

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON JANUARY 16, 1996
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:10 p.m. by Chmn. Tucker.

Pledge of Allegiance led by Commissioner Dettelbach.

ROLL CALL

Present: Comms. Dettelbach, Di Monda, Merl, Perrotti, Chmn. Tucker
(Comm. Merl arrived at 7:17 p.m.)
Absent: None
Also Present: Sol Blumenfeld, Community Development Director
Michael Schubach, Planning Director
Sylvia Root, Recording Secretary

CONSENT CALENDAR

Comm. Di Monda pulled the November 21, 1995 minutes, stating he wished the minutes, Page 6, Item 9, to contain more detail of his discussion with Director Blumenfeld, including Comms. Di Monda's question to Staff if the Text Amendment was related to a specific project in town and Staff's response. **No objections, so ordered.** (Comm. Merl was not in attendance.)

The consensus of the Commission was to move the remaining Consent Calendar item to later in the agenda to allow for Comm. Merl's participation. **No objections, so ordered.**

4. **Resolution(s) for adoption** None
5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS:

None

HEARINGS

The consensus of the Commission was to bring forward Agenda Item 14, for the convenience of the participant. **No objections, so ordered.**

14. **REQUEST FOR A TWELVE MONTH EXTENSION OF A PRECISE DEVELOPMENT
PLAN AT 840 15TH STREET**

Staff Recommended Action: To grant a one year extension

Planning Director Schubach said this request for another extension for the same reasons as previously stated when the previous extension was granted. Mr. Schubach explained the Commission could approve an unlimited number of extensions if it so chose.

MOTION by Chmn. Tucker, Seconded by Comm. Di Monda, to **APPROVE** Staff's recommendation to grant a one year extension.

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

PUBLIC HEARINGS

7. **CUP 95-15 – CONDITIONAL USE PERMIT TO ALLOW A SNACK SHOP (COFFEE HOUSE) WITH LESS THAN REQUIRED PARKING AT 1036 AVIATION BOULEVARD, TURNING POINT.**

Staff Recommended Action: To approve said Conditional User Permit.

Planning Director Schubach said the ordinance allowed snack shops without the total parking required of restaurants. He said this business served coffee and snacks, while noting the property did not meet all current codes, standard conditions had been included to address these items.

Chmn. Tucker opened the Public Hearing at 7:19 p.m. No one wished to speak relating to this item, and Vice-Chmn. Dettelbach closed the Public Hearing at 7:19 p.m.

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

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

8. **CUP 95-14 – CONDITIONAL USE PERMIT AMENDMENT TO ALLOW ON-SALE GENERAL ALCOHOL, LIVE ENTERTAINMENT AND DANCING IN CONJUNCTION WITH AN EXISTING RESTAURANT, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION, AT 1332 HERMOSA AVENUE, STRAWBERRY PATCH CAFE.**

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

Planning Director Schubach said currently beer and wine is served. The applicant requested approval of on-sale general alcohol, a dance floor and live entertainment. This application is similar to others previously approved. Standard conditions had been included. Mr. Schubach confirmed the live entertainment permit covered all forms of entertainment. Comm. Perrotti expressed concern relating to the back windows, noting the possibility of loitering and viewing from outside the building. Mr. Schubach discussed with Chmn. Tucker trash enclosure requirements for this and other downtown businesses. Chmn. Tucker suggested the door behind the stage be made for emergency exit only.

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

Fahed Dahdah, 2101 Farrell Avenue, Redondo Beach, applicant, said his business established in 1983 has experienced no problems in connection with its current beer and wine license. Noting the environment had changed, he felt in order to remain competitive, he needed a full alcohol license, entertainment and dancing. He stated the back windows would be completely sealed, he currently shared the trash containers, but foresaw no problem with trash enclosures being built.

Robert Luthart, 1403 Manhattan Avenue, requested approval of the request, feeling the changes would benefit the applicant, City and patrons.

Jim Lissner, 2715 El Oeste, distributed a copy of his comments to the Commission, discussed crime in the downtown area, noted crime was directly related to liquor sales, discussed the increase in crimes with Los Angeles County and Hermosa Beach. He detailed projected impacts to residents and the economic impacts upon the City. He requested the Commission deny approval of additional liquor licenses.

Sheila Donahue-Miller, 77 17th Street, said liquor was flowing in the streets of the downtown area. She asked if the necessity of the applicant receiving a liquor license, noting approval of this application would only increase the downtown area problems, commenting that "crime and booze go together".

Hal Berger, 68 14th Street, stated he had serious concerns about the issues, noting the "Strawberry Patch provided a precedent for the whole City."

Richard Everett, 68 14th Street, said Parking Lot C created a disturbance to him by patrons drinking and fighting in the alley. He stated his opposition to approval of this application, feeling no more businesses serving alcohol were needed. He stated his opposition to entertainment being located so close to residences.

Rebuttal

Fahed Dahdah, applicant, said the windows would be double pane and the doors would be closed, with the stage located at the back of the restaurant. He asked for approval of the application.

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

Comm. Perrotti said his concern had regarded the windows, which would be opaque and sealed. Commenting upon the impacts of drinking, he noted he had received no information from the Police Chief relating to the creation of such problems by this business. Comm. Merl noted the number of crimes had decreased during 1995 from those of 1994. He noted no problems had been brought forth concerning this

site. He felt a long time concern to be reviewed in the future was the concentration of liquor licenses. Comm. Dettelbach agreed, but felt this establishment had a long-time track record which did not exhibit problems. Stating his views were purely noise related, he objected to permitting unrestricted live entertainment, suggesting restrictions to the type and hours of entertainment. Comm. Merl stated his agreement to such restrictions.

Comm. Di Monda felt there were benefits to a viable downtown area, but expressed concern over the "free handing out" of liquor licenses and entertainment permits. He suggested the Commission continue such application until direction is requested and obtained from the City Council, noting a plan was very definitely needed for downtown growth and diversity. He expressed concern the downtown area would not be diverse because so many liquor licenses were being approved. He felt another issue was that residents were being asked to vote themselves a 2% tax; the money to be used for downtown renewal. He felt the residents and City should both give input to assure the money is spent wisely and increases sales tax revenue to offset expenditures (specifically, the Police Department) being spent in that area. Noting the downtown area support costs were expensive, he said that different type of businesses call for different types of police patrol.

Chmn. Tucker felt the Council would probably override a denial, noting he thought the Council did not feel enough businesses of this type were in the downtown area. He supported the application with inclusion of a restriction to the type of entertainment, suggesting formation of an association by the businesses to help pay for police patrol in the downtown area.

MOTION by Comm. Dettelbach, Seconded by Comm. Merl, to **APPROVE** this application with inclusion of permitting the current hours of operation to remain in place and restriction on the hours of live entertainment from 4:00 p.m. to 11:00 p.m. and limitation to "theme" type, non-amplified entertainment.

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

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

Mr. Jim Lissner, as a Point of Order, felt a public hearing of Item 9 was inappropriate since the notice was not in evidence for the period of time required. Mr. Schubach responded to Commission questioning, stating the notice had been posted but removed at some point and then replaced by Staff. All other public noticing had also been completed as required. The Commission determined this item could be heard as scheduled.

9. **CUP 95-16/PARK 95-4 – PARKING PLAN FOR A 360 SQUARE FOOT MEZZANINE ADDITION, CONDITIONAL USE PERMIT AMENDMENT FOR A SEATING/FLOOR PLAN CHANGE, INCLUDING THE ADDITION OF A SUSHI BAR, TO AN EXISTING RESTAURANT WITH ON-SALE ALCOHOL, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 1200 HERMOSA AVENUE, CLUB SUSHI.**

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

Planning Director Schubach said this was similar to the request just heard, noting no entertainment was being requested, but floor area was being requested. Total seating would not change. Comm. Di Monda noted the plans were not signed by a licensed architect. Comm. Dettelbach determined that the addition of a 360 sq. ft. mezzanine and possible negative impact because of use intensification and no increased parking was the only issue at this public hearing. Comm. Perrotti confirmed with Mr. Schubach that the increase in mezzanine area would result in less serving space at the lower level.

Chmn. Tucker opened the Public Hearing at 8:08 p.m.

Shane McColgan, 912 9th Street, applicant, introduced the project designer.

David Olin, 1233 Hermosa Avenue, #203, said the proposed plans would generally bring the building back to Code, the amount of patrons would remain the same and a new exit would be provided at the back of the building. Director Blumenfeld said when the plans are submitted, they will stamped and be signed.

Alex Jordon, 1219 Palm Dr., said Sharks Cove is owned by the same applicant, who has not adhered to the CUP requirements. Mr. Jordon said music was still being heard at 1:00 and 2:00 a.m. He opposed approval, saying the new business will just create more problems and negative impacts for residents. Comm. Dettelbach restated the issue before the Commission, noting that a liquor license, noise levels at Sharks Cove were not at issue at this time. Comms. Dettelbach and Di Monda suggested residents report violations to Staff. Chmn. Tucker confirmed with Director Blumenfeld the occupancy load would remain the same as the previous business at this location; the reason this item was before the Commission was the change in floor plan which perhaps affected parking requirements.

Sheila Donahue-Miller, 77 17th Street, said La Pasta had been granted a liquor license, so it could be sold. She felt Mr. Jordon's objection did relate to the negative impact, noting the saturation of alcohol did have an environmental impact. She felt the Commission would be wasting its time in asking for guidance from the Council, since she felt the Council's opinion was well known.

Gerald Blevins, 1219 Palm Dr., #A, said he saw a "club" coming in, resulting in more parking and other problems for residents. He said he hated to see the City become "log jammed" with inebriated people late at night. He was opposed to approval.

