

Dear City Council Members:

We wanted to provide you with some background on our home and family. And the reason we come before you. We purchased our home 2501 Crest Drive in 1971. Our three children grew up in the Manhattan Beach School System. We held all family holiday dinners at our home. As the family grew we had our traditional Friday night dinners. We lovingly cared and maintained our home over the years until 1990 when we remodeled and brought it up to earthquake standards. The building to the west of us was a duplex, it was built in 1966 and was there when we purchased our property. There was an existing ten (10) feet that separated the two buildings.

During all that time, over 40 years, the building was always leased out. We never had any issues with the tenants. The property was never owner occupied. We used the area between the houses freely for barbequing, plantings and even ran a drain pipe underground, that runs across the full width of our West wall, at the foot of it. And to protect it, we put a little border with some black smooth rocks like a pathway (18" or 20" wide). Also the west wall, there is a water meter buried into the ground and there is the gas meter that hangs over the property. When 2500 Highland came on the market in 2010, I brought the listing with the photograph to City Hall and spoke to Eric Haaland. I explained where I lived, that I was concerned about whether it could be built higher. Eric explained to me that since the building was a three story building, that it couldn't go higher and that I didn't have to worry. With those assurances, I didn't feel it was urgent to purchase the building.

The property eventually sold and closed in May 2012. On a Sunday in September, I saw a man near the wall of my daughter's property (2505 Crest Dr.) and went out to check. I was told he was a surveyor. I said, "You work on Sundays?" and he handed me a copy of a Surveyor's Right of Entry. When I was returning the document to the surveyor there was another man there who said that he was the owner of the property who I now realize is Mr. Paunovich. He didn't say hello or introduce himself but said "this is my property and I can do whatever I want to do with it. I can put dogs in between the buildings if I want." And that was the entire conversation.

Again, I returned to City Hall to speak with Eric and told him that I was feeling uncomfortable about the height issue. He said, "if anything, it would only be a few inches higher." (Coincidentally, an architect, whom I knew was signing in). I asked Eric to bring us the file for 301-25th Street. When he pulled out the plans, he said, "These are no good because the owner is now going to demolish (the existing structure) and put up a new building." Eric took out the survey; the architect I knew happened to be standing at the counter with me; the architect reviewed survey and wrote down the measurements and told me that the new building can go up to 9' more than the existing building. Then Eric added that the building will be allowed to move 5' feet East into the existing 10' set back and leave just 5' feet separation between the two buildings. I was devastated!

I then called Richard Thompson as advised and discussed all of the above information. When I told him about the (nine) 9' addition in height to the existing building, he said, "that doesn't sound right." He indicated that when there is a discrepancy, they take the lower elevation number. He then asked me about the height of the buildings from 25th St. to 26th St. I told him that they were all about the same roof line except for one that was less than 2 feet taller. He also told me to deal with Angelica Ochoa (assistant planner) who is handling that project.

After these conversations, we decided that we should try to purchase the property from the owner. My husband wrote a letter to Mr. Paunovich pleading with him to sell us the property.

Our ex-son-in-law, Tom Sturges, offered to contact the owner to discuss our offer. The owner paid \$1,321,125 when he closed escrow. We offered:

- Sales Price: \$1,500,000 (plus \$37,000 as commission plus \$25,000 for architect fees) totaling nearly \$241,000 more than he paid
- Mr. Paunovich responded that "that's not even close" and came back to Tom and said he would sell us the property for: \$2.3 Million
- Or he said he would take \$700,000 to eliminate the upper story

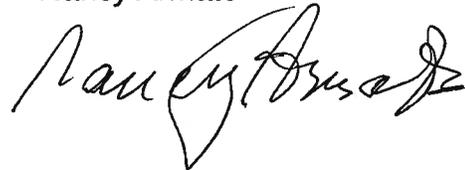
We understand Mr. Paunovich is not required to sell us the building, but he could have had some compassion in his approach to this situation. However, he certainly should not be allowed to develop his property in such a way to destroy the small town charm of our block and along the way block the ocean vistas of numerous residents and inflict upon them substantial damage.

