

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON JUNE 21, 1994,
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Comm. Marks.

Pledge of Allegiance led by Comm. Suard.

ROLL CALL

Present: Comms. Dettelbach, Marks, Suard
Absent: Comm. Di Monda, Chmn. Merl
Also Present: Michael Schubach, Planning Director
Sylvia Root, Recording Secretary

CONSENT CALENDAR

Mr. Schubach commented that Resolution P.C. 94-17 had been revised, noting Item 1.A. had been changed to state the waiting area must be maintained, with no serving unless the design is changed to include interior access without use of the public sidewalk.

MOTION by Comm. Dettelbach, Seconded by Comm. Suard, to **APPROVE** the Consent Calendar items with no change:

3. June 7, 1994 Minutes

4.a. Resolution P.C. 94-17 approving a Conditional Use Permit and Parking Plan, as amended, to allow an outside waiting area in conjunction with a restaurant with on-sale alcohol at 705 Pier Avenue.

AYES: Comms. Dettelbach, Marks, Suard
NOES: None
ABSENT: Comm. Di Monda, Chmn. Merl
ABSTAIN: None

ORAL/WRITTEN COMMUNICATIONS:

6.a) Letter from Lawrence O. Fordiani dated May 31, 1994 regarding Martha's Restaurant and Martha's Corner (continued from June 7, 1994 meeting).

Comm. Marks invited public testimony.

Larry Fordiani, 2207 and 2211 Hermosa Ave, referenced his letter to the Commission. He stated he had been addressing the problems for the past 18 months, detailing those problems as: (1) inadequate

trash bins to contain the overflow of trash, (2) the area is not kept clean, (3) the trash containers are not enclosed, (4) the north side of the building was being used as a staging area for food delivery and storage, (5) the doors on the west and north sides of the building are kept open and employees toss trash out the doors, (6) a water heater had been placed on the roof seven feet from a bedroom window, (7) the venting system is located immediately next to his building, (8) Martha's Restaurant opened at 7:00 a.m. Mr. Fordiani stated the area contained a single-family neighborhood with three commercial lots. He said he considered the venting system and water heater "eye sores" and as being detrimental to his building and requested they be relocated. He noted tampering with the documented opening hours from 8:00 a.m. to 7:00 a.m. and questioned how someone could write on and change the Planning Department's official documents. He noted the allowed sale of beer and wine, questioning the times of sales at other than authorized times. Mr. Fordiani complained that the City "had no teeth" due to lack of adequate personnel and requested the City obtain "teeth" in order to address CUP violations. He reiterated he had been addressing the problems for 18 months, with no results, and thanked the Commission for its efforts in resolving his problems.

Comms. Suard and Dettelbach discussed the mitigation measures already taken with Mr. Fordiani, who stated new trash receptacles had not been obtained, the set back area was being used some times to store supplies. Mr. Fordiani stated that clean up was sometimes done and then the situation reverted back. Mr. Schubach commented the venting system was required to be 10 feet back, the water heater was permitted, was a replacement of an old one and the owner had been requested to apply for a building permit.

Comm. Marks requested Staff report whether the replacement water heater was the same size as the previous one. Comm. Dettelbach stated the Commission was addressing CUP violations, which did not include the water heater or the venting system. He noted the water heater remained in the same location as it was when the CUP was issued. Mr. Schubach stated the authorized opening hour was 8:00 a.m., not 7:00 a.m. A CUP change would be necessary to open at 7:00 a.m. The owner had indicated to Staff that professionally-drawn plans would be submitted and include all the requested changes. Comm. Marks requested Staff to confirm that screen doors were in place, as required, at Martha's restaurant.

Comm. Dettelbach said that Mr. Fordiani had overstated the issue when he said the conditions were being changed by a stroke of the pen when, in fact, nothing was being changed. The hours of operation remained as previously approved. The actual hours of operation had been addressed; the answer will be provided to Mr. Fordiani. Comm. Dettelbach stated Staff had addressed the CUP violations, noting that Mr. Fordiani would probably not be satisfied by Staff's and the Commission's actions. Mr. Schubach explained the compliance requirement process, the steps taken to date and the scheduling of further actions to be taken, including notification to the City Attorney.

The Commission requested that Staff contact the Health Dept., requesting a representative review the situation as discussed and place this item on the agenda, providing a status report at the July 19, 1994 Commission meeting.

PUBLIC HEARINGS

7. SS 94-3 -- SPECIAL STUDY AND TEXT AMENDMENT TO THE ZONING ORDINANCE IN REGARDS TO THE SEVENTEEN FOOT GARAGE SETBACK, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION.

Staff Recommended Action: To continue to July 5, 1994 meeting.

Comm. Suard, in the interest of expediency, suggested the Commission move forward with a decision. Comm. Dettelbach suggested, based upon previous discussions among the Commissioners, a continuation to allow input from the absent Commissioners.

Comm. Marks opened the Public Hearing at 7:40 p.m. No one wished to speak, and Comm. Marks closed the Public Hearing at 7:40 p.m.

MOTION by Comm. Marks, Seconded by Comm. Dettelbach, to **CONTINUE** SS 94-3, special study and text amendment to the zoning ordinance in regards to the seventeen foot garage setback, and adoption of an Environmental Negative Declaration, to the Planning Commission's July 5, 1994 meeting.

AYES: Comms. Dettelbach, Marks, Suard
NOES: None
ABSENT: Comm. Di Monda, Chmn. Merl
ABSTAIN: None

8. SS 94-4 -- SPECIAL STUDY AND TEXT AMENDMENT REGARDING COMMERCIAL DEVELOPMENT STANDARDS, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION

Staff Recommended Action: To continue to July 5, 1994 meeting.

Comm. Marks opened the Public Hearing at 7:43 p.m. No one wished to speak, and Comm. Marks closed the Public Hearing at 7:43 p.m.

MOTION by Comm. Suard, Seconded by Comm. Dettelbach, to **CONTINUE**, SS 94-4, special study and text amendment regarding commercial development standards, and adoption of an Environmental Negative Declaration, to the Planning Commission's July 5, 1994 meeting.

AYES: Comms. Dettelbach, Marks, Suard
NOES: None
ABSENT: Comm. Di Monda, Chmn. Merl
ABSTAIN: None

HEARINGS

9. CUP 92-35 -- REVIEW OF THE CONDITIONAL USE PERMIT AUTHORIZING AN EXISTING ADULT THEATER AND BOOKSTORE AT 544 PACIFIC COAST HIGHWAY (PREVIOUSLY KNOWN AS FANTASY ARCADE).

Staff Recommended Action: To direct Staff to proceed with gaining compliance.

Mr. Schubach presented the Staff Report, noting supplemental information from the Police Dept. discussing complaints about criminal activity. The Police Dept. and Planning Dept. Staff were concerned about the fact that the business remodeling did not comply with the granted CUP. Mr. Schubach stated the Commission was given a information relating to all the CUP and Fire Code Conditions of non-compliance by this business. The Commission had previously asked for a status report of compliance by this business. Mr. Schubach explained the schedule necessary, noting this item was currently on its way to some type of court action unless the property owner acted quickly to reach compliance.

Comm. Marks invited public testimony at 7:48 p.m.. No one wished to speak on this subject.

Comm. Marks noted that out of about 30 Conditions, 22 had not been met. He questioned the property owner's intentions, due to the seriousness of the situation suggested immediately action be taken and questioned the necessity of the City Attorney's involvement. Comm. Dettelbach and Mr. Schubach stated the legal due process procedure must be followed.

MOTION by Comm. Suard, Seconded by Comm. Dettelbach, to **APPROVE** Staff's recommendation and **DIRECT** Staff to proceed with gaining compliance. **No objections, so ordered.**

STAFF ITEMS:

- 10.a. Tentative future Planning Commission agenda.

RECEIVE AND FILE

- 10.b. City Council minutes of May 19 and 24, 1994.

RECEIVE AND FILE

COMMISSIONER ITEMS

Comm. Suard stated he would be unavailable during the July 5, 1994 meeting. He supported Staff's recommendation that only one meeting be held in August, 1994.

ADJOURNMENT

MOTION by the Commission to adjourn at 7:54 p.m. No objections; so ordered.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of June 21, 1994.

Robert B. Marks 7/19/94
Robert Marks, Commissioner

Michael Schubach
Michael Schubach, Secretary

Date

Approved 7/18/94
by: Steven A. Suard
Steven A. Suard

SUPPLEMENTAL
INFORMATION

3 (1)

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON JULY 5, 1994,
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Comm. Marks.

Pledge of Allegiance led by Comm. Marks.

ROLL CALL

Present: Comms. Dettelbach, Di Monda, Marks, Chmn. Merl
Absent: Comm. Suard
Also Present: Michael Schubach, Planning Director
Sylvia Root, Recording Secretary

CONSENT CALENDAR

3. June 21, 1994 Minutes
4. Resolutions for adoption
5. Item(s) for consideration

Comms. Dettelbach, Marks and Suard were the only Commission attendees at the June 21, 1994 meeting. Comm. Suard's absence from this and future meetings resulted in Consent Calendar Items 3, 4, and 5 being deferred by the Commission and referred to the City to obtain correct procedural action to be taken.

ORAL/WRITTEN COMMUNICATIONS:

- 6.a) Letter from Parker R. Herriott dated June 23, 1994 regarding BBC at 1332 Hermosa Avenue.

Chmn. Merl invited public testimony.

Parker Herriott read his June 23, 1994 letter, for the record, to the Commission and detailed the distribution of copies to City Staff, OSHA and Alcoholic Beverage Control. He requested investigation of compliance with the CUP, Resolution PC 88-41 and the alcoholic beverage control license by BBC (apparently associated with Besties), located at 1334 Hermosa Avenue. He asked about the food and alcohol ratio, noting it was supposed to be 50% - 50%, if the CUP was being reviewed every six months and if BBC was actually a part of Besties. He requested this matter be put on the agenda for a Public Hearing for a fine or revocation.

