

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TO: Planning Commission

FROM: Anne McIntosh, Director of Community Development

THROUGH: Eric Haaland, Acting Planning Manager

BY: Ted Fatuross, Assistant Planner

DATE: June 13, 2018

SUBJECT: Variance and Coastal Development Permit for a Remodel/Addition to a Nonconforming Home at 2912 Ocean Drive (Strnad)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT THE PUBLIC HEARING, APPROVE** the request, and **ADOPT** the attached Resolution (Attachment A) approving a Coastal Development Permit and Variance from required setbacks, open space, driveway visibility, and parking based on positive findings of fact.

APPLICANT /OWNER

Jeffrey Strnad
1400 N. Poinsettia Avenue
Manhattan Beach, CA 90266

BACKGROUND

The subject site is an unusually small lot located on the Northeast corner of Ocean Drive and 29th Place (see attached Location map- Attachment B) within the Coastal Zone. The applicant proposes a significant remodel and reconfiguration of an existing nonconforming two story home, as well as a third story addition. The home's existing nonconformities include the front, interior side, and corner side yard setbacks. The home also does not currently meet open space, driveway visibility, and minimum two car parking requirements. The proposed project maintains these nonconformities. The proposed resulting structure will conform to all other code requirements.

LOCATION

<u>Location</u>	2912 Ocean Drive (See Location Map – Attachment B)
<u>Legal Description</u>	SE 23 Feet of Lot 4, Block 8, Peck's Manhattan Beach Tract
<u>Area District</u>	III

LAND USE

General Plan Zoning

High Density Residential
RH, Residential High Density

PROJECT DETAILS

	<u>Proposed</u>	<u>Code Requirement</u>
Parcel Size:	689.3 sq ft (existing)	2,700 sq ft min
Lot Width:	23 ft (existing)	30 ft
Buildable Floor Area:	1,015.62 sq ft	1,171.83 sq ft max
Height:	30 ft	30 ft max
Parking:	1 oversized enclosed space	2 enclosed spaces min
Stories:	3	3 max
Open Space:	124.69 sq ft (existing)	220 sq ft min
<u>Setbacks</u>		
Front:	0.55 – 1.15 ft (existing)	5 ft min
Rear:	5.25 ft	5 ft min
Interior Side:	1.15 – 1.75 ft (existing)	3 ft
Street Side:	0.25 ft	1 ft

DISCUSSION

The existing site consists of a 588 square foot home with a 321 sq ft oversized one car garage located on a substandard 689.31 square foot lot. The lot's dimensions are 23 feet wide by 29.97 feet long.

The existing two-story structure has several nonconformities. The existing front yard setback along Ocean Drive is 0.55 – 1.15 feet, while the minimum required front yard setback is 5 feet. The existing corner side yard setback along 29th Place is .25 feet, while the minimum required street side yard setback is one foot. The existing interior side yard setback is between 1.15 – 1.75 feet while the minimum required interior side yard setback is 3 feet. It should be noted that the subject property has obtained a two-foot access easement on the property to the north (2916 Ocean Drive) of its interior side yard, which the applicant claims acts as an additional setback along the nonconforming interior side yard setback. The existing home also does not provide the minimum amount of required open space.

The applicant proposes a thorough remodel and reconfiguration of the existing first and second floors and the addition of a third story. The remodeling and reconfiguring of the first and second floors will include the removal of the building's stucco and other elements down to the studs, and will require new mechanical, electrical, and plumbing systems. The applicant also acknowledges that he "may be required to change structural members as required if dry rot, termite damage or seismic upgrades are required given [the] age of the home." (Attachment C) The proposed plans maintain the existing nonconforming front, corner side, and interior side setbacks in addition to only providing one over-sized single enclosed parking space instead of the required two full sized enclosed parking spaces.

The proposed plans will maintain the nonconforming 124.69 square feet of open space. The minimum amount of open space required is 220 square feet. The applicant, however, is proposing to add a new 30 square foot balcony projecting into the rear yard setback. The new 30 square foot balcony cannot count towards required open space, as the balcony does not meet the minimum size and dimension requirements for a balcony area to be counted as open space. The new 30 square foot balcony can nevertheless be interpreted as a good-faith effort by the applicant to provide more outdoor space in the design, regardless of whether the balcony counts as open space or not.

Variance Findings

Section 10.84.010 of the MBMC indicates that variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or physical conditions on the site or in the immediate vicinity. The City's Zoning Code, Section 10.84.060 B is based upon State Law and requires that each of the following three findings must be met in order for a Variance to be approved.

These required findings are detailed below:

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;
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; and
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.

Staff suggests the following findings in support of the Variance for the project:

1. The applicant's lot, measuring just 689 square feet, is unusually small when compared to typical Area District III lots. The minimum lot size in Area District III is 2,700 square feet. The majority of lots in Area District III are 30 feet wide by 90 feet long (2,700 square feet), while most lots along The Strand, Manhattan Avenue, Highland Avenue, and Alma Avenue have been subdivided in a 33.33 feet wide by 100 or 105 feet long configuration. There are also many lots in Area District III that are also legal nonconforming half lots, being 30 or more feet wide by 45, 50, or 52.4 feet long (1,350 square feet, 1,500 square feet, or 1,575 square feet, respectively). The applicant's 689 square foot lot is clearly much smaller than the common 1,350 square foot nonconforming half lots found throughout Area District III.

Applying the strict application of the Code's development standards to this unusually small lot would result in a burdensome buildable envelope and an undue hardship on the applicant. Applying the required setbacks to this lot would result in a buildable envelope that would be 19 feet wide by 19.97 feet long, or about 379 square feet. The buildable envelope on a typical Area District III legal nonconforming half lot, for comparison, is 840 square feet; more than double the 379 square foot buildable envelope that would be required on the applicant's lot if no variance was granted. This 379 square foot buildable envelope provides just enough room for a two car garage that meets the minimum garage size requirements.

The applicant has also obtained a two-foot access easement on the neighboring property to the north at 2916 Ocean Drive. This two-foot access easement gives the applicant full access to the rear two feet of the neighboring property to the north, creating a buffer between the applicant's structure and the neighboring property and lessening the impact of the nonconforming 1.15 – 1.75 foot interior side yard setback that the applicant proposes to maintain. This two-foot access easement is a unique attribute of the subject property and could be taken into account when determining the unique "physical conditions" of the site.

The applicant's restrictively small lot and unique access easement on the neighboring property to the north are unique physical conditions that Staff believes justify relief from the code in order to create a more coherent floor plan and practical living area.

2. 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 properties, as the neighboring properties are almost all three stories tall. The applicant's easement on the neighboring property to the north also helps create a permanent buffer between the applicant's property and the property to the north.

Furthermore, the applicant has made significant efforts to provide modulation to the structure's front, 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 two-story duplexes to larger three-story single family homes and condominiums.

3. 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.

The proposed project is consistent with the following General Plan goals and policies:

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.

The designer has made a substantial effort to create articulation in the building's façade by creating different depths and using contrasting wall textures and design features including notches and other architectural details.

LU-3.1- Continue to encourage quality design in all new construction.

The proposed project is an aesthetically interesting design that also provides a practical floor plan.

Housing Element:

Policy 1. Preserve the scale of development in existing residential neighborhoods.

The proposed project's size does not exceed the maximum buildable floor area or maximum height, and is a three-story building surrounded by many other three-story buildings.

Department comments

Other departments had no comments on the project. Standard code requirements and other regulations will be applied during plan check.

Neighbor Response

A notice was published in the paper on May 31, 2018 and mailed to surrounding property owners on May 29, 2018. Staff received one public comment (Attachment D) from a neighbor who opposes the project.

ENVIRONMENTAL REVIEW

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 and 15303 based on staff's determination that the project consists of a remodel/addition to a small structure consisting of one-single family residence that will not have a significant impact on the environment.

CONCLUSION

Staff supports the Coastal Development Permit and Variance request, subject to the recommended conditions, based on the Variance findings stated above, and that the project otherwise: (1) conforms to applicable zoning objectives and development standards, (2) is not expected to have a detrimental impact on nearby properties, and, (3) is consistent with the goals and policies of the General Plan.

Attachments:

- A. Draft Resolution No. PC 18-XX

- B. Location Map
- C. Applicant Material
- D. Public Comment
- E. Proposed Plans, cover sheet dated September 2017

c: Jeffrey Strnad, Applicant

Attachment A

RESOLUTION NO PC 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT AND
VARIANCE TO ALLOW A REMODEL/ADDITION TO A NONCONFORMING
HOME AT 2912 OCEAN DRIVE (Strnad)

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 13, 2018 to consider an application for a Coastal Development Permit and Variance for the property legally described as the SE 23 Feet of Lot 4, Block 8, Peck’s Manhattan Beach Tract, located at 2912 Ocean Drive in the City of Manhattan Beach.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received.
- C. The applicant and property owner for the Coastal Development Permit and Variance is Jeffrey Strnad.
- D. The property is located within Area District III and is zoned RH Residential High Density. The surrounding Zoning and land uses consist of RH zoned properties.
- E. The General Plan designation for the property and surrounding area is High Density Residential. The Local Coastal Program/Land Use Plan designation is Residential High Density. 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.

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.

- F. The applicant requests to remodel the existing nonconforming structure and add square footage by adding a new third floor.
- G. The proposed construction complies with other applicable standards including maximum building height and maximum buildable floor area.
- H. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 and 15303 based on staff’s determination that the project consists of a remodel/addition to a small structure consisting of one-single family residence that will not have a significant impact on the environment.
- I. 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.
- J. 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 applicant’s lot, measuring just 689 square feet, is unusually small when compared to typical Area District III lots. The minimum lot size in Area District III is 2,700 square feet. The majority of lots in Area District III are 30 feet wide by 90 feet long (2,700 square feet), while most lots along

The Strand, Manhattan Avenue, Highland Avenue, and Alma Avenue have been subdivided in a 33.33 feet wide by 100 or 105 feet long configuration. There are also many lots in Area District III that are also legal nonconforming half lots, being 30 or more feet wide by 45, 50, or 52.4 feet long (1,350 square feet, 1,500 square feet, or 1,575 square feet, respectively). The applicant's 689 square foot lot is clearly much smaller than the common 1,350 square foot nonconforming half lots found throughout Area District III.

Applying the strict application of the Code's development standards to this unusually small lot would result in a burdensome buildable envelope and an undue hardship on the applicant. Applying the required setbacks to this lot would result in a buildable envelope that would be 19 feet wide by 19.97 feet long, or about 379 square feet. The buildable envelope on a typical Area District III legal nonconforming half lot, for comparison, is 840 square feet; more than double the 379 square foot buildable envelope that would be required on the applicant's lot if no variance was granted. This 379 square foot buildable envelope provides just enough room for a two car garage that meets the minimum garage size requirements.

The applicant has also obtained a two-foot access easement on the neighboring property to the north at 2916 Ocean Drive. This two-foot access easement gives the applicant full access to the rear two feet of the neighboring property to the north, creating a buffer between the applicant's structure and the neighboring property and lessening the impact of the nonconforming 1.15 – 1.75 foot interior side yard setback that the applicant proposes to maintain. This two-foot access easement is a unique attribute of the subject property and could be taken into account when determining the unique "physical conditions" of the site.

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 properties, as the neighboring properties are almost all three stories tall. The applicant's easement on the neighboring property to the north also helps create a permanent buffer between the applicant's property and the property to the north.

Furthermore, the applicant has made significant efforts to provide modulation to the structure's front, 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 two-story duplexes to larger three-story single family homes and condominiums.

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.

- K. The Planning Commission made the following findings with respect to the Coastal Permit Application:

1. The project is consistent with the residential development policies of the Manhattan Beach Local Coastal Program, specifically Policies II.B.1, 2, & 3, as follows:
 - a. II.B.1: The proposed structure is consistent with the building scale in the coastal zone neighborhood and complies with the applicable standards of the Local Coastal Program-Implementation Plan;
 - b. II.B.2: The proposed structure is consistent with the residential bulk control as established by the development standards of the Local Coastal Program-Implementation Plan;
 - c. II.B.3: The proposed structure is consistent with the 30' Coastal Zone residential height limit as required by the Local Coastal Program- Implementation Plan.
2. The project is consistent with the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976, as follows;
 - a. Section 30212 (a) (2): The proposed structure does not impact public access to the shoreline, adequate public access is provided and shall be maintained along Ocean Drive and 29th Place.

- b. Section 30221: Present and foreseeable future demand for public or commercial recreational activities that could be accommodated on property is already adequately provided for in the area.
 - c. The proposed use permitted in the RH zone and is in compliance with the City's General Plan designation of RH; the project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City.
- L. This Resolution upon its effectiveness constitutes the Variance and Coastal Development Permit for the subject project.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby **APPROVES** the subject Variance and Coastal Development Permit 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 13, 2018. Any substantial deviation from the approved plans or project description must be reviewed and approved by the Planning Commission.
 2. Replacement of structural members that have dry rot and/or termite damage during the construction process shall be subject to review. The Community Development Department shall verify that the structural members are damaged and shall allow the owner to replace the structural members without needing to obtain a Variance Amendment and/or Coastal Development Permit Amendment if the Community Development Director determines that all the required findings can still be met.
 3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. 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.
- Procedural***
8. Expiration. The Coastal Development Permit shall be approved for a period of two years after the date of approval, with the option for future extensions, in accordance with the Manhattan Beach Municipal Code (MBMC) Section 10.84.090.
 9. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Planning Commission.
 10. Inspections. The Community Development Department Staff shall be allowed to inspect the site and the development during construction subject to 24-hour advance notice.
 11. Assignment. The permit may be assigned to any qualified persons subject to submittal of the following information to the Director of Community Development:
 - a. a completed application and application fee as established by the City's Fee Resolution;
 - b. an affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;

- c. evidence of the assignee’s legal interest in the property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit;
 - d. the original permittee’s request to assign all rights to undertake the development to the assignee; and,
 - e. a copy of the original permit showing that it has not expired.
12. Terms and Conditions Are Perpetual. These terms and conditions shall be perpetual, and it is the intention of the Director of Community Development and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
13. The subject Coastal Development Permit will be implemented in conformance with all provisions and policies of the Certified Manhattan Beach Local Coastal Program (LCP) and all applicable development regulations of the LCP - Implementation Program.
14. This Resolution shall become effective when all time limits for appeals have been exhausted as provided in MBMC Section 10.100.010 and the City of Manhattan Beach Local Coastal Program.
15. 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).
16. 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.
17. The applicant must submit in writing to the City of Manhattan Beach acceptance of all conditions within 30 days of approval of the Variance. The Coastal Development Permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Community Development Department.
18. *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 13, 2018** and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Anne McIntosh,
Secretary to the Planning Commission

Rosemary Lackow,
Recording Secretary

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Attachment B
Location Map



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Attachment C

**2912 Ocean Avenue
Manhattan Beach, CA 90266**

BACKGROUND/DESCRIPTION OF PROJECT

The subject site ("2912") is a small, substandard 690 square foot, rectangular corner lot, zoned Residential High Density within Area District III. The current site dimensions are atypical at 23' wide by 30' long containing a single family, two-story home with an attached garage built in 1938. Current Area District III half lots are 30' x 45' or 1,350 square feet.