Sincerely,

Dr. Rosario "Sam" Armato



Nancy Armato



ARMATO APPEAL

- ☒ THIS IS THE ONLY ½ LOT ON THE ENTIRE BLOCK FROM 25TH TO 26TH STREET BETWEEN HIGHLAND & CREST DRIVE AND THE DEVELOPER IS ATTEMPTING TO ERECT NEARLY A 3,000 FOOT 4 STORY STRUCTURE BY CLAIMING THAT IT HAS A STEEPER RISE IN ELEVATION, WHILE MAINTAINING ONLY A FIVE (5) FOOT TOTAL SET BACK FROM THE PROPERTY TO THE EAST
- ☒ MANY RESIDENTS ARE BEING DAMAGED BY THIS PROPOSED DEVELOPMENT AND MANY MORE OPPOSE IT
- ☒ THE CITY OF MANHATTAN BEACH GENERAL PLAN AND MUNICIPAL CODE ARE INTENDED TO PREVENT SITUATIONS PRECISELY LIKE THIS WHERE DEVELOPERS OVERBUILD ON SMALL LOTS WITH NARROW SET BACKS ADVERSELY IMPACTING SURROUNDING PROPERTIES AND CHANGING THE CHARACTER OF THE NEIGHBOR HOOD

The Manhattan Beach General Plan enacted in 2003 states, “controls on development must be pursued, ***particularly to avoid overbuilding on small lots. New residential construction should reflect the scale and character*** of surrounding homes. ***Excessively large structures that are tall and bulky, with tight setbacks . . . can produce streetscapes that are aesthetically overbearing.***”

- ☒ **THE PROJECT IS A FOUR (4) STORY BUILDING PROHIBITED BY THE MANHATTAN BEACH GENERAL PLAN AND MUNICIPAL CODE**
 - The City Staff contends this property can get around the 4 story prohibition because the floors are not “stacked”. However, nowhere in the Code does it say that the garage no longer counts as a story if it isn’t “stacked” underneath the 4th floor. Besides, because this is a ½ lot, it is “stacked”
 - Even if there is a “non-stacked” exception (and we don’t agree there is), it should **only be applied when other residents are not being negatively impacted.** Clearly, the City Plan mandates this:

“It is the policy of the City to limit height to three (3) stories... to protect the privacy of adjacent properties, protect vistas of the ocean, and preserve the low-profile image of the community.”
 - This proposed development would reduce the space between the properties to five (5) feet because our home was built on the property line in 1930. Our property is legal non-conforming. **Why would the City interpret the Code to**

allow a setback between the buildings total only a 5 feet? This violates the Manhattan Beach City Plan protecting vistas, open space, safety, etc.

THE ELEVATION WHERE THE SURVEYS WERE TAKEN ARE NOT CLEARLY REPRESENTATIVE OF SITE TOPOGRAPHY BECAUSE OF THE EXISTENCE OF RETAINING WALLS

IN A CASE SUCH AS THIS, THE CODE SAYS THE COMMUNITY DIRECTOR SHALL SELECT AN ELEVATION THAT "MINIMIZES ADVERSE IMPACT ON ADJACENT PROPERTIES" AND "ENCOURAGES CONSISTENCY OF MAXIMUM BUILDING HEIGHTS."

CONCLUSION

The City Council of the City of Manhattan Beach is dedicated to providing exemplary municipal services to preserve our small beach town character and enhance the quality of life for our residents. They are also required to uphold the City Manhattan Beach Plan and Code. This proposed development violates specific code sections as outlined by this document, in addition to the heart and soul of the City Plan. The proposed development is an excessively large and bulky structure on a small lot, with a narrow set-back that will upset the natural balance and character of the neighborhood. It will eliminate "vistas to the sea" and negatively affect many resident neighbors while setting a dangerous precedent for the future. We respectfully request that you 1) overturn the ruling of the Planning Commission, hold that this proposed development is a 4 story structure in violation of the Manhattan Beach City Plan and Code and 2) require the Community Director in any future determination of the height of this proposed development to select an elevation that minimizes adverse impact on nearby residents and preserves the character of the neighborhood by ensuring that neighboring roof lines match.

Sam Armato

Sam Armato
Rosario Armato

Nancy Armato

Nancy Armato

appeal

2/20/13

City of Manhattan Beach Planning Commission and City Council

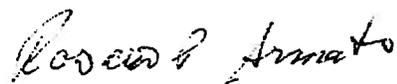
The Committee began the meeting by asserting that the principal issue was the height permitted by the code. The committee apparently deemed that no other issue was relevant and regrettably imposed restrictive limitations to the scope of the deliberations. The local code speaks of elevations that might have "adverse impacts on adjacent properties" and recommends a "degree of consistency in the maximum building height limits of adjacent properties."

The Committee did not fully address the question of the number of stories of the building and the density of the new project. It proposes roughly 2900 square feet squeezed into a half lot.

None of these were given proper attention.

There are several other issues which need to be addressed and they will be raised during our appeal.

