ductwork

HEATING OBSERVATIONS

General Comments

The heating system for the home has lacked maintenance. As is not uncommon in homes of this age and location, the heating system is older and may be approaching the end of its life cycle.

RECOMMENDATIONS / OBSERVATIONS

Supply Air Ductwork

- **Safety Issue/Monitor:** The heater ducting is composed of a fiberglass tube which cannot be cleaned and may be prone to entrainment of fibers into the airstream.

Furnace

- **Monitor:** Given the age of the furnace, it may be nearing the end of its useful life. It would be wise to budget for a new furnace.

LIMITATIONS OF HEATING INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection of the heating system is general and not technically exhaustive. A detailed evaluation of the furnace heat exchanger is beyond the scope of this inspection. The inspection was limited by (but not restricted to) the following conditions:

- The adequacy of heat distribution is difficult to determine during a one time visit to a home.
- **We do not test for indoor air pollution, which the Consumer Product Safety Commission rates fifth among contaminants. Nevertheless, inasmuch as health is a personal responsibility, we recommend that you have the indoor air quality tested as a prudent investment in environmental hygiene, and particularly if your or any member of your family suffers from allergies or asthma.**
- Determining the operability and/or integrity of radiant heating coils is beyond the scope of this inspection.
- **Note:** Determining the operability and/or performance characteristics of the electronic air filter is beyond and scope of this inspection. Seller inquiry is advised.
- **The interior of flues or chimneys which are not readily accessible are not inspected.**
- The furnaces heat exchanger, humidifier, and dehumidifier are not inspected.
- Solar space heating equipment/systems are not inspected.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Insulation / Ventilation

DESCRIPTION OF INSULATION / VENTILATION

Attic Insulation:	• Fiberglass in Attic
Exterior Wall Insulation:	• Unknown in Exterior Walls
Roof Ventilation:	• Soffit Vents

INSULATION / VENTILATION OBSERVATIONS

General Comments

As is typical of homes of this age and construction, insulation levels are relatively modest.

RECOMMENDATIONS / ENERGY SAVING SUGGESTIONS

LIMITATIONS OF INSULATION / VENTILATION INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection of insulation and ventilation was limited by (but not restricted to) the following conditions:

- Insulation/ventilation type and levels in concealed areas cannot be determined. No destructive tests are performed.
- Potentially hazardous materials such as Asbestos and Urea Formaldehyde Foam Insulation (UFFI) cannot be positively identified without a detailed inspection and laboratory analysis. This is beyond the scope of the inspection.
- An analysis of indoor air quality is beyond the scope of this inspection.
- Any estimates of insulation R values or depths are rough average values.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Plumbing System

DESCRIPTION OF PLUMBING SYSTEM

Water Supply Source:	•Public Water Supply
Service Pipe to House:	•Copper
Main Valve Location:	•Front Wall
Supply Piping:	•Copper
Waste System:	•Public Sewer System
Drain / Waste / Vent Piping:	•Plastic •Cast Iron
Water Heater:	•Gas •Approximate Capacity (in gallons): 40

PLUMBING OBSERVATIONS

Positive Attributes

The plumbing system is in generally good condition.

General Comments

The plumbing system requires some typical minor improvements.

RECOMMENDATIONS / OBSERVATIONS

Water Heater

- **Monitor:** The water heater is an older unit that may be approaching the end of its useful life. It would be wise to budget for a new unit. One cannot predict with certainty when replacement will become necessary.

Fixtures

- **Improve:** The kitchen faucet assembly is loose and in poor condition. Replacement is suggested.
- **Improve:** Past water damage was observed under the kitchen sink.

LIMITATIONS OF PLUMBING INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. The inspection of the plumbing system was limited by (but not restricted to) the following conditions:

- Portions of the plumbing system concealed by finishes and/or storage (below sinks, etc.), below the structure, and beneath the yard were not inspected.
- Water quality is not tested. The effect of lead content in solder and or supply lines is beyond the scope of the inspection.
- Cloths washing machine connections and valves are not tested or inspected.
- Interiors of flues or chimneys which are not readily accessible are not inspected.
- Water conditioning systems, solar water heaters, fire and lawn sprinkler systems, and private waste disposal systems are not inspected unless explicitly contracted-for and discussing in this or a separate report.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Interior Components

DESCRIPTION OF INTERIOR

Wall and Ceiling Finishes:	•Drywall/Plaster
Floor Surfaces:	•Carpet •High Density Laminate
Windows Style and Glazing:	•Sliders •Jalousie •Fixed Pane •Single Pane
Doors:	•Wood •Metal •Sliding Glass
Fireplaces:	•Free Standing Swedish Fireplace

INTERIOR OBSERVATIONS

General Condition of Interior Finishes

On the whole, the interior finishes of the home are considered to be in average condition. Typical flaws were observed in some areas.

General Condition of Windows and Doors

The majority of the doors and windows are modest quality. While there is no rush to substantially improve these doors and windows, replacement units would be a logical long term improvement.

RECOMMENDATIONS / OBSERVATIONS

Wall / Ceiling Finishes

- **Monitor:** Occupant's belongings prevented full view of all surfaces.
- **Monitor:** Minor cracks were noted.
- **Safety Issue/Monitor:** Water damage was noted at the living room ceiling.
- **Safety Issue/Monitor:** Water damage was observed around the window at the upper bedroom.
- **Safety Issue/Monitor:** Water damage and rot was observed at the west floor area of the master bedroom as well as the ceiling in this room.

Windows and Doors

- **Improve:** The windows are in mild disrepair. This is a common condition that does not necessitate immediate major repair. Trimming and adjustment, hardware improvements and glazing repairs would be logical long term improvements. In practice, improvements are usually made on an as needed basis only. The most important factor is that the window exteriors are well maintained to avoid rot or water infiltration.
- **Improve:** The jalousie window at the wet bar is frozen in the closed position.
- **Safety Issue:** The glass in the sliding portion of the window has popped out of its frame in the northeast bedroom.
- **Improve:** The pocket door in the master bedroom closet is frozen.

Kitchen

- **Improve:** Cracked tiles were observed at the kitchen countertop.

Stairways

- **Improve:** Loose stairway handrails should be better secured.

LIMITATIONS OF INTERIOR INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. Assessing the quality and condition of interior finishes is highly subjective. Issues such as cleanliness, cosmetic flaws, quality of materials, architectural appeal and color are outside the scope of this inspection. Comments will be general, except where functional concerns exist. No comment is offered on the extent of cosmetic repairs that may be needed after removal of existing wall hangings and furniture. The inspection of the interior was limited by (but not restricted to) the following conditions:

- Furniture, storage, appliances and/or wall hangings restricted the inspection of the interior.
- Carpeting, window treatments, central vacuum systems, household appliances, recreational facilities, paint, wallpaper, and other finish treatments are not inspected.
- The interior of flues of chimneys are not inspected.
- Fire screens, fireplace doors, appliance gaskets and seals, automatic fuel feed devices, mantles and fireplace surrounds, combustion make-up air devices, and heat distribution assists (gravity or fan-assisted) are not inspected.

- The inspection does not involve igniting or extinguishing fires nor the determination of draft.
- Fireplaces inserts, stoves, or firebox contents are not moved.

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Appliances

DESCRIPTION OF APPLIANCES

Appliances Tested: •Gas Cooktop •Built-in Electric Oven •Dishwasher •Waste Disposer
Other Components Tested: •Door Bell •Smoke Detectors •Central Vacuum

APPLIANCE OBSERVATIONS

General Comments

The appliances are middle aged. As such, they will become slightly more prone to breakdowns; however, several years of serviceable life should remain.

RECOMMENDATIONS / OBSERVATIONS

Electric Grill

- **Monitor:** The Jenn-Aire countertop grill and vent system have lacked maintenance and should be removed.

Dishwasher

- **Improve:** The dishwasher door gasket is loose at its base.

Waste Disposer

- **Improve:** The waste disposer power cord lacks a cable clamp at the unit.

Smoke Detectors

- **Safety Issue:** The installation of smoke detectors in all sleeping areas is recommended.

LIMITATIONS OF APPLIANCE INSPECTION

As prescribed in the pre-inspection contract, this is a visual inspection only. Appliances are tested by turning them on for a short period of time. It is strongly recommended that a Homeowner's Warranty or service contract be purchased to cover the operation of appliances. It is further recommended that appliances be tested during any scheduled pre-closing walk through. Like any mechanical device, appliances can malfunction at any time (including the day after taking possession of the house). The inspection of the appliances was limited by (but not restricted to) the following conditions:

- Thermostats, timers and other specialized features and controls are not tested.
- The effectiveness, efficiency and overall performance of appliances is outside the scope of this inspection.
- Central vacuums are outside the scope of this inspection

Please also refer to the pre-inspection contract for a detailed explanation of the scope of this inspection.

Mike Davis

Homeowners Builder / Contractor

From: Mike Davis [rmichaeldavis@verizon.net]
Sent: Monday, August 02, 2010 9:04 AM
To: 'skadorrah@citymb.info'
Subject: FW: 3405 Ocean & 3404 The Strand...A RENOVATION DRAFT
Attachments: image001.gif

* letter to Sal Kadorra

From: Mike Davis [mailto:rmichaeldavis@verizon.net]
Sent: Saturday, July 31, 2010 2:44 PM
Subject: 3405 Ocean & 3404 The Strand...A RENOVATION DRAFT

Sal, excuse the informality of the email means of contacting you, however I thought it was in the best regard respecting your hectic schedule.

I have some concerns that I would like to convey without any agitation to the two projects labeled "Nelson Residence" and more commonly known as 3404 The Strand and 3405 Ocean. I have two gross concerns with regards to being duty bound under a *Duty to Inform/or Disclose*. When I took this project it was with respect to the genealogy of the building and its need to be RENOVATED/remodeled to re-establish comfort and convenience for the new owners, presumably life safety issues would be tantamount and paramount in any plans submitted. With the guidelines established in the model code I would presume the plans and the plan check process would not lead to any frustration of purpose in code adherence, and provide a warranty of fitness for a particular purpose, which would have a resounding effect in the event this residence was to be sold, the seller is guaranteeing that the Item is fit for a particular purpose i.e. a Residence..

I make reference herein to the "Building Inspection Report" for 34305 Ocean Drive, construed to be 3505 Ocean Drive, dated 20 February 2009, and similar 3404 The Strand; prepared for Todd and Angela Nelson by Professional Inspection Network, Inc. (a renown and reputable inspection firm), whereas the report being reviewed and accepted as being in part... *Improvements that are recommended are not unusual for a home of this age and location*, with reliance thereby the sale was consummated at \$5.250,000. The impart here is the building is structurally sound; see page 5 of 15, the impetus would then be to correct the items of concern either by buyer or seller, the election was to encompass the conventions used in the report in a renovation and minor remodel. A ancillary concern was the difficulty in maintaining the insurability of the building in light of the decrepitating items, needless to say the rights of tenants in possession post sale precluded anything but temp fix's such had been the case for many prior years! Which included but was not limited to plumbing, electrical and evidences of leaks from shower pan or water entrainment from sources unknown...a lot of drywall removed in the lid of garage (see item 1 page 3 of 15) report of 3405 Ocean. I personally observed loose roof tiles causing moisture entrainment, No.5 page 3 of 3405 Ocean, and noted loose tiles in the shower stall in at least one area, again a moisture problem. This gives rise to my personal concern for what the Civil Code require. WOULD WE BE FORCED TO DO A SERIES OF RENONVATIONS IN ORDER TO FINALLY ARRIVE WITH A COSMETIC ACCORD TO SATISFACTION??? The mass of the building has not been altered or added to, it was never the intent of the Owners to exceed any limits imposed by "standards" however the impositions found in the core of the internals prompted the course followed (removal of compromised or ill functioning items down to face of studs, no stucco removed excepting around windows and doors to facilitate replacement for egress and uniformity) to prevent a potential flood or fire resulting from the *less than* nature of the electrical, plumbing and mechanical systems. Enumerated next is what may confront myself the Architect/Engineer and

Owner if consideration for the extra-ordinary is not granted...and rectification work carried out to the satisfaction of all jurisdiction, not partiality as the present dictates may suggest

Article 544 of the Civil Code deals with "old" (pre-existing) defects in goods sold and defines such defects as follows:

"(4) for a defect to be regarded as old it must have been latent, and a latent defect is one which cannot be observed by an external inspection of the goods, or which would not be apparent to the ordinary man, or which could not be discovered by any person other than an expert or which would only be apparent upon testing."

Latent Defects

The examples referred to earlier of loose tiles and leaky roofs fall within the realm of latent defects. Simply put, latent defects are defects which are neither discovered nor capable of being discovered at the time of issuance of the certificate of practical completion for the building. They may be of a structural or non-structural nature.

Thus, by virtue of the construction contract, a contractor is potentially liable to the owner for latent defects appearing in the property that he constructs; and by virtue of the property sale contract, a owner is liable to a purchaser for the same latent defects. One mechanism that a owner might employ in order to make the contractor directly liable to the purchaser is founded upon the provisions of Article 254(1) of the Civil Code which states (in translation):

"It shall be permissible for a person to contract in his own name imposing a condition that rights are to enure (to serve to the use, benefit, or advantage) to the benefit of a third party if he has a personal interest, whether material or moral, in the performance thereof."

In other words, a construction contract may contain an express provision that, depending upon its precise drafting, effectively enables a purchaser (as an interested third party) to directly enforce remedies for defective property against the Contractor. This would not, however, necessarily relieve the Owner from his own liability to the purchaser.

So I would ask for a ministerial decision be made that would allow the projects forward motion based on the aforementioned variables which may not have been considered beforehand. Allowing the project to consider life safety issues; also I may add; considerers the neighborhood in general, it's well being somewhat immune to any hazards to the public, from infestation to fire safety.

Is this a Renovation...if so what are the restrictions as opposed to a remodel...Remodel is listed in Building Valuation, renovations I can't find????

[] Renovate: to restore to a former, better state....

Remodel: to alter the structure/use of...

Mike

_____ Information from ESET NOD32 Antivirus, version of virus signature database 5328 (20100731)

The message was checked by ESET NOD32 Antivirus.

NEIGHBORS IN FAVOR OF THE CITY'S DECISION TO ISSUE A REMODEL BUILDING PERMIT FOR 3404 THE STRAND AND 3405 OCEAN DRIVE.

The property located at **3404 The Strand, Manhattan Beach** has been **APPROVED** for a building permit. We, the residents, strongly agree with the city's decision to allow this remodel. The project does NOT exceed the 50% valuation under the current building valuation figures. And, pursuant to MBMC 10.68.030E, the property is NOT required to address the existing legal non-conformities, which are typical of older structures in the city. The existing structures WERE legally constructed under permit number 93304 issued on February 22, 1973. Preservation of the existing structures only enhances and beautifies the surrounding neighbors.

(Signatures to be provided)

The Nelson's

Name	Signature	Address	Date
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I've been advised in many ways on how to proceed during this appeal process- mostly I was told to stick to the facts. The problem is there is so much more to this case than pure facts. Everything surrounding this situation has had a tremendous affect on my family and me in every possible way. While the facts and codes are easily identified and clearly support an approval for a Building Permit, our emotional journey is much more complex.

For the record, I did reach out to both Mr. Stone and Mr. Rickles in hopes of resolving this situation. Unfortunately, this did not happen.

I struggled on whether I should submit this letter, as it really shows how the entire process has weighed heavy on us. As you will read, I chose to share it in hopes of letting you into our emotional and incredibly stressful ordeal.

Thank you for letting me share this email I sent to Mr. Stone and Mr. Rickles.

G m il

angela nelson <adnelson625@gmail.com>

3404 The Strand

angela nelson <adnelson625@gmail.com>

Mon, Oct 4, 2010 at 9:50 AM

To: pattistone@roadrunner.com, Todd Nelson <todd@eyeworks.tv>

Dear Mr. and Mrs. Stone~

While I am not sure how appropriate this letter is, I do feel compelled to share with you my feelings on what has transpired over the past many months. This property was supposed to be our dream home! We are not rich people, but we are rich in hope and dreams! We do not have family in the area, so to live 7 houses down from Todd's business partner and best friend meant we could be near "family."

I need you to hear me when I say this entire process has destroyed my dream of ever wanting to live in that house! I drive by it and I get physically ill! I see neighbors drive by and not say a word or not acknowledge my presence saddens me. Somehow, WE have become the bad guys! We are private people and our only intention was to restore a house and make it our home. We did not want to build another "McMansion" on the strand.

This drawn out process has not only destroyed our dream, but it as effected my marriage. It has drained our finances! It has broken my spirit! It has effected my children. Why? Because of your behavior, all I can think about is what you will do next to impede our project. We move two steps forward, only to learn you have written another letter or gone down to the city and now we are three steps behind. Because of your actions, I don't sleep. I now suffer from an ulcer. I cry. You are parents- do you know what it is like to have to explain to a 4-year old and a 6-year old why mommy is crying? Every time I leave the city with bad news, I cry. I can't even go out to dinner with my husband and enjoy it because all we talk about is this house and how the neighbors do not want us there. Imagine how WE must feel! I ask you for just one minute to stop and think about how all of this has effected me and my family! It hurts!

I could go on and on but I won't. I hope I've made my point. I only write in hopes of you thinking before you appeal our project. Please. From our prior conversation, it sounds as if you want to rebuild your house in the future. Well, imagine if a neighbor were to impede on building YOUR dream house. How would you feel?

Do you know what my children call this house? They call it the broken house. This house and all the surroundings have broken us!

I hope this letter does not fall on deaf ears. I ask that you not respond. I do not wish to engage with you about this. My only goal was to share with you just how you have hurt me and my family in every possible way.

Angela and Todd Nelson



City of Manhattan Beach

Community Development

Phone: (310) 802-5500
FAX: (310) 802-5501
TDD: (310) 546-3501

October 1, 2010

Re: Notice of Decision for a Building Permit Application for 3404 The Strand and 3405 Ocean Drive

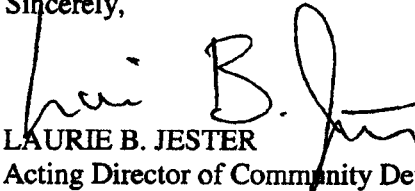
To Whom It May Concern:

Please see the attached Notice of Decision for the remodel project located at 3404 The Strand and 3405 Ocean Drive. Community Development Staff is available to answer any questions or to meet with any interested party.

Pursuant to MBMC Section 10.100, the decision of the Community Development Director may be appealed to the Planning Commission within fifteen (15) working days following the action. The necessary appeal forms and procedures will be provided upon request. Appeals shall be accompanied by a fee in the amount of \$465.

Additional information may be obtained by contacting Esteban Danna, project planner at (310) 802-5514 or edanna@citymb.info.

Sincerely,



LAURIE B. JESTER
Acting Director of Community Development



City of Manhattan Beach

Community Development

Phone: (310) 802-5500

FAX: (310) 802-5501

TDD: (310) 546-3501

NOTICE OF DECISION

The Department of Community Development has approved a Building Permit application for 3404 The Strand and 3405 Ocean Drive pursuant to Manhattan Beach Municipal Code Titles 9 and 10 and the 2007 California Building Code.

BACKGROUND

On January 22, 2010, a Building permit application was submitted to the Community Development Department for the remodel of an existing detached duplex. The two separate structures, each with one unit, were originally built in 1973 and are located on one property at 3404 The Strand and 3405 Ocean Drive. The Ocean Drive unit includes a six car garage which provides parking for both units.

Staff reviewed the plans and issued corrections on February 5, 2010. Upon the applicant's request, Staff issued a demolition permit on March 5, 2010 prior to building permit approval. Several neighboring residents subsequently contacted the City expressing concerns that the demolition was beyond the scope of the approved demolition plans. The Building Division issued a Stop Work order on June 24, 2010.

The scope of work on the approved demolition plans was not consistent with work performed in the field. The demolition included 100% of the interior of both structures. Staff subsequently requested additional information from the project architect, contractor, and home owner and conducted numerous site inspections. The applicant submitted a building inspection report dated February 20, 2009 from a private inspector which indicated that there was evidence of water damage in both structures. The general contractor stated that he continued demolition beyond the approved demolition plans as a result of the discovery of mold throughout the structure.

Upon review, the Building Division determined that under the current building valuation (effective May 1, 2010), the project did not exceed 50% building valuation. Therefore, a Minor Exception, to retain a number of legal non-conformities, is not required for either structure.

On September 15, 2010, the applicant withdrew the building permit application. The applicant revised the plans to accurately reflect the scope of work for the project and submitted those plans to the City on September 29, 2010.

DISCUSSION

Manhattan Beach Municipal Code (MBMC) Section 10.68.030E

MBMC Section 10.68.030E requires that if the total estimated construction cost for any non-conforming structure exceeds 50% of the existing building valuation all structures on the site must be brought into conformance with the current zoning code. Exceptions to this section include one non-conforming front or interior side yard (a 3 foot minimum clearance must be maintained), street side yard, rear yard adjacent to a public street or alley, or when an existing structure is over height as a result of previous

City Hall Address: 1400 Highland Avenue, Manhattan Beach, CA 90266

Visit the City of Manhattan Beach web site at <http://www.citymb.info>

methods used to measure height. MBMC Section 10.68.030E allows these non-conformities to remain even if the project exceeds 50% building valuation.

Valuation Analysis

Building permits issued by the City are assigned a total estimated construction cost based on the type and square footage of the proposed work. These are standard costs used by municipalities, which are periodically updated, and do not always reflect actual construction costs. The Building Official updated the building valuation numbers Citywide to be consistent with similar cities on May 1, of 2010. These were previously updated on July 1, 2008. These construction values are used to determine the cost of a building permit and to estimate the amount of work proposed relative to what is existing. These valuation figures are specific to the type of use of an area such as living area, garage area, or deck area. The Building Official is responsible for determining these values pursuant to the 2007 California Building Code, Appendix Chapter 1, Section 108.3. This section states: "Final building permit valuation shall be set by the building official."

The project does not exceed the 50% valuation under the current building valuation figures. Thus, pursuant to MBMC 10.68.030E, the applicant is not required to address the existing legal non-conformities on the property.

Building Valuation (Effective 05/01/2010)				
Existing Values per Square Feet (both structures)				
<i>Type</i>	<i>Value</i>	<i>Square Feet</i>	<i>Total</i>	
Floor Area	\$160.00	5,334	\$853,440.00	
Garage	\$57.33	960	\$55,036.80	
Decks	\$58.75	444	\$26,085.00	
Total Existing Valuation			\$934,561.80	
Proposed Values per Square Feet (both structures)				
<i>Type</i>	<i>Value</i>	<i>Square Feet</i>	<i>Total</i>	<i>Project Percentage</i>
Remodel Floor Area	\$80.00	5,334	\$426,720.00	
Remodel Garage	\$28.67	960	\$27,523.20	
Remodel Decks	\$29.38	444	\$13,044.72	
Total Proposed Valuation			\$467,287.92	50.00

Existing Non-Conformities

The existing structures on the site were legally constructed under permit number 93304 issued on February 22, 1973. Zoning Code requirements have changed and therefore there are a number of existing legal non-conformities for each structure as follows:

3404 The Strand

- South side setback (3' 1" existing, 3' 4" minimum)
- Open space (245.28 square feet existing, 511 square feet minimum)
- Deck projection length per level (28' 8" existing, 17' 10" maximum)

These non-conformities are typical of older structures in the City.

3405 Ocean Drive

- Height (122' 2" existing, 115' 1½" maximum—7'-½" above the maximum)
- Number of stories (four-stories existing, three-story maximum)
- South side setback (3' 2" existing, 3' 4" minimum)
- North side setback (access stairs to front door and third story required exit)
- East/rear setback (2' 2" at second and third stories, 5' minimum)
- Open Space (257.28 square feet existing, 289 square feet minimum)

At the time of permit application in 1973 the method of height measurement was different than the method currently used. MBMC Section 10.68.030E allows an exception to the non-conforming height of structures, regardless of building valuation, if the reason for the excess height is due to the method under which the structure was measured, as is the case with this structure. The height measurement methodology was revised in 1991 as part of the Zoning Ordinance Revision Program (ZORP).

The structure's lowest level of the four stories is used as storage closet located beneath the garage level. It is only accessible through a six-foot high door adjacent to the courtyard that separates the two structures, it is not livable floor area, and it does not have any windows.

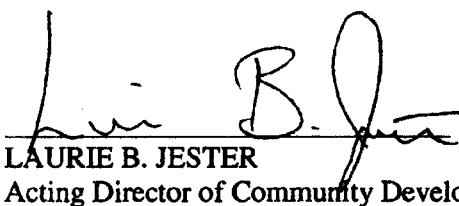
CONCLUSION

The proposed scope of work for the project located at 3404 The Strand and 3405 Ocean Drive does not exceed 50% in building valuation. Therefore, the non-conforming portions of the buildings may remain. Furthermore, a Minor Exception for this project is not required since it does not exceed 50% building valuation, does not propose to alter any non-conforming portion of the structure except life-safety features as required by the Building Division, and there is no increase in the discrepancy between existing conditions and current Zoning Code standards.

APPEALS

Pursuant to MBMC Section 10.100, the decision of the Community Development Director may be appealed to the Planning Commission within fifteen (15) working days following the action. The necessary appeal forms and procedures will be provided upon request. Appeals shall be accompanied by a fee in the amount of \$465.

Additional information may be obtained by contacting Esteban Danna, project planner at (310) 802-5514 or edanna@citymb.info.


LAURIE B. JESTER
Acting Director of Community Development

Date: October 1, 2010

Esteban M. Danna

From: angela nelson <adnelson625@gmail.com>
Sent: Wednesday, November 03, 2010 12:49 PM
To: Laurie B. Jester; Esteban M. Danna
Subject: Fwd: 3404 The Strand and 3405 Ocean Drive

Hi Laurie

Here is the letter I was referring to earlier today. I wish to include this in the packet. Not only do my husband and I feel this is totally inappropriate, but to be honest, we are starting to feel uncomfortable. I no longer feel comfortable parking my car in front of my own home!

Please feel free to share with me any new emails you've received from neighbors.

