

**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.

After discussion, Chmn. Dettelbach summarized by stating that it appeared that all agreed the findings articulated by Staff do accurately reflect the findings of the majority when the project was approved.

MOTION by Chmn. Dettelbach, Seconded by Comm. Di Monda, to **APPROVE** the language of the Findings 1 through 4 as recommended by Staff as being the findings of the majority of the Commission when approving this project.

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.

A break was taken at 8:33 p.m. The Commission reconvened at 8:38 p.m.

HEARINGS

9. NR 95-1 -- AN EXPANSION AND REMODEL TO A NONCONFORMING SINGLE-FAMILY DWELLING, RESULTING IN A GREATER THAN 50% INCREASE IN VALUATION AT 2212 HERMOSA AVENUE.

Staff Recommended Action: To approve said request.

Planning Director Schubach said this was a very small lot, with the proposal generally meeting all required standards. The remodel would lower the building height to within the standard and adding additional open space. The project is a site improvement, bringing the development into better conformance with current codes. Responding to Comm. Di Monda, Mr. Schubach said the increase in valuation is over 90%.

Chmn. Dettelbach opened the Hearing at 8:46 p.m.

James Gastineau, applicant, 2212 Hermosa Ave. said the existing house had a water-damaged roof, which was being dropped and brought into compliance. The floor being added will have the required setbacks. He felt the proposal was straight-forward.

No one else wished to speak on this subject, and Chmn. Dettelbach closed the Hearing at 8:46 p.m.

Comm. Di Monda felt that for all intents and purposes, a new house was being built. He felt the one issue he had was parking, which he thought should be solved by pushing the retaining wall further back and pushing the garage door back to meet the 17 feet set back requirement. This parking problem and implementation of the suggestion was explained to Mr. Gastineau, who responded that if he had known the problems that he was to experience, he never would have bought a house in Hermosa Beach. Chmn. Dettelbach suggested Mr. Gastineau discuss the suggestions and plans with Director Blumenfeld.

Comm. Tucker, noting the building side was noncomplying, suggested the first floor wall be moved inward in order to meet the 3 feet sideyard set back requirement. He also wanted the railing posts to

be moved so they didn't extend past the building into the front setback. He also felt sufficient parking was a key requirement. Comm. Marks stated he agreed with the statements made by Comms. Di Monda and Tucker. Responding to Comm. Tucker, Director Blumenfeld said the first floor windows was not a discretionary item; the building code did not allow windows in that substandard location. The design needed to deal with that condition. Mr. Blumenfeld discussed possible changes with the Commission.

Chmn. Dettelbach stated his concern was the parking issue and the absence of the set back. He proposed approving the plans, revising the garage setback. He suggested this item be continued to allow for the requested plan revisions.

MOTION by Chmn. Dettelbach, Seconded by Comm. Tucker, to **CONTINUE** this item to the meeting of August 15, 1995, to allow the applicant can resubmit revised plans.

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

10. NR 95-2 -- AN EXPANSION AND REMODEL TO A NONCONFORMING SINGLE-FAMILY DWELLING, RESULTING IN A GREATER THAN 50% INCREASE IN VALUATION AT 71 17TH STREET.

Staff Recommended Action: To continue to August 15, 1995 for the applicant to consider revising the plan.

Mr. Schubach said Staff's two recommendations were: (1) to continue this matter to the August 15, 1995 meeting, and (2) bring the parking dimensions and turning radius up to current standards. Staff felt that with the multitude of nonconforming features, at least the parking requirements should be met.

Chmn. Dettelbach opened the Hearing at 9:06 p.m.

Lewis Tomaro, project architect, objected to relocation of the garage, citing the expense involved, the fact that two enclosed and one open space parking spaces were currently available (although smaller than current requirements) and the wish to the adjacent neighbor to not have the garage intrude into her view more than it currently does. Bringing the garage into conformance would encroach on the available open space.

Sheila Miller, 77 17th Street, said the applicant's and her lots were nonconforming buildings. The lots were skewed to the east, resulting in none of the lots being even. She objected to a three feet set back, noting this was an alley and those that did have set backs had guests that abused the guest parking, making it difficult for other vehicles. These set backs simply do not work. She said guest parking currently existed, with a two car garage, on the applicant's property. She supported the project with the garage maintained as is.

Jeff Carlson, applicant 71 77th Street, considered himself to be a preservationist and requested as much of his current building facade, architectural style, herringbone fireplace, art deco interior styling, lath

and plaster walls. He is spending extra money in order to do this. Moving the garage would cost an additional \$15,000. He said many alley parking problems are caused by the three foot set back which people abuse. I wish to preserve as much of the backyard and plantings as possible. He felt he and Ms. Miller would like to see as much back yard open space as possible. All the homes would need to be relocated for me to be able to have a three feet set back because all the lots are "off".

No one else wished to speak, and Chmn. Dettelbach closed the Hearing at 9:17 p.m.

Comm. Di Monda agreed with Staff's recommendation, commenting this will be a new house from ground up. He did not feel this project would be a remodel. He felt if three feet set backs are creating problems, they should be addressed and perhaps eliminated; but eliminated through a text amendment for everyone.

Comm. Tucker stated his comments would reiterate the ones he made on the application heard immediately prior to this one. He felt if a second story was put on the garage, the foundation would need upgrading, the setbacks needed to be addressed for safety and living purposes.

Chmn. Dettelbach felt specifics should be addressed in order to offer clarification to Staff and the applicant. Comm. Di Monda said Staff had made known the issues to be addressed. He felt the bulk of the primary work should be complete before presentation to the Commission. He did not feel, in this case, that had been completed. He reiterated his feeling that as much continuity as possible in the handling of all applications should be achieved. Chmn. Dettelbach explained to the architect that as more extensive remodeling was being proposed, the Commission needed to review each as to ability to come into better code compliance. Comm. Di Monda commented that any remodel over 50% needed to be reviewed toward increased conformity. Parking and sideyard requirements continue to be a problem within the City. He felt this proposed remodel was a 99% remodel.

MOTION by Comm. Di Monda, Seconded by Comm. Marks, to **CONTINUE** this item to the meeting of August 15, 1995, to allow the applicant can resubmit revised plans.

11. SS 92-2 -- SPECIAL STUDY OF ZONING REQUIREMENTS FOR SMALL LOTS (continued from June 20, 1995 meeting).

Staff Recommended Action: To direct Staff as deemed appropriate

Mr. Schubach presented background information and stated Staff was seeking clear direction regarding small lot sizes deserving special consideration. Staff proposed the study be focused on open space and parking requirements.

Chmn. Dettelbach opened the Hearing at 9:38 p.m. No one wished to speak, and Chmn. Dettelbach closed the Hearing at 9:38 p.m.

Comm. Di Monda said he felt the parking problem belonged to everyone. Addressing the mezzanines, he stated he did not wish to see flat roofs and entire sections of buildings being built to the property line. Comm. Tucker felt that the 17-foot set back requirement should be maintained.

Chmn. Dettelbach, referencing the menu, asked if any Commissioner had problems with the items

shown. Comm. Di Monda asked why the 2100 square foot lot was being eliminated in the R-1 zone, noting many 1500 square foot lots existed in the R-3 zone; all of which have more restrictive zoning conditions than those in the R-1 zone. Mr. Schubach noted that in the R-3 zone, more stories can be built than in the R-1 zone. Comm. Di Monda said three stories could not be build on a 1500 square foot lot due to compliance requirements. He suggested the methods applied to the R-3 zone could be applied in the R-1 zone, dealing with deck and exterior space in lieu of some of the outside space, while maintaining parking requirements. Referencing consideration of neighborhood area space, he noted the existence of definitions which cannot be defined. Director Blumenfeld said Staff had hoped that would be eliminated from consideration, since it is too difficult to implement. Comm. Tucker said that if a good set of standards existed above that, it would be eliminated anyway.

Director Blumenfeld said that enough definition had been provided now to enable Staff to craft an ordinance to pick up the Commissioner recommendations.

STAFF ITEMS:

12.a. Review of the Planning priority list.

Comm. Di Monda asked if the zoning ordinance was nearing completion and when it would be available to the public. Director Blumenfeld said some work had been completed, but it was not nearing completion. This ordinance is changed frequently, basically making it a working code. The City Clerk is currently working on the Municipal Code, resulting in the necessary scanning equipment not being available until the changes to the Municipal Code is completed.

Director Blumenfeld pointed out that almost half of the projects listed are completed or nearing completion. The Commission can add additional items to the priority list or progress with those currently listed. Good progress is being made. None of the Commissioners offered any additions at this time.

Director Blumenfeld requested Commissioners review an RFP that had been provided and offer suggestions to Staff. He stated the intent was to look more closely at the concept plan for the downtown improvements, fine tuning parking and circulation. Comm. Di Monda stated his opposition to the City inviting the County to build a parking lot. Director Blumenfeld said a number of options were being reviewed, including the County's participation. Comm. Di Monda said "You cannot be in your right mind if you are seriously thinking of getting in bed with the County on any issue." He commented the County is so upside down, he felt if anything should be done, it should be a spearhead by the City for a term limits initiative against the Country Supervisors.

Receive and file.

12.b. Community Development Department activity report of May 1995.

Receive and file.

12.c Tentative future Planning Commission agenda.

Receive and File

12.d. City Council minutes of June 8, 13, 16, 22, 27, 1995.

Receive and File

COMMISSIONER ITEMS None

ADJOURNMENT

MOTION by the Commission to adjourn at 9:52 p.m. No objections; so ordered.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of July 18, 1995.



