

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

Meeting called to order at 7:03 p.m. by Chairman Dettelbach.

Pledge of Allegiance led by Comm. Marks.

ROLL CALL

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

CONSENT CALENDAR

Jim Lissner, 2515 Eloeste, wished Item 4.d) pulled, stating he felt this sign should have been approved via a Variance since he did not feel the sign qualified as a mural design.

Of the four Commissioners present, during voting two would necessarily abstain. Staff was requested to determine what constitutes a "quorum" for voting purposes. Staff felt at this time that a quorum was not present to vote on actions taken during the June 20, 1995 meeting.

Due to lack of a quorum of Commissioners who had been present at the June 20, 1995 meeting, the following Consent Calendar items were **CONTINUED**:

- #3. June 20, 1995 Minutes
- #4.a) **Resolution P.C. 95-27** approving a Parking Plan amendment, pursuant to Section 1170 of the zoning ordinance allowing required parking to be reduced in number within a shopping center, to allow a new restaurant with incidental outside seating and a medical office (chiropractor) at 1559 Pacific Coast Highway
- #4.b) **Resolution P.C. 95-28** approving a Vesting Tentative Parcel Map #24303 for a three lot subdivision at 1155 - 1157 9th Street
- #4.c) **Resolution P.C. 95-29** approving a Precise Development Plan of limited duration for the construction of a parking facility at 1306 - 1338 the Strand.
- #4.d) **Resolution P.C. 95-30** approving a kinetic mural sign which exceeds sign area requirements at 1018 Hermosa Avenue.

5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS

7. CUP-95-11 -- CONDITIONAL USE PERMIT AMENDMENT TO ALLOW ON-SALE GENERAL ALCOHOL IN CONJUNCTION WITH A RESTAURANT AT 1200 HERMOSA AVENUE, LA PASTA.

Staff Recommended Action: To continue the subject request to August 15, 1995 pending receipt of correct project plans.

Planning Director Schubach said the plans had now been received by Staff, suggesting this item be presented at this meeting, to which the Commissioners agreed. Mr. Schubach said the restaurant would require 50% food sales versus the current 65% if the amendment is approved. A bar currently on site is not approved under the C.U.P. and a trash enclosure has not been installed. Comm. Di Monda felt the language in Draft Resolution Sections II.3 and II.5 was not that existing in the Code. He commented that the statement in Section II.3, "If the problem persist..." was a big IF. Also, Section II.5 should read, "...the primary use of a space as a restaurant shall..." because this Condition applied to the space, not the function of a restaurant. Mr. Schubach agreed Staff would modify these two sections according to exactly as stated in previous standard conditions unless these have been imposed based upon the Council's requests. He stated the Council had approved the terminology shown in Section II.5, which was more restrictive. After discussion, the Commission decided it wished this Condition changed to Comm. Di Monda's suggested terminology, feeling this item was now ambiguous. Responding to Comm. Mark's question relating to outside dining, Mr. Schubach responded that statement should be deleted.

Chmn. Dettelbach opened the Public Hearing at 7:25 p.m.

Satish Dewan, applicant, 1200 Hermosa Avenue, agreed with the Staff Report and stated he was available for questions. He stated the site had provisions for handicapped patrons. He said the existing bar seated 8 or 9, while the new one would seat 12 or 13. Food would be served at the bar. He discussed his current trash area location with Comm. Marks.

Sheila Donahue Miller, 77 17th Street, stated her opposition to issuance of another liquor license, feeling too many bars resulted in other businesses leaving the City and a rise in crime rate. She stated she would also protest to the ABC, noting adequate parking was not available and the City was being turned into a "wide open bar town". She asked this application be carefully reviewed in light of the downtown revitalization efforts.

No one else wished to speak, and Chmn. Dettelbach closed the Public Hearing at 7:33 p.m.

The Commission discussed with Director Blumenfeld the proposed wording of Section II, Items 3 and 5. Comm. Di Monda maintained the wording was different than previous standard conditions, noting the previous wording was less ambiguous while satisfying the intent, to which the Commission agreed.

Chmn. Dettelbach responded to Ms. Miller's statements, commenting a parking plan was in place to try to alleviate the parking problems, the primary purpose of the business was as a restaurant and he did not know if approval would result in an intensification of use and that he felt businesses were being displaced in the downtown area by virtue of the absence of patrons. Comm. Di Monda agreed the

downtown mix must be watched; however, this was an existing business which would probably not contribute to future problems.

MOTION by Comm. Di Monda, Seconded by Comm. Marks, to **APPROVE** CUP 95-11 with modification to Conditions II.3 and II.5, as discussed with Staff.