Cheryl Pada, 1219 Palm Dr., said Mr. McColgan has continued to violate restrictions at Sharks Cove and would probably do the same at this new location. She stated her opposition to approval.

Jim Lissner, 2715 El Oeste, reiterated his earlier statement regarding a point of order, noting the notice posted was missing a significant period of time. He said Comm. Dettelbach had represented Cafe Boogaloo for its liquor license application. He felt it inappropriate that Comm. Dettelbach was participating in this hearing. He asked Comm. Dettelbach to stand down from this and future decisions regarding liquor licenses in Hermosa Beach, stating the reasons he felt applicable. Mr. Lissner complained that the applicant had cursed him during this meeting.

Comm. Dettelbach responded, inviting Mr. Lissner to review any Commission meeting minutes. Comm. Dettelbach commented he had represented Cafe Boogaloo in many items in addition to a liquor license, stating he had stepped down any time Cafe Boogaloo applications were being

presented because of the potential of the appearance of a possible conflict of interest. He said he had no monetary interest in any hearing on which he had sat, noting he did not earn his income by seeing out people who were looking for liquor licenses. Summarizing, he stated he took offense at the statement made by Mr. Lissner, he would not step down and again invited Mr. Lissner to check the records.

Michelle Perkins, 1219 Palm Dr., said she concurred with the statements made during this meeting by her neighbors.

Mary Tescany, 1219 Palm Dr., said she felt the new location would create similar problems for its neighbors.

Rebuttal

Shane McColgan, applicant, said the request was for a 360 sq. ft. mezzanine, the restaurant would be "classy", no entertainment or dancing was being requested. He said the clientele would not be a rowdy one, and he foresaw no problems. He stated, for the record, his concern for the neighbors. I said Sharks Cove had received one violation, which was corrected. He said he is staying within his CUP requirements and is trying to be considerate of the neighbors. He did not feel the new location would create any problems.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 8:31 p.m.

MOTION by Comm. Dettelbach, Seconded by Comm. Perrotti, to **APPROVE** this application.

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

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

A break was taken at 8:32 p.m. Chmn. Tucker reconvened the meeting at 8:44 p.m., with all Commissioners present.

10. **ZON 95-2/CON 95-5/PDP 95-7/VAR 95-3 -- ZONE CHANGE FROM M-1 TO R-2, CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE TRACT MAP #52122 FOR A 9-UNIT DETACHED CONDOMINIUM; VARIANCE FOR FENCE HEIGHT; AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 330 AND 342 ARDMORE AVENUE AND 615 3RD STREET.**

Staff Recommended Action: To continue the zone change, Conditional Use Permit, Precise Development Plan and Vesting Tentative Tract Map to February 20, 1996 meeting to expand the area of consideration, and deny the variance request.

Planning Director Schubach said Staff was recommending the zone change to make the area consistent with the General Plan, approval of the CUP after a continuance to allow further information expansion, and denial of the variance based upon lack of grounds. He stated the zone change was contingent upon Council's approval. Mr. Schubach discussed with the Commission the proposed location of front yards, open space and access doors to the open space areas.

Chmn. Tucker opened the Public Hearing at 8:58 p.m.

Ben Agarwal, 2701 190th Street, Redondo Beach, said the variance was being requested on the Ardmore Street side and the common area is on the ground floor with entrance from front doors. He felt the continuance item was a separate issue which could be handled through separate action. He disagreed with the denial of the variance of the fence height on Ardmore Ave, noting the written rebuttal stated his reasons. He said the combining of the properties required that privacy be provided to the future residents. He said the entrance would not be from Ardmore Ave., noting six foot fences currently existed on the northwest and northeast corner properties.

Bob Catalano, owner of 323 and 322 Ardmore Ave., stated his concern regarding increased traffic and impacts on the residents. He said the future residents would look down on his car repair shop. He noted a four foot strip between his property and the applicants, noting this land seemed not to be owned by anyone, and suggesting the land be divided, giving a two foot strip to the applicant and himself.

Virginia Yahaka, 304 Ardmore Ave., said this property has been an eye-sore for the last five years. Stating the traffic is heavy on Ardmore Ave., she stated her opposition to this application, fearing the units will become apartments.

Susan Scott, 603 3rd Street, said she has a non-recorded easement, sharing the drive with the property on 3rd Street. She requested the plans not be approved until this matter is settled between herself and the applicant. She opposed the project, stating increased traffic will occur.

Responding to Commission questions, Director Blumenfeld suggested in reference to the

submittal, clarification on the issue of the dual-use driveway could be helpful, noting Staff was not aware of the true status at this time. Mr. Schubach stated this was a private easement, which should be addressed via Court if there is a dispute.

Bob Berridge, 654 4th Street, said he was the owner of the property that contained the driveway, which was not a common driveway. He said the garage is being used as a residence or office; not a garage. The previous property owner had allowed the neighbors to use the driveway, but could revoke that use at any time. He had the same right of revocation. He said when he did run a body shop at this location, there were 30-40 cars on site. He said he had tried to develop the land previously but an ordinance became effective prohibiting auto body shops at this location. He was now trying again to develop this land. He said the

garage had been built over the adjacent property line, explaining how the usage agreement came into existence. He felt the cinder block building was sitting on his property line.

Rebuttal

Ben Agarwal said more traffic would result if the body shop were reopened. He said the lot lines displayed on the plans were the lot lines verified by the title company, having an excess of 900 sq. ft. above and beyond that needed to build nine units on this property. He explained the floor area ratios, commenting he was trying to build a good project for single family use.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 9:20 p.m.

Director Blumenfeld said there were design questions that needed resolution. This was the reason for the recommendation of continuance. He suggested as helpful to the application, direction be provided as to the general direction of the zone change/plan amendment. The specific design issues could then be addressed. Staff felt there was no special circumstances relating to the request for a variance.

Comm. Di Monda recollected a previous approval by the Commission to change all the M-zones in this area, noting it was now going to be done piece-meal. Mr. Schubach explained the Council had directed that as the areas were requested to be rezoned, they would be. Comm. Di Monda noted if the properties could be turned into a residential zone, this action would increase property value. He suggested access from the front of the house to open spaces, stated he did not support a variance due to lack of appropriate findings. He expressed concern for approving a project when the lot line was still in contention, noting Staff would be able to determine if the four feet wide strip is owned by anyone. He said the use of the driveway was not under the jurisdiction of the Commission. Comm. Di Monda felt the project should contain more amenity, and the common area should be integrated into the plan. Comm. Merl concurred with Comm. Di Monda's statements. Mr. Schubach discussed with the Commissioners rezoning of lots versus consideration of rezoning the entire area. Director Blumenfeld said the issue for continuing pertained to refinement of the plan. Comm. Di Monda said the Council had given direction to rezone the lots as they came before the Commission.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to recommend **APPROVAL** of the zone change for this particular land parcel to go from an M-1 to an R-2 zone and to **CONTINUE** the Public Hearing on Item 2 to allow Staff to address project modifications including assuring the some of the needed amenities, entry door, access to open space and assure there is room on the property for nine units, and **DENY** the requested Variance.

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

Mr. Agarwal asked for direction regarding the recommendations made by the Commission. He objected to "clustering", saying he would probably change the entire project to make it more economically feasible. He said the small open space was for the purpose of providing an area for children. He explained he had tried to provide privacy for small single units, not to "cluster" the units. Comm. Di Monda responded he felt Staff

was discussing a party wall, with the area "picked up" put into open space. He suggested the applicant work with Staff on the designing issues.

11. TEXT 95-9 -- TEXT AMENDMENT TO SIGN ORDINANCE REGARDING THE DEFINITION OF ROOF SIGNS (Continued from December 5, 1995 meeting).

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

Director Blumenfeld said Staff requested this item be continued, noting a request to pick up a change in the wording had not been accomplished. Director Blumenfeld said that by having the additional definition, Staff would be better able to make distinctions between certain kinds of roof signs. He said the point of contention had been "what constituted roof signs which were historically in place", stating Staff needed further definition.

Chmn. Tucker opened the Public Hearing at 9:40 p.m. No one wished to speak, and Chmn. Tucker closed the Public Hearing at 9:40 p.m.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **CONTINUE** this item to the next scheduled regular meeting.

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

12. 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
- b) To allow all open space to be on decks on small lots (2100 square feet or less) (Continued from December 5, 1995 meeting).

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

Planning Director Schubach presented the Staff Report, explaining the issues which had been addressed, resulting in Staff's current recommendations.

Chmn. Tucker opened the Public Hearing at 9:44 p.m. No one wished to speak, and Chmn. Tucker closed the Public Hearing at 9:44 p.m.

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

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

ABSTAIN: None

13. **TEXT 95-5 – TEXT AMENDMENT TO THE ZONING ORDINANCE REGARDING DEFINITION OF HOTEL/MOTEL (Continued from November 21, 1995 and December 5, 1995 meeting).**

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

Director Blumenfeld said Staff had been directed by City Council to proceed with the subject Text Amendment. During the Commission's November 1995 meeting, Staff was requested to provide surveys from surrounding cities and provide recommended text. He explained the provisions addressed within this Text Amendment. He felt it important to note this item is separate and apart from the application has reviewed in connection with this item. The Commission needed to make a decision on this Text Amendment, because it has bearing on a proposed hotel development which could come before the Commission within the next few months. He detailed alternative wording for this Text Amendment.

Chmn. Tucker opened the Public Hearing at 9:50 p.m. No one wished to speak, and Chmn. Tucker closed the Public Hearing at 9:50 p.m.

