

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

TO: Planning Commission

FROM: Richard Thompson, Director of Community Development

BY: Eric Haaland AICP, Associate Planner

DATE: June 13, 2012

SUBJECT: Variance from Building Height Standards for an Existing Three-Family Residence on the Property Located at 2505 Crest Drive.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **PROVIDE DIRECTION**.

APPLICANT/OWNER

Antonina Armato
2505 Crest Drive
Manhattan Beach, CA 90266

L O C A T I O N

<u>Location</u>	2505 Crest Dr. (& 2504 Highland Ave). North of 25 th St. (See Site Location Map).
<u>Legal Description</u>	Lot 9, Block 20, Peck's Manhattan Beach Tract
<u>Area District</u>	III

L A N D U S E

<u>General Plan</u>	High Density Residential	
<u>Zoning</u>	RH, Residential High Density	
<u>Land Use</u>	<u>Existing</u>	<u>Proposed</u>
	4,692 sq. ft. Tri-plex	4,905 sq. ft. Tri-plex
<u>Neighboring Zoning/Land Uses</u>	RH/ Multi-Family Residential	

PROJECT DETAILS

	<u>Proposed</u>	<u>Requirement (Staff Rec)</u>
Parcel Size:	3,499 sq. ft.	2,700 sq. ft. min. 7,000 s.f. max.
Density:	3 units	4 unit max.
Building Floor Area:	4,905 sq. ft.	5,948 sq. ft. max.
Height	35.85 ft. new , 35.85 ft. exist. (*)	30 ft. max.
Parking:	6 encl. spaces	6 spaces (3 enclosed)
Vehicle Access	1 Highland & 1 Crest	N/A
Setbacks		
Front (east)	2 ft. (existing deck)	5 ft. min
Rear (west)	7/2.1 ft. (at-grade/above)	5/2 ft. min
North Side	3.0 ft.(existing)	3.33 ft. min.
South/Corner Side	3.6 ft.	3.33 ft. min.

(*) – Existing rear building does not conform to current maximum height calculation based on entire site instead of previous separate building height calculation.

BACKGROUND

The subject property was developed with three new dwelling units in 1987. The front three-story building contains two 937 square-foot units and a four-car garage. The rear three-story building contains one 2,784 square-foot unit, plus 796 square feet of basement area, and a two-car garage. The rear building on the subject property has been partially remodeled without building permits and is currently under a stop work order issued by the Community Development Department. Aside from primarily finish remodel work being done, a small addition was done filling in an existing upper level deck. A Minor Exception application was submitted subsequently for further work attaching the two nonconforming buildings, however a Variance application is required to retain the upper level addition since it exceeds the current height limit. The applicant chose to pursue Planning Commission approval of a Variance rather than remove this addition to gain Staff approval of a Minor Exception for the lower addition area. The site is located within the non-appealable portion of the Coastal Zone but the remodel project does not require approval of a Coastal Development Permit.

DISCUSSION

The submitted plans show a remodel of an existing detached rear unit on a three-unit, three-story, beach area property that includes two separate addition areas. Both additions occur in the mid-portion of the site within, or near, the existing yard separating the rear unit from the front two-unit building on the property. A lower 159 square-foot addition primarily on the north side would attach the buildings together by bridging over part of the separation yard, while the upper addition would fill in 53 square feet of deck area along the south side yard.

The lower addition, which includes added deck area for open space compliance, could be administratively approved with a Minor Exception pursuant to MBMC Section 10.84.120 as “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”. The Planning Commission can approve the Minor Exception as a component of its Variance approval or denial.

The proposal for the upper addition to exceed the 30-foot height limit by 5.85 feet is not eligible for Minor Exception approval even though it matches the existing upper floor roof line. Minor Exceptions are available to projects matching existing nonconforming setbacks, but not for height. Section 10.68.030(E)(3) of the zoning code allows the existing nonconforming height to remain in place, even for a major remodel project, but does not provide for new nonconforming construction.

The height limit history pertaining to this property is as follows:

- The maximum height limit has always been 30 feet to Staff’s knowledge.
- The height measurement during the 1980’s, when the site was developed, was done separately for each building from the average grade estimated at the center of each building. The original height calculations for this site are attached.
- A similar separate-building height calculation was implemented in 1991 (ZORP).
- A ballot initiative in the mid 1990’s eliminated the separate-building height calculation requiring all development to follow the 4-corner average grade measurement across the entire site, resulting in a substantially lower maximum height elevation for a building located on the higher portion of its site compared to the previous methods.
- The rear/upper building on the subject site became nonconforming for height as a result of the ballot initiative.

Variance Findings:

In order to grant the variance request, Section 10.84.060(B) of the zoning code requires that the Planning Commission make required findings. These findings are as follows:

1. Special circumstances applicable to the subject property, including narrowness and hollowness or shape, 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.
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.