The Commission **DIRECTED** Staff to investigate if a violation was in evidence and issue a Staff Report to the Commission reporting current status.

PUBLIC HEARINGS

7. CUP 94-9/PARK 94-4 -- CONDITIONAL USE PERMIT AND PARKING PLAN TO ALLOW A KARATE STUDIO IN PLAZA HERMOSA SHOPPING CENTER AT 1559 PACIFIC COAST HIGHWAY.

Staff Recommended Action: To approve said Conditional Use Permit and Parking Plan.

Mr. Schubach stated it was determined by Staff that parking would not be impacted due to the availability of current parking. Staff recommended approval. Mr. Schubach noted a duplication of words, correcting Draft Resolution Page 4, Section I.2. to read, "...classes in the evenings and/weekends. Class sizes..."

Chmn. Merl opened the Public Hearing at 7:17 p.m.

John Sposato, 941 3rd Street, stated he was available for questions.

No one else wished to speak, and Chmn. Merl closed the Public Hearing at 7:20 p.m.

MOTION by Comm. Marks, Seconded by Comm. Dettelbach, to **APPROVE** CUP 94-9/PARK 94-4, Conditional Use Permit and Parking Plan to allow a karate studio in Plaza Hermosa shopping center at 1559 Pacific Coast Highway, correction Page 4, Section I.2. to read, "...classes in the evenings and/weekends. Class sizes..."

AYES: Comms. Dettelbach, Di Monda, Marks, Chmn. Merl
NOES: None
ABSENT: Comm. Suard
ABSTAIN: None

Chmn. Merl stated this action was subject to appeal to the City Council within 10 days through the City Clerk's office.

8. CUP 94-4/PDP 94-1 -- CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN TO ALLOW A 1500 SQUARE FOOT DRIVE-THROUGH FAST FOOD RESTAURANT, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 1107 PACIFIC COAST HIGHWAY, MC DONALD'S.

Staff Recommended Action: To approve said Conditional Use Permit and Precise Development Plan, and adopt the Environmental Negative Declaration.

Mr. Schubach stated Staff's concerns related to signs, landscaping (particularly on the north side),

retaining wall blocking access to an easement to the adjacent property to the north and oil separators in the parking lot. Staff recommended a monument-type sign, but stated the current sign may be retained if a variance was requested, noting the sign was too tall and not set back far enough. The applicant requested removal of the large on-site trees, to be replaced by palm trees. Staff recommended replacement with 36-inch box trees if the current ones are removed. The applicant wished to shift the alley and establish a mutual easement agreement with the adjacent property to the north. Mr. Schubach noted the new permit requirements to be implemented in the future pertaining to the oil separators and stated Staff recommended an oil separator be located on site. He commented the current usage was as a fast food operation.

Chmn. Merl opened the Public Hearing at 7:27 p.m.

Roger Bacon, 1100 Pacific Coast Highway, stated the project represented five years of negotiations. McDonald's is expecting a high dollar volume at this location, with 1% sales taxes being paid to the City and an increase in local employment. He stated McDonald's does not put solids down the sewer lines and maintains a clean site. He explained the lease and CALTRANS requirements with which he was working. Additionally, he detailed all the local fast food businesses currently having two driveways. He stated there was no problem with removing the retaining wall, noted the trees had fungus and constantly plugged up the drains and requested a change in type of tree on site. He felt the neon lights were not obtrusive, would enhance the building and requested they be allowed to remain. He stated only one area of sidewalk on Pacific Coast Hwy. had to be patched, the 11th Street driveways would be handled by McDonald's making only one driveway at the back of the property. He stated he was pleased that McDonald's wished to come to Hermosa Beach. He stated the Police Dept. report regarding accidents occurring on Pacific Coast Hwy. during a one-year period was far less than 1%. The trees would be replaced one-for-one, but if more were required, they would be added. These trees would be in 36-inch boxes and 10 feet tall when planted. McDonald and/or Mr. Bacon would be responsible for tree trimming.

Celso C. Martinez, 21300 Victory Blvd., Ste. 800, Woodland Hills, agreed with the proposed Conditions and requested consideration be given to approving the neon lighting and retention of the current sign, changing the copy only, stressing visibility resulted in increased business. He requested the trees be replaced one for one. He stated a change in the sign would be accepted if necessary in order to get approval of this application during this meeting. He explained the importance that McDonald's get started on the right foot.

No one else wished to speak, and Chmn. Merl closed the Public Hearing at 7:45 p.m.

Comm. Di Monda discussed current sign requirements and limitations with Mr. Schubach. The Commission agreed the current sign would require a variance. Comm. Di Monda stated he had no problem with the neon lighting, felt McDonald's would be a good neighbor, but strenuously objected the 27-foot tall sign remaining, noting this was contrary to the sign ordinance, noting the sign did not have adequate set back and encroached on the public right-of-way.

MOTION by Comm. Di Monda, Seconded by Comm. Marks, to **APPROVE**, CUP 94-4/PDP 94-1, Conditional Use Permit and Precise Development Plan to allow a 1500 square foot drive-through fast food restaurant, and adoption of an Environmental Negative Declaration at 1107 Pacific Coast Hwy, McDonald's, changing the Resolution to permitting neon lighting, as requested by the applicant.

AYES: Comms. Dettelbach, Di Monda, Marks, Chmn. Merl
NOES: None
ABSENT: Comm. Suard
ABSTAIN: None

Chmn. Merl stated this action was subject to appeal to the City Council within 10 days through the City Clerk's office.

9. **SS 94-3 -- SPECIAL STUDY AND TEXT AMENDMENT TO THE ZONING ORDINANCE IN REGARDS TO THE 17-FOOT GARAGE SET BACK, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION (continued from June 21, 1994 meeting).**

Staff Recommended Action: To recommend approval of said text amendment and adoption of the Environmental Negative Declaration.

Mr. Schubach stated the draft Resolution essentially allowed, on those streets with large public right-of-ways which probably will not be used in the future or, if used, the consequences would be negligible, the 17-foot set back to start at the nearest improvement instead of the property line. He noted a change in the draft Resolution, which should include a clarifying statement noting measurement is taken at the exterior of the right-of-way (exterior sidewalk edge); measurement would be taken from the sidewalk edge nearest to the property line. Comm. Di Monda questioned instances where no sidewalks existed. Mr. Schubach noted this was a possibility, stating that some properties would have a short area between the garage and sidewalk, but this would be an acceptable situation. He discussed specific situations of missing sidewalks with Comm. Di Monda, who felt the City would be better served to include a clause stating that where no sidewalk existed, measurement would take place a specific number of feet from the curb (whatever the normal City sidewalk width is determined to be). Comm. Dettelbach felt only a small number of properties would be affected and need not be addressed at this time.

Chmn. Merl opened the Public Hearing at 8:00 p.m. No one wished to speak, and Chmn. Merl closed the Public Hearing at 8:00 p.m.

Comm. Marks discussed extra-wide right-of-ways that have not and probably would not be used by the City.

MOTION by Comm. Dettelbach, Seconded by Comm. Di Monda, to **APPROVE**, SS 94-3, Special study and text amendment to the zoning ordinance in regards to the 17-foot garage set back, and adoption of an Environmental Negative Declaration, including the change to Item B to read, "...from the exterior edge of the sidewalk..."

AYES: Comms. Dettelbach, Di Monda, Marks, Chmn. Merl
NOES: None
ABSENT: Comm. Suard
ABSTAIN: None

10. SS 94-4 -- SPECIAL STUDY AND TEXT AMENDMENT REGARDING COMMERCIAL DEVELOPMENT STANDARDS, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION (continued from June 21, 1994 meeting).

Staff Recommended Action: To recommend approval of said text amendment and adoption of the Environmental Negative Declaration.

Mr. Schubach stated Staff proposed a lesser set back in the C1 and C2 zones would be acceptable because when the ordinance was passed, buildings were allowed to be 35 feet rather than 30 feet tall. Also an exemption was being proposed for non-conforming buildings regarding this set back; those buildings not having the new set back requirement would not be considered non-conforming buildings in regards to the set back. Alcoholic sales would be passed over to another study being conducted. He discussed possible impacts to buildings with Comm. Di Monda.

Chmn. Merl opened the Public Hearing at 8:07 p.m.

Chuck Sheldon, 1800 The Strand, property owner of 101 Hermosa Avenue, stated he planned to remodel and expand this property, which has a five-foot setback at the rear with a 35-foot tall apartment building adjacent to the rear of the property. This text amendment would allow the proposed remodel. He supported this text amendment.

No one else wished to speak, and Chmn. Merl closed the Public Hearing at 8:09 p.m.

Comm. Di Monda referenced the draft Resolution, paragraphs E, noting relettering of the paragraphs was necessary. The second paragraph E, line 27 should be changed to read, "... at least...". Comm. Dettelbach commented paragraph F, line 3 should read, "...prepared by..."

MOTION by Comm. Dettelbach, Seconded by Comm. Di Monda, to **APPROVE**, SS 94-4, Special study and text amendment regarding commercial development standards, and adoption of an Environmental Negative Declaration, to include changes in relettering in text as discussed.

AYES: Comms. Dettelbach, Di Monda, Marks, Chmn. Merl
NOES: None
ABSENT: Comm. Suard
ABSTAIN: None

11. SS 94-5 -- SPECIAL STUDY AND TEXT AMENDMENT TO THE CONDITIONAL USE PERMIT REQUIREMENT, AND STANDARDS FOR OFF-SALE ALCOHOL BEVERAGE ESTABLISHMENTS, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION.

Staff Recommended Action: To recommend approval of said text amendment and adoption of the Environmental Negative Declaration.