Comm. Di Monda discussed with Director Blumenfeld addition of the recommended wording in the Staff Report, including substitution and provision of wording to provide authority to the decision-making body to set limitations as required. Comm. Di Monda suggested that in addition to the paragraph on Page 2, in order to make the intention clear, additional words stating, "the number and/or type and/or size of kitchenette facilities." Comm. Di Monda felt the paragraph on page 2 of the Staff Report was pertinent and should be included so that everyone is aware of what the change is about, to which the Commissioners stated agreement.

MOTION by Comm. Di Monda, Seconded by Comm. Merl, to **APPROVE** Text 95-5 with the addition of the language as recommended on page 2 of the Staff Report and to include, "...and/or type or size of kitchenette facilities."

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

CONSENT CALENDAR

MOTION by Comm. Dettelbach, Seconded by Comm. Di Monda, to **APPROVE** the December 5, 1995 meeting minutes.

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

STAFF ITEMS

15.a Memorandum regarding deferral of parking lot restripping, outside dining and bollards adding at 1100 Pacific Coast Highway, Starbucks Coffee.

Director Blumenfeld said the Starbucks project has been completed. In order to allow the project to be completed, a temporary Certificate of Occupancy was issued. The applicant has requested an extension beyond the Certificate of Occupancy date and wishes to schedule lot restripping in the Spring. Staff recommends approval of the request. A modification to the site plan of additional seating has also been requested by the applicant. Staff recommended as a safety precaution, additional bollards be added to the plan.

Chmn. Tucker invited audience participation.

Roger Bacon, 1100 Pacific Coast Highway, said only two stalls would be added. He said resealing the parking lot was a two-day process. He explained the facility and success of Starbucks. He said he would slurry and restripe the parking lot and install speed bumps on the west side to slow traffic.

MOTION by Comm. Di Monda, Seconded by Chmn. Tucker, to **APPROVE** Staff's recommendation. **No objections, so ordered.**

15.b Community Development Department activity report of November, 1995.

Receive and File

15.c Tentative future Planning Commission agenda.

Receive and File

15.d City Council minutes of November 28 and December 12, 1995.

Receive and File

15.e Memorandum regarding proposed amendment to the commercial permitted use list

Director Blumenfeld said the Hermosa Hotel has been subject to a compliance order, causing the building to be rehabilitated. The owner has made improvements to bring it up to life safety requirements. A business operator has approached the City about opening a youth hostel at this site. In order to allow this use, this item would need to be added to the permitted use list. Staff requested direction to proceed with a proposal, noting the use would require addition of a different type of use distinct from a hotel.

Comms. Di Monda, Dettelbach and Chmn. Tucker stated opposition such addition.

Chmn. Tucker invited audience participation.

Mike Lloyd, 1204 Manhattan Avenue, Manhattan Beach, explained the building was operating as an international youth hostel at this time. The property would be further improved to higher safety codes to allow for additional occupation. He stated current occupancy is within required limitations. Only foreign guests were allowed, not local people. He said the hostels were growing within California, noting this one was one of the finest in the world.

Comm. Di Monda suggested the applicant supply Staff with additional information to be presented to the Commission for consideration. Comm. Dettelbach, noting the building was currently being used as a hostel, said further consideration might be given to this use. Director Blumenfeld said that in order to operate at the higher occupancy level, there would be further life safety measures required.

MOTION by Comm. Dettelbach, Seconded by Comm. Di Monda, to **AGENDIZE** this item. **No objections, so ordered.**

COMMISSIONER ITEMS

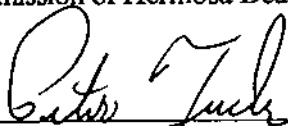
Comm. Di Monda requested a letter be sent as soon as possible to the Council requesting a joint meeting between the Planning and Downtown Enhancement Commissions with the City Council to discuss direction in the downtown area and issues that affect the downtown area. **No objections, so ordered.**

ADJOURNMENT

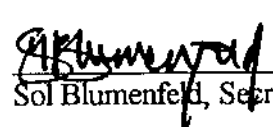
MOTION by the Commission to adjourn at 10:15 p.m. **No objections; so ordered.**

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of January 16, 1996.



Peter Tucker, Chairperson



Sol Blumenfeld, Secretary

2/20/96

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON FEBRUARY 20, 1996
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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

Pledge of Allegiance led by Commissioner Merl.

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. Perrotti, to **APPROVE** with no change the following Consent Calendar items: 1) November 21, 1995 Minutes, 2) January 16, 1996 Minutes, 3) Resolution P.C. 96-1 approving a Conditional Use Permit to allow a snack shop and outside seating at 1036 Aviation Boulevard, Turning Point, 4) Resolution P.C. 96-2 approving a Conditional Use Permit, as amended, to allow on-sale general alcohol, in conjunction with an existing restaurant, and adoption of an Environmental Negative Declaration, at 1332 Hermosa Avenue, Strawberry Patch Cafe, 5) Resolution P.C. 96-3 approving a Parking Plan for a 360 square foot mezzanine addition, and a Conditional Use Permit, as amended, to allow on-sale general alcohol, in conjunction with an existing restaurant, and adoption of an Environmental Negative Declaration at 1200 Hermosa Avenue, Club Sushi, 6) Resolution P.C. 96-4 to recommend amending the R-1 development standards, Section 4-3(12), to make the amount of open space a proportion of lot size (10%) and adoption of an Environmental Negative Declaration, 7) Resolution P.C. 96-5 to recommend amending the definitions of "hotel" and "motel", 8) Resolution P.C. 96-6 to deny a request for variances from front and side yard fence height requirements for corner lots at 330 Ardmore Avenue, and 9) Resolution P.C. 96-7 to recommend approval of a zone change from M-1 to R-2, and adoption of an Environmental Negative Declaration at 330 and 342 Ardmore Avenue and including 615 3rd Street.

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

5. Items for consideration None

ORAL/WRITTEN COMMUNICATIONS: None

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PUBLIC HEARINGS

7. **CON 96-1/PDP 96-1 -- CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE PARCEL MAP #24451 FOR A TWO-UNIT CONDOMINIUM AT 1007 17TH STREET**

Staff Recommended Action: To continue to March 19, 1996 meeting.

Planning Director Schubach said Staff recommended continuance because the applicant was unable to provide a complete set of plans in adequate time to allow Staff review.

Chmn. Tucker opened the Public Hearing at 7:11 p.m. No one wished to speak, and Chmn. Tucker closed the Public Hearing at 7:11 p.m.

MOTION by Comm. Merl, Seconded by Comm. Dettelbach, to **APPROVE** Staff's recommendation to continue this item to the March 19, 1996 meeting.

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

8. **CON 95-9/PDP 95-7 -- CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE TRACT MAP #52122 FOR A 9-UNIT DETACHED CONDOMINIUM, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 330 AND 342 ARDMORE AVENUE AND 615 3RD STREET (continued from January 16, 1996 meeting).**

Staff Recommended Action: To approve said request.

Planning Director Schubach said the applicant had addressed the concerns previously expressed by the Commission. Staff recommended approval on the basis the zone change would go through the Council.

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

Ben Agarwal, applicant, 2701 190th Street, Redondo Beach, stated agreement to Staff's recommendations and presented a rendering for Commissioners' review.

Jan Trobaugh, 2420 Carson St., #225, Torrance, discussed trash area pick up and access, provision decorative concrete in the open area and sump pumps and emergency generators for low areas with Comm. Perrotti and Chmn. Tucker.

Robert Catalano, 323 Ardmore Ave., asked what would be on the north border. His question was answered by the Commission. Mr. Catalano questioned the ownership of a four-foot gap area next to his property, expressing concern the applicant would utilize this land. It was explained that if there was not clear title to the property, the project could not move forward. The owner has indicated clear title to the land at a previous meeting.

REBUTTAL

Ben Agarwal, applicant, said the property presented has a clear title.

No one wished to speak relating to this item, and Chmn. Tucker closed the Public Hearing at 7:25 p.m.

Comm. Perrotti suggested the addition of an Item D to the Resolution requiring the applicant to provide clear title shown by a title report prior to the issuance of a building permit. Comms. Dettelbach, Di Monda and Merl agreed the applicant had addressed the requested changes.

MOTION by Comm. Merl, Seconded by Comm. Perrotti, to **APPROVE** CON 95-5/PDP 95-7 with the addition of the condition requiring the applicant to provide to Staff clear title as shown by a title report prior to the issuance of a building permit.

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

9. **PDP 95-9 -- PRECISE DEVELOPMENT PLAN TO CONSTRUCT A NEW 17,500 SQUARE FOOT MIXED OFFICE AND RESTAURANT BUILDING ABOVE A TWO-LEVEL PARKING STRUCTURE, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION, AT 1301 MANHATTAN AVENUE.**

and

10. **CUP 95-19 -- CONDITIONAL USE PERMIT TO ALLOW ON-SALE BEER AND WINE (BREW PUB), OUTSIDE SEATING, AND LIVE ENTERTAINMENT IN CONJUNCTION WITH A RESTAURANT, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 1301 MANHATTAN AVENUE**

Staff Recommended Action: To approve said request.

Staff requested that items 9 and 10 be considered concurrently.

Director Blumenfeld described the site, noted that staff assessed potential environmental impacts of the project and requested that the developer provide a traffic study. He presented the background, noting the project conformed to all development standards and detailed Staff's recommendations relative to parking provisions and recommended architectural treatment. He reviewed the staff concerns of

backing onto Palm Drive, a public alley, and the applicants desire to leave the parking as configured on the plans. Relative to the conditional use permits application, staff recommended restaurant closure at 10:00 p.m. and indicated that the project was consistent with zoning provisions and was commensurate with the downtown revitalization program. He also discussed trash enclosures, proposed parking provisions and methods of slowing traffic with Commissioners, to offset backing onto Palm Drive and reconfiguration of the driveways to the project on Manhattan Avenue.