Alan M. Dettelbach, Chairman



Sol Blumenfeld, Secretary

7/18/95

Date

MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON AUGUST 15, 1995
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS

Meeting called to order at 7:04 p.m. by Chmn. Dettelbach.

Pledge of Allegiance led by Comm. Di Monda.

ROLL CALL

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

Chmn. Dettelbach and Commissioners welcomed Comm. Perrotti to participation on the Planning Commission.

CONSENT CALENDAR

MOTION by Comm. Merl, Seconded by Comm. Tucker, to APPROVE, with no change, the June 20, 1995 Minutes.

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

MOTION by Comm. Tucker, Seconded by Comm. Di Monda, to APPROVE, with no change, the July 18, 1995 Minutes, 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, Resolution P.C. 95-28 approving a Vesting Tentative Parcel Map 24303 for a three lot subdivision at 1155 - 1157 9th Street, 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, Resolution P.C. 95-30 approving a kinetic mural sign which exceeds sign area requirements at 1018 Hermosa Avenue, and Resolution P.C. 95-31 approving a Conditional Use Permit amendment to allow on-sale general alcohol in conjunction with a restaurant at 1200 Hermosa Avenue, La Pasta.

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

ORAL/WRITTEN COMMUNICATIONS None

PUBLIC HEARINGS

7. VAR 95-2 -- A SIGN VARIANCE TO ALLOW A GROUND SIGN AND AN ADDITIONAL POLE SIGN THAT EXCEED MAXIMUM HEIGHT; ALSO TO ALLOW AN ADDITIONAL WALL SIGN DETACHED FROM BUSINESS LOCATION ON THE SUBJECT PROPERTY AT 1559 PACIFIC COAST HIGHWAY, PLAZA HERMOSA.

Staff Recommended Action: 1) To deny wall sign. 2) To continue the request for detached sign to September 18, 1995 meeting.

Mr. Schubach said the sign ordinance had been amended since 1984, limiting the size, number and quantity of signs to less than previously approved for this center. Currently the center is non-conforming to current sign allowance, two of the proposed signs, by strict definition, are roof signs and one proposed wall sign would be attached to a tower about a bakery. Staff had difficulty developing sufficient Findings for the three additional requested signs. Staff requested more time be allowed to complete an analysis regarding the detached signs request.

Chmn. Dettelbach opened the public hearing at 7:12 p.m.

Mark Frank, 701 Lakme Avenue, Wilmington, Blockbuster Video representative, presented photographs displaying the shopping center and the store front being considered. He said the new building signs would simply replace current Aaron Bros. signage, using the same space, with one additional new sign at the entrance. He asked the definition of "roof sign", to which Mr. Schubach responded, commenting signs on raised towers are considered roof signs. Referencing Section 13.5-8, he presented the definition of roof signs and defined the types of signs which were prohibited. Mr. Frank agreed one sign would qualify as a roof sign, but not the others. Explaining that impulse buying was a large part of Blockbusters' business, he stressed the need for the signs as a means of identification, noting the business would be "buried in the corner". He felt the sign area was well below that allowed by Code. Chmn. Dettelbach responded the concern was location of the building; not the sign dimensions.

Bob Baker, 316 S. Maria, Redondo Beach, leasing agent representing the property owner, said Blockbuster Video was important in keeping the shopping center viable, noting two large stores would be leaving that center. He felt it important for approval of the requested signage so that Blockbusters could be competitive, asking the Commission to reconsider Staff's recommendations. He said Staff had told them signage would be no problem, and two and one-half months later, the applicant was told the proposed signage would not be allowed.

Jim Lessner, 2715 Eioeste, felt parking and location was important to a shopping center, not signs. He asked the Commission to "hold the line" on the signs.

Sam Saul, Yorba Linda, said he was part of the real estate personnel negotiating the deal to bring

Blockbusters to Hermosa Beach. He said they were simply asking for replacement of current signs with the addition of one more sign, feeling as many signs as possible were needed to make everyone aware of Blockbusters' new location. He felt approval should be given since the center had less signs than the allowance, noting it has been proven that larger signs resulted in more sales. He said if the signs were not approved, Blockbusters would not locate in Hermosa Beach since it could not succeed without the signs.

No one else wished to speak, and Chmn. Dettelbach closed the public hearing at 7:32 p.m.

Discussion

Comm. Tucker suggested using only the "half ticket" sign instead of the complete logo and ticket signage as a means of decreasing signage and stated opposition to the proposed sign over the bakery. Director Blumenfeld confirmed Staff had found some inconsistencies in the application and wished more time for analysis.

Comm. Merl felt the applicant was requesting a significant addition in signage, stating his opposition to the requested sign over the bakery. He felt adequate exposure would be accomplished, commenting the request was not consistent with the ordinance prohibitions and allowances.

Comm. Perrotti agreed with the comments made by Comms. Tucker and Merl, stating his support of Staff's request for more time in order to clear up the inconsistencies. He opposed a sign being located above the bakery.

Comm. Di Monda said that since the sign ordinance change, very attractive signage was coming into the downtown and highway areas. He did not feel larger signage was necessary, feeling excessive signage drove people away. Noting some cities in Orange County had the most limiting sign ordinances in Southern California, he said they were very successful. He felt the highway was a place which could have a little more signage, but opposed additional signage on Pier Avenue. He suggested swapping the monument sign for a larger sign on Pacific Coast Highway, putting the monument sign on Pier Avenue.

Chmn. Dettelbach opposed a sign above the bakery and felt that due to density, monument signs were troubling. Referencing the ability to replace "like for like" signs, he equated this ability as a pre-existing condition. He felt the business should be able to advertise and attract customers. Chmn. Dettelbach noted that due to the type of town Hermosa Beach is, everyone will know where Blockbusters was located. He supported permitting the sign on the south side of the building, but opposed increased sizes of signs on Pacific Coast Highway and Pier Avenue. He discussed with the Commission and Staff the issue regarding the pole signs, confirming Staff requested this issue to continued to the next meeting to allow further study.

Stating that only half of the proposal package had been presented, Comm. Merl felt the entire package should be dealt with at the same time. Comm. Di Monda felt the sign was a 30 foot monument sign, not a pole sign. Director Blumenfeld recommended this application be continued due to the discussion and concerns expressed. The applicant requested the Blockbuster signage be decided at this meeting.

MOTION by Chmn. Dettelbach, Seconded by Comm. Di Monda, to **APPROVE** the Blockbuster sign that replaces like for like on the south facing side of the Aaron Bros. location; to **DENY** the Blockbuster sign proposed to replace the Aaron Bros. sign on the east facing side of the Aaron Bros. location; to **DENY** the Blockbusters sign above the Pier Bakery; to **DENY** the monument sign or detached signs in the form submitted at this time, and bring back to next regular meeting.

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

Chmn. Dettelbach stated this action could be appealed to City Council within 10 days.

8. **TEXT 95-3 -- TEXT AMENDMENT TO SECTION 601 REGARDING REVISION TO HEIGHT LIMIT EXCEPTION RULES**

Staff Recommended Action: To forward a recommendation to the City Council.

Director Blumenfeld said this request was to amend Section 601 and 701 of the Zoning Ordinance. Council at its meeting of August 8th, directed Staff to provide some alternatives, which are summarized in the Council Staff Report. The Council recommended the amendment proceed with the modification to Finding #2, which Director Blumenfeld explained. Under the requirements of the height limit exception, a licensed surveyor would need to survey the applicant's and adjacent lots, providing datum for examining the height exception. Comm. Di Monda noted that this would add a significant cost for the applicant. Comm. Di Monda felt the Council was not aware that all surveys now have to be filed with the County, resulting in additional filing costs.

Chairman Dettelbach opened the public hearing at 7:58 p.m. No one wished to speak, and Chmn. Dettelbach closed the public hearing at 7:58 p.m.

Discussion

Comm. Merl said he didn't understand why there was an exception, at all. The definition has become so narrow, it is almost onerous. Comm. Tucker objected to the additional survey and expense as unnecessary. Comm. Di Monda felt this item was 180 degrees opposed to the stated concern regarding reducing the cost of government regulations. He stated the surveys would add thousands of dollars to property owners building costs. He felt the more old cottages that are replaced by new homes and buildings, the greater the City's tax base. He felt going in this suggested direction would cause people to stop building in Hermosa Beach because of the high expense. He discussed the history of the writing and reasons this ordinance was put in place, noting it was realized at the time that there would still be some development over 30 feet. The ordinance was supposed to allow this Commission to do a block by block survey to be borne by the applicant, instead of being borne by the City. This proposal tells developers where to start development, moving down the block with tall buildings -- which was exactly what the ordinance was trying to prevent. He felt this suggested amendment took away discretion from the Commission and locked some property owners into having short buildings next to tall ones. He said

he understood the Council's concerns, but this was the wrong way to address them.

Chmn. Dettelbach said the question of variances had to be somewhat subjective; to have hard and fast rules will not work within the confines of this ordinance amendment. He said the City Council had already "pulled this up" -- no matter how many times the Commission considers this subject, the Council changes it and sends it back. He felt this was a waste of time, noting that if the Council wishes to deal with it in a certain way, then they should deal with it.

Comm. Di Monda said sloped roofs are finally starting to appear in this town. With this suggested change, the roofs would become flat again. It would encourage cheap construction.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to DIRECT Staff to draft a letter to the City Council, for review by the Commission, which outlines some of the considerations the Commission agrees upon so that the Council understands how strongly the Commission feels about this item. To be included in this letter is: It is felt the survey requirements would become onerous and a disincentive for planning to take place. This action would remove the discretion to do real planning and to look at the situations on a block by block basis, which was always the original intent. The allowance of real architectural features and design would be eliminated. This offers a false sense of security, telling builders where to start when they want to turn a block into 35 feet. It takes discretion away from the Commission because once the amendment requirements are met, contractors can simply move forward.