Thank you for your support!
Angela

----- Forwarded message -----

From: <sharonarias@aol.com>
Date: Tue, Nov 2, 2010 at 4:22 PM
Subject: 3404 The Strand and 3405 Ocean Drive
To: adnelson625@gmail.com

You have been reported to the U.S. Postmaster for violating federal law (placing unauthorized literature in U.S. mailboxes). Moreover, the entire community is fed up with your illegal remodel and will be out in numbers at the Planning Committee meeting next week to protest (we will have hundreds of petition signatures). We will also come to the City Counsel meeting, the Coastal Commission appeal and Court, if necessary, to remove your illegal fourth story. Do the right thing or be forced by the authorities to comply!

Esteban M. Danna

From: hopemft@aol.com
Sent: Friday, July 16, 2010 2:01 PM
To: Esteban M. Danna
Subject: Fwd: 3405 Ocean Dr./3404 The Strand

-----Original Message-----

From: hopemft <hopemft@aol.com>
To: ljester <ljester@citymb.info>; edana <edana@citymb.info>
Sent: Tue, Jul 13, 2010 2:12 pm
Subject: 3405 Ocean Dr./3404 The Strand

As homeowners at 112 34th St., Manhattan Beach, my husband and I have non-compliance concerns regarding the property (Assessor's ID No. 4175-028-017), at 3405 Ocean Drive and 3404 The Strand. We completed our new construction in May of 2009. Throughout the process we complied with every Zoning Code, Building Safety requirement and architectural compatibility as outlined by the Office of Community Development. In fact, contrary to our originally approved plans we made changes, (again approved by the City) to accommodate the desires of our neighbors.

Apparently the owner of the above stated property is not currently, or intending on being in compliance the current code requirements. Because we are so close to this property and have gone through the building process ourselves, we have serious concerns regarding compliance and compatibility with other surrounding structures regarding size, height, location of setbacks, and use.

We have been made aware that the initial demolition permit for a minimal remodel for this building was issued prior to plan approval with the understanding that the work involved would be limited to the plan provided at that time. This limited demolition has progressed to a completely gutted building. Obviously, the scope and extent of the structure has drastically changed. It appears that the work that has commenced has done so without the appropriately approved plans or proper building permits in place. We have spoken to our neighbors, and we are in agreement that any exceptions to the originally filed plans would be a detriment our our properties and their values. Even though at times during our construction adherence to the building codes was frustrating, we did comply and suggest the owner of the building in question do the same. It has become apparent us that planning and building codes are essential to the beautification and sustainability of Manhattan Beach.

In conclusion, we and many neighbors adjacent to 3405 Ocean, and 3405 The Strand, believe that because there has been a major variance from code, an exception should no be granted. Otherwise, this would have a major impact to the surrounding homeowners who throughout their construction did comply with the building codes.

Thank you for your attention to this matter.

Mark and Hope Greenberg
112 34th Street, Manhattan Beach 90266

Esteban M. Danna

From: Rena Rickles <rena@rickleslaw.com>
Sent: Thursday, July 22, 2010 1:47 PM
To: Esteban M. Danna; Laurie B. Jester
Cc: davidrickles@yahoo.com
Subject: 3405 Ocean Drive and 3404 The Strand--status report

Hi Estaban

When we last spoke about the above-captioned project, you advised that you and the interim Community Development Manager, Laurie Jester would be conducting a site visit to determine whether the proposed reconstruction, notwithstanding the 50%, could qualify for a Minor Exception by meeting all of the required findings.

Since our conversation, as you may know one of the owners of the subject property paid an unannounced visit on one of the neighbors and asserted that they would be issued a permit for everything they wanted 'imminently'. In our conversation you advised that there had been no application, there could be no pending decision.

Could you please advise as to the status of this project? Please include whether or when your site visit occurred, if it did any conclusions that were reached as to the property owner's next steps. Of course if any applications have been filed, or if there is any written communication to the owners, I would like to request copies.

Finally, since one of the issues in this case is the validity of the current height, can you provide documentation that the height of this building was done in conformance with then current zoning, or that appropriate variances were applied for or obtained?

Thank you for your time and courtesy in this matter.

Rena Rickles

RENA RICKLES
Law Offices of Rena Rickles
1970 Broadway, Suite 1200
Oakland, CA 94612
Phone: (510) 452-1600
Fax: (510) 451-4115
rena@rickleslaw.com

This transmittal is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

Esteban M. Danna

From: Rena Rickles <rena@rickleslaw.com>
Sent: Thursday, September 23, 2010 9:38 AM
To: Richard Thompson; Esteban M. Danna
Cc: David Rickles
Subject: The Nelson Property--3405 Ocean Drive and 3404 The Strand
Attachments: Notice to City re Illegal Nonconforming Use.pdf; Attachment_1_ltr_2010-09-22.pdf

Dear Mr. Thompson and Mr. Danna—

Attached please find an electronic courtesy copy of my letter to you regarding the above-captioned property which I sent out via U.S. Mail today. The purpose of this letter is to advise the City of Manhattan Beach and the Planning Department of the property's status as an unlawful non-conforming structure, a status which precludes the processing of any building or planning permits until the owner brings the property into conformance or receives a variance.

Please feel free to call me if you have any questions.

RENA RICKLES
Law Offices of Rena Rickles
1970 Broadway, Suite 1200
Oakland, CA 94612
Phone: (510) 452-1600
Fax: (510) 451-4115
rena@rickleslaw.com

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RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 451-4115

September 22, 2010

Richard Thompson
Interim City Manager
City of Manhattan Beach City Hall
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: 3405 Ocean Drive; 3404 The Strand
Todd and Angela Nelson

Dear Mr. Thompson:

This office represents David and Bonnie Rickles. They own and live in the house at 3414 Ocean Drive across the street from the above-captioned property. However, many of the Nelsons' abutting and confronting neighbors share and join the concerns which are expressed in this letter and in previous verbal communication with your Planning Department, and Esteban Danna in particular, regarding the Nelson's total renovation of their property at 3405 Ocean Drive/3404 The Strand (or "Nelson property"). This previous communication related to the Nelson renovation application, which renovation as performed thus far (before being issued a 'Stop Work" Order) is in violation of the '50% rule' (reference MB Ordinance 2112, Section 17, par. E) and so affects the approval process of their proposed plans for work at 3405 Ocean Drive/3404 The Strand.

I am writing now to put the City of Manhattan Beach on formal notice of another issue that has arisen that affects any proposed construction to 3405 Ocean Drive/3404 The Strand. It appears that 3405 Ocean Drive/3404 The Strand consists of an unlawful non-conforming structure at the 3405 Ocean Drive building because when the home was constructed in 1973, the structure violated Manhattan Beach development standards in the following ways:

- (1) the height exceeded what was allowed,
- (2) the side yard set back was less than what was allowed,
- (3) the east side encroachment into the front yard set back extends lower than what was allowed (8' required; approximately 7'6" provided), and
- (4) it exceeded the allowed number of garage spaces (4 allowed; 6 were built).

Because the building was originally constructed in violation of the then existing development standards, and because there is no record of the City granting a Variance for said violations, the house must be categorized as an illegal non-conforming structure.

Attached to this letter are the Manhattan Beach Ordinances in effect when the property was built in 1973 along with an analysis showing that the Nelson property as constructed violates those ordinances (as well as the ordinances now in effect).

As an illegal non-conforming structure, a variance must be obtained prior to approval or issuance of any building or planning permits for 3405 Ocean Drive/3404 The Strand. See *Municipal Code* §10.01.050.

Please confirm that you agree that 3505 Ocean Drive/3404 The Strand is currently an illegal (unlawful) non-conforming structure that requires a Variance prior to the processing or approval of any building plans, use permits and/or the issuance of any building or use permits.

Very truly yours,



RENA RICKLESRena Rickles

Attachments: Manhattan Beach Ordinances in effect in 1973 when Nelson property constructed

Cc: Estaban Danner
David and Bonnie Rickles (via email)

ATTACHMENT -1

The following Manhattan Beach Ordinances were in effect when the Nelson property was built in 1973 (copies of the below-referenced sections of said zoning ordinances are included at the end of this attachment):

(1) Height

Per Manhattan Beach Ordinance 825

Section 215. BUILDING HEIGHT. "Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the highest point of the structure.

Section 501. HEIGHT. In the R-2 Zone no building shall exceed a height of thirty (30) feet.

(2) Side yards and (3) Front yard encroachment

Per Manhattan Beach Ordinance 825:

Section 502. FRONT YARD. Every lot in the R-2 Zone shall have a front yard as follows:

...

(3) In Area District III, not less than five (5) feet.

Section 503. SIDE YARDS. In the R-2 Zone every lot shall have side yards as follows:

(1) ...

(2) In Area District III:

(a) Interior lots shall have a side yard on each side of the lot with a width equal to ten percent (10%) of the width of the lot, but shall never be less than three (3) feet and need not be more than five (5) feet.

...

Per Manhattan Beach Ordinance 825, as amended by Ordinance 852, and subsequently amended by Ordinance 1110:

Title 10, Chapter 3, Article 14, Section 10-3,
1413 Permitted Intrusions into Required Yards

The following intrusions may project into any required yards, but in no case shall such intrusions extend more than three (3') feet into such required yards, provided such extension does not reduce the remaining yard to less than two (2'); providing further that where the required yard is adjacent to a public alley or street at the rear of the parcel or lot, balconies or overhanging upper stories may not project more than three (3') feet over such yards, provided that no portion of such overhanging construction shall be less than eight (8') feet above the grade at the intersection of the property line and said street or alley; provided further that there

be no overhead beams between the wall and the house and that one “return” be permitted, but not two.

...

(c) Stairways, balconies and fire escapes, except that in Area District 3 an open unenclosed stairway with open risers shall be permitted to occupy one side yard per building site;

...

(4) Garage capacity

Manhattan Beach Ordinance 825:

SECTION 400. PERMITTED USES. In an R-1 Zone the following uses only are permitted and as hereinafter specifically provided and allowed by this Article, subject to the general provisions and exceptions set forth in this ordinance beginning with article 13.

(1) One-family dwellings.

(2) Accessory buildings and structures, including private garages to accommodate not more than three (3) cars.

(3) ...

SECTION 500. PERMITTED USES. In the R-2 Zone the following uses only are permitted and as hereinafter specifically provided and allowed by this Article subject to the general provisions and exceptions set forth in this ordinance beginning with article 13.

(1) Any use permitted in the R-1 single-family zone, and under the same conditions prescribed therein except that the dimensions of required yards as set forth in this zone shall apply, and the capacity of garages shall be limited to four (4) cars.

(2) Two-family dwellings.

(3) ...

Analyses detailing apparent violations of the above code in 1973 are as follows:

(1) The maximum height allowed for this address at the time of construction was thirty (30) feet, but the computed BUILDING HEIGHT of 3405 Ocean Drive is approximately thirty-two (32) feet, two (2) feet over what was then allowable. Clearly this was not an accident as this structure lacks conformity with other homes built at the same time.. Additionally, this concern is evident in the original plans on file with the city (viewable by computer-accessible copies of fiche) on a sheet showing east and west elevations of the 3405 Ocean Drive unit, which sheet contains a handwritten note admonishing, “Height must comply with M.C.”, with arrows pointing to the offending east and west elevations. Apparently even then it was readily apparent that the building as presented was higher than allowed by municipal code.

(2) The north side yard set back for 3405 Ocean Drive is approximately zero (0) feet, due to encroachment of stairs and landings, which is approximately two (2) feet less than required. The structure itself, separate from the exterior stairs and landings is

approximately 26'-10" wide, reducing one or both side yards to less than the 3'-4" required for each side yard (lot width is 33'-4"). As such, with regards to required side yard set backs, this building was constructed in direct violation of code section 503 and, notably, without relief for the stairs and landings from section 1413 (since clause *"The following intrusions may project into any required yards, but in no case shall such intrusions extend more than three (3') feet into such required yards, provided such extension does not reduce the remaining yard to less than two (2')"* denies relief).

(3) The 3405 Ocean Drive east side encroachment into the front yard set back extends well below the *"eight (8) feet above the grade at the intersection of the property line and said street"* requirement specified in this section; this encroachment starts at approximately 7' 6" above the intersection of the property line and said street, a direct violation of the code.

(4) In violation of Manhattan Beach Ordinance 825, Section 500, the 3405 Ocean Drive building (which is in an R-2 Zone) exceeds the maximum allowable capacity for garages; four (4) car spaces were allowed by code and there were 6 car spaces included in the garage on the property.

Copies of above-referenced ordinance sections:

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ORDINANCE NO. 825

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ESTABLISHING ZONES IN SAID CITY OF MANHATTAN BEACH AND THEREIN REGULATING THE USE OF LAND, HEIGHT OF BUILDINGS AND YARD SPACES; ESTABLISHING AREA DISTRICTS; PROVIDING FOR THE ADOPTION OF MAPS SHOWING THE BOUNDARIES OF SAID ZONES AND AREA DISTRICTS; PROVIDING FOR ITS ADJUSTMENT, AMENDMENT AND ENFORCEMENT; PRESCRIBING PENALTIES FOR VIOLATIONS AND REPEALING ORDINANCE NO. 502 OF SAID CITY AND ALL AMENDMENTS THEREOF.

The City Council of the City of Manhattan Beach, California, does ordain as follows:

ARTICLE 1
DECLARATION OF PURPOSE

SECTION 100. PURPOSE OF ORDINANCE. An Official Land-Use Plan for the City of Manhattan Beach, California, is hereby adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.

SECTION 101. NAME OF ORDINANCE. This ordinance shall be known as "The Comprehensive Zoning Ordinance".

ARTICLE 2
DEFINITIONS

SECTION 200. PROVISIONS NOT AFFECTED BY HEADINGS. Article and Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

SECTION 201. TENSES. The present tense includes the future, and the future the present.

-1-

1 SECTION 215. BUILDING HEIGHT. "Building height" means
2 the vertical distance measured from the average level of the highest
3 and lowest point of that portion of the building-site covered by
4 the building to the highest point of the structure.

5 SECTION 216. BUILDING, MAIN. "Main building" means the
6 principal building on a lot or building-site designed or used to
7 accommodate the primary use to which the premises are devoted; where
8 a permissible use involves more than one structure designed or used
9 for the primary purpose, as in the case of group houses, each such
10 permissible building on one lot as defined by this ordinance shall
11 be construed as comprising a main building.

12 SECTION 217. BUILDING-SITE. "Building-site" means (a) the
13 ground area of one (1) lot or (b) the ground area of two (2) or
14 more lots when used in combination for a building or group of
15 buildings, together with all open spaces as required by this ordinance.

16 SECTION 218. BUSINESS OR COMMERCE. "Business" or
17 "commerce" means the purchase, sale or other transaction involving
18 the handling or disposition of any article, service, substance or
19 commodity for livelihood or profit; or the management of office
20 buildings, offices, recreational or amusement enterprises; or the
21 maintenance and use of offices, structures and premises by pro-
22 fessions and trades rendering services.

23 SECTION 219. CELLAR. "Cellar" means that portion of a
24 building between floor and ceiling which is wholly or partly below
25 grade and so located that the vertical distance from the grade to
26 the floor below is equal to or greater than the vertical distance
27 from grade to ceiling.

28 SECTION 220. CHURCH. "Church" as used in this ordinance
29 shall mean an establishment the principal purpose of which is
30 religious worship and for which the principal structure contains
31 the sanctuary, and including accessory uses in the main structure
32 or in separate buildings, including Sunday School rooms, assembly

1 ARTICLE I

2 R - 1 ONE-FAMILY RESIDENTIAL ZONE (R-1 ZONE)

3 SECTION 400. PERMITTED USES. In an R-1 Zone the following
4 uses only are permitted, and as hereinafter specifically provided
5 and allowed by this Article, subject to the general provisions and
6 exceptions set forth in this ordinance beginning with Article 1).

7 (1) One-family dwellings.

8 (2) Accessory buildings and structures, including private
9 garages to accommodate not more than three (3) cars.

10 (3) Churches, provided the following conditions are con-
11 formed to:

12 (a) The depth of the required front yard shall be the same
13 as that required in the zone and area district in which it is located.

14 (b) Limitations on lot coverage need not apply.

15 (c) Buildings and structures on the site shall not be closer
16 than twenty-five (25) feet to any property line constituting the
17 boundary of the site, except that a detached one-family dwelling on
18 such site shall conform to the yard requirements and required
19 distance between buildings as prescribed in the zone and area
20 district in which the site is located.

21 (d) No portion of any building or structure shall exceed a
22 height of thirty (30) feet as measured from the average of the
23 finished ground level at the center of all walls, except that
24 steeples or other architectural features containing no floor space
25 may exceed such height limit.

26 (e) A five (5) foot masonry wall shall be constructed and
27 maintained on any property lines adjoining residential property,
28 provided such wall shall not extend into any required front yard,
29 and such walls may be built progressively as the site is improved.

30 (f) All off-street parking requirements shall be conformed
31 to, except that on interior lots the required side yards may be used
32 to provide off-street parking areas and, on corner lots, the interior

1 ARTICLE 5

2 R - 2 TWO-FAMILY RESIDENTIAL ZONE (R-2 ZONE)

3 SECTION 500. PERMITTED USES. In the R-2 Zone the following
4 uses only are permitted and as hereinafter specifically provided
5 and allowed by this Article subject to the general provisions and
6 exceptions set forth in this ordinance beginning with Article 13.

7 (1) Any use permitted in the R-1 single-family zone, and
8 under the same conditions prescribed therein except that the
9 dimensions of required yards as set forth in this zone shall apply,
10 and the capacity of garages shall be limited to four (4) cars.

11 (2) Two-family dwellings.

12 (3) Three-family or a four-family dwelling when the side line
13 of the lot abuts lots zoned for C-1, C-2, C-m, M-1 and M-2, but in
14 no case shall the property used for such three or four family
15 dwelling consist of more than one (1) lot or be more than sixty (60)
16 feet in width, whichever is the least.

17 (4) Foster family day care homes.

18 (5) See Unclassified Uses, Article 12.

19 SECTION 501. HEIGHT. In the R-2 Zone no building shall
20 exceed a height of thirty (30) feet.

21 SECTION 502. FRONT YARD. Every lot in the R-2 Zone shall
22 have a front yard as follows:

23 (1) Area District I, not less than twenty (20) feet.

24 (2) Area District II, not less than twenty (20) feet.

25 (3) Area District III, not less than five (5) feet.

26 SECTION 503. SIDE YARDS. In the R-2 Zone every lot shall
27 have side yards as follows:

28 (1) In Area Districts I and II.

29 (a) Interior lots and corner lots shall have a side yard
30 on each side of the lot with a width equal to ten per cent (10%) of
31 the width of the lot, but shall never be less than three (3) feet
32 and need not be more than five (5) feet.

1 ordinance, shall relate to the future street boundaries as deter-
2 mined by said precise plans.

3 This section does not require a yard of such width or depth
4 as to reduce the buildable width of a corner lot to less than forty
5 (40) feet.

6 SECTION 14.09. MEASUREMENT OF FRONT YARDS. Front yard
7 requirements shall be measured from the front property line or the
8 indicated edge of a street for which a precise plan exists.

9 SECTION 14.10. VISION CLEARANCE, CORNER AND REVERSED CORNER
10 LOTS. All corner lots and reversed corner lots subject to yard
11 requirements shall maintain for safety vision purposes a triangular
12 area one angle of which shall be formed by the front and side lot
13 lines separating the lot from the streets, and the sides of such
14 triangle forming the corner angle shall each be fifteen (15) feet in
15 length, measured from the aforementioned angle. The third side of
16 said triangle shall be a straight line connecting the last two
17 mentioned points which are distant fifteen (15) feet from the inter-
18 section of the lot front and side lines, and within the area com-
19 prising said triangle no tree shall be allowed, nor any fence, shrub
20 or other physical obstruction higher than forty-two (42) inches
21 above the established grade shall be permitted.

22 SECTION 14.11. FRONT AND SIDE YARDS NOT REQUIRED FOR DWELL-
23 INGS AND APARTMENTS ABOVE STORES. Front and side yard requirements
24 shall not be applicable to dwellings and apartments erected above
25 stores.

26 SECTION 14.12. PERMITTED INTRUSIONS INTO REQUIRED YARDS.
27 The following intrusions may project into any required yards, but
28 in no case shall such intrusions extend more than two (2) feet into
29 such required yards, provided such extension does not reduce the
30 remaining side yard to less than two (2) feet.

31 (1) Cornices, eaves, belt courses, sills, buttresses or
32 other similar architectural features.

1 (2) Fireplace structures not wider than eight (8) feet
2 measured in the general direction of the wall of which it is a part.

3 (3) Stairways, balconies and fire escapes; except that in
4 Area District 3 an open unenclosed stairway with open risers shall
5 be permitted to occupy one side yard per building site.

6 (4) Uncovered porches and platforms which do not extend
7 above the floor level of the first floor, provided they may extend
8 further into the front yard.

9 (5) Planting boxes or masonry planters not exceeding forty-
10 two (42) inches in height.

11 SECTION 1413. WALL, FENCE OR HEDGE MAY BE MAINTAINED. In
12 any "R" Zone a wall, fence or hedge forty-two (42) inches in height
13 may be located and maintained on any part of a lot. On an interior
14 lot a wall, fence or hedge not more than six (6) feet in height may
15 be located anywhere on the lot to the rear line of the required
16 front yard.

17 On corner lots and reverse corner lots a six (6) foot fence
18 may be located anywhere on the lot to the rear of the rear line of
19 the required front yard, except in the required side yard on the
20 side street side of such lots, which side yard in the case of a
21 reverse corner lot shall include the required triangular open area
22 at the rear of such lots.

23 A fence having additional height is permitted on the wind-
24 ward sides of any lot wherever a six (6) foot fence is allowed,
25 provided such additional height over six (6) feet slopes inward at
26 an angle of not less than thirty degrees (30°) and no more than
27 forty-five degrees (45°) from vertical, and provided further that
28 such additional portion shall not make the total height of the
29 fence more than eight (8) feet from the ground and shall not extend
30 closer to any part of any building than a distance equal to one-
31 half of the width of the required side yard on the lot.
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ORDINANCE NO. 852

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH,
CALIFORNIA, AMENDING THE MANHATTAN BEACH
MUNICIPAL CODE BY AMENDING SECTION 10-3.1413
OF TITLE 10, CHAPTER 3, ARTICLE 14, OF SAID
CODE RELATING TO PERMITTED INTRUSIONS INTO
REQUIRED YARDS.

The Council of the City of Manhattan Beach, California, does
ordain as follows:

SECTION 1. AMENDMENT OF CODE.

Title 10, Chapter 3, Article 14, Section 10-3.1413, of the
Manhattan Beach Municipal Code is hereby amended to read as follows:

SEC. 10-3.1413. Permitted Intrusions into Required Yards.

The following intrusions may project into any required yards,
but in no case shall such intrusions extend more than two (2') feet into
such required yards, provided such extension does not reduce the remain-
ing side yard to less than two (2') feet, providing further that where the
required yard is adjacent to a public alley or street at the rear of the
parcel or lot, balconies or overhanging upper stories may project not more than
three (3') feet over such yards, provided that no portion of such overhanging
construction shall be less than eight (8') feet above the grade at the inter-
section of the property line and said street or alley:

- (a) Cornices, eaves, belt courses, sills, buttresses or other
similar architectural features;
- (b) Fireplace structures not wider than eight (8') feet measured
in the general direction of the wall of which it is a part;
- (c) Stairways, balconies and fire escapes, except that in
Area District J an open unenclosed stairway with open
risers shall be permitted to occupy one side yard per building
site;

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ORDINANCE NO. 1110

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 10-3.1413, ARTICLE 14, CHAPTER 3, TITLE 10 OF THE MANHATTAN BEACH MUNICIPAL CODE RELATING TO PERMITTED INTRUSIONS INTO REQUIRED YARDS.

The Council of the City of Manhattan Beach, California, does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Section 10-3.1413, Article 14, Chapter 3, Title 10 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

SEC. 10-3.1413. Permitted intrusions into required yards.

The following intrusions may project into any required yards, but in no case shall such intrusions extend more than three (3') feet into such required yards, provided such extension does not reduce the remaining yard to less than two (2') feet; providing further that where the required yard is adjacent to a public alley or street at the rear of the parcel or lot, balconies or overhanging upper stories may project not more than three (3') feet over such yards, provided that no portion of such overhanging construction shall be less than eight (8') feet above the grade at the intersection of the property line and said street or alley; provided further that there be no overhead beams between the wall and the house and that one "return" be permitted, but not two.

SECTION 2. Subsection (f) is hereby added to Section 10-3.1413, Article 14, Chapter 3, Title 10 of said Code to read as follows:

(f) Architectural screen walls not exceeding six feet six inches (6' 6") in height may be erected in the required front yard provided that such walls be placed not less than fourteen (14') feet from the lot front line and not less than the required setback from the lot side line, nor extend for more than one half of the lot width.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

Esteban M. Danna

From: David Rickles <davidrickles@yahoo.com>
Sent: Thursday, July 08, 2010 12:04 PM
To: Esteban M. Danna
Cc: Rena Rickles
Subject: RE: 3404 Strand/3405 Ocean

Estaban,

After further reviewing your highlighted sections of the applicable MB planning code:

I do see how the project in question could apply for a "Minor Exception" under MB planning code 10.84.120, based on the language of Sec. 10.68.030E; however, for your department to issue approval as a legitimate "minor exception"; it appears to me that your highlighted criteria for the basis of "Director's Review and Action" would have to be met (See Sec F:2).

On my review of the listed criteria (a through e under F2); most of these are clearly not met by the proposed project, and it's not evident that even one of these 5 listed criteria is definitely applicable to, and satisfied by the proposed project. Therefore, it seems to me that the Director of planning would have no basis for granting a Minor Exception.

I have asked my Land Use Attorney, Rena Rickles to contact you to discuss this matter further, prior to the Director's decision. I would like to thank you again for your courteous, open communication with me on this matter.

David J. Rickles M.D.

--- On **Wed, 7/7/10, Esteban M. Danna <edanna@citymb.info>** wrote:

From: Esteban M. Danna <edanna@citymb.info>
Subject: RE: 3404 Strand/3405 Ocean
To: davidrickles@yahoo.com
Date: Wednesday, July 7, 2010, 2:25 PM

Please see the highlighted areas below.

Thanks,

Esteban

10.68.030 - Alterations and enlargements of nonconforming uses and structures.