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

Manuel George, 4504 Del Amo, Torrance, applicant's representative, said stairs and water fountains is located at the front of the building, stating the restaurant also has a distinct entry. Various driveway designs has been reviewed, but this particular design is the best "of all worlds, although not the perfect solution". Mr. George discussed proposed traffic egress, ingress and parking. Comm. Di Monda felt the opening closest to Pier Avenue would be a problem. Comm. Perrotti felt the south-side entrance would be a difficult access coming from the south. Mr. George said this difficulty was being addressed in the plans. Director Blumenfeld said Staff's recommendation to consolidate the driveways would eliminate the problem.

Jack Williams, 506 24th St., project architect for Einstein's, responding to the Commission's question about odor, said an odor suppressant could be installed. He explained grain delivery would be down Palm once every three months. Mash is contracted with a feed company. Entertainment would be only on special occasions, with no admission being charged. He requested a CUP amendment, asking that patio use be extended to 12 p.m. at the lower patio and until 11:00 p.m. at the upper patio for patrons. Chmn. Tucker commented people lived nearby the patio area, expressing concern regarding noise impacting those people.

Sheila Donahue-Miller, 77 17th Street, said the entire building should be considered in the negative impact. She said a patio would create an "echo" effect, objected to tandem parking and exiting on Palm Drive.

John Murray, 1424 Manhattan Avenue, encouraged someone to do something with the "eye sore" that has been there, but expressed concern regarding noise and parking problems, requesting additional study by Staff. He felt the homeowners in his Association would be impacted and the City was going away from "family orientation".

Jim Lissner, 2715 El Oeste, said four alcohol applications were on tonight's agenda, noting he wished his general comments addressed this and the other applications. He objected to the presence on Comm. Dettelbach, said consideration was to be given to the impacts of vacant lots and buildings upon view, crime, traffic, public services, with mitigation being given to any significant impact. He said the City can't or won't enforce Conditions and has a crime problem with a high concentration in the downtown area. He presented his crime analysis to the Commission, referencing a parallel between Hermosa Beach and Huntington Beach. He objected to Staff's statements regarding the roof plan, questioned the mitigation measures and felt the project would result in a cumulative impact on the Police, public services and residents.

Val Straser, Hermosa Beach Police Chief, responding to Chmn. Tucker's request, said during the past 21 years, there has been a great change in the City. He provided a "snap-shot picture" of trends during the past five years, including the number of type of crimes reported to the Police, and the false picture produced by statistics, alone. He said he had included meaningful statistics in the last two pages of the report; drunk drivers arrest and intoxication. He said demographics played a part in the reports, noted that six years ago, the downtown area appeared to be a blighted community. The attempt to revitalize the downtown area will provide a financial base to help the City survive. He explained the nature and location of various crimes, noting that many crimes occurring outside an establishment might not be related. He said the thumbnail sketch displayed an actual decrease in crime. A downtown study for 1995 is currently being conducted. No increase in staffing has been done, but redeployment of personal has been accomplished.

Jim Lissner, stating he was making a point of order, said the City Department had introduced new material not in the meeting packet, which he wished to address. He said murders, rapes and assaults were up. He questioned the basis information used in the Police report. He said assaults were "up" and felt drunk driving arrests were down because of less police time spent monitoring drivers.

Jim Murray, stating he was making a point of order, said he appreciated the great job the Police Dept. was doing, but said he objected to the manner in which Chmn. Tucker had identified audience participants who had expressed concerns. Comm. Dettelbach responded there have been several meetings where issues have come up concerning downtown establishments, including various claims concerning crime and problem statistics. The Chief was here to address those statistics at the Commission's request. Comm. Dettelbach said no offense had been intended.

Rebuttal

Jack Williams, applicant's representative, referencing the stated possible noise issuing from the patio, said the patios are above the restaurants, will have a 15' wall to the north. He felt the design would dampen the noise in the alley.

Jim LaPoint, 145 Pier Avenue, said he felt good about what was going on in the City during the past 23 years. The parking will have nine spaces out of a total of 85 spaces backing out onto Palm Avenue. On the next block 47 parking lots back out onto Palm Drive, with no problem. The building will be a great visual improvement. The best method to deal with crime is to encourage more upscale development to cause value increase and citizens to be more willing to improve individual properties, benefiting the City as a whole.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 8:31 p.m.

Comm. Perrotti thanked the Police Chief for the report and his appearance at this meeting. He discussed the upgrading and improvements during the past years, noting he was glad the property was being developed. He did not approve an increase in hours of business for the patio area. Comm. Merl objected to tandem parking as ineffective, noting he would consider an extension of hours on the patio only to 11:00 p.m. Comm. Dettelbach said he shared concerns regarding tandem parking. Noting he was a proponent of growth and downtown recovery, he felt this project fit into that mode, having only

one negative comment regarding the exterior appearance of a "California Stucco" in a town of quaint, different architectural structures. He asked that this be considered by the owners/developers, to which Comms. Di Monda and Merl stated agreement. Comm. Di Monda said he agreed with the Commissioners' statements, noting concern regarding parking and truck deliveries, which he discussed with Director Blumenfeld. Comm. Di Monda felt a compromise might be worked out relating to the extended service hours on the patios. Chmn. Tucker supported this mixed-use project, expressed concern regarding parking and suggested a parking attendant be on duty, especially at night, to promote a feeling of security.

MOTION by Comm. Merl, Seconded by Comm. Dettelbach, to **APPROVE** this application with the recommended Conditions with reaffirmation that the Manhattan egress/ingress openings be at the northern end, addition of a Condition requiring an attendant during evening hours starting at 6:00 p.m. until closing, a six-foot glass partition to separate the balcony shall be required, the upper balcony hours of operation shall end at 10:00 p.m. and the lower balcony hours shall end at 11:00 p.m. No one can be seated on the lower patio after 10:00 p.m.

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

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

A break was taken from 8:53 to 9:07 p.m. Chmn. Tucker reconvened the meeting with all Commissioners present.

11. **CUP 95-18/PARK 95-5 -- CONDITIONAL USE PERMIT AMENDMENT AND PARKING PLAN TO ALLOW EXPANSION OF AN EXISTING RESTAURANT/TAVERN, WITH ON-SALE GENERAL ALCOHOL AND LIVE ENTERTAINMENT, INTO THE ADJACENT EXISTING RESTAURANT SPACE, AND THE ADDITION OF A 600 SQUARE FOOT ROOF SEATING AREA, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 8 PIER AVENUE, HENNESSEY'S**

Staff Recommended Action: To approve said request.

Director Blumenfeld said the applicant proposed to expand an existing bar and restaurant, not adding any additional square footage except 700 sq. ft. of seating on a roof deck. A parking plan amendment was required and the project would also be processed through the Coastal Commission. The Commission's expressed concerns were discussed with the applicant, who felt adequate separation by columns was planned. The issues of emergency egress/ingress have been addressed in the plans, the bar area relabeled correctly. The applicant has agreed to install a five-foot enclosure be provided to mitigate the ambient noise level on the outside roof deck, which is to have a 10:00 p.m. closure time

- and no entertainment is allowed on this deck. He discussed the suggested conditions with the Commissioners.

Chmn. Tucker opened the Public Hearing at 9:17 p.m.

Paul Hennessey, 1855 S. Elaine Street, Redondo Beach, applicant, distributed and described pictures of the proposed project and historical growth of 'Hennessey's'. He said this project would increase food service by having better kitchen facilities and equipment. He felt the design would take advantage of the view.

Jerry Compton, project architect, 1200 Artesia Blvd., said the emergency doors and gate were addressed, the entertainment area would stay the same, a sense of transition from the old to new area was being planned, the seismic retrofit is underway, the planned sound system is adequate with no residents very close to the site. The ocean should mask any noise made by patrons. He said this project would have a net loss of one liquor license. The upgrade should result in a better clientele. Background music will be provided to the upstairs area on speakers with the capability for volume control. He discussed with Chmn. Tucker the elimination of a step next to the glass enclosure to stop people from being able to reach over the wall.

Jim Lissner, 2715 El Oeste, referenced the general comments he had previously made. He said notice was not posted at one of the addresses, he objected to expanding the business that is currently there, possible noise intrusion to close-by residents, impact to the community, and the continuance of a bar at this location and the possible increase in crime.

Sheila Donahue-Miller, 77 17th Street, said she had problems with the Negative Declaration, noting there will be an increase in delivery trucks and parking. Director Blumenfeld confirmed that parking was not required on this project. She questioned the revitalization goals, stating they seemed to be "more booze".

Rebuttal

Paul Hennessey, applicant, said Mr. Lissner had presented negative information about the applicant's restaurant in Huntington Beach. Mr. Hennessey said he did not have a restaurant in Huntington Beach, suggesting the information presented by Mr. Lissner be "taken with a grain of salt".

Jerry Compton, project architect, said the posting was placed on Hennessey's, knowing that Diana's was about to torn out. Posting was done on the inside. Two in-lieu parking will be provided. He said the area is what it is; if the area is revitalized, a better clientele will be attracted.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 9:42 p.m.

Comm. Perrotti said he was more receptive to this proposal than the prior one sense this one addressed the Commission's stated concerns, to which Comms. Merl, Dettelbach and Di Monda agreed. Comm. Di Monda felt this was a fine example of the Planning Commission doing some planning, resulting in a better project. Chmn. Tucker commended the applicant for addressing the Commission's desires and

concerns. He suggested limitation of deliveries to certain times during the day to decrease impact, noting he felt this project would be a nice addition to the downtown area.

MOTION by Comm. Dettelbach, Seconded by Comm. Merl, to **APPROVE** this application.