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

NOES: None

ABSENT: None

ABSTAIN: None

Chmn. Dettelbach stated this action could be appealed to City Council within 10 days.

9. **TEXT 95-4 -- TEXT AMENDMENT TO SUBSTITUTE PRECISE DEVELOPMENT PLAN DISCRETIONARY APPROVAL AND ELIMINATE THE CONDITIONAL USE PERMIT REQUIREMENTS FOR CONDOMINIUM PROJECTS**

Staff Recommended Action: To recommend requiring Precise Development Plans and not Conditional Use Permits for condominiums.

Mr. Schubach, noting a few exceptions, said a duplication currently existed requiring a precise development plan and conditional use permit. What made the most sense was to require only precise development plans for condominiums. Staff recommended adoption of a clean-up ordinance which will eliminate the C.U.P. to stop the duplication of effort.

Chairman Dettelbach opened the public hearing at 8:14 p.m. No one wished to speak, and Chmn. Dettelbach closed the public hearing at 8:14 p.m.

Discussion

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to APPROVE Staff's recommendation.

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

Chmn. Dettelbach stated this action could be appealed to City Council within 10 days.

HEARINGS

10. NR 95-1 -- AN EXPANSION AND REMODEL TO A NONCONFORMING SINGLE-FAMILY DWELLING, RESULTING IN A GREATER THAN 50% INCREASE AT 2212 HERMOSA AVENUE (continued from July 18, 1995 meeting).

Staff Recommended Action: To approve said request.

Mr. Schubach said the applicant had completed some plan changes previously requested by Staff and the Commission, but continued to request relieve from the 17-foot setback due to the extreme expense involved. The plans of nonconformity has been reduced to 93%.

Chmn. Dettelbach opened the hearing at 8:16 p.m.

James Gastineau, hopefully a future resident of 2212 Hermosa Avenue, said he had purchased the house with permits and everything in place. He the problems he has encountered, the deterioration of the building which required extensive replacement and remodel resulting in a proposed 93% remodel. Mr. Gastineau said everything on the plans had been changed as requested except for the garage setback, which he could not afford to do due to the extreme expense involved. He noted the commercial properties across the street did not provide parking and questioned why he had to provide parking for more than himself. He stated he did not mind that his guests had to park far away. He simply could not afford to continue the project with a 17-foot setback. Taking into consideration the efforts he has made to comply with Commission requests, he asked approval of his project as now presented.

Mike, project architect, described everything they had done to bring the building into conformity, saying this was all they could do, noting it was now more into conformance than previously.

No one else wished to speak, and Chmn. Dettelbach closed the hearing at 8:22 p.m.

Discussion

Comm. Merl said the applicant had shown good faith in the plan adjustments made, to which Comm. Tucker agreed. Comm. Di Monda agreed the \$56,000 needed to provide the requested additional

parking was an undue burden upon the applicant. He felt a commitment needed to be made as to the creation of parking or 95-97% remodels, which are almost new homes, but don't meet the parking plans or requirements. Chmn. Dettelbach felt the applicant had made an extreme effort, working with the site and structure, to meet compliances. Comm. Tucker noted high costs associated with shoring of this hill-side lot.

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to APPROVE, based upon the reconfiguration of the proposal.

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

Chmn. Dettelbach stated this action could be appealed to City Council within 10 days.

11. NR 95-2 -- AN EXPANSION AND REMODEL TO A NONCONFORMING SINGLE-FAMILY DWELLING, RESULTING IN A GREATER THAN 50% INCREASE IN VALUATION AT 71 17TH STREET (continued from July 18, 1995 meeting).

Staff Recommended Action: To approve said request.

Mr. Schubach stated the concern had regarded an excessive amount of remodel, which was 99%. This has now been reduced to 77%, noting the applicant had made efforts to reduce the amount of remodeling.

Chmn. Dettelbach opened the hearing at 8:30 p.m.

Louis Tomaro, project architect, said the project had been downscaled since the last meeting. He described the project as presented at this meeting, defined the proposed expansion at the rear of the house. He said the applicant wished to salvage the windows and "look" at the front of the house and presented photographs of the house front. He explained to move the windows "in", the front facade would have to be totally reworked. Responding the Comm. Di Monda, Director Blumenfeld said the eaves was an issue. However, if there were no modification to that part of the house, the eaves would not be impacted. Comm. Di Monda commented that a third floor was being added. Mr. Tomaro said the third floor would be five feet back, so the roof line would be left intact.

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

Discussion

Comm. Di Monda determined Staff was satisfied with the turn radius. Comm. Tucker expressed concern regarding the small side yard on the east, requesting the window on that side be a fire rated window.

MOTION by Comm. Tucker, Seconded by Chmn. Dettelbach, to APPROVE Staff's recommendation, with the modification that the windows in bedroom #2, the stairway and bathroom be made up to the Fire Code Standards; either fire glass or a sprinkling device. The revised plan can be submitted to Staff for review and approval.

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

Chmn. Dettelbach stated this action could be appealed to City Council within 10 days.

12. S 4 (j) -- APPROVAL OF A MURAL IN EXCESS OF THE SIGN AREA AT 1242 HERMOSA AVENUE, FERNANDO'S

Staff Recommended Action: To approve said request.

Mr. Schubach stated Staff recommended that the Planning Commission declare this item a mural except for the portion containing the name.

Chmn. Dettelbach invited public testimony at 8:45 p.m. No one wished to speak, and Chmn. Dettelbach returned the discussion to the Commission at 8:45 p.m.

Discussion

Chmn. Dettelbach clarified that the mural had been painted in excess of two months ago, and then a permit was requested. Comm. Di Monda suggested Staff check the records for a permit on the previous mural that had been replaced.

MOTION by Chmn. Dettelbach, Seconded by Comm. Di Monda, to CONTINUE S 4 (j) to September 19, 1995 and a pictorial color description of the building, in context, be provided at that meeting.

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

Chmn. Dettelbach stated this action could be appealed to City Council within 10 days.

13. PS 95-1 -- POLICY INTERPRETATION FOR SECTIONS 9.5-8 - PLANNED DEVELOPMENT PERMIT REQUIRED AND 1431 - PROJECTS REQUIRING REVIEW

Staff Recommended Action: To adopt subject policy statement.

Mr. Schubach stated Staff felt this policy necessary due to these sections being ambiguous relating to the definition of construction, which has been broadly interpreted by Staff.

Chmn. Dettelbach invited public testimony at 8:51 p.m. No one wished to speak, and Chmn. Dettelbach returned the discussion to the Commission at 8:51 p.m.

Discussion

Responding to Commission questions, Director Blumenfeld confirmed this policy statement would provide clarification to Staff and the applicants.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to ADOPT the Policy Statement 95-1.

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

14. SS 95-1 -- SPECIAL STUDY TO CONSIDER AMENDMENTS TO THE SIGN ORDINANCE REGARDING ROOF SIGNS

Staff Recommended Action: To initiate text amendments and set for public hearing.

Director Blumenfeld said this item resulted from two projects; one considered this evening and a proposal approved some months ago. The issue involved the definition of "roof sign", which is explicit in the ordinance, but becomes a problem when considering multiple roofs and parapets. Director Blumenfeld then explained the problems experienced by Staff.

Chmn. Dettelbach invited public testimony at 9:00 p.m.

Jim Lissner, 2715 Eloeste, said he hoped the Commission would consider reviewing temporary banner signs. He suggested: (1) teeth be put in the existing Code for the purpose of enforcement, (2) require a deposit when banners are put up, (3) an expiration date be put on the banner, and (4) clarify the temporary sign banner ordinance to define whether a sign inside large doors, such as service station doors, are banners or interior signs.

No one else wished to speak, and Chmn. Dettelbach returned the discussion to the Commission at 9:04 p.m.

Discussion

Comm. Di Monda said common sense and discretion needed to be applied, noting that signage on the parapets above the first floor was not desired. He felt the Pier Avenue sign band was not an issue unless the sign ordinance made it an issue. He felt scale was the issue, commenting there were a few art-deco

buildings in the City which should be encouraged to be saved through historic reasons and valid exceptions. Director Blumenfeld said that some signs were part of the architecture, resulting in the need for clarification.

Chmn. Dettelbach said the proposal measured the roof as the top of the parapet, asking what about a one story building and a 30-foot parapet had been constructed for purposes of obtaining signage. Comm. Di Monda said there was a maximum signage allowed, which would probably not justify building a parapet. Chmn. Dettelbach suggested a language change: instead of "top of a parapet" to "top of an existing parapet wall". The Commission discussed various applications and prohibitions which could be made, including a parapet limitation. Director Blumenfeld said that location was the issue. Limiting the parapet height to existing conditions would address the location issue.

Director Blumenfeld proposed Staff make a change to the ordinance to reflect the recommendations made and bring it back a proposed text amendment for the Commission's review. No objections, so ordered. Chmn. Dettelbach requested Staff review other cities ordinances and operations pertaining to this same subject.

STAFF ITEMS

15.a. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Comm. Merl, Seconded by Comm. Di Monda, NOMINATED Comm. Tucker as Chairman. The APPROVAL vote was unanimous.

Comm. Merl, Seconded by Comm. Di Monda, NOMINATED Chmn. Dettelbach as Vice-Chairman. The APPROVAL vote was unanimous.