Mr. Schubach stated Staff recommended the CUP be used for only establishments open after 10:30 p.m. with off-site sales of alcohol and the 100-foot setback distance be maintained for those establishments open after 10:30 p.m. He explained Manhattan Beach's policies relating to this issue. Mr. Schubach detailed the suggested alternatives and enforcement problems.

Chmn. Merl opened the Public Hearing at 8:15 p.m. No one wished to speak, and Chmn. Merl closed the Public Hearing at 8:15 p.m.

Comm. Marks suggested a study of effects upon liquor stores be conducted. Chmn. Merl asked for a Staff analysis as to the impacts of this proposal upon future liquor stores. Mr. Schubach stated the areas within the City were very limited for future business development for off-site sale of alcoholic beverages and discussed previous problems experienced with the method of measurement of the 100-foot setback. Mr. Schubach noted "enforcement" was of concern. Comm. Dettelbach felt small neighborhood markets, selling a small sales ratio of alcohol, should not be penalized. Under this recommendation, they would have to complete the same requirements as liquor stores would, suggesting a sales ratio or shelf-space ration threshold be considered, to which Comm. Di Monda agreed. Chmn. Merl summarized, stating the Commission's concerns regarded late-evening sales of alcohol and volume excess of a certain percentage of sales.

MOTION by Comm. Dettelbach, Seconded by Comm. Di Monda, to **CONTINUE**, SS 94-5, Special study and text amendment to the conditional use permit requirements, and standards for off-sale alcohol beverage establishments, and adoption of an Environmental Negative Declaration and to **DIRECT** Staff to recommend a range of viable enforcement policies, where off-site alcoholic beverage sales are truly a secondary function and establish a criteria of enforcement, and submit a Staff Report of results, renoting this item prior to the Public Hearing.

AYES: Comms. Dettelbach, Di Monda, Marks, Chmn. Merl
NOES: None
ABSENT: Comm. Suard
ABSTAIN: None

HEARINGS

12. SS 93-7 -- A REFERRAL BACK FROM THE MAY 10, 1994 CITY COUNCIL OF A SPECIAL STUDY AND TEXT AMENDMENT TO ADD A DEFINITION AND METHOD OF DETERMINATION FOR GRADE FOR THE PURPOSE OF MEASURING BUILDING HEIGHT (continued from June 7, 1994 meeting).

Staff Recommended Action: To review and comment.

Mr. Schubach stated Staff recommended this matter be CONTINUED since a five-member Commission was not in attendance. The new Commissioner will be able to attend the next scheduled meeting.

Comm. Marks invited public testimony at 8:27 p.m.. No one wished to speak on this subject.

MOTION by Comm. Di Monda, Seconded by Comm. Dettelbach, to CONTINUE this item until a full Commission is in attendance, with appropriate noticing completed prior to that meeting. No objection, so ordered.

STAFF ITEMS:

13.a. Memorandum regarding Planning Commission meeting in August.

The Commission agreed to request that only one meeting be held in August, 1994, scheduled August 2, 1994. If an applicant requests a second meeting due to urgent business, then one would be held.

13.b. Planning Department activity report of May 1994.

RECEIVE AND FILE

13.c. Tentative future Planning Commission agenda.

RECEIVE AND FILE

13.d. City Council minutes of May 31, June 2, 6, and 14, 1994.

RECEIVE AND FILE

COMMISSIONER ITEMS

Comm. Di Monda stated the Pier Subcommittee was meeting July 6, 1994 and invited Comm. Marks to attend that meeting. Comm. Marks preferred the packet be given to him for informational purposes. Mr. Schubach stated he would remind Ms. Rooney of this request.

Comm. Di Monda discussed with Mr. Schubach parking of "big rigs". Comm. Di Monda felt the City should not allow "big rigs" to park in City parking lots, noting they were "sneaking" in the City Hall parking lot. The Commission REQUESTED a Staff Report from Staff be presented at the July 19, 1994 meeting.

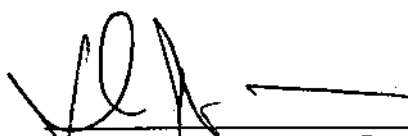
The Commission discussed with Mr. Schubach Mr. Fordiani's letter and concern relating to a Resolution file copy that had handwritten hour notation which appeared to allow a 7:00 a.m. opening time. Mr. Schubach explained the original Resolution stated "8:00 a.m.", Staff had notified the business owner that the CUP needed to be amended or the 8:00 a.m. opening hour was to be complied with. The Commission accepted Mr. Schubach's explanation, requiring no further action to be taken except for normal Staff procedures.

ADJOURNMENT

MOTION by the Commission to adjourn at 8:39 p.m. **No objections; so ordered.**

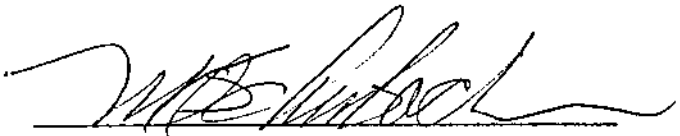
CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of July 5, 1994.



Rod Merl, Chairman

Joseph Di Monda,
Vice Chairman



Michael Schubach, Secretary

7-19-94
Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON JULY 19, 1994,
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Vice-Chairman Di Monda

Pledge of Allegiance led by Comm. Dettelbach.

Vice-Chmn. Di Monda introduced and welcomed Comm. Tucker and Community Development Director Blumenfeld.

ROLL CALL

Present: Comms. Dettelbach, Marks, Tucker, Vice-Chmn. Di Monda
Absent: Chmn. Merl
Also Present: Sol Blumenfeld, Community Development Director
Michael Schubach, Planning Director
Sylvia Root, Recording Secretary

CONSENT CALENDAR

MOTION by Comm. Dettelbach, Seconded by Comm. Marks, to **APPROVE** the Consent Calendar items with no change:

3. **June 21 and July 5, 1994 Minutes**
- 4.a. **Resolution P.C. 94-18** approving a Conditional Use Permit to allow a health and fitness center (karate studio) and a Parking Plan, pursuant to Section 1170 of the zoning ordinance pertaining to allowing required parking to be reduced in number within a shopping center at 1559 Pacific Coast Highway.
- b. **Resolution P.C. 94-19** approving a Conditional Use Permit and Precise Development Plan to allow a 1500 square foot drive-through fast food restaurant, "McDonald's", and to adopt an Environmental Negative Declaration at 1107 Pacific Coast Highway.
- c. **Resolution P.C. 94-20** to recommend amending Section 1157(c) in regards to setback requirements for parking garages and parking stalls to measure said setback from the edge of the nearest public sidewalk or street improvement rather than the property line and adoption of a Negative Declaration.
- d. **Resolution P.C. 94-21** to recommend amending portions of Section 8-5, commercial development standards to reduce setback requirements for commercial projects adjacent to residential zones and adoption of a Negative Declaration.

AYES: Comms. Dettelbach, Marks, Vice-Chmn. Di Monda
NOES: None
ABSENT: Chmn. Merl
ABSTAIN: Comm. Tucker

ORAL/WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS

7. **VAR 94-1 -- VARIANCE TO ALLOW A GREATER THAN 250 SQUARE FOOT ADDITION TO AN EXISTING SINGLE FAMILY DWELLING NONCONFORMING TO PARKING (DUE TO AN EXISTING SUBSTANDARD GARAGE WIDTH OF 15.9' RATHER THAN 17') AT 1512 PROSPECT AVENUE.**

Staff Recommended Action: To approve said variance.

Planning Director Schubach presented the Staff Report, noting the uniqueness of terrain permitted variance approval.

Vice-Chmn. Di Monda opened the Public Hearing at 7:10 p.m.

Nanci Grube, applicant, 1512 Prospect Avenue, provided an estimated expense breakdown for the project if a variance were not granted. She explained one car could be parked in the garage and one on the driveway with no overhang. She stated the structures were built in 1947. The garage had a roll-up door.

No one else wished to speak, and Vice-Chmn. Di Monda closed the Public Hearing at 7:15 p.m.

Comm. Dettelbach stated his only concern was the amount of time previously spent discussing the 17' setback issues, noting the house was constructed in 1947 and that he did not believe the addition of 1.3' would cause a car to protrude on the sidewalk. Responding to Vice-Chmn. Di Monda, Mr. Schubach stated the property provided two parking spaces, necessary to any expansion. Vice-Chmn. Di Monda, although not feeling this application should be denied, felt the Findings were not adequate, being broad and loosely worded. Comm. Marks determined the property backed up to another property, not an alley.

MOTION by Comm. Dettelbach, Seconded by Comm. Tucker, to **APPROVE VAR 94-1.**

AYES: Comms. Dettelbach, Marks, Tucker, Vice-Chmn. Di Monda
NOES: None
ABSENT: Chmn. Merl
ABSTAIN: None

Vice-Chmn. Di Monda stated this decision was appealable to the City Council within 10 days.

HEARINGS

8. SS 93-8 PART II -- SPECIAL STUDY REGARDING THE STANDARD AND TYPICAL CONDITIONS IMPOSED ON CONDITIONAL USE PERMITS.

Staff Recommended Action: To direct Staff as deemed appropriate.

Planning Director Schubach discussed two examples of conditions imposed upon automobile and on-sale alcohol uses. He stated some conditions had been removed based upon a policy that they were not necessary, being located in other areas of the Municipal Code. This Study would be forwarded to Council, asking a policy direction as to when and when not to impose conditions. The word "shall" had been removed from the zoning ordinance and replaced with the word "may". He noted two options for proceeding.

Vice-Chmn. Di Monda invited public comment relating to this item at 7:30 p.m. No one wished to speak on this subject.

