

April 11, 2007

Honorable Chairman and Members of the  
Public Works Commission

Regular Meeting of  
April 18, 2007

## **REQUESTED VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY ON PALM DRIVE**

### **Recommendation:**

It is recommended that the Public Works Commission consider a petition to vacate a portion of the public right-of-way on Palm Drive between 19<sup>th</sup> and 21<sup>st</sup> Streets.

### **Summary:**

Staff received a petition from the residents of Palm Drive between 19<sup>th</sup> and 21<sup>st</sup> Streets requesting that the City vacate 10 feet of the public right-of-way on both the east and west sides of this section of Palm Drive, reducing the right-of-way width from 40 feet to 20 feet and making this right-of-way width the same as the rest of Palm Drive throughout the City.

This portion of Palm Drive is paved out to the 20-foot width and there have been no publicly constructed improvements beyond these dimensions with the exception of the four properties (out of a total of 32) that have undergone remodel or new development. These properties were required to construct improvements in accordance with the Municipal Code requirement of a 40-foot right-of-way, including a 17-foot setback from edge of road to garage face.

The submitted petition presents several arguments in support of the vacation and appears to contain signatures from 14 of a total 32 properties. The petition seems to favor the option of relinquishment of the east side only, in lieu of both sides, partly because that is where they found the majority of support (8 of the 14 properties).

In order to vacate these portions of the public right-of-way, staff must make a finding that they are of no public value at this time and at any future time. While staff understands that the rest of Palm Drive within the City is a 20-foot alley, and this portion is an anomaly in that it is a 40-foot wide street, staff also notes that there is an increasing number of lot subdivisions taking place with properties now fronting on Palm Drive. There are similar anomalies on other streets. Alleys are typically reserved for property backyards and garages where there is a minimum of pedestrian traffic. Staff is also concerned about those properties that have been improved to the existing standards and then reversing these standards for future development. We understand that two of the four properties signed the petition in support of the vacation, but what about the other two? Staff would also be concerned about trying to make a finding of no public value for the east side only.

Based upon past efforts of the City to vacate excess rights-of-way, such as for Monterey Boulevard as well as walk streets adjacent to the Strand, there has been a lack of support from the affected residents partly due to the potential increase in property taxes that would occur with the increase in developable area. Staff would have liked to see a stronger petition and is concerned that opposition to this request could occur and the reasons for vacation could be difficult to defend. The public benefits of the wider right-of-way include potential for increased

street parking and sidewalks, as well as improved access to garages. Staff receives numerous complaints from residents on other reaches of Palm due to difficulty entering their garages when cars are parked on the opposite side.

If the Public Works Commission determines to support the requested vacation, staff would then present the issue to the Planning Commission to determine if it is in accordance with the Circulation Element of the General Plan. The Planning Commission would also consider the designation of street versus alley and the associated building setback requirements. If they determine that this is in compliance with General Plan, the item would then go to Council and a noticed public hearing would be held to make the final determination.

Attachments:

1. Area Map
2. Petition
3. Related Correspondence

Respectfully submitted,



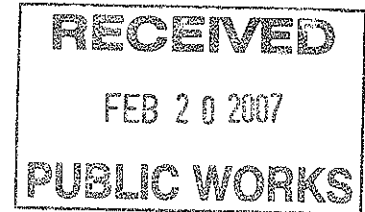
---

Richard D. Morgan, P.E.  
Director of Public Works/City Engineer



February 19, 2007

Attn: Rick Morgan, and staff  
Director of Public Works  
City of Hermosa Beach



Re: Petition to vacate the unimproved city property along Palm Drive between 19<sup>th</sup> and 21<sup>st</sup> streets.

Dear Mr. Morgan and Staff,

Attached please find a petition signed by a number of Hermosa Beach property owners whose parcels front on the concerned portion of Palm Drive and several supporting documents. The undersigned neighbors and I believe there are numerous reasons why this vacation is reasonable and desirable to both the property owners and the City, which will be addressed in this letter.

#### HISTORY & CURRENT CONDITION

Palm Drive is approximately a 20-foot alley for the entire length of the city, except for the two blocks between 19<sup>th</sup> and 21<sup>st</sup>, where it is paved to approximately 20 feet, although the city actually owns a 40-foot wide swath. I have attempted to research why the city chose to own a wider portion for only these two blocks, but to no avail. The earliest map I could find (1920's) shows the 40-foot wide segment. Nothing in the earliest council minutes from the establishment of the city in 1907-1908 mentions any rationale for why this particular segment was created wider than the rest of the roadway and deemed a "street" as opposed to an "alley" as was the rest of the 20-foot wide Palm Drive.

I had hoped to establish through this research that whatever reason the city had to create the wider street is no longer valid, especially given that in a hundred years (or at least eighty years depending on when the street was actually established to be 40-foot wide), the city has not chosen to utilize this additional width past 20 feet. One of my neighbors suspects that perhaps the width and "street" designation may have had something to do with the development of the large home by Ralph Madison, a.k.a. "Mr. Hermosa", at 1901 Manhattan Avenue in 1921. Perhaps he wanted a home that went from a street to a street, not to an alley, but of course, there is nothing in historical records regarding this.

Over the years, properties have been developed at highly varying distances from the paved 20-foot alley. Currently, properties range from those with retaining fences several feet high at the paved road's edge (due to the significant incline to the east of Palm Drive) to the newest properties, which have been built to conform to the current 17-foot street setback. The result is a highly varying patchwork of hillside, development, and open space.

Several properties along Palm Drive suffer from neglect due to the difficulty many owners have faced when trying to improve their properties. One neighbor related a very frustrating scenario dealing with the City while trying to replace a short retaining wall to keep his house and yard more stable. He was initially told by the city that he could not rebuild the existing wall without conforming to the 17-foot setback, which would have required excavating a hillside up to approximately 20 feet high and back the 17 feet, incurring major expense and losing most of his backyard which has existed for the lifetime of the house! Several others have not replaced unsafe crumbling walls, fences, and hillsides due to the red tape involved, and the potential for having to conform to the extreme setbacks due to the city's ownership of this extra 20 feet of land. Those to the east of Palm Drive on the steep incline could potentially incur prohibitive shoring costs to remove the significant amount of land to conform to the 17-foot setback requirement.