15.b. COMMUNITY DEVELOPMENT DEPARTMENT ACTIVITY REPORT OF JUNE, 1995.

Receive and File.

15.c. TENTATIVE FUTURE PLANNING COMMISSION AGENDA

Receive and File.

15.d. CITY COUNCIL MINUTES OF JUNE 29, JULY 11, 25 AND 31, 1995

Receive and File.

COMMISSIONER ITEMS

Comm. Di Monda, referencing the old hospital site on Pacific Coast Hwy., said he had seen it advertised as R-3. He thought it was PDP. Mr. Schubach confirmed it was half SPA and half R-3. He agreed it should be SPA in its entirety. Agreeing with Comm. Di Monda, the Commissioner

DIRECTED Staff to put item on the agenda and to Staff contact the realtor regarding the incorrect information. **No objections, so ordered.**

ADJOURNMENT

MOTION by the Commission to adjourn at 9:18 p.m. **No objections; so ordered.**

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of August 15, 1995.

Alan Dettelbach, Chairman

Sol Blumenfeld, Secretary

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON SEPTEMBER 19, 1995
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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

Pledge of Allegiance led by Comm. Dettelbach.

ROLL CALL

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

CONSENT CALENDAR

MOTION by Comm. Dettelbach, Seconded by Comm. Di Monda, to **APPROVE** with no change:

- #3. August 15, 1995 Minutes
- #4.a) **Resolution P.C. 95-35** recommending amending Section 7.2-4 of the Condominium, Stock Cooperatives and Community Apartments Article 7.2 by deleting the conditional use permit requirement and maintaining only the precise development plan requirement,
- #4.b) **Resolution P.C. 95-33** approving a greater than 50% expansion and remodel to an existing nonconforming single-family dwelling at 71 17th Street,
- #4.c) **Resolution P.C. 95-34** approving a greater than 50% expansion and remodel to an existing nonconforming single-family dwelling at 2212 Hermosa Avenue, and
- #4.d) **Policy Statement 95-1** interpreting Sections 1431 and 9.5-8, respectively, as to when a precise development plan is needed in any zone, and specifically when it is needed in the open space zone.

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

5. **Items for consideration** None

ORAL/Written COMMUNICATIONS:

Jean Lombardo, Women's Club, Hermosa Beach, extended an invitation to attend a "flap jack feast" in sponsorship of Project Touch. She presented event particulars to the Commission and audience.

Chmn. Tucker noted correspondence from James Lissner regarding need for a sign ordinance update for temporary signs along Pacific Coast Highway and Aviation Boulevard had been provided to the Commission.

MOTION by Comm. Dettelbach, Seconded by Comm. Merl, to **RECEIVE AND FILE** James Lissner's correspondence and to **CONTINUE** this issue as a Commissioner Item to the next scheduled meeting to allow Staff to obtain comparative ordinances from Manhattan Beach and Redondo Beach.

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

PUBLIC HEARINGS

7. **VAR 95-2 -- A SIGN VARIANCE TO ALLOW AN ADDITIONAL WALL SIGN DETACHED FROM BUSINESS LOCATION ON THE PROPERTY AT 1559 PACIFIC COAST HIGHWAY, PLAZA HERMOSA (continued from August 15, 1995 meeting).**

Staff Recommended Action: To approve the Variance.

Planning Director Schubach explained Staff's recommended conditions, noting the unique characteristics of this site. He discussed the definition and height limitations of monument and pole signs with Commissioners.

Chmn. Tucker opened the Public Hearing at 7:15 p.m.

Mark Frank, 701 Lakme Avenue, Wilmington, San Pedro Sign Company, explained plans to reduce the current signs in size and, after discussing site sign visibility problems and locations with Commissioners and Staff, requested the 20-foot sign height and design be approved. He presented drawings of the proposed and current signs to the Commission. He commented upon the difficulties involved in lowering the sign on Pacific Coast Highway.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 7:23 p.m.

Comm. Merl felt the proposed signs were an improvement over the existing signs, stating he preferred Staff's version. Comm. Di Monda, noting there was not a double-pole definition, said this proposal tried to take advantage of a legal loop hole, stating he did not support this monument sign that is elevated from the ground to create a definition that does not exist. Comm. Dettelbach did not feel the ordinance took into account every possible consideration. He supported Staff's recommendation

relating to the Pier Avenue 18-foot sign, but objected to a 25-foot tall sign on Pacific Coast Highway. He supported a shorter sign at that location, discussing this possibility with Staff and Mr. Frank. Comm. Perrotti felt the proposed 18-foot tall Pier Avenue sign and location was an improvement. Chmn. Tucker supported the proposed sign on Pier Avenue and agreed with the suggestion of lowering the Pacific Coast Highway sign while maintaining the architectural feature on the top at a maximum of a 20-foot height.

MOTION by Comm. Dettelbach, Seconded by Comm. Merl, to **APPROVE** the sign located on Pier Avenue in accordance with Staff's recommendation and **APPROVE** the sign located on Pacific Coast Highway not to exceed 20 feet in height and to include an architectural treatment at the sign top; other than the height, the style and dimensions submitted by the applicant are acceptable.

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

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

8. **CUP 95-12 -- CONDITIONAL USE PERMIT MINOR AMENDMENT TO ALLOW ON-SALE BEER AND WINE IN CONJUNCTION WITH A NEW RESTAURANT AT 502 PACIFIC COAST HIGHWAY, NUMERO UNO PIZZA.**

Staff Recommended Action: To approve.

Planning Director Schubach said this proposed restaurant would encompass less than 50% of the space previously used by an existing, defunct restaurant. There was future potential for the second half of the space to become another small restaurant, which represented no problem.

Chmn. Tucker opened the Public Hearing at 7:40 p.m.

Rahil Bhorania, applicant, said that 40% of the current site would be used, after remodeling this area.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 7:41 p.m.

The Commission agreed this was a straight-forward application, with no outstanding issues.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **APPROVE CUP 95-12.**

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

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

9. **SS 95-1 -- SPECIAL STUDY AND TEXT AMENDMENT TO SIGN ORDINANCE REGARDING THE DEFINITION OF ROOF SIGNS.**

Staff Recommended Action: To recommend approval of text amendment

Planning Director Schubach said Staff needed interpretation regarding roof sign design. Staff recommended, for flexibility, a clarification be considered stating that roof sign that are prohibited do not include parapet wall signs located above the roof, and that roof sign located on architectural projections above the roof may be approved by the Planning Commission.

Comm. Di Monda said he did not want the present or future Planning Commission to be faced with the building of architectural details on buildings which would then become integral parts of the building facade in order for people to get around the sign ordinance. He felt the proposed language would allow that. He suggested recognition of existing buildings' where signing is located on architectural projections above the roof, which would be permitted and written into the ordinance. Comm. Perrotti suggested cataloging of historical buildings with such signs which would be exempted. Director Blumenfeld said there were several historical sign examples in the City, referencing photographs of signs included in the Commission packets. Director Blumenfeld said the issues included (1) what constituted a roof sign, (2) tower signs needed clarification.

Comm. Di Monda to recommend the ordinance language stated that no signs will be allowed above the parapet, and no false architectural projections can be constructed for the purpose of putting on a roof sign, and the Planning Commission has the discretion with historic buildings to grant an exception. Mr. Schubach said this would, in essence, leave the language "as is". Comm. Di Monda said it was not the Commission's intent to eliminate signs on historical buildings with architectural features.

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

Rick Hankus, 1150 Hermosa Avenue, owner of Sabroso Grill, said the tower used to have a sign on it. The tower is architecturally a part of the building. Historically, a sign should be allowed. He asked approval of his sign on the tower. Director Blumenfeld said approval could not be given by Staff, given the definition within the sign ordinance.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 7:55 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Dettelbach, to **MAKE** a Finding that the building in which Sabroso Grill is located has historical value, and that that element of the building was originally an area intended as design for signage. Therefore, the Planning Commission **APPROVES** grandfathering this area to allow Sabroso Grill to continue to use it for signage.

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

Mr. Schubach stated Staff would provide a policy statement interpreting the sign ordinance.

Comm. Dettelbach felt the words, "integral part" was somewhat subjective, suggesting language be created to grandfather in historical architectural signs and address future construction projects. After discussion among the Commissioners, Director Blumenfeld agreed that Staff would review other cities' ordinances and present them at the next scheduled meeting.

MOTION by Comm. Di Monda, Seconded by Comm. Dettelbach, to **DIRECT** Staff to provide language that recognizes the fact that parapet signs are allowed, and to suggest a method to prevent automatic allowance of someone circumventing the ordinance by questionable means by bringing this action to the Planning Commission's attention. **No objection, so ordered.**

HEARINGS

10. **S 4 (j) -- APPROVAL OF A MURAL IN EXCESS OF THE SIGN AREA AT 1242 HERMOSA AVENUE, FERNANDO'S (continued from August 15, 1995 meeting).**

Staff Recommended Action: To approve.

Planning Director Schubach said this item had been continued because the applicant did not attend the previous meeting. The applicant was not in attendance at this meeting. He said the sign was existing and needed approval by minute order. Comm. Di Monda stated his concern was that this was the second time a mural had been painted by the applicant, who then requested approval. Chmn. Tucker felt it a very "busy" mural.

Chmn. Tucker opened the Hearing at 8:09 p.m. No one wished to speak on this subject, and Chmn. Tucker closed the Hearing at 8:09 p.m.

