

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON JANUARY 17, 1995
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:06 p.m. by Chmn. Dettelbach

Pledge of Allegiance led by Comm. Merl.

ROLL CALL

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

CONSENT CALENDAR

Comm. Tucker pulled item 4.b, **Resolution P.C. 94-35**.

MOTION by Comm. Merl, Seconded by Comm. Marks, to **APPROVE**, with no change, (3) the **December 6, 1994 Minutes**, (4.a) **Resolution P.C. 94-32** to approve a request for a Conditional Use Permit for a fence height exception, pursuant to Section 1215(6), where a residential property abuts a commercially used public alley at 2844 El Oeste Drive, (4.c.) **Resolution P.C. 94-36** to recommend amending the zoning ordinance in regards to the parking requirement for gymnasiums/physical fitness centers and the adoption of an Environmental Negative Declaration.

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

4.b **Resolution P.C. 94-35** to recommend adding tattoo establishment to the C-3, General Commercial, permitted use list subject to Conditional Use Permit, and amending the municipal code to add health and safety standards regarding the operation of said establishments, and adoption of an Environmental Negative Declaration. (continued from December 6, 1994 meeting)

The Commissioners agreed this item would be addressed during the discussion of Agenda Item 12, TEXT 94-7.

5. **Items for consideration** None

6. Oral/Written Communications

Donald Schultz, 670 Gould Avenue, stated his property had been devalued by the remodeling of nearby property which now blocked his view. He asked the Commission review this issue. Chairman Dettelbach responded Agenda Staff Item #15.a probably would address some of Mr. Schultz' concerns.

HEARINGS

Chairman Dettelbach suggested Agenda Items 12, 13 and 14 be moved forward, to which the Commission agreed.

14. PDP 91-11/NR 91-8 -- REQUEST FOR TWELVE-MONTH EXTENSION OF A PRECISE DEVELOPMENT PLAN AT 840 15TH STREET.

Staff Recommended Action: To grant a one-year extension.

Mr. Schubach presented the Staff Report, stating the extension had been requested due to economical factors. Staff supported the request. At the time of construction, all zoning codes will have to be met.

Chmn. Dettelbach opened the Hearing at 7:15 p.m. No one wished to discuss this item, and Chmn. Dettelbach closed the Hearing at 7:15 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **APPROVE PDP 91-11/NR 91-8** per Staff's recommendation.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days.

13. S-4 -- REQUEST FOR APPROVAL OF A MURAL SIGN WHICH EXCEEDS ALLOWABLE SIGN AREA AT 1630 PACIFIC COAST HIGHWAY, THE PETCARE COMPANY.

Staff Recommended Action: To approve said request.

Ms. Fehskens presented the Staff Report, describing the proposed mural and noting that although it exceeded allowable area, it would not create visual congestion.

Chmn. Dettelbach opened the Public Hearing at 7:18 p.m. No one wished to speak relating to this item, and Chmn. Dettelbach closed the Public Hearing at 7:18 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Tucker, to **APPROVE S-4** per Staff's recommendation.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days.

PUBLIC HEARINGS

12. **TEXT 94-7 -- RECONSIDERATION OF A TEXT AMENDMENT TO ADD TATTOO PARLOR TO THE COMMERCIAL PERMITTED USE LIST, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION.**

Staff Recommended Action: To direct Staff as deemed appropriate.

Chairman Dettelbach confirmed with Staff that the information previously requested by the Commission of the City Attorney had not been provided.

Mr. Schubach presented the Staff Report, noting the reconsideration of a Text Amendment to add tattoo parlors to the C-3 zone permitted use list.

Chmn. Dettelbach opened the Public Hearing at 7:22 p.m. No one wished to speak, and Chmn. Dettelbach closed the Public Hearing at 7:22 p.m.

MOTION by Chmn. Dettelbach, Seconded by Comm. Di Monda, to **CONTINUE TEXT 94-7** to the meeting of February 21, 1995, in order to allow the City Attorney sufficient time to respond to the Commission's information request.

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

7. **CUP 94-13 -- CONDITIONAL USE PERMIT AMENDMENT TO ELIMINATE CONDITIONS REQUIRING A SIX (6) FOOT HIGH PROPERTY LINE WALL AND LANDSCAPING ALONG THE EAST PROPERTY LINE AT 828 PACIFIC COAST HIGHWAY, SOUTH BAY CYCLES. (Continued from October 18, November 15, and December 6, 1994 meetings)**

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

Mr. Schubach stated the Commission had required applicant compliance with conditions and a landscaping and fencing plan be provided. Most of the conditions were now in compliance. A plan was provided by Staff after conference with the applicant.

Comm. Di Monda objected to Staff's having drawn and provided the plans as a serious issue which could be viewed as the City telling the applicant what to do. Chmn. Dettelbach stated Staff had simply followed the Commission's direction. Noting the obvious communication problem between the Commission and the applicant, Chmn. Dettelbach commending Staff for helping clarify the issues on paper. Mr. Schubach recommended that if the approved plan was not complied with within 30 days, the citation process would begin. Comm. Tucker suggested the applicant be furnished all information via registered mail. He felt the Commission was being more accommodating than in the past, noting these efforts could help stimulate this community. Comm. Marks questioned the use of landscaping instead of a fence, suggesting a block wall be a requirement.

Chmn. Dettelbach opened the Public Hearing at 7:35 p.m. No one wished to speak, and Chmn. Dettelbach closed the Public Hearing at 7:35 p.m.

Comm. Merl noted this applicant had not been responsive to requirements for over one year, expressing his concern that these requirements be resolved within 30 days. If not, appropriate action should be taken at that time.

Comm. Di Monda objected to the drawing by the City, with no applicant signature, noting the trend of other cities to move away from such assistance due to possible future litigation. He stated this plan was the applicant's responsibility.

Comm. Tucker supported requiring completion within 30 days, after which action is to be taken.

MOTION by Chmn. Dettelbach, Seconded by Comm. Marks, to **APPROVE CUP 94-13** per Staff's recommendation, with the proviso that all Conditions are to be complied with within 30 days from applicant's receipt by registered mail service with the exception of landscaping, which must commence, with a contractor hired to assure progress, and completion within 60 days.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days.

8. PARK 94-8 -- PARKING PLAN AMENDMENT TO ALLOW A TAKE OUT FOOD KIOSK, PANDA EXPRESS, IN VONS SUPERMARKET AT 715 PIER AVENUE.

Staff Recommended Action: To approve said Parking Plan amendment.

Mr. Schubach stated this proposal included a take out only food kiosk, with no seating provided. Staff recommended approval.

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

George Castaneda, project architect, introduced Panda Express' project manager.

Alex Phelps, project manager, stated his agreement with all conditions, noting he would address the issue of signage at a later date.

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

Comm. Di Monda asked to see a Master Plan. Mr. Schubach explained this application was for a parking plan. Comm. Tucker requested that the parking lot attendance at the public parking lot be told that this lot was for public parking, not exclusive Von's use.

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **APPROVE PARK 94-8**, with Staff's recommendations.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days.

9. **PARK 93-2/CUP 93-14 -- CONDITIONAL USE PERMIT AND MASTER PARKING PLAN AMENDMENT TO CONSIDER ELIMINATION OF FOUR OFF-SITE PARKING SPACES AND STATUS OF ON-SITE PARKING SPACES ALONG PALM DRIVE AT 934 HERMOSA AVENUE, LA TRAVIATA AND CALIFORNIA BEACH (continued from July 20, 1993 meeting).**

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

Mr. Schubach stated that recently it was discovered that rear, garage-type parking was being used for storage and the doors sealed. Current calculations of parking requirements provided for elimination of the four off-site parking spaces, as well as the parking along Palm Drive, with maintenance of just the underground parking always open and available. One required handicap parking space is required and provided.

Chmn. Dettelbach opened the Public Hearing at 7:54 p.m.

Jerry Compton, project architect, stated this building had more parking than those of similar size. He stated if parking was based upon building size and not lot size, no parking would be required. He stated this building had no handicap parking requirement. The neighbors had requested the door at the back of the building be kept closed, which has been a problem to guarantee. An electric garage door opener

has been installed in the designated "handicap parking space", with this area to be used by a tenant for private parking. Comm. Tucker stated the underground open parking was very inconvenient, with one parking space being labeled "handicapped" and garage #2 was filled with personal storage. Mr. Compton did not feel it would be a problem to redefine the parking areas, however, the City was basically requiring the garage door remain closed. Mr. Schubach felt Mr. Compton was correct in stating a handicapped parking space was not required. Comm. Di Monda suggested that as the lease agreements expire, the provided parking could be eliminated, discussing this concept with Chmn. Dettelbach. Mr. Compton said six parking spaces were currently available for public parking, with 16 reserved. Mr. Schubach stated Staff recommended daytime reserved parking be decreased to eight, with all spaces available for evening public parking. Comm. Di Monda stated the City had maintained there were prior parking provision agreements, which he still had not seen. Mr. Schubach discussed the property parking requirements and use permit history. Mr. Compton noted that the building also housed offices upstairs, not simply retail stores.