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

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

8. **CON 95-2/PDP 95-2/HLE 95-1 -- REFERRAL FROM THE CITY COUNCIL FOR CLARIFICATION OF FINDINGS ON THE PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN, HEIGHT LIMIT EXCEPTION AND VESTING TENTATIVE PARCEL MAP #24276 TO ALLOW CONSTRUCTION OF A TWO-UNIT CONDOMINIUM EXCEEDING 30' IN HEIGHT IN AN R-3 ZONE AT 632 MONTEREY BOULEVARD.**

Staff Recommended Action: To provide clarification of findings as requested by City Council.

Director Blumenfeld stated the Council had returned this item for clarification relative to the mandatory findings which have to be made in connection with the height exception. Staff summarized those findings for the Commission's approval.

Chmn. Dettelbach opened the Public Hearing at 7:43 p.m.

Jerry Compton, 1200 Artesia Blvd., Ste. 300, project architect provided a chart displaying location of buildings heights within the adjacent area. He felt sufficient numbers of tall buildings were in the area and the view blockage was present at this site, allowing approval of this application. He had taken pictures from the building adjacent to the proposed project to determine views and blockage, which he discussed and offered to the Commission. Chmn. Dettelbach felt the Council was addressing the issue of area substantial nonconforming buildings, not the issue of view. Comm. Di Monda felt the Council wished to receive specific findings, point by point. He felt the information provided by Staff spoke to the issues. Mr. Compton said this area had more tall buildings than other areas within the City.

Bill Frye, applicant, Los Angeles, submitted a view blockage map to the Commission. He asked who was responsible for determining the meaning of the word "substantial", stating he had determined a range of 34% to 50%, depending upon the radius. He felt the law needed to be more specific and that his project met the "intent" in all four categories.

Otto Palmer 632 Monterey Ave., presented a chart showing building heights over an extended area and questioned the reason for the appeal. He stated the additional height was necessary to keep the building from "being in a hole", surrounded by taller buildings. His position was that "substantial has been

defined by action, as opposed to words, in prior instances, with the actions taken on Loma Ave. and 341 Monterey would suggest that this project falls within those same parameters for approval." Saying staff had referred to 341 Monterey as a test case, with similar remarks made regarding 1120 Loma. He then discussed consideration of other applications based upon the issue of view blockage. He said this site did not have a view blockage issue.

Lawrence Verlante, President, Monterey Villa Homeowners Assoc., consisting of four units, said the intent of the 30' ordinance was to move away from the 35' limit. He objected to the allowance of exceptions or variances. He felt each approval of a variance had impact on future variance requests. He felt the burden of proof was on the applicant to show the criteria had been met. He felt this applicant had not met the criteria. He said he was not sure objective criteria was available. He felt granting of variances should be on the side of conservatism. He stressed that future approval of variances will have far-reaching effects. He stated the building next door to him had cut off 1/3 of his view and property value. He summarized by stating he saw no compelling reasons to grant this requested variance.

Chmn. Dettelbach responded the argument being made was that there was nothing to give the bright line test. Exterior sources must then be reviewed, one being historical data, although this is not the only source. The purpose of the 30' height limit ordinance must also be considered. The Commission is faced, in this instance, is identification of specific findings for a ruling that has been made. He agreed that in the future, this type of situation should be clarified. Comm. Di Monda, for clarification, stated the ordinance had not changed the method of height measurement, but has assured ability for consistent measurement.

James Gasineau, 2212 Hermosa Ave., said review must be case by case, not by a 51% rule. He felt each property was individual and should be regarded as a separate case.

Rebuttal

Jerry Compton said this request is not a variance. There is an ordinance which allows for an exception if the findings can be made. He felt those findings had been made. He said the ordinance had been crafted to stop development in areas where buildings were not over 30 feet. This particular area, which has many tall buildings, was specifically mentioned when the ordinance was crafted because it's already developed.

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

Comm. Di Monda reiterated the Commission was being asked to elaborate on the Findings, not vote on the issue. He discussed the difficulty in the writing of this ordinance, including the provision of exceptions to address individual situations. He stated he was satisfied the Findings provided by Staff detailed the intent when he voted on the four elements.

Comm. Tucker said he had voted against the project. He still did not support this project, feeling a view could be obtain by removing the roof and making it an open deck. After discussion with the Commissioners regarding the issue before the Commission, he agreed the decision and findings made were representative of the Commission majority. Comm. Marks stated he also had voted against the project, noting the criteria seemed to be very arbitrary.