The 2912 property currently has legal, non-conforming setbacks at the West, South and North side yards. However, the North side yard has a New Easement of 2' of the Southerly portion of the adjacent 2916 Ocean lot for 2912's exclusive use. In addition, a fireplace chimney encroaches the North setback and a stairwell encroaches the East setback. In 1939, 2912 was subdivided from the northly property at 2916 Ocean, with a 20' wide easement for ingress and egress was reserved for the 2912 property ("Access Easement"), while a 1' easement was provided for 2916 Ocean on the 2912 property northly portion ("Cabana Easement").

In 2016, the Access Easement and Cabana Easement were terminated for both 2912 and 2916 Ocean. A New Easement Agreement was created providing 2912 an additional 2' of property on the southerly portion of 2916 Ocean for exclusive use by 2912 for ingress and egress with a 6' concrete wall located on the north side of the New Easement. In addition, 2916 cannot build any structure including roof or deck projection in the 2916 Ocean rear setback. Thus, providing 3.16' to 3.75' of setback on the North side of 2912 vs. the 1.16' to 1.75' today.

The applicant requests a variance to remodel the existing two (2) second story residence, and add a third story on top of the non-conforming walls while adhering to the maximum 30' building height as measured from the average of the four (4) corners; keep the substandard two (2) car garage measuring 16.50' wide by 19.4' long, and provide 121 square feet of open space vs. the required 220 square feet minimum. As part of the remodel work, applicant will remove the non-conforming chimney in the North side yard as well as the stairwell in the East side yard creating full access around the building perimeter. As part of the remodel applicant will update mechanical, electrical and plumbing systems, and may be required to change structural members as required if dry rot, termite damage or seismic upgrades are required given age of the home. The proposed buildable floor area will be 1,053 square feet vs. the allowable 1,173 square feet.

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CODE REQUIREMENTS – FINDINGS FOR VARIANCES

Section 10.84.010 of the MBMC indicates that variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or physical conditions on the site or in the immediate vicinity. The City's Zoning Code, Section 10.84.060 B is based upon State Law and requires that each of the following three findings must be met in order for a Variance to be approved.

Required Variance findings per MBMC Section 10.84.060 and how the project complies are as follows:

- 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 subject property 2912 is located on the corner of 29th Place and Ocean Avenue. The 1938 subdivision created a 23' x 30', or 690 square foot substandard, narrow lot relative to current zoning standards in place today which require a minimum lot size of 30' x 45', or 1,350 square feet. Applicant could find no other lot in Area District III with a similar narrow or substandard lot.

Typical setbacks for 2912 would take up 350 square, or 51% of the 690 square foot lot. Deming the house and re-building ground-up at current setbacks would create an exceptional difficulty to create the required two (2) car parking, eliminate the access stairwell in the East side yard, and would create a burdensome buildable envelope.

The lot's shape and orientation clearly present peculiar and exceptional difficulties that create an exceptional and undue hardship for the property owner in building a reasonably sized residence.



**2912 Ocean Avenue
Manhattan Beach, CA 90266**

- 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.**

Approval of the Variance will not generate any significant change in density to the immediate neighborhood or to the community. The lot, although inferior in size to surrounding properties, will be compatible with the scale of development in the immediate area where the majority of the lots are 30 feet wide by either 45 or 90 feet in depth and approximately 1,350 to 2,700 square foot in area. The remodel and addition will comply with current development standards for height with surrounding uses. Consequently, there will be no substantial detrimental impact to the public good or natural resources resulting from approval of the Variance, nor will there be any impact on public health, safety or general welfare of the surrounding community. The proposed home is also compatible with neighboring properties, which are typically three-story homes. Furthermore, the designer has made significant efforts to provide relief to the structure, using different depths, textures, and a roof overhang to give the home architectural character that benefits the neighborhood.

- 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 request for a Variance is consistent with the purposes of the Municipal Code and will not constitute a grant of a special privilege to the parcel because many of the lots in this area enjoy the same rights, benefits and opportunities as requested by the subject property 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.

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**Attachment D
PUBLIC COMMENT**

Ted Fatuross

From: Bella Stavchansky <londonsw3@yahoo.com>
Sent: Wednesday, June 6, 2018 6:44 PM
To: Ted Fatuross
Subject: Comments in ref. to the project on 2912 Ocean Drive

Bella Stavchansky
2908 Manhattan Ave
Manhattan Beach, CA 90266

Ted Fatuross
Assistant Planner
Via e-mail: tfatuross@citymb.info

re: remodel and request for variance on 2912 Ocean Drive

Dear Mr. Fatuross,

You requested an input prior to the Planning Commission's review of the above project. I live up the alley from the subject property, in a home I purchased a few years ago. I looked at the plans submitted to the City on 2912 Ocean Drive and was surprised to see the sheer number of exceptions/variances Mr. Strnad was requesting in order to add a third story to the existing structure. Set back variances on all sides, a permanent easement of 2 feet to the adjoining property, lack of sufficient parking, lack of sufficient open space; and all of this for an addition that will be well above the 50% rule. About the only variance not being requested is for height. Mr. Strnad knew (or should have known) in purchasing this property that any additions to this structure would probably require bringing the property to current zoning standards. There should not have been an unrealistic expectation that he could do more. This was a challenged, substandard lot and he should have known that a remodel of the existing structure (without adding footage) might be all that he could ever do. While I can certainly understand why he would ask to do more than the zoning standards allow in this circumstance, it should not be at the detriment to the surrounding properties, which is why I am writing this. In fact, this development will block a substantial portion of my view. Of course, I understand that there is no view protection in Manhattan Beach, but that being said, if Mr Strnad wants to add a third story, or build a new home that complies with the current zoning standards for doing so, then I would not have a complaint. But I don't think the City should unjustly reward this homeowner, who presumably paid a price commensurate with what one could do with this property - which was very little. Doing so would damage others like myself who should be able to rely on an equal application of building standards. It's really a lot to ask that ALL of these variances be granted. Mr. Strnad knew what he was buying when he made the deal and that's the way it should stay.

Sincerely,
Bella Stavchansky

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PROJECT SUMMARY

Address	2912 Ocean Drive, Manhattan Beach, CA
Zone	Area III-RH, Coastal Zone
Building Type	Singel Family Residence
Number of Stories (E)	Two (2) Story
Number of Stories (P)	Three (3) Story
Lot Size	689.31 SF (23' x 29.97')
Legal Description	APN # 4176-028-007 SE 23 ft of Lot 4, Block 8, Peck's Manhattan Beach Tract
Project Description	Remodel of existing two (2) story residence with attached non-conforming garage with addition of a third story on top of existing non-conforming walls including updated mechanical, electrical, and plumbing as well as structural updates as needed or required.

PROJECT DATA

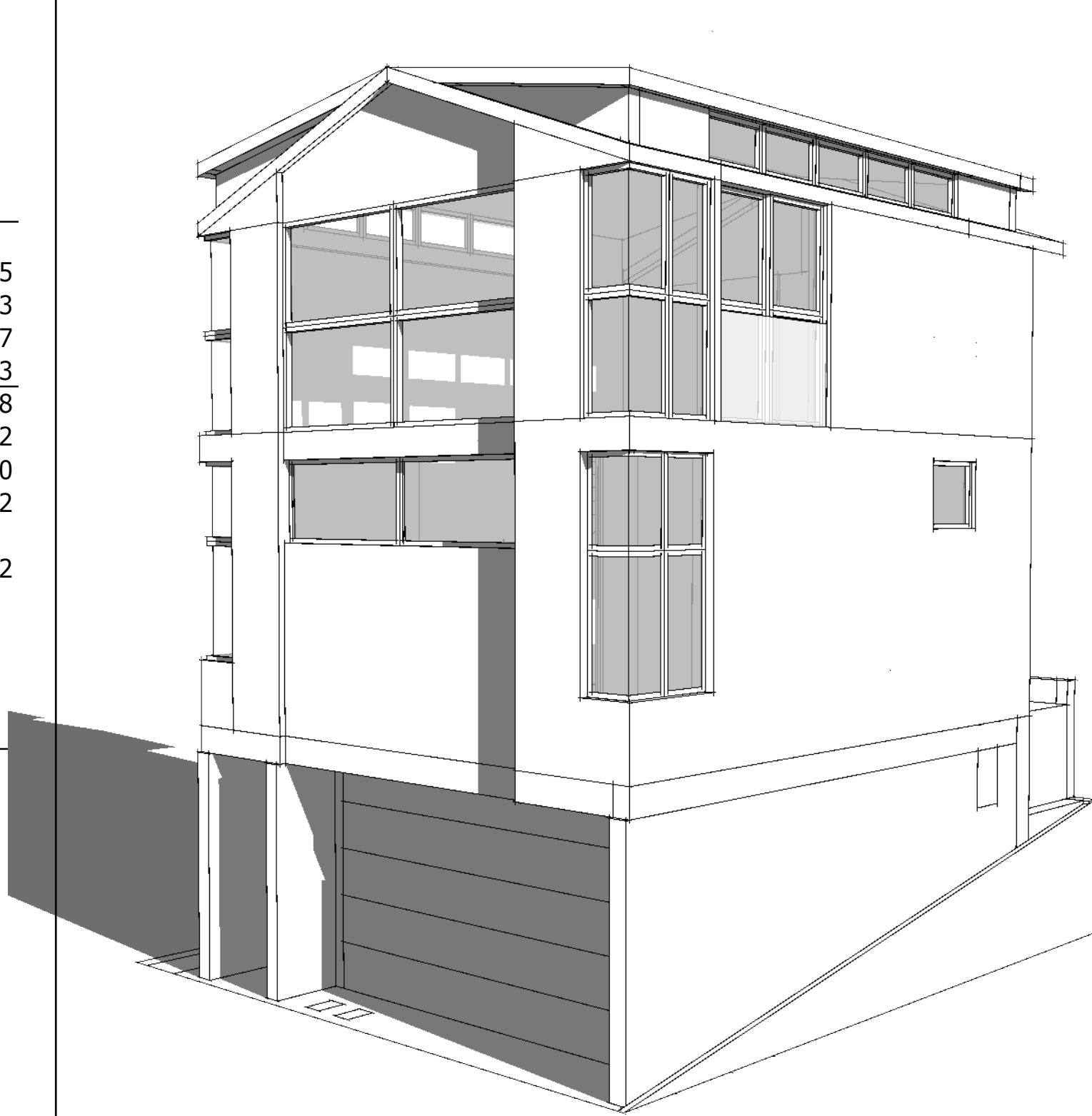
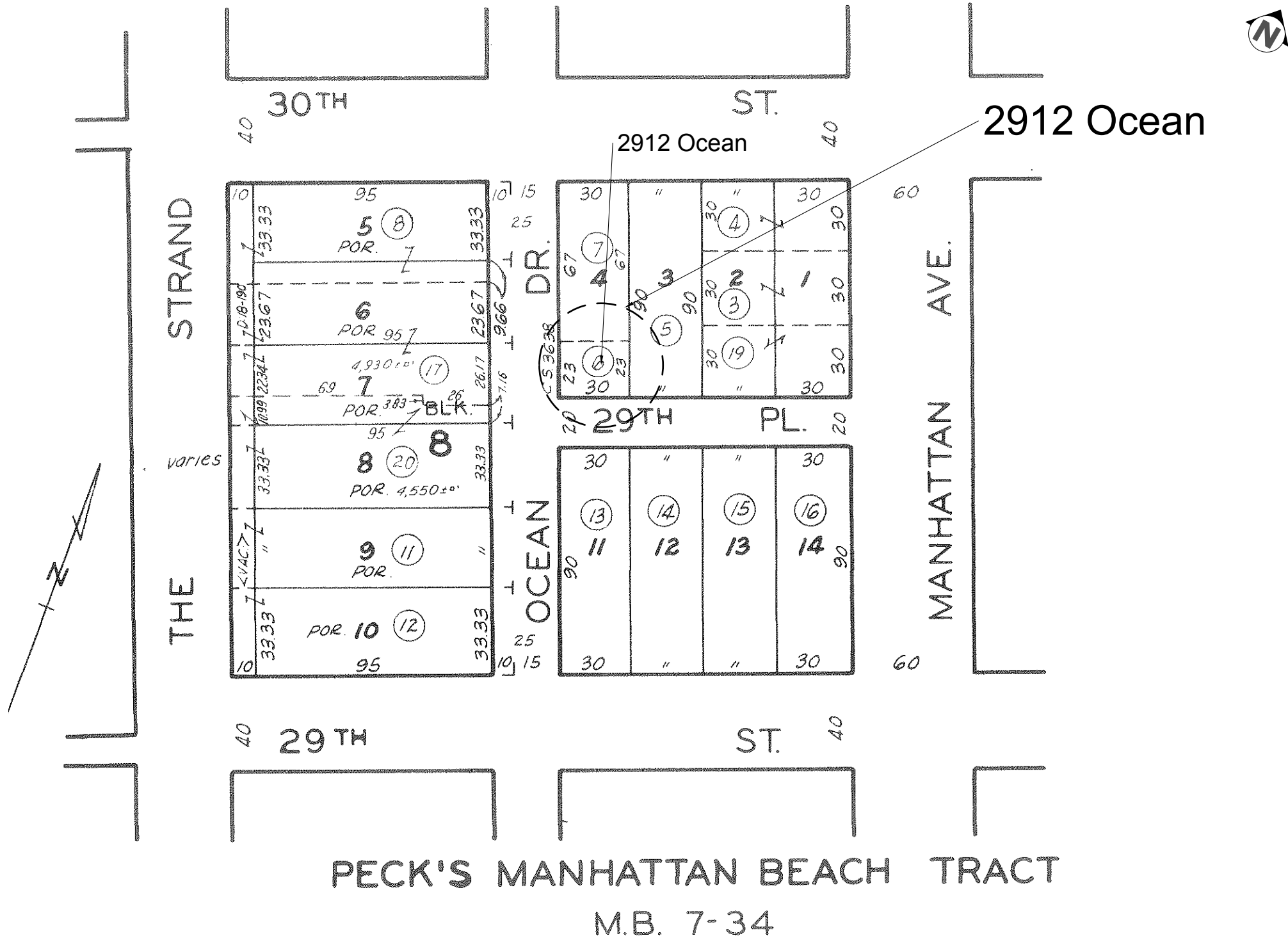
Buildable Floor Area			
Allowable	1,171.83 S.F.	(689.31 x 1.7)	
Proposed	1,015.62 S.F.		

Building Calculation			
	Existing Square Footage	New Square Footage	Total Square Footage
First Floor	100	-37	63
Second Floor	488	7	495
Third Floor	0	495	457.62
Total Livable	588	465	1,015.62
Garage	321	20	341

Open Space		Height Calculation	
Required Min SF:	220 (151 SF At 15% of BFA)	Northwest	20.65
Proposed SF:	124.69	Northeast	26.33
		Southeast	25.17
		Southwest	19.53
	Existing Square Footage	Proposed Square Footage	91.68
East - Rear Yard	124.69	124.69	Average Grade
Second Floor	0	30.37 (not counted)	Plus
	124.69	124.69	Total Max. Height
Not providing 15% Open Space	124.69 SF < 220 SF	Proposed	52.92
Northeast Corner = 27.74' + 26.08' + 25.17' divided by 3 = 26.33'			

Notes	
New permanent easment of southerly 2' of 2916 Ocean for exclusive use by 2912 Ocean at North Side Yard.	
Nonconformities include Front Setback, Sideyard Setback, Corner Side Setback, Open Space, Driveway Visibility and 2-Car Parking min.requirements.	