Jack Sidney, applicant, stated the biggest downtown-area parking problem was that people came to the beach; not the shops. This left little parking space for customers or tenants.

No one else wished to speak, and Chmn. Dettelbach closed the Public Hearing at 8:13 p.m.

Comm. Merl expressed concern regarding the "practically non-existent" customer parking spaces. Comm. Di Monda stated he was familiar with the property and was not encouraged to park below the building. He felt that due to the building design, it was sensible to allow employee parking in the basement area, leaving City lot spaces open, to which Chmn. Dettelbach agreed. Comm. Tucker felt all storage should be for tenants and businesses only, not personal item storage. He objected to the close parking spaces being used by business owners.

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **APPROVE PARK 93-2**, with Staff's recommendations, with the deletion from Section I.4, "...except that a maximum of 8 spaces may be reserved in the day time..."

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days.

A break was taken at 8:27 p.m. The Commission reconvened with all Commissioners present at 8:40 p.m.

10. **CON 94-1/HLE 94-2/PDP 94-3 -- CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, HEIGHT LIMIT EXCEPTION, AND VESTING TENTATIVE PARCEL MAP #24208 TO ALLOW CONSTRUCTION OF A 2-UNIT CONDOMINIUM EXCEEDING 30' IN HEIGHT LIMIT IN AN R-3 ZONE AT 132 MANHATTAN AVENUE.**

Staff Recommended Action: To approve said request.

Mr. Schubach stated several issues needed discussion: (1) An 8 feet distance was required between any building used for human habitation. The balcony was less than 8 feet from the adjacent building, (2) Some excavation and grading had previously occurred, (3) The lowest level would have a full bathroom, which might have bootleg potential, and (4) The height limit had three criteria to be met. Staff did not feel the surrounding area would be adversely impacted by the proposed plans.

Chmn. Dettelbach opened the Public Hearing at 8:50 p.m.

Virgil Bourgon, 200 N. Diantha Street, Manhattan Beach, distributed handouts, stated it was a matter of interpretation as to whether the balcony was an accessory building, noting he felt this was a space outside the building. He provided photographs, commented that surrounding neighborhood buildings exceeded a 30' height. Addressing the provided exhibits, he stated linear floor height dimensions were provided. He explained the floor heights and lot slope pertaining to the location of each unit, noting the small area in one living room or a hand rail exceeding the 30' height. He objected to placing the garage below ground level due to flooding potential. He stated if the building were only 28' high, the neighbors would still have no view.

Monte Williams, 30 The Strand, stated he was available for questions. Responding to Comm. Marks, he explained the lot slope and lot grade as they related to building plans.

Sandra Avion, 158 Bay View, said residents had previously voted to reduce height limits to 30 feet in order to reduce density. Any buildings over the 30' height were built prior to this height limitation. She requested this request to exceed 30' be denied and that a condition requiring landscaping at the sides of the property.

Richard Ress, 131 Monterey, felt other buildings being over 30' was an irrelevant issue. He stated his opposition to approval of this request, stating the buildings will impact his view and life style.

No one else wished to speak, and Chmn. Dettelbach closed the Public Hearing at 9:15 p.m.

Comm. Di Monda discussed code requirements, basement definition and accessory structure definition with Mr. Schubach. Comm. Di Monda emphasized that a balcony is not an accessory structure and questioned the qualification of the back unit as a basement. Chmn. Dettelbach, Comm. Di Monda and Mr. Schubach discussed in detail the determination of "finished grade". Comm. Tucker felt that replanning could bring the building into compliance with only a open railing being above the 30' level. He expressed concern with building up the side yards. He felt having a full bath downstairs would create the potential of a "bootleg" unit. Comm. Merl supported limiting the building height to 30 feet and felt the balcony was a "non issue". Chmn. Dettelbach felt that landscaping could not be forced upon the applicants by the Commission, stating he was not inclined to require landscaping. Comm. Di Monda stated his disagreement. Chmn. Dettelbach did not support approval of a height over 30 feet.

Comm. Marks recommended the plan be approved, but the building height must remain within the 30' limitation. Comm. Tucker supported this concept with the addition of allowing an open railing to pierce the 30' plane.

MOTION by Chmn. Dettelbach, Seconded by Comm. Di Monda, to **CONTINUE CON 94-1/HLE 94-2/PDP 94-3** to the February 21, 1995 meeting to allow resubmittal of plans which are to show the rear building roof line height within the 30' limit, plan inclusion of height, dimensions and materials to be used for any open railing extending above the 30' limit, which will be considered during that meeting. All other items recommended by Staff are approved.

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

11. TEXT 94-11 -- TEXT AMENDMENT TO AMEND SECTION 29.5-8 OF THE SUBDIVISION ORDINANCE REGARDING THE MINIMUM SIZE OF SUBDIVIDED LOTS.

Staff Recommended Action: To direct Staff as deemed appropriate.

Comm. Tucker excused himself from participation due to possible conflict of interest.

Mr. Schubach stated the purpose of this item being presented was to allow both Commission and public input on this issue. He stated the City Council had requested review of this issue. Staff had provided other cities' text. Staff is currently seeking input.

Chmn. Dettelbach opened the Public Hearing at 9:53 p.m.

Betty Ryan, 2240 Monterey, stated she had asked the Council to provide definitions for packet item page 6, items C and D. She asked what was a "neighborhood"? She stated she had previously tried to subdivide her property, which was denied based upon her "surrounding lots". She asked if lot size of frontage was the determining factor.

Jack Miller, 575 20th Street, said the Commission's previous decision was based upon incorrect information, noting Ms. Ryan's lot was smaller than prevailing lot sizes and commenting the issue was "lot frontage in our neighborhood". He said 73-78% of the lots had over 50' frontage. Noting the distinctive areas and lots, he felt the ordinance would serve as a general guide, noting the present text allowed this flexibility. He felt the current text language served the purpose of a general guide.

Warner Lombardi, past resident of 1849 Valley Park Avenue, said the community was distinct and felt raising this issue again was a waste of time.

Vickie Garcia, 1835 Valley Park Avenue, felt there was no reason to readdress the current ordinance. Noting distinct areas within the city, she said Valley Park had large lots, low density, no ocean view and adequate parking.

Jim Garry, 1967 Valley Park Avenue, said time and money had already been wasted on this issue. If one is changed, others will also have to be changed.

Betty Ryan rebutted the statements made by reiterating her previous questions.

No one else wished to speak, and Chmn. Dettelbach closed the Public Hearing at 10:14 p.m.

Comm. Marks felt this item should be continued to allow Staff to present definitions to the Commission.

Comm. Merl felt this ordinance was not intended to have finite numerical values. Item "A" is clear cut and to be considered the primary factor.

Comm. Di Monda felt if this item were to be continued, the Commission would simply not be dealing with the problems. Commenting the City was divided into specific areas and neighborhood, he stated each application must be dealt with on a one-to-one basis, reviewing the neighborhood, common lot size and other controlling factors. He felt Staff had provided sufficient information to be reviewed by the Commission and the Council. He noted that neighborhoods continually changed, dependent upon development patterns. Mr. Schubach commented Staff clearly stated lot frontage was 40 feet minimum, noting only lot size required discretionary review, suggesting lot width might also be added to the criteria. Comm. Di Monda stated he had no problem with more tightly defining prevailing lot size.

Chmn. Dettelbach concurred with Comm. Merl's comments. He felt a case-by-case basis presented itself in the reviews. He felt prevailing lot size was clearly defined, and stated his position was to leave well enough alone, commenting there were no specific needs for future review or change.

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **RESPOND** to the City Council that the Commission has considered this issue, and believes there is not a need for a text amendment, that the language has clarity in terms of the fact that it sets out "4,000 square feet and 40 feet frontage", and then sets factors for consideration beyond that. There is no need for a text amendment. The language is well constructed. The Commission is comfortable with the interpretation that the meaning of "prevailing lot size" is the size that is most frequent and most common. "Area" must be defined at the moment because neighborhood or district areas change with time and need interpretation on a case-by-case basis.

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

STAFF ITEMS

Comm. Tucker returned to meeting participation.

- 15.a. Memorandum regarding proposal to consider public noticing requirements for all new single family development and major remodeling in excess of 50% of the gross building area.**

Director Blumenfeld stated the issue was to highlight what the possible consideration would be for the public notification process. Referencing the proposal alternatives, he stated Staff had discussed them with Mr. and Mrs. Schultz, with significant time having been spent.

Chmn. Dettelbach commented that there had been discussion about view ordinances which were never passed. He felt this was the problem with the alternatives presented. He asked what the enforcement would be after a notice is given. He did not feel this document provided the necessary procedures.

Comm. Di Monda supported notification of neighbors within 300 feet of the proposed site, noting many complaints and concerns could be addressed through neighborhood discussion. He suggested the applicant provide a map and letter copies to surrounding contiguous neighbors, which would be sent by Staff. He suggested that neighbors could work out their problems without the involvement of Staff or Commissioners. Comm. Tucker felt the letter should state the letter was for "information only".