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

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

12. CUP 96-1 -- CONDITIONAL USE PERMIT MINOR AMENDMENT TO ALLOW ON-SALE BEER AND WINE IN CONJUNCTION WITH AN EXISTING RESTAURANT AT 500 PACIFIC COAST HIGHWAY, CITY MEX GRILL

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

Planning Director Schubach said the applicant has taken over one half of a previously existing restaurant with full alcohol, but wished to continue the restaurant with only a beer and wine license. The same conditions are recommended as those imposed on the recently approved restaurant which occupies the other half.

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

J.L. Jackson, 16161 Nordhoff St., North Hills, applicant's representative, said he had no reservations with any or all of the current Commissioners hearing this case and making a decision. He said he had sketched the front one third and would provide a architect's drawing to staff.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 9:55 p.m.

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

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

13. PDP 95-8/CUP 95-17 -- PRECISE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A NEW 6200 SQUARE FOOT RESTAURANT WITH ON-SALE BEER AND WINE AND LIVE ENTERTAINMENT, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 844 HERMOSA AVENUE, CALIFORNIA BEACH RESTAURANT

Staff Recommended Action: To approve said request.

Planning Director Schubach said the existing business wished to relocate. Staff had concerns about noise, while finding the design attractive. He described the suggested conditions which would mitigate the noise and ventilation problems. A 23 foot turning area has been allowed, with employee only parking in the back of the building.

Chmn. Tucker opened the Public Hearing at 10:00 p.m.

Vernon Saks, project architect, 200 Pier Ave., Ste. 22, said the folding doors would be accordion style, french doors will be hinged together, a guard rail will be provided, live entertainment will probably be provided once a week, when music is played the doors will be closed, the typical dining hours will be from 5:30 to 10:00 p.m. and sometimes to 11:00 p.m. Chmn. Tucker suggested the gate be an emergency-only exit with an alarm for security. Mr. Saks said that gate was only for the gardener's use. The applicant serves only beer and wine, with no other liquor.

Sheila Donahue-Miller, felt the enlargement would increase people and service of alcohol. She expressed concern about impact on nearby residents, noting the City and Police do not enforce Conditions.

Brian Kotch, 59 9th Street, objected to live entertainment which could cause noise. He asked live entertainment be denied at this time. He discussed the problems he has experienced as a result of patrons using his lawn and property for sleeping and making noise.

Jim Lissner, 2715 El Oeste, detailed the assaults that had happened at this location. He objected to the expansion and possible cumulative impact caused by liquor-serving establishments.

Rebuttal

Vernon Saks, applicant, described the proposed building, noting six parking spaces were being provided which allowed the building size to be increased to 7,380 square feet. Mitigations are addressing most of the problems, which management taking responsibility for noises coming from their business. He said this was a restaurant, not a bar, which was used while waiting for a table. He said the applicant does not own the building, but does have a lease.

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

Comm. Dettelbach said the business currently used pre-recorded music, feeling there was not a need for an entertainment permit at this time, to which Chmn. Tucker and Comm. Di Monda stated agreement. Comm. Merl agreed the live entertainment was of concern. Comm. Perrotti felt the double paned windows, installation of air conditioning and door closure served to mitigate the noise.

MOTION by Comm. Dettelbach, Seconded by Comm. Di Monda, to **APPROVE** this project, excluding live entertainment.

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

14. TEXT 95-9 -- TEXT AMENDMENT TO SIGN ORDINANCE REGARDING THE DEFINITION OF ROOF SIGNS (Continued from December 5, 1995 and January 16, 1996 meetings)

Staff Recommended Action: To recommend approval of said text amendment

Director Blumenfeld said Staff had a problem dealing with the definition of "historic sign". The issue of historic architecture can be addressed via Section K, Roof Signs, by stating that if an area has historically been used as a sign board, which is an architectural projection, that is enough criteria to permit it as a new sign area. Comm. Di Monda discussed current historical signage with Staff.

Chmn. Tucker opened the Public Hearing at 10:27 p.m. No one wished to speak, and Chmn. Tucker closed the Public Hearing at 10:27 p.m.

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

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

15. TEXT 96-2 -- TEXT AMENDMENT TO ADD YOUTH HOSTEL TO C-2 PERMITTED USE LIST.

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

Director Blumenfeld said this item was related to a compliance order issued to the property at 26 Pier Avenue. A new tenant wishes to establish a youth hostel, described more as a residential dormitory rather than a hotel or motel. The permitted use list does not provide for such use. Director Blumenfeld said the issue before the Commission was text amendment to permit youth hostels in the C-2 and C-3 zones. Chmn. Tucker said he did not agree with the "youth hostel" definition. He said many hours of operation, lock out times and access are not addressed in the definition. Director Blumenfeld discussed the ability to establish development standards which are a part of Chapter 10. Comm. Di Monda discussed with Director Blumenfeld the operation and planning of youth hostels in Santa Barbara and other cities.

Chmn. Tucker opened the Public Hearing at 10:35 p.m.

Mike Rossi, 536 Homer Street, Manhattan Beach, introduced the hostel manager, Pascal Olivia.

Pascal Olivia said the hours of operation were 8:00 a.m. to 12:00 p.m. Anyone coming in after midnight used a card system at the front door. There is no lock out hour. Hostels are run differently.

Chmn. Tucker referenced the American Youth Hostel Association definition and rules, saying this definition made sense to him. He felt a hostel is more regimented than this one. He read from the definition and rules, noting the differences from the hostel proposed in Hermosa Beach.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 10:35 p.m.

Chmn. Tucker reiterated this definition did not describe the facility being discussed. After discussion, the Commission agreed it could move forward on this issue.

MOTION by Comm. Dettelbach, Seconded by Comm. Di Monda, to **APPROVE** addition of "youth hostel" as a conditionally permitted use in the C-2 and C-3 zones, and **DIRECT** Staff to come back with more information and proposals concerning the definition and development standard.

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

STAFF ITEMS

16.a Memorandum regarding modification of the plans to nonconforming remodel at 1512 Prospect Avenue.

Planning Director Schubach said the Commission had approved the plan and a variance due to the garage size. Conditions have been imposed stating if a wet bar were included, an exterior access could not be included to prohibit the possibility of a "boot leg". The plans have been submitted with an exterior access with the wet bar being removed.

Comms. Dettelbach and Di Monda felt the possibility of a "boot leg" unit was still evident.

The **consensus** of the Commission was to **DENY** this application by a vote of 5-0.

16.b Memo re joint meeting among City Council, Planning Commission and Downtown Enhancement Commission.

Receive and File

16.c Community Development Department activity report of December, 1995.

Receive and File

16.d Tentative future Planning Commission agenda.

Receive and File

16.e City Council minutes of January 9, 18 & 23, 1996.

Receive and File

COMMISSIONER ITEMS

17.a Moratorium on bars in the downtown area

Commissioner Di Monda stated he would "roll" this item.

Chmn. Tucker said bars and restaurants were using the public streets to empty moppings and clean up items which were washing down the storm drain system into the bay, causing extreme odor. He requested Staff initiate a letter to the owners reminding them that the stuff being thrown into the alley is going into the bay.

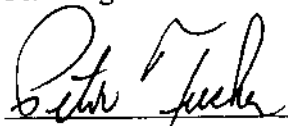
Comm. Perrotti asked if packet delivery could be looked into, suggesting if there is a problem, they could be picked up. Director Blumenfeld said the Police Chief had said he would look into the issue of when they were being delivered. Director Blumenfeld said Staff would try to assure timely and correct delivery.

ADJOURNMENT

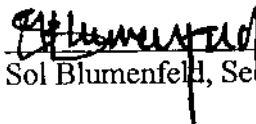
MOTION by the Commission to adjourn at 10:51 p.m. **No objections; so ordered.**

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of February 20, 1996.



Peter Tucker, Chairperson



Sol Blumenfeld, Secretary

3/19/96

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON MARCH 19, 1996 AT
7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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

Pledge of Allegiance led by Commissioner Merl.

ROLL CALL

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

CONSENT CALENDAR

Comm. Perrotti, referencing Resolution P.C. 96-8, second page, Item 2, said at the last meeting he had made a motion to add an Item 2.d requiring the applicant to provide clear title prior to the issuance of a building permit. At Commission's direction, Director Blumenfeld said this item would be added to the Resolution.

MOTION by Comm. Merl, Seconded by Comm. Dettelbach, to **APPROVE** the following Consent Calendar items: 1) February 20, 1996 Minutes, 2) Resolution P.C. 96-8 approving a Conditional User Permit, Precise Development Plan and Vesting Tentative Tract Map #52122 for a nine-unit condominium project, and adoption of an Environmental Negative Declaration at 330 and 342 Ardmore Avenue and 615 3rd Street, with the addition of a condition requiring the applicant to provide clear title prior to issuance of a building permit, 3) Resolution P.C. 96-9, approving a Precise Development Plan for the construction of a two-story multi-use commercial building above a two-level parking structure and adoption of a Mitigated Negative Declaration at 1301 Manhattan Avenue, 4) Resolution P.C. 96-10 approving a Conditional Use Permit to allow on-sale beer and wine, outside dining and live entertainment in conjunction with a restaurant and adoption of a Mitigated Negative Declaration at 1301 Manhattan Avenue, 5) Resolution P.C. 96-11 approving a Conditional Use Permit, as amended, and a Parking Plan to accept fees in-lieu of parking to allow expansion of an existing bar and restaurant with on-sale alcohol and live entertainment into the adjacent building space to the west and to add a roof-deck, and adoption of an Environmental Negative Declaration at 4 & 8 Pier Avenue, Hennessey's, 6) Resolution P.C. 96-12 approving a Master Conditional Use Permit to allow on-sale beer and wine in conjunction with a restaurant at 500 Pacific Coast Highway, 7) Resolution P.C. 96-13 approving an Environmental Negative Declaration, Conditional Use Permit, and Precise Development Plan to allow on-sale beer and wine, and construction of a proposed restaurant at 844 Hermosa Avenue, and 8) Resolution P.C. 96-14 to recommend amending the definition of roof signs, and to

allow roof signs located on projections above the roof if determined to be architectural projections by the Planning Commission.