VICINITY MAP



SHEET INDEX

COVER SHEET
A 01 SITE PLAN
A 02 SITE PLAN - NORMAL VS. PROPOSED
A 03 SURVEY
A 04 RECORDED EASEMENT
A 05 DEMO PLAN
A 06 FIRST FLOOR - EXISTING/PROPOSED
A 07 SECOND FLOOR - EXISTING/PROPOSED
A 08 THIRD FLOOR - EXISTING/PROPOSED
A 09 WEST/EAST - EXISTING PROPOSED ELEVATIONS
A 10 NORTH/SOUTH - EXISTING PROPOSED ELEVATIONS
A 11 SECTIONS
A 12 SECTIONS
A 13 RENDERINGS
A 14 RENDERINGS - VICINITY
A 15 EASEMENT PHOTOS

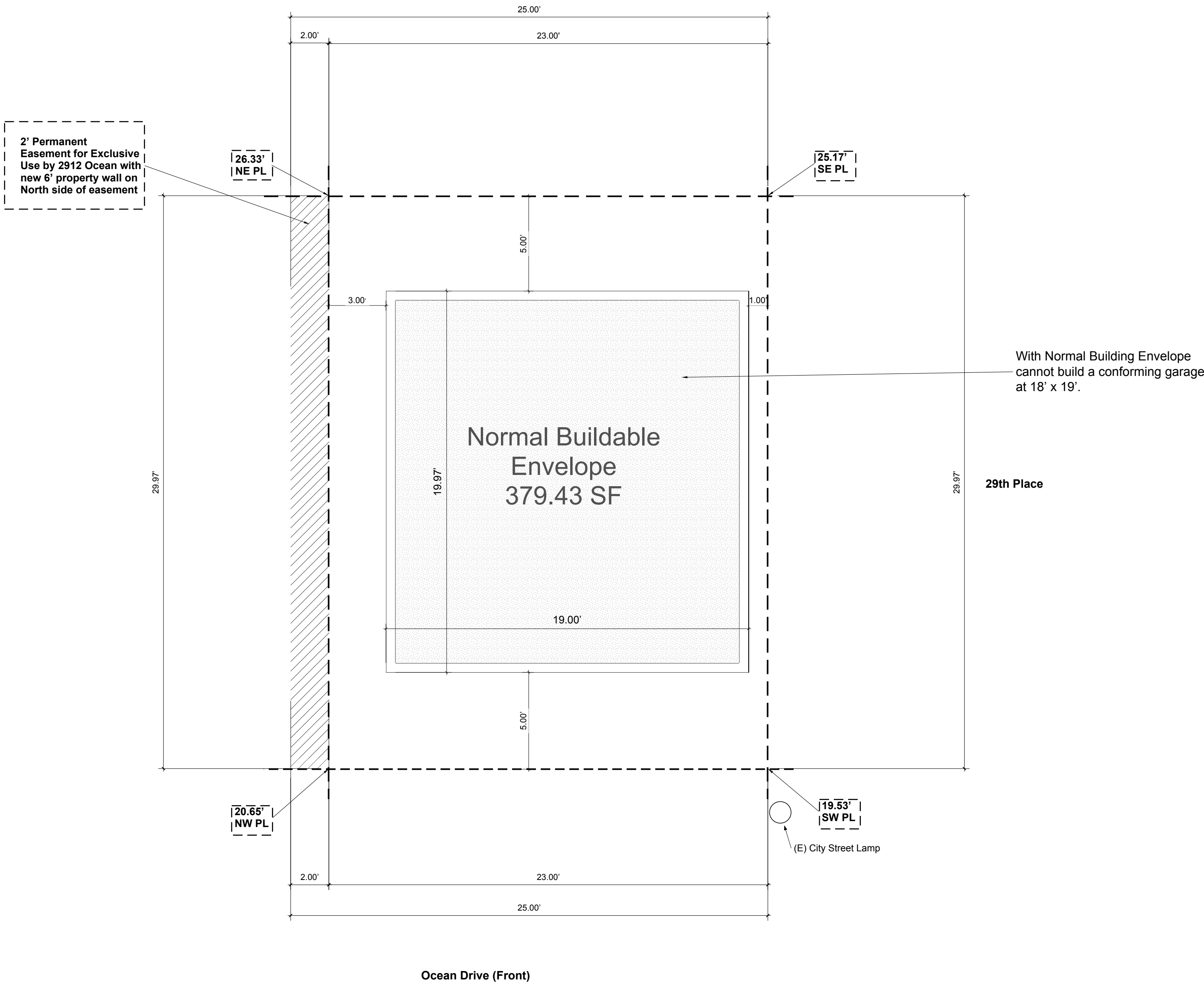
DIRECTORY

DESIGNER/GENERAL CONTRACTOR
JEFFREY J. STRNAD
BEACH HOUSE DESIGN & DEVELOPMENT
1400 N. POINSETTIA AVE
MANHATTAN BEACH, CA 90266
310-546-3000
CA LIC. 862582
WWW.DESIGNBUILDINVEST.COM

CIVIL ENGINEERING
P.A. ACRA ENGINEERING
500 EAST CARSON PLAZA DRIVE
SUITE 201
CARSON, CA 90746
310-768-3828
CA LIC. 29918

DEPARTMENT OF PUBLIC WORKS NOTES

BEACH HOUSE RESIDENCE - REMODEL

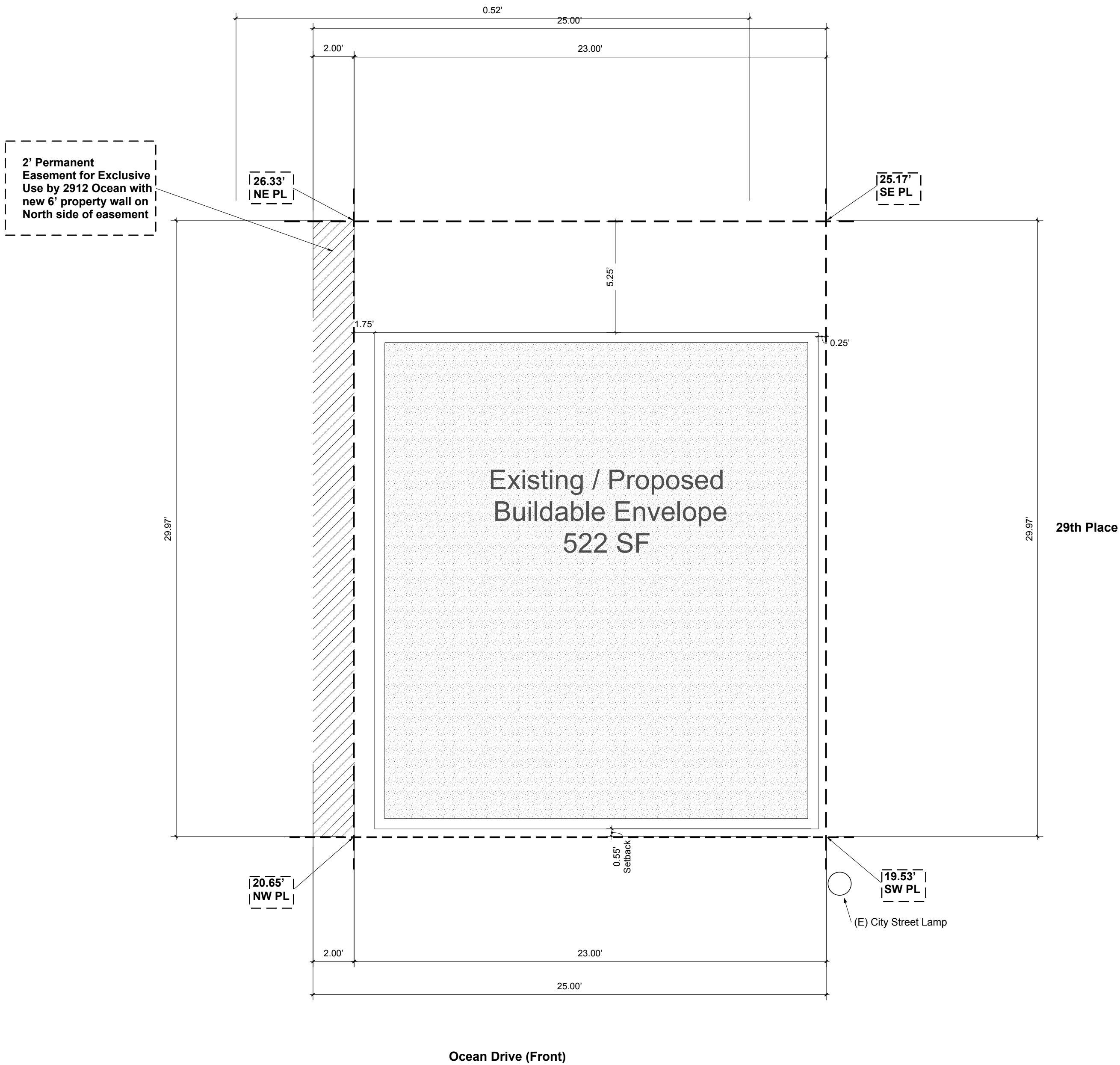
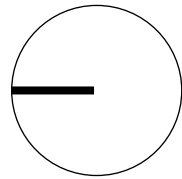


1
A0.1
Normal Site Plan
Scale: 1/4" : 1'

LEGEND

NE	NORTHEAST
SE	SOUTHEAST
SW	SOUTHWEST
NW	NORTHWEST
PL	PROPERTY LINE
E	EXISTING
P	PROPOSED
N	NEW
TC	TOP OF CURB
FF	FINISH FLOOR
DN	DOWN
XXX	ROOM NUMBER
xxx.x	WINDOW NUMBER
xxx.x	DOOR NUMBER

north



1
A0.1
Existing/Proposed Site Plan
Scale: 1/4" : 1'

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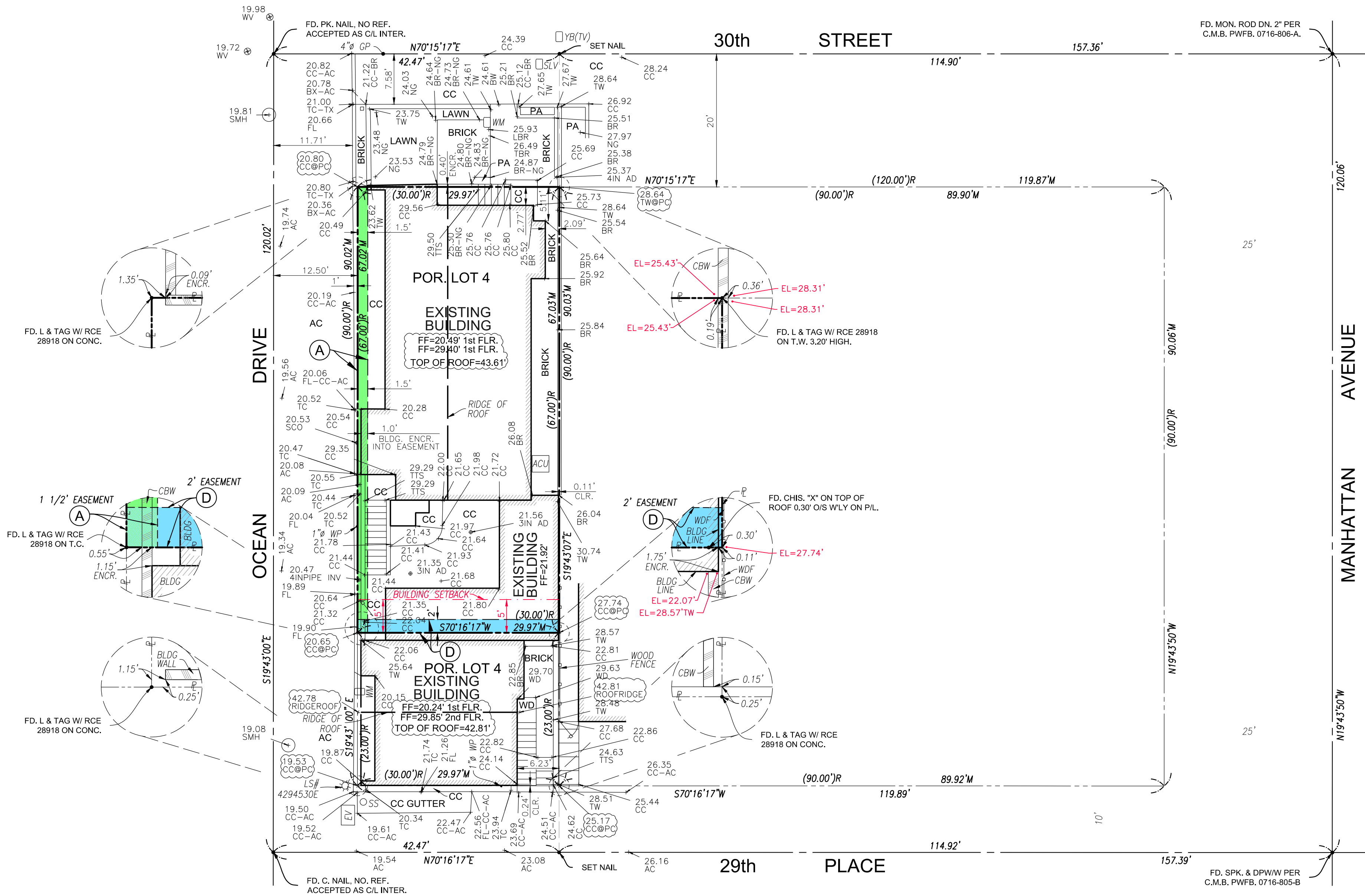
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02

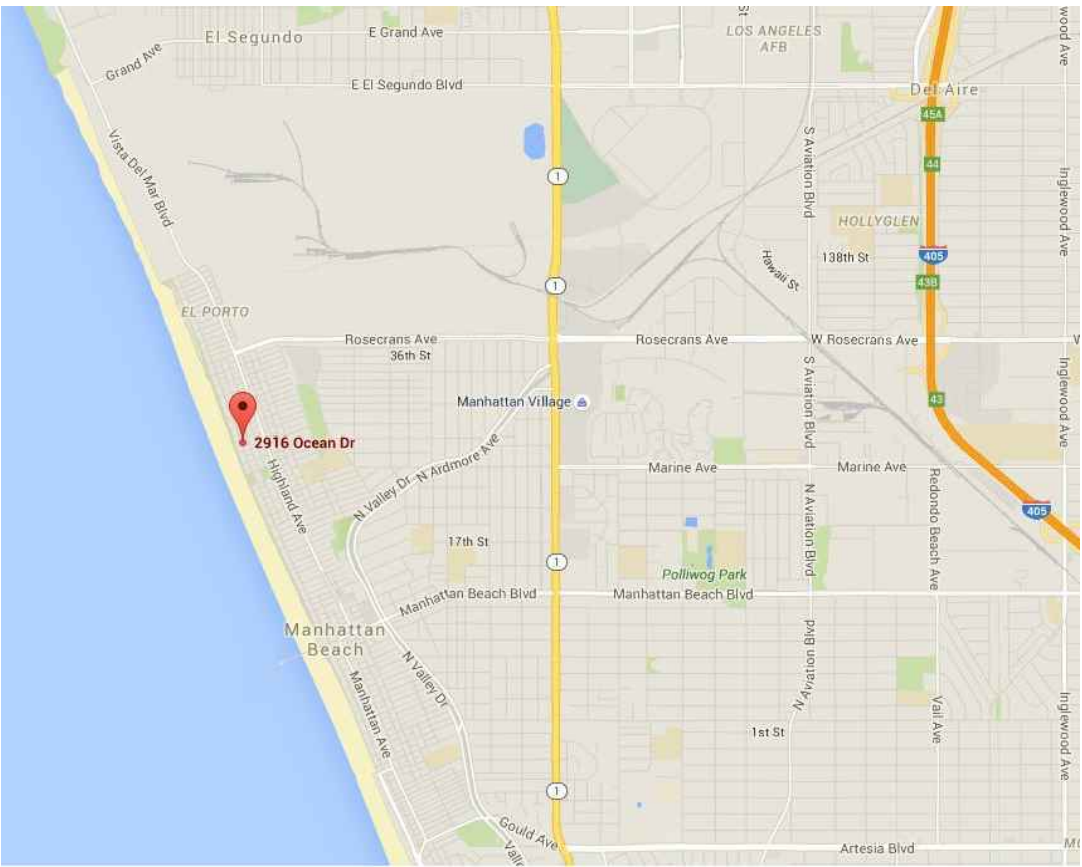
NEW ACCESS EASEMENT AREA - FINAL



EASEMENT NOTE:

- (A) 1 1/2' WIDE EASEMENT FOR SEWER PURPOSES
RECORDED IN BOOK 16467, PAGE. 129, O.R.
- (D) PERMANENT 2' INGRESS AND EGRESS EASEMENT FOR
SOLE USE OF 2912 OCEAN DRIVE, TO BE FURTHER
DEFINED IN OWNER AND EASEMENT AGREEMENT.