#### PROCESS: INFORMING THE NEIGHBORS

My initial, informal request to the City for a vacation was denied in November of 2004, but I was encouraged to find out how my neighbors felt and could then submit an official application. Since then, I have spent much time researching the subject and its ramifications and talking to my neighbors. I informed them in conversation and in up to four letters (see Enclosures) the situation as I best understood it.

I had at least three phone calls with the county's tax assessor's office to determine the tax impact of receiving this particular vacated land from the city. Initially, I was told impact would be negligible, but further research indicated the exact process (see below - REASONS TO CONSIDER VACATION - #2) by which the land would be evaluated, and then taxed to the new owners. I informed my neighbors of this process so they were well aware of the potential for increased taxation.

I also informed them of the changes that would occur in requirements for setbacks - namely, that property owners could potentially be able to build much closer to the 20-foot alley, and that parking requirements would decrease. They were told the result could be more development along a narrower roadway, as is the case to the south of 19<sup>th</sup> Street and to the north of 21<sup>st</sup> Street.

Lastly, I also told the neighbors that their signature would mean that the city would only be considering this vacation, and that there would still be ample opportunity for them to gather further information and submit their opinions at hearings should the city decide to move forward with the process.

#### PETITION RESULTS

There are 15 parcels that front on the eastern side of Palm Drive. All but two of these parcels extend up to Manhattan Avenue and the area is zoned R-1. There are 17 parcels that front on the western side of Palm Drive. All but four of these parcels extend to

Hermosa Avenue and the area is zoned R-2. Furthermore, the vast majority of these parcels on the western side are absentee-owned, and include several multi-unit apartment buildings. I spoke with all on-premise owners in person, and even a couple of rental owners. The rest, I attempted to communicate by sending the afore-mentioned letters to the owners of record with the tax assessor's office.

Overall, I have obtained 14 signatures (representing 15 parcels) in support of advancing the consideration of this vacation. Only four property owners (representing five parcels) responded definitively "no" at this time, and the remaining 12 owners simply never responded at all. While the 15 parcel affirmative representation is just one signature short of 50% of the total 32 parcels, I have decided to proceed with submitting the petition at the behest of some of my neighbors. The signatures I have gathered, however, represent approximately 53% of the frontage on Palm Drive, so based on square footage and potential tax impact, I have gathered a majority in the affirmative.

It should not go unnoted that I received the signature of nearly every property owner on the eastern side of Palm Drive. Of those 15 owners, only two were negative, and two have not responded. Clearly, this side of the street is vastly in favor of the proposal. Conversely, of the 17 owners to the west, I was only able to gather three signatures (representing four parcels) and had two negative responses, which left 10 owners to the west that did not respond at all.

#### REASONS TO CONSIDER VACATION

I, and the concerned neighbors, request that the department of Public Works and any other determining party consider the following:

- 1) It is extremely unlikely that the city would ever choose to develop this portion to a 40-foot street, given the number of improvements and structural easements existing on the unimproved portion, the cost of excavating hillside, and the lack of rationale for such a street widening, given the 20-foot alley on either side of this portion.
- 2) The city stands to gain financially from increased property tax revenue. The County Tax Assessor's office informed me that if a newly acquired parcel is deemed to increase developability of an existing lot, then the vacated land would be valued at incremental land value. This would be determined by looking at varying sized lots sold for land value (comps) and projecting a per square foot "incremental" price. According to city maps, there is approximately 1326 feet of frontage onto both sides of Palm Drive. At a width of 10 feet of vacated land per side, this amounts to 13,260 square feet of vacated land total. If the incremental per square foot price is, for example, deemed to be \$250, this calculates to a total value of \$3,315,000. Taxation at 1.1% equals \$36,465 per year to the county, and assuming a city retention rate of 20% of that, results in \$7,293 to the city per year. Of course, \$250 per square foot is just a number I made up – the value could be twice that.

- 3) Many property owners have chosen not to improve the edges of their properties that are officially on city property due to difficulty in meeting city requirements for such improvements. This has led to unsafe conditions along Palm Drive, such as structurally unsound hillsides, retaining walls and dangerous, older fencing left to disrepair. It is uncertain whether the city or property owners are liable should some injury or destruction occur. The city could face potential legal and financial responsibility, or at the least, have to defend itself in court.
- 4) Many homeowners would prefer to rebuild their existing structures and maintain some of the historical charm of the area, but due to the necessity of conforming to the current "street" rules, as opposed to the "alley" rules on either side of 19<sup>th</sup> and 21<sup>st</sup> street, residents on these blocks instead are more likely to choose to simply tear down and start anew for ease of conforming to these standards. The result could be an extreme change in the existing character in the area.

As an example, I was just told last week by Hermosa Beach Senior Planner, Ken Robertson that I cannot build an addition over 100 square feet to my 100-year old, 2-bedroom home because my parking situation is non-conforming. My only options would be to submit for an improbable variance, which means incurring significant costs to draw up plans and pay submittal fees without the assurance of approval, or to completely rebuild the lower garage area to conform with the 17-foot setback, another cost-prohibitive option. Without these options and a growing family, my only option will mean having to rebuild or sell, likely to a developer that will tear down another historical property and put up another box-like monstrosity. Should this vacation be approved, my parking would then conform, and this would not be at issue.

- 5) Although Palm Drive is officially a "street" between 19<sup>th</sup> and 21<sup>st</sup>, the city considers this road a backway, and it has not received fair consideration in being an official city street. In the current priority list for street improvements, these two blocks of Palm Drive have been given lower priority than an equivalently bad "street", and thus will not be re-paved for some time. Thus, the property owners and residents have to suffer with pavement in terrible need of repair, which is considered an "alley" for these purposes, yet can get no benefit of better options for maintaining and developing their properties according to "alley" setback rules and instead have to conform to the more demanding "street" rules. Living on this "street" has thus become an unfair, double-negative situation.