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

The subject parcel does not have obvious physical hardships in that it is a fairly standard rectangular Highland Avenue lot. The most apparent physical limitation to the property is that the owner cannot add to the existing upper story within the horizontal building envelope since it was rendered nonconforming by amended zoning regulations. It should be noted that the previous height methodology would have permitted the upper addition only if the lower addition (building attachment) did not occur. The mid-lot location and small size of the addition appear to limit potential adverse effects upon surrounding neighbors. The southerly abutting property that appears to be most directly affected by the proposal is understood to be owned by applicant family members.

Some General Plan goals and policies that the Planning Commission might determine to be relevant to its decision on this application include the following:

Goal LU-1: Maintain the low-profile development and small-town atmosphere of Manhattan Beach.

Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics.

Housing Policy 1.3: The City will continue to support a diversity of housing types to accommodate existing and future needs.

Public Input:

Staff has received no responses to the project notice published in the Beach Reporter newspaper, and mailed to surrounding property owners.

CONCLUSION

Staff recommends that the Planning Commission accept public hearing testimony, discuss the project issues, and determine if the Variance findings discussed above can be made for the proposal. Staff will return with an appropriate Resolution for Variance/Minor Exception approval, or Variance Denial.

ENVIRONMENTAL REVIEW

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15301.

Attachments:

- A. Vicinity map/photo
- B. Previous height calculations
- C. Applicant material

Plans (separate)

- c: Antonina Armato, Property Owner
Luis Murillo, Architect
Elizabeth Srouf, Applicant Representative

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2505 Crest Drive
Vicinity

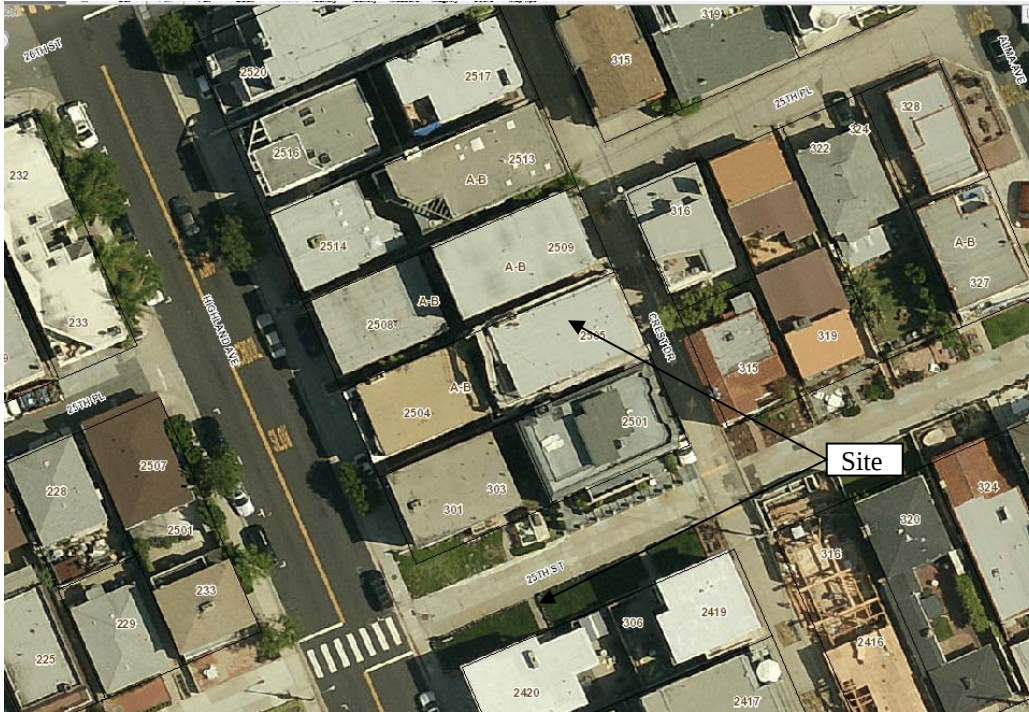


EXHIBIT A
PC MTG 6-13-12

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16.

Show public right-of-way improvements or lack of sidewalk, curb, gutter, or driveway apron (existing or proposed). Show what is between property line and street asphalt, such as dirt, bricks, grass.

A-1

17.

Note location of and dimension of the trash area. Each dwelling unit requires space for a minimum of four 35-gallon, 18-inch diameter trash cans. Note asphalt or concrete base with 5-foot high fence/gates surrounding said area or trash may be located in the garage if refuse area does not intrude into required interior dimension of garage.

A-2

18.

Provide undergrounding of utilities per M.C. 9-4.161. Show location of power pole.

(a) Note on plans underground to power pole per Public Works Department handout ST-13.

A-1

(b) Note on plans stub out to property line for future undergrounding of utilities.

A-1

19.

Topographic survey signed by Licensed Land Surveyor or Civil Engineer required. Provide relative elevation of four corners of lot and at least one finished floor per attached sheet z-4.

A-1

20.

