



## Legislation Details (With Text)

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**In control:** City Council Regular Meeting

**On agenda:** 6/19/2018      **Final action:**

**Title:** Appeal of a Planning Commission Decision to Uphold the Community Development Director's Decision for a Minor Exception Approval at 1208 The Strand (Community Development Director McIntosh).  
DIRECT STAFF TO DRAFT RESOLUTION UPHOLDING PLANNING COMMISSION DECISION'S UPHOLDING THE DIRECTOR'S DECISION

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Appellant Documentation (1212 The Strand), 2. Appellant Documentation (1200 The Strand), 3. Building Valuation Worksheet, 4. Project Valuation Worksheet

| Date      | Ver. | Action By                    | Action | Result |
|-----------|------|------------------------------|--------|--------|
| 6/19/2018 | 1    | City Council Regular Meeting | accept | Pass   |

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Anne McIntosh, Community Development Director  
Eric Haaland, Acting Planning Manager  
Angelica Ochoa, Associate Planner

**SUBJECT:**  
Appeal of a Planning Commission Decision to Uphold the Community Development Director's Decision for a Minor Exception Approval at 1208 The Strand (Community Development Director McIntosh).  
**DIRECT STAFF TO DRAFT RESOLUTION UPHOLDING PLANNING COMMISSION DECISION'S UPHOLDING THE DIRECTOR'S DECISION**

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**RECOMMENDATION:**  
Staff recommends that the City Council direct staff to prepare a resolution concurring with the Planning Commission decision upholding the Community Development Director's approval of a Minor Exception at 1208 The Strand.

**FISCAL IMPLICATIONS:**  
No fiscal implications associated with the recommended action.

**BACKGROUND:**

### History

In 1969, the subject property located at 1208 The Strand was built as a triplex in the Coastal section of the City. In 1981, the Planning Commission and the California Coastal Commission approved the conversion of a triplex to a three-unit condominium (Units A, B and C). On August 13, 2014, a Minor Exception application was approved for an interior remodel of Unit C and exterior remodel of the entire structure. The existing building is non-conforming for setbacks, parking and open space. On April 22, 2016, construction plans were submitted and a building permit was issued on February 27, 2017 for the approved scope of work. On March 30, 2017, a revision permit was issued to rebuild and repair existing front decks due to dry rot and termite damage.

On August 22, 2017, a stop work was issued due to a neighbor complaint that more work was being done than approved. Substantial structural improvements had been completed on non-conforming walls and on Units A and B that was not part of the original approval.

On August 31, 2017 preliminary plans were submitted for the unpermitted work. The project and building valuation of the remaining structure were revised and approved by the Building Official to ensure that the Minor Exception criteria requiring at least 10% of the existing structure remained in place. On February 13, 2018, a Minor Exception Amendment was approved to include the additional work.

On February 26, 2018 an appeal was submitted by the neighbor to the north at 1212 The Strand stating that the extent of the work done constitutes new construction, did not meet the Minor Exception criteria, and therefore should conform to all requirements. The neighbor also feels the project will significantly impact their property, including limiting access to their side yard and the beach.

### **Planning Commission meeting**

On April 25, 2018, after discussing the subject appeal and taking public comment, the Planning Commission upheld the Community Development Director's approval of the Minor Exception and denied the appeal by a 5:0 vote. Overall, the Planning Commission denied the appeal for the following reasons:

- 1) No valid argument that Staff did not follow the Code correctly or there were any inaccuracies on the determination of the Minor Exception approval.
- 2) Project is consistent with Minor Exception intention of preserving older properties and providing homeowners options to remodel entire building and not completely rebuild.
- 3) Existing older building was upgraded and reinforced to be structurally safe.
- 4) Subject project is not detrimental since the existing building was retained and not entirely demolished.
- 5) Project valuation data and approval was explained and verified as accurate by staff.

Link to Planning Commission staff report:

[http://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning\\_commission/2018/20180425/20180425-2.pdf](http://cms6ftp.visioninternet.com/manhattanbeach/commissions/planning_commission/2018/20180425/20180425-2.pdf)

### **Subject Appeal (Attachments 1 and 2)**

On May 7 and 8, 2018, appeals were submitted by the original appellant at 1212 The Strand and also the neighbor at 1200 The Strand. Both appeals are requesting that the City Council reverse the Minor Exception approval, based upon the following allegations:

- 1) Scope of work at 1208 The Strand does not meet the Minor Exception criteria of a remodel, is not compatible with properties in the area, is detrimental to surrounding neighbors, and makes it reasonable to bring non-conformities into compliance.
- 2) New proposed staircase interferes with 1212 The Strand side yard access.
- 3) No evidence supports that 10% of the structure remained, or how project valuation was calculated.
- 4) Too little of the building remains and project should be considered new construction.

Staff does not believe that the appeal points are supported. A Minor Exception is a zoning tool that is used by the Director of Community Development to address building and site conditions that do not fit neatly into code standards. An analysis of how the project meets the findings for a Minor Exception is provided below.

## **DISCUSSION:**

### **Staff Analysis and Minor Exception Findings**

#### ***Minor Exception Findings***

Staff supports the subject project in that it meets the intent and findings of the Minor Exception. The required findings, in Section 10.84.120(F)(2) were made by the Planning Commission as follows:

- a) The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height. *The project is compatible with the properties in the surrounding area as it will continue to be a three-unit condominium, which is allowed by current regulations.*
- b) There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air. *The project will have no change to the existing overall footprint, no increase in square footage. The third floor deck projection into the front yard setback for Unit C will be reduced by 2'8" and the north side yard stairs will be reduced in overall length and brought closer into compliance.*
- c) There are practical difficulties which warrant deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot. *The site presents substantial practical difficulties in that it would require removing living area and significant redesign due to the existing conditions and development on the site.*
- d) That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible. *Moving the existing non-conforming building walls would require significant structural alterations and redesign that may remove a unit.*
- e) That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines. *The property is zoned Residential High Density and will continue to be a multi-family, 3 condominium unit use as allowed.*

Staff believes the project meets the zoning code's intent of the Minor Exception, as approved, by allowing alteration and remodel to an older structure with retention of the same footprint of the building, no expansion or addition, and an upgrade of the building to make it structurally safe. The

analysis and calculations of the project and remaining building valuation are attached (Attachment 3 and 4), and show that at least 15% of the existing building remained. This meets the additional Minor Exception criteria that a minimum of ten percent (10%) of the existing structure be maintained.

### **LEGAL REVIEW**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

### **CONCLUSION**

Staff is requesting that the City Council take public comment, discuss this item and direct staff to draft a resolution for Council consideration, upholding the decision approving the Minor Exception at 1208 The Strand, and denying the appeals. There are no reasonable alternatives available to the property owner. A denial of the Minor Exception would cause unreasonable physical and economic hardship to the property owner.

### **Attachment/Attachments:**

1. Appellant Documentation (1212 The Strand)
2. Appellant Documentation (1200 The Strand)
3. Building Valuation Worksheet
4. Project Valuation Worksheet