#### FOR YOUR CURRENT CONSIDERATION

In light of the support gathered for a possible vacation, and the conversations I've had with my numerous neighbors, I respectfully provide the following possibilities as potential solutions for us:

- 1) Vacation of both sides of Palm Drive to the width of the 20-foot alley.
- 2) Vacation of only the eastern side of Palm Drive. While it may seem nonsensical to only vacate half the street, please consider the following:
  - a. It is this side that has by far shown the most interest and support for the proposal. (See PETITION RESULTS). Provide the benefit (and burden) for those that really want it, and not saddle the less-interested western side of the street with something they may do not want.
  - b. It is the eastern side that has the issue of the hillside. These properties should be encouraged to maintain a secure boundary for the public and for their own homes. Currently, the severe conformity restrictions and red tape are very detrimental to this maintenance issue.
  - c. The eastern side is zoned R-1, whereas the western side is zoned R-2. Any increased development due to the vacation of the eastern half will still have to conform to the more restrictive requirements of R-1 zoning, thus providing more open space than possible development on the western R-2 side.
  - d. Given the undeniable value of ocean views, it is the eastern side properties that have the potential to lose value due to any development encouraged on the western side of Palm Drive due to the vacation. Since the vast majority of western property owners have been unresponsive or unconcerned with this issue thus far, why should they benefit from the vacation at the possible detriment of the homeowners to the east?
- 3) Conversion of this section of Palm Drive to officially be named an "alley" versus a "street". I am unsure of the ramifications of this possibility, but I am guessing that it would mean the alley setbacks would apply, except that property owners would still be unable to build on the 10 feet of city property on either side. I believe this would negate the requirement for the 17-foot setback provided ample parking is provided, but it would effectively demand a 10-foot setback so as to avoid building on city property. However, issues regarding non-conforming status and property upgrades would still exist.

## CONCLUSION

On behalf of my neighbors, thank you very much for your time and consideration of this proposal. I will be happy to keep my neighbors apprised of any progress made on this issue, but of course, I know they anxiously await official word.

Sincerely,



Alysa Brennan (formerly Alysa Vanderzanden)  
1929 Manhattan Avenue  
(310) 372-0759



ADDITIONAL INFORMATION: REBUTTAL TO THE CITY'S LAST  
CORRESPONDENCE

In the letter dated November 24, 2004 from Sol Blumenfeld denying my initial request for a preliminary review of the Palm Drive vacation (copy attached), the City defended its decision for the following reasons:

- 1) Consistency with existing development character in the area.
- 2) Consistency with existing improvements in the right-of-way.
- 3) Parking, access and safety.

In rebuttal, please review the following comments.

- 1) The city stated that if the street were narrowed, the amount of buildable area would increase, thus creating greater building intensity. While it is true that buildable area would increase, not all residents view this as a bad thing. It has been well proven in traffic studies that wider streets encourage faster driving. Should properties continue to be developed conforming to the 17-foot setback, the resulting street would appear to be very wide, encouraging more traffic, and higher speeds, which is very undesirable to the residents. Palm Drive does have a certain character, one that includes most properties existing close to, if not directly abutting the currently developed alley-sized pavement. The residents signing this petition prefer to maintain THIS character of Palm Drive, not the newly-evolving character resulting from the new homes being built to the 17-foot setback. The only way to prevent this change in neighborhood character as properties continue to need repair and improvements is to vacate the street and allow for property owners to build to alley setback rules, or to approve variances, which do not have support of historical precedence.

Additionally, the last point of the city's in this section was that several property owners have recently developed new structures in compliance with the 17-foot setback requirements, and that these newer homes will become inconsistent with future construction if the vacation were to be improved. There are only four newly-developed lots out of 32 along this portion of Palm Drive that have met this setback, hardly enough to justify maintaining this status quo when the residents are in support of changing how Palm Drive's character is developing. Of note is the fact that property owners of two of these newly-developed lots are in favor of the vacation.

- 2) The city stated that a street vacation may not allow consistency with recent curb and gutter/drainage improvements on Palm Drive at the north end of 19<sup>th</sup> Street. In response, this is a very small area to be concerned with compared to the length of Palm Drive, and hardly a problem given the potential upside this decision could have for the property owners. Perhaps this point needs more clarity as to the problems that may arise if a vacation is approved.

- 3) The city stated that parking (private and public) may be impacted. It is true that parking requirements are eased for alley properties, requiring only one guest parking space as opposed to two. What is not being considered, however, is that many lots have garages either on Manhattan Avenue or on Hermosa Avenue. In fact, only 23 of the 32 lots currently have parking and/or garages on Palm Drive, and four of those lots are newly developed and seven of those are large, multi-unit apartment buildings that are highly unlikely to undergo change as they would have to then comply with the current R-1 or R-2 zoning. Realistically, there are only 12 out of the 32 lots which would even consider changing their garage status. With new alley setback requirements, several properties may even provide more parking for their lots than they currently have since it will now be easier to improve their properties.

As far as public parking is concerned, there are only four public parking spots, all located adjacent to properties that have their garages on Manhattan Avenue. Two are located across from a property just rebuilt, and one is located across from a multi-unit non-conforming property unlikely to be significantly altered due to its R-2 zoning. That leaves the potential for the loss of just one public parking space.

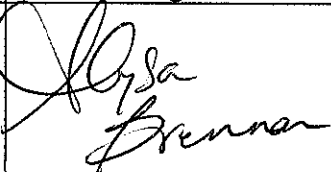

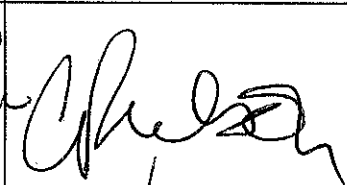


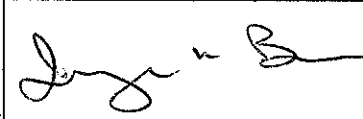
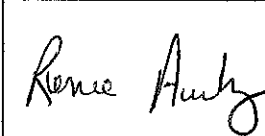
And lastly, the city's letter mentioned impact on turning radiuses. Clearly, the accessibility provided by a 20-foot alley is acceptable, as such alleys exist throughout the city. If the majority of owners are in favor of the vacation, then this should not be considered a prohibitive issue.

encl:

1. Petition (3 pages)
2. City's response to initial vacation request dated 11/29/2004
3. Letter to Neighbors dated 4/24/2005
4. Letter to Neighbors dated 4/13/2006
5. Letter to Neighbors dated 6/7/2006
6. Letter to Neighbors dated 8/7/2006


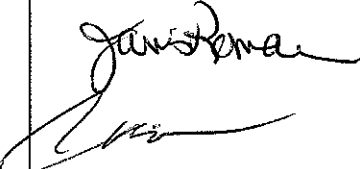

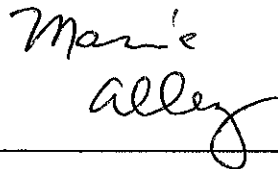
Attn: Rick Morgan, and staff  
 Director of Public Works  
 City of Hermosa Beach

We, the concerned, undersigned property owners of Hermosa Beach do hereby submit our support for the consideration by the city of Hermosa Beach to vacate the unimproved, city land along Palm Drive between 19<sup>th</sup> Street and 21<sup>st</sup> Street. Our properties have frontage along this portion of Palm Drive, and we understand that increased property taxes may be a result of accepting this vacated land from the city.

