



MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

Office Use Only

Date Submitted:

Received By:

F&G Check Submitted:

2912 OCEAN DRIVE

Project Address

SE 23RD OF LOT 4, BLOCK 5, PECKS MANHATTAN BEACH TRACT

Legal Description

HIGH DENSITY RESIDENTIAL

RH

III

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	\$500	☐ 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: \$ _____ (less Pre-Application Fee if applied within past 3 months)

Receipt Number: _____ Date Paid: _____ Cashier: _____

Applicant(s)/Appellant(s) Information

LISA TAYLOR

Name

116 30TH STREET, MANHATTAN BEACH, CA 90266

Mailing Address

ADJACENT PROPERTY OWNER

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

STEVE KAPLAN, ATTORNEY FOR APPELLANT. TEL: 518-321-9575

Contact Person (include relation to applicant/appellant)

Phone number / email

16133 VENTURA BLVD., STE. 700 FRENCO, CA 91436

Address

X Lisa H. Taylor

Applicant(s)/Appellant(s) Signature

Phone number / email

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

APPELLANT APPEALS THE DECISION OF THE
PLANNING COMMISSION BASED UPON ERRORS MADE
IN THE APPLICATION OF THE PROVISIONS OF
MDMC SECTIONS 10.65.030 AND 10.84.010

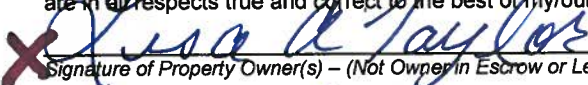
¹ An Application for a Coastal Development Permit shall be made prior to, or concurrent with, an application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. (Continued on reverse)

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 LISA TAYLOR being duly sworn,
depone 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).

 LISA TAYLOR
Signature of Property Owner(s) – (Not Owner in Escrow or Lessee)

LISA TAYLOR
Print Name

116 30TH STREET, MANHATTAN BEACH, CA 90266
Mailing Address

Telephone/email

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20____

by _____, proved to me

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

Signature _____
Notary Public

SEAL

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	✉
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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 Fee ² :	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)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 }

On 06/27/2018 before me, Raegan Ashley Willis, Notary Public
.Date Here Insert Name and Title of the Officer

personally appeared Lisa Taylor
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Raegan Willis*
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

JOINS
E
ENTS

July 10, 2018

City Council
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

RE: Variance for a Remodel/Addition to a Nonconforming House ("Project")
2912 Ocean Drive ("Project Site")

Members of the Manhattan Beach City Council:

The undersigned represents appellant Lisa Taylor, the owner of the property directly to the east of the Project Site.

This letter is submitted in opposition to the granting of the subject variance ("Variance") approved by the Manhattan Beach Planning Commission on June 13, 2018.

Prior to detailing the basis of our opposition, please be advised that the undersigned and my client fully acknowledge the unique circumstances faced by the applicant in attempting to remodel his house on a legal nonconforming lot containing nonconforming code standards such as setbacks, open space and parking. Notwithstanding our appreciation of the applicant's situation, and as more fully explained below, it is the position of the appellant that the applicant cannot expand the buildable floor area square footage of his house and add a 3rd floor to his home, either as a remodel or new construction, because, as written, the Manhattan Beach Municipal Code ("MBMC") contains no codified authority for the Planning Commission or City Council to grant him the ability to substantially increase the size of his nonconforming residential structure.

Although both the Community Development Department Staff Report and the findings of the Planning Commission in approving the subject Variance detail the Project's consistency with the Land Use and Housing Elements of the city's General Plan, neither the Planning Commission or the City Council have the legislative authority to allow the expansion and increase in the Project's buildable floor area and square footage for the reasons detailed below.

1. MBMC Section 10.68.030.A states in pertinent part as follows:

"No structure, the use of which is nonconforming, shall be ...enlarged unless required by law, or unless ...enlargement will result in the elimination of the nonconformity.

Exception. Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted provided said enlargement, accomplished cumulatively in one (1) or more projects, does not exceed ten percent (10%) of the total pre-existing buildable square feet occupied by said use that is legally established as of the date of the ordinance codified in this title."