VICINITY MAP :
NOT TO SCALE



LEGEND :

PROPERTY LINE	---	OR	---
CENTER LINE	---	OR	---
CHAIN LINK FENCE	CLF	OR	---
WROUGHT IRON FENCE	WIF	OR	---
WOODEN FENCE	WDF	OR	---
EXISTING CONTOUR ELEVATION	---	OR	---
EXISTING GRADE ELEVATION	---	OR	---
ASPHALT CONCRETE	AC	OR	---
CEMENT CONCRETE	CC	OR	---
FINISH FLOOR	FF	OR	---
TOP OF CURB	TC	OR	---
TOP OF WALL	TW	OR	---
WATER METER	WM	OR	---
NATURAL GROUND	NG	OR	---
CONCRETE BLOCK WALL	CBW	OR	---
FLOWLINE	FL	OR	---
DRIVEWAY	DWY	OR	---
TOP OF DRIVEWAY "X"	TX	OR	---
PLANTER AREA	PA	OR	---
BOTTOM OF DRIVEWAY "X"	BX	OR	---
BRICK	BR	OR	---
POWER POLE	PP	OR	---
WATER PIPE	WP	OR	---
INVERT	INV	OR	---
LOWER BRICK	LBR	OR	---
TOP OF BRICK	TBR	OR	---
STREET LIGHT VALVE	SLV	OR	---
WATER VALVE	WV	OR	---
STREET SIGN	SS	OR	---
TOP OF TOP STEP	TTS	OR	---
WOOD LANDING	WD	OR	---
AREA DRAIN	AD	OR	---
ENCROACHMENT	ENCR	OR	---
CLEARANCE	CLR	OR	---
ELECTRICAL VAULT	EV	OR	---
AIR CONDITIONING UNIT	ACU	OR	---
PROPERTY CORNER	PC	OR	---

BENCHMARK:

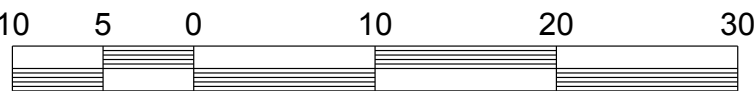
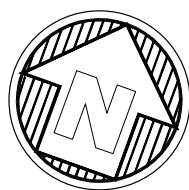
NAIL @ INTERSECTION OF 30th ST. AND OCEAN DR.
ELEVATION = 20.00' (ASSUMED)

LEGAL DESCRIPTION:

LOT 4 POR. BLK. 8 OF PECK'S MANHATTAN BEACH TRACT, MB. 7-34.

BASIS OF BEARING:

ALL BEARINGS SHOWN HEREON ARE BASED ON THE BEARING
N19°43'00"W OF THE SIDELINE OF OCEAN DR. AS SHOWN ON PECK'S
MANHATTAN BEACH TR. MB. 7-34.



SCALE: 1"=10'

DATE	3/11/2016	BY	AEI
SCALE	1"=10'	DATE	2/29/16
DRAWN	C.R.A.	DATE	3/9/16
SURVEY CREW	P.A.A.	DATE	5/10/16
CHECKED	P.A.A.	DATE	
JOB NO.	AEI-15-0929R	DATE	
INDEX		DATE	

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OWNER/CLIENT:

BRIAN HARRIS

7818 VERAGNA DRIVE

PLAYA DEL REY, CA 90293

PROJECT:

BOUNDARY & TOPOGRAPHIC SURVEY

2916 OCEAN DR.

MANHATTAN BEACH, CA 90266

STAMP:

REGISTERED PROFESSIONAL ENGINEER

NO. 10000

EXPIRATION DATE 12/31/2017

DATE 5/10/2016

DATE

DATE

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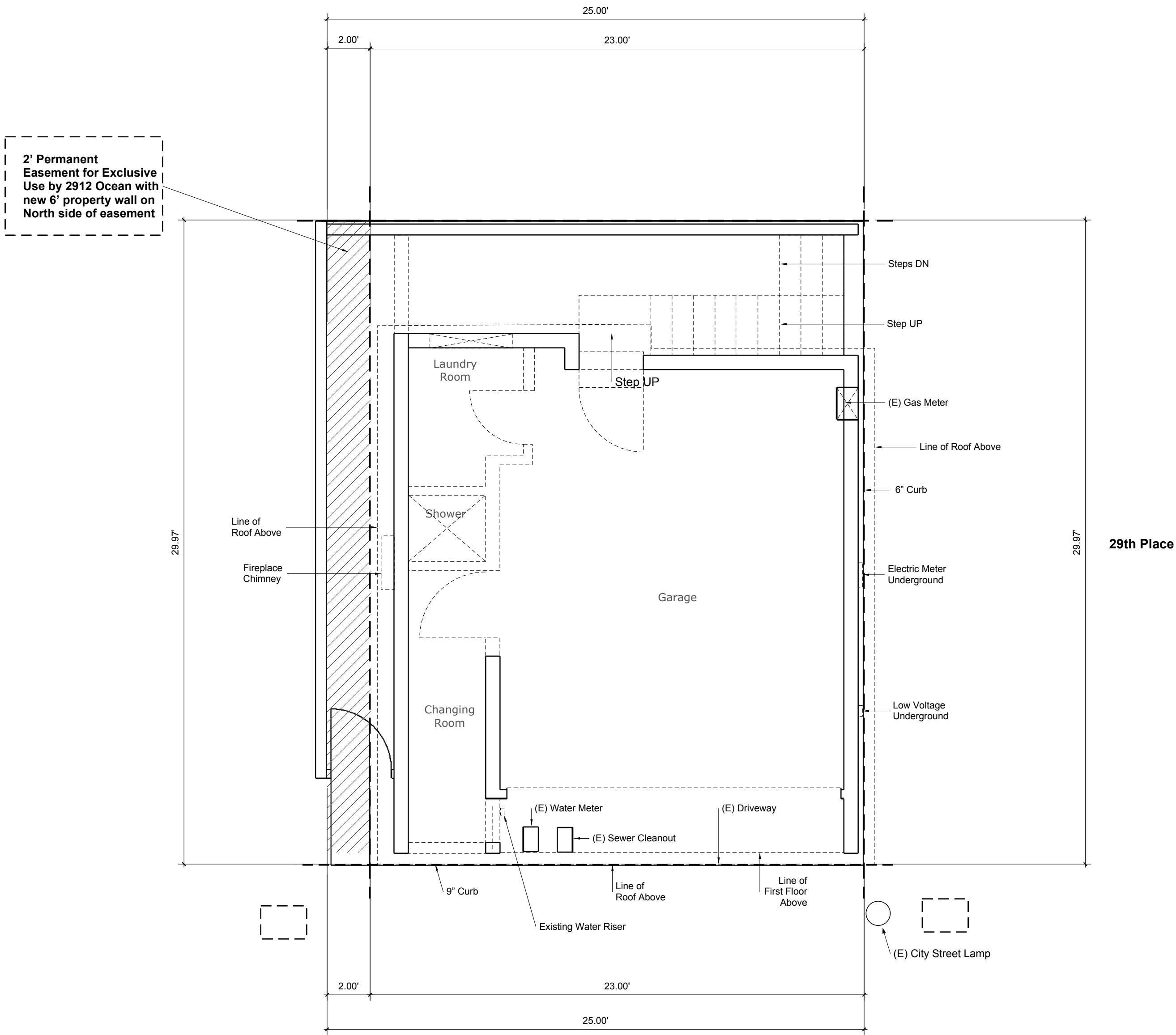
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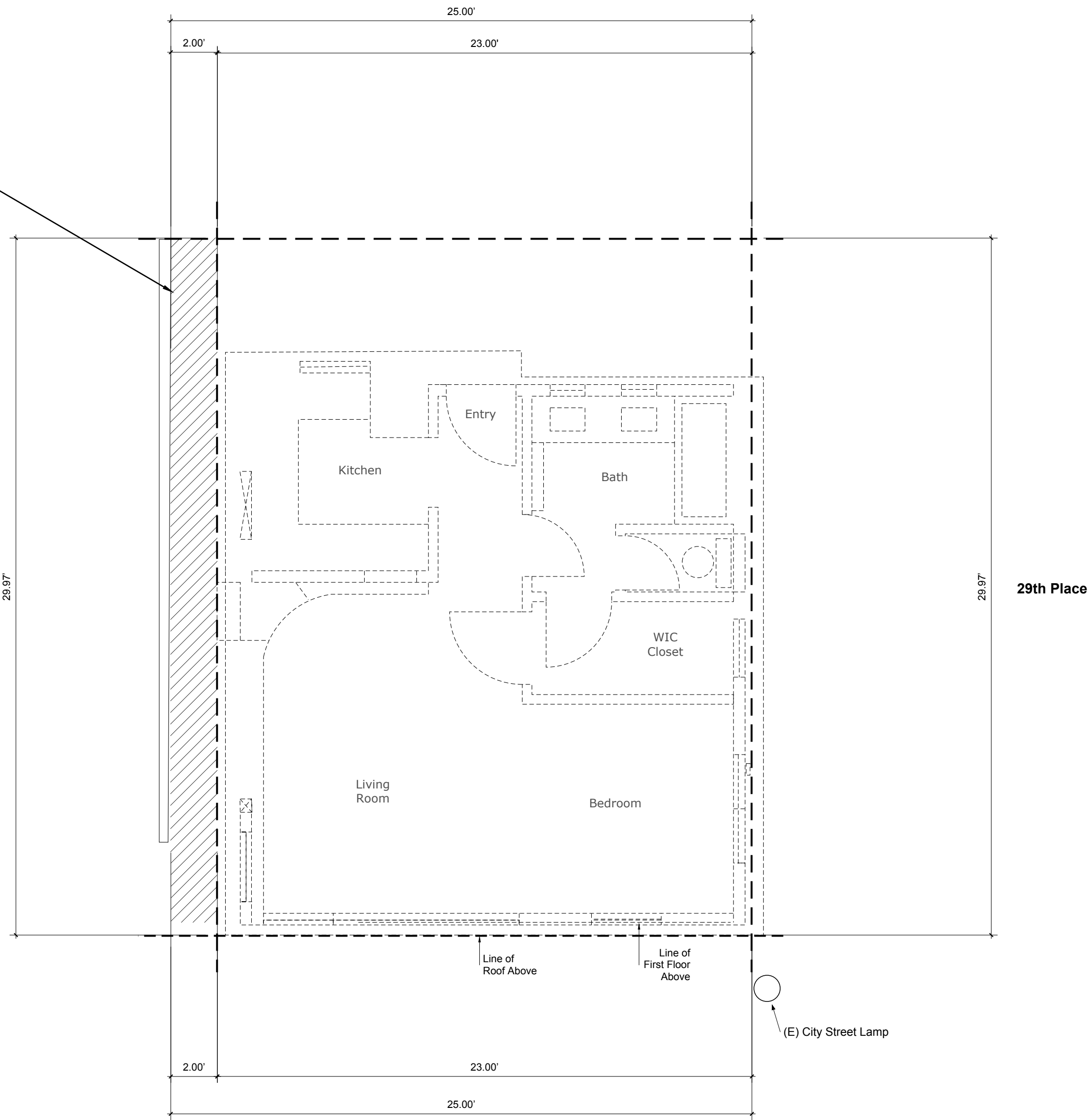
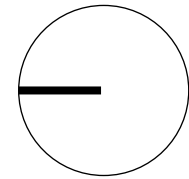
a

03



1
A0.3
First Floor / Site Plan - Demo
Scale: 1/4" : 1'

north



2
A0.3
Second Floor / Roof - Demo
Scale: 1/4" : 1'

NOTES:

1. SHUT OFF GAS TO SITE.
2. CALL DIGG ALERT TO MARK UNDERGROUND UTILITIES.
3. WATER TO REMAIN ON.
4. SET UP ELECTRICAL PIGGY BACK FOR TEMP POWER.
5. PROVIDE TEMPORARY TOILET AND WASH STATION.
6. SET UP 6' SECURITY FENCING WITH WINDSCREEN AT PERIMETER.
7. CHECK CITY RECORDS TO DETERMINE IF A CESSPOOL WAS LOCATED ON SITE.
8. NO DISCHARGE OF CONSTRUCTION WASTEWATER, BUILDING MATERIALS, DEBRIS, OR SEDIMENT FROM SITE IS PERMITTED. SANDBAGS WILL BE PLACED AT WEST AND ALLEY SIDE PERIMETER.

LEGEND:

- DEMO EXISTING WALL OR PARTITION
- DEMO EXISTING WINDOW OR DOOR
- EXISTING WALL TO REMAIN

KEYNOTES:

1. REMOVE ALL DOORS AND WINDOWS
2. REMOVE CONCRETE STEPS
3. REMOVE WOOD STEPS
4. REMOVE MASONRY CHINMEY
5. REMOVE CONCRETE APPROACH
6. SET TEMPORARY TOILET
7. MOUNT OSHA POSTER, FIRST AID KIT AND FIRE EXTINGUISHER
8. CAP OF EXISTING SHOWER PLUMBING
9. DEMO AND RELOCATE ELECTRICAL METER, WATER RISER AND LOW VOLTAGE PANEL
10. DEMO INTERIOR WALLS
11. DEMO ALL CABINETS
12. DEMO BATH TILE AND TUB
13. DEMO SELECT EXTERIOR WALLS
14. REMOVE ALL APPLIANCES
15. DEMO EXISTING ROOF, ROOF RAFTERS AND JOISTS
16. REMOVE EXISTING ROOF EAVE
17. REMOVE CURB (PENDING PUBLIC WORKS)
18. REMOVE FIRST FLOOR DECKINGS AND FRAMING AT KITCHEN/BATH AREA
19. REMOVE ALL ELECTRICAL, MECHANICAL AND PLUMBING

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05

CURRENTLY NONE

1
A.06

Existing Third Floor
Scale: 1/4": 1'

Balcony Projections:

Projection cannot exceed three feet and the area does not exceed three feet multiplied by one-half of the buildable width of the lot, and a minimum of two foot clearance to the property line is maintained.