Name & Address	Signature	Comments
Alysa & TJ Brennan 1929 Manhattan Avenue		
Alice & IRA Vilhelms & Lifford		
Maar Wilson Church Col/SO 1921 Manhattan HERMOSA BEACH		
Bill Jacobson 1951 MAN AVE		
RT. MERCEK 1901 MANHATTAN		
Val & Inger Benson 1955 Manhattan Ave Hermosa Beach		
Renee & Mike Aubrey 2047 Manhattan Ave. Hermosa Beach		

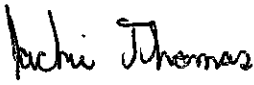
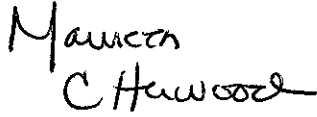
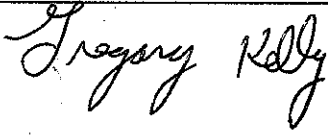
Attn: Rick Morgan, and staff  
 Director of Public Works  
 City of Hermosa Beach

We, the concerned, undersigned property owners of Hermosa Beach do hereby submit our support for the consideration by the city of Hermosa Beach to vacate the unimproved, city land along Palm Drive between 19<sup>th</sup> Street and 21<sup>st</sup> Street. Our properties have frontage along this portion of Palm Drive, and we understand that increased property taxes may be a result of accepting this vacated land from the city.

Name & Address	Signature	Comments
C'AROL LOPILATO 2054 <del>MANHATTAN</del> Palm AVE HERMOSA BEACH		
James Rona 124 1/2 1st St Hermosa		
Marguerite R. Kimball 2025 Manhattan Ave. Hermosa Beach, CA 90254		
Marisa Alley 2015 Manhattan Hermosa Bch. CA 90254		

Attn: Rick Morgan, and staff  
 Director of Public Works  
 City of Hermosa Beach

We, the concerned, undersigned property owners of Hermosa Beach do hereby submit our support for the consideration by the city of Hermosa Beach to vacate the unimproved, city land along Palm Drive between 19<sup>th</sup> Street and 21<sup>st</sup> Street. Our properties have frontage along this portion of Palm Drive, and we understand that increased property taxes may be a result of accepting this vacated land from the city.

Name & Address	Signature	Comments
Jackie Thomas 1903 Palm Drive Hermosa Beach, CA 90254		
Maureen C Herwood 1901 Palm Drive HERMOSA BEACH CA 90254		
GREGORY KELLY 2020 & 2026 HERMOSA AVE HERMOSA Bch CA 90254		

August 7, 2006

*Letter 4*

Dear Neighbors,

This is Albert Roman of 124 21<sup>st</sup> Street. I am writing to you to follow up on two letters you've received from a fellow neighbor, Alysa Vanderzanden of 1929 Manhattan Avenue, regarding lobbying our city to vacate the unimproved portion of Palm Drive. I too believe this possibility will have great positive impact on the property owners along our street. We are very close to gathering enough signatures to petition to the city to consider this vacation, which would greatly increase our property values and increase the developability of our lots at no cost to us from the city – only a small increase in property taxes on the vacated land.

The city of Hermosa Beach has an easement over an additional twenty feet of land for the length of Palm Drive from 19<sup>th</sup> Street to 21<sup>st</sup> Street. While the street is only paved to approximately 20 feet, the city actually considers this a 40 foot wide street. **THIS IS THE ONLY STRETCH OF PALM DRIVE THAT IS LIKE THIS FOR ITS ENTIRE LENGTH THROUGH HERMOSA.** Why Palm Drive was made wider for just these two blocks versus the typical 20 feet is unknown.

The ramifications of this are that we live on a “street” (versus an “alley” - despite signage that says so) and must abide by stricter zoning laws, yet Palm Drive is considered a “backstreet” for paving standards and has been given lower priority for maintenance. We also must take on liability for what is basically city-governed property but yet not have no right to incorporate said land into our property lines.

These factors have led to some residents avoiding beautifying or repairing their properties along Palm Drive due to the stricter standards they must consider, given that these hillsides, temporary fences, landscaping, etc. actually lie on city property. Some neighbors have repaired only after much squabble with the city. Some properties have become unsafe and are ignored by both the homeowners and the city.

According to Rick Morgan, head of the Public Works department, the city only has an easement – not ownership – and cannot actually sell the land to anyone. It must be given away. The only financial consequence of accepting this land is a supplemental property tax assessment (NOT a reassessment on the rest of the property). According to the County Tax Assessor's office, IF the vacated property increases the developability of a property, then the tax office may tax the full current value of the vacated property at the time of vacation. In this type of situation, the Tax Assessor's office determines the property's worth by looking at comparable properties sold for lot value and noting the difference in sales price for various sized lots, thereby determining a per square foot cost

for a bigger lot versus a smaller lot. (Example: If vacated property is deemed to be worth \$50,000, 1% taxation means a supplemental assessment of \$500 a year.)

Whether or not acceptance of this vacated property would increase developability will not be determined until the vacation occurs, but in any case, NO REASSESSMENT on the rest of the property you currently own results. I think most owners and real estate experts would agree that the gain in property value for accepting additions to our lots far outweighs this possible increased taxation.

Alysa has been trying to contact all owners along Palm Drive to gather petition signatures to submit to Public Works. This is only a petition for them to consider the vacation; no action would be taken until the matter is thoroughly reviewed and put before the Planning Commission. I urge you to give your support so that this proposal can be given fair consideration, or at the least, please contact either of us so that we may know how this will impact you and answer any questions you may have. Please give us your feedback on this at your earliest convenience as we would like to submit this petition as soon as possible.

You can email me, Albert, at [jaromanmba@adelphia.net](mailto:jaromanmba@adelphia.net) or call me at (310) 372-9416 and Alysa at [alysazanden@adelphia.net](mailto:alysazanden@adelphia.net), (310) 372-0759. Alysa and I are also block captains for the new Neighborhood Watch program and are of service should you have any concerns or needs.