Comm. Marks stated he felt the present method was just fine, noting a person can go to one article and find everything he/she needed. Comm. Tucker noted the duplication within the Health Dept. and ABC Codes, noting deletion of these duplicate issues/items in the Planning documents would save Staff time and offer streamlined documentation to property owners. Comm. Dettelbach noted the Commission had been trying to streamline documentation, including elimination of duplicate information covered in other documents. Vice-Chmn. Di Monda stated his agreement with Comms. Tucker and Dettelbach's comments. Comm. Marks reiterated his feeling that all compliance requirements should be contained within one easily-obtained document which detailed all the responsibilities of an applicant. Vice-Chmn. Di Monda did not feel the CUP was the proper place for the City to reference sections of State, County and other governmental regulations. Comm. Dettelbach stated it was the responsibility of the applicant to determine his/her complete areas of responsibility.

MOTION by Comm. Dettelbach, Seconded by Comm. Tucker, to **APPROVE** Alternative A, directing Staff to come back with a full report on all deletions and/or changes to the conditions that Staff felt should be made, eliminating unnecessary conditions that are duplicated in other documents, including conditions that relate to clearly foreseeable problems.

AYES: Comms. Dettelbach, Marks, Tucker, Vice-Chmn. Di Monda
NOES: None
ABSENT: Chmn. Merl
ABSTAIN: None

STAFF ITEMS:

9.a. Status report regarding violations of the Conditional Use Permit at 23-25 22nd Street, Martha's

Director Blumenfeld had provided graphics relating to the trash enclosure problem. He stated

he had taken detailed measurements at the site, noting the stated problems and suggested, with the Commission's direction, Staff could review the issues, solving those that could be and dismissing those that are beyond the Community Development's scope. He explained the building-related issues were in compliance. Operational issues included the hours of operation, which required a CUP amendment. He noted it was not possible for this location to meet the City's new trash screening requirements and offered suggestions for adequately screening the two on-site dumpsters.

Vice-Chmn. Di Monda confirmed that Staff would address all elements of the complaint letter for which it had responsibility and provide the results to the Commission.

9.b. Status report regarding violations of the Conditional Use Permit at 1334 Hermosa Avenue, Bestie's

Planning Director Schubach stated on-site inspection showed that most items were in compliance. A sign was needed, which the business owner had assured would be obtained. If problems or nuisances are chronic, Staff will revisit the issue. At this point, no chronic problems are evident.

Vice-Chmn. Di Monda invited public comment.

Parker Harriott asked if the CUP was reviewed after six months and if the food/alcohol ratio was at 50/50% of sales. He felt the use had been intensified when the storage room was changed into a bar area and the sale of alcoholic beverages was much higher than that of food. He commented that \$2.00 was charged to go directly to the dance floor, stating the dance floor was a primary use, with customers not buying anything to eat. Vice-Chmn. Di Monda stated the current issues were contained in the previously-addressed eight points contained in Mr. Harriott's letter. He noted Mr. Harriott's disagreement with point #8, which Mr. Harriott confirmed, stating Staff had adequately addressed the first seven items. Mr. Harriott suggested fire inspectors be used to inspect establishments for overcrowding and that the Commissioners visit the site.

9.c. Tentative future Planning Commission agenda.

Receive and File

9.d. City Council minutes of June 16 and 28, 1994.

Receive and File

COMMISSIONER ITEMS None

ADJOURNMENT

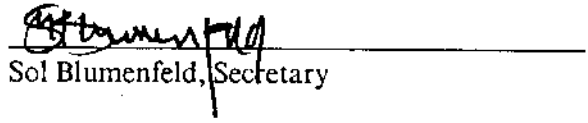
MOTION by the Commission to adjourn at 7:55 p.m. **No objections; so ordered.**

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of July 19, 1994.



Joseph Di Monda, Vice Chairperson



Sol Blumenfeld, Secretary

7-2-94
Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON AUGUST 2, 1994,
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Chairman Merl.

Pledge of Allegiance led by Comm. Tucker.

ROLL CALL

Present: Comms. Di Monda, Marks, Tucker, Chmn. Merl
Absent: Comm. Dettelbach
Also Present: Sol Blumenfeld, Community Development Director
Michael Schubach, Planning Director
Sylvia Root, Recording Secretary

CONSENT CALENDAR

MOTION by Comm. Di Monda, Seconded by Comm. Tucker, to **APPROVE** the Consent Calendar items with no change:

3. July 19, 1994 Minutes
- 4.a. Resolution P.C. 94-22 approving a variance from Section 1162 of the zoning code to allow a greater than 250 square foot addition to an existing dwelling nonconforming to parking due to a substandard garage width of 15.9 feet rather than 17 at 1512 Prospect Avenue

AYES: Comms. Di Monda, Marks, Tucker
NOES: None
ABSENT: Comm. Dettelbach
ABSTAIN: Chmn. Merl

5. Items for consideration None

ORAL/WRITTEN COMMUNICATIONS:

- 6.a. Letter from Lawrence O. Fordiani dated July 28, 1994 regarding Martha's Restaurant and Corner.

Larry Fordiani, 2207 and 2211 Hermosa Avenue, stated that for the past 20 months he has tried to get Martha's Restaurant Management to comply with its C.U.P. Now, the employees are using the area bordering his property as a trash dump. Director Blumenfeld explained he and Mr. Schubach had met the owner of Martha's, discussed a proposal and arrangement for compliance acceptable to the owner. Staff was still pursuing the original plan presented to the Commission.

Comms. Marks and Di Monda suggested a deadline for compliance be established. Planning Director Schubach stated Pam Billings, the restaurant owner, had contacted a contractor to assure plan feasibility and cost and will also request a CUP amendment.

The Commission DIRECTED Staff, to assure compliance in a timely manner, to prepare and issue an implementation schedule, showing milestones to Ms. Billings, with copies to Mr. Fordiani and Commissioners.

PUBLIC HEARINGS

7. SS94-5 -- SPECIAL STUDY AND TEXT AMENDMENT TO THE CONDITIONAL USE PERMIT REQUIREMENT, AND STANDARDS FOR OFF-SALE ALCOHOL BEVERAGE ESTABLISHMENTS, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION (continued from July 5, 1994 meeting).

Staff Recommended Action: To recommend approval of said text amendment and adoption of the Environmental Negative Declaration.

Planning Director Schubach presented the Staff Report, noting Staff's recommendations for definitions of differences pertaining to markets with alcohol as a secondary use and "liquor stores". He discussed the methods and difficulties of enforcement, including Staff's concerns and current practice. He reminded the Commission that the Council felt definition was an enforcement issue and did not wish the Commission to take any action at this time. Messrs. Blumenfeld and Schubach discussed the impacts of Staff's recommendations and enforcement problems with the Commission.

Chmn. Merl opened the Public Hearing at 7:25 p.m. No one wished to speak, and Chmn. Merl closed the Public Hearing at 7:25 p.m.

Comm. Tucker commented that only two or three establishments would be effected and enforcement of alcohol sales could be a definite problem. He suggested a one-year trial period for "beer and wine only" be considered, noting a slow process should be considered. Referencing the suggested 10:30 p.m. limitation, he commented one store was open until 12:00. Comm. Di Monda concluded the simplest procedure at this time was one of no action, noting Council had not directed the Commission to address this issue and the solutions offered created other problems and enforcement difficulties. Comm. Marks stated his agreement with Comms. Tucker and Di Monda. Chmn. Merl also concurred, noting these solutions did not appear to be beneficial for residents.

MOTION by Comm. Di Monda, Seconded by Comm. Marks, to **RECEIVE AND FILE SS 94-5.**

AYES: Comms. Di Monda, Marks, Chmn. Merl
NOES: Comm. Tucker
ABSENT: Comm. Dettelbach
ABSTAIN: None

HEARINGS

8. **SS 93-7 -- A REFERRAL BACK FROM THE MAY 10, 1994 CITY COUNCIL OF A SPECIAL STUDY AND TEXT AMENDMENT TO ADD A DEFINITION AND METHOD OF DETERMINATION FOR GRADE FOR THE PURPOSE OF MEASURING BUILDING HEIGHT (continued from June 7 and July 5, 1994 meetings).**

Staff Recommended Action: To recommend a modified definition.

Planning Director Schubach stated this item was being brought back with the changes recommended by the Commission. He stated the effort was to allow the property owner to use the natural grade, as best as possible. He recommended adoption of the proposed ordinance.

Chmn. Merl invited public comment relating to this item at 7:40 p.m. No one wished to speak on this subject.

Comm. Marks described a lot with a 10-foot mound in the middle, noting if a house were built on the mound, it would be higher than its adjacent neighbors. Mr. Schubach noted the uniqueness of this example and commented the property owner is supposed to be able to build at the grade that was purchased. Comm. Marks suggested an amendment be made to the building code which addresses natural phenomena. He felt uniformity was necessary to prevent owners from illegally increasing the ground level height. Mr. Schubach referenced the diagrams on Page 4, discussing interpretations with Comm. Marks. Comm. Di Monda stated the function of the Commission was not to try to reduce everything to the least common denominator. He stated the sky exposure plane would follow the unusual grade variations. Comms. Marks and Di Monda discussed their opposing viewpoints relating to this issue. Comm. Di Monda noted the simplicity of following the ground contour, leading the property owners to reasonably expect to be able to build height distances according to ground contour and allowing for ground contour variations and design flexibility. Comm. Di Monda noted the graphics provided were incorrect and asked they be corrected. Comm. Tucker commented that measurements were being taken from lot corner points, creating a difficulty in manipulation of grade and stated he did not oppose Staff's recommendation. Comm. Di Monda stated the measurements were based upon a continuous plane, starting at the lot corners. Chmn. Merl also supported Staff's recommendation, noting it was a good proposal.

MOTION by Comm. Di Monda, Seconded by Comm. Tucker, to **APPROVE** Staff's Recommendation, Alternative No. 3, with Grade being defined as "the existing surface of the ground, taking into consideration significant variations in the slope along the property lines", Building Height being defined as "the vertical distance measured from grade, as determined in the graphics" which are to be codified, adding a **CONDITION** that the graphics be corrected and brought back to the Commission for final approval.