Don Schultz, 670 Gould Avenue, stated his adjacent neighbor has 10' rooms. If the room height had been reduced by 2', Mr. Schultz would still have an ocean view. He did not have the opportunity to discuss this prior to construction. He stated existing residents should be given consideration.

The Commission **DIRECTED** Staff to formulate a proposed letter and posting for presentation at the next meeting for Commission consideration.

- 15.b Memorandum regarding Planning Commission review of Capital Improvement Program (CIP).**

Staff was instructed to inform the City Council that the Commission is not reviewing C.I.P.'s, which is a State requirement.

- 15.c Community Development Department activity report of November, 1994.**

RECEIVE AND FILE.

15.d Tentative future Planning Commission agenda.

RECEIVE AND FILE

15.e City Council minutes of November 15, 22, 28, 29, December 13 and 20, 1994.

RECEIVE AND FILE


COMMISSIONER ITEMS None

ADJOURNMENT

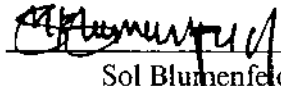
MOTION by the Commission to adjourn at 10:53 p.m. No objections; so ordered.

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 January 17, 1995.



Alan M. Dettelbach, Chairman



Sol Blumenfeld, Secretary

2/21/95

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON FEBRUARY 21, 1995
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Chmn. Dettelbach

Pledge of Allegiance led by Comm. Tucker.

ROLL CALL

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

CONSENT CALENDAR

Comm. Tucker pulled item 4.a, **Resolution P.C. 94-35** as an Agenda Item to be discussed during this meeting.

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **APPROVE**, with no change, (3) the **January 17, 1995 Minutes**, (4.b) **Resolution P.C. 95-1** approving a Parking Plan to allow parking requirements to be calculated pursuant to Section 1170, consolidated off-street parking, thereby allowing take-out from a restaurant inside a grocery market ("Vons") without providing any additional parking in the Plaza Hermosa shopping center at 715 Pier Avenue, (4.c) **Resolution P.C. 95-2** approving a Parking Plan and Conditional Use Permit, as amended, to establish a master Parking Plan, and to allow on-sale beer and wine in conjunction with a restaurant at 934 Hermosa Avenue, (4.d) **Resolution P.C. 95-3** approving a mural sign which exceed sign area requirements at 1630 Pacific Coast Highway, and (4.e) **Resolution P.C. 95-4** approving a Conditional Use Permit to allow retail sales of motorcycles, motorcycle parts and accessories and motorcycle repair at 828 Pacific Coast Highway.

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

5. **Items for consideration** None

For the convenience of audience participation, by unanimous consent, the Commission agreed to move Items 18.a and 14 forward and 6.a backward on the agenda.

STAFF ITEMS

- 18.a Memorandum regarding proposal to consider public noticing requirements for all new single family development and major remodeling in excess of 50% of the gross building area (continued from January 17, 1995 meeting).

Director Blumenfeld stated the Commission had directed Staff to prepare a public notice method for projects which currently do not require discretionary permits and are not public noticed. A "for information only" notification will be sent to all abutting property owners was submitted to review and approval prior to submitting it to the Council. The Permit would not be issued until postal return receipts were received by Staff.

Chairman Dettelbach invited public testimony at 7:12 p.m.

Betty Schultz, 670 Gould Avenue, supported this proposed procedure. She stated her property had been devalued by \$100,000, cautioning residents the same could happen to them.

No one else wished to speak, and Chairman Dettelbach opened discussion at 7:15 p.m.

Comm. Di Monda said if this item is adopted as policy statement, he wished to see it come back as a text amendment, commenting applicants are not made aware of policy statements. Comm. Merl stated the notice was administrative. He wanted residents to be clearly be aware they had no veto power. Comm. Marks felt that in the preliminary stages, abutting property owners should be notified and allowed to give input. Comm. Tucker felt this issue was informational, and stressed it should be for information only, noting everyone has the right to develop their own property within Code limits and restrictions. Chmn. Dettelbach stated the City did not have a view ordinance and this was not the form in which to obtain one.

The consensus (5-0) of the Commission was to **ADOPT** this item as a Policy Statement, **DIRECT** Staff recommend that a text amendment be completed and public hearing notice given prior to submittal to the City Council.

PUBLIC HEARINGS

7. **CON 94-1/HLE 94-2/PDP 94-3 -- CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, HEIGHT LIMIT EXCEPTION, AND VESTING TENTATIVE PARCEL MAP #24208 TO ALLOW CONSTRUCTION OF A TWO-UNIT CONDOMINIUM EXCEEDING 30' IN HEIGHT LIMIT IN AN R-3 ZONE AT 132 MANHATTAN AVENUE (continued from January 17, 1995 meeting)**

Staff Recommended Action: To approve said request for revised lower height.

Mr. Schubach stated this item had been continued to allow the applicant to present a modified plan indicating a lower height development, which the applicant had provided to Staff.

Chairman Dettelbach opened the public hearing at 7:23 p.m.

Virgil Bourgon, 200 N. Dianthus St., Manhattan Beach, and Monte Williams, 30 The Strand, stated they were available for questions. Comm. Marks felt the height computations submitted were incorrect. Mr. Bourgon felt they were correct, but agreed to recheck the numbers. Comm. Tucker commended the applicants for submitting an excellent revised plan.

Sandra Aden, 158 Bayview, stated whatever landscaping shown in the plan is actually placed there now.

No one else wished to speak, and Chairman Dettelbach closed the public hearing at 7:30 p.m.

MOTION by Comm. Merl, Seconded by Comm. Marks, to **APPROVE** the plans as modified.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days from this date.

8. **CUP 95-2 -- CONDITIONAL USE PERMIT TO ALLOW ON-SALE BEER AND WINE IN CONJUNCTION WITH A RESTAURANT AT 1150 HERMOSA AVENUE**

Staff Recommended Action: To approve said Conditional Use Permit.

Mr. Schubach described the proposal, noting standard conditions had been added. He stated the property had no area in which to place a trash enclosure. Comms. Tucker and Di Monda stressed the problem with trash in alleys, discussing possible situations and solutions with Staff.

Chairman Dettelbach opened the public hearing at 7:35 p.m.

David Olin, 1233 Hermosa Ave., #203, project designer, stated he knew trash would be a problem, but there simply was no place on the property where one could be placed. He stated Palm Drive was one-way, with plenty of room, BFI will be requested to supply daily pick up.

Comm. Di Monda addressed Staff, requesting a signature be required, noting this requirement had not been included in the CUP.

Rick Hankus, applicant, 1550 Loma, stated he had owned other restaurants. He presented a proposed menu, stating he had "a lot of faith" in the future of the downtown area.

David Gross, 1138 Manhattan Avenue, said his home had been built in the early 1900's. He stated a parking problem existed along Monterey and Manhattan Avenues, between 18th and 15th Streets. He felt the parking signs created the problem, stated the signs should force non-residents to park in public lots. He has a petition signed by 85 signatures of residents wishing to park on the street after 5:00 p.m. via adequate, prohibitive signage.

Chairman Dettelbach recommended Mr. Gross write a letter, after which a public hearing could be conducted. He stated, currently the downtown area is exempt from parking requirements for businesses going into that area.

Kathleen Derby, 1140 Hermosa Ave., stating she lived next door, asked the proposed hours of operation. The response was: 11:00 a.m. to 10:00 p.m. seven days per week. The applicant hopes to later open earlier in order to serve breakfast.

Linda Perry Gross, 1138 Manhattan Ave., works at home. Many new restaurants have come into the area and the residents are experiencing parking problems. The previous parking restrictions don't apply any more, with the areas north and south of Pier Avenue being doubly impacted. She asked that the Public Works Dept. address the problem of trash on Manhattan Ave., noting the street has become very dirty.

John Derby, 1140 Hermosa Ave., stated his window overlooks the area. He felt establishments serving alcohol had a responsibility to the neighborhood. He had witnessed a three-person arrest the previous week end.

No one else wished to speak, and Chairman Dettelbach closed the Public Hearing at 8:00 p.m.

Comm. Marks expressed concern over the trash situation, noting trash containers do not belong in the alley. Chairman Dettelbach noted traffic was one way within this alley, the other businesses' receptacle would still remain in the alley even if a requirement was imposed upon this one. Architecturally, a receptacle site within was an impossibility. Comm. Di Monda saw no problems with the restaurant, itself, wanted a signature on each sheet of plan submittal for all CUPs for commercial businesses and suggested a follow-up motion relating to parking. Chairman Dettelbach suggested directing Staff to bring back this issue. Comm. Tucker wished to assure the upstairs office did not turn into a waiting area or cocktail lounge and suggested throw-away plates be used. Director Blumenfeld stated some of the issues are being dealt with on all CUPs, with those conditions deemed as superfluous being picked up and corrected as part of the City's revision to the Zoning Ordinance.