Esteban M. Danna

From: David Rickles <davidrickles@yahoo.com>
Sent: Wednesday, July 07, 2010 9:07 PM
To: Esteban M. Danna
Cc: Rena Rickles; bonnie rickles
Subject: RE: 3404 Strand/3405 Ocean

Estaban,

After reading the highlighted sections below, I can't conceive of any way that the 3404Strand/3405 Ocean property could justifiably qualify for an exception for a non conforming property, based on these provisions. Please inform your supervisor of my opinion, and keep me posted on the status of this matter.

Thank you for your ongoing consideration in this matter,

David J. Rickles M.D.

--- On Wed, 7/7/10, Esteban M. Danna <edanna@citymb.info> wrote:

From: Esteban M. Danna <edanna@citymb.info>
Subject: RE: 3404 Strand/3405 Ocean
To: davidrickles@yahoo.com
Date: Wednesday, July 7, 2010, 2:25 PM

Please see the highlighted areas below.

Thanks,

Esteban

10.68.030 - Alterations and enlargements of nonconforming uses and structures.

A.

No structure, the use of which is nonconforming, shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity.

Exception. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the effective date of the ordinance codified in this title.

Esteban M. Danna

From: Patti and T Stone <pattistone@roadrunner.com>
Sent: Friday, July 09, 2010 5:11 PM
To: Esteban M. Danna
Subject: FW: 3405 Ocean Drive and 3404 The Strand

Dear Mr. Danna,

Below please find the email correspondence that we discussed today. Thank you for all of your help and keeping us informed relative to our concerns in this matter.

Regards,
Thornton Stone

From: Patti and T Stone [mailto:pattistone@roadrunner.com]
Sent: Thursday, July 08, 2010 1:05 PM
To: 'ljester@citymb.info'
Subject: 3405 Ocean Drive and 3404 The Strand

Dear Ms. Jester,

I was informed yesterday, July 7, 2010, by Assistant Planner Esteban Dana that the Community Development Department expects that a minor exception will be requested to allow the continued rebuilding of the structure at 3405 Ocean Drive (also 3404 The Strand) despite the considerable non-compliances that exist with what remains of the now-gutted building. I believe that to grant such a request would be contrary to the intent of the building codes and would significantly violate the interests of the neighbors near this property.

The building at 3405 Ocean Drive has been entirely stripped of all drywall, insulation, plumbing, electrical, windows and doors, finish flooring and cabinetry, and the exterior wooden stairs that were built in the setback (extending to the side yard lot line; two wooden landings/balconies remain in the setback). All that remains of the building is the framed shell, roof, and stucco (some of which has been stripped) – a ladder now provides access. This remaining shell of a building appears to violate current code in the following:

1. exceeds the current 30' height limit by the better part of one story,
2. violates side yard setbacks -- it is slightly wider than allowable and additionally has the aforementioned wooden landings/balconies that extend approximately to the side yard property line (North side),
3. has four stories/levels on the west face – the 1st story is a storage room (previously appearing to have been drywall finished, now stripped) running the width of the building,
4. violates the setback from Ocean Drive (required is 5'; appears to be about 2'); *[since Ocean Drive is wider than 20', I am assuming the structure does not qualify for exemption relative to adjoining an alley]*
5. top/4th level looks down into the adjacent house windows of 3408 Strand, significantly reducing reasonably expected comparable privacy
6. top/4th level, by virtue of being taller, wider, and projecting further into the street than allowable, imposes an out of place volume on the neighborhood, reduces sunlight to adjacent (and across the street) houses, and considerably reduces visibility (significantly beyond the norm) to many in the neighborhood.

Additionally the structure appears to be significantly lacking in shear capability relative to current standards, so that the structure/shell that does remain would need significant remediation in the form of structural steel and shear panels to be made sound.

I have been told that the owner has stated that he intends to use the 3405 Ocean Drive building exclusively as an office (my understanding is that he is a television producer), not as a personal or rental residence. This would seem to constitute a change of use.

Per your office, the demolition permit for these addresses was issued prior to plan approval and was issued with the understanding that the work would be limited and in keeping with the proposed plans provided at that time, which

indicated limited demolition associated with a then-proposed ~26% (valuation based) remodel. Then, contrary to the advertised intent of the proposed plans, the buildings were instead entirely gutted. Given the extent of this elected demolition, the scope of the project changed drastically -- from a minimal remodel of portions of the buildings to a major remodel of the structures in their entirety. Additionally it should be noted that work was then commenced without approved plans or building permit in place – the start of new framing and new plumbing drain lines were installed in the 3404 The Strand building – and only halted after the city issued a stop-work order. This does not appear to be conscientious or appropriate behavior for a project of this sort.

While it might be reasonable to allow exceptions where no one is significantly harmed by such and where costs to meet code are prohibitive relative to the scope of the project, in this apparent attempt to skirt the intent of the building codes, there would be limited relative cost savings (if any) to the owner, and the lack of remediation of the non-compliances would be a significant detriment to the neighbors. While it might be desirable for the owner of 3405 Ocean Drive / 3404 The Strand to have a property with five (5) ocean-view levels, allowing that to happen at the expense of those of us living behind or beside this monstrosity does not seem to provide equitable treatment or the intended adequate protection that should be provided by the planning codes.

Given these facts, I respectfully request that the Manhattan Beach Community Development Department require compliance with letter and intent of the planning codes for these projects and that they not be allowed or facilitated to proceed via approval as a “minor exception.” A minor exception implies a minor deviation from the norm, which, by any reasonable assessment, is most certainly not the case in this situation. This is a major variance from code, and there is no justifiable reason that it should be granted, given the impacts on the surrounding homes.

Best Regards,
Thornton Stone
(310) 545-6510
(310) 955-7791
113 34th Place // Manhattan Beach, CA 90266

Esteban M. Danna

From: Patti and T Stone <pattistone@roadrunner.com>
Sent: Friday, September 10, 2010 3:42 PM
To: Salim Kaddorah
Cc: Richard Thompson; Laurie B. Jester; Esteban M. Danna; 'David Rickles'; 'Rena Rickles'; John Grimaldi; Daniel O'Neill; List - City Council
Subject: RE: 3405 Ocean Drive and 3404 The Strand

Sal,

I appreciate your response, but am not sure an important point was addressed.

Please recall that this question was raised when a rationale was tentatively proposed to drive stand-alone valuation of the rear unit below 50% by assessing the garage remodel at \$4/sf rather than the MB Building Dept then-published (when the application was first made) rate of \$18.86/sf. This \$4/sf valuation rate was noted as being based on only the garage ceiling being drywalled and no other work being done in the garages – this would have reduced the fire resistance of the garage walls below what it had been when the building was originally built and below what appears to be required of structural members supporting such a living area today.

While the 2007 CA Building Code section 406.1.4 does indeed require 5/8" Type X drywall on the ceiling of a garage beneath habitable rooms (thank you for sending the copy), I would assume in accordance with section 401.1 that 406.1.4 does not preclude enforcement of the additional applicable requirements within sections 714.1 and 704.5, as well as any other applicable requirements elsewhere in the code. The building/structure in question at 3405 Ocean Drive is on an R2 lot with two separate buildings/structures (formerly residences); the structure at 3405 Ocean Drive, prior to being gutted, was used as a rented residential apartment for the entire time that I have lived across the street – i.e. for at least the last 22 years. The garage walls are key structural members that support a second and third story (the 3rd and 4th levels of the structure), which comprised that apartment, and which include an internal stairwell between those stories that is necessary for fire egress – the garages were previously split/partitioned uses between the two structures on the lot (both structures last used as rented apartments).

Therefore, since the supported 3405 Ocean Drive structures include required 1-hour fire-rated assemblies, per 714.1, don't the garage walls that support that whole structure also require that level of fire protection from the inside?

As such, do you concur that for the remodel of these garages, the exterior wall fire protection in the garages in the building/structure at 3405 Ocean Drive will require 1-hour rated interior fire protection as would be provided by 5/8" Type X drywall on the inside of the garage exterior walls?

Thanks,
Thornton Stone

Chapter 4 - Special Detailed Requirements Based on Use and Occupancy

SECTION 401 SCOPE

401.1 Detailed use and occupancy requirements.

In addition to the occupancy and construction requirements in this code, the provisions of this chapter apply to the special uses and occupancies described herein.

SECTION 704 EXTERIOR WALLS

704.1 General.

Exterior walls shall comply with this section.

704.5 Fire-resistance ratings.

For other than high-rise buildings, Group A, E, H, I, L and R occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602. The fire-resistance rating of exterior walls with a fire separation distance of greater than 5 feet (1524 mm) shall be rated for exposure to fire from the inside. The fire-resistance rating of exterior walls with a fire separation distance of 5 feet (1524 mm) or less shall be rated for exposure to fire from both sides.

For high-rise buildings, Group A, E, H, I, L and R occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602. The fire-resistance rating of exterior walls shall be rated for exposure to fire from both sides.

SECTION 714 FIRE-RESISTANCE RATING OF STRUCTURAL MEMBERS

714.1 Requirements.

The fire-resistance rating of structural members and assemblies shall comply with the requirements for the type of construction and shall not be less than the rating required for the fire-resistance-rated assemblies supported.

From: Salim Kaddorah [mailto:skaddorah@citymb.info]

Sent: Friday, September 10, 2010 11:58 AM

To: Patti and T Stone

Cc: Richard Thompson; Laurie B. Jester; Esteban M. Danna; David Rickles; John Grimaldi; Daniel O'Neill

Subject: RE: 3405 Ocean Drive and 3404 The Strand

Dear Mr. Stone,

Thank you, for your input, with respect to the project addressed above. As I mentioned during our counter conversation, that we are still waiting on the updated remodel plans, in order to proceed with our official plan review. I also mentioned that we will be enforcing all applicable life safety and Building code requirements as they apply to the scope of work of the project. So rest assured that, no life safety items will be compromised during that process.

As to your technical comments below, please note, that the applicable section that requires the separation between the garage and the habitable area is section 406.1.4 item 1 of the 2007 California Building Code. The section is attached for your reference.

Let me reiterate the fact that our plan review will be thorough and will include all life safety components that are applicable to the project, including the exterior wall fire protection, to ensure that the end result is a safe and sound structure in our community.

Thanks,

Sal Kaddorah, P.E.

From: Patti and T Stone [mailto:pattistone@roadrunner.com]

Sent: Wednesday, September 08, 2010 12:32 PM

To: John Grimaldi; Salim Kaddorah

Cc: Richard Thompson; Laurie B. Jester; Esteban M. Danna; David Rickles

Subject: RE: 3405 Ocean Drive and 3404 The Strand

John and Sal,

Thanks for the opportunity yesterday to discuss the pending residential remodels at 3405 Ocean Drive and 3404 The Strand.

From our discussions I understand that the MB Fire Department relies substantially on the building department to enforce building codes required for fire safety. To that end, and regarding the issue of whether the removed drywall on the walls (and ceiling) of the garage in the 3405 Ocean Drive building needs to be replaced, John (MB Fire Marshal/Captain) indicated that he expected that drywall on the garage walls would be required, but suggested that I talk to the building department. Sal (MB building department) offered that he did not believe interior drywall would be required

because the requirement for fire rating of exterior walls was not applicable to this case since the distance to the side yard lot line was 3 feet (i.e. greater than 5 feet to the adjacent structure).

However, on review, it appears that protection from fire exposure from the inside as well as the outside, regardless of building separation, is explicitly required by CA Building Code Title 24, paragraph 704.5, which states, "*For high-rise buildings, Group A, E, H, I, L and R occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602. **The fire-resistance rating of exterior walls be rated for exposure to fire from both sides.**" Per this section (704.5), it is only for building groups other than those specified (i.e. building that are not *high-rise buildings, Group A, E, H, I, L and R occupancies and other applications listed in Section 111...*) that buildings with fire separation of greater-than or less-than five (5) feet are differentiated, and even then, they all require fire rated protection from the inside.*

Can you confirm my understanding of this code and its application to this instance?

Thanks,
Thornton Stone

Ref -- Per CA Bldg Code Title 24
704.5 Fire-resistance ratings.

For other than high-rise buildings, Group A, E, H, I, L and R occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602. The fire-resistance rating of exterior walls with a fire separation distance of greater than 5 feet (1524 mm) shall be rated for exposure to fire from the inside. The fire-resistance rating of exterior walls with a fire separation distance of 5 feet (1524 mm) or less shall be rated for exposure to fire from both sides.

For high-rise buildings, Group A, E, H, I, L and R occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602. The fire-resistance rating of exterior walls be rated for exposure to fire from both sides.

From: Patti and T Stone [mailto:pattistone@roadrunner.com]

Sent: Friday, September 03, 2010 8:31 PM

To: 'Richard Thompson'

Cc: 'List - City Council'; 'Laurie B. Jester'; 'Esteban M. Danna'; David Rickles; Rena Rickles (Rena@RicklesLaw.com); citycouncil@citymb.info; Hope and Mark Greenburg (hopemft@aol.com)

Subject: RE: 3405 Ocean Drive and 3404 The Strand

Mr. Thompson,

Please note that in my email below, in discussion relative to the 1972 ordinance regarding allowable stair, balcony, and deck intrusions into side yards, I should have cited Ordinance 1110 revision to 10-3.1413, which superseded, but did not change requirements relative to this concern, which were previously provided in Ordinance 852, and prior to that Ordinance No. 825, section 1412. The language within Ordinance 1110 revision to 10-3.1413 still required that no intrusion project more than two (2) into the required side yard, and no intrusion be closer than two (2) feet to the property line – hence the 3405 Ocean drive building, in addition to the other nonconformances when it was built, had illegal side yard intrusions.

Additionally, please consider 2007 CA Building Code noted below, which appears to require that the structural exterior garage walls have adequate fire rating (e.g. 5/8" type X drywall interior; 7/8" stucco exterior) to protect the living areas above.

Thank you again for your help in this matter.

Best Regards,
Thornton Stone

Reference -- Per 2007 CA Building Code:

SECTION 3401 GENERAL

3401.1 Scope.

The provisions of this chapter shall control the alteration, repair, addition and change of occupancy of existing structures, including state-regulated structures in accordance with Sections 3401.1.1 and 3401.1.2.

SECTION 3403 ADDITIONS, ALTERATIONS OR REPAIRS

3403.1 Existing buildings or structures.

Additions or alterations to any building or structure shall comply with the requirements of the code for new construction. Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any provisions of this code. An existing building plus additions shall comply with the height and area provisions of Chapter 5.

Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.

SECTION 3411 [SFM] EXISTING GROUP R-1 AND GROUP R-2 OCCUPANCIES

3411.1 Scope.

The provisions of this section are intended to maintain or increase the current degree of public safety, health and general welfare in existing buildings classified as Group R occupancies.

SECTION 3415 EARTHQUAKE EVALUATION AND DESIGN FOR RETROFIT OF EXISTING BUILDINGS

3415.2 Scope.

All modifications, structurally connected additions and/or repairs to existing structures or portions thereof shall, at a minimum, be designed and constructed to resist the effects of seismic ground motions as provided in this section. The structural system shall be evaluated by a registered design professional and, if not meeting or exceeding the minimum seismic design performance requirements of this section, shall be retrofitted in compliance with these requirements.

3415.3 Applicability.

3415.4 Evaluation required.

If the criteria in Section 3415.3 apply to the project under consideration, the design professional of record shall provide an evaluation in accordance with Section 3415 to determine the seismic performance of the building in its current configuration and condition. If the structure's seismic performance as required by Section 3415.5 is evaluated as satisfactory and the peer reviewer(s), when Method B of Section 3419 is used, concur, then no structural retrofit is required.

3415.5 Minimum seismic design performance levels for structural and nonstructural components.

Following the notations of ACSE 41, the seismic requirements for design and assessment are based upon a prescribed Earthquake Hazard Level (BSE-1, BSE-2, BSE-R or BSE-C), a Specified Structural Performance Level (S-1 through S-5) and a Nonstructural Performance Level (N-A through N-E). The minimum seismic performance criteria are given in Table 3415.5 according to the building regulatory authority and the occupancy category as determined in Chapter 16 or by the regulatory authority. The building shall be evaluated at both the Level 1 and Level 2 performance levels, and the more restrictive requirements shall apply.

Exception: If the floor area of an addition is greater than the larger of 50 percent of the floor area of the original building or 1,000 square feet (93 m²), then the Table 3415.5 entries for BSE-R and BSE-C are replaced by BSE-1 and BSE-2, respectively.

TABLE 3415.5 SEISMIC PERFORMANCE REQUIREMENTS BY BUILDING REGULATORY AUTHORITY AND OCCUPANCY CATEGORY. ALL BUILDINGS NOT REGULATED BY DSA ARE ASSIGNED AS "STATE-OWNED"

3415.6 Retrofit required.

Where the evaluation indicates the building does not meet the required performance objectives of this section, the owner shall take appropriate steps to ensure that the building's structural system is retrofitted in accordance with the provisions of Section 3415.

Appropriate steps are either: 1) undertake the seismic retrofit as part of the additions, modifications and/or repairs of the structure; or 2) provide a plan, acceptable to the building official, to complete the seismic retrofit in a timely manner. The relocation or moving of an existing building is considered to be an alteration requiring filing of the plans and specifications approved by the building official.

SECTION 714 FIRE-RESISTANCE RATING OF STRUCTURAL MEMBERS

714.1 Requirements.

The fire-resistance rating of structural members and assemblies shall comply with the requirements for the type of construction and shall not be less than the rating required for the fire-resistance-rated assemblies supported.

Exception: Fire barriers, fire partitions and smoke barriers as provided in Sections 706.5, 708.4 and 709.4, respectively.

714.2 Protection of structural members.

Protection of columns, girders, trusses, beams, lintels or other structural members that are required to have a fire-resistance rating shall comply with this section.

714.5 Exterior structural members.

Load-bearing structural members located within the exterior walls or on the outside of a building or structure shall be provided with the highest fire-resistance rating as determined in accordance with the following:

1. As required by Table 601 for the type of building element based on the type of construction of the building;
2. As required by Table 601 for exterior bearing walls based on the type of construction; and

3. As required by Table 602 for exterior walls based on the fire separation distance.

MATERIAL	ITEM NUMBER	CONSTRUCTION	MINIMUM FINISHED THICKNESS FACE-TO-FACE ^b (inches)			
			4 hour	3 hour	2 hour	1 hour
14. Wood studs-interior partition with gypsum wallboard each side	14-1.1 ^{h,m}	2" x 4" wood studs 16" on center with two layers of 3/8" regular gypsum wallboard ^c each side, 4d cooler ⁿ or wallboard ⁿ nails at 8" on center first layer, 5d cooler ⁿ or wallboard ⁿ nails at 8" on center second layer with laminating compound between layers, joints staggered. First layer applied full length vertically, second layer applied horizontally or vertically	—	—	—	5
	14-1.2 ^{h,m}	2" x 4" wood studs 16" on center with two layers 1/2" regular gypsum wallboard ^c applied vertically or horizontally each side ^k , joints staggered. Nail base layer with 5d cooler ⁿ or wallboard ⁿ nails at 8" on center face layer with 8d cooler ⁿ or wallboard ⁿ nails at 8" on center.	—	—	—	5 1/2
	14-1.3 ^{h,m}	2" x 4" wood studs 24" on center with 5/8" Type X gypsum wallboard ^c applied vertically or horizontally nailed with 6d cooler ⁿ or wallboard ⁿ nails at 7" on center with end joints on nailing members. Stagger joints each side.	—	—	—	4 3/4
5. Exterior or interior walls	15-1.3 ^{h,m}	2" x 4" wood studs 16" on center with 7/8" cement plaster (measured from the face of studs) on the exterior surface with interior surface treatment as required for interior wood stud partitions in this table. Plaster mix 1:4 for scratch coat and 1:5 for brown coat, by volume, cement to sand.	—	—	—	Varies

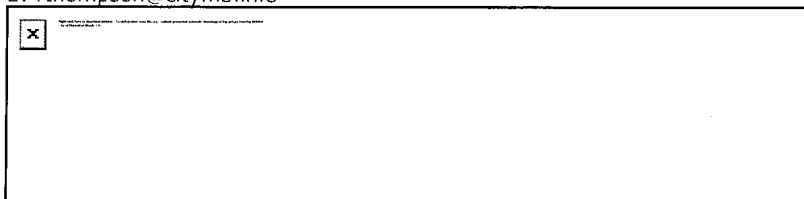
From: Richard Thompson [mailto:rthompson@citymb.info]
Sent: Tuesday, August 31, 2010 4:10 PM
To: pattistone@roadrunner.com
Cc: List - City Council; Laurie B. Jester; Esteban M. Danna
Subject: RE: 3405 Ocean Drive and 3404 The Strand

Mr Stone,

We still don't have all the information necessary before making a decision on this project. In order to make a final decision the applicant must provide additional documents that the city requested. In the mean time I can assure you that no permits will be issued, and before a final decision is made you will be notified of our findings. Thank you for you interest.

Richard Thompson
Interim City Manager

P: (310) 802-5053
E: rthompson@citymb.info



From: Richard P. Montgomery
Sent: Tuesday, August 31, 2010 2:58 PM
To: 'pattistone@roadrunner.com'; Richard Thompson
Subject: Re: 3405 Ocean Drive and 3404 The Strand

Thank you Thornton for your comments.

I copied the City Manager to get his input on a resolution for this issue.

Sincerely, Richard

Richard P. Montgomery
Mayor Pro Tem

P: (310) 802-5053

E: rmontgomery@citymb.info



From: Patti and T Stone <pattistone@roadrunner.com>
To: Richard Thompson
Cc: List - City Council; Esteban M. Danna; Laurie B. Jester; 'David Rickles' <davidrickles@yahoo.com>; Hope and Mark Greenburg <hopemft@aol.com>; Rena Rickles <Rena@RicklesLaw.com>
Sent: Tue Aug 31 14:27:07 2010
Subject: RE: 3405 Ocean Drive and 3404 The Strand

Dear Mr. Thompson,

I appreciated the chance to talk with city planner Esteban Danna again yesterday afternoon, 2010-08-30. However, I am deeply concerned that what appears to be a gross violation of the letter and intent of MB Ordinance 2112, Section 17, par. E. may still be in the process of being allowed or facilitated to occur.

Mr. Danna noted that the city's DRAFT valuation numbers [*which used the valuation rates that were in effect at the time of the original permit request, and which valuation numbers are still pending revision*] for the two buildings are currently estimated at 49.49% for 3405 Ocean Drive and 56.28% for 3404 The Strand. The DRAFT estimate of 49.49% for 3405 Ocean Drive provided for no remodeling valuation of the garages beyond the very limited apparently actual-cost-based value of \$4/sf for installing drywall on the garage ceiling (none on the walls), disregarding any installation in the garages of electrical or plumbing and of any foundations and structural steel needed at the garage doors to make the building shear/earthquake compliant and safe, both for itself and the neighbors' properties. We should also note that the \$4/sf rate is an "apples and oranges" mix since the corresponding rates used for valuation are per city-published values that do not necessarily correspond to actual costs of specific portions of the construction, instead reflecting a nominal and generally-applied rate used for valuation of any residential construction in the city. If instead of using the \$4/sf rate we use \$18.86/sf as the valuation rate for remodeling a garage [corresponding to 1/2 the rate of \$37.72/sf, the new/existing valuation rate established by the city for garages at the time the permits were requested] -- *and there is no justification to not use this \$18.86/sf rate for establishing valuation* -- then the 3405 Ocean Drive valuation (assuming all else is correct in the current DRAFT value) would be 55% for the 3405 Ocean Drive building.

Additionally, although none of the garage walls abut a living area, and so might not by that reason explicitly require drywall for fire protection, given that these walls support the entire building, not providing this drywall and the resultant level of fire safety most certainly increases risk to occupants and to neighboring structures and their occupants -- if these walls burn out early (e.g. before the fire department could respond), the building would collapse, potentially on itself, potentially on (and/or spreading fire to) the adjacent

structures. I would request Fire Department review of this issue. It would seem ill-advised to allow or recommend such an unsafe approach in order to skirt the intention of the code.

Mr. Danna also noted that although not an engineer, he did not consider the drywall that had been removed from the garage walls as being of structural concern. I would take exception to this assumption. The original building was ostensibly engineered to some level of structural integrity and that analysis may have included and relied on the additional strength of the drywall shear capability. Drywall does add shear strength, and removal of drywall reduces the previous structural shear capability of those walls. At the very minimum, the entire building, since it has been structurally modified at this point, should be required to be assessed against and meet current structural code, for the safety of this building's occupants as well as the safety of the adjacent buildings and their occupants. This would include shear requirements for all four garage walls, including the garage door wall, which does not appear to have structural steel.

Regarding application of MB Ordinance 2112, Section 17, par. E, and for the sake of discussion only applying the DRAFT valuation numbers to assessment of the code (MB Ordinance 2112, Section 17, par. E.):

Case I (Assess as completely rebuilding only 3405 Ocean Drive)

The combined total estimated construction costs of the proposed remodels (3404 The Strand and 3405 Ocean Drive) are:

$$A+B = \$206,102.92 + \$121,003.40 = \$327,106.32$$

Fifty percent of the total estimated cost of reconstructing the entire nonconforming structure (3405 Ocean Drive) is

$$C = 0.5 \times \$244,523.50 = \$122,261.75$$

So that:

$$A+B \text{ (est. } \$327,106.32) > C \text{ (est. } \$122,261.75) \text{ (i.e. } A+B \text{ is greater than } C)$$

However, even if we were to assume that to comply both houses (3404 The Strand and 3405 Ocean Drive) had to be entirely torn down and rebuilt (which they don't):

Case II (Assess as completely rebuilding both 3404 The Strand and 3405 Ocean Drive)

$$C = 0.5 \times (\$244,523.50 + \$366,211.34) = \$305,367.42$$

This would result in:

$$A+B \text{ (est. } \$327,106.32) > C \text{ (est. } \$305,367.42) \text{ (i.e. } A+B \text{ is greater than } C),$$

Therefore, even taking half the cost of rebuilding both houses in their entirety, that number would still be significantly less than the valuation of the combined total estimated construction costs of the proposed remodels. Either way, the remodels significantly exceed the designated point at which bringing the buildings into conformance is required. The possible election to permit this work to move forward would violate letter and intent of MB Ordinance 2112, Section 17, par. E.