The applicant in the instant matter is requesting the addition of a 3rd floor to his nonconforming structure whereby 427 square feet of additional floor area would be added to the existing 588 square feet of floor area. Said floor area increase represents an approximate increase of 70% to the applicant's nonconforming structure which far exceeds the 10% limitation detailed and permitted by right in Section 10.68.030.A.

The applicant cannot increase the size of his house by right pursuant to MBMC Section 10.68.030.A

2. MBMC Section 10.68.030.F states "Nonconforming structures that would be enlarged or altered in any manner that serves to increase the degree of nonconformity shall not be permitted unless a variance or minor exception is obtained, as appropriate."

MBMC Section 10.84.010 – Purposes states in pertinent part "...Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or location of existing structures thereon; from geographic, topographic, or other physical conditions on the site..."

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards...

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor exceptions are also intended to encourage home remodeling and additions to existing smaller older legal non-conforming homes..."

MBMC Section 10.84.120 entitled Minor Exceptions, and references therein to Section 10.68.030(D), allows and details that certain additions to existing legal nonconforming structures can be approved as a Minor Exception provided that said cited Minor Exception request be processed pursuant to the provisions of Chapter 10.84.

However, absent in the above quoted Purposes provisions of Section 10.84.010 is any codified language allowing for the approval of a variance for the addition of buildable floor area to nonconforming residential structures. In addition, any utilization of the minor exception provisions of Section 10.84.120 to add floor area to a legal nonconforming structure must also respect, and be limited thereby, to the language and provisions of Section 10.84.010.

Therefore, based upon the provisions of the above cited MBMC sections, **the applicant cannot increase the size of his house by utilizing the provisions of the variance and minor exception procedures because the codified language of Section 10.84.010 does not allow**

a variance proceeding to be used to increase the buildable floor area of a nonconforming structure by more than a factor of 10%.

3. In the approval of the subject Variance by the Planning Commission, the Commission found, in pertinent part, that... "Granting the application...will not constitute a grant of a special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district."

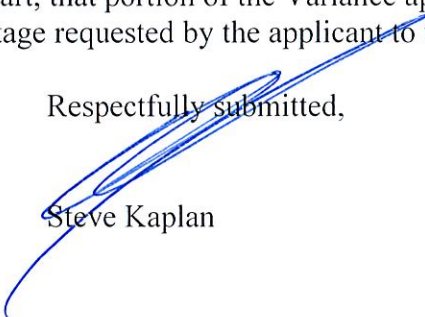
Should the City Council accept the above detailed arguments of the appellant in this matter, namely that there is no legislative authority found in the Manhattan Beach Municipal Code to approve the applicant's request to expand the square footage of his nonconforming structure by a factor of 70%, then the approval by the Commission of the subject Variance is, in fact, a special privilege that has been granted to the applicant because the Commission does not have the legislative authority to grant said approval and no other member of the City of Manhattan Beach community would be so entitled.

In conclusion, the summary of appellant's arguments in opposition to the granting of the subject Variance are as follows:

- The "by right" provisions of MBMC Chapter 68, Section 10.68.030.A only allow for the expansion of a legal nonconforming structure by no more than a factor of 10%.
- To seek an addition of buildable floor area square footage to a nonconforming structure in excess of 10%, the variance and minor exception provisions of MBMC Chapter 10.84, Sections 10.84.010 and 10.84.120 must be utilized.
- The explicit language found in Sections 10.84.010 and 10.84.120 does not provide for, or allow for, the use of the variance and minor exception procedures to seek approval of the expansion of floor area to a nonconforming structure by more than a factor of 10%.
- In granting the subject Variance, the Planning Commission has given the applicant in this matter a special privilege inconsistent with limitations imposed on other properties in the vicinity and in the same zoning and area districts and, most importantly, inconsistent with the codified provisions and language of the Manhattan Beach Municipal Code.

It is the request of the appellant that the City Council sustain the subject appeal and deny, in part, that portion of the Variance approval that would allow the expansion of floor area square footage requested by the applicant to the nonconforming structure located at 2912 Ocean Drive.

Respectfully submitted,



Steve Kaplan