Sincerely,

Albert Roman  
124 21<sup>st</sup> Street  
(at the corner of Palm and 21<sup>st</sup>)

*Jelly 2*

April 13, 2006

Dear Neighbors,

This is Alysa Vanderzanden at 1929 Manhattan Avenue again. I'm writing to you (yes, a whole year later – I've been busy having a baby!) to gain your support to lobby our city to vacate the unimproved portion of Palm Drive. Palm Drive looks like an alley, right? Well, it's not - at least not for these two blocks that we live on. For the entire length of Hermosa Beach, Palm Drive is an alley that is approximately 20 feet wide, except for between 19<sup>th</sup> and 21<sup>st</sup>, where Palm Drive is actually a 40-foot street according to the city plan, though only improved to 18 to 20 feet wide. Why Palm Drive was made wider for just these two blocks versus the typical 20 feet is unknown.

Please consider the following reasons for vacating the street:

- 1) It is highly doubtful that the city will ever improve Palm Drive to a 40-foot street. (Could you imagine?) The city cannot use that area for parking because parking spaces would block homeowner access for garages, etc.
- 2) Properties that are not being rebuilt due to unrealistic zoning requirements are unsafe and are a liability to the city and to us residents. Even though properties may currently be improved up to the red line, they would have to be rebuilt 17 feet back from that line according to city rules for building on a STREET. If this property is vacated to us, and the city then appropriately considers Palm Drive an alley, we would have the right to rebuild according to the more lax city rules for an ALLEY.
- 3) Property owners are currently subsidizing the city by paying for maintenance of trees, etc. that are actually on city property. As well, Palm Drive has been given lower priority for re-paving as the city itself considers it a less-used "backstreet", or alley, for paving assessment. We do not get the benefits of living on an alley, but we suffer the consequences.
- 4) Property owners would enjoy a significant increase in property value, owning bigger lots, and pay only a small increase in property taxes.

I inquired with the County Tax Assessor's office as to how accepting vacated property would impact our property taxes. I was told that a city typically applies some nominal value (\$500 or so – resulting in only \$5 in property taxes a year) associated with the property being vacated to each homeowner. However, if the vacated property increases the developability of a property, then the tax office may tax the full current value of the vacated property at the time of vacation. (Example: If vacated property is worth \$100,000; at 1% taxation that means an increase of \$1,000 a year.) Developability would not be determined until the vacation occurs. Even if we face an increase of this size, NO REASSESSMENT on the rest of the property results. I think most owners and real estate experts would agree that the gain in property value for accepting additions to our lots far outweighs this possible increased taxation.

If we apply for this vacation with the majority of property owners supporting it, I think we have an excellent chance of getting this through. I am now circulating a petition to submit to Public Works. This is only a petition for them to consider the vacation; no action would be taken until the matter is thoroughly reviewed and put before the Planning Commission. I urge you to give your support so that this proposal can be given fair consideration.

Please give me your feedback on this at your earliest convenience as I would like to submit this petition as soon as possible. You can email me at [alysazanden@adelphia.net](mailto:alysazanden@adelphia.net), or call me at 372-0759. You may also drop off written comments at my house (white/grey beach cottage at 1929) or just stop by to chat. I am also a member of Leadership Hermosa and your block captain for the new Neighborhood Watch program and am collecting information for a disaster-time phone tree.



Sincerely,

Alysa Vanderzanden  
1929 Manhattan Ave.

*Letter 3*

June 7, 2006

Dear Neighbors,

This is Alysa Vanderzanden at 1929 Manhattan Avenue again. I'm writing to you (yes, a whole year later – I've been busy having a baby!) to gain your support to lobby our city to vacate the unimproved portion of Palm Drive. Let me refresh your memory on the subject...

Palm Drive looks like an alley, right? Well, it's not - at least not for these two blocks that we live on. For the entire length of Hermosa Beach, Palm Drive is an alley that is approximately 20 feet wide, except for between 19<sup>th</sup> and 21<sup>st</sup>, where Palm Drive is actually a 40-foot street according to the city plan, though only improved to 18 to 20 feet wide. Why Palm Drive was made wider for just these two blocks versus the typical 20 feet is unknown.

Please consider the following reasons for vacating the street:

- 1) It is highly doubtful that the city will ever improve Palm Drive to a 40-foot street. (Could you imagine?) The city cannot use that area for parking because parking spaces would block homeowner access for garages, etc.
- 2) Properties that are not being rebuilt due to unrealistic zoning requirements are unsafe and are a liability to the city and to us residents. Even though properties may currently be improved up to the red line, they would have to be rebuilt 17 feet back from that line according to city rules for building on a STREET. If this property is vacated to us, and the city then appropriately considers Palm Drive an ALLEY, we would have the right to rebuild according to the more lax city rules for an ALLEY. (See properties just north or south of us to compare the property development.)
- 3) Property owners are currently subsidizing the city by paying for maintenance of trees, etc. that are actually on city property. As well, Palm Drive has been given lower priority for re-paving as the city itself considers it a less-used "backstreet", or alley, for paving assessment. We do not get the benefits of living on an alley, but we suffer the consequences.
- 4) Property owners would enjoy a significant increase in property value, owning bigger lots.

I inquired with the County Tax Assessor's office as to how accepting vacated property would impact our property taxes. I was told that a city typically applies some nominal value (\$500 or so – resulting in only \$5 in property taxes a year) associated with the property being vacated to each homeowner. However, if the vacated property increases the developability of a property, then the tax office may tax the full current value of the vacated property at the time of vacation. (Example: If vacated property is worth \$100,000; at 1% taxation that means an increase of \$1,000 a year.) In this type of

situation, the Tax Assessor's office determines the property's worth by looking at comparable properties sold for lot value and noting the difference in sales price for various sized lots, thereby determining a per square foot cost for a bigger lot versus a smaller lot.

Whether or not acceptance of this vacated property would increase developability will not be determined until the vacation occurs, but in any case, NO REASSESSMENT on the rest of the property you currently own results. I think most owners and real estate experts would agree that the gain in property value for accepting additions to our lots far outweighs this possible increased taxation.

If we apply for this vacation with the majority of property owners supporting it, I think we have an excellent chance of getting this through. I am now circulating a petition to submit to Public Works. This is only a petition for them to consider the vacation; no action would be taken until the matter is thoroughly reviewed and put before the Planning Commission. I urge you to give your support so that this proposal can be given fair consideration.