Mr. Danna also noted that the owners could potentially elect to entirely demolish the front structure (3408 The Strand), then apply-for/complete the project on the rear (3405 Ocean Drive) structure via the 50% rule (assuming the rear structure remodel is actually deemed under 50%, which I would contend it is not; as noted above the rear structure alone appears to be at least in the 55% range), and then proceed to build a new structure to replace the front structure with the now-remodeled, but still grossly non-conforming, rear structure still in place. It would be absurd if the city would allow that to occur – erecting a new building is nothing more than an enlargement in total (100% new) of a structure on the property, which would be expressly forbidden by MB Ordinance 2112, Section 17, par. E given these circumstances.

Mr. Danna additionally noted (as per his discussions with a member of the staff with recollection of the method then employed by the city) that the 3405 Ocean Drive building height was estimated as being “only about 2 feet” over the height limits required at the time as per a “2-point” measurement method then in use. That would, of course, have still made the building illegal when originally constructed.

Additionally please consider the stairs, landings, decks, porches that extend to approximately the side-yard lot lines relative to Ordinance No. 825, section 1412 (which, per your office, was in effect in 1972 when the building was built):

SECTION 1412. PERMITTED INTRUSIONS INTO REQUIRED YARDS.

The following intrusions may project into any required yards, but in no case shall such intrusions extend more than two (2) feet into such required yards, provided such extension does not reduce the remaining side yard to less than two (2) feet.

(3) Stairways, balconies and fire escapes; except that in Area District 3 an open unenclosed stairway with open risers shall be permitted to occupy one side yard per building site.

Therefore, per Ordinance No. 825, section 1412, a single open unenclosed stairway with open risers was permitted to occupy one side yard per building site, but if and only if that intrusion extended no more than two (2) feet into the required side yard, and if and only if that stairway did not reduce the remaining side yard to less than two (2) feet. The stairways, decks and porches built on the 3405 Ocean Drive building violated both of these requirements – they extended more than two (2) feet into the required side yard and reduced the remaining side yard to less than two (2) feet, and were hence illegal. They currently pose a fire hazard to the adjacent

property as well as being a visual and bulk issue. Note also that in addition to intruding too far into the side yard, prior to the stairs being removed they did not have open risers as was also originally required by this ordinance.

To recap, (1) given the level of demolition which the owners have already performed per their own choice and without city authorization for that extensive of work, building permits for which they have applied for 3405 Ocean Drive and 3404 The Strand would be in violation of MB Ordinance 2112, Section 17, par. E. unless the height and setback nonconformances are removed as a part of these projects, and (2) the original building at 3405 Ocean Drive was illegally built in a number of respects, and should never have been approved or signed off at that time, reportedly (per city planner E. Danna) being approximately two feet over the then-in-place application of the 30' height limit, and certainly in violation of the side-yard setback requirements.

Electing to embrace such gross violations of letter and intent of the law would be a miscarriage of the city's responsibilities. A major intent of these laws is to protect the neighbors' rights. I again request that the city act responsibly in this matter and require these gutted shells to be made compliant and in accordance with current code. I would welcome the opportunity to review this with you in person prior to the city issuing any conclusion.

Best regards,
Thornton Stone

From: Patti and T Stone [mailto:pattistone@roadrunner.com]
Sent: Tuesday, August 03, 2010 2:02 PM
To: 'Richard Thompson'
Cc: 'citycouncil@citymb.info'; 'Laurie Jester'; 'edanna@citymb.info'; 'David Rickles'; Rena Rickles
Subject: 3405 Ocean Drive and 3404 The Strand

Dear Mr. Thompson,

We have not heard a definitive response from the City of Manhattan Beach regarding the planning related to the re-construction at 3405 Ocean Drive and 3404 The Strand. In the event that it may be of use in your oversight of this review, attached please find *Valuation_est_3405_Ocean_Drive_2010-07-30.doc* (text also below), which provides assessment with valuation estimates relative to MB Ordinance 2112, Section 17, par. E. and the 3404 The Strand building permit request. To paraphrase the conclusion of this assessment, to comply with MB Ordinance 2112, Section 17, par. E., given that the costs to remodel the two buildings (greatly) exceed half the valuation-based cost to completely rebuild the non-compliant building [A+B (est. \$731,780) > C (est. \$200,887)], then no structure on the property (i.e. the 3404 The Strand address structure, in this case) should be permitted to be altered unless the proposed alterations will also remediate the non-conformances.

We are concerned that this project, which greatly violates the 50% rule, and which has no reasonable basis to qualify for either minor exception or variance, has apparently not been definitively addressed by the MB Community Development department in these regards. Given the lack of basis and the significant harm to the neighborhood that would occur if the non-conformities were not remediated, I would hope that your support and leadership can help place this project on a better, and compliant, path going forward.

Best regards,
Thornton Stone
(310) 545-6510
(310) 955-7791 (cell)

Reference: Text of *Valuation_est_3405_Ocean_Drive_2010-07-30.doc*:

MB Ordinance 2112, Section 17, par. E. If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Assessment of MB Ordinance 2112, Section 17, par. E. relative to 3404 The Strand and 3405 Ocean Drive remodels, applying approximated areas for the two buildings:

If any structure on a site does not conform to the standards for front, side or rear yards, height of structures, distance between structures, driveways, or open space prescribed for the zoning district and area district where the structure is located,

then no structure shall be enlarged or altered

if

the total estimated construction cost of the proposed enlargement or alteration, (*i.e. remodel of the 3404 The Strand address structure – est. ~3000+ sf remodel; current residential major remodel rate*)

(A) $(140 \text{ \$/sf} \times \sim 3000 \text{ sf}) = \sim \$420,000$

(+) Plus

the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding sixty (60) month period (twelve (12) months in an IP district), (*i.e. remodel of the 3405 Ocean address structure; residential major remodel rate*)

(B) $(140 \text{ \$/sf} \times 2030 \text{ sf}) + (28.67 \text{ \$/sf} \times 962 \text{ sf}) + (28.67 \text{ \$/sf} \times 188 \text{ sf}) = \$311,780$

Summing these two values:

A+B = $\sim \$420,000 + \$311,780 = \sim \$731,780$

exceeds fifty percent (50%) of the total estimated cost of reconstructing the entire nonconforming structure (*i.e. half the cost of reconstructing the entire 3405 Ocean Drive address structure – approximate values shown below*)

(C) $0.5 \times [(160 \text{ \$/sf} \times 2030 \text{ sf}) + (57.33 \text{ \$/sf} \times 962 \text{ sf}) + (57.33 \text{ \$/sf} \times 188 \text{ sf}) + (58.75 \text{ \$/sf} \times 188 \text{ sf})] = \$200,887$

unless the proposed enlargement or alteration would render the structure conforming.

Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit.

For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Conclusion: To comply with MB Ordinance 2112, Section 17, par. E.), given that

A+B (est. \$731,780) > C (est. \$200,887) (*i.e. A+B is greater than C*),

then no structure on the property (*the 3404 The Strand address structure, in this case*) should be permitted to be altered unless the proposed alterations will also remediate the non-conformances.

Esteban M. Danna

From: Patti and T Stone <pattistone@roadrunner.com>
Sent: Thursday, October 21, 2010 12:32 PM
To: Laurie B. Jester; Salim Kaddorah
Cc: Esteban M. Danna
Subject: Structural concerns and valuation of 3404 The Strand and 3405 Ocean Drive

Importance: High

Dear Ms Jester and Mr. Kaddorah,

I have been given to understand that MB Community Development has asserted that justification for valuation of the proposed remodels of the buildings at 3404 The Strand and 3405 Ocean Drive is based on the work planned not being structural in nature, and by that criteria alone have established that the appropriate valuation rate for the entirety of the remodeled living area of these two buildings is the published "Standard" Residential Remodel rate of \$80/sf, as opposed to the "Major Remodel" rate of \$140/sf, and as relative to the new or existing rate of \$160/sf.

Given that significant portions of the buildings are to be rebuilt, some square footage has no remaining structure present at all, some rebuilding will involve adding headers into existing exterior walls, some will include addition of internal structural headers, some will include addition of new floor structures and structural stairwells, and will include addition of shear paneling – starting from their current illegally-demolished state, how do you justify that no structural work is included?

Further, as you no doubt are aware per review of the 1973 artifacts (per City of MB fiche), the building plans do not reflect the engineering assessment, which required ½" structural-1 plywood shear panels with 10d 4" 4" 12" nail pattern on the 2nd and 3rd stories of the 3405 Ocean Drive building. However the plans appear to call out 3/8" plywood shear panels without a specified nail pattern for the garage level (2nd story) only, and don't appear to call out any shear panels for the 3rd story. The as-built condition appears to confirm no shear paneling of the 3rd story, as observed from off of the property (and as I am sure you must have noted on your reviews of the property) -- the 4th story also does not appear to be shear paneled, but that was apparently not required by the 1973 engineering.

Per the 3405 Ocean Drive building plans, there exists an unventilated void space beneath the wood structure (not identified as pressure treated or redwood) that is indicated as critical structure supporting the concrete garage floor and the remainder of the building. I believe that there is (and has been) a requirement 1.5 sf of ventilation area for each 25 linear feet of exterior foundation wall, which is intended to prevent dry-rot (see current CA requirements below). The integrity of that wood (e.g. resistance/susceptibility to dry-rot) in such an unventilated space would seem to be a significant structural concern. How do address this structural concern? Is there planned structural remediation?

As-built, the wall on the 1st floor of the 3405 Ocean Drive building appears (as I noted when given a tour of the property by the owners' builder) to be poured concrete, which is not as per the plans and stress sheets, which indicated a wood structure with double sided (½" structural-1 plywood shear panels each side with 10d 4" 4" 12" nail pattern) shear panels – which, in addition to the lack of 3rd story shear paneling, raises the question of whether, as-built, the building was structurally as-analyzed and/or otherwise structurally sufficient, even by 1973 standards.

Have you analyzed the above-noted structural deficiencies?

City of MB Inspection procedures require Structural observations (from engineer of record) for over-1500 sf remodels or additions. Has a structural analysis been performed for these remodels? If so, who is the engineer of record? What will be the criteria for passing the structural inspection?

Clearly modification and addition of structure is a planned integral part of this work, including (what one would assume is) necessary remediation of structural inadequacies from the original 1973 construction. For your valuations of the work to be performed, did you include assessment, on a by-square-foot basis, of the areas that are being structurally rebuilt and/or modified? Are they included at the \$140/sf rate, and if not, why not?

Thank you for your prompt help in this matter.

Best regards,

Reference:

Per 2007 California Building Code, Title 24, Part 2 (First Printing), includes Supplements through Jan 09
SECTION 1203 VENTILATION

1203.1 General.

Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the *California Mechanical Code*.

Exception: [OSHPD 1, 2, 3 & 4] For restrictions on natural ventilation, see California Mechanical Code.

1203.3 Under-floor ventilation.

The space between the bottom of the floor joists and the earth under any building except spaces occupied by a basement or cellar shall be provided with ventilation openings through foundation walls or exterior walls. Such openings shall be placed so as to provide cross ventilation of the under-floor space.

1203.3.1 Openings for under-floor ventilation.

The minimum net area of ventilation openings shall not be less than 1 square foot for each 150 square feet (0.67 m² for each 100 m²) of crawl-space area. Ventilation openings shall be covered for their height and width with any of the following materials, provided that the least dimension of the covering shall not exceed ¼ inch (6 mm):

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.
2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.
3. Cast-iron grilles or gratings.
4. Extruded load-bearing vents.
5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.
6. Corrosion-resistant wire mesh, with the least dimension not exceeding 1/8 inch (3.2 mm).

1203.3.1.1 [SPCB]

Openings for under-floor ventilation shall be not less than 1 ½ square feet (0.135 m²) for each 25 linear feet (7620 linear mm) of exterior wall. They shall be covered with corrosion-resistant wire mesh with mesh openings not less than ¼ inch (6.4 mm) nor more than ½ inch (13 mm) in any dimension.

1203.3.2 Exceptions.

The following are exceptions to Sections 1203.3 and 1203.3.1:

1. Where warranted by climatic conditions, ventilation openings to the outdoors are not required if ventilation openings to the interior are provided.
2. The total area of ventilation openings is permitted to be reduced to 1/1,500 of the under-floor area where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross ventilation of the space. The installation of operable louvers shall not be prohibited.
3. Ventilation openings are not required where continuously operated mechanical ventilation is provided at a rate of 1.0 cubic foot per minute (cfm) for each 50 square feet (1.02 L/s for each 10 m²) of crawl-space floor area and the ground surface is covered with an approved vapor retarder.
4. Ventilation openings are not required when the ground surface is covered with an approved vapor retarder, the perimeter walls are insulated and the space is conditioned in accordance with the *California Energy Code, Title 24, Part 6*.
5. For buildings in flood hazard areas as established in Section 1612.3, the openings for under-floor ventilation shall be deemed as meeting the flood opening requirements of ASCE 24 provided that the ventilation openings are designed and installed in accordance with ASCE 24.
6. *[SPCB] For purposes of structural pest control inspections, ventilation shall be considered inadequate when the lack thereof has contributed to the growth of wood-destroying pests or organisms.*

Angela Soo

From: Laurie B. Jester
Sent: Thursday, November 04, 2010 1:50 PM
To: Esteban M. Danna
Cc: Angela Soo
Subject: FW: No on 3404 the Strand

For PC 11-10-10 packet

Laurie B. Jester
Community Development Acting Director
P: (310) 802-5510
E: ljester@citymb.info
City of Manhattan Beach, CA

-----Original Message-----

From: Pappas, Nancy [mailto:Nancy.Pappas@xerox.com]
Sent: Thursday, November 04, 2010 1:35 PM
To: List - Planning Commission
Subject: No on 3404 the Strand

Do not allow this waiver. Too much over building.

Nancy Pappas
Xerox
310 864 9114

Laurie B. Jester

From: Janetlee586@aol.com
Sent: Thursday, November 04, 2010 5:02 PM
To: List - Planning Commission
Subject: 3404 the Strand & 3405 Ocean

Enough with these minor exceptions or any exceptions for that matter on remodels or new homes. Seems like every new home being built in our city is humongous nowadays. Please stop this nonsense.

Janet Bradfield
586 29th Street

Laurie B. Jester

From: Tara Joyce [tarajoyce1@me.com]
Sent: Friday, November 05, 2010 11:20 AM
To: List - Planning Commission; citycouncil@citymb.com
Subject: RE: 3404 Strand 3405 Ocean

Please do not let disgruntled "neighbors" have any say in existing properties or the city will open the floodgates to countless hearings and lawsuits. The window of opportunity on this property was when it was built, in 1973 and these surrounding "neighbors" did NOTHING then and/or purchased their homes after the fact and now they want to COMPLAIN!?

Please do not overturn this Community Development's wise and legal decision.

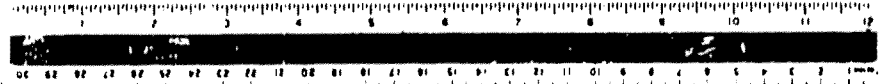
Thank you,
Tara Joyce

THIS PAGE

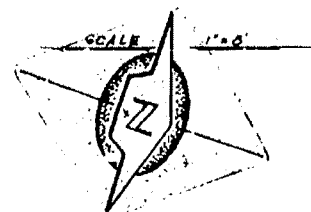
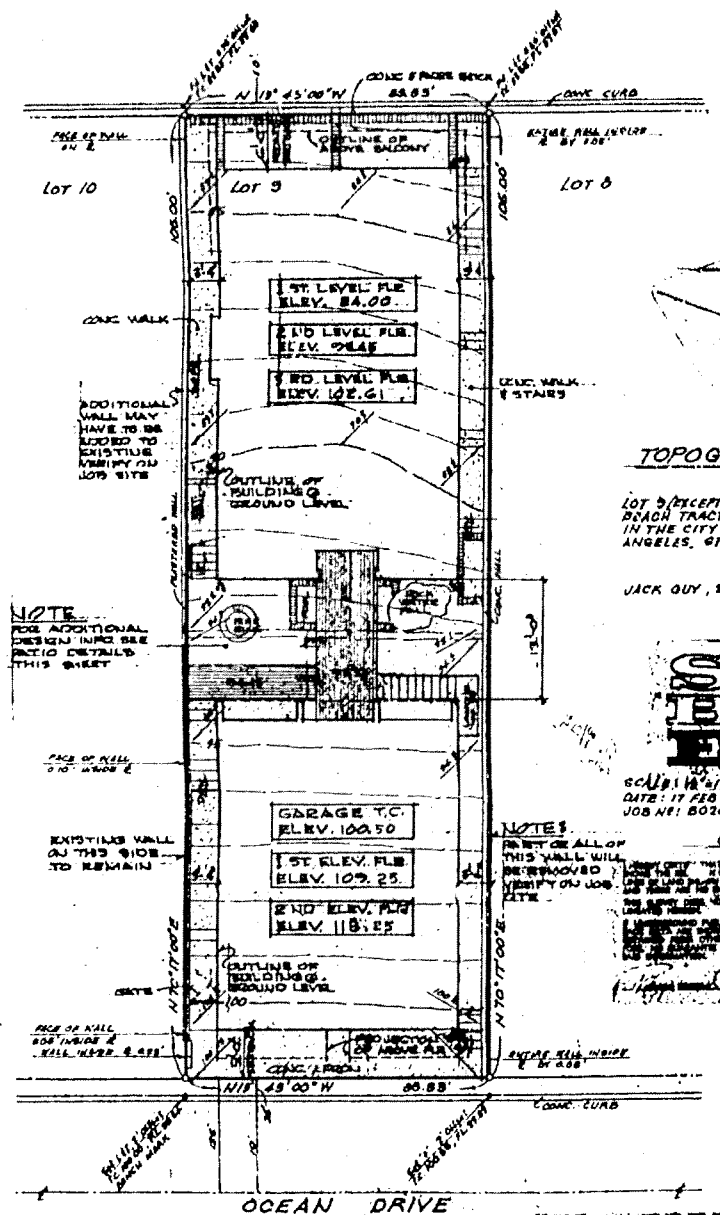
LEFT

INTENTIONALLY

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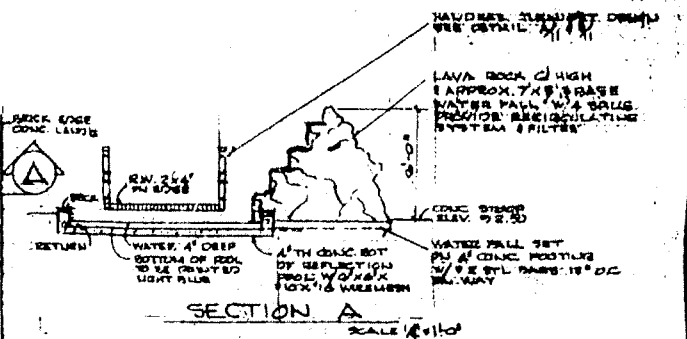
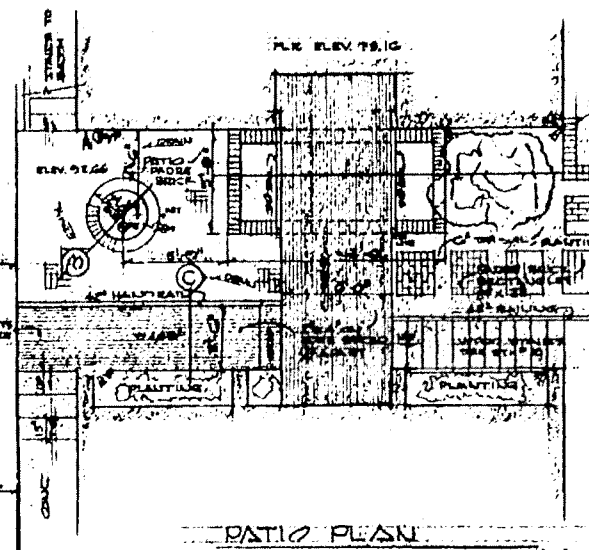
THE STRAND



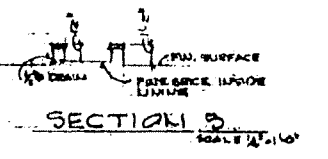
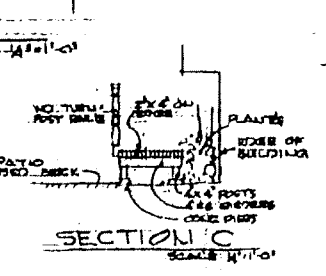
TOPOGRAPHIC SURVEY OF LOT 9 (EXCEPT S' 1/4 10'), BLOCK 87, PECK'S MANHATTAN BEACH TRACT NO. 2, PLUS A PORTION OF VACATED STRAND IN THE CITY OF MANHATTAN BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA. M.B. 10/57 FOR JACK GUY, 212 30TH STREET, MANHATTAN BEACH, CALIF.

PREPARED BY SOUTH BAY ENGINEERING CONSULTING ENGINEERS 155 11th PLACE PALM BEACH, CALIFORNIA 94711 DATE: 17 FEB 73 JOB NO: 80206-2 DRAWN BY: MMY CHECKED BY: E.H.D.

CERTIFICATION I HEREBY CERTIFY THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



NOTE: EXACT ELEVATIONS OF PATIO AREAS TO BE DETERMINED ON THE JOB SITE DUE TO UNKNOWN OF EXISTING WALLS OF ADJACENT PROPERTIES.



- LEGEND 1 PLOT PLAN & PATIO LAYOUT 2 STRUCTURAL & FOUNDATION PLANS 3 STRUCTURAL PLANS 4 ROOF PLAN & DETAILS 5 FLOOR PLAN & DETAILS 6 FLOOR PLAN 7 SECTION & DETAILS 8 SECTION & INTERIOR ELEVATIONS 9 INTERIOR ELEVATIONS 10 ELEVATIONS & DETAILS 11 ELEVATIONS & DETAILS 12 ELEVATIONS & GENERAL NOTES 13 SCHEDULES 14 FOUNDATION DETAILS 15 HEATING LAYOUT

APPROVED [Signature] 3/27/73

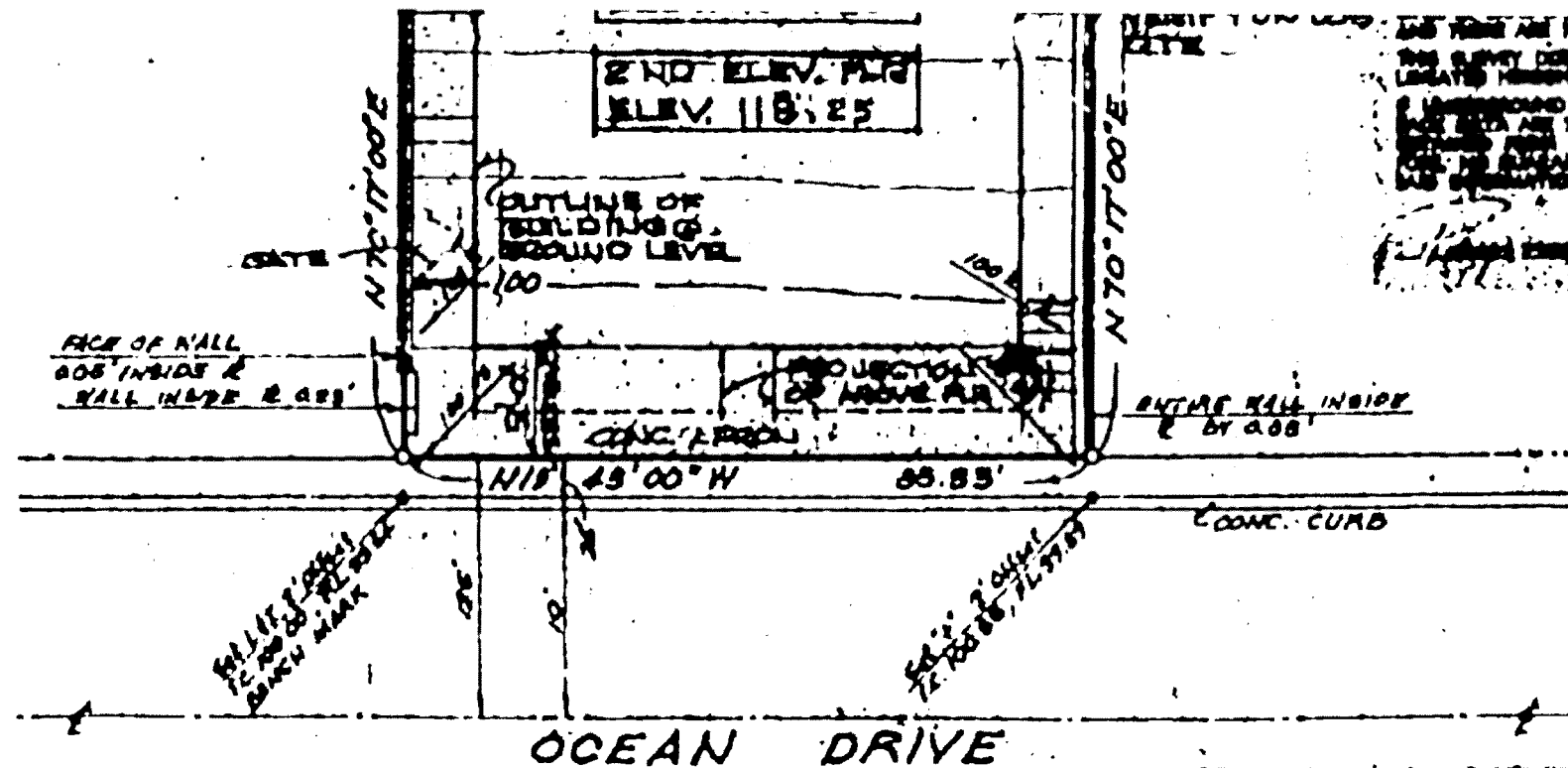
JOB ADDRESS 3404 STRAND MANHATTAN BEACH

CUSTOM RESIDENCE AND RENTAL UNIT FOR MR. & MRS. JACK GUY 212 30 TH STREET, MANHATTAN BEACH

DONALD LEE HOVIS - BUILDING DESIGNER 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE 788-1076 REG. 259

JACK GUY TITLE DUPLEX PL. PAT. PLAN & PATIO LAYOUT 15

EXHIBIT J PC 44 11/10/10



THE PLAN AND THE DIMENSIONS, DISTANCES SHOWN
 THIS SURVEY DOES NOT INCLUDE EASEMENTS EXCEPT THOSE SPECIFICALLY DE-
 LINED HEREON.
 UNLESS SHOWN PUBLIC UTILITIES, OTHER STRUCTURES OR ZONE AND SET-
 BACK REQUIREMENTS, IT IS ASSUMED THAT ALL UTILITIES, STRUCTURES, AND SET-
 BACKS ARE SHOWN CORRECTLY. IT IS THE RESPONSIBILITY OF THE CLIENT TO
 VERIFY THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN. THE
 ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION OF
 HIS CLIENT.

