

1 RESOLUTION NO. PC 12-05

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 MANHATTAN BEACH DENYING A VARIANCE APPLICATION REQUESTING
4 RELIEF FROM THE MAXIMUM ALLOWABLE BUILDING HEIGHT AT 2505
CREST DRIVE
(Armato)

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

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

- 9 A. The Planning Commission of the City of Manhattan Beach conducted a public hearing pursuant to
10 applicable law on June 13, 2012, to consider an application for a Variance for the property legally
11 described as Lot 9, Block 20, Peck's Manhattan Beach Tract, located at 2505 Crest Drive (aka 2404
12 Highland Ave) in the City of Manhattan Beach.
- 13 B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- 14 C. The applicant/owner for the Variance application is Antonina Armato.
- 15 D. The applicant's proposal includes adding 53 square feet of living area enclosing an original deck
16 area at the south side of the existing on the 3rd Story building matching the existing roofline that is
17 approximately 5.85 feet above the maximum height limit. Additionally, the proposal includes lower
18 level construction that involves attaching the subject building to a front building, which is separately
19 eligible for Minor Exception application.
- 20 E. The existing structure was constructed in 1987 when the 30-foot height limit was measured from an
21 average grade calculated separately for each building. The building is now nonconforming since the
22 30-foot height for all buildings on the site is currently measured from a single average grade of the
23 entire site, measured from the average of the four corners of the site.
- 24 F. The requested Variance would grant relief from Section 10.12.030 establishing the 30-foot height
25 limit for RH, Area District III properties, as related to the 4-corner height measurement method
26 established by Section 10.60.050.
- 27 G. The General Plan designation for the property is High Density Residential. The zoning designation is
28 RH, Residential High Density, and is located within Area District III.
- 29 H. The property is located within the non-appealable portion of the City's Coastal Zone, although the
30 project is exempt from a Coastal Development Permit pursuant to the Manhattan Beach Local
31 Coastal Program.
- 32 I. The Project is Categorically Exempt from the requirements of the California Environmental Quality
Act (CEQA), pursuant to Section 15303 and 15332 based on staff's determination that the project is
a minor development within an urbanized area.
- J. 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.
- K. Pursuant to the Manhattan Beach Municipal Code, Section 10.84.060 B, the following findings must
be made with respect to this Variance application, in order to approve the application:
1. Because of special circumstances applicable to the subject property, including narrowness
and hollowness or shape, exceptional topography, 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.

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.
- L. The Planning Commission could not make the required variance findings due to the following determination:
1. There are no special circumstances applicable to the subject property, including narrowness and hollowness of shape, exceptional topography, or exceptional situations or conditions, where 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. While the site has a substantial slope, and exists with a building constructed under a previous height measurement method, the property is fairly typical for the area. The current height measurement method established by ballot initiative was intended to reduce maximum building heights specifically for similar sites in the subject area. Additionally, there is no undue hardship with the proposed addition not occurring at the upper level since matching that level's roofline substantially exceeds the current allowable height elevation, and lower level additions or other building modifications are available to the applicant, which do not require a Variance.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **DENIES** the subject Variance application.

SECTION 3. Section 1094.6 of the California Code of Procedure governs the time within which judicial review, if available, of the decision reflected in this resolution must be sought, unless a shorter time is provided by other applicable law. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant, at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by California Code of Civil Procedure Section 1094.6.

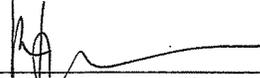
I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of **June 27, 2012** and that said Resolution was adopted by the following vote:

AYES: Chairperson Andreani, Conaway,
Vice-Chair Gross, Paralusz

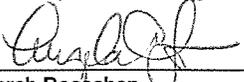
NOES: None

ABSTAIN: None

ABSENT: Ortmann



RICHARD THOMPSON,
Secretary to the Planning Commission



Sarah Boeschen
Recording Secretary