Please give me your feedback on this at your earliest convenience as I would like to submit this petition as soon as possible. You can email me at [alysazanden@adelphia.net](mailto:alysazanden@adelphia.net), or call me at 372-0759. You may also drop off written comments at my house (white/grey beach cottage at 1929) or just stop by to chat. I am also a member of Leadership Hermosa and your block captain for the new Neighborhood Watch program and am collecting information for a disaster-time phone tree.

Sincerely,

Alysa Vanderzanden  
1929 Manhattan Ave.

*Letter 1*

Dear Neighbors,

April 24, 2005

This is Alysa Vanderzanden at 1929 Manhattan Avenue. I'm writing to you to get your opinion on two matters regarding our neighborhood. The first is utility undergrounding, and the second is lobbying our city to vacate the unimproved portion of Palm Drive.

#### UNDERGROUNDING

Citizen-driven groups have been forming throughout the city that coordinate with public officials and Edison to approve and schedule undergrounding of all utility lines. At this time I am only polling the blocks from 19<sup>th</sup> to 22<sup>nd</sup> along Palm Drive, though our undergrounding district could (and probably should) be larger.

Recently the city approved the undergrounding district of approximately 100 homes encompassing Bayview, Manhattan, and Palm from 10<sup>th</sup> to Pier Avenue. Lots in this district were comparable to average lot size in our area, which is the largest factor that affects cost to the individual property owner. Once approved, homeowners have the choice of either paying an upfront lump sum, or having the cost added to their property taxes for 20 years.

In this recent case, the costs to the average homeowner were \$15,000 upfront or \$900 per year for the 20 years. Also, senior citizens (62+), the blind, or disabled may defer the cost of the assessment until you sell or transfer your property. Not bad I think for significantly improving the value of our homes! The process takes about 3 years to complete, although Edison has recently been dragging its feet.

#### PALM DRIVE VACATION

This only affects homeowners whose land touches Palm Drive from 19<sup>th</sup> to 21<sup>st</sup>!! Palm Drive looks like an alley, right? Well, it's not - at least not for these two blocks that we live on. For the entire length of Hermosa Beach, Palm Drive is an alley that is approximately 20 feet wide, except for between 19<sup>th</sup> and 21<sup>st</sup>, where Palm Drive is actually a 40-foot street, though only improved to 18 to 20 feet wide.

What does this mean? It means that unless you just recently rebuilt or purchased your home, you probably have significant improvements built in the past on city land (10 feet on either side of the improved 20 feet which is bordered with the red paint you see). If you've noticed the deteriorating condition of many walls, fences, land, etc. along Palm Drive it's because city rules would now require incredible changes to replace such fixtures, if you could do it at all!

City zoning requirements require a 17 foot setback from any improvements from any STREET, which means that existing walls, etc. that are crumbling, should they be rebuilt, would have to be rebuilt 17 feet back from the existing red painted line along Palm Drive! In some cases this is simply impossible due to existing structures, or at the least quite cost prohibitive, and very undesired, given that a homeowner would lose a significant portion of their current perceived lot.

I have been in discussions with the city for the past year lobbying them to consider vacating the street due to the following reasons:

- 1) It is highly doubtful that the city will ever improve Palm Drive to a 40-foot street. (Could you imagine?) The city cannot use that area for parking because parking spaces would block homeowner access for garages, etc.
- 2) Properties that are not being rebuilt due to the unrealistic zoning requirements are unsafe and are a liability to the city and to us residents.
- 3) Property owners are currently subsidizing the city by paying for maintenance of trees, etc. that are actually on city property.
- 4) The city could serve to benefit from a street vacation that would result in higher property tax revenue (though not very much, see below).

My proposal was considered by Sol Blumenfeld, Director of Community Development, and Rick Morgan, Director of Public Works after reviewing the street. At this time, they stated that there was not a compelling public benefit to do this, and that some neighbors may not react favorably to the proposal. The city states that to pursue this matter further, I could submit an application to the Public Works Department, but first, I would like some input from you, my neighbors.

To address the increased taxation issue, I inquired with the County Tax Assessor's office as to how accepting vacated property would impact our property taxes. No reassessment results. A city typically applies some nominal value (\$500 or so) associated with the property being vacated to each homeowner. A \$500 value results in an increased tax burden (assuming a simple 1%) of only \$5 a year.

I believe the city offered only a cursory look at this issue. If we apply for this vacation with the majority of property owners supporting it, I think we have an excellent chance of getting this through. I don't believe the city has given enough weight to the liability issue of possible injury or even landslides due to the difficulty in improving according to their current standards.

---

Please give me your feedback on both of these issues at your earliest convenience. You can email me at [alysazanden@adelphia.net](mailto:alysazanden@adelphia.net), or call me at 372-0759. You may also drop off written comments at my house (white/grey beach cottage at 1929) or just stop by to chat. I am also on the current Leadership Hermosa team and would love to hear your suggestions/complaints about any other issues in our city. We will likely be hosting a block party to discuss these issues, so keep your ears open, but in the meantime, please let me know your thoughts!

Sincerely,

Alysa Vanderzanden  
1929 Manhattan Ave.



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, California 90254-3884

November 29, 2004

Alysa Vanderzanden  
1929 Manhattan Avenue  
Hermosa Beach, CA 90254

Subject: Proposed Vacation of Palm Drive Between 19<sup>th</sup> and 21<sup>st</sup> Streets.

Dear Alysa:

This letter is a follow up to prior correspondence and inquires relating to your interest to vacate a portion of the Palm Drive right-of-way in order to narrow its current 40-foot "street" width to a 20-foot "alley" width. As you know, Palm Drive is considered a street, because of its 40-foot right-of-way and General Plan designation, while it is currently only improved to an 18-20 foot width.

The majority of lots along both sides are considered through lots as they contain their primary frontage on either Manhattan Avenue or Hermosa Avenue (with the exception of three "half-lots" for which Palm Drive is their only frontage, and two "reverse corner" lots which front 19<sup>th</sup> or 21<sup>st</sup> Streets). For the majority of lots that are through lots, the Palm Drive side is considered the rear yard pursuant to Section 17.46.152 of the Zone Code, and any new structures are subject to a 5-foot setback from the property line (or approximately 15 feet from the edge of the current street improvement). Any garage facing Palm Drive is subject to a 17-foot setback requirement from the edge of the street improvement. The lots to the west of Palm Drive fronting on Hermosa Avenue are zoned R-2, allowing two units per lot, and a height limit of 30-feet. The lots to the east fronting on Manhattan Avenue are zoned R-1, allowing one unit per lot, and a height limit of 25-feet. See the attached zoning summary for the zoning requirements in the R-1 and R-2 zone.