[Signature]
 R.C.E. NO. 7191

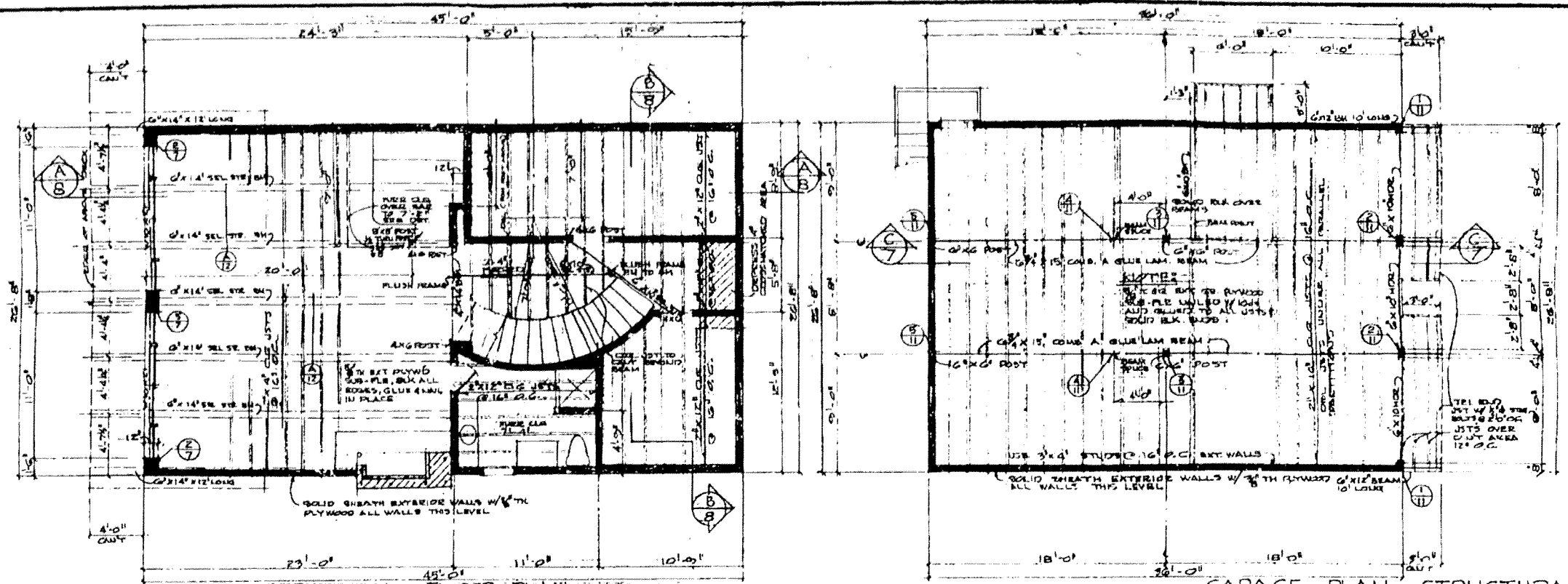
APPR.
 BOARD OF
 OF MANHATTAN
 DIRECTOR OF BUL.

APPROVED
 PLANNING DEPARTMENT
 CITY OF MANHATTAN BEACH
[Signature]
 DIRECTOR OF BUILDING
 FEB 2/25/53

107B ADDRESS
 3404 STRAND
 MANHATTAN BEACH

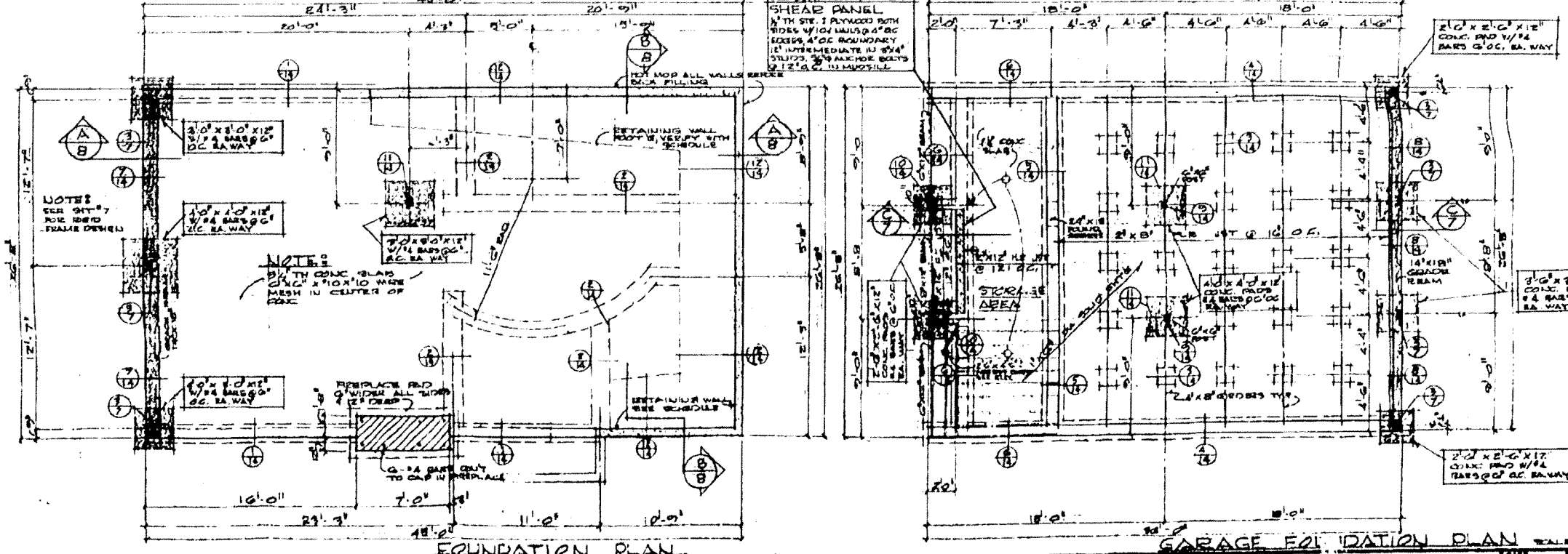
CUSTOM RESIDENCE AND RENTAL
212 30 TH STREET, MANHATTAN

DONALD LEE HOVIS - BUILDING
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE 72



STRUCTURAL FLOOR PLAN - FIRST LEVEL

GARAGE PLAN - STRUCTURAL

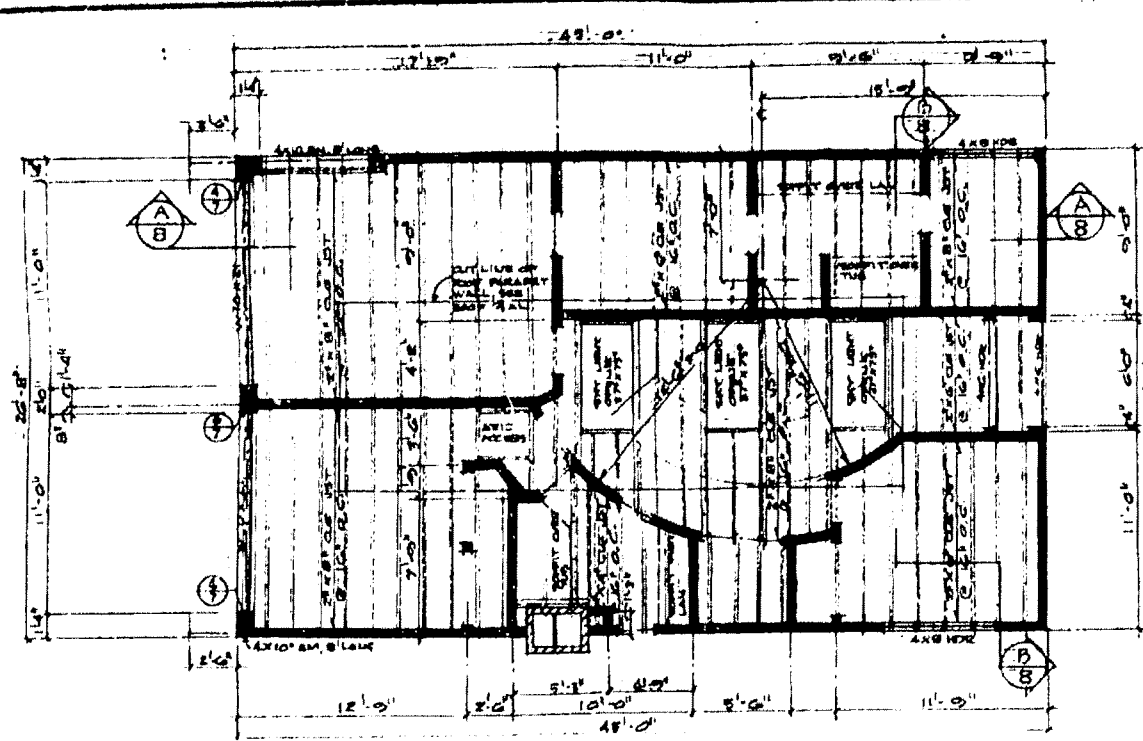


FOUNDATION PLAN

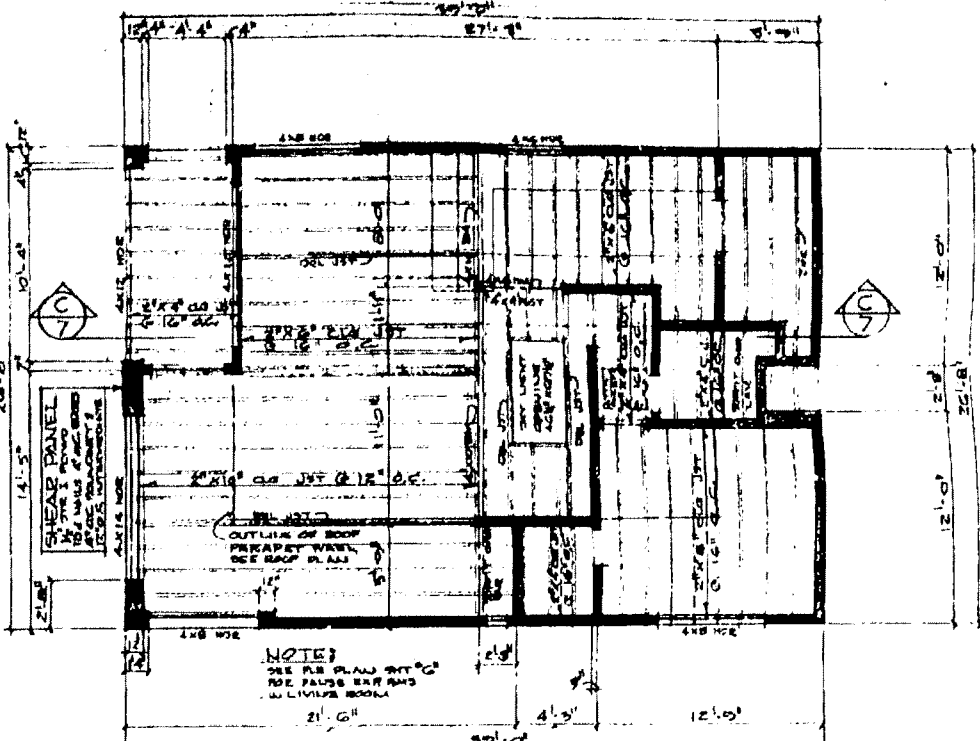
GARAGE FOUNDATION PLAN

DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1078 REG. '889

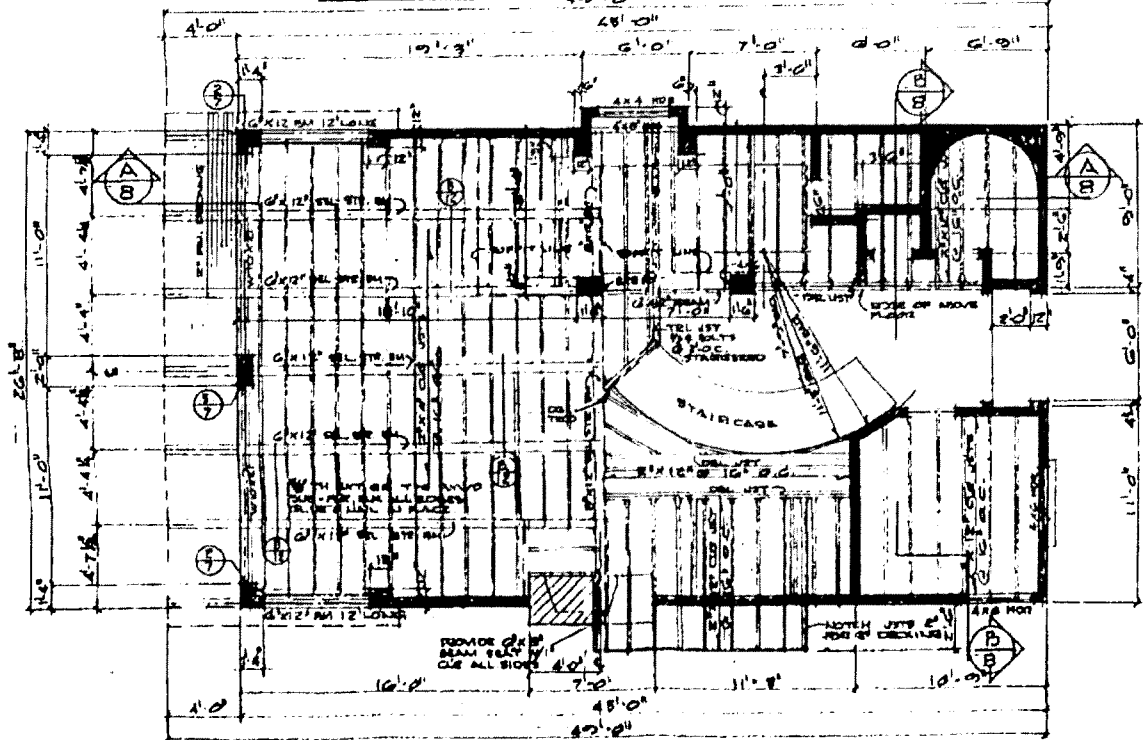
TITLE: JACK GUY DUPLEX STRUCTURAL
 SHEET: 2-15



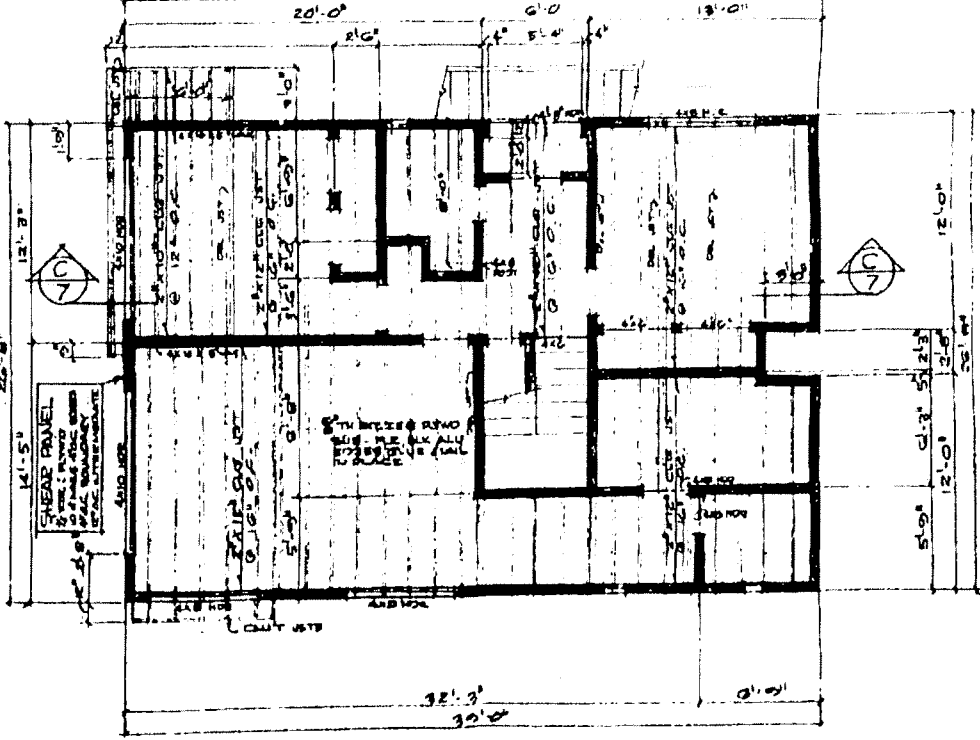
STRUCTURAL FLOOR PLAN THIRD LEVEL



STRUCTURAL FLOOR PLAN SECOND LEVEL



STRUCTURAL FLOOR PLAN SECOND LEVEL, STRAND UNIT

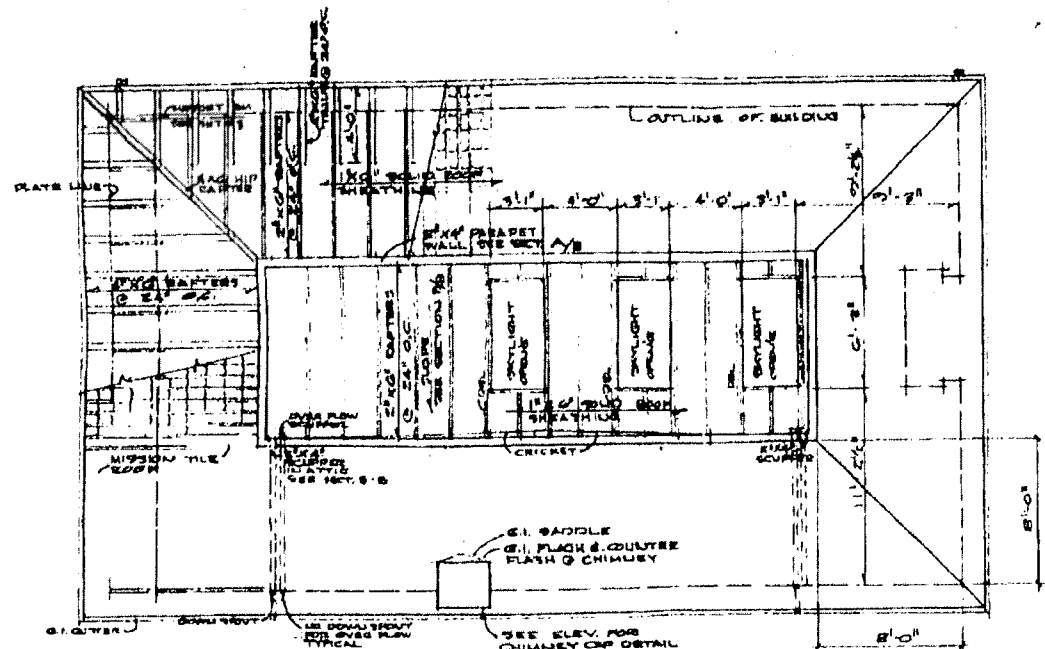


STRUCTURAL FLOOR PLAN FIRST LEVEL, OCEAN OR UNIT

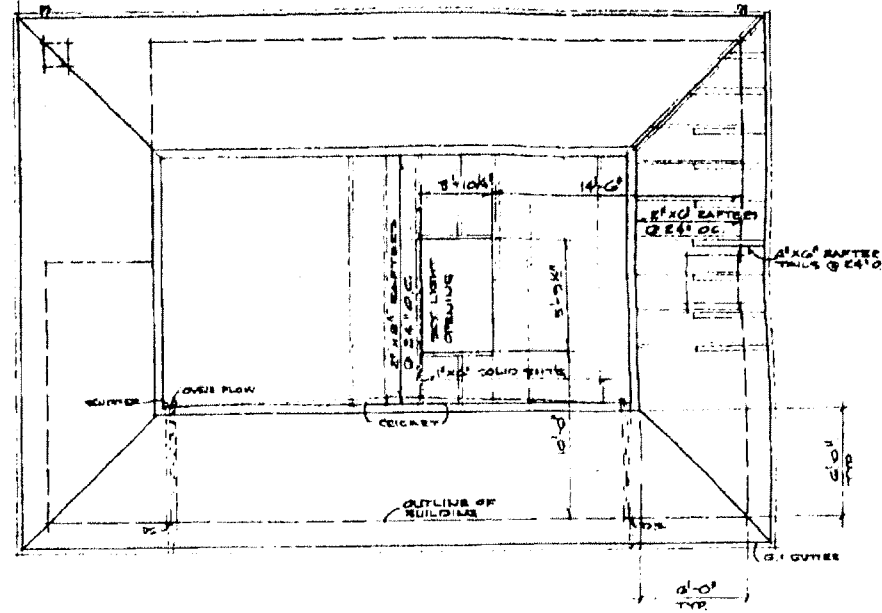
DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1078 REG. 808

JACK GUY TITLE
 DUPLEX
 STRUCTURAL

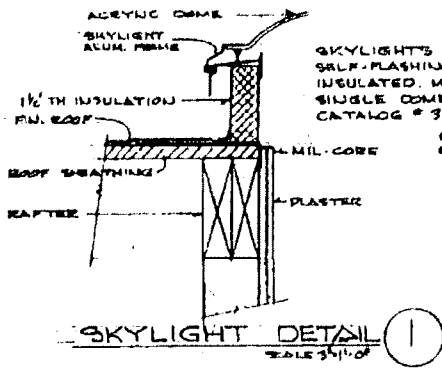
SHEET
 3 of 15



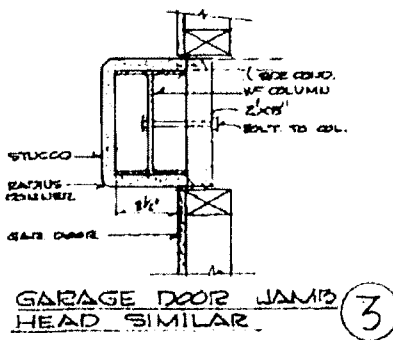
STRAND UNIT ROOF PLAN SCALE 1/8" = 1'-0"



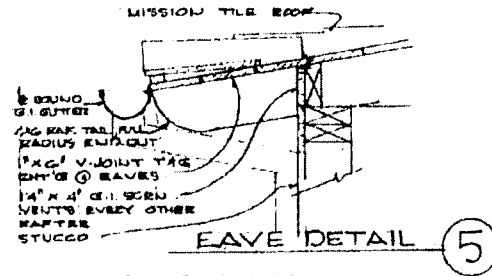
OCEAN DRIVE UNIT ROOF PLAN



SKYLIGHT DETAIL 1 SCALE 3/4" = 1'-0"



GARAGE DOOR JAMB HEAD SIMILAR 3

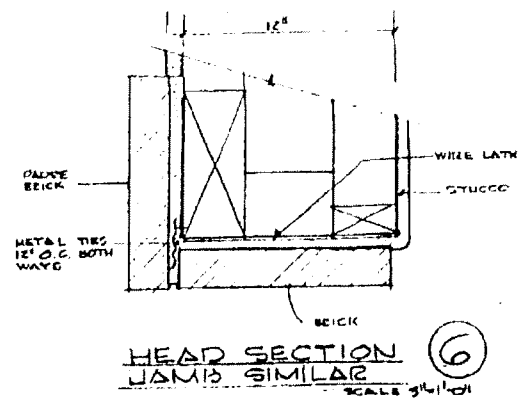


ROOF NOTES

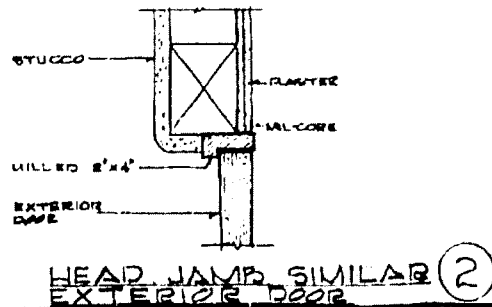
FLAT ROOF AREAS:
 5-LAYERS 15" FELT NOT MOPPED BY WOOD SH. LAYER FELT TO GC OVER DRAPIET. 55" GAP SHEET.

MISSION TILE ROOF:
 SAN VALLE CLAY MISSION TILE 18" LONG, 7 1/2" O LARGES END TAPERED TO 6" O SMALL END. TILE TO BE FREE FROM LAMINATIONS, LIME PARTICLES OR DEFECTS IMPAIRING THE DURABILITY OF TILE. USE STANDARD 2ND MISSION TILES SPACE 10 1/2" ON CENTERS. TILE SHALL BE FASTENED BY TILE-TYE AS MANUF. BY TILE-TYE, INC. 2-LAYERS 30" FELT MOPPED BETWEEN AND ON TOP OF LAYERS METAL FLASHING FURNISHED BY SHEET METAL CONTRACTOR. SWEEP ROOF SURFACE ROOM CLEAN. COVER NAIL HOLES WITH TIN. LAY TWO LAYERS ROOM FILM FELT AT RIGHT ANGLES TO ROOF SURFACE MOPPING SOLIDLY BETWEEN LAYERS W/ HEATED ASPHALT. BLIND NAIL W/ 1 1/2" HEADS ROOFING NAILS. LAY CLAY ROOFING TILES 20" X 14" ROWS 10 1/2" ON CENTERS AND EXPOSURES NOT TO EXCEED DOUBLE COVER TILES AT EAVES USING A SHORT 'SECT. COVER TILE AS ROOFER.