MOTION by Comm. Di Monda, Seconded by Chmn. Tucker, to **CONTINUE S 4 (j)** and to **DIRECT** Staff to direct the applicant not to take any steps towards repainting or changing the mural in any way prior to the Commission completes action on this application. **No objections, so ordered.**

11. **NR 95-3 -- A NONCONFORMING REMODEL TO ADD A SECOND STORY TO AN EXISTING SINGLE FAMILY RESIDENCE WITH NONCONFORMING SIDEYARD AT 616 24TH PLACE.**

Staff Recommended Action: To approve.

Due to possible conflict of interest, Comm. Merl ceased participation in the meeting and exited the Council Chambers.

Mr. Schubach said staff recommended approval with conditions. This application was not unusual in relationship to previous others that have been approved.

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

Rocky Rockefeller, project architect, 620 24th Place, said the garage was over three feet from the property line. He said the height limit was very difficult to work with due to the sloping lot.

No one else wished to speak, and Chmn. Tucker closed the Hearing at 8:16 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Perrotti, to **APPROVE** Staff's recommendation.

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

**12. SS 92-2 -- SPECIAL STUDY OF ZONING REQUIREMENTS FOR SMALL LOTS
(continued from June 20, 1995 meeting).**

Staff Recommended Action: To set for public hearing.

Mr. Schubach detailed the three options presented by Staff for consideration by the Commission.

After discussion, Comm. Di Monda suggested using "10% of lot size" while maintaining all set backs, and pertaining to lots of 2100 square feet or less, to all the open space to be provided on decks and balconies of which at least 60% of the area must be accessible from the living area and some of the area must be direct, horizontal from the living area. The Commissioners agreed they did not wish to see "boxes" being built.

Mr. Schubach agreed to provide to the Commission suggested percentages and schematics for consideration.

MOTION by Comm. Di Monda, Seconded by Comm. Dettelbach, to **CONTINUE** this item and **DIRECT** Staff to bring back the proposal for consideration. **No objections, so ordered.**

STAFF ITEMS:

- 13.a. Memorandum from Planning Commission to City Council regarding revision to height limit exception rules.**

Comm. Di Monda felt a notation should be made in the memo to the Council, Item #2, that a full survey with all contours will cost about \$1,000, which would increase development costs. Comm. Di Monda said the point in #5 was it will not only create an unnatural progressing of development, but it will potentially defeat the purpose of the rewritten ordinance, simply telling developers where to start development. Referencing #4, he said it should be pointed out that recent development has included tiled roofs, sloped roofs and architectural treatment not included in the past, which is a benefit to property values and taxes.

- 13.b. Community Development Department activity report of August, 1995.**

Receive and file.

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

Receive and File

- 13.d. City Council minutes of August 8, 1995.**

Receive and File

- 13.e. Review of Temporary Sign Permits Processing & Code Enforcement**

Comm. Dettelbach requested this item be brought back at the next scheduled meeting. Director

Blumenfeld said the report was supplied responding to Comm. Dettelbach's request for information relating to a letter discussing banner signs. He stated Staff would bring this item back accompanied by a survey, as requested. He felt it important to note that Staff had conducted a survey along Pacific Coast Highway. There are currently banner signs which are out of conformity, that Staff is trying to bring into conformance. Parking enforcement will help with the issuance of citations, which will remain a last resource. He stated another issue was obtaining compliance through better design. Staff was working with merchants, addressing this problem. Comm. Dettelbach asked that when the survey was presented, it include Item 13.e.

Comm. Di Monda felt the State Licensing Board should be notified that contractors were not getting permits. Director Blumenfeld said he would be consulting with the City Prosecutor.

COMMISSIONER ITEMS

Comm. Dettelbach said he had asked Staff to pull the CUP and application for Sangria, on Pier Avenue. The applicant had made representations to the Commission the business would be an upscale, Spanish type restaurant with secondary dancing and late evening night club. The fact is the business equates with "Taco Bell". Comm. Dettelbach said the Commission was lied to by the applicant, with a nonfunctioning menu posted. The restaurant has nothing to do with the business that is being conducted, contrary to the CUP requirements. He asked Staff what options the Commission had. Director Blumenfeld said the first step was to ask Staff to investigate the issue. Comm. Dettelbach asked that Staff do this, to which the Commission agreed.

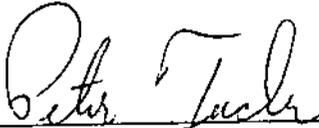
Director Blumenfeld agreed Staff would, over a couple of site visits, investigate what is being served on the menu to provide verification as to whether or not the business is being operated as a restaurant.

ADJOURNMENT

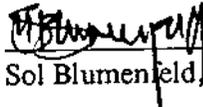
MOTION by the Commission to adjourn at 8:50 p.m. No objections; so ordered.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of September 19, 1995.



Peter Tucker, Chairman



Sol Blumenfeld, Secretary

10-17-95

Date

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

Meeting called to order at 7:04 p.m. by Chairman Tucker.

Pledge of Allegiance led by Comm. Perrotti.

ROLL CALL

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

CONSENT CALENDAR

MOTION by Comm. Dettelbach, Seconded by Comm. Merl, to **APPROVE** with no change:

- 3. September 19, 1995 Minutes,
 - 4.b) **Resolution P.C. 95-36** approving a Conditional Use Permit amendment to allow on-sale beer and wine in conjunction with a restaurant at 502 Pacific Coast Highway,
 - 4.c) **Resolution P.C. 95-37** approving a greater than 50% expansion and remodel to an existing nonconforming single-family dwelling at 616 24th Place., and
 - 4.d) **Policy Statement 95-2** interpreting the definition of roof sign, as it applies to architectural projections on pre-existing buildings used for signs in the past,
- and to **APPROVE 4.a) Resolution P.C. 95-32** approving a variance for two double pole signs 18 and 20 feet in height located at 1559 Pacific Coast Highway with the following changes:
Page 2, line 3 to read, "width" instead of "with" and line 6 to read, "11 feet" instead of "feet".

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

5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS

7. CON 95-3/PDP 95-5 -- **CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN FOR A TWO-UNIT CONDOMINIUM AT 144 & 148 MANHATTAN AVENUE, and**

CON 95-4/PDP 95-6 -- **CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN FOR A TWO-UNIT CONDOMINIUM AT 158 & 160 MANHATTAN AVENUE**

Staff Recommended Action: To approve said Conditional Use Permits and Precise Development Plans.

Planning Director Schubach said the two project were not unusual to others previously approved. The projects have been redesigned and reduced in height. He described the projects and parking provisions, commenting the projects complied with all requirements. Mr. Schubach stated Resolution corrections were necessary, commenting Sections I and III were correct, but Section II and Page 4, #2 should be deleted.

Chmn. Tucker opened the Public Hearing at 7:13 p.m.

Monte Williams, 53 5th Street, said he was available for questions. The Commission had no questions.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 7:14 p.m.

Discussion

Comm. Dettelbach felt the application was very straight forward. Chmn. Tucker commented this project has met the 30' height limitation with no problem. He felt if this gentlemen could do this, others within the City should be able to also. He stated this was a gorgeous project which would enhance that end of the City.

MOTION by Comm. Dettelbach, Seconded by Comm. Merl, to **APPROVE** CON 95-3/PDP 95-5 and CON 95-4/PDP 95-6, with the changes recommended by Staff be made to the Resolution.

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

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

8. **TEXT 95-2 - TEXT AMENDMENT TO MODIFY THE PLANNING COMMISSION APPEAL PROCESS.**

Staff Recommended Action: To recommend approval of text amendment.

Director Blumenfeld stated this item was a request to consider amendments to the Planning Commission appeal process, explaining the Council had directed Staff to research the possible required changes under a new appeal procedure. The City Attorney had reviewed Staff's report. He explained the new recommended process and time tables.

Comm. Merl discussed statements within the City Attorney's letter with Director Blumenfeld. Comm. Dettelbach discussed the requirement of three Council Members to bring an item up on appeal and proposed time limitations with Director Blumenfeld. Chmn. Tucker stated his preference for the requirement of two, rather than three, to which the Commission agreed. Director Blumenfeld said Staff might be able to explore the possibility of two rather than three, noting the recommendation for three was a product of the City Attorney.

Chmn. Tucker opened the Public Hearing at 7:23 p.m. No one wished to speak, and Chmn. Tucker closed the Public Hearing at 7:23 p.m.

Discussion

MOTION by Chmn. Tucker, **Seconded** by Comm. Merl, to **APPROVE** Staff's recommendation, with addition of a statement that the Planning Commission would encourage the City Council to also explore two Council Members, rather than three, being sufficient in the appeals process.

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

HEARINGS

9. **SS 95-1 -- SPECIAL STUDY AND TEXT AMENDMENT TO SIGN ORDINANCE REGARDING THE DEFINITION OF ROOF SIGNS (Continued from September 19, 1995 meeting).**

Staff Recommended Action: To set for public hearing.

Director Blumenfeld said language had previously been reviewed in connection with the definition of roof signs, with no action taken pertaining to roof sign requirements for architectural projections. Staff presented a new definition for roof signs after completion of review of other cities' definitions. Staff recommended an adjustment to subsection K with respect to prohibited signs.

Comm. Dettelbach commented Staff had captured the thoughts previously expressed by the Commission. Chmn. Tucker questioned parapet height minimum and maximum heights, discussing the requirements with Director Blumenfeld.

Chmn. Tucker opened the Hearing at 7:30 p.m. No one wished to speak on this subject, and Chmn. Tucker closed the Hearing at 7:30 p.m.

Discussion

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

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

10. **S 4 (j) -- APPROVAL OF A MURAL IN EXCESS OF THE SIGN AREA AT 1242 HERMOSA AVENUE, FERNANDO'S (continued from August 15 and September 19, 1995 meetings).**

Staff Recommended Action: To approve said request.