MOTION by Comm. Di Monda, Seconded by Comm. Merl to **APPROVE** CUP 95-2 as corrected by Staff, with the condition of a requirement for a seal and signature on the drawings.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days from this date.

9. CUP 95-1 -- CONDITIONAL USE PERMIT TO ALLOW AUTO UPHOLSTERY REPAIR, SALES AND INSTALLATION AT 845 PACIFIC COAST HIGHWAY.

Staff Recommended Action: To approve said Conditional Use Permit

Mr. Schubach stated the back area was in poor condition, recommending landscaping to buffer residents to the west. Staff felt the two lots should be merged since they both are owned by the same owner to allow access and parking to be held in common. He discussed the suggested conditions with Commissioners.

Chairman Dettelbach opened the public hearing at 8:10 p.m.

Tu Anh Tran, applicant, Lawndale, said only auto interiors were being worked on, resulting in minimum noise, no oil or mess. Only cutting and sewing would be done. Only one or two cars would be done per day, with the car being inside the building. No parking was needed. The back yard would be cleaned up and fixed, with the parking lot resurfaced. No big cars were worked on and no big tools were being used. Comm. Tucker questioned the ability to put cars entirely into the garage.

No one else wished to speak, and Chairman Dettelbach closed the public hearing at 8:17 p.m.

MOTION by Comm. Merl, Seconded by Chmn. Dettelbach, to **APPROVE** CUP 95-1 with the following changes to the Resolution: Page 3, Section 1.2, line 2, change to read, "...submitted to the Community Development Department within...", Page 4, Section 1.4, change to read, "...refurbished or replaced to the...", Section 1.12, change "shall be" to "are", Section 1.14, change "shall be" to "is" and "shall not" to "is not".

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days from this date.

10. **VAR 94-3 -- VARIANCE TO ALLOW BALCONY ENCROACHMENT INTO FRONT AND SIDE YARD SETBACKS AND TO ALLOW ROOF DECK HAND RAIL TO EXTEND ABOVE THE 30' HEIGHT LIMIT, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 101 MONTEREY BOULEVARD.**

Staff Recommended Action: To deny said variance.

Mr. Schubach stated the applicant had requested two variances and explained the particulars. He stated the railing had been removed several years ago and the set back area appeared to be larger than it actually is due to right of way. Staff could not find the required findings necessary for variance approval.

Chairman Dettelbach opened the public hearing at 8:21 p.m.

Marino Protti, applicant, 101 Monterey Blvd., #1, stated the building was an "old box". The purpose of the request for variances was to upgrade and fix the building to make it look better.

Comm. Tucker expressed concern regarding the location of the existing electrical box and the proposed balcony location. Mr. Protti stated he was willing to work with any suggestions by the Commission. Comm. Tucker suggested an amendment be made prior to any approvals.

Jerry Compton, 1200 Artesia Blvd., Ste. 300, referenced a similar building for which an encroachment permit had been approved allowing balconies over set back and right-of-way areas.

No one else wished to speak, and Chairman Dettelbach closed the public hearing at 8:35 p.m.

Comm. Di Monda determined the roof railing had been removed over two years ago, but there is still roof access. No permit had been pulled. The Commission discussed with Mr. Schubach the actual location set back area, the allowance for architectural features and the findings necessary to approve the variances. Comm. Di Monda commented the owners could carve into the building if they wished to make some balconies. Comm. Tucker suggested allowing balconies only on the south side to enhance the look of the building, to which the other Commissioners did not agree. Chairman Dettelbach summarized the Commission's concerns, noting that while the Commission supported building and business improvements, these changes would be exceptions to the rules, with the findings necessary for approval having not been found.

MOTION by Chmn. Dettelbach, Seconded by Comm. Di Monda, to **DENY VAR 94-3** due to lack of findings.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days from this date.

11. CON 95-1 -- CONDITIONAL USE PERMIT MINOR AMENDMENT TO MODIFY THE GARAGE SET BACK ON A TWO-UNIT CONDOMINIUM AT 628 MONTEREY BOULEVARD.

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

Mr. Schubach stated the minor amendment was to take advantage of the new parking ordinance. Staff recommended approval, subject to conditions. Comm. Tucker asked why a notice hadn't been posted.

Chmn. Dettelbach opened the Hearing at 8:47 p.m.

Jerry Compton, 1200 Artesia Blvd., Ste. 300, representing the applicant, stated a sign had been posted. It must have been torn down. Comm. Tucker said it was the applicant's responsibility to maintain sign posting. Mr. Compton presented a set of elevations for Commission review and explained the proposed plans.

Sidra Wieder, 618 Monterey Blvd., stated she was a neighbor and asked what all "this" meant in lay terms. Chairman Dettelbach responded to her question.

No one wished to discuss this item, and Chmn. Dettelbach closed the public hearing at 8:50 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **APPROVE CON 95-1**, per Staff's recommendation.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days.

A break was taken at 8:51 p.m. Chairman Dettelbach reconvened the meeting with all Commissioners present at 9:02 p.m.

General Plan Amendments:

14. GP 95-1/ZON 95-1 -- GENERAL PLAN REDESIGNATION FROM OPEN SPACE TO GENERAL COMMERCIAL AND ZONE CHANGE FROM OS TO C-3, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION FOR ALANO CLUB AT 702 11TH PLACE.

Staff Recommended Action: To recommend approval of the General Plan redesignation and zone change to General Commercial, C-3, and adoption of an Environmental Negative Declaration.

Mr. Schubach stated this change would allow the Alano Club to continue the conforming use of the property after purchase of this property from the City. He discussed the alternative to this action. Comm. Di Monda asked if a recommendation could be made to Council that the money from the sale not go into the General Fund but to used to rehabilitate some of the park area. Mr. Schubach stated the money was taken from parking funds and would be put back into upgrading and enhancement of downtown. Comm. Tucker felt the an SPA zoning would result in more control than a C-3 zone.

Chmn. Dettelbach opened the Public Hearing at 9:10 p.m.

Tim Meadows, 1517 Waldocott, Redondo Beach, Chairman of the Board, Alano Club, stated the concern was that if the building burned down, they could not rebuild it as it currently exists.

No one else wished to speak, and Chmn. Dettelbach closed the Public Hearing at 9:10 p.m.

Comm. Di Monda felt if this were approved, it would be a spot zone, to which he objected. He suggested the area zoning be reviewed at a later date.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **APPROVE** GP 95-1/ZON 95-1, per Staff's recommendation.

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

12. TEXT 94-7 -- RECONSIDERATION OF A TEXT AMENDMENT TO ADD TATTOO PARLOR TO THE COMMERCIAL PERMITTED USE LIST, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION.

Staff Recommended Action: To direct Staff as deemed appropriate.

Mr. Schubach stated a request for additional information had been directed to Staff, which had been received and provided to the Commission. Staff continued to recommend that all health concerns be included in any ordinance allowing tattoo parlors as a usage. The State Governor vetoed the health related ordinance regarding tattooing, body piercing, etc. The Commission commended the City Attorney for the content of his response memorandum.

Chmn. Dettelbach opened the public hearing at 9:15 p.m.

Paul Cassioppo, 226 S. Broadway, Redondo Beach, stated no residents were in the audience to speak against this use. He offered to show the sterile equipment to the Commission. He has opened another shop in another city, to which many South Bay residents go. He wanted to open a shop in this area for the convenience of residents and to bring money to the City. He explained each tattoo artist is an independent contractor. Only trip and fall insurance would be carried. The shop would be under the Health Department certification.

Amelio Cusador, 204 39th St., Manhattan Beach, displayed and explained the sterilized and other equipment which would be used by tattoo artists. He stated people were being tattooed illegally. It is better that it be legal and controlled for health reasons.

No one else wished to speak, and Chmn. Dettelbach closed the public hearing at 9:27 p.m.

Comm. Marks expressed concerns for public protection, questioning the type of insurance coverage. Comm. Merl did not feel it was the Commission's responsibility to delve into or regulate the type of insurance coverage. Chairman Dettelbach stated the health issues were regulated by the Department of Health. Comm. Marks determined no one under the age of 18 could be legally tattooed. Chairman Dettelbach expressed concern relating to this type of business entering a city of this size, cautioning against allowing town sections to become inundated with this type of business.

MOTION by Comm. Marks, Seconded by Comm. Merl, to **APPROVE** TEXT 94-7, in accordance with the guidelines set forth in Staff's reports presented to the Commission at tonight's and previous meetings.

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

ORAL/WRITTEN COMMUNICATIONS

6.a. Letter from Sidra Wieder dated January 31, 1995 regarding construction site at 628 Monterey Boulevard.

Chairman Dettelbach said the letter he had received alleged that construction was being conducted during the hours of 8:00 a.m. and 6:00 p.m., including Saturdays and Sundays. He stated week-end construction was not regulated or restricted. The Commission could consider surrounding cities' regulations and determine whether similar ones should be adopted.