Changing this street to an alley would require the vacation of 10-feet on both sides of the street, resulting in the transfer of ten feet to the abutting property owners. This would have the following consequences on new building construction:

- The rear setback for main buildings would change from five to three feet on the first floor and 1-foot on the second floor. This means buildings could be constructed at a new location from the edge of the existing street improvement that is 12-feet closer to Palm Drive than currently permitted.

- The required garage setback would change from 17 feet from the edge of the street to 3, 9 or 17 feet from the edge of the street. This would allow garages to be as much as 14 feet closer to the street and create significant variations in garage locations.

Both the Public Works Director and I have considered your request to reduce the street width to 20-feet, and evaluated both the positive and negative impacts that it may have on public property and adjacent private property. Based on this initial review we have the following comments:

*Consistency with existing development character in the area:* If the street were narrowed to alley width, the amount of buildable area on each lot will increase. This will create greater building intensity along Palm Drive since buildings can be constructed significantly closer to the street than currently allowed, and will significantly alter the character of the street. The attached photos show the resulting development pattern based on these alley standards one block south of 19<sup>th</sup> Street or one block north of 21<sup>st</sup> Street. There is a clear change in the development pattern and overall character that has evolved. Buildings are massed closer to the alleys, reducing the amount of light and air and creating a narrower feeling for the public space. Given that Palm Drive has evolved differently, its current character will be significantly changed, and this can create a negative impact for existing homes that front on Palm Drive. Also, several property owners have recently developed new structures in compliance with current setback requirements from a 40-foot right-of-way and the setback of these newer homes will become inconsistent with future construction under your proposal.

*Consistency with existing improvements in the right-of-way:* A change in the right-of-way may not allow consistency with recent curb and gutter/drainage improvements constructed adjacent to the project at the north end of the street where it intersects 19<sup>th</sup> Street.

*Parking, access, and safety:* Both private parking and public parking may be impacted with a narrowing of the right of way. Currently a required a two-car garage plus two guest spaces in front of the garage are provided with each new project with a 17-foot setback. If an alley standard were used, only one guest space is required with the reduced setback allowed with an alley. Also the amount of marked public parking on the "alley" may be impacted, and the visibility and turning area will be reduced over time as new projects are constructed with alley setback requirements. So the overall amount of public parking and on-site private parking typically provided for a property will be reduced with your proposal.

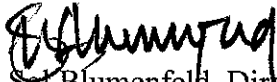
In summary, we do not support the proposed street vacation because there must be a compelling public benefit to do so. While you note some benefits might accrue with respect to City property tax revenues and reduction of liability, we do not believe that the overall benefits outweigh the disbenefits. Your neighbors may also not react favorably to the proposal and may find the notion of an increased tax burden disagreeable. This was the experience with a similar proposal in another part of the city.

If you want to pursue the matter further, you may submit an application to the Public Works Department for a street vacation. This involves final approval through a public hearing process. The City Council will take testimony from property owners and residents that participate in the hearings, including those who support and those who object to the proposed vacation. The

Council will review a staff report and consider the public benefits you indicate vs. any negative impacts that might result from the street vacation.

In my previous e-mail I offered to meet with you to explore options to relocate your garage in a code complying location. The offer still stands and I would be glad to meet. If you would like to arrange a meeting or have any further questions please contact me at (310) 318-0242.

Sincerely,



Ser Blumenfeld, Director  
Community Development Department

Copy :            Art Yoon, Mayor  
                     Steve Burrell, City Manager  
                     Rick Morgan, Director, Public Works Department

Attachments:

1. Parcel Map
2. Zoning Summary
3. Photos





**CITY OF HERMOSA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
RESIDENTIAL ZONING REQUIREMENTS  
SUMMARY**

Please refer to the Hermosa Beach Municipal Code, Zoning Ordinance, for complete information on zoning requirements. The Code is available on-line at [www.hermosabch.org](http://www.hermosabch.org) under 'Hermosa Beach Municipal Code' at '17. Zoning' or may be purchased from the City Clerk.

ZONE	PERMITTED USES	LOT AREA PER DWELLING UNIT	LOT COVERAGE	BUILDING HEIGHT	USABLE OPEN SPACE	YARD REQUIREMENTS		
						FRONT	SIDE	REAR
R-1	Single Family Residence, Accessory Building.	1 lot/dwelling unit (d.u.)	65% Max.	Max. 25'	400 sq. ft. Min. dimension: 10' (see small lot exception)	10% of lot depth: min. 5' max. req. 10' <sup>(1)</sup>	10% of lot width: min. 3' max. req. 5'	Ground: 5' <sup>(2)</sup> 2nd fl.: 3' If alley, ground: 3' 2nd fl.: 1'
R-1A	Single Family Res., Duplex, Condos.	3350 sq. ft./d.u. (Max. 2 units)	65% Max.	Max. 25'	400 sq. ft./d.u. Min. dimension of 10'	10% of lot depth: max. req. 10' <sup>(1)</sup>	10% of lot width: min. 3' max. req. 5'	Same as above
R-2	Any use permitted in R-1 zone, Multiple Dwellings, Condos.	1750 sq. ft./d.u. Lots less than 30' wide: SFR only	65% Max.	Max. 30'	300 sq. ft./d.u. Min. dimension of 7' <sup>(4)(5)</sup>	5'	10% of lot width: min. 3' max. req. 5'	Same as above
R-2B	Any use permitted in R-1 zone, Duplexes, Condos.	1750 sq. ft./d.u. (Max. 2 units)	65% Max.	Max. 30'	300 sq. ft./d.u. Min. dimension of 7' <sup>(4)</sup>	5'	10% of lot width: min. 3' max. req. 5'	Same as above
R-3	Any use permitted in R-2 zone, Multiple Dwellings, Condos.	Min. 1320 sq. ft./d.u.	65% Max.	Max. 30'	300 sq. ft./d.u. Min. dimension of 7' <sup>(4)(5)</sup>	As required on zoning map <sup>(1)</sup>	10% of lot width: min. 3' max. req. 5'	Min. 5' If alley, ground: 3' 2nd fl.: 1'
R-P	Any use permitted in the R-3 zone	Min. 1320 sq. ft./d.u. (lots less than 30' wide: SFR only)	65% Max.	Max. 30' <sup>(3)</sup>	300 sq. ft./d.u. Min. dimension of 7' <sup>(4)(5)</sup>	As required on zoning map <sup>(1)</sup>	10% of lot width: min. 3' max. req. 5'	Same as above
R-P	Professional Offices subject to Conditional Use Permit	N/A	70% Max.	30' <sup>(3)</sup>	N/A	As required on zoning map <sup>(1)</sup>	10% of lot width: min. 3' max. req. 5'	Same as above

<sup>(1)</sup> Where garages or parking stalls front on a public street, the minimum setback for the garage shall be 17 feet from the back edge of the sidewalk provided roll-up doors are installed; a minimum of 20 feet shall be required where standard garage doors are installed. (Required guest parking may be located in this required setback.)