Dr. Rosario P. Armato



From: Sam Armato [<mailto:samarmato@aol.com>]
Sent: Monday, February 25, 2013 10:04 PM
To: Angelica Ochoa
Subject: my rebuttals

Angelica,
Please post this response with the other letters to the Planning Commission.
Thanks
Dr. Armato

Regarding the Community Development Meeting Feb. 13 2013

It is with great regret that I find it necessary to write this letter in response to the deliberations over my appeal to the proposed construction of 301 25th St M.B. The committee began the meeting by asserting that the principal issue was the height permitted by the code on the projected building. Apparently no other issue was deemed to be relevant, a most restrictive and regrettable limitation to the scope of the deliberations.

First permit me to quote the local code:

The Community Development Director shall select an elevation that minimizes, to the extent reasonably possible, adverse impacts on adjacent properties and encourage some degree of consistency in the maximum building height limits of adjacent properties.

This passage emphasizes the "adverse impacts" a new structure may have "on adjacent properties." The committee decided to ignore this very important proviso in the code in making judgments about the appropriateness of the proposed project. Does this proviso take precedence over the code of height limitations or vice-versa? Should it at least enter in to the discussion and not be completely ignored?

Many neighbors who would be "adversely impacted" by new construction are opposed to it as evidenced by the 40 signatures on an adversarial petition. You never addressed this significant opposition in your deliberations.

One predictable letter came from the Tirmans who oppose everything I propose. They invert the Biblical dictum "love thy neighbor as thyself" into oppose thy neighbor at every turn. They convert love into loathing for no apparent reason. And they are creative in discovering reasons for being adversarial, like asserting that I did not equivocate over constructing my building which blocked the views of my neighbors.

"When it was Mr. Armato's turn to build his new home, he certainly didn't have the same concern for the rest of us. The height of his new house did in fact impact some neighbors." (Letter Feb. 1, 2013 to Ms. Ochoa)

The fact is, Mrs. Tirman, I did not build the house I live in. I bought it as it presently exists. I remodeled it in 1990 to bring it up to earthquake standards but it retained the same height. It did not then nor does it now block anyones view. As I used to tell my students, "Do your homework before you write anything. Facts have a central place in communication. "

Again, what consideration has the Commission given the significant number of neighbors who oppose the new building? Do you not function independently of the Community Development

Director or do you feel obligated to simply rubber stamp his decisions? You ignored or danced around all of the objections made to his conclusions. How do four "stories" become four "levels" and therefore do not violate the four story prohibition? Lexical manipulations do not buttress a feeble argument. An objective observer might easily have presumed that the Commission did not acknowledge the conclusion the evidence demanded.

I advisedly insert Mr. Paunovich rejection of our offer to buy back the property in question for \$250,000 more than he paid for it. He asserted that the offer "was not even close" and he responded with a \$2,350,000 counter which was first of all beyond my means and secondly at least avaricious if not usurious. And in gesture of fiscal generosity he offered to modify his "dream home." For a mere \$700,000 he would omit his top story and thereby preserve our view. I guess even dreams have a price tag.

His calling my loft a Witch's cove and my lawyer a liar is consistent with his maculated character and his acid tongue. And his incivility surfaced again when my wife asked him why he was making a lot of noise under our bedroom window very early one Sunday morning. His response was "This is my house and I'll do whatever I want with it." Then he threatened to put dogs in the space between our properties as an additional gesture of amity with a prospective neighbor.

He also observed that the property was on the market for eight months and we did not buy it to protect ourselves. We did inquire into the possible increase in elevation of the property and staff assured us that it could not be raised more than a few inches. We were confident, therefore, that we would suffer no negative consequences if someone were to purchase the property. That turned out to be inaccurate information.

I will not repeat the absurd and pseudo-professional "visual" observations Bunny Hoerman made with respect to grade and elevation on 25th St. without the benefit of surveyors' instruments, mind you. Her amateurish conclusions were : "so there does not seem to be any basis to support the claim of the opponent. (I thought I was the "appellant"!) Moreover her assertion that a "young family" is a desirable addition to the area is puzzling. Does youth insure character, honesty, and integrity? My remarks above regarding Mr. Paunovich's hostile behavior refute such an assumption. As I said before she should have recused herself from any municipal issue since she is a "facilitator," whatever ersatz function that represents for the city.

Our only recourse is to appeal to City Council with the hope that we will be given a fair hearing and an accurate evaluation of the evidence. I'm confident the City Council will give appropriate weight to the code's mandate to minimize "adverse impacts on adjacent properties," a mandate the Planning Commission chose to give scant or no consideration.

Please post this letter on the Planning Commission's website with my other letters and documents.

Dr. R.P. (Sam) Armato