

RESOLUTION NO PC 15-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH APPROVING A VARIANCE AMENDMENT FROM SETBACK, PROJECTIONS, PARKING AND TWO-STORY REQUIREMENTS FOR THE REMODEL AND SECOND STORY ADDITION TO AN EXISTING HOME AT 2702 N ARDMORE AVENUE (Truong)

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to applicable law on October 28, 2015, to consider an application for a Variance Amendment for the property legally described as Lots 9, Block 34, Tract No. 1638, located at 2702 N Ardmore Avenue in the City of Manhattan Beach.
B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
C. The applicants and property owners for the Variance Amendment are Thomas and Jessica Truong.
D. The property is located within Area District II and is zoned RS Single-Family Residential. The surrounding Zoning and land uses consist of single-family residences and to the west across Valley Drive is the Veterans Parkway open space zone.
E. The General Plan designation for the property and surrounding area is Low Density Residential. The General Plan encourages the preservation, rehabilitation and upgrade of residential development, such as this. The project is specifically consistent with General Plan Policies as follows:

Land Use Element:

Policy LU-1.2- Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape.

Policy LU-2.2- Preserve and encourage private open space on residential lots citywide.

LU-3.1- Continue to encourage quality design in all new construction.

Housing Element:

Policy 1. Preserve the scale of development in existing residential neighborhoods.

Policy 2. Preserve existing dwellings.

Program 2a. Allow non-conforming dwellings to remain and improve.

- F. The applicants request is to remodel the existing nonconforming structure and add a second story addition. The proposal would maintain and match with new construction the existing nonconforming setbacks and garage; as well as create new nonconformities related to additional second story corner setbacks, eave projections, and a third- story for a minor portion of the house.
G. A variance was previously approved by the Planning Commission on June 9, 1954, adopted as Minor Variance No. 11-1954, for a decrease in the required side and rear yard setbacks and minimum dwelling size.
H. The existing nonconforming setbacks that will be maintained are the front setback at 19.7 feet, the rear yard setback at 8 feet 1 inch, and the street side yard setback at 1 foot. The nonconforming

one-car garage will also be maintained, with the minimum interior length of the garage will remain at 18 feet 2 inches instead of the required 19 feet. The garage door width will also maintain an 8 foot wide clearance instead of the required 9 foot wide clearance. With the addition, a three-story area will be created for a small portion of the house on the north side for a portion of "Bath 2", as shown on the second level plans and building section.

- I. The proposed construction complies with other applicable standards including maximum building height, maximum buildable floor area, and interior side yard setback.
- J. The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 based on staff's determination that the project consists of the new construction of a small structure consisting of one single family residence that will not have a significant impact on the environment.
- K. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- L. The Planning Commission made the following findings with respect to the Variance application:

1. Because of special circumstances or conditions applicable to the subject property—including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions—strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property.

The lot is a small, narrowly-tapered triangle shape that sits at a five-way intersection. The property is also sloped with an 8 foot drop in elevation from the front to the rear on the north side, a 74 foot length. Applying the strict application of the Code development standards to this irregular lot would result in an extremely burdensome buildable envelope and an exceptional and undue hardship in developing a reasonably sized house on the property. The first floor buildable envelope using the Zoning Code development standards would only be about 700 square feet. The second story buildable envelope would be even smaller at about 530 square feet after applying the additional corner side setback requirements. These setback requirements, coupled with the two-car garage standard that would take away about 350 square feet, would create a dwelling with about 880 square feet of livable area. It would be unlikely that a design could even reach 880 square feet. The lot's shape and orientation clearly present practical difficulties for the property owner in building a reasonably sized residence.

2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

The relief may be granted without substantial detriment to the public good as the home is retaining its existing building footprint and setbacks. The nonconforming side yard is on the streetside, not the interior side yard next to the neighbor to the northeast. The nonconforming rear yard setback is also not directly abutting a neighboring home. The new second story will match these non-conforming setbacks. The small portion of the proposed building that qualifies as a three-story is very minor, and wouldn't be out of place in the neighborhood considering the non-conforming three-story home next door to the northeast. Furthermore, the proposed house is about 200 square feet, or 13%, under the maximum buildable floor area, and provides modulation and architectural interest to benefit the neighborhood.

3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.

The application is consistent with the purposes of the Zoning Code, in particular Section 10.12.010 B and E, and will not constitute the granting of a special privilege because the setback standards are oriented toward more standard shape, size and depth properties. The proposed project will provide relative setback and bulk consistency with neighboring properties, will ensure

adequate light, air, privacy and open space, protect neighboring residents from adverse impacts, and achieve design compatibility

M. This Resolution upon its effectiveness constitutes the Variance Amendment for the subject project.

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

1. The project shall be in substantial conformance with the plans submitted to, and approved by the Planning Commission on October 28, 2015. Any substantial deviation from the approved plans must be reviewed and approved by the Planning Commission.
2. If determined to be necessary by the City Traffic Engineer, a Construction Traffic Management and Staging Plan shall be submitted in conjunction with all construction and other building plans, to be approved by the Community Development Department prior to issuance of building permits. The plan shall provide for the management of all construction related traffic and operation during all phases of construction, including delivery and storage of materials and parking of construction related vehicles.
3. No discharge of construction wastewater, building materials, debris, or sediment from the site is permitted. Erosion control devices shall be provided as required by the Public Works Director.
4. A site landscaping plan utilizing drought tolerant plants shall be submitted for review and approval concurrent with the building permit application. All plants shall be identified on the plan by the Latin and common names. The current edition of the Sunset Western Garden Book contains a list and description of drought tolerant plants suitable for this area.
5. A low pressure or drip irrigation system shall be installed in the landscaped areas, which shall not cause any surface run-off. Details of the irrigation system shall be noted on the landscaping plans. The type and design shall be subject to the approval of the Public Works and Community Development Departments.
6. All defective or damaged curb, gutter, street paving, and sidewalk improvements shall be removed and replaced with standard improvements, subject to the approval of the Public Works Department.
7. A street corner obstruction-free zone on 27th Street and Valley Boulevard shall be provided as required by the Director of Public Works.
8. The applicants must obtain an Encroachment Permit for their walls in the right-of-way on 27th Street. The walls will be brought into compliance with the city's Encroachment standards for private use of public property.

Procedural

9. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.010 and will replace Minor Variance No. 11-1954.
10. The Variance Amendment shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the MBMC Section 10.84.090 (A) .
11. Pursuant to Public Resources Code Section 21089(b) and Fish and Game Code Section 711.4(c), the project is not operative, vested or final until the required filing fees are paid.
12. The applicants must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of the Variance Amendment.
13. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The applicants shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings,

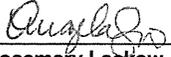
losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City's environmental review thereof. The applicants shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the applicants of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the applicants of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the applicants shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The applicants shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this Section shall be construed to require the applicants to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The applicants shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **October 28, 2015** and that said Resolution was adopted by the following vote:

AYES: Chairperson Hersman, Bordokas,
Conaway, Apostol, Ortmann
NOES: None
ABSTAIN: None
ABSENT: None



Marisa Lundstedt,
Secretary to the Planning Commission



Rosemary Lackow
Recording Secretary 