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 96-1/PDP 96-1 – CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE PARCEL MAP #24451 FOR A TWO-UNIT CONDOMINIUM AT 1007 17TH STREET (continued from February 20, 1996 meeting).**

Staff Recommended Action: To approve said request.

Planning Director Schubach said Staff thought a better design providing open space to the northeast property area and additional landscaping area could be developed. He noted the applicant was sharing a driveway area with the eastern neighboring property, resulting in Staff's addition of a Condition. He detailed Staff's concerns, noting the plans as submitted could allow additional unit(s) being added, which would not be permitted.

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

Elizabeth Srour, 820 Manhattan Avenue, applicant's representative, discussed the owner's and designer's goals, reasons for the various requests and lot size of this proposed project. She presented pictures of the project to the east, stating she felt this information was pertinent to the applicant's requests and Staff's recommendations, which she felt could create future conflicts and loss of guest parking spaces. She suggested the trash enclosure be removed, keeping trash cans in each garage. She explained the problems associated with Staff's various suggestions. She said there was an easement for driveway purposes, of which an agreement through the City could be made. Staff has a legitimate concern regarding the lower level bedroom level, which possibly could be turned into a unit. Noting this area was the main entrance, she felt boot-legging this area would be difficult. She asked the garage direct access be retained, noting changing the bath to a half bath was acceptable. Addressing Item 1, Conditions A - D, Ms. Srour said the applicant was strongly committed to the design as submitted. She requested Items A through D be eliminated, the plans be accepted with minor changes, which she defined. There will be a standard agreement for driveway access, maintenance and repair, which is critical to this project. She discussed with the Commissioners Staff's recommendations versus the applicant's preferences, including the parking and driveway provisions and possible conflicts.

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

Comm. Dettelbach felt access through the garage should not be denied, feeling the bathroom limitation would be sufficient, supported a 15-foot backyard, suggested avoiding having all the guest and resident parking along the common drive, did not support moving garage access for Unit A, supported a requirement of a recorded agreement concerning maintenance and continuing access of the common drive by both properties in terms of use. Chairman Tucker agreed regarding the half bath and garage to unit access, suggested grass blocks in the driveway and guest parking be located between the two buildings by moving the second building back. He objected to the amount of concrete in the front of the building.

MOTION by Comm. Merl, Seconded by Comm. Perrotti, to **APPROVE** CON 96-1/PDP 96-1, retaining the garage design, reducing the bathroom from three-quarter to half, the guest space parking be grass-creted, the front drive be either stamped concrete or grass-crete and a reciprocal recorded agreement by both property owners for use and maintenance of the common driveway.

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

8. CUP 96-2 – CONDITIONAL USE PERMIT AMENDMENT TO ALLOW ON-SALE ALCOHOL IN CONJUNCTION WITH A RESTAURANT AT 50(a) PIER AVENUE, PATRICK MALLOY'S STEAK HOUSE.

Staff Recommended Action: To approve said request.

Planning Director Schubach said there would be no need for a new ABC license in this existing restaurant, with the applicant bringing his license to this new location. Standard conditions are suggested by Staff.

Jim Lissner, Hermosa Beach, as a point of order, requested that Comm. Dettelbach and any Commissioner who works for, owns or has an interest in a downtown business or owns a property downtown step down from this hearing and vote. He explained the downtown area was small and there could be a conflict of interest and effect on current businesses.

Director Blumenfeld said the applicant was relocating his business to this new location.

Chmn. Tucker opened the Public Hearing at 7:46 p.m.

Paul Hennessey, Hennessey's Tavern and Lighthouse Cafe, said a positive vote for the project is a vote to eliminate a liquor license in the downtown area on Pier Avenue. It would also open up the opportunity for a retail operation in the vacated area. Mr. Hennessey felt this project would enhance the downtown area and questioned the reasons why anyone would speak against this project. Mr. Hennessey stated his strong support of this project.

Bill Bastian, applicant, owner of Beach Sportsbar, said the City was doing a lot of positive actions. He wishes to be a part of that positive action by changing his current operation to the requested one.

Jim Lissner, Hermosa Beach, objected to Comm. Dettelbach's participation in this hearing. Comm. Dettelbach stated he would continue his participation. Mr. Lissner requested this application be reviewed in detail, objecting to the fact it had not gone through an environmental review. He felt it would be a bar, not a family restaurant. He compared the previous business against the proposed one and presented a report pertaining to crime levels associated with bars. He requested the project be denied.

Patricia Spiritus, business owner, spoke in support of this project, which she felt was a cornerstone in the development of the downtown area. She said the Police Chief had recently issued a report stating crime had decreased in the downtown area. She spoke in support of the applicant's involvement in the City, noting the City wants this type of responsible citizen and business.

Mike Hanlon, 1272 Strand, stated his support of this project and the applicant, noting he was a good neighbor and deserved the opportunity to move forward with this project.

Gary Vincent, 1816 Stanford Ave., North Redondo Beach, finds it encouraging the downtown area is being revitalized. He felt the area was growing, with the surrounding areas benefiting from this positive growth. He stated support of this project.

REBUTTAL

Bill Bastian, said the City should encourage business members to develop the downtown area, noting these business owners all work together.

No one else wished to speak relating to this item, and Chmn. Tucker closed the Public Hearing at 8:14 p.m.

Comm. Dettelbach confirmed there would be no entertainment and questioned allowing the closing time of 2:00 a.m. He said he was encouraged by the present downtown business owners' enthusiasm and interest in this proposed project and the wish to invest more money in the downtown area. Comm. Merl endorsed Comm. Dettelbach's comments. Director Blumenfeld said the City intent was to standardize downtown business closing hours. Comms. Merl and Perrotti felt the project would be an improvement. Comm. Perrotti said he had no problem with the 2:00 a.m. closure time. Chmn. Tucker agreed with Commission comments, noting that 2:00 a.m. was the standard closing time. He suggested alarm hardware be put on the back door to assure entry from the front only. He stated his support of this project. Comm. Dettelbach, noting possible future parking, felt that back access may become necessary. Chmn. Tucker agreed if a "door person" patrolled the door.

MOTION by Comm. Dettelbach, Seconded by Comm. Merl, to **APPROVE** CUP 96-2, with an added Condition requiring a "door host" at the rear entrance of the building to assure the door is accessible to the public parking lot in the back during evening business hours.

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

9. TEXT 96-2 – TEXT AMENDMENT TO ADD YOUTH HOSTEL TO C-2 PERMITTED USE LIST (continued from February 20, 1996 meeting).

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

Director Blumenfeld said this proposal was a follow-up to Commission direction. He described Staff's recommendations for room use, hours, stay length and other issues of concern to the Commission.

Chmn. Tucker opened the Public Hearing at 8:16 p.m.

Philip Boston, Youth Hostel Project partner, 26 Pier Ave., said he was available for clarification, if the Commission so wished. Chmn. Tucker explained the Commission was addressing text, not a particular project.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 8:19 p.m.

MOTION by Comm. Merl, Seconded by Comm. Perrotti, to **APPROVE** Text 96-2, as submitted by Staff.

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

10. TEXT 95-11 -- TEXT AMENDMENTS TO RELOCATE THE FOLLOWING MUNICIPAL CODE SECTIONS TO ZONING ORDINANCE: a) CHAPTER 7, ARTICLE 9, DETERMINATION OF LEGALITY OF NON-CONFORMING BUILDING, b) ARTICLE 1, SECTION 7-1.7 REGARDING UNUSUAL DESIGNED BUILDING, OR UNUSUAL BUILDING MATERIALS, c) ARTICLE 1, SECTION 7-1.8 REGARDING MOVING BUILDINGS.

Staff Recommended Action: To approve said request.

Planning Director Schubach presented the Staff Report, stating this was an information item. Nothing of substance had been removed from the text.

Chmn. Tucker opened the Public Hearing at 8:21 p.m. No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 8:21 p.m.

MOTION by Comm. Dettelbach, Seconded by Comm. Perrotti, to **APPROVE** Text 95-11.

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

STAFF ITEMS

11.a Memorandum regarding Downtown Parking & Circulation Study.

Director Blumenfeld said the draft parking and circulation study, submitted by the consultants, was attached for the Commission review. This is a milestone study, enabling the City to know whether the downtown improvement plan can be implemented, what level of develop the downtown can support relative to parking and circulation, and how to proceed with a General Plan amendment circulation element and how to proceed relative to the Coastal Commission. He commented upon other issues addressed by this study.

Receive and File

11.b Memorandum regarding special study for the zoning ordinance selected definitions.

Director Blumenfeld said Staff was looking for direction on code enforcement issues in order to proceed with redefinitions.

Receive and File

11.c Memorandum regarding selection of topics for the City Council and Planning Commission joint meeting on April 30, 1996. (at 7:00 p.m.)

Comm. Dettelbach suggested getting Council direction in terms of the downtown enhancement, i.e. what mix of retail/restaurant/bar business does the Council wish? What is the saturation level or business prospects? A better understanding of the Council's intent would enable the Commission to better follow that plan. Comm. Perrotti suggested off-site and on-site liquor stores also be included in this request. He suggested input about highway development be included.

Chmn. Tucker suggested addressing the parking problems around the residential areas.

Director Blumenfeld said he would draft a memorandum and submit it to Council.

