

RESOLUTION NO. PC 16-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
MANHATTAN BEACH APPROVING A VARIANCE TO ALLOW A  
REMODEL/ADDITION TO A NONCONFORMING HOME AT 2615 N. VALLEY  
DRIVE  
(Sai-Tran)**

**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 June 22, 2016 to consider an application for a Variance for the property legally described as Portion of Lot 6, Block 23, Tract No. 1638, located at 2615 N Valley Drive 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 are Kwong Sai and Duyen Tran.

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 open space (Veteran's Parkway across Valley Drive).

E. The General Plan designation for the property and surrounding area is Low Density Residential and Parks/Open Space. 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 applicant requests to remodel the existing nonconforming structure and add square footage on the first and second stories.

G. The front yard setback will continue to be a minimum of 15 feet, as approved by the Board of Zoning Administration in 1965 (Res. No. 65 -18) instead of the required minimum 20 foot front yard setback. The side yard setbacks will be a minimum of 5 feet instead of the required minimum of 6.7 feet. The rear yard setback will be a minimum of 9 feet instead of the required minimum of 12 feet.

H. The proposed construction complies with other applicable standards including maximum building height, maximum buildable floor area, additional front setback on the second story, and parking requirements.

I. 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.

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. 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 triangle shape with 117.15 feet of frontage on N. Valley Drive. Applying the strict application of the Code's development standards to this irregular lot would result in a burdensome buildable envelope and an undue hardship in creating a fluid and functional floor plan for a home on the property. A typical lot in this part of Area District II is 40 feet wide by 116 feet long, and the normal 20 foot setback would take up approximately 17.24% of the lot. A normal 20 foot setback applied to 2615 N. Valley Drive, with the lot's long 117.15 feet of frontage along N. Valley Drive, would create a situation where the area of the required front setback would take up approximately 44.7% of the lot. Furthermore, the Planning Commission's predecessor, the Board of Zoning Adjustment, granted the 15 foot front yard setback in 1965 and identified the lot's shape and long frontage as special conditions that warranted deviation from the prescribed development standards. The lot's extremely long street frontage hasn't changed since 1965 and there is no reason not to continue to maintain the 15 front yard setback requirement.

The lot's shape also creates impracticalities when applying the required side yard setback to the lot, particularly on the northeastern side of the property where relief has been requested. The lot's odd shape and dimensions create an unusual wide property width, as defined by MBMC 10.04.030. The side yard setback, which is derived from the property width, pinches the possible living area within the buildable envelope in the northeastern part of the property as the property tapers off to the east. Allowing some setback relief in this part of the property allows the applicant to have a more coherent floor plan and practical living area.

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 most of its existing footprint and setbacks. The proposed plans are also compatible with neighboring property (2607 N. Valley Drive), as the existing front yard setback matches with the neighbor's front yard setback. The area in what is technically the side yard setback of the northeastern part of the property where the new nonconformity is proposed abuts the neighbor's rear yards, thus leaving substantial space between the new addition and the neighbor's structure in order to insure adequate privacy for both the applicant and the neighbors. Furthermore, the designer has made significant efforts to provide modulation to the structure's front despite the 15 foot front setback, using different depths and textures to give the home architectural character that benefits the neighborhood. The proposed home is also compatible in terms of scale and mass with other neighboring properties, which range from smaller single story homes to larger two-story homes.

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.**

Granting 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 for the subject project.

**SECTION 2.** The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Variance 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 June 22, 2016. 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 Management and Parking 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. The applicant shall remove the portion of the existing front yard wall in the public right of way along N. Valley Drive.
- Procedural**
8. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.010.
9. The Variance 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 applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of the Variance.
13. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The applicant 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 applicant 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 applicant of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the applicant 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 applicant 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 applicant 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 applicant 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 **June 22, 2016** and that said Resolution was adopted by the following vote:

**AYES:** Chairperson Hersman, Ortmann, Bordokas, Apostol.

**NOES:** Conaway.

**ABSTAIN:** None.

**ABSENT:** None.

  
**Marisa Lundstedt,**  
 Secretary to the Planning Commission

  
**Rosemary Lackow,**  
 Recording Secretary

*Rosemary Lackow*