Height calculation: High elev. (1) 23.3 - Low elev. (2) 10.5 = (3) 12.8 ÷ Average lot length (4) 11.2 = slope differential (5) 1.14. Overall building length (6) 11.2 ÷ two = (7) 5.6 + distance to low elevation from building (3) 5 = (9) 10.6 x (5) 1.14 = 12.18. (10) 10.6 + (2) 10.5 = average elev. at bldg. center line (11) 10.55 + maximum height (12) 30 = maximum allowable height elevation (13) 40.55.

The building height exceeds the maximum height of 40.55.

22.

On one longitudinal section show the following information and notes even though such improvements may not be proposed at this time.

(a) The maximum allowable height elevation.

(b) The actual height elevation including roofing.

(c) The finished floor elevation at grade level.

(d) The measurement in feet and inches between the finished floor elevation at grade level and actual building height including roofing.

(e) The dimension above the roofing if there are any roof parapets, guardrails, skylights, and solar panels.

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improvements within public right-of-way." This includes, but is not limited to, standard sidewalks, curbs, gutters, driveway approaches, or undergrounding of utilities.

16. Show public right-of-way improvements or lack of sidewalk, curb, gutter, driveway apron (existing or proposed). Show what is on property line and street asphalt, such as dirt, brick, grass.
17. Note location of and dimension of the trash area. Each dwelling unit requires space for a minimum of four 35-gallon, 18-inch diameter trash cans. Note asphalt or concrete base with 5-foot high fences/gates surrounding said area or trash may be located in the garage if refuse area does not intrude into required interior dimension of garage.
18. Provide undergrounding of utilities per M.C. 9-4.161. Show location of power pole.
- (a) Note on plans underground to power pole per Public Works Department handout ST-13.
- (b) Note on plans scrub out to property line for future undergrounding of utilities.
19. Topographic survey signed by Licensed Land Surveyor or Civil Engineer required. Provide relative elevation of four corners of lot and at least one finished floor per attached sheet z-4.
20. Height calculation: High elev. (1) 123.3 - Low elev. (2) 100.8 = (3) 22.5 ÷ Average lot length (4) 104.975 slope differential (5) 195.2845. Overall building length (6) 46.5 ÷ two = (7) 23.25 + distance to low elevation from building (3) 56.5 = (9) 79.75 × (5) 195.2845 = (10) 15.57 + (2) 100.8 = average elev. at bldg. center line (11) 116.37 + maximum height (12) 32 = maximum allowable height elevation (13) 148.37
21. The building height exceeds the maximum height of _____.
22. On one longitudinal section show the following information and notes even though such improvements may not be proposed at this time.
- (a) The maximum allowable height elevation.
- (b) The actual height elevation including roofing.
- (c) The finished floor elevation at grade level.
- (d) The measurement in feet and inches between the finished floor elevation at grade level and actual building height including roofing.
- (e) The dimension above the roofing if there are any roof parapets, guardrails, skylights, and solar panels.

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ATTACHMENT TO APPLICATION FOR VARIANCE APPLICATION
2505 CREST DRIVE (ARMATO)

The owner proposes a minor addition to her existing residence which then results in the joining of two separate buildings on her property. The site is a steeply sloping lot (approximately 20-23' west to east) and presently contains two separate buildings. With the addition, which includes the enclosure of a 53 sf exterior deck on the upper, and merger of the two buildings, the easterly structure becomes non-conforming based on current formula for determining maximum permitted height. It is the roof element of this 4' x 13'4" deck that would now exceed the permitted height.

The property was developed in 1988-89 based on then applicable zoning standards for the R-3 zone. At that time, a different height measurement calculation applied which determined height based on each separate building. Based on current standards, the maximum height of the subject structure would be 242.96 whereas the existing height is 248.81.

FINDINGS

1. The unique aspects relate to the steeply sloping lot and fact that the property was developed under previous zoning standards that no longer are in effect. The addition of 212+ sf is quite small and has been designed to utilize the basic elements of the existing structure. The structure in excellent overall condition, and compliance with the Code would require very substantial demolition and reconstruction of the building. The actual area of non-compliance is the proposed roof element of the 4'x13'4" deck on the upper level.
2. The additional new area is located within the interior of the property, between the two buildings and utilizes, for the most part, structural area that already exists. This will not change the relationship of the building to the front structure nor will there be any significant change in the relationship to adjacent structures. This enclosed deck on the south side of the upper level may actually be beneficial to the adjacent neighbor as it eliminates some of the exposed open area immediately adjacent to this residence. The remodeled areas relate directly to the owner's residence and do not result in any negative or unattractive physical components to interfere with or obstruct adjacent uses.
3. The residence will comply with all other zoning code standards – consideration of a Variance is required to address the height issue. This is an existing structure located in a neighborhood in which there are other structures of similar configuration and height. The proposed additional floor area of 212+ sf, including the proposed deck enclosure, does not significantly change the existing structure nor does it result in a disadvantageous situation for other neighboring structures.

Overall development and use of the entire property complies with provisions of the RH zoning classification and is consistent with the high density residential land use designation. The proposed development will not compromise that compliance and thus is in substantial conformance with the purpose, intent and provisions of the General Plan.