



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only

Date Submitted:

Received By:

F&G Check Submitted:

RECEIVED

2018 MAY -8 AM 11:45

CITY CLERK'S OFFICE
MANHATTAN BEACH, CA

1208 STRAND, MANHATTAN BEACH, CALIF
Project Address
See City App
Legal Description

General Plan Designation

Zoning Designation

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, ME, etc.)

☐ Minor Development (Public Hearing, if requested)

☐ No Public Hearing Required

Submitted Application (check all that apply)

☐ Appeal to PC/PPIC/BBA/CC	4225	☐ Use Permit (Residential)	4330
☐ Coastal Development Permit	4341	☐ Use Permit (Commercial)	4330
☐ Continuance	4343	☐ Use Permit Amendment	4332
☐ Cultural Landmark	4336	☐ Variance	4331
☐ Environmental Assessment	4225	☐ Park/Rec Quimby Fee	4425
☒ Minor Exception	4333	☐ Pre-application meeting	4425
☐ Subdivision (Map Deposit)	4300	☐ Public Hearing Notice	4339
☐ Subdivision (Tentative Map)	4334	☐ Lot Merger/Adjust./\$15 rec. fee	4225
☐ Subdivision (Final)	4334	☐ Zoning Business Review	4337
☐ Subdivision (Lot Line Adjust.)	4335	☐ Zoning Report	4340
☐ Telecom (New or Renewed)	4338	☐ Other	

Fee Summary: (See fees on reverse side)

Total Amount: \$ 500.00 (less Pre-Application Fee if applied within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

Maya E. Soderstrom

Name

6 Morgan Lane, Rolling Hills Calif 90274

Mailing Address

Neighbor

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

MAYA SODERSTROM

310-227-4303

Contact Person (include relation to applicant/appellant)

Phone number / email

6 Morgan Ln, Rolling Hills Ca 90274

Address

Maya E. Soderstrom

Applicant(s)/Appellant(s) Signature

Phone number / email

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

See 1208 Application

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)

OWNER'S AFFIDAVIT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I/We MAYA SODERSTROM 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).

MAYA SODERSTROM
Signature of Property Owner(s) - (Not Owner in Escrow or Lessee)

MAYA SODERSTROM
Print Name

6 Morgan Lane, Rocking Hills Calif.
Mailing Address

310-227-4303
Telephone/email

Subscribed and sworn to (or affirmed) before me this 1st day of May, 2018
by Peter G. Haroun, proved to me

on the basis of satisfactory evidence to be the person(s) who appeared before me.

Peter G. Haroun
Signature

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 Division for assistance.) Fees are subject to annual adjustment.

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

Coastal Development Permit

Public hearing - no other discretionary approval required: \$ 4,787 ☒
Public hearing - other discretionary approvals required: 2,108 ☒
No public hearing required - administrative: 1,303 ☒

Use Permit

Use Permit: \$ 6,287 ☒
Master Use Permit: 9,703 ☒
Master Use Permit Amendment: 5,037 ☒
Master Use Permit Conversion: 4,623 ☒

Variance

Filing Fee: \$ 6,078 ☒

Minor Exception

Without notice: \$ 1,452 ☒
With notice: 1,952 ☒

Subdivision

Certificate of Compliance: \$ 1,625 ☒
Final Parcel Map + mapping deposit: 528 ☒
Final Tract Map + mapping deposit: 732 ☒
Mapping Deposit (paid with Final Map application): 500 ☒
Merger of Parcels or Lot Line Adjustment: 1,133 ☒
Quimby (Parks & Recreation) fee (per unit/lot): 1,817 ☒
Tentative Parcel Map (4 or less lots / units) No Public Hearing: 1,309 ☒
Tentative Parcel Map (4 or less lots / units) Public Hearing: 3,557 ☒
Tentative Tract Map (5 or more lots / units): 4,060 ☒

Environmental Review (contact Planning Division for applicable fee)

Environmental Assessment (no Initial Study prepared): \$ 215 ☒
Environmental Assessment (if Initial Study is prepared): 3,079 ☒
Fish and Game/CEQA Exemption County Clerk Posting Fee²: 75 ☒

☒ Public Hearing Notice 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: \$ 70

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

1 **DIANA L. COURTEAU (SBN 113442)**
2 **COURTEAU & ASSOCIATES**
3 **courteau-associates@msn.com**
4 **P.O. Box 2022**
5 **El Segundo, CA 60245**
6 **Tel: (310) 376-4382**
7 **Fax: (310) 376-3482**

8 Attorneys for:
9 Appellant, 1212 THE STRAND

10 **CITY OF MANHATTAN BEACH**

11 1212 THE STRAND)

12 Appellant,)

13 v.)