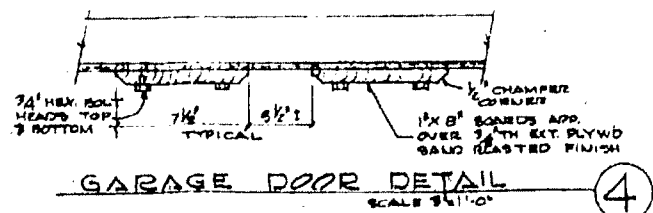
EAVE DETAIL 5



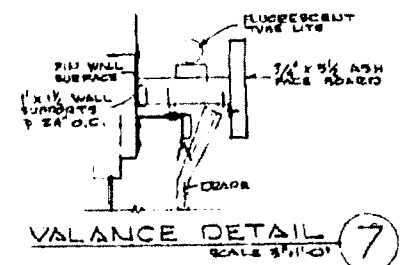
HEAD SECTION JAMB SIMILAR 6 SCALE 3/4" = 1'-0"



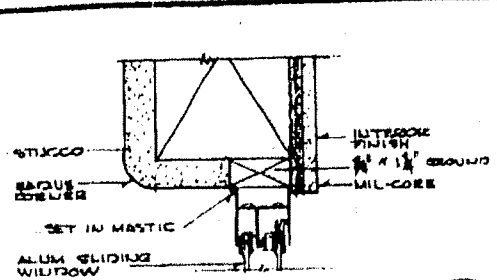
HEAD JAMB SIMILAR EXTERIOR DOOR 2



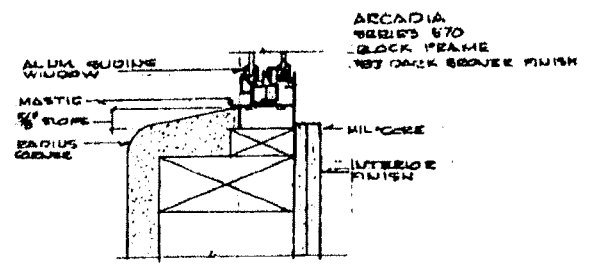
GARAGE DOOR DETAIL 4 SCALE 3/4" = 1'-0"



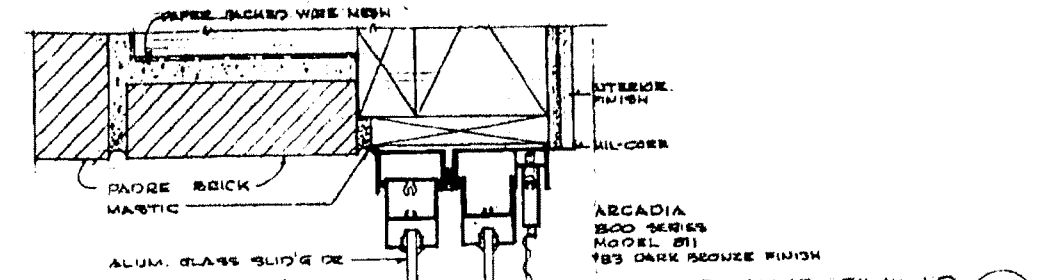
VALANCE DETAIL 7 SCALE 3/4" = 1'-0"



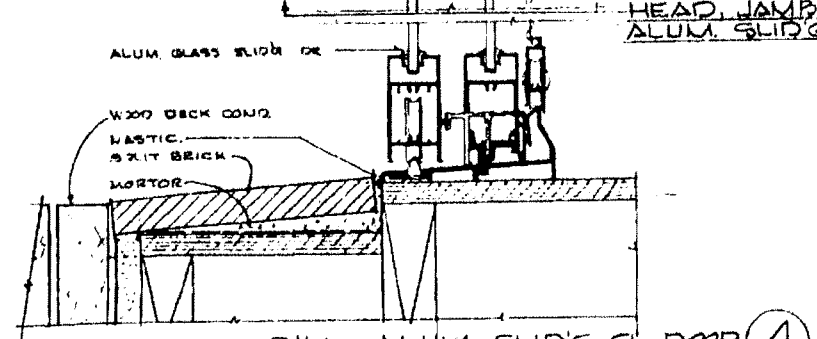
HEAD JAMB SIMILAR ALUM. SLIDG WINDOW ①



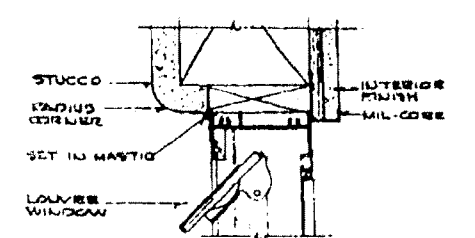
SILL, ALUM SLIDG WINDOW ②



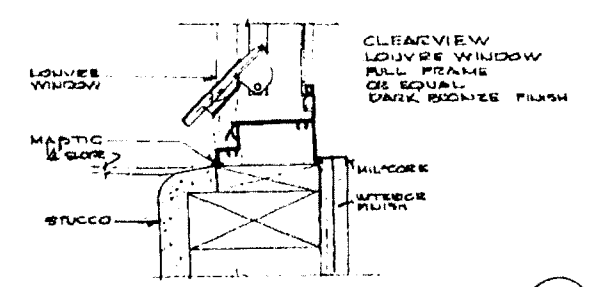
HEAD JAMB SIMILAR ALUM. SLIDG GL. DOR ③



SILL, ALUM SLIDG GL. DOR ④

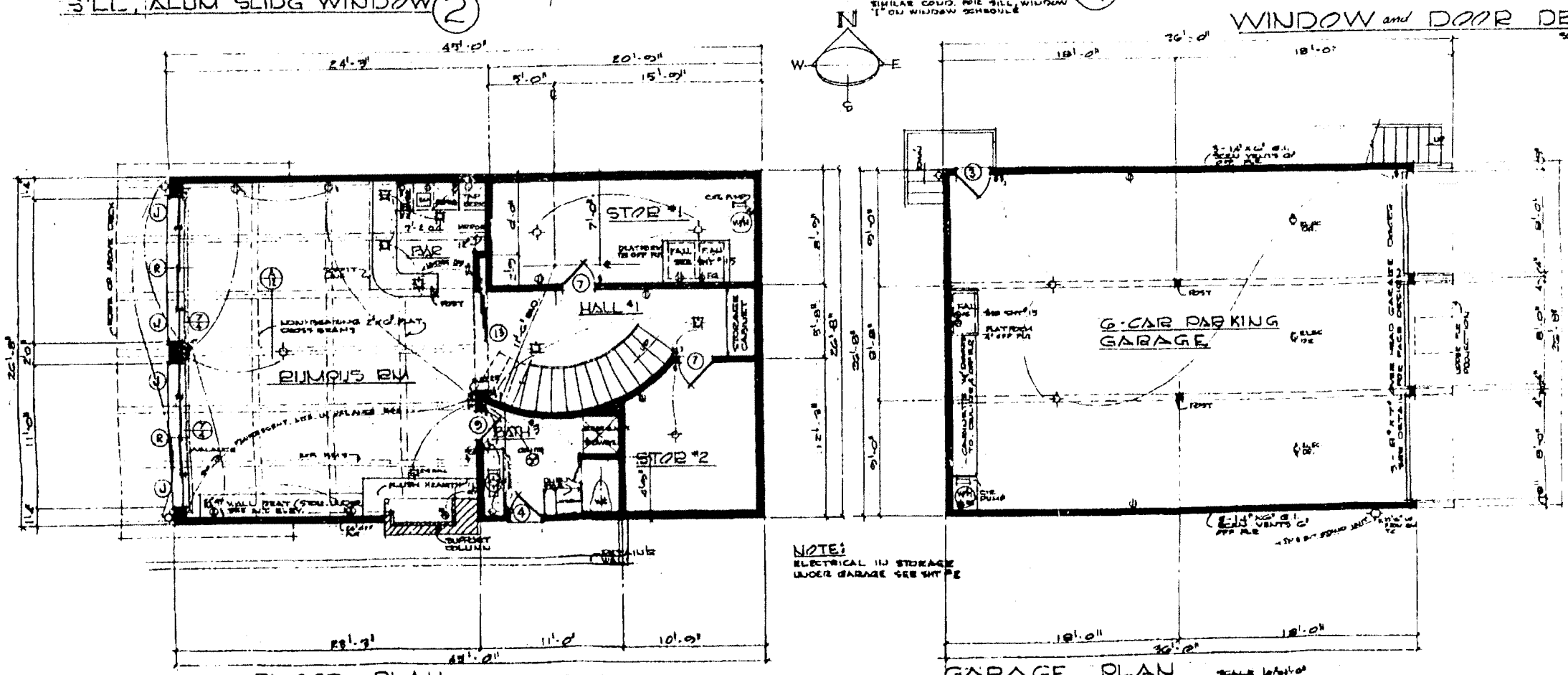


HEAD JAMB SIMILAR LOUVE WINDOW ⑤



SILL, ALUM LOUVE WINDOW ⑥

WINDOW and DOOR DETAILS SCALE 1/2"=1'-0"



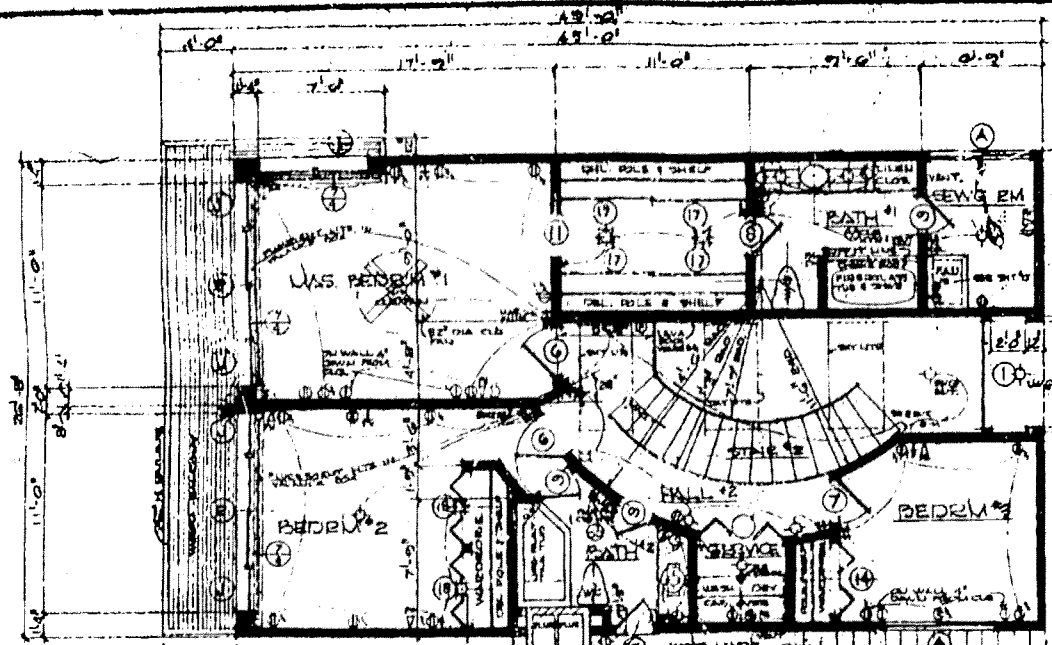
FLOOR PLAN FIRST LEVEL, DUPLEX UNIT

GARAGE PLAN SCALE 1/2"=1'-0"

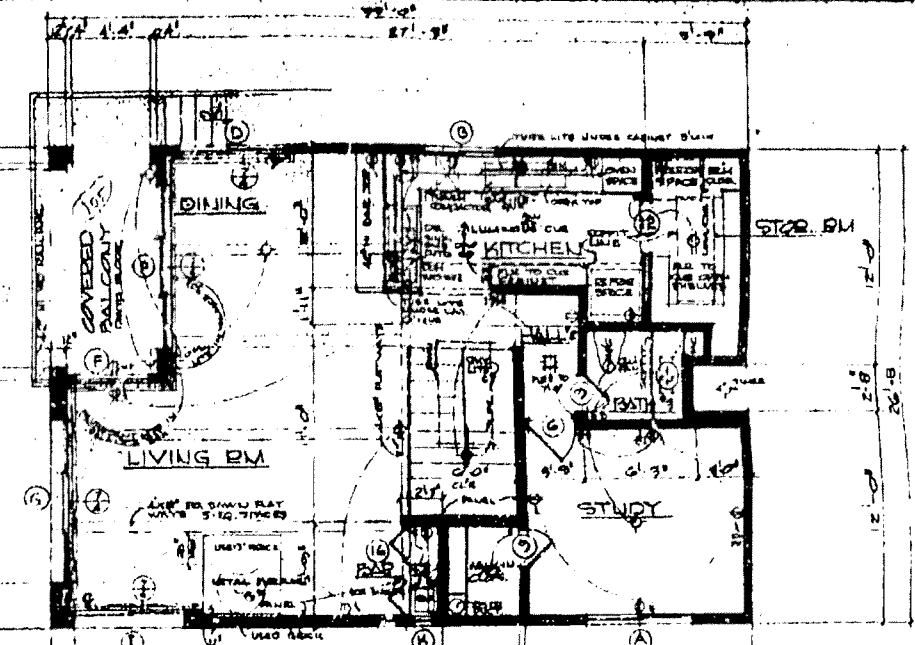
DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1076 REG. '889

TITLE
 JACK GUY - DUPLEX
 FLOOR PLANS

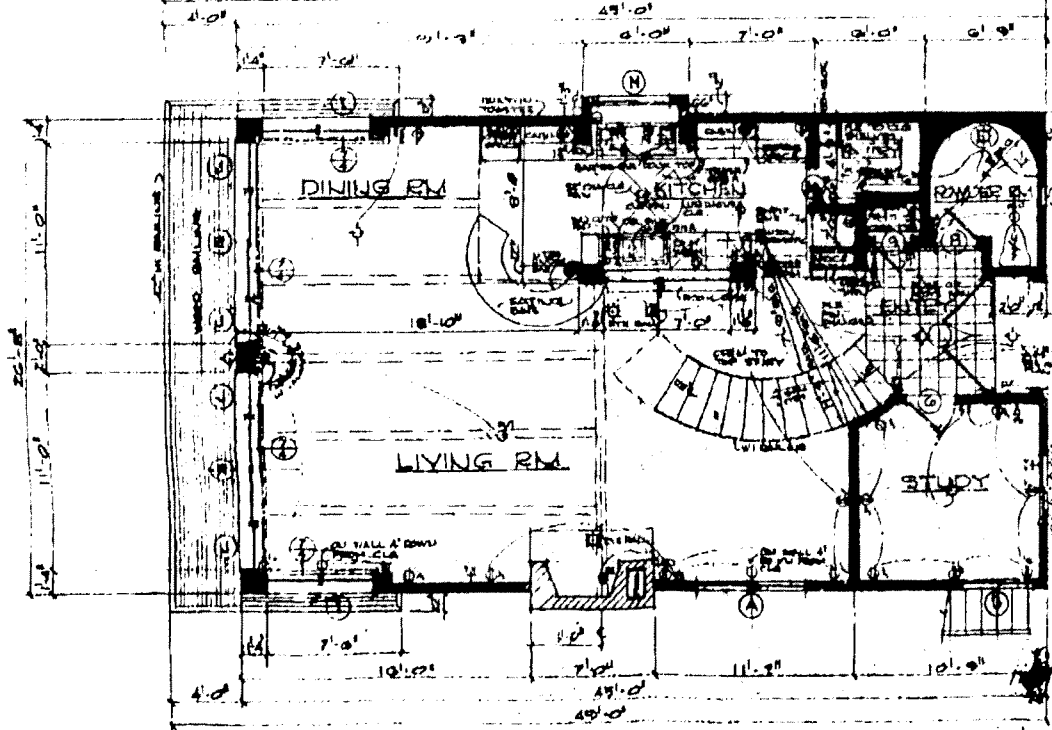
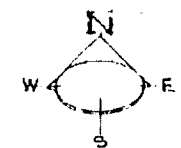
SHEET
 5 of 15



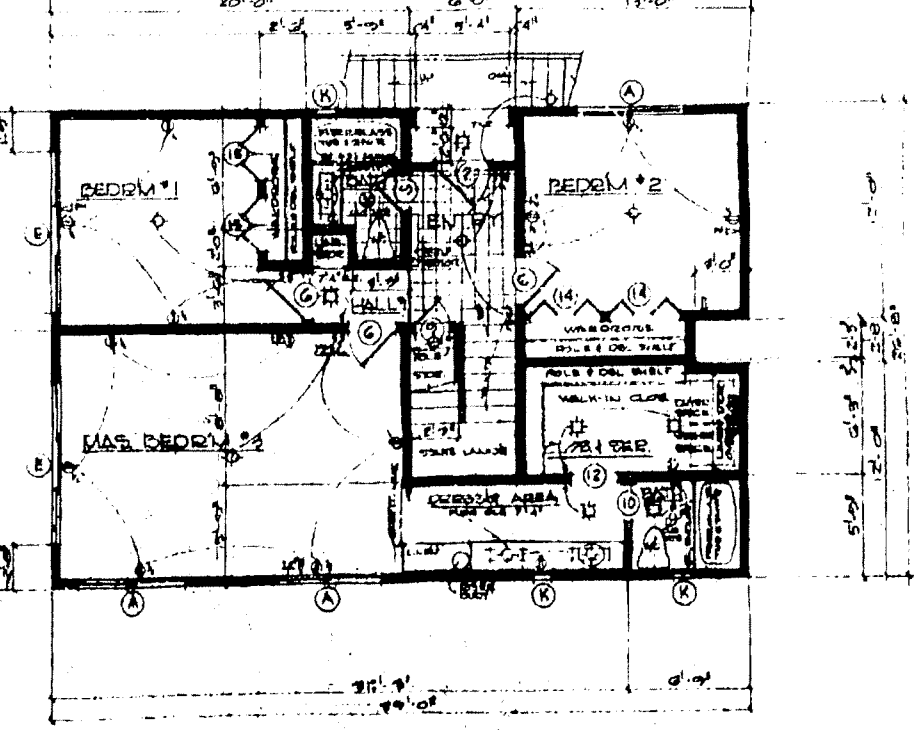
FLOOR PLAN THIRD LEVEL



FLOOR PLAN SECOND LEVEL



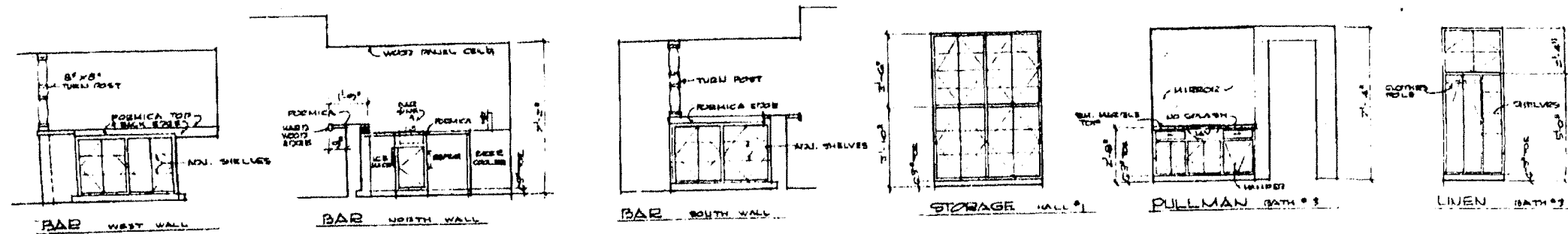
FLOOR PLAN SECOND LEVEL STRAND UNIT



FLOOR PLAN FIRST LEVEL OCEAN DECK UNIT

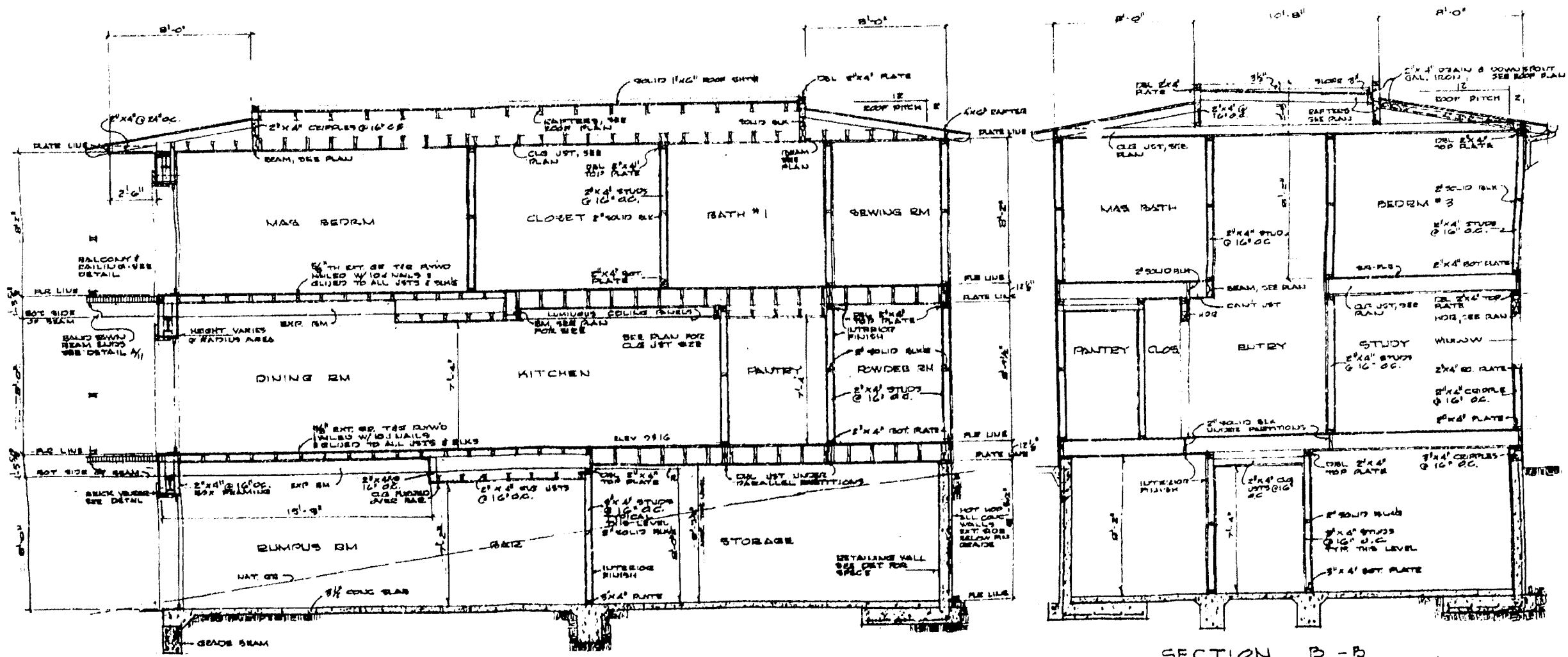
DONALD LEE HOVIS - BUILDING DESIGNER
 1648 SO. ELENA REDONDO BEACH, CALIF. PHONE 728-1074

JACK GUY TITLE
 DUPLEX FLOOR PLANS
 SHEET 15



INTERIOR ELEVATIONS STRAND UNIT
SCALE 3/4" = 1'-0"

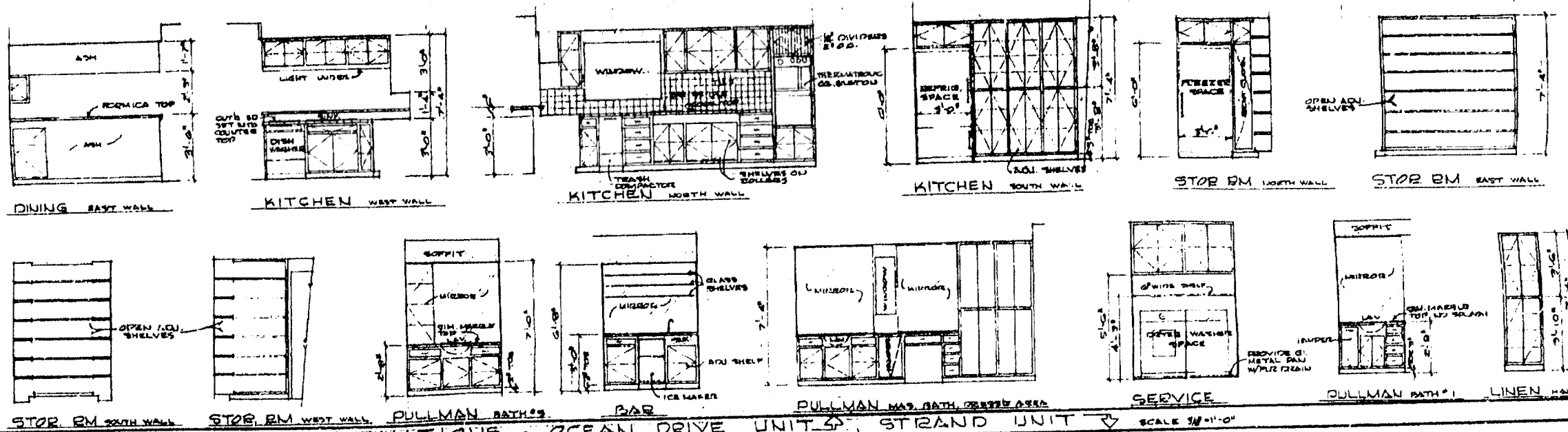
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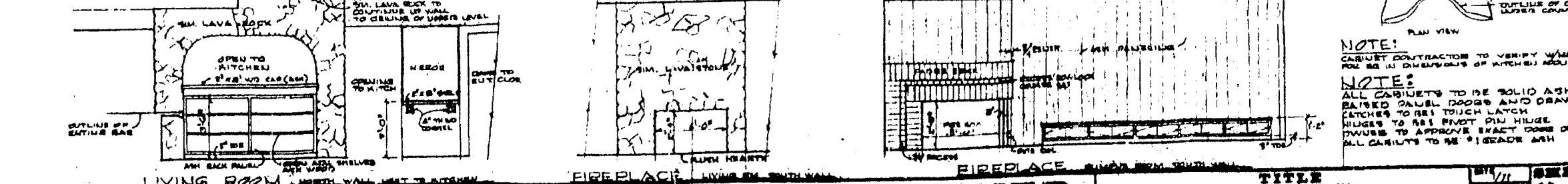
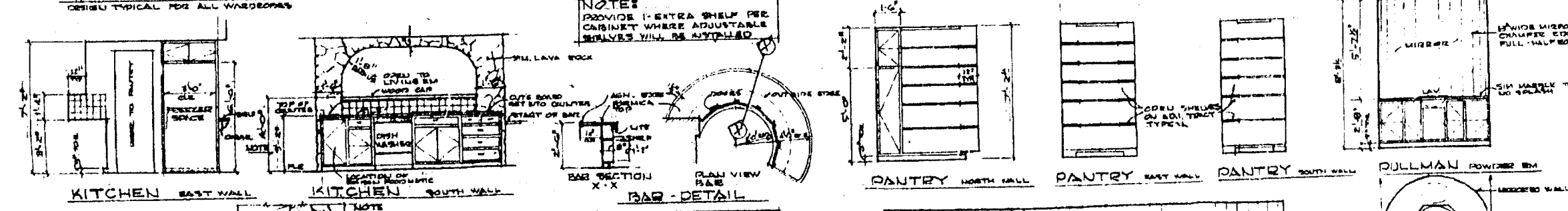
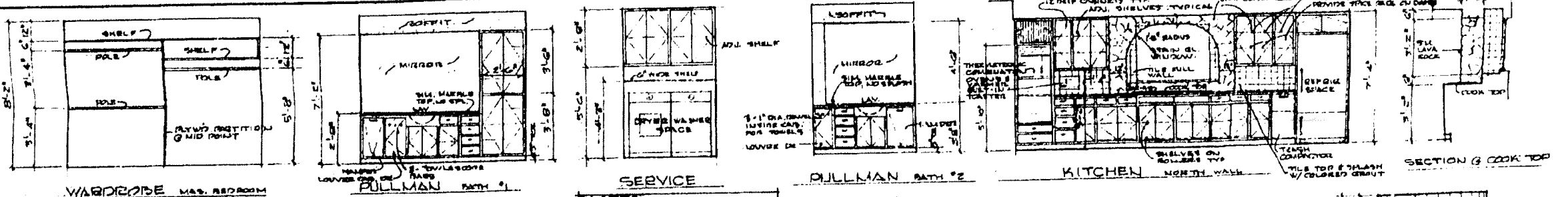
DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1078 REG. #110

JACK GUY DUPLEX
 INTERIOR ELEVATIONS & SECTIONS

DATE	12-15
PROJECT	JACK GUY DUPLEX
SHEET	15



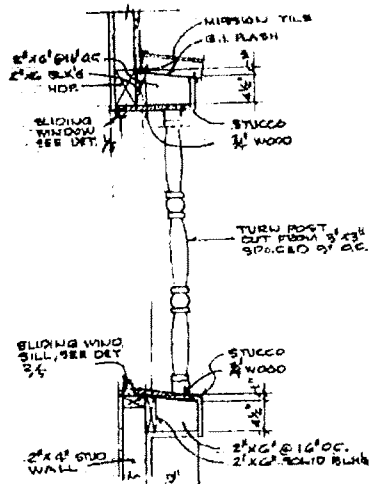
INTERIOR ELEVATIONS - OCEAN DRIVE UNITS, STRAND UNIT



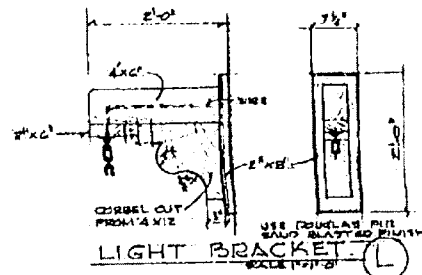
NOTES:
 PROVIDE 1" EXTRA SHELF PER CABINET WHERE ADJUSTABLE SHELVES WILL BE INSTALLED.