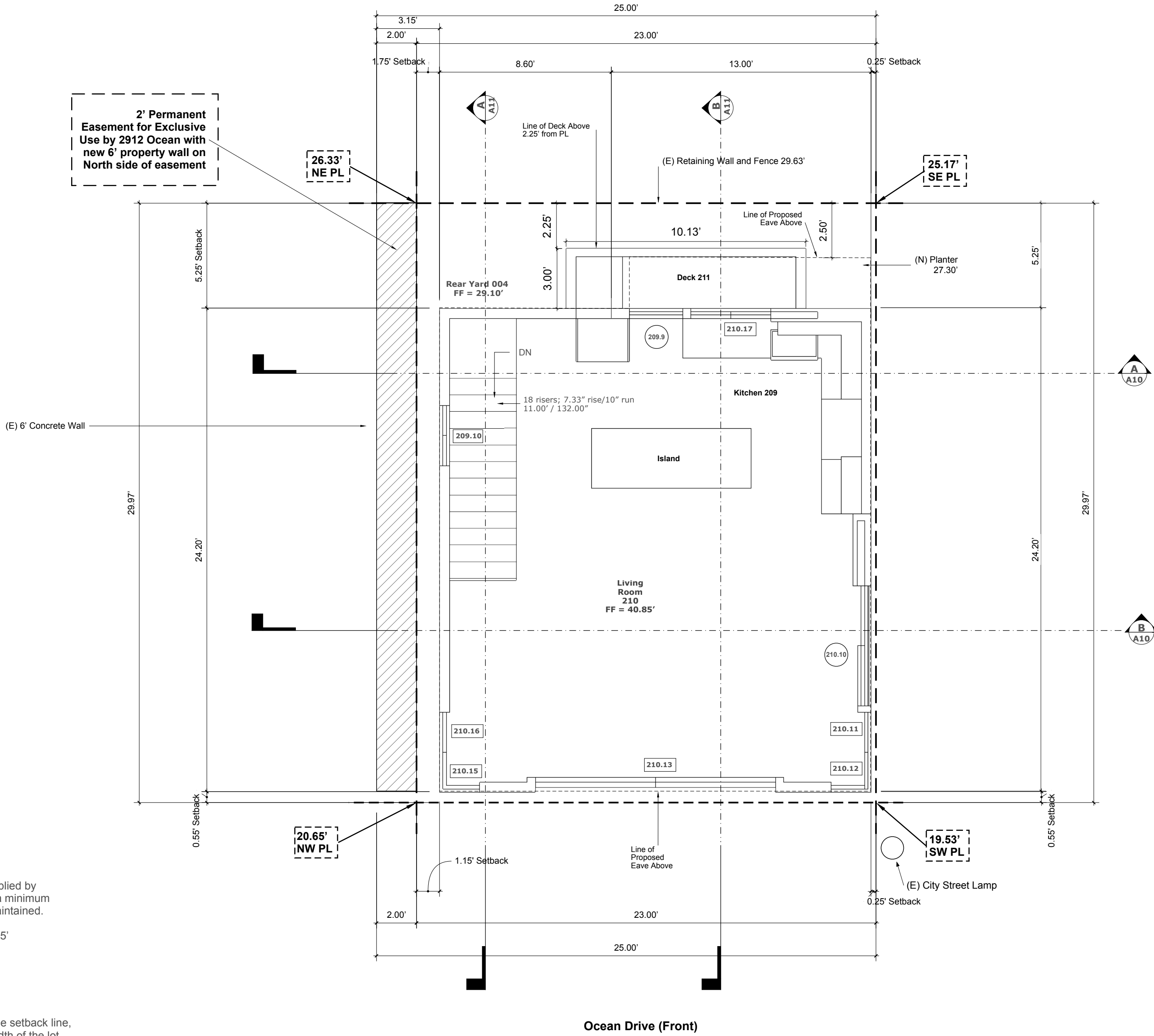
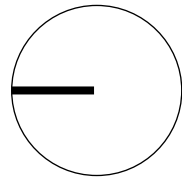
Formula - 23.00' - 1.00' - 1.75' / 2 x 3 = 30.375'

Buildable Lot Width = 23.00'
Alley Setback = 1.00'
Sideyard Setback = 1.75'

Aggregate length of balcony into a required yard on a single building level, measured at the setback line, shall not exceed two-thirds of the buildable width of the lot.

Formula: 23.00' - 1.00' - 1.75' / 2/3 = 13.50'

north



1
A.06

Proposed Third Floor
Scale: 1/4": 1'

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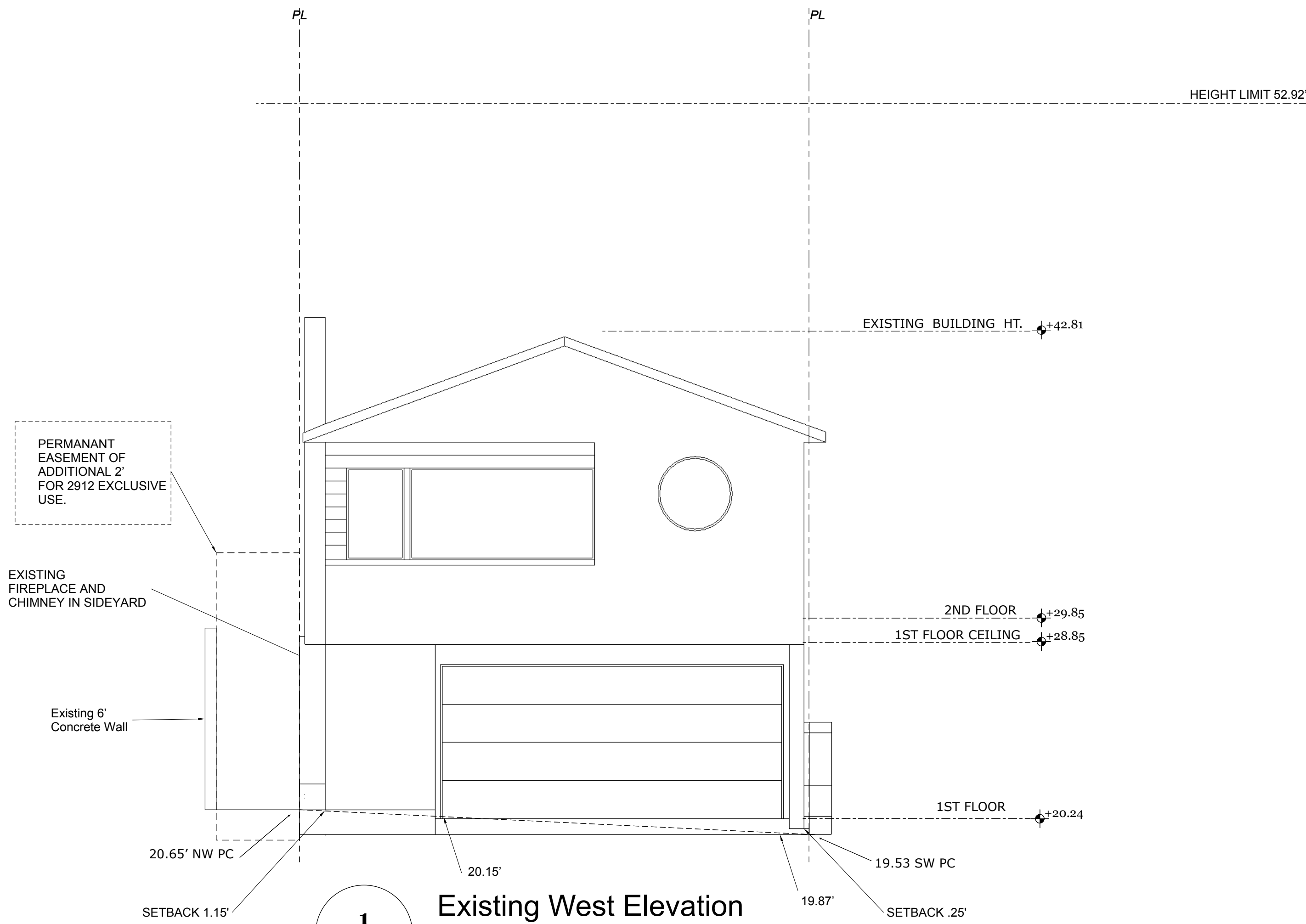
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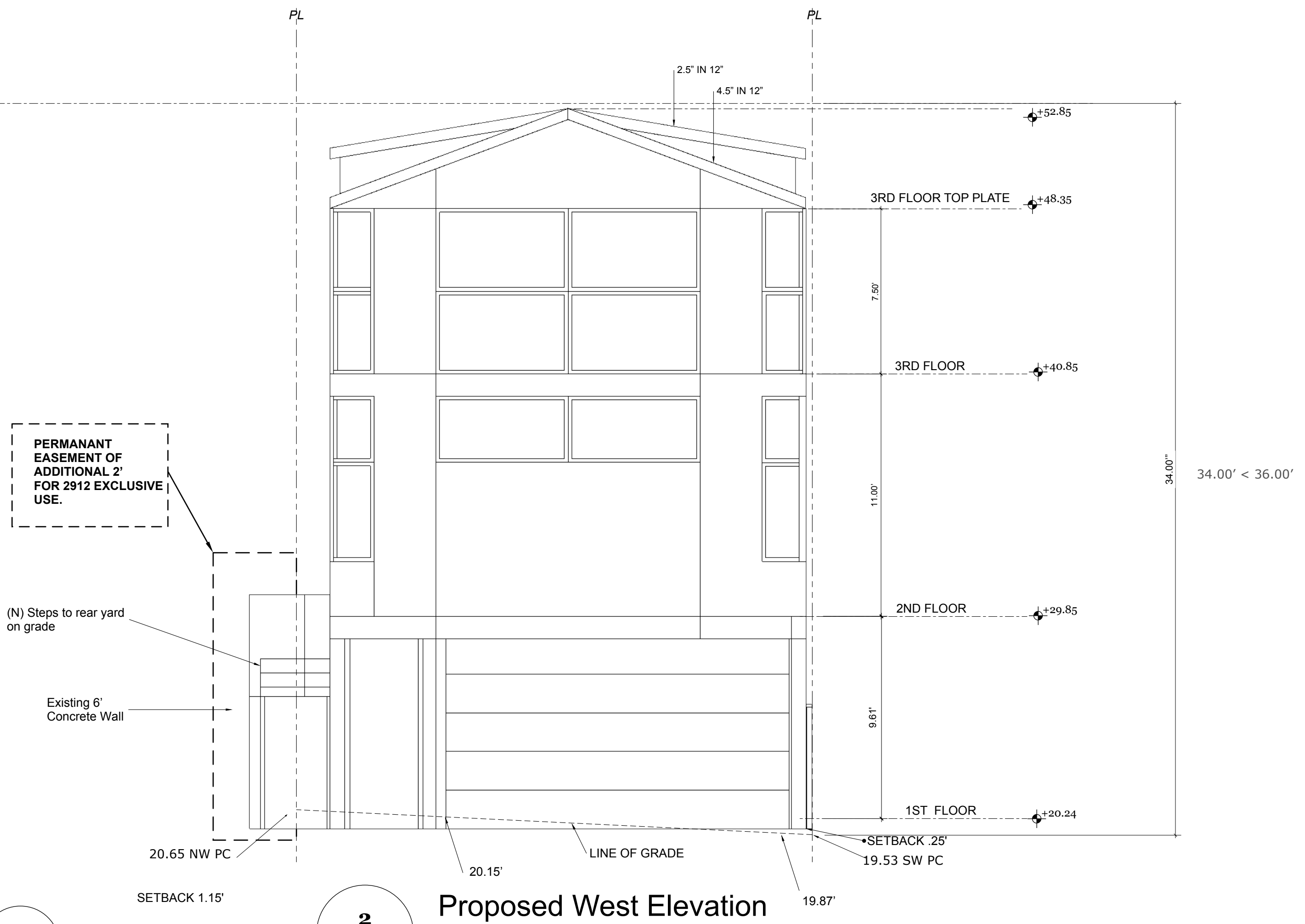
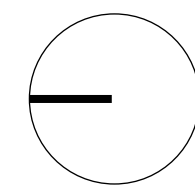
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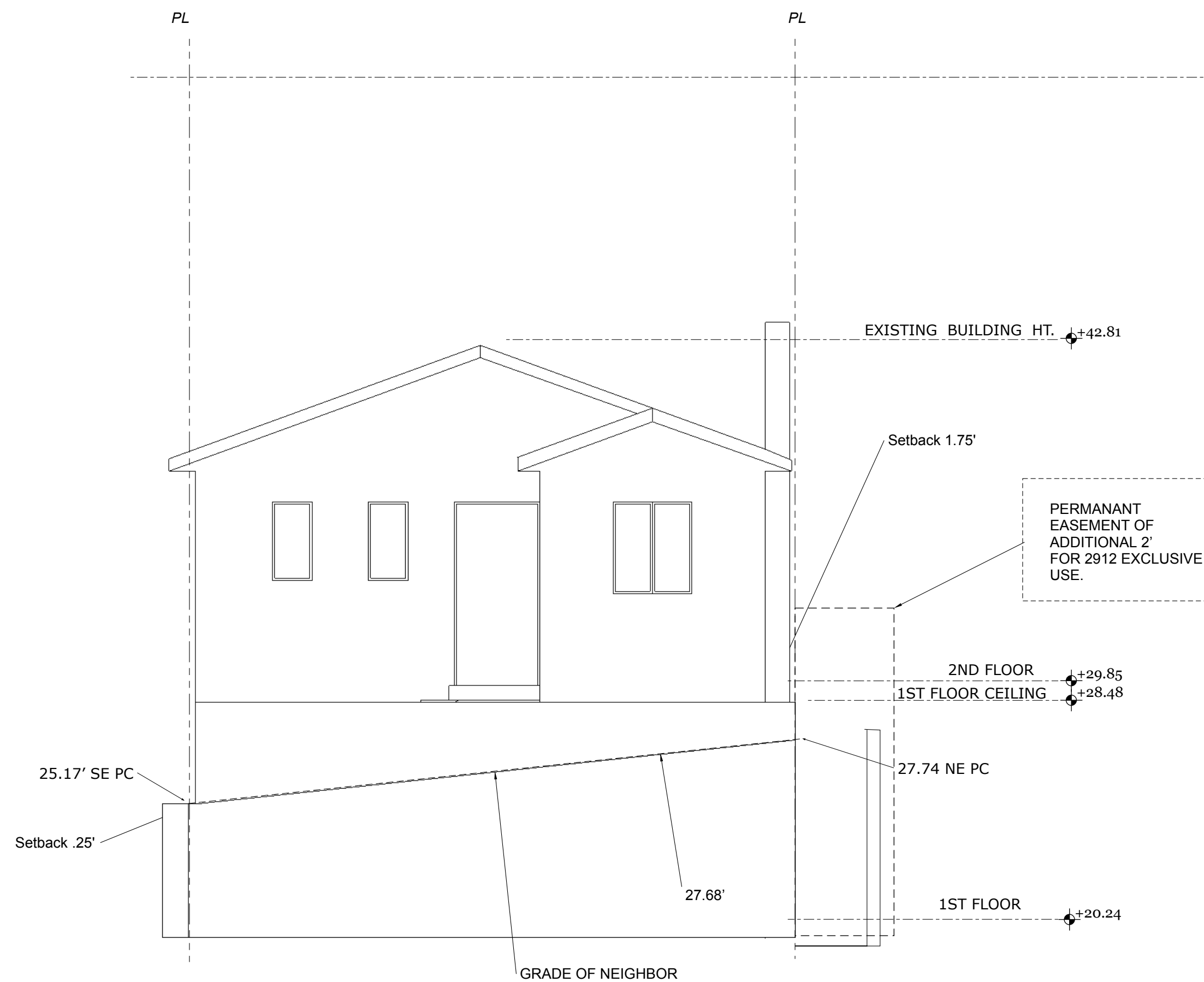
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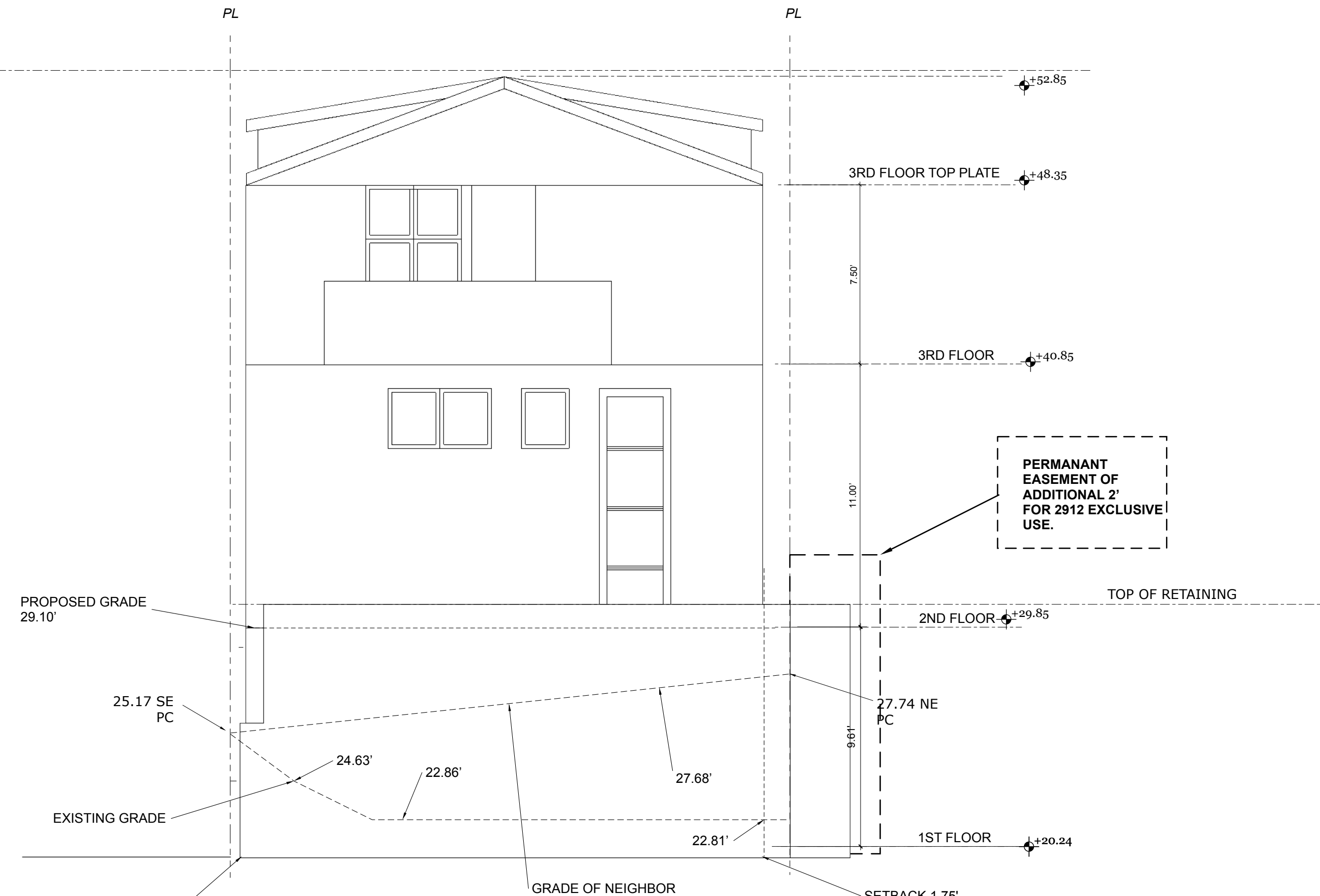
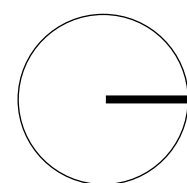
north