Mr. Schubach said Staff had been directed to assure the applicant was aware the sign was not to be repaired and to request of the applicant that he appear at this meeting. The letter was sent certified. The sign was repaired. The applicant was not in attendance. Mr. Schubach asked that Staff be directed as deemed appropriate.

Chmn. Tucker asked if a fine would be involved. Director Blumenfeld said the issue on a failure to obtain a permit is that there is a financial penalty in that the sign permit fee would include an inspection fee, which is quadrupled. There is not any other issue relative to the zoning ordinance. Chmn. Tucker noted that two or three others had come forth without a permit, stating that this sends a message to put up a mural and then bring it to the Commission for approval. Comm. Dettelbach felt that those people that did not get a permit first should be penalized. Comm. Merl felt the applicant had been given more than adequate notice in this case. Director Blumenfeld pointed out that for Staff to take action, it would have to compel the owner to get a sign permit. He explained Staff would go through an administrative process in order to be able to enforce the fine previously discussed. Comm. Dettelbach objected to the length of time allowed to the applicant due to this paper process. Director Blumenfeld explained a penalty could be assigned to the permit cost. Noting this was a gray area, Director Blumenfeld agreed to ~~check with the City Attorney regarding this matter.~~ ~~Comm. Dettelbach stated Staff had expended much time and effort trying to obtain cooperation of the business owner; the Commission has "bent over backwards" trying to obtain the same cooperation, and no cooperation has been obtained.~~

MOTION by Comm. Dettelbach, Seconded by Comm. Merl, to **DENY** this application for a mural.

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

Staff was instructed to proceed with whatever appropriate actions could be taken.

STAFF ITEMS:

11.a Memorandum regarding a survey of temporary sign requirements.

The Commission had asked Staff to review several cities' temporary sign ordinances. Staff prepared a matrix describing the sign regulations. Director Blumenfeld said the City allows a 40% of permanent sign area for banner for 60 days. The permit enforcement occurs through the Community Development Department, acting under complaints and area surveys. A complaint procedure is following with enforcement through citation issuance, ranging from \$50 to \$150 from the first to third citation issuance. He detailed the allowances and enforcement procedures of the other cities surveyed. He stated that Staff tried to be as proactive as allowed with the major staff reduction that has occurred. For the most part, compliance is obtained. The City Manager has approved use of parking enforcement for citation and warrants in order to make the program more effective.

Comm. Dettelbach suggested as a enforcement time savings that someone simply take the sign down, rather than the issuance of two or three letters before any action can be taken. He suggested that the potential of forfeiting a cash deposit would create better compliance. He said he supported Redondo Beach's policies for adoption by the City. Director Blumenfeld discussed with the Commissioners the various options and methods, suggesting some measure of a refundable cash deposit.

The Commission requested this issue be pursued further.

11.b Memorandum regarding status of Sangria restaurant at 68 Pier Avenue.

Commissioner Dettelbach thanked Staff for its prompt action, commenting it appeared Sangria was slowly but surely coming into compliance.

Receive and file.

11.c Community Development Department activity report of August 1995.

Receive and File

11.d Tentative future Planning Commission agenda.

Receive and File

11.e City Council minutes of August 29, September 12 and 26, 1995.

Receive and File

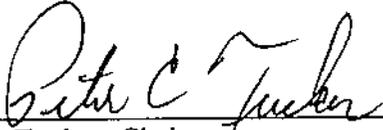
COMMISSIONER ITEMS None

ADJOURNMENT

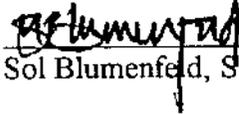
MOTION by the Commission to adjourn at 7:50 p.m. **No objections; so ordered.**

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 October 17, 1995.



Peter Tucker, Chairman



Sol Blumenfeld, Secretary

11-21-95

Date

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

Meeting called to order at 7:08 p.m. by Chairman Tucker.

Pledge of Allegiance led by Comm. Di Monda.

ROLL CALL

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

CONSENT CALENDAR

MOTION by Comm. Merl, Seconded by Comm. Dettelbach, to **APPROVE** with no change:

3. October 17, 1995 Minutes,
- 4.a) **Resolution P.C. 95-38** approving Conditional Use Permit amendments, and Precise Development Plans, for two, two-unit condominium projects, at 144-48 and 158-60 Manhattan Avenue,
- 4.b) **Resolution P.C. 95-39** to recommend amending the Municipal Code, including provisions in the zoning ordinance in regards to City Council review and reconsideration of the Planning Commission decisions/resolution.

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

5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS

7. **CUP 95-13 -- CONDITIONAL USE PERMIT AMENDMENT TO ALLOW EXPANSION OF AN EXISTING RESTAURANT/TAVERN, WITH ON-SALE GENERAL ALCOHOL TO ADJACENT EXISTING RESTAURANT SPACE AT 8 PIER AVENUE, HENNESSEY'S**

Staff Recommended Action: To approve said Conditional Use Permit amendment

Planning Director Schubach said the applicant proposed to expand an existing tavern into both building sections, slightly intensifying the existing use and converting the "restaurant" use to primarily a bar serving food as a secondary use. Live entertainment would be a permitted use of space unless otherwise specified. The project includes an upgrade of the building and facade with a take-out window on the Strand. Staff does not support inclusion of a take-out window. Roof-top seating resulting in additional floor area was added after submittal of the original plans. Outside dining adds potential of environmental impacts and must be addressed by an environmental assessment prior to approval.

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

Jerry Compton, project architect, said the applicant could not attend due to a scheduling conflict. The seismic retrofit of the building is either not required or not included in this portion of the work. The condition of concern is related to the take-out window. The concept of this take-out window is provision of beach baskets to beach goers rather than have them enter the establishment. The Strand is wider at this point, providing sufficient room without causing a disruption on the Strand. Mr. Compton suggested a condition requiring line queuing. The proposed future seating in the plaza area could be serviced by this window. He said that in the past there have been take out windows on the Strand. All are gone except for Diana's. During the day, the bar area next to the take-out window will be a fixed seat lunch counter. Mr. Compton felt no alcohol would pass through the window due to ABC requirements. The roof deck has been added to provide a scenic view for patrons. Sound could be mitigated if the Commission required. Mr. Compton said the applicant agreed with the other conditions except for the one addressing the take-out window. He said dancing could be a possibility unless disallowed. The stage area will be a flexible one. Responding to Commission comments, Mr. Compton said some of the entries could be "exit only", with the open doors being policed. He explained the purpose of the proposed entry/exits including the roof deck area. Comm. Di Monda felt that the door on the Strand would be kept open, no matter what conditions imposed, commenting the entry/exit focus should be from the plaza area. Mr. Compton did not feel the Pier Avenue area was wide enough to allow a take-out window line, again noting the width of the Strand at the proposed point. Background music, piped in, would be provided in the roof-top area. He discussed the staircase and serving bar locations with the Commission and the possible problems associated with the proposed locations. Commissioner Dettelbach did not agree with the statement that the Strand was wider at this location, noting a sitting area would be adjacent. He stated the Commission's concern was the policing of alcohol taken onto the Strand and congestion by people standing at the take-out window area. Mr. Compton felt the window would be self-policed due to ABC requirements.

Jim Lissner, Hermosa Beach, noted the proposed project contained many doors and a take-out window. He felt the real problem was the addition of another bar. He distributed and discussed balance sheet prepared by him which showed expense and profit to the City resulting from having eating/drinking establishments with alcohol. When questioned as to his statistics, he said he obtained them from the newspaper and his own observations, since City Police files were not available to him. He felt crimes increased, resulting in an increase in policing. He objected to application approval, stating Hennessey's was a bar and the existing business, Diana's, was a restaurant. Bars create more problems in the downtown area which would not exist if alcohol were not served. He felt the rest of the City subsidizes these bars and business owners.

Commissioner Perrotti commented that although the downtown area has been expanding, the crime rate in Hermosa Beach has dropped. Mr. Lissner said that crime in the downtown area seemed to be "up", with very serious crimes occurring.

Samuel Magania, owner of Diana's Mexican Food, said he opposed approval of this application, explaining he had been at this location for approximately 20 years and was in the process of negotiating a lease extension. Diana's sells food, not liquor. He is willing to remodel this location, making a family restaurant. He requested the Commission allow him sufficient time in order to continue his lease negotiations.

Bill Krause, applicant and property owner, said the building was an "eye sore" and he wished to improve his property. He felt one large restaurant made more sense than two inadequate ones. He stated he currently had a lease of intent with Hennessey's.

Gil Reese, representing a food distributor, Ricoff Sexton, La Mirada, said he had been dealing with Sam Magania for over twenty years. Mr. Magania orders food every Monday, runs a family restaurant is concerned about the benefit of the area and has an impeccable record. Mr. Reese felt this establishment should remain a family-type restaurant. No problem is being created by the current business. He asked why Mr. Magania was not informed about the lease in order that he might negotiate. Chairman Tucker said the lease was not of concern to the Commission and not part of this meeting discussion. Mr. Reese said Mr. Magania was willing to put more money into this location.

Diana Magania, daughter of Samuel Magania, said this restaurant allowed people in swimsuits to come in. Other restaurants make beach-clad patrons uncomfortable. Outside this restaurant at night, there are a lot of drunk people. Mr. Magania wants to keep this location as a family-run restaurant. Not many family restaurants are in the City any more. The City needs more family restaurants for residents. She requested the application be denied.