NOTE:
 CABINET CONTRACTOR TO VERIFY W/MAJOR FOR 3/4" DIMENSIONS OF WATCHER ADJUSTERS

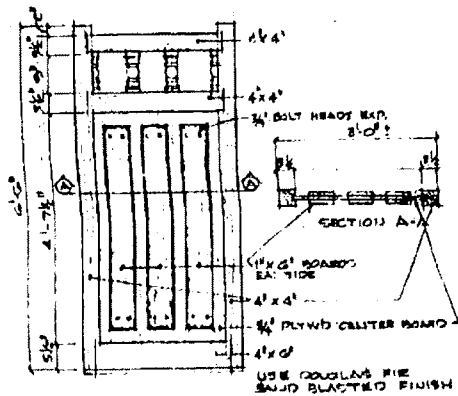
NOTE:
 ALL CABINETS TO BE SOLID ASH, RAISED PANEL DOORS AND DRAWERS LATCHES TO BE TIGHT LATCH HINGES TO BE PINNED PIN HINGE DOORS TO APPROVE EXACT DOOR DETAIL ALL CABINETS TO BE #1 GRADE ASH



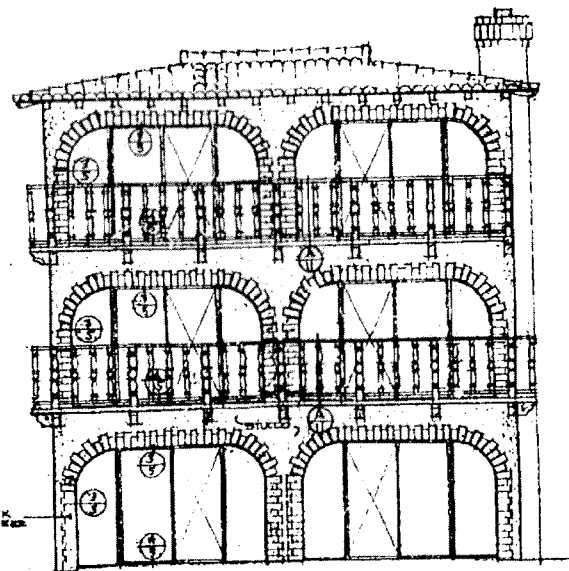
WINDOW DETAIL (W)



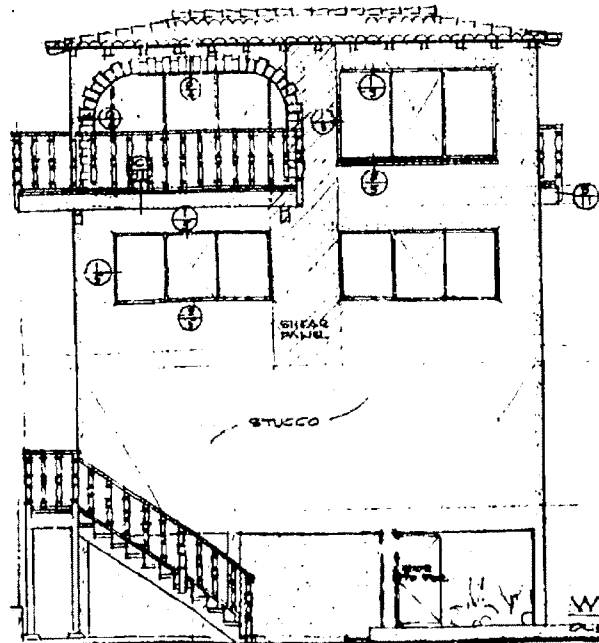
LIGHT BRACKET (L)



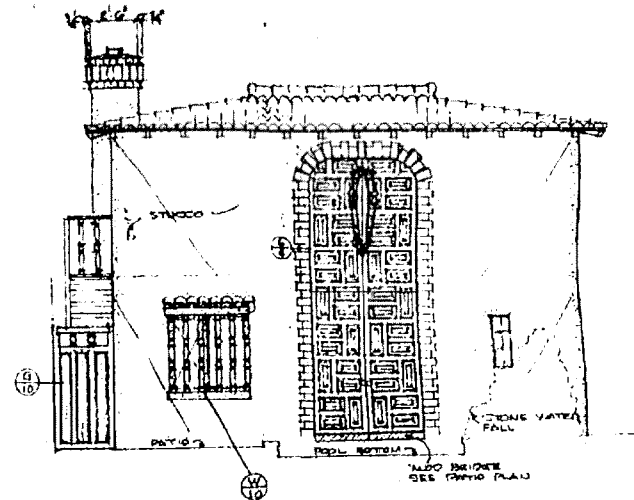
GATE DETAIL (G)



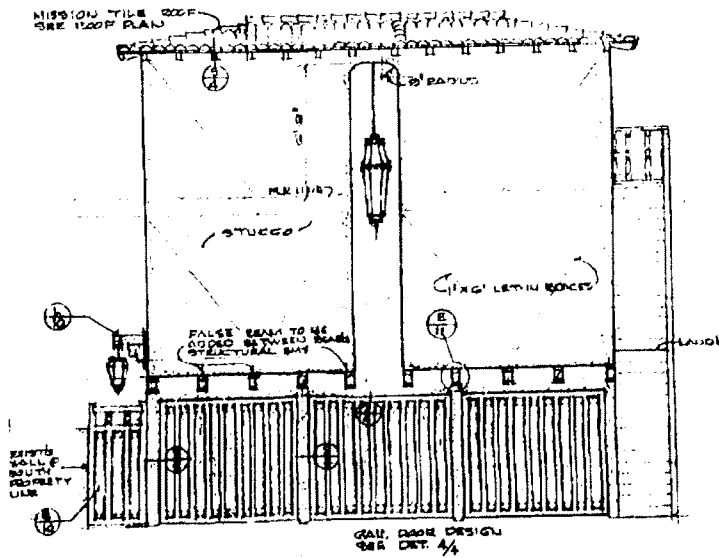
STRAND ELEVATION WEST ELEVATION



WEST ELEVATION



ENTRANCE STRAND UNIT EAST ELEVATION

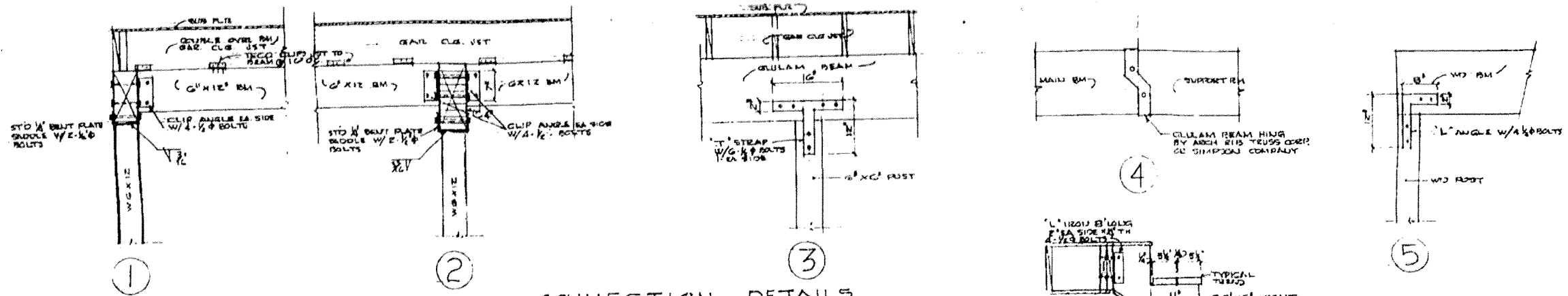


OCEAN DRIVE ELEVATION EAST ELEVATION

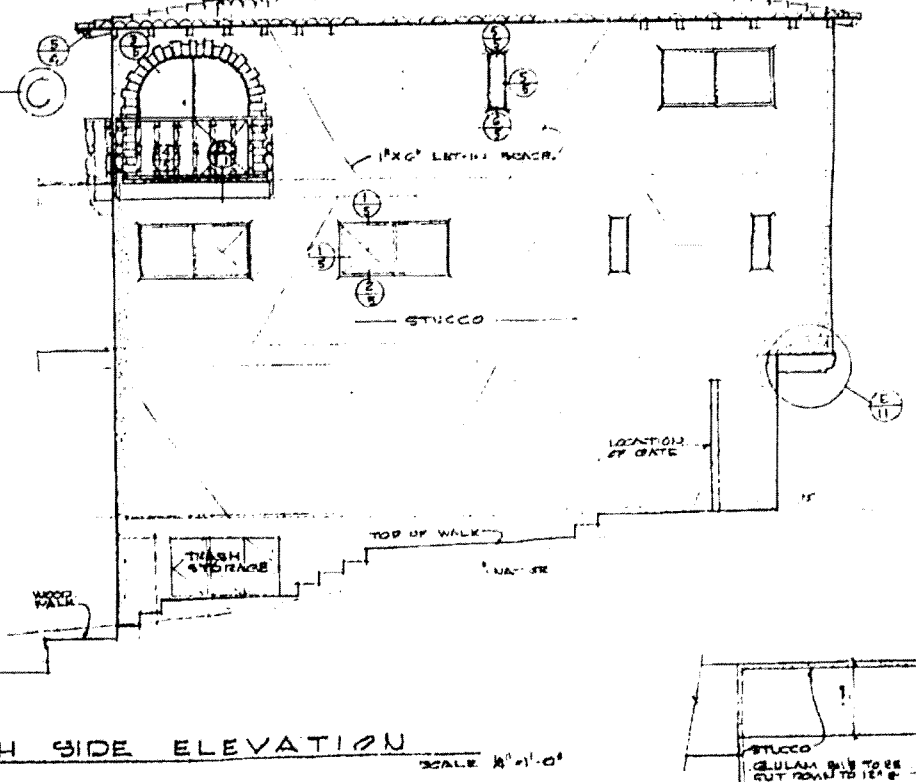
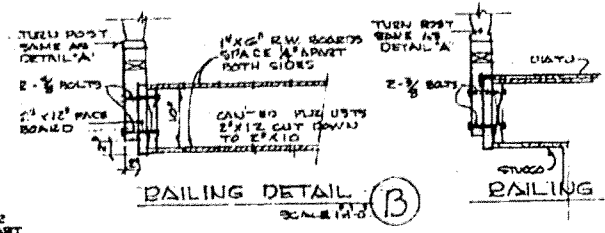
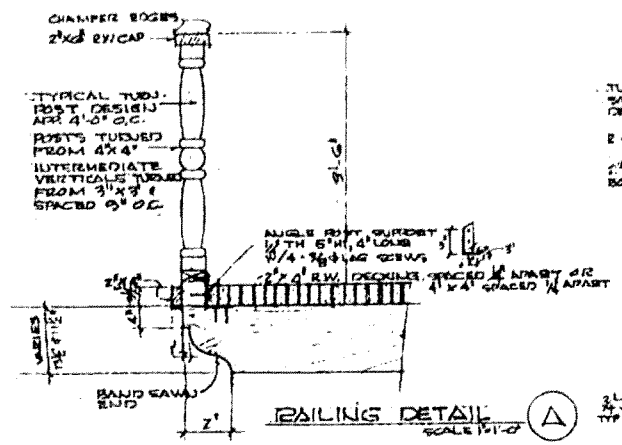
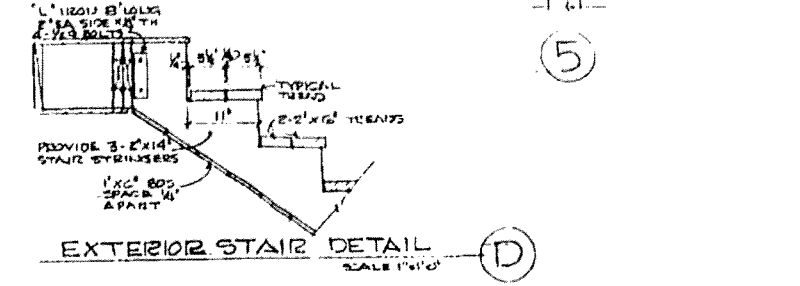
DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1076 REG. '289

TITLE
 JACK GUY - DUPLEX
 ELEVATIONS

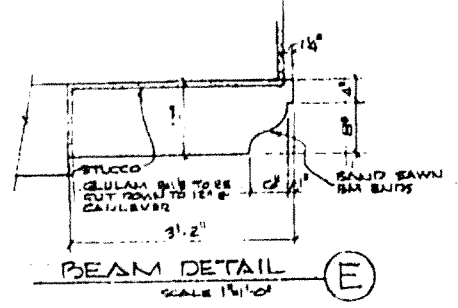
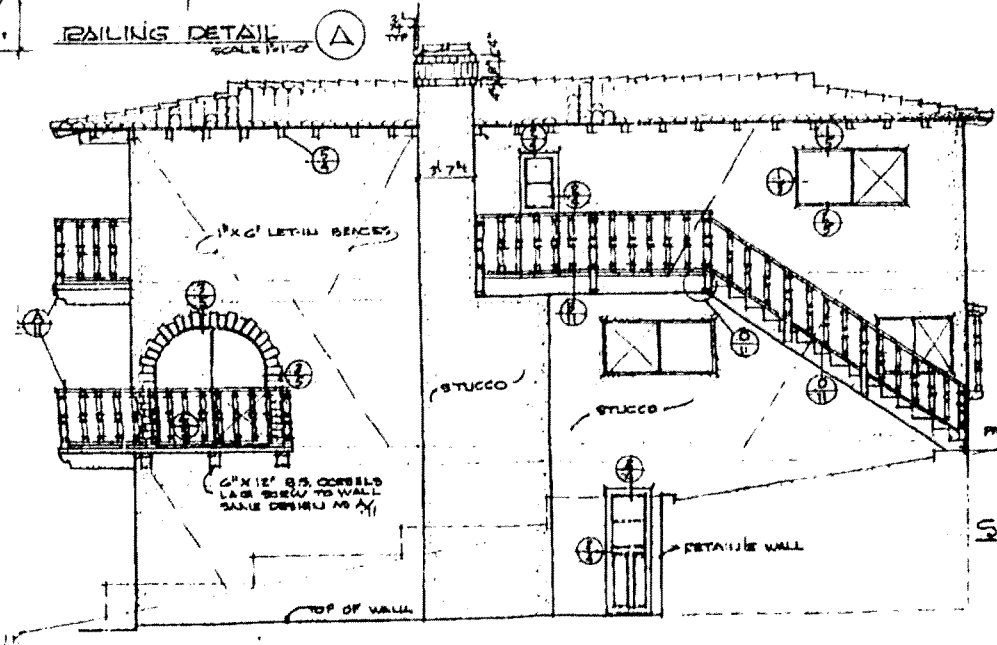
MY 11 1931
 SHEET 15



CONNECTION DETAILS SCALE 1"=1'-0"



SOUTH SIDE ELEVATION SCALE 1/8"=1'-0"



BEAM DETAIL SCALE 1/4"=1'-0"

DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1078 REG. # 289

TITLE
 JACK GUY - DUPLEX
 ELEVATIONS

SHEET
 15

GENERAL NOTES

- GENERAL NOTES ARE TO BE MINIMUM REQUIREMENTS - VERIFY ALL GOVERNING MORE STRINGENT NOTES ON PLAN.
- ALL CONTRACTORS SHALL VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE COMMENCING ANY WORK AND REPORT DISCREPANCIES.
- WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SEALED DRAWINGS.
- ALL WORK TO BE PERFORMED IN ACCORDANCE WITH ALL LOCAL BUILDING CODE REQUIREMENTS.
- PROVIDE WIRE KILLER OVER INDICATED AREAS FOR PANELS. PROVIDE REQUIRED HANGER BOLDS OR CURBS.
- SURFACE DRAINAGE: ALL ROOF, SIDE, FRONT AND REAR YARD WATER TO DRAIN THRU DRAINED SURFACES WITH PROPER DRAINAGE AND CONDUCTED TO STREET OR STREAM.
- ALL ROOFING AS INDICATED ON ROOF PLAN. COLOR OF MASONRY TILE TO BE SELECTED BY OWNER. JURY WINDOW OR GLASS DOOR WITH AN INDIVIDUAL GLASS AREA OVER 6 SQ FT AND WHERE BOTTOM OF GLASS LIGHT IS WITHIN 18" OF THE FLOOR SHALL BE 1/2" LAMINATED OR 1/4" FULL TEMPERED.
- NOTHING SHOWS PAINT AFTER LATH & PLASTER.
- PROVIDE PORTLAND CEMENT WALL COVERING TO 6" ABOVE FLOOR (BEHIND TILE) AT ALL SHOWERS AND TUBS W/SHOWERS.
- SHOWER ENCLOSURES (WHERE USED) TO BE 3/4" SHATTER PROOF GLASS.
- PROVIDE 1" BUILDING PAPER UNDER ALL EXTERIOR WALL COVERING.
- THE ORIGINAL DRAWINGS ARE THE PROPERTY OF THE BUILDING DESIGNER AND WILL BE KEPT UNTO OFFICE AT ALL TIMES.
- PROVIDE KRAFT BATT TYPE INSULATION IN ALL EXTERIOR WALLS, CEILINGS, FLOORS AND ALL WALLS AROUND BATHROOMS, BOTH UNITS. R-19W TOP FLE. CLG. R-19W BETWEEN FLE'S, R-19W EXT WALL & AROUND BATHS.
- CARPET PROVIDED BY OWNER.
- ALL BEAM & JOIST HANGERS BY ARCH RID TRUSS CORPORATION OR SIMPSON COMPANY.
- ALL LUMBER SHALL BE NEW AND GRADE MARKED AS FOLLOWS, UNLESS NOTED OTHERWISE:
 HORIZONTAL MEMBERS: CONSTRUCTION, DOUGLAS FIR, 1800F #1
 VERTICAL MEMBERS: STANDARD, DOUGLAS FIR, 1850F #2
 FLOOR SHEATHING: 5/8" PLYWOOD, EXTERIOR GRADE.
 ROOF SHEATHING: 1/2" X 6" STANDARD.

KITCHEN EQUIPMENT

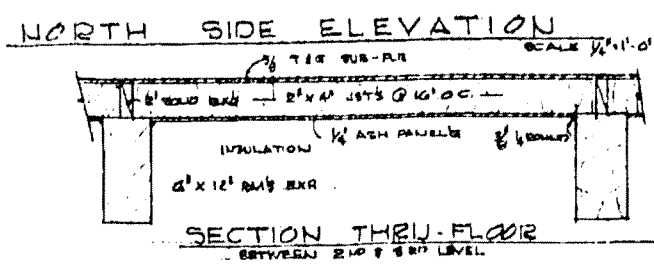
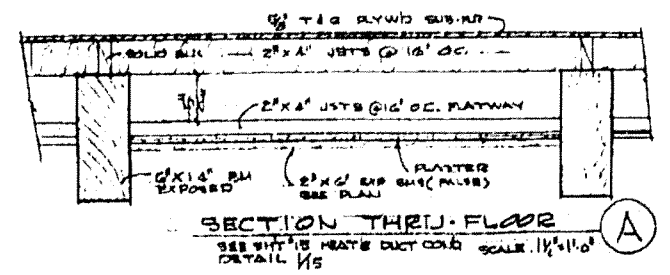
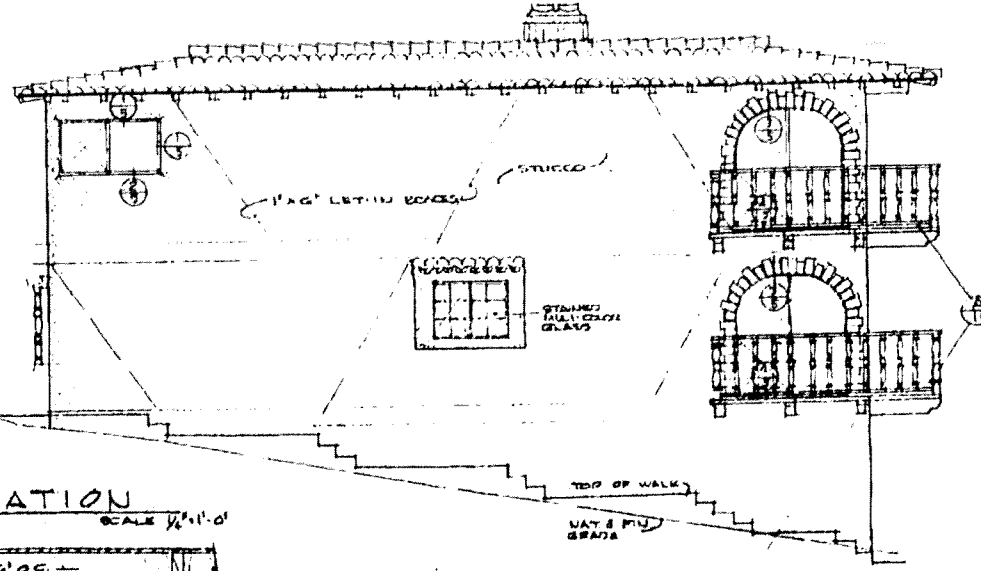
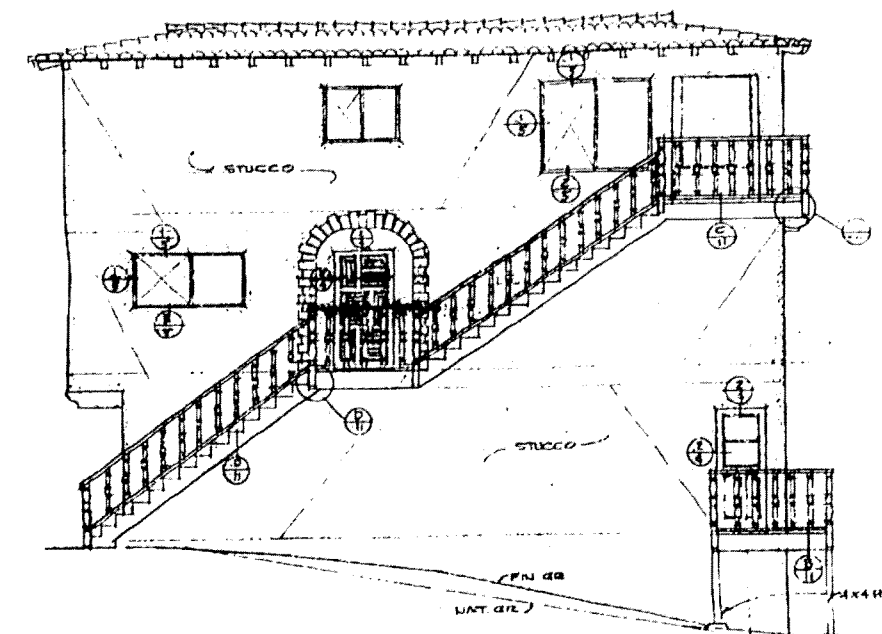
- REFRIGERATOR - GIBSON GOVERNOR MARKET MASTER ALL REFRIGERATOR MODEL 82-48821
- FREEZER - GIBSON GOVERNOR MARKET MASTER ALL FREEZER MODEL 82-887611
- DISHWASHER - KITCHENAID SUPERBA DISHWASHER W/3" STEEL TRIM KIT MODEL KDB-17 J KFT-2 (2-REQ)
- COOK TOP - CHAMBERLAIN 36" COOK TOP - DANNY PUENNER MODEL MT-335 SATIN CHROME (2-REQ)
- PAN-RX-QUE - JEUUN-AIR SPACE GRILL - DELUXE MODEL 2255R/S W/GRILLS, TIMER, OUTLET, BOTTLEGRIP W/MOTOR AND BATT, BRISKKAROB, GRILL W-POLO COVER (2-REQ)
- OVEN - THORNDORF TRI-TECHNIC MICROWAVE, HOT FOOD SERVER, AND SELF-CLEAN OVEN MODEL MTR-30 (2-REQ)
- ICE MAKER - SCOTSMAN ICE MAKER MODEL SM-18 (2-REQ)
- GARB. DISP - INSULATED DISPOSER MODEL 707 (2-REQ)
- TOASTER - EDISON BUILT-IN TOASTER MODEL ET-1
- TRASH COMPACTOR - KITCHENAID COMPACTOR W/3" STEEL TRIM KIT MODEL KCS & KCT-1, WHITE (2-REQ)
- CLOTHES DRYER - MAYTAG ELEC. DRYER, WHITE, MODEL DE-407
- EDISON BUILT-IN ROOMATIC W/LOWER MODULE, OUTER HOUSING, GROUP 'A' ATTACHMENTS AND GROUP 'D' TRAYS AND SLIDES MODEL CR11
- ATTACHMENTS - SHREDDER/SLICER *GR20, MEAT GRINDER *GR20, DELUXE JUICER *GB211, ICE CRUSHER *GB214, & CATCHER BOWL *GB207