AYES: Comms. Di Monda, Marks, Tucker, Chmn. Merl
NOES: None
ABSENT: Comm. Dettelbach
ABSTAIN: None

Comm. Di Monda commented for the record that the Building Dept. feels it is entitled, in some instances, a "grade" definition that does not agree with the Planning Dept. definition. He requested that since the Building Dept. felt the UBC preempted the City's zoning ordinance, explanation of the relationship between the State building code and the City zoning ordinance with respect to definitions should be made to Building Dept. Staff. Director Blumenfeld responded, noting efforts were in progress to better integrate Planning and Building Department procedures.

9. THIRD QUARTER GENERAL PLAN AMENDMENTS.

Staff Recommended Action: To direct Staff as deemed appropriate.

Planning Director Schubach stated he received a call from the Public Works Director requesting the circulation element amendment allowing relocation of the bike path along the northern portion of The Strand be added. He discussed the general parking plan requirements with the Commission, stating the downtown parking plan will be presented to the Coastal Commission on August 18, 1994.

Chmn. Merl invited public comment relating to this item at 7:57 p.m. No one wished to speak on this subject.

Comm. Di Monda commented the original discussion had included the north end of the bike path, requiring changing of the staircase to a ramp. After a Public Hearing, the Council had decided to take no action. Comm. Di Monda felt, at this point, it should be the Council's decision to reverse that decision and suggested the Public Works Director's request be given to the Council for consideration.

The consensus of the Commission was that it would be willing to look at this issue if the Council requested the Commission initiate this item, since the last action was by the Council to not proceed with the bike path along the north end of The Strand.

STAFF ITEMS:

10.a. Election of the new Chairman and Vice Chairman

The consensus of the Commission was to CONTINUE the election to the next scheduled meeting of September 6, 1994 to allow all Commissioners to be in attendance.

10.b. Community Development Department activity report of June, 1994.

Director Blumenfeld said the Community Development activity reports, encompassing Planning, are included for review. Chmn. Merl stated this would be helpful to the Commission.

Receive and File

10.c. Memorandum regarding Planning Commission liaison to August 9, 1994 City Council meeting.

Receive and File

10.d. City Council minutes of July 7 and 12, 1994.

Receive and File

COMMISSIONER ITEMS

Comm. Marks stated he had attended the last Pier Design meeting and felt the subcommittee was totally out of control. He questioned:

- (1) The \$4,500,000 estimate submitted by the architects, referencing the \$1,500,000 original budget,
- (2) The disappearance of the shading device in the plans (understanding that Mary Rooney had deleted this item as unnecessary), and
- (3) The life guard stations now had less space than originally, based upon the uncertainty as to whether a contribution would be made by the life guards. The architects should know the parameters and requirements they are to work with.

Comm. Di Monda responded, stating:

- (1) The budget was approximately \$4,000,000, including \$1,500,000 from Prop. A, with anticipating of matching funds from the Coastal Commission and the County Life Guards contributing between \$750,000 and \$1,500,000.
- (2) He did not recall Mary Rooney specifically directing the architects to delete any item. The request to delete the shading device was made during the Joint Meeting. due to visual concerns expressed by the Police and Life Guards. Schematic drawings were necessary to present to the Coastal Commission and the County in order to apply for money. These drawings are only the first step in a long process.
- (3) The architects should have been provided with a program. The County Life Guard Service Management has not continued to be cooperative in supplying information. The interest is picking up, so more information will be supplied. The architects did the best they could with the available information. The life guard stations are less because the management had asked for less.


Comm. Marks suggested a memorandum should be sent to the City Council. Comm. Di Monda felt the project, given the information supplied, was moving along and suggested Comm. Marks send an individual memorandum expressing his concerns. Comm. Marks stated his total disagreement with Comm. Di Monda's statements.

ADJOURNMENT

MOTION by the Commission to adjourn at 8:10 p.m. **No objections; so ordered.**

CERTIFICATION

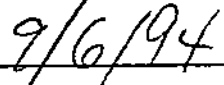
I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of August 2, 1994.



Rod Merl, Chairman



Sol Blumenfeld, Secretary



Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON SEPTEMBER 6, 1994
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Chairman Merl.

Pledge of Allegiance led by Comm. Dettelbach.

ROLL CALL

Present: Comms. Dettelbach, Di Monda, Marks, Tucker, Chmn. Merl
Absent: None
Also Present: Sol Blumenfeld, Community Development Director
Michael Schubach, Planning Director
Sylvia Root, Recording Secretary

CONSENT CALENDAR

MOTION by Comm. Di Monda, Seconded by Comm. Tucker, to **APPROVE** the Consent Calendar items with no change:

3. **August 2, 1994 Minutes**

AYES: Comms. Di Monda, Marks, Tucker, Chmn. Merl
NOES: None
ABSENT: None
ABSTAIN: Comm. Dettelbach

4. **Resolutions for adoption** None

5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS:

Howard Barnett, 10th Street, expressed concern that the Police Dept. had only 2-3 officers on duty during the late evening hours on Saturdays nights. Chmn. Merl suggested Mr. Barnett refer this matter to the City Council.

PUBLIC HEARINGS

- 7. PDP 94-2/PARK 94-5 -- PRECISE DEVELOPMENT PLAN AND PARKING PLAN FOR A 4000 SQUARE FOOT EXPANSION/SECOND STORY ADDITION TO AN EXISTING OFFICE BUILDING (INCREASING THE SQUARE FOOTAGE FROM 2997 TO 6998), AND ENVIRONMENTAL NEGATIVE DECLARATION AT 1001 HERMOSA AVENUE.**

Staff Recommended Action: To approve said Precise Development Plan and Parking Plan, and adopt the Environmental Negative Declaration.

Planning Director Schubach presented the Staff Report, discussing parking provisions and requirements, building appearance and compliance to requirements and concluding that Staff believed the project was consistent with the City's efforts to encourage revitalization and building improvement within the downtown area.

Chmn. Merl opened the Public Hearing at 7:10 p.m.

Chuck Sheldon, applicant, 1800 The Strand, agreed with the Staff Report. He stated two areas were available for an enclosed trash container: (1) under the stairway, and (2) continuing to share the trash container with the adjacent neighbor.

Joseph Vogal, 1011 Manhattan Avenue, requested the roof slope be changed since he would be losing the view from his balcony of The Strand, the sand and the white water. He also noted a one-foot discrepancy in building distance from the curb area.

Karen McDermott, 1011 Manhattan Avenue, stated the view from her house was very important and asked the applicant to consider changing the roof angle, move the building back and/or have a balcony above the first floor. These actions would save her view.

Howard Barnett, 10th Street, stated his concerns regarding aesthetic forms, suggesting a flat roof and that wood be added to the building exterior. He felt the building was of mediocre quality.

Robert Treman, project architect, rebutted resident suggestions, stating that a lot of time and thought had been put into the design prior to submittal. The intent was to provide an upscale, "classy" building. The roof design and material were an integral part of that design and look. Mr. Treman commented that the roof interior would house the air conditioning system.

No one else wished to speak, and Chmn. Merl closed the Public Hearing at 7:20 p.m.

Comm. Di Monda addressed the issues as follows: (1) The building complied with zoning requirements and was approximately one foot below the height limit, (2) The Commission did not involve itself in

building design, allowing property owners to exercise their property rights, (3) neighbor complaints and concerns should be brought directly to the property owner, (4) this project is the first one to go into the downtown area in a long time, (5) the Council and this Commission has encouraged downtown growth during the daytime, and (6) the overall benefit to the community is great, although certain individuals may be adversely affected to some degree. Comm. Di Monda stated that the City did not have a view ordinance, and it would be inappropriate for the Commission to restrict the building design based on view.

Comm. Tucker agreed with Comm. Di Monda's statements. He responded to Mr. Barnett by stating exterior wood does decay and many property owners are not currently caring for wood on buildings. He felt the stucco finish will require less maintenance and had a clean appearance. Comm. Marks noted the project met City requirements and stated his support.

Comm. Dettelbach stated the Commission would not enhance the downtown area to the detriment of residents or for political reasons. This project could not be blocked, as the project plans are in compliance with all requirements. He encouraged communication between residents and the applicant to address the expressed concerns. Chmn. Merl stated he "echoed" Comm. Dettelbach's comments, commenting he hoped an opportunity for resident/applicant discussion would present itself. He felt this project was in the direction in which the City wished to proceed in the downtown area.

MOTION by Comm. Di Monda, Seconded by Comm. Dettelbach, to **APPROVE** this project and Staff's recommendation to review the trash container location.

AYES: Comms. Dettelbach, Di Monda, Marks, Tucker, Chmn. Merl
NOES: None
ABSENT: None
ABSTAIN: None

Chmn. Merl stated this decision may be appealed to the City Clerk within 10 days from this date.

HEARINGS

8. **NR 94-1 -- NONCONFORMING REMODEL TO ALLOW A 250 SQUARE FOOT ADDITION TO AN EXISTING NONCONFORMING DUPLEX WITH TWO PARKING SPACES AT 727 LONGFELLOW AVENUE.**

Staff Recommended Action: To approve said request.

Planning Director Schubach stated the applicant had requested, in writing, a **CONTINUANCE** to allow plan changes to be made. Comm. Marks requested that a longitudinal study be included with the revised plans are submitted.

Chmn. Merl invited public comment relating to this item at 7:35 p.m.

Alana Lagerhausen, applicant, 727 Longfellow Ave., requested a continuance in order to modify her plans, explaining she wished to change the upper unit to a more comfortable owner's unit.

No one else wished to speak on this subject.

MOTION by Comm. Tucker, Seconded by Comm. Dettelbach, to **CONTINUE** this item to the meeting of September 20, 1994, at which time revised plans and a longitudinal study were to be presented.