NOTE: PARAPETS, SATELLITE, ANTENNAE, RAILS, SKYLIGHTS, ROOF EQUIPMENT MUST BE WITHIN THE HEIGHT LIMIT



north



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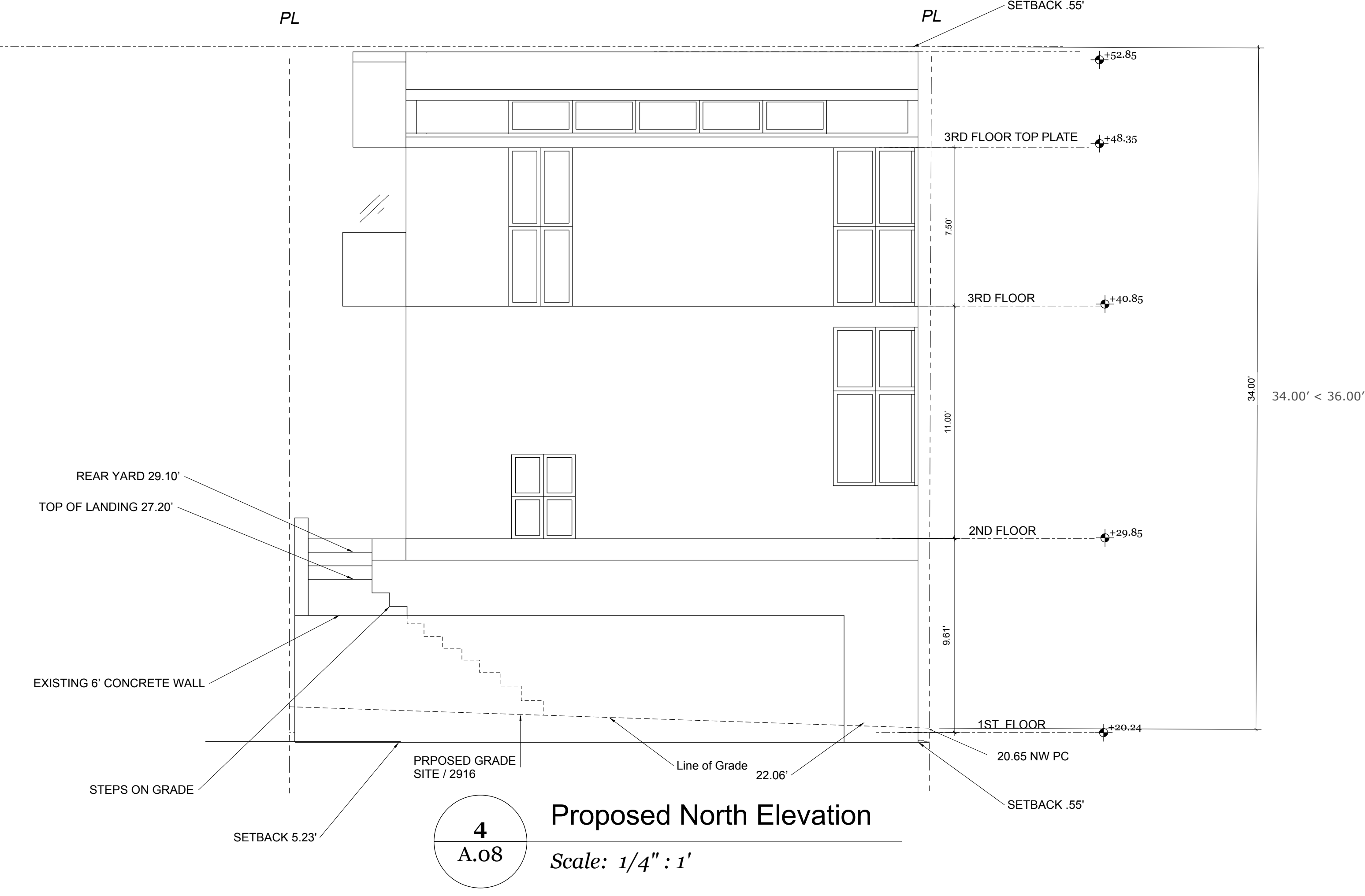
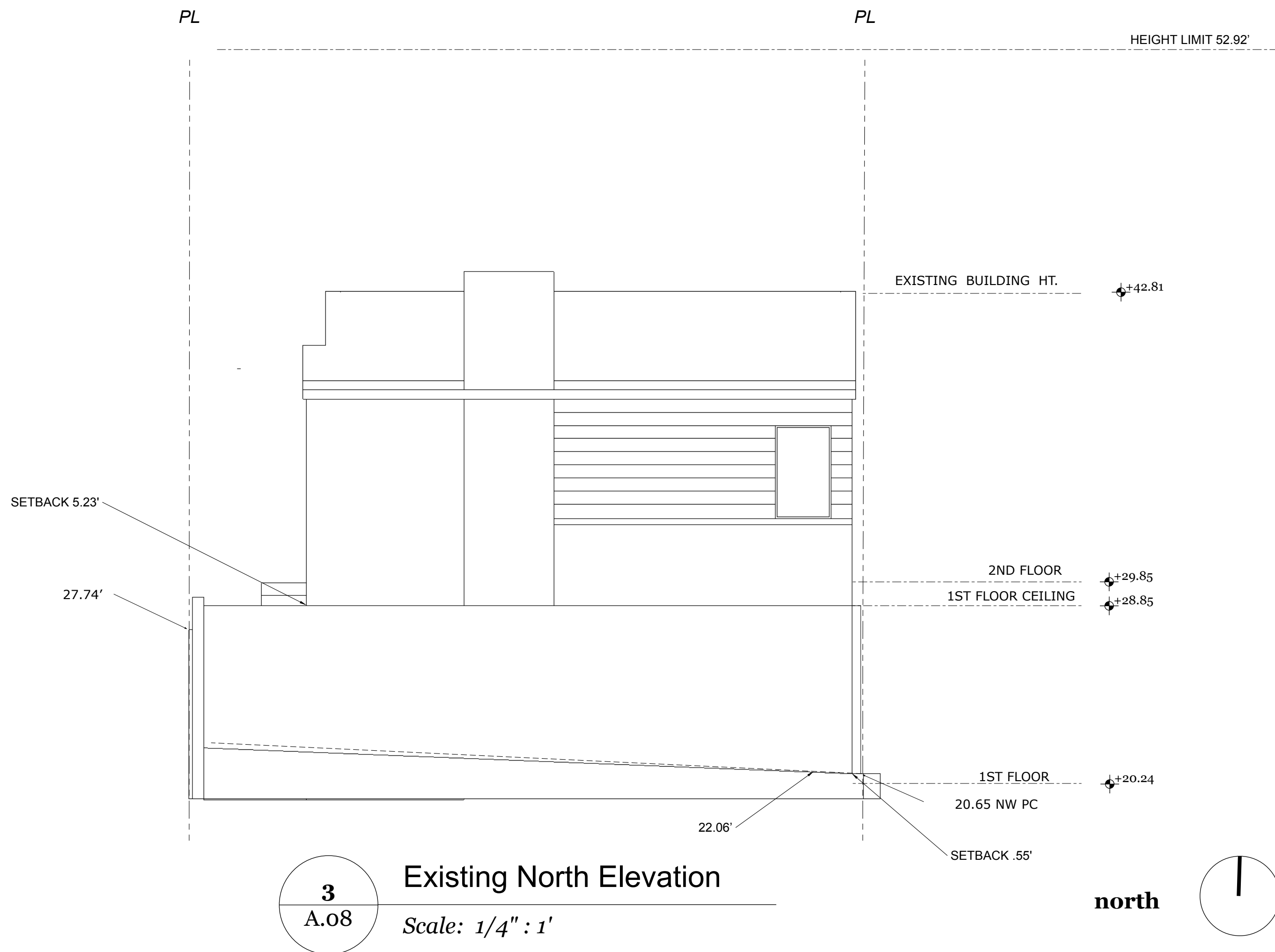
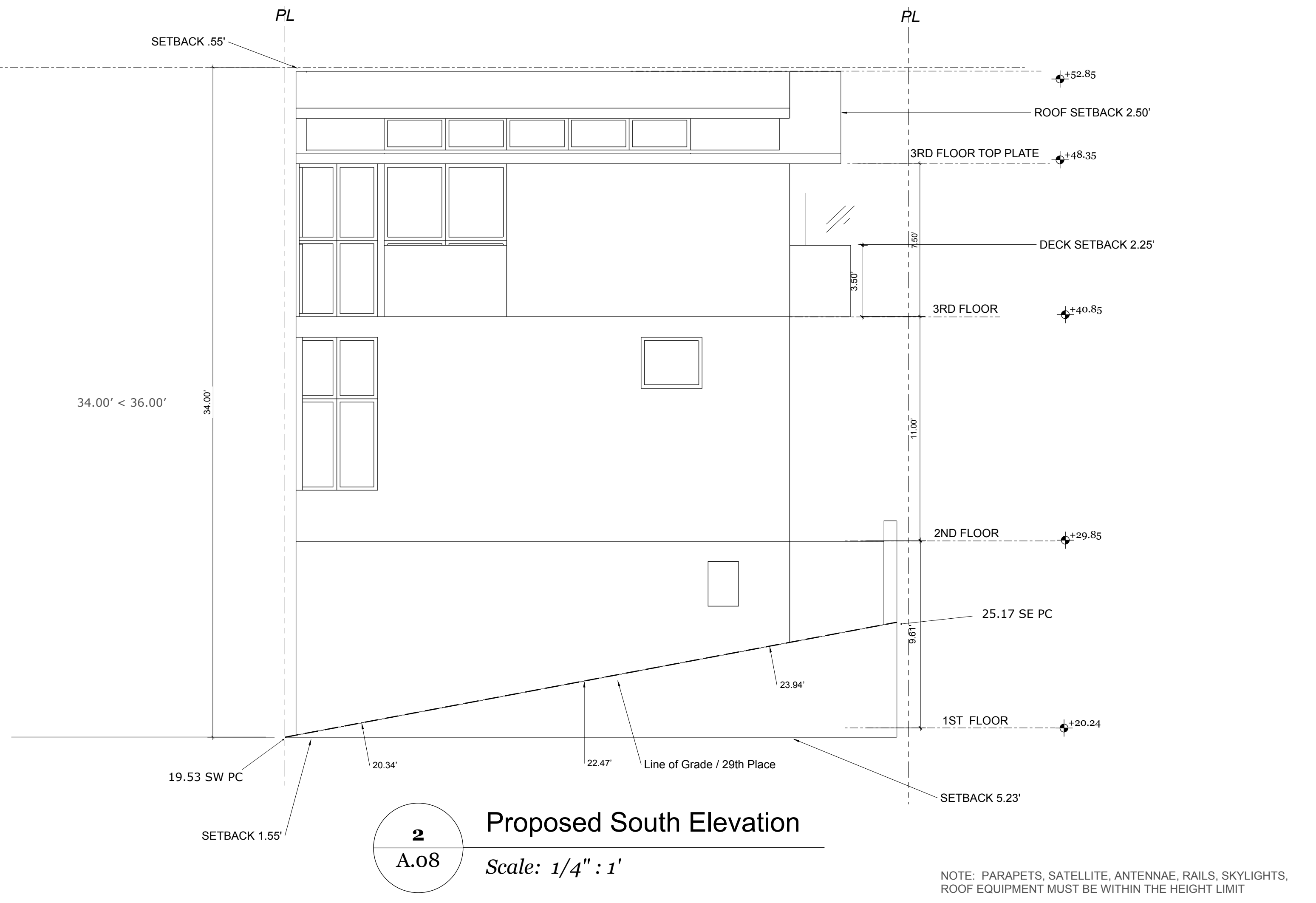
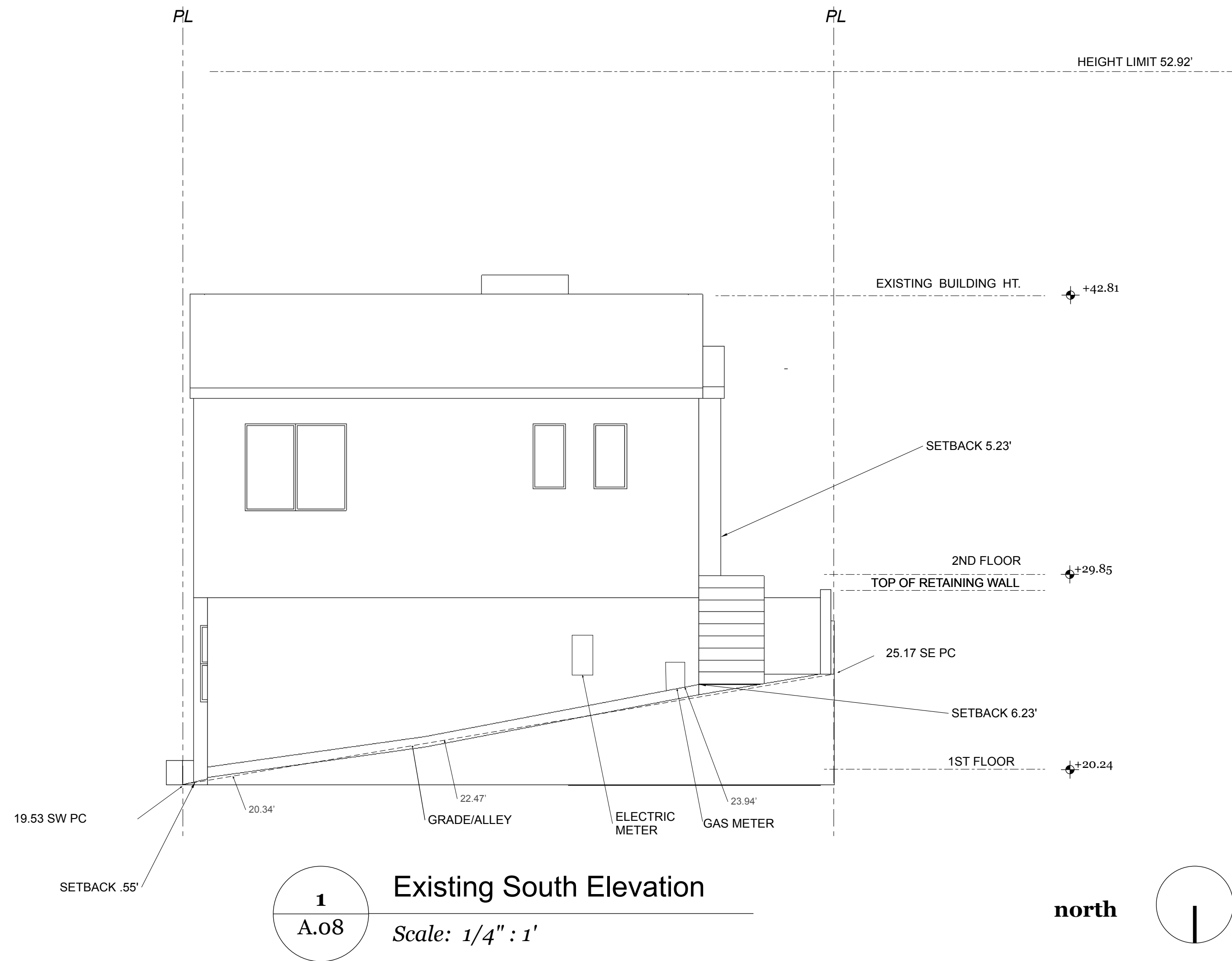
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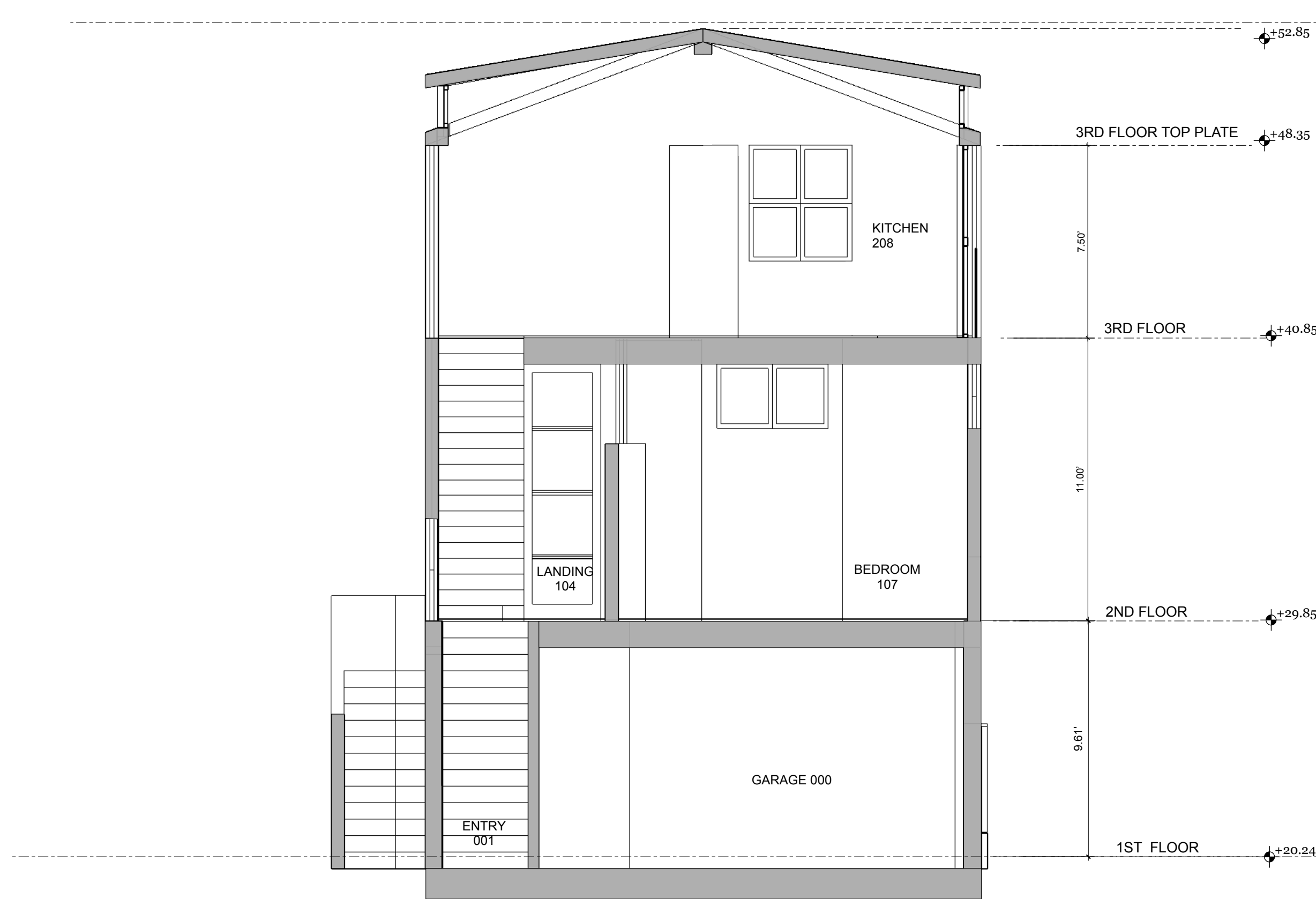
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10