OTHER EQUIPMENT

- GARAGE DOOR OPENER - MOOREOMATIC 3100 (3-REQ)
- CENTRAL VACUUM CLEANING SYSTEM - BY WATER
- METAL FIREPLACE - THE ROYAL FAMILY "PIRE DUKE" MODEL 32 MFG. BY MALK FIREPLACES, INC. SANTA MONA, CALIF. COLOR: MATTE BLACK
- METAL SEMICIRCULAR STEEL STAIRCASE, QUARRY TILE FINISH IN METAL PALMS, STEEL HANDRAIL, DESIGN BY BRADFIELD MANUF OR EQUAL.
- SKYLIGHTS - SEE SHEET #4

ELECTRIC NOTES

- BATHROOM CEILING HEATERS - THREE-BULB HEAT-A-LAMP MODEL 9490 BY NUTONE
- BATHROOM CEILING HEATER & VENT LIGHT - HEAT-A-VENTITE MODEL 9276 BY NUTONE IN BATHS #1 & #2 STRAND UNIT
- CHAIRS - LA-15 MADRISA BY NUTONE
- FLUORESCENT FIXTURES IN ILLUMINATED CEILING AREAS TO BE 12" MAX ON CENTER
- ALL LIGHTS ON LV SYSTEM TOUCH PLATE SWITCHES, WAS CONTROL IN WAS BEDROOM (BOTH UNITS)
- CEILING FAN - 36" MODEL 1878A BY HUNTER DESIGN; ROBINS (MAYERS, INC) (2-REQ., LOCATION - WAS. BEDROOM & KITCHEN, STRAND UNIT)
- PUSH CEILING LIGHTS TO BE BY AIRING LIGHTING CORP. DROP OPAL AT 180-185 R.
- PUSH BATH ROOM CEILING LIGHTS TO BE BY AIRING LIGHTING CORP. DROP OPAL AT 180-185 R.
- ELECTRIC CONTRACTOR TO PROVIDE BUZZER IN RUMOR ROOM, & BEDROOM #2 W/ PUSH BUTTON IN KITCHEN - STRAND UNIT.



DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1078 REG. #209

TITLE: JACK GUY - DUPLEX ELEVATIONS
 SHEET: 15

ROOM FINISH SCHEDULE

PLUMBING SCHEDULE AMERICAN STANDARD

ROOM	FLOOR	WALLS	CEILING	ADDITIONAL REMARKS
OWNER'S UNIT				
BUMPUS ROOM				SMOOTH PLASTER
BUMPUS ROOM BAR				SMOOTH PLASTER BETWEEN EXP. BEAMS IN CEILING SEE INTERIOR ELEVATIONS
HALL #1				
HEATER ROOM				
STORAGE ROOM #1				
STORAGE ROOM #2				
ENTRY				
POWDER ROOM				
STUDY				
KITCHEN				
PAUTRY				
BREAKFAST ROOM				
DINING ROOM				
LIVING ROOM				
STAIR CASE #1				
STAIR CASE #2				
HALL #2				
BEDROOM #1				
BEDROOM #2				
BEDROOM #3				
BATH #1				
BATH #2				
GRACE				
BREAKING ROOM				
WALK-THRU CLOSET				
BATH #3				
UNIT OVER GARAGES				
BEDROOM #4				
BEDROOM #5				
BEDROOM #6				
ENTRY				
HALL #3				
STAIRS				
DRESSING AREA				
BATH #4				
BATH #5				
CLOSET & SERVICE				
STUDY				
HALL #4				
LIVING ROOM				
DINING ROOM				
KITCHEN				
STORAGE ROOM				
BATH #6				
BAR				
STORAGE AREA UNDER PARS				
GARAGES				

LOCATION	NAME	FIXTURE	FITTING	COLOR	REMARKS
BATH #1	WATERCLOSET	LUCKE 1001.026		WHITE	
BATH #2	"	"		"	
BATH #3	"	"		"	
POWDER RM	"	2005.023		"	GOLD ACTUATOR
BATH #4	LAVATORY	QUALYN 0470.029	2240.018	"	
BATH #5	"	"	"	"	
POWDER RM	"	"	2240.014	"	GOLD PLATED
BATH #6	BATH TUB	MODEL 2146.041	1103.469	"	INTEGRAL TUB & SURROUND
BATH #7	"	MODEL 2146.041	1103.469	"	"
BATH #8	SHOWER	MODEL 2192.017	1804.241.017	WHITE	36" SHOWER, SHOWER SEWER
BATH #9	"	"	"	"	36" SHOWER, SHOWER SEWER
KITCHEN	SINK	PIESTA 7190.072	PISTA 4179.027	"	36" X 24" DUAL LEVEL
KITCHEN	GARB. DEP.	AS 308	"	"	AMER. STANDARD
BUMPUS ROOM	SINK	HARVEST 4011.219	8075.078	"	STAINLESS STEEL
SERVICE	PAUSETS	"	8231.011	"	2" - 800" DRIVE RUB DRUM
GRACE RM #1	WATER HEATER	JETLAX JUPITER 780L	"	"	DEFLECTOR TOP, 780" W/1" WIDE PUMP CONNECTION
BATH #10	WATERCLOSET	LUCKE 1001.026		WHITE	
BATH #11	"	"		"	
BATH #12	"	2005.023		"	GOLD ACTUATOR
BATH #13	LAVATORY	QUALYN 0470.029	2240.018	"	
BATH #14	"	"	2240.024	"	
BATH #15	BATH TUB	MODEL 2146.041	1103.469	"	INTEGRAL TUB & SURROUND
BATH #16	"	MODEL 2146.041	1103.469	"	"
BATH #17	"	MODEL 2146.041	1103.469	"	"
KITCHEN	GARB. DEP.	AS 308	"	"	AMER. STANDARD
KITCHEN	SINK	PIESTA 7190.072	PISTA 4179.027	WHITE	36" X 24" DUAL LEVEL
BAR	SINK	HARVEST 4011.219	8075.078	"	STAINLESS STEEL
SERVICE	PAUSETS	"	8231.011	"	PROVIDE FLARE ORANGE
GARAGE	WATER HEATER	JETLAX JUPITER 780L	"	"	DAY 2 LIGHT LOCAL TO UNIT
MOSE BLDG - SEE PLOT PLAN FOR LOCATION					W/1" WIDE PUMP CONNECTION
					PROVIDE PRESSURE REGULATOR AT MAIN WATER SYSTEM

WINDOW SCHEDULE

ALUM. FRAME GLASS UNITS 20025

CODE	NO.	REQ.	WIDTH	HEIGHT	NO LITES	SCREEN	TYPE	MANUF. CODE	REMARKS
A	7		6'-0"	3'-0"	2	NO.	ALUM. SLOS	ARCADIA SERIES 870	DARK BRONZE FINISH #3
B	2		4'-0"	3'-0"	7	"	"	"	"
C	1		4'-0"	4'-0"	"	"	"	"	"
D	1		6'-0"	8'-0"	"	"	"	"	"
E	1		5'-0"	4'-0"	3	"	"	"	"
F	1		3'-0"	5'-0"	1	"	FIXED	CUSTOM FRAMES	"
G	1		3'-0"	5'-0"	3	"	ALUM. SLIDE	WELBY 570	"
H	1		4'-0"	3'-0"	12	"	"	CUSTOM FRAMES	"
I	4		6'-0"	6'-0"	4	"	ALUM. SLIDE	"	LEADED MULTIPLY W/ STAIN GLASS
J	12		2'-4"	6'-8"	"	"	FIXED	"	LOWER 1/2 SLIDE, UPPER 1/2 FIXED W/ 1/2" GAP
K	4		1'-0"	3'-0"	"	"	LOUVER	"	DARK BRONZE FIN. W/ 1/2" GAP TOP
L	1		1'-0"	3'-0"	"	"	LOUVER	CLEARVIEW LOUVER	"
M	1		1'-0"	3'-0"	"	"	FIXED	ARCADIA CUSTOM FRAMES	LEADED MULTIPLY W/ STAIN GLASS
N	1		12'-0"	6'-0"	2	NO.	ALUM. SLIDE	ARCADIA SERIES 800	DARK BRONZE FINISH #3, MOORE #11
O	1		6'-0"	6'-0"	2	"	"	"	"
P	1		6'-0"	6'-0"	2	"	"	"	"
Q	1		6'-0"	6'-0"	2	"	"	"	"
R	1		6'-0"	6'-0"	2	"	"	"	"
S	1		6'-0"	6'-0"	2	"	"	"	"
T	1		6'-0"	6'-0"	2	"	"	"	"
U	1		6'-0"	6'-0"	2	"	"	"	"
V	1		6'-0"	6'-0"	2	"	"	"	"
W	1		6'-0"	6'-0"	2	"	"	"	"
X	1		6'-0"	6'-0"	2	"	"	"	"
Y	1		6'-0"	6'-0"	2	"	"	"	"
Z	1		6'-0"	6'-0"	2	"	"	"	"

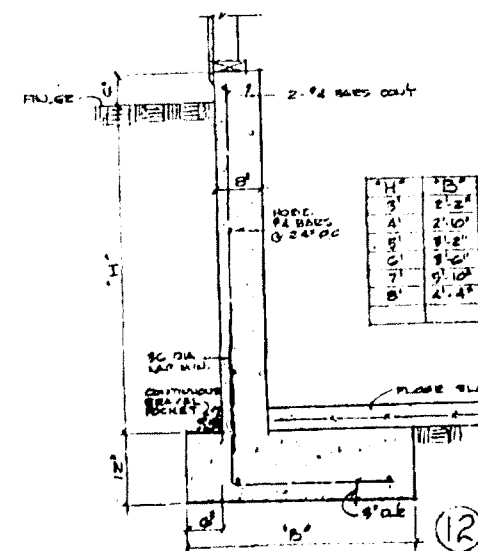
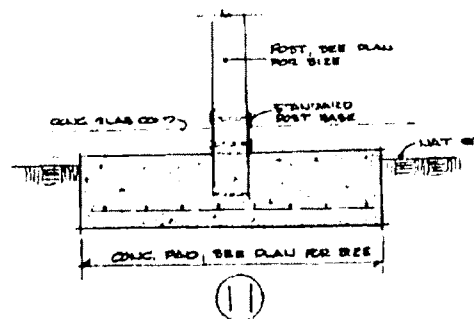
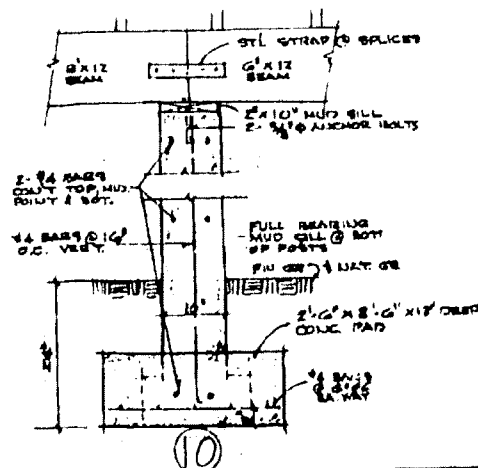
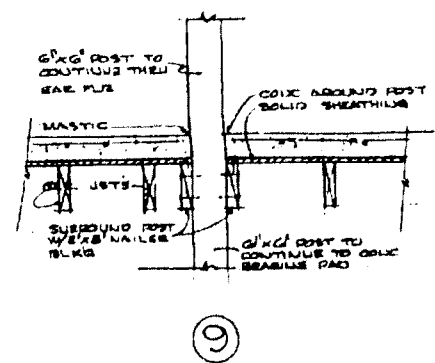
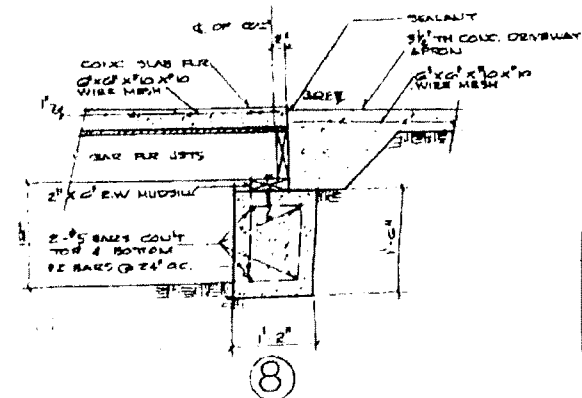
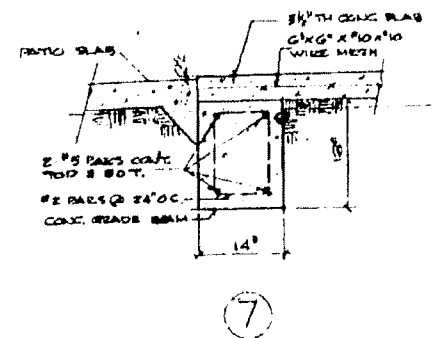
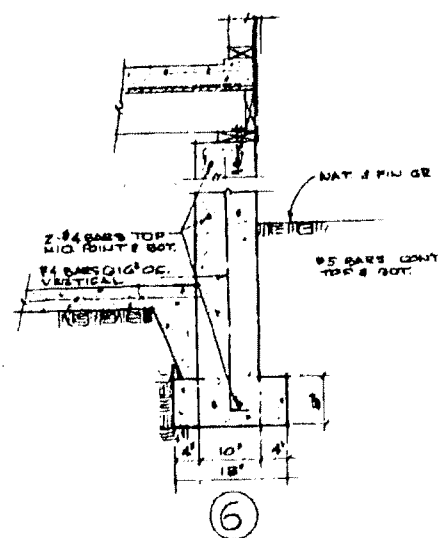
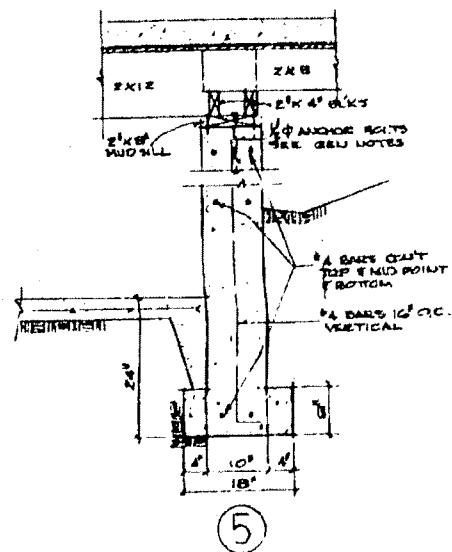
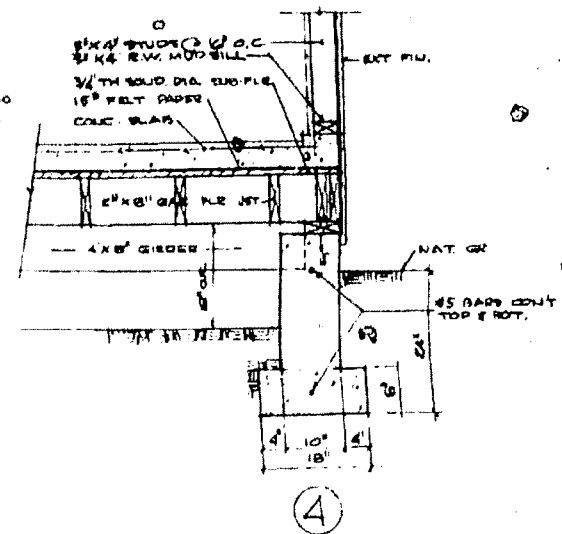
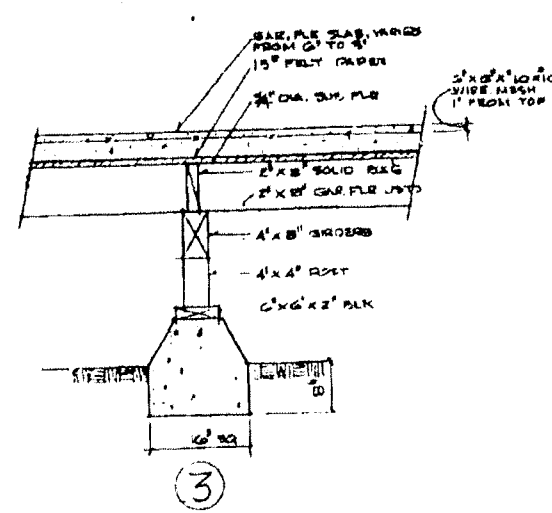
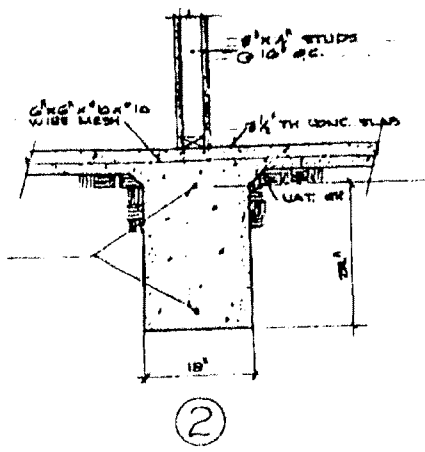
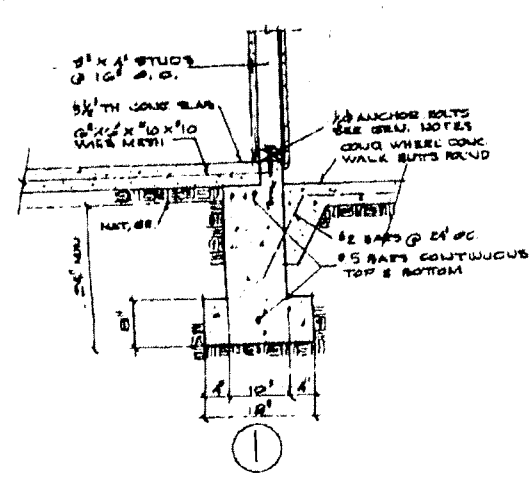
DOOR SCHEDULE

CODE	NO.	REQ.	WIDTH	HEIGHT	THICK	TYPE	REMARKS
1	4		3'-0"	8'-0"	1 1/2"	SOLID CORE	SPUNISH DUAL 70000, PM DOORS W/ MATCHING OR OVER MANDRILL
2	1		2'-0"	6'-8"	1 1/2"	"	SEALS TYPE W/ 2 APP. PANELS BELOW
3	1		2'-0"	6'-8"	1 1/2"	"	SEE ELEVATION
4	1		2'-0"	6'-8"	1 1/2"	"	STAIN GLASS
5	7		2'-0"	6'-8"	1 1/2"	B-PANEL	MANDRILL
6	3		2'-0"	6'-8"	1 1/2"	"	"
7	2		2'-0"	6'-8"	1 1/2"	"	"
8	2		2'-0"	6'-8"	1 1/2"	"	"
9	2		2'-0"	6'-8"	1 1/2"	"	"
10	2		2'-0"	6'-8"	1 1/2"	"	"
11	1		2'-0"	6'-8"	1 1/2"	"	"
12	2		2'-0"	6'-8"	1 1/2"	"	"
13	2		2'-0"	6'-8"	1 1/2"	"	"
14	4		2'-0"	6'-8"	1 1/2"	"	"
15	2		2'-0"	6'-8"	1 1/2"	"	"
16	2		2'-0"	6'-8"	1 1/2"	"	"
17	4		2'-0"	6'-8"	1 1/2"	"	"
18	2		2'-0"	6'-8"	1 1/2"	"	"
19	2		2'-0"	6'-8"	1 1/2"	"	"
20	2		2'-0"	6'-8"	1 1/2"	"	"
21	2		2'-0"	6'-8"	1 1/2"	"	"

DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1078 REG. #289

JACK GUY
 TITLE
 DUPLEX
 SCHEDULES

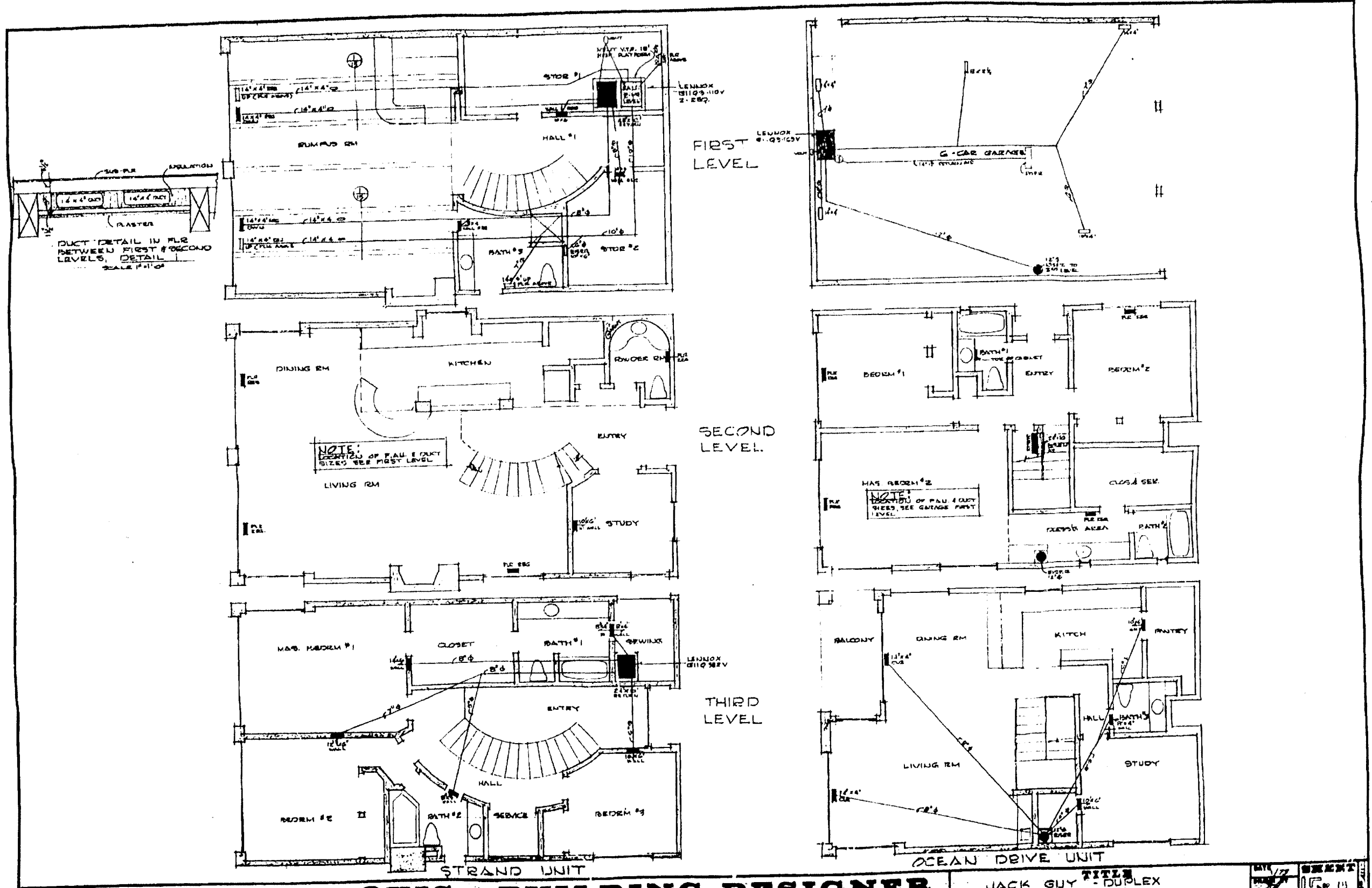
13 15



HEIGHT	VERTICAL BARS
1 1/2'	2# @ 24" O.C.
2'	4# @ 24" O.C.
2 1/2'	6# @ 24" O.C.
3'	8# @ 24" O.C.
3 1/2'	10# @ 24" O.C.
4'	12# @ 24" O.C.
4 1/2'	14# @ 24" O.C.
5'	16# @ 24" O.C.

DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE YR 8-1078 REG. '808

TITLE: JACK GUY - DUPLEX FOUNDATION DETAILS SHEET 15



DONALD LEE HOVIS - BUILDING DESIGNER
 1848 SO. ELENA REDONDO BEACH, CALIF. PHONE FR 8-1078 REG. 889

JACK GUY - TITLE
 HEATING LAYOUT

NO. 15