AYES: Comms. Dettelbach, Di Monda, Marks, Tucker, Chmn. Merl
NOES: None
ABSENT: None
ABSTAIN: None

9. SS 93-6 -- SPECIAL STUDY AND TEXT AMENDMENT TO ARTICLE 13 OF THE ZONING ORDINANCE REGARDING NONCONFORMING BUILDINGS AND USES (referred back from August 9, 1994 City Council).

Staff Recommended Action: To review and comment.

Planning Director Schubach stated the proposal regarded nonconforming ordinances, based upon Council's input, is to simplify the text and provide equal treatment for commercial and residential structures. The termite inspection and method of calculating cost have been removed. He requested the Commission's comments. Cost calculation will be based upon the ICBO.

Chmn. Merl invited public comment relating to this item at 7:48 p.m.

Betty Ryan, Monterey Ave., referencing historical buildings, requested the Commission "think long and hard" prior to telling property owners what they can and cannot do with their properties.

No one wished to speak on this subject. Chmn. Merl closed the Hearing at 7:52 p.m.

Comm. Di Monda commented that previously a list was attempted to be made, resulting in one historical building. He felt, for political reasons, a lot of time had been spent on this subject, which was a waste of taxpayers' money. He felt no reference to historical buildings should be made unless those buildings were identified, with a criteria established, in order to stop any abuse to take place through the political process. Mr. Schubach responded that during the Land Use Element, such buildings were identified. Comm. Di Monda requested a list of historical building to be discussed in open forum. He suggested the goal line item, page 3, be excluded until such a list is presented and approved. He felt the goal was worthwhile, but identification was necessary to eliminate the abuse potential. Responding to Ms. Ryan, he said the Commission was suggesting that all property rights would be retained. In addition, if the building has historical value, the property owner would be allowed to maintain the building in such a state even though nonconformities did exist.

By unanimous consent, the Commission REFERRED this item back to Staff.

STAFF ITEMS:

10.a. Election of the new Chairman and Vice Chairman

Motion was made by Comm. Di Monda, seconded by Chmn. Merl, to nominate Comm. Dettelbach as Chairman. Motion was unanimously APPROVED.

Motion was made by Comm. Dettelbach, seconded by Comm. Di Monda, to nominate Comm. Tucker as Vice Chairman. Motion was unanimously APPROVED.

10.b. Memorandum regarding proposal to initiate monthly Planning Commission meetings.

After discussion, the consensus of the Commission was, on a trial basis, to conduct one meeting during the months of October, November and December 1994. However, if the calendar is such that the meetings become extended or any applications cannot be heard in a timely manner, two meetings per month will immediately be reactivated. No objections, so ordered.

Director Blumenfeld stated Staff would return to the Commission with a Condition Action.

10.c. Memorandum regarding the Planning Commission attendance at the Downtown Implementation Plan - stakeholders meeting.

Receive and File

10.d. Tentative future Planning Commission agenda.

Comm. Di Monda discussed with Mr. Schubach the application for a Variance at McDonalds. Comm. Di Monda noted this was the type of "deals" the community made with Roger Bacon: "cut down the trees and come back asking for a 25-foot sign". He suggested the Commission review Mr. Bacon's use of City parking.

Receive and File

10.e. City Council minutes of July 26, 1994.

Receive and File

COMMISSIONER ITEMS

Director Blumenfeld distributed a document and asked if the Commission wished to revisit the issue of mixed use parking. He stated the item presented had been discussed with the project architect. The issue relative to the use (Zoning Ordinance 1170), consideration of parking requirements to consider the mixed uses at a less restrictive parking ratio of 1 per 250, as opposed to 1 per 100. He felt this issue had become a generic issue, as well as applying to this particular application.

Responding to Staff, Comm. Di Monda pointed out that sufficient legislation and enforcement was currently available to stop garage parking into storage areas and other similar problems. He suggested Staff react to the problems being experienced by utilizing the tools currently available, to which the Commission agreed.

Comms. Marks and Di Monda discussed the status of the Pier Project. Comm. Di Monda stated the committee had been dissolved since its function had been performed. He explained how the funding would be distributed. Comm. Marks objected to plans being developed when total funds necessary had not been obtained. Comm. Di Monda explained the design must be completed prior to "going to the State". Design development will be based upon available monies.

11.a. Request from Commissioner Di Monda to discuss commercial parking over six hours in the City Hall parking lot.

Comm. Di Monda stated trucks were now parking next to the Police Dept. for extended periods of time and were not being cited. After discussion, the Commission REQUESTED Staff notify the City Manager of the lapse in City parking enforcement.

ADJOURNMENT

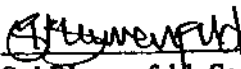
MOTION by the Commission to adjourn at 8:25 p.m. No objections; so ordered.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of September 6, 1994.



Rod Merl, Chairman



Sol Blumenfeld, Secretary

9/20/94

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON SEPTEMBER 20, 1994,
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Vice-Chmn. Tucker.

Pledge of Allegiance led by Commissioner Di Monda.

ROLL CALL

Present: Comms. Di Monda, Marks, Merl, Vice-Chmn. Tucker
Absent: Chmn. Dettelbach
Also Present: Sol Blumenfeld, Community Development Director
Michael Schubach, Planning Director
Sylvia Root, Recording Secretary

CONSENT CALENDAR

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **APPROVE** the Consent Calendar items with no change:

3. **September 6, 1994 Minutes**

4.c. **Resolution P.C. 94-23** approving a Precise Development Plan and Parking Plan to allow a 4000 square foot expansion, second story addition to an existing office building and to adopt a Negative Declaration at 1001 Hermosa Avenue.

AYES: Comms. Di Monda, Marks, Merl, Vice-Chmn. Tucker
NOES: None
ABSENT: Chmn. Dettelbach
ABSTAIN: None

ORAL/WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS

7. **CUP 94-12 -- CONDITIONAL USE PERMIT AMENDMENT TO CHANGE THE HOURS OF OPERATION FROM 8:00 A.M.--9:00 P.M. TO 7:00 A.M.--9:00 P.M. AT 25 22ND STREET, MARTHA'S.**

Staff Recommended Action: To approve said Conditional Use Permit amendment.

Mr. Schubach said the restaurant across the street from Martha's had recently been granted extended hours of operation. Recent policy has been to allow the same for similar situations. Staff would have no difficulty in accepting only the requested hours of operation. Staff's recommendation was modified accordingly. Comm. Marks felt Martha's Restaurant and the Bottle Inn were not comparable and confinements should be included in this CUP that were not included in the Bottle Inn restaurant.

Vice-Chmn. Tucker opened the Public Hearing at 7:10 p.m.

Pamela Billings, applicant, 25 22nd Street, stated the restaurant opened at 7:00 a.m. when she purchased it. She noted the differences between the Bottle Inn and Martha's and stated she was not attempting to have similar hours, but was requesting the 7:00 a.m. opening in order to best serve breakfast to people on their way to work. She stated many regular customers came in during week days. She stated employees started preparation at 6:00 a.m., hoods were not turned on until 7:00 a.m., a \$15,000 trash compactor had been installed which accommodated all trash, radio music could not be heard outside the building and while her staff did sing, they were not belligerent nor loud. The door on the north side of the building closed automatically. She requested maintenance of the same hours of operation that she has always had. Ms. Billings said that she would not remain open evenings, although the CUP allowed this. She felt her establishment was not conducive to late evening clientele due to poor weather and parking conditions.

Carol Bridenbach, 2140 Strand, lives across the street from Martha's. She said she has no noise problems and supported a 7:00 a.m. opening. She expressed concern that Martha's could potentially serve late-evening dinner, commenting the Bottle Inn had served dinner as late as 9:00 p.m., and requested Martha's CUP state hours of operation as 7:00 a.m. to 4:00 p.m.

Larry Fordiani, 500 block of 19th Street, owns the property adjacent to the north side of Martha's. He stated a citation had been issued to Martha's 4 1/2 years ago, so Ms. Billings was aware of the CUP requirements. He objected to the noise generated by trash lids, music and the venting system. He requested an 8:00 a.m. opening time or a 7:00 a.m. opening in summer and 8:00 a.m. in winter, and that outside dining be restricted. Responding to Comm. Di Monda, he said he had planned to demolish the current structure and rebuild a single dwelling on the 22nd Street site for him and his family, but would not because it was too noisy.

Allen Cohen, 2222 Strand, stated the noise level is very low, he is not disturbed by Martha's or its patrons and has found Ms. Billings was very responsive to any complaints. All noise came from Mr. Fordiani's property at 2207 Hermosa Avenue, since a commercial carpentry shop located in the garage produces very high noise levels. Additionally, Mr. Fordiani's tenant has a truck attached to a cement mixer and leaves it running during the early morning hours three times per week. Mr. Cohen stated his complaint was with Mr. Fordiani, not Ms. Billings.

No one else wished to speak, and Vice-Chmn. Tucker closed the Public Hearing at 7:40 p.m.

Comm. Di Monda commented upon the problems when businesses are directly adjacent to commercial properties and stated that Martha's was one of the better businesses within Hermosa Beach. He said this restaurant had been opening at 7:00 a.m. for at least the past 10 years and changing the 9:00 p.m. time would be a restriction of hours. Comm. Merl concurred, noting this business has been an asset to the community. Vice-Chmn. Tucker stated that during his visits to the site, he had observed no noise or trash problems. He suggested the venting system be looked at and repaired, if necessary.

Comm. Marks felt this business should be watched, noting that if a problem continues to exist, the music should be removed and the rear door remain closed. He urged caution.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **APPROVE** CUP 94-12, Conditional Use Permit amendment to change the hours of operation from 8:00 a.m. -- 9:00 a.m. to 7:00 a.m. -- 9:00 p.m. at 25 22nd Street, Martha's.