Chairman Dettelbach invited public testimony at 9:34 p.m.

Sidra Wieder, 618 Monterey Blvd., stated she was extremely frustrated due to the continued construction, which offered no relief and was destructive to her life style. She stated she had seen no notice of construction.

Jerry Compton, 1200 Artesia Blvd., acknowledged there was stress involved with construction in the area. However, construction would be extended if week end work were cut. Some residents wished construction to be completed sooner than later.

No one else wished to speak, and Chairman Dettelbach opened discussion at 9:35 p.m.

Comm. Tucker felt lack of communication was the problem, stating he felt if the people involved would inform each other, the problems would decrease. He stated business or contractors needed to be more considerate of others. Comm. Marks felt there was room for compromise through communication between contractors and residents.

The consensus of the Commission was to **DIRECT** Staff to review this issue in terms of restrictions, and obtain information pertaining to what was being done by adjacent cities, presenting this information to the Commission at either its next meeting or the following one.

13. SS 94-7 -- SPECIAL STUDY AND TEXT AMENDMENT REGARDING PARKING LOCATION ON RESIDENTIAL LOTS AND ADDING OPEN SPACE OVERLAY ZONE FOR STRAND FRONTING CORNER LOTS, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION.

Staff Recommended Action: To recommend approval of said Text Amendment, and designate certain properties Open Space Overlay (OS-O) zone, and adoption of an Environmental Negative Declaration.

Mr. Schubach presented three Staff recommendations, stating a current lawsuit agreed-upon settlement has resulted in the primary reason for these suggested changes. He stated the affected properties are mostly zoned R-3, R-2 or R-1. The settlement agreement specifically prohibited lot coverages and density, but was open as to whether it could be used for the Open Space requirements, and other requirements.

Chmn. Dettelbach opened the public hearing at 9:55 p.m. No one wished to speak, and Chmn. Dettelbach closed the public hearing at 9:55 p.m.

MOTION by Chmn. Dettelbach, Seconded by Comm. Merl, to **CONTINUE** SS 94-7 to March 21, 1995 in order to allow the City Attorney the opportunity to specifically review this item, assuring that this document reflects the terms and agreements within the lawsuit settlement, and Staff is to obtain and present to the Commission either a written or oral response by the City Attorney.

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

General Plan Amendments:

15. GENERAL PLAN USE LAND ELEMENT CLARIFICATION.

Staff Recommended Action: To modify the Goals, Objectives, and Policies section in the General Plan Land Use Element.

Mr. Schubach stated this item should not have been publically noticed, in that the land use element was simply being reorganized, not substantially changed.

Chairman Dettelbach opened the public hearing at 10:02 p.m. No one wished to speak, and Chairman Dettelbach closed the public hearing at 10:02 p.m.

MOTION by Comm. Merl, Seconded by Comm. Tucker, to **APPROVE** Staff's recommendation.

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

HEARINGS

16. APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO REQUIRE A SWIMMING POOL TO COMPLY WITH THE FRONT YARD SET BACK REQUIREMENT AT 1901 MANHATTAN AVENUE.

Staff Recommended Action: To direct Staff as deemed appropriate.
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Director Blumenfeld stated the zoning ordinance considered a pool or spa as an accessory building. The proposed pool location would be in violation of set back requirement. He suggested the Commission could make a determination as to whether or not pools and spas are considered accessory buildings. The six-foot wall is not permissible under zoning requirements. He discussed Staff's alternative suggestions, with which the applicant did not agree. Comm. Tucker requested that future projects include topography plans.

Chmn. Dettelbach opened the hearing at 10:28 p.m.

Jack Wood, 200 Pier Ave., applicant's representative, stated 2-3 pools have been constructed in front yards in Strand properties and questioned the current interpretation. He stated a six-foot fence would not work on this property. The lot is odd, with the house sitting perpendicular on three lots facing 19th Street. The house front faces Manhattan Avenue, but the situation is being caused by technicalities. The side yard is being used as a front yard, and visa versa. The obvious place for the pool is next to the house in the proposed area, which will maintain property appeal and semi-privacy. Mr. Wood explained the surrounding retaining wall height goes from 20 to 3 feet and detailed the wall location on the property. Mr. Wood explained why the applicant felt the placement of the pool had to be as proposed by the applicant and discussed various options with the Commission and Staff. He requested a determination as requested by Staff, asking the decision be made based upon the merits of what has been done previously within the City. Mr. Wood stated many alternative designs were available, but the applicant wished to build the pool and invest his own money in the way he wanted to do it. He also noted the Code prohibited building from the ground up; not ground down. If low-to-the-ground decks are allowed, pools should also be allowed, based upon past experience.

No one else wished to speak, and Chairman Dettelbach closed the hearing at 10:40 p.m.

Comm. Di Monda commented he agreed with Mr. Wood's statements regarding pool placement on this property. He felt in this instance, the applicant should request a variance. Comm. Marks thought alternatives within the Code were available to the applicant. Comm. Tucker supported moving the pool location as a simpler solution. Chairman Dettelbach agreed with Comm. Di Monda, reviewed the necessary findings. He felt pools should be treated the same as subterranean garages and that time, money and effort was being wasted due to this situation. The Commission's hands are tied since the question was whether or not the pool was considered an accessory building. According to the Codew, it is. The only way to approach this situation was to seek a variance.

MOTION by Comm. Tucker, Seconded by Comm. Di Monda, to **APPROVE** Staff's recommendation that the pool be considered an accessory building, according to the Code.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days.

17. **SS 93-8 PART III -- TO STUDY THE COMMERCIAL PERMITTED USE LIST.**

Staff Recommended Action: To recommend approval.

Mr. Schubach stated this part was to consolidate uses, making them more generic, and as Part IV, spell out what the uses allow (as Part IV). Staff recommended uses based on criteria can be allowed without holding a public hearing, which will shorten the time frame to obtain the permit. Comm. Di Monda asked why religious buildings were considered commercial buildings when they typically were within residential zones. Mr. Schubach stated other cities did not consider them commercial.

Chmn. Dettelbach opened the hearing at 10:52 p.m. No one wished to speak, and Chairman Dettelbach closed the hearing at 10:52 p.m.

The consensus of the Commission was to **DIRECT** Staff to investigate and make changes as appropriate, forwarding the study and enclosures to City Council.

STAFF ITEMS

- 18.a. **Memorandum regarding proposal to consider public noticing requirements for all new single family development and major remodeling in excess of 50% of the gross building area (continued from January 17, 1995 meeting).**

Chairman Dettelbach commented that some of the recommendations or alternatives given are getting too close to height and view protection restrictions, to which Comms. Merl and Tucker stated their agreement.

Comm. Di Monda, referencing CIP's, asked the Council be reminded that this issue was discussed and voted upon, it is a function of the Planning Commission to review all CIP's, per State law, and the Planning Commission has not been reviewing these CIP's for some time.

Receive and File

- 18.b **Community Development Department activity report of December 1994.**

Receive and File

- 18.c **Tentative future Planning Commission agenda.**

Receive and File

- 18.d **City Council minutes of January 10 and 24, 1995.**

Receive and File

PARKING RECOMMENDATIONS Staff was **DIRECTED** to initiate a special study of the

proposal and present recommendations to the Commission, specifically notifying residents who have previously expressed interest in this project.

COMMISSIONER ITEMS

Comm. Marks reiterated his concerns relating to the Pier project design, noting no shading devices or architectural grace were evident. Director Blumenfeld explained the project was now moving into construction documents at this point.

The consensus of the Commission was to DIRECT Staff to bring back a report of the status of the Pier project.


Comm. Di Monda discussed with Staff the method of obtaining the general consensus numbers relating to the priority listing.

ADJOURNMENT

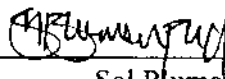
MOTION by the Commission to adjourn at 11:08 p.m. No objections; so ordered.

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 February 21, 1995.



Alan M. Dettelbach, Chairman



Sol Blumenfeld, Secretary

3/21/95

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON MARCH 21, 1995
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Chmn. Dettelbach

Pledge of Allegiance led by Comm. Di Monda.

ROLL CALL

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

CONSENT CALENDAR

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **APPROVE**, with no change, (3) the **February 21, 1995 Minutes**, (4.a) **Resolution P.C. 94-35** to recommend adding tattoo establishment to the C-3, General Commercial, permitted use list subject to Conditional Use Permit, and amending the Municipal Code to add health and safety standards regarding the operations of said establishments, and adoption of a Negative Declaration (continued from December 6, 1994, January 17, and February 21, 1995 meetings), (4.b) **Resolution P.C. 95-5** approving a Conditional Use Permit, Precise Development Plan, and Vesting Tentative Parcel Map #24208 for a 2-unit condominium project, and approving a height exception pursuant to Section 601 of the zoning code to allow a building to exceed 30-feet in height, at 132 Manhattan Avenue, (4.c) **Resolution P.C. 95-6** approving a Conditional Use Permit to allow on-sale beer and wine in conjunction with a restaurant at 1150 Hermosa Avenue, (4.d) **Resolution P.C. 95-7** approving a Conditional Use Permit authorizing the repair and/or replacement of vehicle upholstery and convertible tops at 845 Pacific Coast Highway, (4.e) **Resolution P.C. 95-8** to deny a request for variances from front and side yard requirements in the R-3 zone and from the maximum height limit at 101 Monterey Boulevard, and (4.f) **Resolution P.C. 95-9** to recommend amending the General Plan from Open Space to General Commercial and the zoning map from OS, Open Space, to C-3, General Commercial for the parcel at 702 11th Place, and adoption of a Negative Declaration.