11.d Community Development Department activity report of January, 1996.

Receive and File

11.e Tentative future Planning Commission agenda.

Receive and File

11.f City Council minutes of February 13 and 27, 1996.

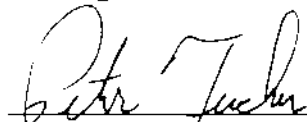
COMMISSIONER ITEMS None

ADJOURNMENT


MOTION by the Commission to adjourn at 8:35 p.m. No objections; so ordered.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and complete record of the action taken by the Planning Commission of Hermosa Beach at the regularly scheduled meeting of March 19, 1996.



Peter Tucker, Chairperson



Sol Blumenfeld, Secretary

4-16-96

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON APRIL 16, 1996
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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

Pledge of Allegiance led by Commissioner Di Monda.

ROLL CALL

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

CONSENT CALENDAR

MOTION by Comm. Dettelbach, Seconded by Chmn. Tucker, to **APPROVE** with no change the following Consent Calendar items: 1) March 19, 1996 Minutes, 2) Resolution P.C. 96-15 approving Conditional Use Permit, and Precise Development Plan, for a two-unit condominium project, and vesting parcel map #24451 at 1007 17th Street, 3) Resolution P.C. 96-16 approving a Conditional Use Permit, as amended, to allow on-sale general alcohol, in conjunction with a restaurant, at 50A Pier Avenue, 4) Resolution P.C. 96-17 to recommend amending the commercial permitted use list to add "youth hostel" as a conditionally permitted use in the C-2 and C-3 zones, and 5) Resolution P.C. 96-18 to recommend relocating Sections 7-1.7, 7-1.8 and Article IX from the building code to the zoning ordinance and changing the words BZA and building official to Planning Commission and Community Development Director, respectively.

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

5. **Items for consideration** None

ORAL/WRITTEN COMMUNICATIONS:

Jim Lissner, 2715 El Oeste, suggested redefinition of "restaurant", commenting restaurant should be an establishment that service liquor as a supplement to food.

PUBLIC HEARINGS

7. CUP 96-4 -- CONDITIONAL USE PERMIT MINOR AMENDMENT TO EXTEND THE OUTSIDE SEATING CLOSING TIME FROM 9 P.M. TO 10 P.M. AT 26 - 22ND STREET, BOTTLE INN RISTORANTE

Staff Recommended Action: To approve said request.

Planning Director Schubach presented a revised report to Commissioners, commenting the additional operating hours would permit patrons to complete meals without rushing. The extended hours were not intended to provide additional turn-over for the outside dining area.

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

Randy Fortunado, applicant's representative, said the request's intent was to let patrons finish eating and enjoy the sunset in an unhurried atmosphere. He detailed the efforts made by the owner and staff to be a good neighbor, including donations and cleaning of outside areas. He said the restaurant had received an award resulting in patrons from around the world. Extending the hours would allow patron to relax in the romantic atmosphere provided by this restaurant. Noting it was difficult to determine the time people will take to eat and enjoy themselves, he said some patrons became disgruntled when asked to vacate the area at 9:00 p.m.

Carol Bridlebach, 2140 Strand, said the outside seating had "worked out" except for a few times. However, the "limos" blocked her driveway, making it impossible for her to use it. She said she supported the 9 p.m. closure, noting this area was primarily a residential one. She felt the owner was probably not aware that some patrons took glasses of wine onto the Strand and beach areas. While acknowledging the crowd was not a young one, when the doors are left open, noise carries onto the street.

Robert Hicks, 2202 Strand, felt the restaurant needed help to close at 9 p.m., stating he had called the Police Dept. due to noise. The noise increased during the summer. He stated his support for maintaining a 9 p.m. closure.

REBUTTAL

Randy Fortunado responded that it would be very difficult for patrons to exit holding wine glasses, noting he was aware of no one that had done that. He said he could not tell the "limo" drivers where to park. The police had come out only once during the past year and no one had been in the patio area when they arrived. He said that some people did walk along the Strand and used the patio area to rest or sit. He felt the staff had done everything it could to eliminate any problems at 9 p.m.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 7:32 p.m.

Comm. Perrotti requested information regarding noise complaints. Mr. Schubach said there had been several occasions when noise complaints had been received. No complaints had been received in quite some time.

Comm. Di Monda, noting this was a primarily residential area, felt that whatever problems were existing now would be simply pushed forward another hour if a 10 p.m. closure were approved.

Comm. Dettelbach opposed a 10 p.m. closure, but said he would support a staggered schedule of closure at 9 p.m. Sunday through Thursday and 9:30 p.m. Friday and Saturday. Chmn. Tucker supported this suggestion as a reasonable alternative.

MOTION by Comm. Dettelbach, Seconded by Comm. Perrotti, to **APPROVE** P.C. 96-4, with the amendment to the proposed C.U.P. that allows for outdoor dining to continue on Fridays and Saturdays to the hour of 9:30 p.m., but remain at 9:00 p.m. Sundays through Thursdays.

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

NOES: None

ABSENT: Comm. Merl

ABSTAIN: None

Chmn. Tucker stated this action was appealable to the City Council within 10 days of this date.

8. CUP 96-5 -- CONDITIONAL USE PERMIT TO ALLOW ON-SALE BEER AND WINE IN CONJUNCTION WITH A RESTAURANT AT 1040 HERMOSA AVENUE, SUSHI SEL.

Staff Recommended Action: To approve said request.

Mr. Schubach said the applicant proposed modifying a portion of multi-tenant building to include a kitchen, sushi counter and dining area. Previously, the applicant's business was located at another City site. The restaurant and improvements are permitted, subject to approvals, except for on-sale beer and wine, which requires a C.U.P. Staff recommended standard conditions, including participation in a parking validation program and provision of bicycle racks. He discussed the site and requirements with Commissioners.

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

Shegel Jokawa, applicant, 11976 Barrington, Los Angeles, stated he wished to do exactly the same thing he had been doing for 13 years in Hermosa Beach, prior to having to relocate his restaurant.

Jim Lissner, 2715 El Oeste, as in previous meetings, requested Commissioner Dettelbach step down from participation due to possible conflict of interest. Mr. Lissner said this application was an intensification of site use, with potential food smells. He said the application had not gone through environmental review, having an exemption. He asked if the site legal description "gave" the CUP to more land than the applicant's. He objected to the proposed hours of operation and the amount of parking being required. He asked this proposal be sent back for environmental review and that no decision be made until direction is received from City Council.

REBUTTAL The applicant did not wish to rebut.

No one wished to speak relating to this item, and Chmn. Tucker closed the Public Hearing at 7:50 p.m.

Comm. Di Monda stated this was a successful restaurant that had been in town for quite some time which had created no known problems. Since the CUP does stay with the land, approval would create another establishment serving beer and wine. However, on the future agenda is an item of consideration for revoking CUP's when a site has been vacant for a certain amount of time. He felt waiting for the outcome of a joint meeting was unfair to the applicant since his business is currently closed due to forced relocation.

Comms. Perrotti and Dettelbach voiced their agreement with Comm. Di Monda's comments. Chmn. Tucker stated his support for granting the CUP on this project. He suggested a requirement for some type of trash enclosure or process meeting the satisfaction of the Community Development Director.

MOTION by Comm. Di Monda, Seconded by Comm. Perrotti, to **APPROVE** Staff's recommendation with added condition providing trash area that would minimize odors to the satisfaction of the Community Development Director.

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

Chmn. Tucker stated this action was appealable to the City Council within 10 days of this date.

9. CUP 96-6 – CONDITIONAL USE PERMIT AMENDMENT TO EXPAND THE AREA FOR RESTAURANT, LIVE ENTERTAINMENT AND DANCING, TO ADD A BANQUET ROOM, AND OUTSIDE DINING AT 58 -68 PIER AVENUE, SANGRIA GARDEN.

Staff Recommended Action: To continue to May 21, 1996 meeting.

Mr. Schubach said Staff recommended this item be continued because a complete application had not been received, since Staff had determined a environmental assessment and possibly mitigation measures were required.

Chmn. Tucker opened the Public Hearing at 8:00 p.m.

Matt McDaniel, applicant, said he could attend the May 21, 1996 meeting. He said the application had been submitted prior to notification an environmental assessment was necessary. Comm. Di Monda requested a copy of the current menu be included in the Commission packet for the next scheduled meeting. He said he wanted to know what type of restaurant the applicant has. Mr. Daniel said he would include a menu and invited the Commission and audience to come to his restaurant. He said on Friday and Saturday night, dinner is not served after 9 p.m. Comm. Perrotti said in the past, it was a problem for pedestrians to pass this restaurant, noting he thought this situation had improved. He requested this situation be reviewed.

Jim Lissner, 2715 El Oeste, again stated his request that Comm. Dettelbach step down.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 8:08 p.m.

MOTION by Chmn. Tucker, Seconded by Comm. Di Monda, to **CONTINUE** this application to the meeting of May 21, 1996.

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

STAFF ITEMS

10.a Community Development Department activity report of February, 1996.

Receive and File.

10.b Tentative future Planning Commission agenda.

Receive and File.

10.c City Council minutes of March 12 and 26, 1996.

Receive and File

COMMISSIONER ITEMS

11.a Requested by Commissioner Di Monda to consider CUP revocation for nonconforming use/structure out of business more than 90 days.

Comm. Di Monda said cities dealing with the CUP process typically had a process whereby CUPs were revoked after a place had been empty for 90 days. He felt this policy would resolve many of the issues currently faced by Hermosa Beach, suggesting this type of process be considered. This issue was to be placed on a future agenda, by mutual agreement of the Commissioners.