B
A.11

SECTION - EAST

Scale: 1/4" : 1'

HEIGHT LIMIT 52.92'



A
A.11

SECTION - EAST

Scale: 1/4" : 1'

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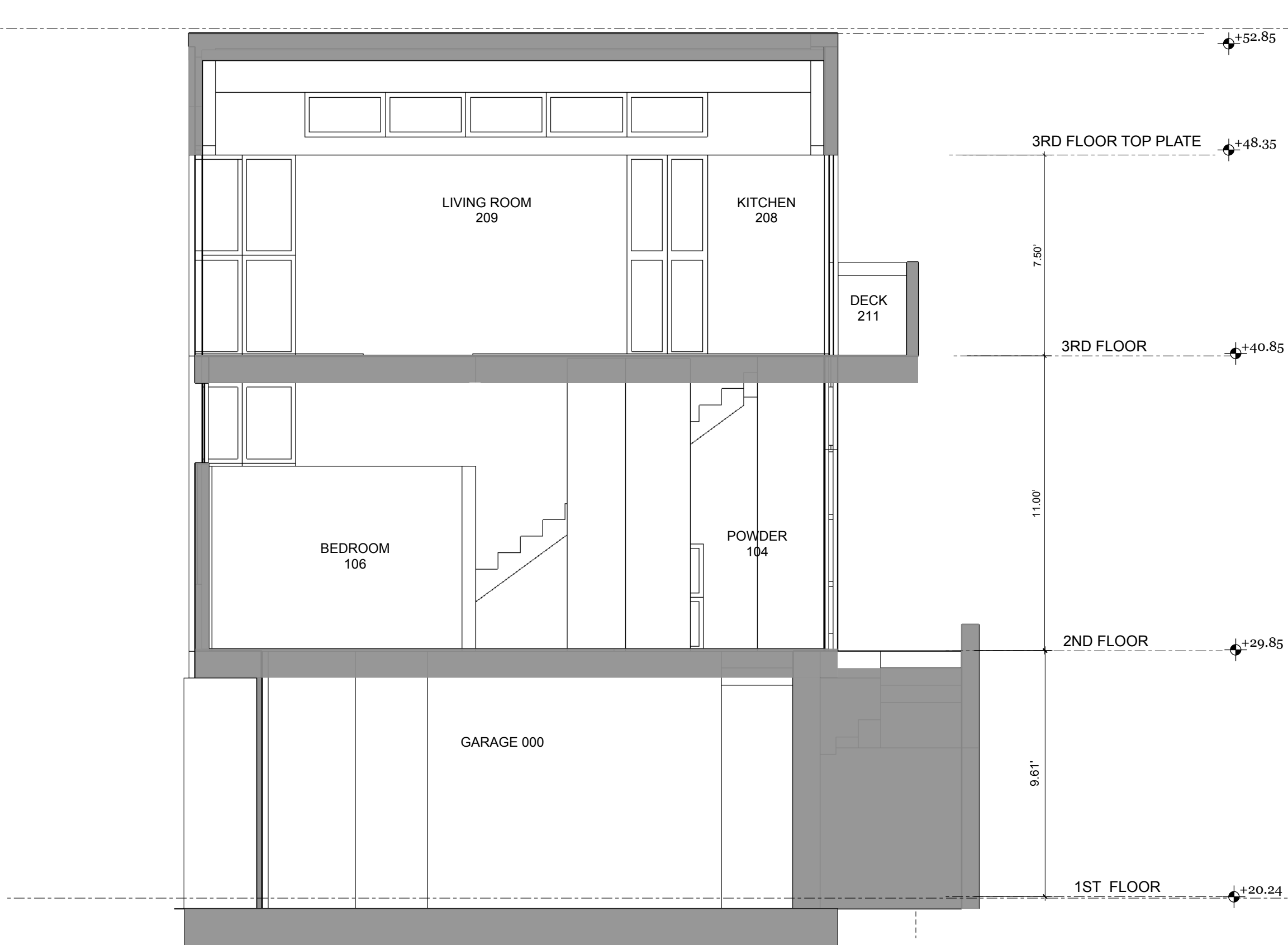
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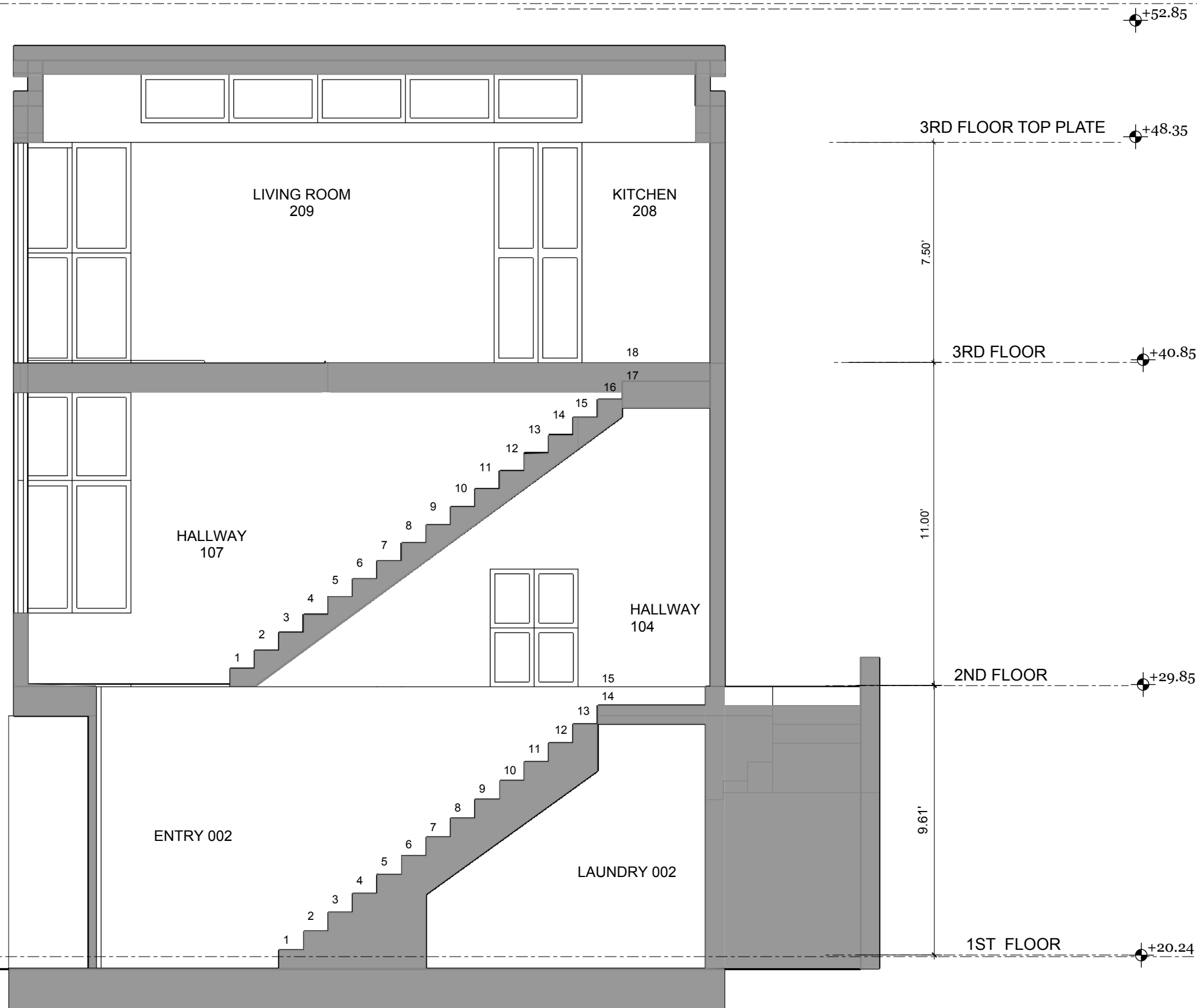
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11