14 1208 THE STRAND, UNITS A, B,)
15 AND C)

16 Applicants.)

17 -----)
18 CITY OF MANHATTAN BEACH,)
19 COMMUNITY DEVELOPMENT)
20 DEPARTMENT)

1 COMES NOW, Appellant, 1212 The Strand (hereinafter "1212"), and Appeals to MB
2 City Council the City of Manhattan Beach (hereinafter "CMB"), Community Development -
3 Approval of Minor Exception – Amendment (hereinafter "AMEA") of 1208 The Strand, units A,
4 B, and C, (hereinafter "1208"), and Appeal basis includes: (1.) 1208 is new construction, and
5 not "alterations and remodel ...", and does not qualify as a Minor Exception - and should not be
6 permitted the multiple non-conformities under Manhattan Beach Municipal Code (hereinafter
7 "MBMC") § 10.84.120;

8 (2.) New construction entails significant material structural and other changes not
9 allowed as Minor Exception. The original 1208 square footage, in year 2000, was 4,617 square
10 feet. The AMEA's square footage of 4,460 is *incorrect*, "183 square feet of living area was [sic]
11 removed from Unit C to expand the existing west facing deck in the front setback for a total
12 square footage of 4,460 square feet for all three units, after the reduction." The actual total
13 square footage is 4,434 *not* 4,460. The AMEA states, "a) The proposed project will be
14 compatible with properties in the surrounding area since the building size is below the maximum
15 allowable size permitted for the area district and *there is no increase in square footage*
16 *proposed*." The AMEA shows square footage *has been increased* by 26 square feet. The AMEA
17 statement, "b) The project will not be detrimental to surrounding neighbors..." is unsupported by
18 the "revised plans dated January 18, 2018". The AMEA statement, "b) The third-floor deck
19 projection into the front yard setback for Unit C will reduced by 2'8" and brought closer into
20 compliance for maximum allowable deck projection" is *not* "compliance" within Chapter 10.68.
21 The front yard deck reduced by 2'8" is *not* in compliance with the Building Code, nor is there
22 any language within AMEA supporting a mere reducing of 2'8' other than the Director of
23 Community Developments assertion of the Director's own subjective standard of "*reasonable*";

24 (3.) The percentage of changes represented by 1208 at 47% then 67% is inaccurate and
25 misleading;

26 (4.) Ongoing misrepresentations by 1208 to the CMB and both neighboring
27 properties;

1 (5.) The new staircase and structural beams at 1208 are moved under the plans onto the
2 property boundary of 1212 and interferes with 1212 access ingress and egress. The new
3 construction, horizontal steel "I" beam protrudes over the property line of 1212, and into the
4 property of 1212.¹ The stairs were moved by 1208 to a lower level and now go down to the
5 public beach, not there previously at 1208.

6 (6.) The approval of Minor Exception by the CMB is interplete with inaccuracy including
7 the statement, "b) The project will not be detrimental to surrounding neighbors ..." in light of
8 significant and material structural and other changes at 1208; including affecting 1212 boundary
9 property line, ingress and egress, new stairs of 1208 and down to public beach, and safety access.
10 MBMC 10.12.010(c.) "Protect adjoining single-family residential districts from excessive loss of
11 sun, light, quiet, and privacy resulting from proximity to multifamily development." The "new
12 staircase" and the "new entry door on the second floor" is in violation of 10.12.010 – Specific
13 purposes.

14 (7.) To require 1208 conform with the existing Building Code requirements is not
15 impractical and;

16 (8.) Conformity with the existing Building Code would not be unreasonable. The phrase
17 "d) Existing nonconformities will not be brought into conformance since required conformance
18 *would not be reasonable*" used by the Director of Community Development is not found within
19 Chapter 10.68 nor within the CMB Building Code. The employment of a standard "*reasonable*"
20 is outside the four corners of Section 10.84.120 of the Manhattan Beach Municipal Code.
21 "Applicable Criteria 3. "... however non-conformities shall be brought *closer to or in*
22 *conformance with current Zoning requirements to the extent that is reasonable and*
23 *feasible...*" is language which is not consistent with the General Plan, nor consistent with the
24 intention of the Zoning Code. The use of phrase "*reasonable and feasible*" does not appear
25 within the CMB Building Code.

26 3.

27 ¹ The CMB Community Development Department knows this new horizontal steel beam
28 protrudes over the property boundary line of 1212.