John Opoy, Redondo Beach, said he had been working for three years with Mr. Magania to retrofit and upgrade his restaurant. He said he and his family go to Diana's a lot, but not to Hennessey's because it is a bar. He objected bringing more alcohol into the beach area.

Hortensia Magania, Diana's Restaurant, said she had told Mr. Krause to lease the Hennessey's area to Diana's so that more money could be invested in Diana's Restaurant. She discussed the wish to negotiate a new lease with Mr. Krause, stating she wished to keep her own business at this location.

Michael Morales, Alhambra Planning Commissioner, asked if the City wanted a bar or family-owned, affordable dining place. He asked why a C.U.P. should be granted to make a larger bar when a bar already existed. He commented the applicant was not in attendance and the representative did not know the answers. Mr. Morales felt this business served as a beach buffer. He requested the application be denied.

REBUTTAL

Jerry Compton, said to sit and look at the beach, patrons had to go to Redondo or Manhattan Beaches. The applicant was trying to create a such a location in Hermosa Beach. The current kitchen did not allow food service, but would have the capability to become a restaurant with the proposed plans. He discussed the differences between the current and proposed business, noting the new business will attract a higher-class clientele.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 8:25 p.m.

Discussion

Commissioner Di Monda inquired if the lease situation on the property could be discussed. Director Blumenfeld noted that the subject before the Commission pertained only to the use of the property and that the lease was a matter between the owner and tenant and further that the owner had signed an affidavit in support of the applicant's Conditional Use Permit request. Commissioner Di Monda said he had objections to the stair access to the roof, the take-out window, the second bar, the doorway on the Strand. Noting the number of liquor licenses awarded since RU/DAT was completed, he felt this major corner should have a restaurant. He said the applicant had an option of a bar or restaurant, which he had not. Comm. Di Monda discussed his concern relating to the downtown business mix and long term planning benefits to the City. He objected to the Planning Commission being used as a pawn in owner/tenant negotiations. Noting that Hennessey's Grill would provide a place to have dinner, sitting on the roof and viewing the ocean, would be beneficial, this application did not provide that. He said the issue was the big picture, and the right issue for this corner was a restaurant.

Commissioner Dettelbach said, after hearing testimony, it was apparent that the bar would simply be enlarged. The Planning Commission needed to determine if a bar or restaurant was more beneficial at this location on the Strand. He stated he was leaning against approving the expansion. He felt the use issue was relevant; not the lease issue. He said the Commission would make a decision upon what was specifically asked of it. Noting the downtown area had become somewhat revitalized, he felt the direction that was hoped for was a draw for additional people. He did not feel an enlarged bar would further that cause.

Commissioner Perrotti felt there should be diversity in the downtown area, noted there was not an upscale restaurant as an applicant. He suggested plan modifications, noting he had no problem with approving the concept.

Commissioner Merl had concerns with the existing proposal. He felt the extension, per se, was not the fundamental issue. He felt an entrance on the Strand and a take-out window was a mistake. The plans should be redesigned to use the entrance as an emergency exit and the take-out window should be deleted. Activity focus should be on Pier Avenue; not the Strand.

Chairman Tucker said the added bar was his biggest concern, which intensifies the building use. He suggested a grill or family-type area would be more palatable. He felt the take-out window was not in a good location and the west-side doors should be emergency exit only.

MOTION by Comm. Di Monda, Seconded by Comm. Dettelbach, to **DENY CUP 95-13**.

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

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

A break was taken from 8:45 to 8:52 p.m. The meeting was reconvened with all Commissioners present.

For the convenience of audience participants, the consensus of the Commission was to move forward Agenda Item 11.

HEARINGS

11. NR 95-4 -- AN EXPANSION AND REMODEL TO AN EXISTING SINGLE FAMILY DWELLING WITH A NONCONFORMING SIDEYARD RESULTING IN A GREATER THAN 50% INCREASE IN VALUATION AT 1218 6TH STREET

Staff Recommended Action: To approve said request.

Planning Director Schubach said most of the work had been completed based upon an August 1995 permit issued for less than a 50% remodel. He described the proposed addition of a second floor, stating the complete project would equal a 99% valuation increase. He explained existing nonconformities, noting the overhang would be allowed to stay as is.

Chairman Tucker opened the Public Hearing at 8:55 p.m.

Daniel Melillo, Jr., 1218 6th Street, said he bought the property with the building half finished with no permits. He was simply looking to improve the property. He felt the side yard was a minor situation.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 8:56 p.m.

Discussion

MOTION by Comm. Merl, Seconded by Comm. Dettelbach, to **APPROVE NR 95-4**.

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

PUBLIC HEARINGS (continued)

8. SS 92-2 -- TEXT AMENDMENT TO OPEN SPACE REQUIREMENTS IN THE R-1 ZONE, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION.

Staff Recommended Action: To make open space requirements a percentage of lot size (10%) rather than 400 square feet minimum, and to allow all open space to be on decks on small lots (2100 square feet or less).

After discussion, to allow further discussion, the Commission requested the two portions of this item be divided due to the possible conflict of interest of Commissioner Perrotti and Chairman Tucker.

Planning Director Schubach said this amendment had been prepared based upon previous discussions by the Commission. He explained the proposed amendment changes. Commissioner Di Monda said page 5 did not express the wishes of the Commission. Mr. Schubach said a correction would be made.

Chmn. Tucker opened the Hearing at 9:05 p.m. No one wished to speak on this subject, and Chmn. Tucker closed the Hearing at 9:05 p.m.

Discussion

Commissioner Di Monda felt the open space would be significantly reduced throughout the City. Mr. Schubach agreed, but noted there were many larger lots on the eastern side of the City which would be required to have additional room. Commissioner Di Monda reiterated his understanding of what the Commission had agreed upon, discussing those suggestions with Mr. Schubach and Commissioners.

Commissioner Merl felt a stated minimum was needed, noting a depreciable decline in open space.

Chairman Tucker felt a stated minimum was needed, with the provision for appeal by many small lots to make them buildable.

After discussion, the Commission agreed to amend the zoning ordinance to read that in terms of open space requirements, lots of 2500 and less will require 10% of the lot size, with 2501 and above requiring 10%, with a 400 foot minimum.

The consensus of the Commission was to not discuss the second item during this meeting.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **CONTINUE** Agenda Item 8, SS 92-2 to December 5, 1995, with direction to Staff to split the two issues for presentation to the Commission.

AYES: Comms. Dettelbach, Di Monda, Merl, Perrotti, Chmn. Tucker
NOES: None

ABSENT: None
ABSTAIN: None

9. **TEXT 95-5 -- TEXT AMENDMENT TO THE ZONING ORDINANCE REGARDING DEFINITION OF HOTEL/MOTEL**

Staff Recommended Action: To recommend approval of text amendment.

Director Blumenfeld said Staff had been instructed by Council to proceed with this text amendment. He explained the proposed text changes, noting technological changes, affecting the definition since its original adoption. Staff recognized the definition deficiency and decided this issue was important to bring forward for consideration. He stated development standards did not belong in the definition. Specific concerns relating to issues of kitchens and lobbies can be addressed by other means. Staff recommended the changes in order to bring the ordinance in conformance with current hotel operations which often provide kitchen facilities.

Chmn. Tucker opened the Hearing at 9:30 p.m.

Jim Lissner, Hermosa Beach, asked the Commission consider the effect upon parking requirements if a change is made.

No one else wished to speak on this subject, and Chmn. Tucker closed the Hearing at 9:30 p.m.

Discussion

Commissioner Di Monda said this was a project-specific change to the Zoning Ordinance, noting the reason kitchen were not allowed was the fear it would turn into a rooming house. He wanted to review other city ordinances, commenting the City did not want a rooming house on the Strand. He objected to making changes prior to a project coming before the Commission, also objecting to the city examples used, preferring more comparable cities who have been more successful in planning and development should be used as criteria. He said the reason for not allowing kitchens is because the hotel could be turned into a rooming house, requesting review of other cities' zoning ordinances. Commissioners Di Monda and Merl agreed that "kitchen facility" needed to be defined. Director Blumenfeld said Staff did not have a hotel project to present at this point. He stated that based upon the preliminary assessment of a prospective developer, a hotel could not be constructed with the current requirements. Director Blumenfeld felt the current deficiencies in the ordinance should be reviewed. Commissioners Di Monda and Merl agreed that some concerns could be resolved by an adequate definition of "hotel".

Commissioner Di Monda asked if the 13th and 14th Street property was in a PDP zone. Director Blumenfeld said the Commission had approved a limited-duration PDP about six months ago. Commissioner Di Monda asked if this should be made an SPA, noting it would be the only way to sculpt something the community wants. Director Blumenfeld responded the Commission currently had authority and discretion to modify plans as this was part of the site review process. Commissioner Di Monda noted the ability to assure follow through by the developer than with a CUP. Director Blumenfeld said there had been discussion relating to reviewing special considerations along lower Pier as well, noting his impression had been the Commission had felt it

not important to deal with specific plan zoning in that part of town. Commissioner Di Monda reiterated his request for information from other cities and a definition of what is a kitchen facility.

The Commission discussed the features normally offered by hotels versus the concerns regarding the creation of rooming-house capabilities. Director Blumenfeld, responding to Commission questions, explained the parking requirements provided for one space per room up to 50 rooms, after which one space per one and one-half rooms was required.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **CONTINUE** this Agenda Item 9, Test 95-5 to allow Staff to provide to the Commission zone ordinances from other surrounding cities, as discussed, and a more substantial definition as to what constitutes a kitchen facility, with an analysis to include parking requirements.