B
A.12
SECTION - NORTH
Scale: 1/4" : 1'



A
A.12
SECTION - EAST
Scale: 1/4" : 1'

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RENDERING 1



RENDERING 2

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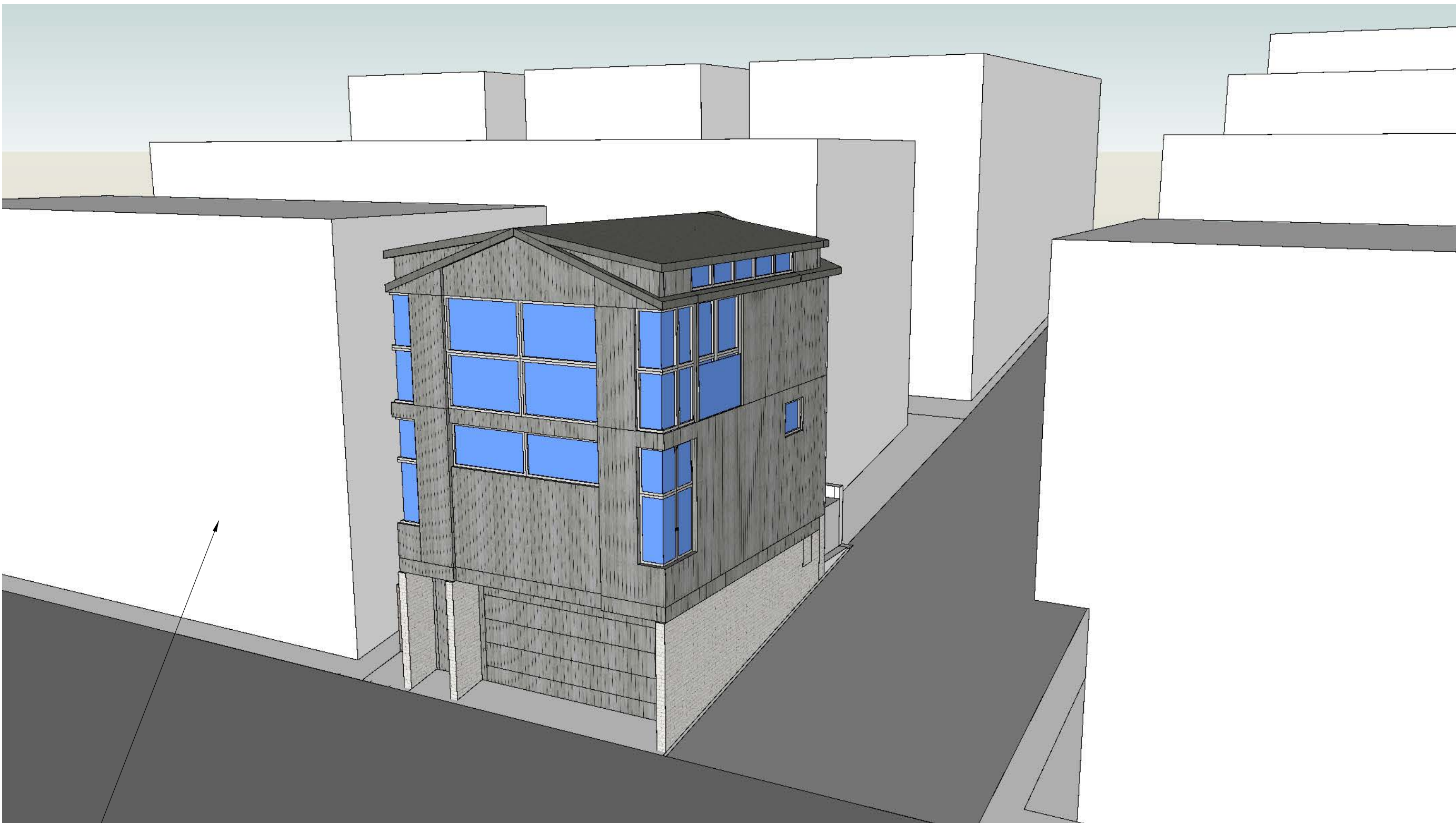
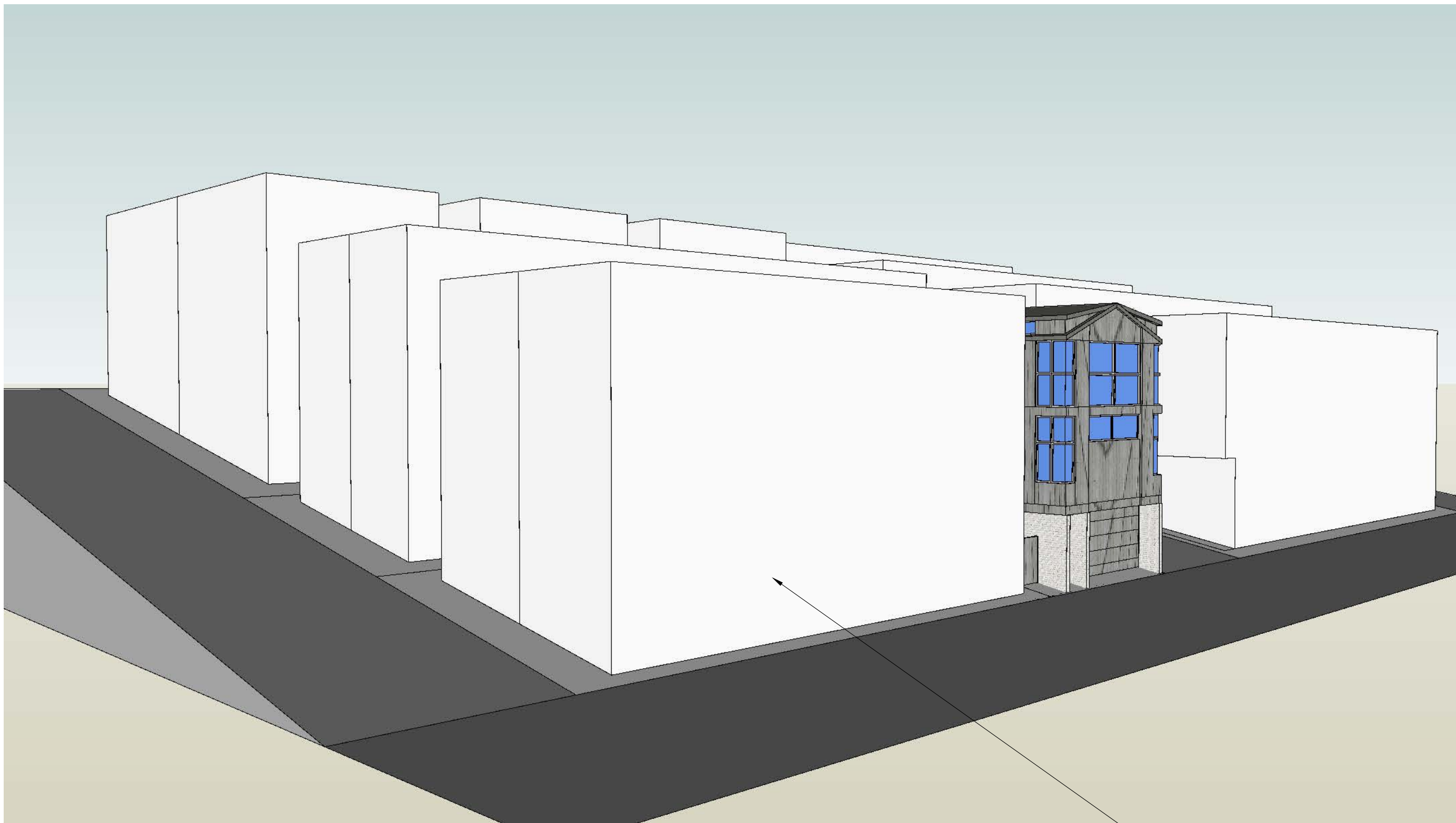
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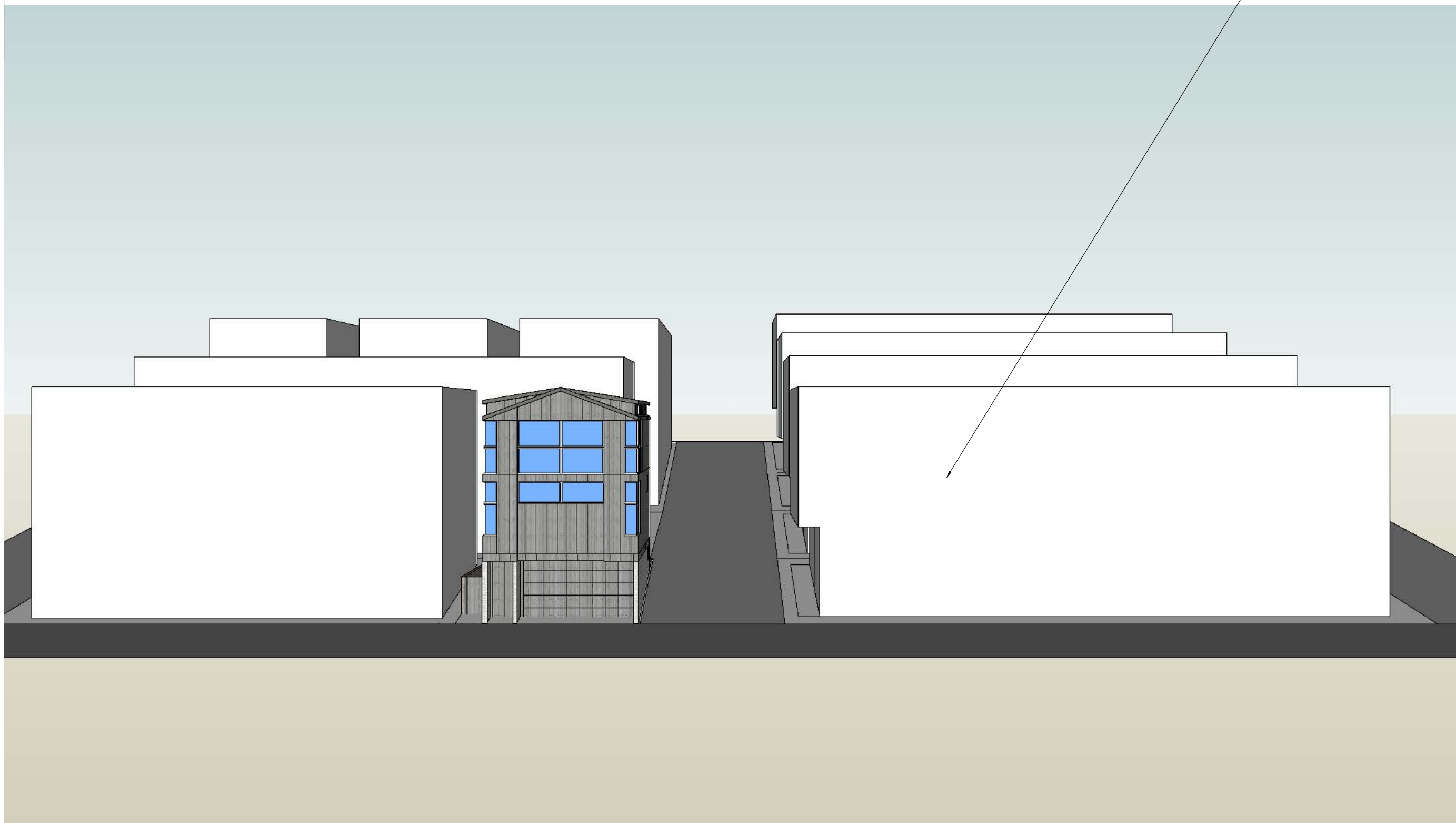
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Block Drawings of Adjacent Properties
Per Zoning Standards for Setback and Heights



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14



Distance the roof eave and south wall of 2916 Ocean are from Property Line.



6" Concrete Wall at North side of 2' Easement.



2' Exclusive Use Permanent Easement for 2912 Ocean.

Property Line - 20.65'

Setback of 2912 Ocean from Property Line.

EASEMENT PHOTOS

LATE COMMENT- 06/13/2018 PC MEETING

Ted Fatusos

From: breton lobner <bkllobner42@gmail.com>
Sent: Sunday, June 10, 2018 3:09 PM
To: Ted Fatusos
Subject: 2912 Ocean Ave Application to Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Ted Fatusos, Anne McIntosh and the Planning Commission:

We live across the alley on 29th Place from 2912 Ocean Ave. We received a notice of an application for a non-conforming 3rd story addition to and remodel of the property. The home currently situated on the property is a two story building constructed lot line to lot line that, but for grandfathered rights, is in non-compliance with numerous city building and zoning requirements. The building is located on a sub-standard lot, not even a 30 foot by 45 foot lot. For this reason alone the application for a third story should be denied outright.

We tried this afternoon to read the staff's report on line regarding the application. The City's website is apparently down so we could not read what staff is recommending to the Planning Commission. Obviously the public and our neighbors cannot see what the staff is recommending, but the hearing is scheduled for this Wednesday.

We are opposed to a three story building on this lot. The adjacent building to the north which has been under construction is located on the same 30 by 90 parcel adjacent to Ocean Ave. This new building is already a very large, bulky and tall structure. Were this current application to be for two buildings on this single 30 by 90 lot, both the size and bulk of the two buildings would not be permitted. Why should the bulk, height and size of this applicant's building, when submitted separately, be allowed to be constructed in violation of many, many code provisions?

Please register our opposition to permitting the third story unless the entire project meets all the city's code requirements, including but not limited to setbacks on the front, side and corner; open space; driveway visibility; bulk restrictions, lot size restrictions, height restrictions and parking requirements.

We are informed that the applicant is a professional builder. We have to ask why he should be granted the right to come into our neighborhood to build as he proposes in violation of numerous code requirements? Please hold him to the same standards that apply to the rest of us.

To allow this application to go forward will allow a totally overbuilt structure on a substandard undersized size lot. The third story addition should not be permitted.

Bret Lobner