AYES: Comms. Di Monda, Marks, Merl, Vice-Chmn. Tucker

NOES: None

ABSENT: Chmn. Dettelbach

ABSTAIN: None

8. **VAR 94-2 -- VARIANCE TO ALLOW A TWENTY-FIVE (25) FOOT HIGH POLE SIGN RATHER THAN THE REQUIRED TWENTY (20) FEET AT 1107 PACIFIC COAST HIGHWAY, MC DONALD'S.**

Staff Recommended Action: To deny the Variance.

Mr. Schubach stated Staff did not locate Findings to justify approval of the Variance. He stated three flagpole signs were on the site plans, while the applicant only planned on having one.

Vice-Chmn. Tucker opened the Public Hearing at 7:50 p.m.

Roger Bacon, property owner of 1107 Pacific Coast Hwy., stated the applicant understood there was to be only one flag pole. Alley-way access had finally been settled, an agreement signed and construction scheduled to begin September 23, 1994. He stated he had advertising experience and a 25 foot sign was necessary to pull people to the site. He took exception to the Findings perpetuated by the Planning Dept., specifically Findings B and C, stating some signs were higher than 20 feet and "blocked out" other signs. He said one reason McDonald's had selected the site was the amount of traffic which passed it and that the sign should be high to attract customers. He commented the City should act in order to invite businesses into this town, noting the importance of advertising and sign identification.

Stan Janoka, Superior Electrical Advertising, 1700 W. Anaheim, Long Beach, said that originally more signage was to have been located on the site and building. At this point, all that was being asked was

an additional five feet on the pole. He explained that tests showed adequate visibility at 25 feet, which would allow safe lane changes by vehicles in time to turn into McDonald's. Comm. Di Monda questioned Mr. Janoka, determining that no specific distance standard for safe lane changes had been established. Comm. Di Monda felt a tall pole sign would be blocked by the existing trees. Mr. Janoka noted many signs on this street were higher and this sign would be consistent with the vicinity. Comm. Marks suggested a 30' flag be used instead of a 20' sign. Mr. Janoka felt it would not have sufficient impact. **Roger Bacon** came forward and asked Mr. Janoka if some tree foliage blockage had been abated by placing the pole sign in the middle of the lot, which Mr. Janoka confirmed. Comm. Marks asked why the sign was not being placed in the most northerly corner of the lot. Mr. Janoka stated that placement would not be in compliance with City Code and such placement would assure view blockage by other signs.

Celso Martinez, project manager, 21300 Victory Blvd., Ste. 800, Woodland Hills, stated Los Angeles Code allows a 42' sign, but sometimes a sign that tall cannot be seen. He said it was found that a 25' sign at this location was necessary due to the topography, foliage and existing signage within the area. He stated McDonald's was not asking for anything that was not on this site before and this sign would be moved back from the corner into current compliance. He stated visibility was very poor on the street and requested approval to allow McDonald's an equal competitive position. Vice-Chmn. Tucker said that drivers will look straight ahead, not necessarily up, questioned the need for a 25' sign and stated his disappointment that the on-site trees had been removed. **Roger Bacon** came forward and responded that the trees were messy and had fungus on them. Comm. Di Monda, commenting that Mr. Bacon kept interrupting the current speaker, responded to his statements by stating that during previous public hearings, no mention of fungus had been made and the trees probably could have been treated. He stated he was not surprised that the trees came down but the sign stayed up; this being a loss-loss situation for the City. He said studies had been completed which disputed the high sign theory. **Roger Bacon** took exception to Comm. Di Monda's statements, responding the trees were removed because they were a site hazard and diseased. He stated they were only talking about a 5 feet sign extension. **Celso Martinez** stated McDonald's was a good neighbor and was trying to bring to the City a good facility and good landscaping; the replacement trees would be an enhancement.

John Hales, 624 8th Place, stated a line had been drawn and standards should be held. Referencing the sign code, he felt no special circumstances or hardship existed. He acknowledged that tall signs did exist, but they all were based on a grandfather clause and would have to meet Code when they are replaced. Noting that Southern California Edison Company is in the process of undergrounding utilities, he supported less visible "clutter" and urged denial of this request.

No one else wished to speak relating to this item, and Vice-Chmn. Tucker closed the Public Hearing at 8:20 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Marks, to **APPROVE** Staff's recommendation to **DENY VAR 94-2**, Variance to allow a twenty-five (25) foot high pole sign rather than the required twenty (20) feet at 1107 Pacific Coast Highway, McDonald's.

AYES: Comms. Di Monda, Marks, Merl, Vice-Chmn. Tucker
NOES: None
ABSENT: Chmn. Dettelbach
ABSTAIN: None

HEARINGS

9. **NR 94-1 -- NONCONFORMING REMODEL TO ALLOW A 250 SQUARE FOOT ADDITION TO AN EXISTING NONCONFORMING DUPLEX WITH TWO PARKING SPACES AT 727 LONGFELLOW AVENUE (continued from September 6, 1994 meeting).**

Staff Recommended Action: To approve said request.

Mr. Schubach described the proposed remodel and addition, including a new 396 square foot roof deck and increasing the second story unit to a maximum of 1092 square feet. He noted the lot, use, open space and parking are nonconforming. The revised plans appear to meet the height requirement and comply with parking provisions. Staff recommended approval of the proposed plans.

Comm. Marks felt that a 650, rather than a 250, square foot addition was being proposed. He discussed the proposed expansion and remodel with Messrs. Blumenfeld and Schubach. The Commission discussed methods for determining deck space with Mr. Schubach. Vice-Chmn. Tucker felt clarification was needed for future projects.

Vice-Chmn. Tucker opened the Hearing at 8:40 p.m. No one wished to speak, and Vice-Chmn. Tucker closed the Hearing at 8:40 p.m.

MOTION by Vice-Chmn. Tucker, Seconded by Comm. Merl, to **APPROVE NR 94-1**, Nonconforming Remodel to allow a 250 square foot addition to an existing nonconforming duplex with two parking spaces at 727 Longfellow Avenue.

AYES: Comms. Di Monda, Merl, Vice-Chmn. Tucker
NOES: Comm. Marks
ABSENT: Chmn. Dettelbach
ABSTAIN: None

10. **SS 93-8 PART II -- SPECIAL STUDY REGARDING THE STANDARD AND TYPICAL CONDITIONS IMPOSED ON CONDITIONAL USE PERMITS** (continued from July 19, 1994 meeting).

Staff Recommended Action: To forward to City Council for review and approval

The Commission agreed to waive the Staff Report.

Vice-Chmn. Tucker opened the Hearing at 8:40 p.m. No one wished to speak, and Vice-Chmn. Tucker closed the Hearing at 8:40 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **CONTINUE** SS 93-8 Part II to the October 18, 1994 meeting to allow a full Commission to be present. **No objections, so ordered.**

11. **POLICY STATEMENT REGARDING LOCATION OF FRONT YARD ON THROUGH LOTS.**

Staff Recommended Action: To modify the existing policy statement.

Mr. Schubach presented the Staff Report, noting the problems associated with through lots and recommending the policy statement be revised to no longer require two front yards on Hermosa Avenue and the Strand for existing developed properties.

Vice-Chmn. Tucker opened the Hearing at 8:55 p.m.

Janet Heart, 2428 the Strand, felt Staff's recommendation was a step in the right direction, suggested the front yard should be adjacent to the front house facing. She noted this policy statement arbitrarily picked out one group of lots, stating they must have dual front yard setbacks, which is unfair and discriminates against the property owner. She felt land use was being taken away or restricted and requested the normal setback requirement be established for the second yard area to allow property owners to have an additional 10' of useful space. Comm. Di Monda discussed driveway and backyard setback requirements with Ms. Heart.

Chuck O'Connell, 303 N. Dianthus, Manhattan Beach, stated his agreement and support of Staff's recommendation.

No one else wished to speak, and Vice-Chmn. Tucker closed the Hearing at 9:10 p.m.

Comm. Di Monda determined that open space would be required in the middle of the lot if taken away from the back, noting it made sense to have the open space in private court yards and allow owners to create more interesting space of their use.

MOTION by Comm. Di Monda, Seconded by Vice-Chmn. Tucker, to **APPROVE** Staff's recommendation and to **REQUEST** Staff review the request made to change dual front yard and perhaps replacing it with interior space.

- AYES:** Comms. Di Monda, Marks, Merl, Vice-Chmn. Tucker
- NOES:** None
- ABSENT:** Chmn. Dettelbach
- ABSTAIN:** None

STAFF ITEMS:

12.a. Submittal of historical designation list for Planning Commission review and comment in relation to nonconforming buildings and use study.

Comm. Di Monda commented requested goals be established, not just a list of what might be significant buildings. Staff was **DIRECTED** to present a listing of goals, including benchmarks, to the Commission. Based upon such goals, the Commission would then review the list to determine the sites that actually qualified. Director Blumenfeld suggested Staff contact historic societies and pull together some basic requirements for presentation to the Commission at its next meeting, to which the Commission agreed.

12.b. Community Development Department activity report of July, 1994.

RECEIVE AND FILE

12.c Memorandum regarding Planning Commission liaison to September 27, 1994 City Council meeting.

RECEIVE AND FILE

12.d. Tentative future Planning Commission agenda.

Comm. Marks requested status of the Strand Park. Messrs. Blumenfeld and Schubach confirmed the plan had been adopted and the design approved by Council.

RECEIVE AND FILE

12.e. City Council minutes of August 9, 1994.

RECEIVE AND FILE

COMMISSIONER ITEMS

Comm. Di Monda noted that testimony had stated there was a carpentry shop operating in a residence next to Martha's. Mr. Blumenfeld stated Staff would investigate this claim and follow up appropriately.

Comm. Di Monda stated his complaint that he did not like putting conditions on CUP's that some business owners abided by and others did not, ie: the Lighthouse. He stated their doors are always open while other establishments keep theirs closed, as per CUP requirements. He asked that Staff consider this problem and take appropriate action.