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

5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS None

PUBLIC HEARINGS

7. **PDP 95-1 -- PRECISE DEVELOPMENT PLAN TO ALLOW CONSTRUCTION OF TWO DETACHED DWELLING UNITS AT 275 HERMOSA AVENUE.**

Staff Recommended Action: To approve said Precise Development Plan.

Mr. Schubach said the units were apartments instead of condominiums and required a precise development plan rather than a C.U.P. Typical conditions had been added.

Chairman Dettelbach opened the public hearing at 7:16 p.m.

Elwin Stemig, applicant, 900 Loma Drive, bought the property in 1983. He said the property sided on Hermosa Blvd. and was in a low area. The plans were developed to minimize flood potential.

No one else wished to speak, and Chairman Dettelbach closed the public hearing at 7:18 p.m.

Comm. Tucker stated sump pumps did fail and expressed concern regarding the applicant's awareness of the possibility of flooding. He suggested the condition requiring 36" trees be changed to require 24" trees. Comm. Di Monda explained the reasons for requiring 36" box trees and suggested the PDP contain the concern relating to the flooding problem.

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **APPROVE PDP 95-1** allowing construction of two detached dwelling units at 275 Hermosa Avenue, with the conditions as stipulated by Staff and an addition of a Finding regarding the flooding concerns.

AYES: Comms. Di Monda, Marks, Merl, Tucker, Chmn. Dettelbach

NOES: None

ABSENT: None

ABSTAIN: None

Chmn. Dettelbach stated this decision was appealable within 10 days to the City Council.

8. **CUP 95-4 -- CONDITIONAL USE PERMIT TO ALLOW ON-SALE ALCOHOL AND OUTSIDE DINING IN CONJUNCTION WITH A RESTAURANT AT 1238 HERMOSA AVENUE, CAFE BOOGALOO.**

Staff Recommended Action: To approve said Conditional Use Permit.

Due to conflict of interest, Chmn. Dettelbach excused himself from participation. Vice-Chmn. Tucker requested a staff report.

Mr. Schubach stated this request was not different from previous requests and approved requests. The elevation plan indicated the canopy would be made of metal instead of wood, which needed

approval by the Commission. Revised plans will be required.

Vice-Chairman Tucker opened the public hearing at 7:28 p.m.

Steven Roberts, applicant, 537 Manhattan Ave., said he was seeking a full alcohol license. He was spending a considerable amount of money on the renovation, with the purpose of obtaining an affluent clientele. He has two parking spaces, will be on the validation program and install a bike rack. He discussed the proposed hours of operation, sharing of a trash container, current parking availability.

No one else wished to speak, and Vice-Chairman Tucker closed the public hearing at 7:31 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Marks, to **APPROVE** CUP 95-4, CUP to allow on-sale alcohol and outside dining in conjunction with a restaurant at 1238 Hermosa Avenue, Cafe Boogaloo, including the addition of the corrugated metal roof which will contain a gutter system.

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

Vice Chmn. Tucker stated this decision could be appealed to the City Council within 10 days from this date.

Chmn. Dettelbach returned to participation in this meeting.

9. **CUP 94-18/PARK 94-9 -- CONDITIONAL USE PERMIT AMENDMENT AND PARKING PLAN TO ALLOW ON-SALE BEER AND WINE IN CONJUNCTION WITH SECOND STORY EXPANSION TO A RESTAURANT AT 3216 MANHATTAN AVENUE AND ADOPTION OF A NEGATIVE DECLARATION.**

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

Mr. Schubach said the busiest time was evening hours and on-site parking was available. The request to be able to serve alcohol was similar to other approved past projects, but a little more unique due to the surrounding neighborhood. Conditions were suggested which required an interior staircase, limited hours of operation and service of alcoholic beverages to seated customers only.

Chairman Dettelbach opened the public hearing at 7:37 p.m.

Joel Leavitt, applicant, 3216 Manhattan Ave., said 90% of his customers were local. He never anticipated putting in a bar. He said clientele would go upstairs and watch the sunset, no entertainment was offered. He wished to serve a beer or glass of wine with the food orders. He discussed ABC requirements and his agreement to all requirements and conditions. The trash is shared by the tenants, a bike rack is currently in place. If trash area fencing was extended, there would be no room for the trash. He reiterated this location was a restaurant, not a bar.

Comm. Tucker said the dry cleaners was open to 7:00 p.m. and the hair salon was open until 8:00 p.m. Mr. Leavitt explained the sharing of parking, noting that his parking spaces were not used very much by his own clientele. Comm. Tucker stated a fence was necessary because some of the trash area was owned by the adjacent property owner. Mr. Leavitt explained the upstairs offices were his and rented to tenants on a month-to-month basis.

Patrick Mitchell, 425 Longfellow Ave., asked if this location was snack bar or a restaurant. He opposed waiving of parking spaces, noted a charbroiler required a Air Quality District permit, stated the petition signatures did not include addresses or telephone numbers, and objected to the "look" of the neighborhood being changed. He said this business was supposed to be a snack shop, not a restaurant.

Carol Simmons, 218 Longfellow Ave., said the neighborhood had dramatically changed in the past 15 years, now having a predominance of owner occupied properties. She discussed the impact upon the neighborhood of bars and stated her opposition to approval of this request.

Tony Gibson, Hollywood, representing the owner of the adjacent hair salon, objected the customers using the outside stairs and sitting on the deck and drinking alcoholic beverages in front of the hair salon. She felt safety would be an issue.

Katrinka Marvis, 245 Longfellow Ave., opposed the application stating she did not want a bar near her house.

Molly Hartwell, 420 Longfellow Ave., questioned the hours of operation and felt the jute box was entertainment. Chmn. Dettelbach explained the proposed CUP conditions and restrictions. Mr. Schubach stated the jute box was not entertainment, but was subject to all noise ordinance controls.

Olivia Moreno, 225 Longfellow Avenue. read three letters from residents objecting to this application into the record and gave these letters to Staff.

Peter Hartwell, 420 Longfellow Ave., objected to alcohol-related problems which he felt would be created by approval of this application. He also objected to waiving of any parking requirements, stating it was unfair for residents to have to compete for evening parking space.

Eric Lawrence, 230 Longfellow Ave., stated he received notice only from ABC, the applicant had only six parking spaces, not 12. He objected to any extension of the hours of operation, noting additional customers will result in more noise in the neighborhood.

Robert Benwaw, 322 Longfellow Ave., stated he considered the neighborhood a haven and requested his "haven" not be lost due to noise and non-resident influx. He requested denial of the application.

Rebuttal

Joel Leavitt stated he was not proposing night-club atmosphere and had had no previous complaints regarding his restaurant or jute box. Serving of beer or wine with the meal would not make a big difference in the neighborhood.

No one else wished to speak, and Chairman Dettelbach closed the Public Hearing at 8:20 p.m.

Comm. Marks stated he saw both sides of this very difficult issue. Comm. Merl expressed concern relating to the parking situation, noting it was definitely an issue. Comm. Di Monda also expressed concerns relating to the parking issue. Comm. Tucker detailed the past business history of this location, noting the low impact of the previous businesses versus current usage. He stated this was a C-1 area surrounding by residential properties. Parking would be decreased due to handicapped parking requirements. He felt there would be a parking conflict with the adjacent businesses, which were open until late evening. Noting there were too many unanswered questions, he stated he would oppose approval of this application. Chmn. Dettelbach stated he understood the request to serve alcoholic beverages in the hopes of improving business, but also understood the residents' concerns. He said Mr. Leavitt simply wanted to serve beer and wine with dinner. However, parking and the use intensification was an issue.

MOTION by Comm. Tucker, Seconded by Comm. Di Monda, to **DENY CUP 94-18/PARK 94-9, Conditional Use Permit amendment and Parking Plan** to allow on-sale beer and wine in conjunction with second story expansion to a restaurant at 3216 Manhattan Avenue and adoption of a Negative Declaration by making a Finding that the parking was significantly deficient on this site.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days from this date.

A break was taken at 8:42 p.m. The meeting was reconvened with all Commissioners seated at 8:48 p.m.

For audience convenience, the Commission agreed to move forward Item 14.a.

STAFF ITEMS

14.a. MUNICIPAL CODE AMENDMENT TO ELIMINATE CONSTRUCTION ACTIVITIES ON SUNDAYS, AND POSTING CONSTRUCTION NOTICES.