1 (9.) The AMEA appears to represent a conflict of interest and bias by the CMB in favor of
2 1208 and against 1212. Particularly in light of the fact 1212 wrote to CMB on January 2, 2018. On
3 January 11, 2018, Ms. Lisa Kranitz, Esq. wrote back to 1212, "This letter is response to your
4 correspondence to the City of Manhattan Beach dated January 2, 2018 regarding the construction at
5 my clients' building at 1208 The Strand. *Coincidentally, I was meeting with the Community*
6 *Development Director when this letter arrived.*" Ms. Kranitz's letter is troubling for the following
7 reasons: 1.) The letter was not written to Ms. Kranitz, 2.) Ms. Kranitz copied the Director of
8 Community Development, who never denied meeting with Ms. Kranitz, 3.) The Director of
9 Community Development has denied she had a meeting with 1208, and 4.) The Director of
10 Community Development refused to meet with 1212. On February 6, 2018, 1212 had a meeting
11 with Mr. Heise and Ms. Jester. At this meeting both Mr. Heise and Ms. Jester stated the 1208 Plans
12 needed "weeks maybe months before approval" and "the Fire Chief had not reviewed the Plans".
13 On February 7, 2018, the Director of Community Development stated, in writing, *she did not meet*
14 *with 1208, and was discourteous and dismissive to the 1212 request. Within a mere twenty-four*
15 *(24) business hours, on February 13, 2018 the AMEA was drafted by the Director of Community*
16 *Development but not until seven (7) days later, February 20, 2018, was a copy provided to 1212.*

17 (10.) Commissioner Stewart Fournier refused to recuse himself before or during the hearing
18 knowing Commissioner Benjamin Burkhalter recused himself at the outset. Stewart Fournier heard
19 Benjamin Burkhalter state that he knew one of the parties of the 1208 The Strand property. Stewart
20 Fournier has been a real estate agent for 34 years in Manhattan Beach and has known John
21 Altamura for over 30 years. Stewart Fournier walked into the chamber, stopped and shook John
22 Altamura's hand. He did not greet any of the representatives of 1212 The Strand. During the hearing
23 Stewart Fournier smiled a look at John Altamura on a number of occasions. Stewart Fournier asked
24 only questions designed to support 1208 The Strand. One question in particular to Ms. Courteau and
25 deliberately reversed the burden on 1212 The Strand asking Ms. Courteau if she had any proof that
26 the new construction was greater than 90% when Stewart Fournier knew and had already been
27 informed by Kenneth B. Bley that the ten percent (10%) of the existing structure was the burden of

1 1208 The Strand NOT the burden of Ms. Courteau or 1212 The Strand. It was clear during the
2 hearing that Stewart Fournier was 100% biased against 1212 The Strand and 100% for his friend
3 and business associate John Altamura. Moreover, Stewart Fournier's questioning of Ms. Courteau,
4 was designed completely to support his friend John Altamura and no doubt influenced the other
5 three (3) commissioners.

6 It would not have been in Stewart Fournier's interest, as an investor, developer, buyer and
7 seller of properties in Manhattan Beach to vote against the City's Director of Community
8 Development. Stewart Fournier had a duty to recuse himself as did Benjamin Burkhalter and
9 refused to do so to assist his friend and business associate John Altamura (the owners include two
10 long term realtors in Manhattan Beach).

11 (11.) No evidence has been provided by 1208 The Strand that demonstrates that ten percent
12 10% of the existing structure, is currently being maintained, a condition that must be satisfied to
13 allow approval of the amendment by the City. The fact that the Director of Community
14 Development approved the Minor Exception without compliance with the Manhattan Beach
15 Municipal Code is alarming and further supports bias on the part of the Director of Community
16 Development. Without having complied with the Manhattan Beach Municipal Code demonstrating
17 that ten percent 10% of the existing structure, is currently being maintained, Commissioner Sandra
18 Seville-Jones bent over backwards praising the Director of Community Development and her
19 Planning Staff for doing an outstanding job when it is virtually impossible for the Director of
20 Community Development to have complied with § 10.84.120(G)(3). The burden of proof by statute
21 is on 1208 The Strand, yet the City Director and Planning Commission have disregarded the law
22 regarding burden of proof required in MB.

23 (12.) Where 1212 The Strand is entitled to appeal the hearing before the MB City Council
24 within 60 days after filing this appeal a date at the outside of 60 days, mid to late June, is requested
25 to have an architect review the plans of 1208 The Strand. 1212 The Strand requests a hearing in mid
26 or late June and that the hearing before the MB City Council for 1200 Cherry Oca and 1212 The
27 Strand both take place on the same date.

1 (13.) The Director of Community Development and the Planning Commission allowed 1208
2 The Strand to show photographs that were not authenticated and without foundation and clearly
3 portrayed new stairs and not the original older stairs in a deliberate inaccurate misrepresentation of
4 the old stairs.

5 1212 reserves all rights and remedies to augment and supplement these Appeal grounds and
6 supplement this Appeal with additional documents. All further challenges and remedies, regarding
7 this construction, are Reserved.

8
9 Dated: May 8, 2018

Respectfully submitted,

10 COURTEAU & ASSOCIATES

11 By /s Diana L Courteau
12 DIANA L. COURTEAU
13 Attorney for Appellant,
14 1212 THE STRAND
15
16
17
18
19
20
21
22
23
24
25
26