



# MASTER APPLICATION FORM

CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT

## Office Use Only

Date Submitted:

Received By:

F&amp;G Check Submitted:

1208 THE STRAND

Project Address

PARCEL 1, PARCEL MAP NO. 14586, BOOK 158, PP 90-91

Legal Description

HIGH DENSITY RESIDENTIAL

General Plan Designation

RH

Zoning Designation

III

Area District

For projects requiring a Coastal Development Permit, select one of the following determinations<sup>1</sup>:

Project located in Appeal Jurisdiction

☐ Major Development (Public Hearing required)

☐ Minor Development (Public Hearing, if requested)
Project not located in Appeal Jurisdiction
☐ Public Hearing Required (due to UP, Var, ME, etc.)

☐ No Public Hearing Required

## Submitted Application (check all that apply)

<input checked="" type="checkbox"/> Appeal to PC/PPIC/BBA/CC	4225	<u>\$500.00</u>	<input type="checkbox"/> Use Permit (Residential)	4330
<input type="checkbox"/> Coastal Development Permit	4341		<input type="checkbox"/> Use Permit (Commercial)	4330
<input type="checkbox"/> Continuance	4343		<input type="checkbox"/> Use Permit Amendment	4332
<input type="checkbox"/> Cultural Landmark	4336		<input type="checkbox"/> Variance	4331
<input type="checkbox"/> Environmental Assessment	4225		<input type="checkbox"/> Park/Rec Quimby Fee	4425
<input type="checkbox"/> Minor Exception	4333		<input type="checkbox"/> Pre-application meeting	4425
<input type="checkbox"/> Subdivision (Map Deposit)	4300		<input type="checkbox"/> Public Hearing Notice	4339
<input type="checkbox"/> Subdivision (Tentative Map)	4334		<input type="checkbox"/> Lot Merger/Adjust./\$15 rec. fee	4225
<input type="checkbox"/> Subdivision (Final)	4334		<input type="checkbox"/> Zoning Business Review	4337
<input type="checkbox"/> Subdivision (Lot Line Adjust.)	4335		<input type="checkbox"/> Zoning Report	4340
<input type="checkbox"/> Telecom (New or Renewed)	4338		<input type="checkbox"/> 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

1200 Cherry Occ, LLC

Name

JENNIFER MESSER, 21440 VENTURA BLVD. WOODLAND HILLS 91364

Mailing Address

OWNER

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

KEN BLEY, ESQ. (ATTORNEY) 310-284-2231 kbley@coxcastle.com

Contact Person (include relation to applicant/appellant)

Phone number / email

2029 CENTURY PARK EAST, SUITE 2100, LOS ANGELES 90067

Address

Applicant(s)/Appellant(s) Signature

Phone number / email

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

THIS INVOLVES AN APPEAL OF  
THE PLANNING COMMISSION'S DECISION TO  
UPHOLD THE COMMUNITY DEVELOPMENT  
DIRECTOR'S DECISION TO APPROVE A MINOR EXCEPTION

<sup>1</sup> 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 1200 Cherry Oca, LLC 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).

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

JENNIFER MESSER, MANAGING MEMBER

Print Name

21440 VENTURA BOULEVARD, WOODLAND HILLS, CA 91364

Mailing Address

818-346-9222

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 <sup>2</sup> :	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

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



Cox, Castle & Nicholson LLP  
2029 Century Park East, Suite 2100  
Los Angeles, California 90067-3284  
P: 310.284.2200 F: 310.284.2100  
Kenneth B. Bley  
310.284.2231  
kbley@coxcastle.com

File No. 79503

May 4, 2018

Liza Tamura  
City Clerk  
1400 Highland Avenue  
Manhattan Beach, CA 90266

Re: Appeal of the Grant of the Minor Exception Amendment for 1208 The Strand

Dear Ms Tamura:

My client, 1200 Cherry Oca, LLC, is appealing the Planning Commission's April 25, 2018, denial of an appeal which challenged the approval of an amendment to a Minor Exception granted for the structure located at 1208 The Strand. Accordingly, please find enclosed the following:

1. A Master Application Form for the appeal;
2. 1200 Cherry Oca's check for \$500; and
3. Ten copies of a letter to the City Council explaining the basis for 1200 Cherry Oca's appeal.

Please let me know when the City Council will hear the appeal.