<sup>(2)</sup> Where garages or parking stalls front on an alley, a setback of three (3) feet, nine (9) feet, or seventeen (17) feet shall be provided except those on any alley of fifteen (15) feet in width or less need only comply with turning radius requirements of Section 17.44.130. Required guest parking may be located in the nine (9) foot setback (parallel) or in the seventeen (17) foot setback (tandem).

<sup>(3)</sup> The Planning Commission may grant a height up to 35 ft. in unique circumstances where all abutting properties are greater than 30-feet, subject to Planning Commission approval.

<sup>(4)</sup> At least 100 square feet must be provided adjacent to primary living area, and a maximum of 100 square feet may be provided on roof decks.

<sup>(5)</sup> Projects of 5 units or more must provide 100 sq. ft. per unit of common open space in addition to 300 square feet per unit

**DISTANCE BETWEEN BUILDINGS ON ONE PARCEL**

R-1 and R-3: Minimum of 8 ft. between habitable buildings; 6 ft. between a habitable and accessory building.  
R-1A, R-2 and R-2B: Minimum of 6 ft. between all buildings.

**OFF-STREET PARKING REQUIREMENTS**

Single Family dwellings: Two spaces per unit + one guest space.  
Duplexes: Two spaces per unit + one guest space.  
Multiple Units: Two spaces per unit + one guest space for each two units (rounded up: e.g. 3 unit site must provide 2 guest spaces.)

Additional requirement for duplexes and multiple units: One space of on-site guest parking for each on-street space lost due to curb cuts and/or driveways. Tandem parking is permitted; however it may be accessed directly from the street in the R-1 zone only.

**ALL RESIDENTIAL ZONES**

**MINIMUM DWELLING UNIT SIZE:** (Excluding porches, balconies, garages, or other such accessory structures or architectural features.)

**Single Family Dwelling**

2 bedrooms or less - 1000 square feet  
3 bedrooms or 2 bedrooms and den - 1300 square feet  
4 bedrooms or 3 bedrooms and den - 1600 square feet  
More than 4 bedrooms - 1900 square feet

**Multi-family Dwellings (Apartments)**

1 bedroom or less - 600 square feet  
2 bedrooms - 900 square feet  
3 bedrooms - 1200 square feet  
More than 4 bedrooms - 1800 square feet

**Condominiums**

One (1) bedroom - 900 square feet  
Two (2) bedrooms - 1,100 square feet  
Two (2) bedrooms & den - 1,250 square feet  
Three (3) bedrooms - 1,400 square feet  
Three bedrooms & den - 1,600 square feet  
Each additional bedroom - 130 square feet

**R-2B (2 Dwelling Units)**

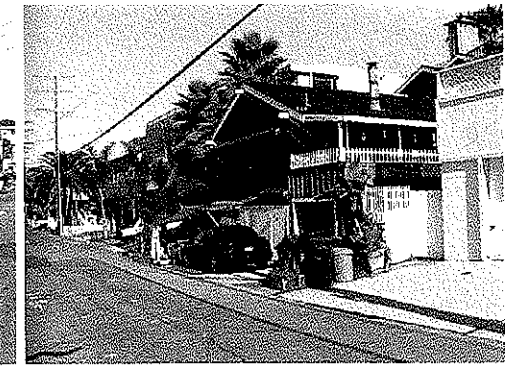
One unit shall consist of 1300 square feet minimum  
The second unit shall consist of 750 square feet minimum

**ADDITIONAL REQUIREMENTS FOR CONDOMINIUMS**

1. Height - As prescribed by the zone; except on walk streets in the front 1/2 of the lot, buildings may not exceed 25 feet.
2. Setback - As prescribed by the zone; except a minimum five foot front setback is required.
3. Private storage space - 200 cubic feet per unit.

f:b95cd\zoningreq-10/24/00

Palm Drive Right-of-Way Between 19<sup>th</sup> Street and 21<sup>st</sup> Street  
(Heading north from 19<sup>th</sup> St. to 21<sup>st</sup> St)





*City of Hermosa Beach*  
PUBLIC WORKS DEPARTMENT

## **IMPORTANT NOTICE**

**AT THE REGULARLY SCHEDULED MEETING OF THE PUBLIC WORKS COMMISSION ON WEDNESDAY, APRIL 18, 2007 AT 7:00 P.M., THE PUBLIC WORKS COMMISSION WILL BE CONSIDERING THE FOLLOWING ISSUE THAT WILL AFFECT YOUR NEIGHBORHOOD.**

### **REQUEST FOR VACATION OF A PORTION OF PALM DRIVE BETWEEN 19<sup>TH</sup> AND 21<sup>ST</sup> STREETS**

The Public Works Commission will hear public comments regarding a request for vacation of ten feet on the east side and ten feet on the west side of Palm Drive between 19<sup>th</sup> and 21<sup>st</sup> Streets.

This Public Meeting will be held at 7:00 PM, or as soon thereafter as the matter may be heard in the City Council Chambers, City Hall, 1315 Valley Drive, Hermosa Beach, CA 90254.

**ALL PERSONS** interested are invited to participate and speak at this hearing at the above time and place. All written testimony by any interested party will be accepted prior to or at the scheduled time on the agenda for the matter.

**FOR ADDITIONAL INFORMATION** contact Richard Morgan, Director of Public Works/City Engineer at (310) 318-0211 (or email [rmorgan@hermosabch.org](mailto:rmorgan@hermosabch.org)).

Richard D. Morgan, P.E.  
Director of Public Works/City Engineer