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

10. TEXT 95-6 -- TEXT AMENDMENT TO THE ZONING ORDINANCE ARTICLE 7.2 DIVISION 3 CONSTRUCTION, MAINTENANCE AND DEVELOPMENT - COMMERCIAL/INDUSTRIAL CONDOMINIUMS (to amend parking and utility meter requirements)

Staff Recommended Action: To recommend approval of text amendment.

Director Blumenfeld said this item arose in connection with a proposed hotel project. This article contains restrictions for CUPs and CC&Rs, and includes an obsolete provision referencing the Hermosa Improvement Commission, which is defunct. He explained the various changes reviewed and proposed by Staff, which were applicable to residential condominium development, not necessarily reflecting commercial condominium development. Staff recommended approval of this Text Amendment in order to delete obsolete references and eliminate use currently-established use restrictions. Commissioner Perrotti noted a typographical error on page 3, line 27, which should read, "Section 7. Subsection 1". Director Blumenfeld said this correction would be made. Commissioner Perrotti suggested that at a future meeting, paragraph D on page 8 dealing with assessments should be changed giving a more flexible definition.

Chmn. Tucker opened the Hearing at 9:39 p.m. No one wished to speak on this subject, and Chmn. Tucker closed the Hearing at 9:39 p.m.

MOTION by Comm. Perrotti, Seconded by Comm. Merl, to **ADOPT** Text 95-6 with the changes discussed during this meeting.

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

STAFF ITEMS:

12.a Memorandum regarding minor modifications of approved plan to Precise Development Plan at 1001 Hermosa Avenue.

Director Blumenfeld said the Commission was being requested to consider making a minor modification by Minute Order of Condition #2, requiring planter boxes in the public right of way adjacent to this existing development. The owner is willing to construct the boxes but wishes to be indemnified. Neither the City, owner or contractor are willing to accept liability for the planter construction. Staff recommended approval of this modification. Of the eight proposed planters, only three have not been provided.

Diane Sheldon, 1001 Hermosa Avenue, said she could not obtain insurance for the planters on public property and the City had no provision to accept liability for the planters. She suggested this issue to reviewed in the future in connection with downtown enhancement.

Commissioner Di Monda questioned this issue, noting that public right of ways are currently being used by private citizens throughout the City; some beneficial to the City and some beneficial to the private citizen. He suggested the City Attorney be asked to present a means of indemnification for this project, which the owner is willing to do and would be of benefit to the City. Director Blumenfeld said the current problem was that issuance of a final Certificate of Occupancy on the project was being delayed due to Condition #2.

The consensus of the Commission was to **APPROVE** by Minute Order Staff recommendation (5-0).

12.b Memorandum regarding clarification to Parking Plan and Conditional Use Permit at 934 Hermosa Avenue.

Planning Director Schubach said this item was a clarification. He explained business owners wanted the parking for employees and business owners, which was allowable if the spaces were assigned or reserved only when the employees or owners were on the premises and available to the public at all other times. Staff recommended approval by Minute Order.

The consensus of the Commission was to **APPROVE** by Minute Order Staff recommendation with the addition that signs noting public parking is permissible at all other times be included.

12.c Memorandum regarding standard conditions of conditional use permits.
Receive and File

12.d Memorandum regarding department code enforcement status report.
Receive and File

- 12.e **Community Development Department activity report of September, 1995.**
Receive and File
- 12.f **Tentative future Planning Commission agenda.**
Receive and File
- 12.g **City Council minutes of October 10 and 24, 1995.**
Receive and File

COMMISSIONER ITEMS

Director Blumenfeld agreed with Commissioner Di Monda that it would be helpful to Staff if definition was given as to what is a trash enclosure and what is to be acceptable in older buildings which cannot accommodate a standard trash enclosure. Commissioner Di Monda requested Staff present these issues as an agenda item for the Commission's action.

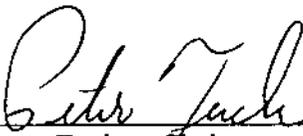
Commissioner Di Monda asked what could be done for week end enforcement of illegal signs on the green belt. He suggested the signs be confiscated by traffic enforcement. He asked if there was anything that would prevent a private citizen from removing the illegal signs. Director Blumenfeld said he would ask the City Attorney and report back. He said the City Manager and Police Chief had previously approved using traffic enforcement officials for some functions in sign abatement. Mr. Schubach commented that some other cities have instructed the public maintenance crews to confiscate all illegal signs found in the public right of way.

ADJOURNMENT

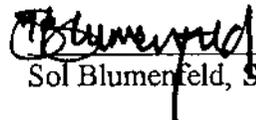
MOTION by the Commission to adjourn at 9:58 p.m. **No objections; so ordered.**

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 November 21, 1995.



Peter Tucker, Chairman



Sol Blumenfeld, Secretary

2/20/94

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON DECEMBER 5, 1995
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:10 p.m. by Vice-Chmn. Dettelbach.

Pledge of Allegiance led by Commissioner Di Monda.

ROLL CALL

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

CONSENT CALENDAR

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **CONTINUE** the **November 21, 1995 Minutes** to the next meeting. **No objections, so ordered.**

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **APPROVE** with no change.

- 4.a **Resolution P.C. 95-40** denying a Conditional Use Permit amendment to allow expansion of an existing bar and restaurant with on-sale alcohol and live entertainment into the adjacent building space to the west, at 8 Pier Avenue,
- 4.b **Resolution P.C. 95-41** approving a greater than 50% expansion and remodel to an existing nonconforming single-family dwelling at 1218 6th Street, and
- 4.c **Resolution P.C. 95-42** to recommend amending the design standards for commercial condominiums.

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

5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS:

None

PUBLIC HEARINGS

7. TEXT 95-9 -- TEXT AMENDMENT TO SIGN ORDINANCE REGARDING THE DEFINITION OF ROOF SIGNS.

Staff Recommended Action: To recommend approval of said text amendment.

Director Blumenfeld suggested the proposed Text Amendment be continued to the next scheduled meeting to allow the entire Commission to be present.

Comm. Di Monda referenced page 2, paragraph 1, objecting to the word "historically" which he felt should be narrowed instead of being left wide open. Vice-Chmn. Dettelbach said he thought the word was ambiguous and needed further clarity. Comm. Di Monda said the Commission had previously discussed grandfathering roof signs until the business changed, at which time the sign would be removed. He suggested this concept be included in the text amendment, to which Director Blumenfeld agreed. Vice-Chmn. Dettelbach suggested a memorandum summarizing the Commissioner comments and suggestions for clarity be prepared by Staff and presented at the January 1996 meeting.

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

MOTION by Comm. Merl, Seconded by Comm. Di Monda, to **CONTINUE** this item to the January 16, 1996 meeting.

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

- 8. TEXT 95-8 -- TEXT AMENDMENT TO OPEN SPACE REQUIREMENTS IN THE R-1 ZONE, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION (continued from November 21, 1995 meeting).**
- a) **TO MAKE OPEN SPACE REQUIREMENTS A PERCENTAGE OF LOT SIZE (10%) RATHER THAN 400 SQUARE FEET MINIMUM, AND**
 - b) **TO ALLOW ALL OPEN SPACE TO BE ON DECKS ON SMALL LOTS (2100 SQUARE FEET OR LESS)**

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

Director Blumenfeld suggested the proposed Text Amendment be continued to the next scheduled meeting to allow the entire Commission to be present.

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

MOTION by Vice-Chmn. Dettelbach, Merl, Seconded by Comm. Di Monda, to **CONTINUE** this item to the January 16, 1996 meeting.

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

9. TEXT 95-5 -- TEXT AMENDMENT TO THE ZONING ORDINANCE REGARDING DEFINITION OF HOTEL/MOTEL (continued from November 21, 1995 meeting).

Staff Recommended Action: To recommend approval of said text amendment.

Director Blumenfeld suggested the proposed Text Amendment be continued to the next scheduled meeting to allow the entire Commission to be present.

Vice-Chmn. Dettelbach opened the Public Hearing at 7:26 p.m. No one wished to speak, and Vice-Chmn. Dettelbach closed the Public Hearing at 7:26 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **CONTINUE** this item to the January 16, 1996 meeting.

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

STAFF ITEMS

10.a. Community Development Department priority list review.

Director Blumenfeld commented new priorities will need to be set for the new year. One priority item to be pushed forward is obtaining Coastal authority relative to the City's land use element. He said that many of the items on the priority list have either been completed or are currently in progress. Comm. Di Monda, referencing item #4, requested a copy of the settlement agreement. Director Blumenfeld said the Commission had approved a draft ordinance implementing the agreement, but this settlement is not yet completely resolved.

10.b. Memorandum regarding confiscate sign on public right-of-ways.

Receive and File

10.c Memorandum regarding trash enclosures.

After discussion, the consensus of the Commission was to **APPROVE** by Minute Order creation of a special study. **No objections, so ordered.**

10.d Community Development Department activity report of October, 1995.

Receive and File

10.e Tentative future Planning Commission agenda.

Receive and File

10.f City Council minutes of November 2 and 14, 1995.

Receive and File

COMMISSIONER ITEMS

Comm. Merl asked Staff to contact MultiVision, stating the Commission intends to start its meetings at 7:05 p.m., which is the agreed upon time. MultiVision appears to be ignoring this starting time.

ADJOURNMENT

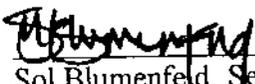
MOTION by the Commission to adjourn at 7:33 p.m. **No objections; so ordered.**

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 December 5, 1995.



Alan M. Dettelbach, Vice-Chairman



Sol Blumenfeld, Secretary

12/21/95

Date