Director Blumenfeld stated this item was brought back at the Commission's request and was scheduled for Council hearing on March 28, 1995. He highlighted the items the Commission had question.

Chmn. Dettelbach invited public testimony.

Betty Schultz, 670 Gould Ave., discussed the loss in property value she had experienced due to losing her ocean view, her efforts to work with the new neighbor in order to maintain that view, her current efforts to establish view control for the benefit of other City residents and the requirement for notification of proposed construction. Chmn. Dettelbach reiterated that there was no view protection

provision as long as construction plans fell within the code. He stated the Commission had now taken all of the actions allowed; view protection had not been previously approved by the populace.

No other audience members wished to speak regarding this issue.

Comm. Di Monda explained that view protection had not been approved by residents during two prior ballots, and the Commission had gone "as far as it could" with this situation.

Chmn. Dettelbach stated the other aspect of this ordinance addressed hours of construction, with a proposal to prohibit any construction on Sunday and allow construction from 8:00 a.m. to 7:00 p.m. Monday through Saturday. Director Blumenfeld stated Staff had received public communication, one of which requested restriction on hours of work on Saturday.

Comm. Tucker suggested Saturday hours of work be limited from 9:00 a.m. to 4:00 p.m. and Sunday hours of work be from 10:00 a.m. to 2:00 p.m. This would allow the home owner to make changes or additions to his/her own home. Comm. Di Monda suggested Sunday hours of 10:00 a.m. to 2:00 p.m., which would prohibit a "crew" from working (as economically not feasible) but allow the home owner to make repairs on the week end. Chmn. Dettelbach agreed as long as no heavy power equipment is used on Sunday. After discussion, Director Blumenfeld stated posting notice requirements could be immediately implemented.

Chmn. Dettelbach invited public testimony.

Sidra Wieder, 618 Monterey Blvd., stated she was disappointed the Commission was considering allowing work on Sunday. She stated that in addition to the adjacent property undergoing construction, the one next to it is also scheduled for construction. She felt residents had the right to a quiet week-end or day.

No one else wished to speak relating to this subject.

CONSENSUS of the Commission was to **RECOMMEND APPROVAL** of the following allowable hours of construction: Monday through Friday will remain the same, Saturday - from 9:00 a.m. to 5:00 p.m., and Sunday - from 10:00 a.m. to 2:00 p.m. with no major equipment usage being allowed on Sunday.

Staff was **DIRECTED** to (1) consolidate in writing the consensus of the Commission for presentation to the City Council and (2) present to the Commission a list defining power-driven equipment. No objections, so ordered.

PUBLIC HEARINGS (continued)

10. SS 94-7 -- SPECIAL STUDY AND TEXT AMENDMENT REGARDING PARKING LOCATION ON ALL RESIDENTIAL LOTS AND ADDING OPEN SPACE OVERLAY ZONE (OS-O) TO ZONING ORDINANCE, ZONING PORTIONS OF PUBLIC RIGHT-OF-WAYS ABUTTING STRAND FRONTING

CORNER LOTS (WHEN VACATED) TO OPEN SPACE OVERLAY ZONE, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION (continued from February 21, 1995 meeting).

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

Mr. Schubach stated the Commission had requested a response from the City Attorney regarding this proposed ordinance. The City Attorney had stated no changes were necessary within the Staff-proposed ordinance. Comm. Di Monda suggested that under permitted uses, motorcycle and open vehicle, an addition be made to state, "in designated areas, per Section 9.5-3.5" to avoid confusion. The Commission and Staff discussed the intent of this proposal.

Chairman Dettelbach opened the public hearing at 9:32 p.m. No one wished to speak, and Chairman Dettelbach closed the public hearing at 9:32 p.m.

MOTION by Comm. Di Monda, Seconded by Chmn. Dettelbach, to **APPROVE SS 94-7.**

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

11. **SS 93-8 -- TEXT AMENDMENTS TO ARTICLES 8 AND 10 OF THE ZONING ORDINANCE WITH RESPECT TO THE LIST OF COMMERCIAL USES PERMITTED IN EACH ZONE; THE USES WHICH REQUIRE CONDITIONAL USE PERMITS; STANDARD CONDITIONS; AND DEFINITIONS OF COMMERCIAL USES, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION.**

Staff Recommended Action: To recommend approval of said text amendments and adoption of a Negative Declaration.

Mr. Schubach detailed the four parts to this item, suggested the Definitions Section be CONTINUED to the next meeting to allow Staff to better define some of the definitions, and the Commission approve the remaining three parts.

Comm. Di Monda requested the Commission review the subject of "neighborhood residential", noting the conflict between neighborhood residential and commercial was ongoing, and residents are not aware of what and what not they can do with their properties.

Chairman Dettelbach opened the public hearing at 9:40 p.m. No one wished to speak, and Chairman Dettelbach closed the public hearing at 9:40 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **APPROVE** Staff's recommendation with the exception of the Definitions Section, which will be **CONTINUED** to the next scheduled meeting.

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

HEARINGS

12. **GP 95-1/ZON 95-1 -- SALE OF CITY OWNED PROPERTY AT 702 11TH PLACE.**

Staff Recommended Action: To find the sale of the subject property consistent with the General Plan

Mr. Schubach explained that when a city sells property, State Law regarding planning and zoning requires the Planning Commission review the sale of the property and find it consistent with the General Plan. He stated the reason for sale was to obtain funds to be used for improvement of the downtown area.

Comm. Di Monda objected to the sale, stating if he had the opportunity he would reconsider the zoning change. He felt the City should be looking for ways to purchase more open space instead of selling it or using the money from such sale for funding of downtown improvements.

CONSENSUS of the Commission 4-1 (with Comm. Di Monda voting against) to **ADOPT BY MINUTE ORDER GP 95-1/ZON 95-1**, finding the sale of the subject property as consistent with the General Plan.

STAFF ITEMS

13.a. *Small lot study status report.*

CONSENSUS of the Commission (5-0) was to DIRECT Staff to conduct this study, bringing it back to the Commission, as Staff recommended.

13.b **Memorandum on Planning Commission priority list/work program (continued from December 6, 1994 meeting).**

The Commission determined that Item 8 was complete and should be deleted, Items 7 and 17 should be consolidated, the pier project could be removed from the priority listing, and the State Housing Mandate should be included in the area Staff felt most appropriate.

- 13.c Memorandum from the Planning Commission to the Downtown Enhancement Commission regarding overflow parking into residential districts adjacent to the downtown.

Receive and File

- 13.d Community Development Department activity report of January 1995.

Comm. Di Monda questioned status of new commercial projects, mixed use, noting he felt mixed use led to high density and problems between residential and commercial locations. Director Blumenfeld detailed the status of this particular project.

Receive and File

- 13.e Tentative future Planning Commission agenda.

Comm. Tucker requested review of grease traps and public telephones on public right-of-ways be added to the agenda. Comm. Di Monda suggested Staff sent a letter to City Council, thinking that if the Council supported review/removal of unauthorized telephones on public right-of-way, the Public Works Department might move this item forward in priority. Chmn. Dettelbach suggested that such action could be taken after Staff presented a status report on this item.

- 13.f City Council minutes of February 14 and 28, 1995.

Receive and File

COMMISSIONER ITEMS

- 14.b Pier renovation project status report - requested by Commissioner Marks.

Comm. Di Monda stated he was on a pier committee formed over one year ago. The project was awarded. He thought the project team had not perform up to the Committee's expectations and is in the process of being replaced. Director Blumenfeld said the schematic portion had been approved by Council and was considered concluded. The project was separated into the lower and upper pier areas. He explained in detail the current status and progress of the pier project.

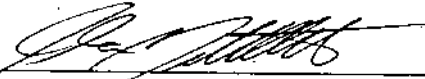
Comm. Di Monda questioned the awarding of contracts to Orange County firms, noting the expertise and experience of architects and firms located close by within the Los Angeles County area.

ADJOURNMENT

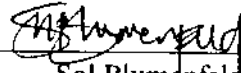
MOTION by the Commission to adjourn at 10:17 p.m. No objections; so ordered.

CERTIFICATION

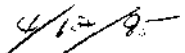
I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of March 21, 1995.



Alan M. Dettelbach, Chairman



Sol Blumenfeld, Secretary



Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON APRIL 18, 1995
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:05 p.m. by Chmn. Dettelbach

Pledge of Allegiance led by Comm. Tucker.