Very truly yours,

  
Kenneth B. Bley

079503\9678081v1

RECEIVED  
2018 MAY -4 PM 3:16  
CITY CLERK'S OFFICE  
MANHATTAN BEACH, CA





Cox, Castle & Nicholson LLP  
2029 Century Park East, Suite 2100  
Los Angeles, California 90067-3284  
P: 310.284.2200 F: 310.284.2100  
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RECEIVED

2018 MAY -4 PH 3:16

CITY CLERK'S OFFICE  
MANHATTAN BEACH, CA

File No. 79503

May 4, 2018

City Council  
1400 Highland Avenue  
Manhattan Beach, CA 90266

Re: Appeal of the Grant of the Minor Exception Amendment for 1208 The Strand

Dear Mayor Howorth and Honorable Members of the City Council:

### INTRODUCTION

The owners of the nonconforming building located at 1208 The Strand applied for an amendment to the Minor Exception granted in 2014. The approval granted by the Director of Community Development was appealed to the Planning Commission which denied the appeal on April 25, 2018. My client, 1200 Cherry Oca, LLC, the owner of a nearby home, has appealed the Commission's denial.

The basis for the current appeal is that there is nothing that has been provided, either to the Commission or to those who question the Director's approval of the amendment to the Minor Exception, that demonstrates that 10% of the existing structure, based on project valuation, is currently being maintained, a condition that must be satisfied to allow approval of the amendment. 1200 Cherry Oca therefore asks that its appeal be granted as a result of the complete absence of evidence to demonstrate the value of the existing structure, a mere shell of the building, satisfies the requirement of the Manhattan Beach Municipal Code.

### **NO EVIDENCE HAS BEEN PROVIDED TO SUPPORT A FINDING OF COMPLIANCE WITH THE CONDITION WHICH REQUIRES THAT AT LEAST 10% OF THE VALUE OF THE BUILDING REMAIN BEFORE THE AMENDMENT TO THE MINOR EXCEPTION CAN BE APPROVED**

The owners of the nonconforming building located at 1208 The Strand received building permits on February 27, 2017, for work having a value of \$382,811.35. A building permit for additional work was issued on June 1, 2017. However, the owners' contractor did extensive additional work – work not covered by either building permit – by removing all interior drywall, removing and replacing stud walls and adding shear walls without obtaining the required building permit. As a result, the City issued a stop work order on August 22, 2017. There was nothing in the staff report provided to the Commission that showed the value of the work done under the building permit issued in June or that of the additional unpermitted work.

The Director of Community Development stated in her approval of the amendment to the Minor Exception that the value of the building is \$840,514.98 with a valuation of the remaining portion of the building being \$126,000. There is nothing in the approval or in the staff report provided to the Commission that supports the valuation of the existing structure; there is nothing that states whether the valuation was determined before or after the additional unpermitted work was done nor how the valuation was arrived at.

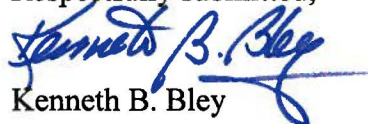
In order to justify the granting of the amendment to the Minor Exemption, Manhattan Beach Municipal Code § 10.84.120(G)(3) requires that a finding be made that "A minimum of ten percent (10%) of the existing structure, based on project valuation as defined in Section 10.68.030, shall be maintained." The staff report submitted to the Commission contained a statement by the Director that § 10.84.120(G)(3) had been complied with. There was nothing in the staff report provided to the Commission to support the Director's statement. A letter had been submitted to the Commission pointing this out and I stated the same thing to the Commission at the hearing. Neither Ms Ochoa, the Associate Planner who presented the appeal to the Commission, nor the Director, who was present at the hearing, provided any evidence to support the Director's statement. Moreover, when we asked to see the file containing documents that might support the Director's statement, we were told that a Public Record Act request would be required. A request was submitted on April 26th, the day after the Commission hearing. No documents have yet been provided in response to the request.

Evidence supporting the Director's finding of compliance with § 10.84.120(G)(3) is crucial because, without it, no alteration of the nonconforming building would be allowed under § 10.68.030(E) if the total cost of all work over the last five years, when added to the cost of the additional work for which a building permit was not issued, exceeds 50% of the total estimated cost of reconstructing the entire building. Recent pictures of the building, showing how little remains of it, is attached. Given that the cost of the previously authorized work exceeded \$380,000, the 50% limit would be exceeded if the valuation of the unpermitted work exceeds \$40,000. In view of the extensive unpermitted work – new walls, including studs and shear walls, had been installed – it is mandatory that the record contain evidence providing a full explanation of what the Director considered, what evidence she had before her and how she determined the valuation of the remaining portions of the building.

### CONCLUSION

Based on all of the foregoing, 1200 Cherry Oca asks that the Council grant the appeal and reverse the approval of the amendment to the Minor Exception.

Respectfully submitted,

  
Kenneth B. Bley

CC: Lisa E. Kranitz, Esq.  
Diana L. Courteau, Esq.