ADJOURNMENT

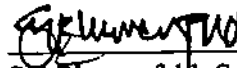
MOTION by the Commission to adjourn at 9:27 p.m. **No objections; so ordered.**

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of September 20, 1994.



Peter Tucker, Vice Chairperson



Sol Blumenfeld, Secretary

10-18-94

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON OCTOBER 18, 1994,
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:07 p.m. by Chmn. Dettelbach

Pledge of Allegiance led by Comm. Marks.

ROLL CALL

Present: Comms. Marks, Merl, Tucker, Chmn. Dettelbach
Absent: Comm. Di Monda
Also Present: Sol Blumenfeld, Director, Community Development
Michael Schubach, Director, Planning
Sylvia Root, Recording Secretary

CONSENT CALENDAR

MOTION by Comm. Tucker, Seconded by Comm. Merl, to **APPROVE**, with no change, (1) the **September 20, 1994 Minutes**, (2) **Resolution P.C. 94-24** approving a Conditional Use Permit, as amended, to allow extended hours in conjunction with an existing restaurant with on-sale beer and wine at 25 22nd Street, (3) **Resolution P.C. 94-25** to deny a request for a sign variance to allow a twenty-five foot high pole sign at 1107 Pacific Coast Highway, (4) **Resolution P.C. 94-26** approving a 250 square foot expansion to an existing nonconforming duplex in an R-1 Zone with only one parking space per unit pursuant to Section 1162(B) of the zoning ordinance at 727 Longfellow Avenue, and (5) **Policy statement** on through lots amendment.

AYES: Comms. Marks, Merl, Tucker
NOES: Comm. Di Monda
ABSENT: None
ABSTAIN: Chmn. Dettelbach

ORAL/WRITTEN COMMUNICATIONS

6.a. Letter from Ruth Paul dated October 3, 1994 regarding 727 Longfellow Avenue.

Mr. Schubach stated Staff had found nothing wrong with the project and was now requesting submittal of plans for plan check.

Receive and File

PUBLIC HEARINGS

7. **CUP 94-11/PARK 94-7 -- CONDITIONAL USE PERMIT AND PARKING PLAN TO ALLOW ON-SALE BEER AND WINE, AND EXPANSION OF AN EXISTING RESTAURANT, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 422 PIER AVENUE, RAGIN CAJUN CAFE.**

Staff Recommended Action: To approve said Conditional Use Permit and Parking Plan, and adopt the Environmental Negative Declaration.

Mr. Schubach stated the request was for expansion and intensified use within an existing restaurant. Parking is adequate within the area. He discussed specific recommended Conditions relating to landscaping, fencing and parking lot resurfacing. Director Blumenfeld added the Department was reviewing a series of incentives to promote downtown area revitalization. He stated Staff recommended the Commission consider deferring the improvements to accommodate the business expansion, due to the cost. He stated a schedule could be established for completion of these recommended Conditions. He stated a trash enclosure did exist, but some trash was being improperly stored.

Chmn. Dettelbach opened the Public Hearing at 7:20 p.m.

Bill Lasher, project architect, 3631 227th St., Torrance, stated the structure would basically stay the same, stating the plans and supplemental plans had completed processing through the Building Dept.

Rob Seaman, project contractor, 1120 Loma Dr., commented upon the popularity of the current restaurant and the benefit to the community. He detailed the changes requested by the Building Dept., which had been made. Mr. Seaman stated the other businesses used the parking lot during the day, noting he was not aware of any sign being posted limiting parking to Ragin Cajun customers. He confirmed that the property owner, Mr. Rauls, had agreed to merge the two lots. Mr. Blumenfeld said that common area parking would be simplified with merging of the lots, if the property owner did agree to do so. Mr. Seaman asked that the lot merger and landscaping requirements not be a part of the CUP.

No one else wished to discuss this item, and Chmn. Dettelbach closed the Public Hearing at 7:29 p.m.

Comm. Tucker noted the parking lot was a common one and felt this applicant should not be burdened with its maintenance. He suggested landscaping at the Cypress entrance rather than that suggested, noting it would not be of benefit to adjacent residents. He did not feel landscaping provision should be the responsibility of this applicant, noting the multiple use of the building. He suggested BFI remove the cans in the trash area, forcing use of the dumpsters. He requested Staff investigate pay phones located in the public right-of-way. Chmn. Dettelbach agreed with Comm. Tucker relating to the requirement for landscaping and parking lot maintenance for an area shared by many tenants of the same building.

Comm. Merl felt landscaping was a good idea, the trash problem was managerial and landscaping and striping of the parking lot could be accomplished within a reasonable time frame, noting a 12-month period was reasonable.

Comm. Marks stated he supported Staff's recommendations.

MOTION by Comm. Tucker, Seconded by Comm. Merl, to **APPROVE CUP 94-11/PARK 94-7**, with the stipulation that a time line agreeable to Staff, the property owner and applicant be established.

AYES: Comms. Marks, Merl, Tucker, Chmn. Dettelbach
NOES: None
ABSENT: Comm. Di Monda
ABSTAIN: None

Chmn. Dettelbach stated the Commission's decision could be appealed within 10 days to the City Council.

8. **CUP 94-13 -- CONDITIONAL USE PERMIT AMENDMENT TO ELIMINATE CONDITIONS REQUIRING A SIX FOOT HIGH PROPERTY LINE WALL AND LANDSCAPING ALONG THE EAST PROPERTY LINE AT 828 PACIFIC COAST HIGHWAY, SOUTH BAY CYCLES.**

Staff Recommended Action: To deny said request.

Mr. Schubach stated the CUP had required landscaping and fencing. The applicant requested deletion of landscaping and fencing due to the location of a gas meter. The business is operating without a Certificate of Occupancy because these two Conditions had not been met. Also, a trailer needed to be removed from the property.

Chmn. Dettelbach opened the Public Hearing at 7:41 p.m. No one wished to speak relating to this item, and Chmn. Merl closed the Public Hearing at 7:41 p.m.

By consensus of the Commission, this item was **CONTINUED** to a later time within this agenda to allow the applicant's possible appearance.

9. **CUP 94-10/PARK 94-6 -- CONDITIONAL USE PERMIT AND PARKING PLAN TO ALLOW ON-SALE BEER AND WINE IN CONJUNCTION WITH A PROPOSED RESTAURANT, HERMOSA BEACH BREWING COMPANY, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 73 PIER AVENUE.**

Staff Recommended Action: To approve said Conditional Use Permit and Parking Plan, and adopt the Environmental Negative Declaration.

Mr. Schubach stated no unique conditions existed and no parking plan was needed due to the type of use. Staff recommended approval with addition of a Condition requiring a bicycle rack.

Chmn. Dettelbach opened the Public Hearing at 7:45 p.m.

Michael Zislis, 23883 Madison St., Torrance, explained the operation of his Manhattan Beach and Redondo Beach business locations, stating this one would be similar. He stated the restaurant business was primary, with beer service being secondary. He explained the brewing process, spent malt disposal and trash pick up schedule.

Steve Jones, project architect, said that now was the perfect time for such an establishment to come to this City. He said the rear exit will have a panic bar and a buzzer.

Patricia Spiritus, Chairman of the Downtown Enhancement Commission, supported this application, noting this establishment would help attract people back to Hermosa Beach.

No one else wished to speak relating to this item, and Chmn. Dettelbach closed the Public Hearing at 8:03 p.m.

MOTION by Comm. Merl, Seconded by Comm. Marks, to **APPROVE CUP 94-10**, with Staff recommendations, plus addition of a Condition for containment of odors on the business site.

AYES: Comms. Marks, Merl, Tucker, Chmn. Dettelbach
NOES: None
ABSENT: Comm. Di Monda
ABSTAIN: None

Chmn. Dettelbach stated the Commission's decision could be appealed within 10 days to the City Council.

10. CUP 94-15 -- CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FULL ALCOHOL, EXTENDED OPERATING HOURS TO 2:00 A.M., DANCING AND LIVE ENTERTAINMENT IN CONJUNCTION WITH A RESTAURANT AT 68 PIER AVENUE.

Staff Recommended Action: To approve said Conditional Use Permit amendment.

Chmn. Dettelbach excused himself from participation due to a potential conflict of interest.

Mr. Schubach explained the application requests, stating standard conditions had been added. He noted an alternative proposal which included conditions addressing phasing of the dancing and live entertainment. Director Blumenfeld said Staff recommended removal of the veneer from the structure exterior and stated a sign permit was required. Exterior doors would be required to be closed when entertainment started.

Vice-Chmn. Tucker opened the Public Hearing at 8:10 p.m.

Chris Pike, applicant, 3509 Vista Dr., Manhattan Beach, requested clarification of Condition #3, and requested deletion of this requirement. He felt the business could be best evaluated and create less financial hardship on the owners and staff if the business were allowed to function fully. He felt Condition #5 was redundant since the business was required to adhere to all noise regulation requirements. He stated the operation of the restaurant was "primary", with all other activities as "ancillary". He detailed the professional experience of he and his partners. He expressed concern with the operating hours being limited to 11:00 p.m., requesting Thursday, Friday and Saturday nights be extended. The building is being retrofitted during remodel at the applicants' expense.

Matt McDaniel, 221 Manhattan Place, stated the property owner and employees had been promised the establishment would stay open. He felt a probationary period would severely impact the ability to "keep the doors open" during that six month period. He stated the dance area was small, and would decrease further when live entertainment was offered. The entire building front would be retained as a restaurant.

Patricia Spiritus, 1610 Strand, felt this application a positive step forward and recommended approval of the application. She said there seemed to be a monopoly in the downtown area, which is why the town are stayed the way it is for the past 20 years. She suggested establishment of incentives to encourage people and businesses to come to the City. She felt such encouragement would be beneficial to the City.