ROLL CALL

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

CONSENT CALENDAR

MOTION by Comm. Tucker, Seconded by Comm. Marks, to **APPROVE**, with no change, (3) the **March 21, 1995 Minutes**, (4.a) **Resolution P.C. 95-10** approving a Precise Development Plan to allow two detached dwelling units at 275 Hermosa Avenue, (4.b) **Resolution P.C. 95-11** approving a Conditional Use Permit to allow on-sale alcohol and outside dining in conjunction with a restaurant at 1238 Hermosa Avenue, (4.c) **Resolution P.C. 95-12** denying a Parking Plan and Conditional Use Permit to allow an expansion of an existing restaurant and on-sale beer and wine at 3216 Manhattan Avenue, and (4.d) **Resolution P.C. 95-13** Text Amendment to Article 8, with respect to the list of commercial uses permitted and conditionally permitted in the C-1, C-2, and C-3 zones; to Article 10, pertaining to standard conditions of conditionally permitted uses, and, the adoption of a Negative Declaration and (4.e) **Resolution P.C. 95-14**, recommending adding Open Space Overlay (OS-O) zone to the zoning ordinance, amending the parking section to include restrictions on the location of open parking on residential lots, and impose the proposed OS-O zone to designated public right-of-way areas as shown on Exhibit A attached, when they are vacated, and adoption of an Environmental Negative Declaration.

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

5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS

Shirley Cassell, Hermosa Beach, stated the South School Park was supposed to be reserved for toddler activities, not a roller hockey field, objected to "tattoo parlors" as an approved use and parking garages currently under construction and asked if the Commission had approved these projects. Responding, Comm. Di Monda said the South School issue should have come to the Commission, but didn't. He stated that when the Council or "government" breaks its own rules, it leaves itself open to an attack by residents. And residents will win. Chmn. Dettelbach said the parking structure also had not been brought before the Commission. Comm. Di Monda commented that sometimes the Council backed itself into a corner by negotiating and signing contracts which precluded any action by any of the Commission. Director Blumenfeld said a parking structure plan was being reviewed relative to the downtown plan and downtown circulation and several other proposed projects, and that upon completion of the detailed study that it would be presented to the Commission in its entirety. Comm. Di Monda said there is a rumor that "someone" was negotiating with the County for a land swap, with the County building parking lots to be operated by the County, with funding being kept by the County. Chmn. Dettelbach explained if structures met City codes, there was no reason for these items to come before the Commission. The issue of tattoo parlors will be before the Council at its next meeting. He suggested interested parties attend that meeting.

PUBLIC HEARINGS

7. **CUP 95-3/PARK 95-1 -- CONDITIONAL USE PERMIT AND PARKING PLAN TO ALLOW SLOT CAR RACING IN CONJUNCTION WITH A HOBBY STORE, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 600 PACIFIC COAST HIGHWAY, THE RACER'S EDGE**

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

Mr. Schubach said the owner simply wished to move his location from Aviation Blvd. to Pacific Coast Highway. Staff did not feel the use or parking problems would intensify, or problems increase due to business. He discussed specific conditions with Commissioners.

Chairman Dettelbach opened the public hearing at 7:24 p.m.

Dennis Scanlan, applicant, 831 6th Street, stated the platform area would be located in the center of the room, separating the tables. He said that after 6:00 p.m., his customers would have use of the entire parking lot, which he closed and locked at close of business.

No one else wished to speak, and Chairman Dettelbach closed the public hearing at 7:25 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Marks, to **APPROVE CUP 95-3/PARK 95-1**, with the following Resolution changes: Section II, Paragraph 1, change to read, "...conditions are separately enforceable, and if any of the conditions of approval are found..."

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

Chmn. Dettelbach stated this decision was appealable within 10 days to the City Council.

8. **CUP 95-5 -- CONDITIONAL USE PERMIT AMENDMENT TO ALLOW LIVE ENTERTAINMENT IN CONJUNCTION WITH A RESTAURANT, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 1238 HERMOSA AVENUE, CAFE BOOGALOO**

Staff Recommended Action: To approve said Conditional Use Permit amendment and adopt the Negative Declaration.

Due to conflict of interest, Chmn. Dettelbach excused himself from participation. Vice-Chmn. Tucker assumed Chairman responsibility.

Mr. Schubach stated the location was not adjacent to residential properties which might result in noise problems.

Vice-Chairman Tucker opened the public hearing at 7:28 p.m.

Vern Saks, project architect, stated the applicant agreed to all conditions, the sound system had improved noise control, there would be no outside speakers, and the interior finish would absorb sound. The entertainment would consist of jazz and blues.

No one else wished to speak, and Vice-Chairman Tucker closed the public hearing at 7:32 p.m.

MOTION by Comm. Marks, Seconded by Comm. Di Monda, to **APPROVE** CUP 95-5.

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

Vice Chmn. Tucker stated this decision could be appealed to the City Council within 10 days from this date.

Chmn. Dettelbach returned to participation in this meeting.

9. **CUP 95-7 -- CONDITIONAL USE PERMIT AMENDMENT TO ALLOW ON-SALE GENERAL ALCOHOL IN CONJUNCTION WITH AN EXISTING RESTAURANT AT 837 HERMOSA AVENUE, FAT FACE FENNER'S FALLOON.**

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

Due to conflict of interest, Comm. Marks excused himself from participation.

Mr. Schubach said the request was simply to change from beer and wine to harder spirits. Staff did not feel use would be intensified. He explained trash enclosure requirements were not included in CUP's, however, it is a Municipal Code requirements.

Chairman Dettelbach opened the public hearing at 7:35 p.m.

Gary Wayland, applicant's representative, 1097 Aviation Blvd., said the applicant accepted Staff's recommendations and was currently addressing the trash enclosure situation.

No one else wished to speak, and Chairman Dettelbach closed the public hearing at 7:36 p.m.

MOTION by Comm. Tucker, Seconded by Comm. Di Monda, to **APPROVE** CUP 95-7.

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

Chairman Dettelbach stated this decision could be appealed to the City Council within 10 days from this date.

Comm. Marks returned to meeting participation.

10. CUP 95-6 -- CONDITIONAL USE PERMIT TO ALLOW A SMALL RECYCLING COLLECTION FACILITY IN THE PARKING LOT AT THE LUCKY GROCERY STORE AT 2510 PACIFIC COAST HIGHWAY

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

Mr. Schubach described the container and proposed location of the recycling center. Noting the City was not allowed to prohibit such center due to the State having mandated that cities allow such uses in parking lots and their locations. Residents were adjacent to the parking lot area. Conditions were added for buffering purposes. Chairman Dettelbach and Comm. Di Monda felt the Commission should have the opportunity to review State law and City ordinances prior to a decision being made.

Chairman Dettelbach opened the public hearing at 7:45 p.m.

Christie Rail, Environmental Products, Riverside, applicant's representative, explained procedures relating to containers and stated the container location was negotiable. Stating the "immediate cash" dumps currently in place would be removed, resulting in the need for these containers. Providing a photo of a container, she discussed operation, hours and location with Commissioners.

Carolyn Wistalinkin, Hermosa Beach, said she owned a condominium facing the parking lot and impacts would be significant. She suggested if the container were placed on the property, it be located

at the end of the store. She said a recycling center was already located one-half mile away and questioned the need for one at this location. She said people dumped around the containers during "off hours".

Tikki McPherson, The Victorian resident, stated her concern about noise levels that would result from placement of the container, noted the large number of transients in the parking lot and expressed concern for resident safety and quality of life. She supported location of the container as far away from residents as is possible.

Lawrence Dunnagon, The Victorian resident, said the parking lot already had a lot of traffic, including trucks, transients and the Hope Chapel congregation. He asked residents be considered when a decision is made.

Jane Swab, The Victorian resident, opposed placement of any container. If one must be on site, she wanted it place at the front of the store.

Shirley Cassell, Hermosa Beach, said she did not believe that if the container placement was denied that the recycling company would remove its current collectors. She said the containers stink.

Kathleen Midstokke, Hermosa Beach, voiced concerns relating to procedure and the manner of presentation, questioned the authority to review Lucky's Market CUP based upon the recycling company's request. She asked if Lucky's had agreed to the conditions or was represented at this meeting. Chmn. Dettelbach said Lucky's had agreed and was being represented by Ms. Rail. He stated enforcement issues had been discussed with Staff and steps were being taken to increase the ability to enforce requirements. Staff had acknowledged that certain requirements had not been met, but would be now fulfilled. The CUP ran with the land; not the tenant. Ms. Midstokke questioned fulfillment of the requirements, since it was not previously accomplished. She felt significant environmental issues had been raised and a mitigated Negative Declaration should have been included.

Sueanne Zerello, The Victorian resident, said delivery trucks deliver at all hours, rather than just the ones allowed, transients live close to her residence, she had no safety at night, and additional noise would have a negative impact. She requested denial of this request or placement of the container as far from residents as possible.

Christian Neal, The Victorian resident, asked the container be located next to the building. She asked review of the State requirement to make sure the container had to be at this location.

Rebuttal

Christie Rail stated the State mandated placement and explained current container locations. She said when the instant cash containers were removed, the transients would also leave because there would no longer be an income source for them. She explained recycling is exempted from environmental impact requirements. Containers were clean and dry, picked up and cleaned on a schedule. She stated she represented and had authorization from Lucky's. Landscaping would be completed and the parking lot cleaned up. She explained the hours of operation and procedure for container replacement, including noise levels.