ADJOURNMENT

MOTION by the Commission to adjourn at 8:12 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 April 16, 1996.

Peter Tucker, Chairperson

Sol Blumenfeld, Secretary

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON MAY 21, 1996,
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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

Pledge of Allegiance led by Comm. Perrotti.

ROLL CALL

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

CONSENT CALENDAR

MOTION by Comm. Di Monda, Seconded by Comm. Perrotti, to **APPROVE April 16, 1996 Minutes, Resolution P.C. 96-19** approving a Conditional Use Permit minor amendment to extend the outside seating closing time from 9 p.m. to 9:30 p.m. on Fridays and Saturdays at 26 - 22nd Street, Bottle Inn Ristorante, and **Resolution P.C. 96-20** approving a Conditional Use Permit to allow on-sale beer and wine in conjunction with a restaurant at 1040 Hermosa Avenue, Sushi Sei.

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

NOES: None

ABSENT: Comms. Dettelbach, Merl

ABSTAIN: None

ORAL/WRITTEN COMMUNICATIONS None

PUBLIC HEARINGS

7. a) **CON 95-3/PDP 95-5 -- REQUEST FOR APPROVAL OF A VESTING TENTATIVE PARCEL MAP #24524 FOR A TWO-UNIT CONDOMINIUM AT 144 & 148 MANHATTAN AVENUE.**
b) **CON 95-4/PDP 95-6 -- REQUEST FOR APPROVAL OF A VESTING TENTATIVE PARCEL MAP #24526 FOR A TWO-UNIT CONDOMINIUM AT 158 & 160 MANHATTAN AVENUE.**

Staff Recommended Action: To approve said request.

Mr. Schubach said the applicant had simply ran out of time, since the State will not allow the map to be extended. Noting the Commission had previously approved this item in October 1995, Staff recommended approval.

Chmn. Tucker opened the Public Hearing at 7:12 p.m. No one wished to speak relating to this item, and Chmn. Tucker closed the Public Hearing at 7:12 p.m.

MOTION by Comm. Di Monda, Seconded by Chmn. Tucker, to **APPROVE** Staff's recommendation with an addition stating these two properties are categorically exempt under Section 15303, Class (b) of the CEQA guidelines.

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

Chmn. Tucker stated the Commission's decision was appealable within 10 days to the City Council.

8. a) **CON 96-2/PDP 96-2 -- CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE PARCEL MAP #24521 FOR A TWO-UNIT CONDOMINIUMS AT 1069 7TH STREET & 1048 8TH STREET.**
b) **CON 96-3/-D- 96-3 -- CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE PARCEL MAP #24521 FOR A TWO-UNIT CONDOMINIUMS AT 1075 7TH STREET AND 1052 8TH STREET.**

Staff Recommended Action To approve said request.

Mr. Schubach said these were identical projects on adjacent, separate lots, meeting all zone and legal requirements. He noted the 8th Street structure was currently one foot above the height limit, but the architect will submit plans reducing the structure to below the 30-foot height limit. Comm. Di Monda discussed with Mr. Schubach the possibility of "boot-legging" a unit. Mr. Schubach discussed the suggested Conditions and the option of adding additional restrictions to prevent that possibility.

Chmn. Tucker opened the Public Hearing at 7:16 p.m.

Elizabeth Srouer, 820 Manhattan Avenue, representing the applicant, noted the property constraints which dictated the property use. She said the current six-unit structures would be reduced to four with parking provided for four vehicles and a set back driveway. She then discussed zoning patterns, grade differential and necessary plan revisions. Referencing the plans, she said it would be extremely difficult to build a "boot leg" unit, proposing a covenant recording the requirement to units will be single family residents and completed to Staff's satisfaction. She noted a garage currently over the property line which would need to be replaced somewhere else on the adjacent property.

Dave Richmond, 1065 7th Street, said he owned half of the garage in question, two feet of which were on the applicant's property, nothing had been decided between the two property owners, and he didn't want to garage moved or removed unless he was compensated by the applicant. Although the pine trees at the lot line were on the applicants property, he really did not want them removed or to remove any trees on his property to make room for the garage or shed. He also expressed concern that "doing anything on his property" would cause a property tax reassessment. Noting the block retaining wall between properties, he asked that it remain.

Sandra Essex, 1051 8th Street, a 14-year resident, read into the record her concerns and objections to approval of this project, including the narrowness of the street, the difference in allowed building heights, lack of sufficient sidewalks and probable increase in "a closed in feeling" resulting from tall structures next to shorter ones. She requested the project be denied.

Jim Sullivan, 1051 8th Street, discussed facts he felt were not covered within the Staff Report, including the property being adjacent to residential-zone properties and the difference in allowed heights. He objected to several Resolutions and conclusions drawn by Staff. He felt the project was not categorically exempt under Section 15303, Class 3(b) of the CEQA guidelines, architectural unity would not be achieved and adjacent properties would be impacted. He requested this item be brought back to Staff for more review and consideration.

Steve Montelto, 715 Prospect, displayed photographs of the rooms in his house and the light shining through the windows. He said the proposed buildings would cut out his light and view and impact his property's value. He requested this item be returned to Staff for further review.

Jack Shannon, 711 Prospect, expressed concern that the proposed project would impact his view and the rooms on the west side of his house will have no sunlight coming through, devaluation his home. He opposed this project.

Rebuttal

Elizabeth Srour acknowledged no resolution had been reached with the adjacent neighbor about the garage/shed. Acknowledging that traffic was a problem, she felt it was within the City's ability to address this problem; not the applicant's. She said most of the lots on this block were developed in similar fashion and requested the applicant be allowed to do the same. She reminded the Commission the garage at the rear of the property was set back almost 20 feet, density was being reduced, parking will be improved, Staff had taken a thorough and careful evaluation of these plans and asked the owner be allowed to develop the property in a manner set forth by the City's codes and ordinances.

No one else wished to speak relating to this item, and Chmn. Tucker closed the Public Hearing at 7:46 p.m.

Commissioner Perrotti did not see this construction increasing traffic or vehicular speeds, said the parcels were being processed together for convenience, noted the problems associated with two adjacent zones and recommended the resolution for CON 96-2/PDP 96-2 include the same provision concerning maximum height as did the resolution for CON 96-3/PDP 96-3, as well as addressing the safety issues related to garage demolition.

Commissioner Di Monda discussed with Mr. Schubach CEQA exemptions and the City Attorney's opinion regarding the current exemption. Commissioner Di Monda said he was appalled at what was happening on 8th Street, noting the minimum setbacks and lack of sidewalk made the street appear to have a wall. He felt the architect could change these plans, noting the buildings were quite large and suggested a larger set back be required for condominiums to allow installation of sidewalks. He felt the building bulk was double to that around this property, suggesting that if the buildings were the same size, the set back could be larger and reduce the appearance of mass. Noting that light and air has not been a big issue with the Council, he thought perhaps that it should be. He felt the trash

storage doors needed to be accessible from the alley, noting the potential for a "boot leg". He did not support the development as proposed as incompatible.

Chmn. Tucker said he thought Commissioner Di Monda's comments appropriate to this project and suggesting the front building be slid back to make the property edge more pedestrian friendly. He felt the plans massive when compared to adjoining properties and suggested a Resolution addition stating a demolition permit will not be issued until the problem concerning the dual-owned garage is resolved.

MOTION by Comm. Di Monda, Seconded by Chmn. Tucker, to **CONTINUE** CON 96-2/PDP 96-2 and CON 96-3/PDP 96-3 to the June 18, 1996 meeting to allow the applicant the opportunity to submit redesigned plans to Staff, who are directed to investigate methods to reduce bulk and square footage, increase the set back area and make the structures more compatible with the neighboring structures.

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

Chmn. Tucker stated this decision was subject to appeal within 10 days to the City Council.

A break was taken at 8:03 p.m. Chmn. Tucker reconvened the meeting with all Commissioners, with the exception of Comms. Dettelbach and Merl, present.

9. **CUP 96-3 -- CONDITIONAL USE PERMIT TO ADD OUTSIDE DINING TO AN EXISTING RESTAURANT, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 1433 HERMOSA AVENUE, TOMBOY'S**

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

Mr. Schubach stated Staff recommended approval with suggested conditions to bring the property up to current standards in landscaping and the parking lot.

Chmn. Tucker opened the Public Hearing at 8:15 p.m.

Don Brockman, owner's representative, said the intent was to upgrade the property, restriping the parking lot, improving landscaping and adding awnings. He said there was not enough room to plant two trees on the north side, but that area will be landscaped. By restriping, more parking spaces will be obtained.

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

Chmn. Tucker suggested the "jog" by the donut shop be removed to allow the parking lot to remain communal, the trees at the parking lot rear be removed, new landscaping be provided and no amplified music be allowed in the patio area, to which the Commission agreed. Commissioner Di Monda suggested the City complete the sidewalk curb cutting, a sidewalk be required, the trees in the back be replace with two each palm trees on Hermosa and 15th Streets. He discussed with Director

Blumenfeld the City's intent to plant trees, including the types of trees being considered and possible proportional funding via an in-lieu fee by the applicant. Comm. Di Monda objected to waiting to plant the trees until the City starting its planned tree-planting program.

MOTION by Comm. Di Monda, Seconded by Chmn. Tucker, to **APPROVE CUP 96-3** with addition of conditions requiring two trees to be planted on Hermosa Avenue and two trees on 15th Street on the sidewalk, requesting the City provide the sidewalk cutting and the owner provide some type of in-lieu fee pay for the trees, with the understanding that as soon as the City's plans for Pier Avenue have determined the tree types to be planted, trees will be planted at this location, a railing is to be installed on the north side to define a seating area, and the dog leg on the railing connecting to the donut shop is to be removed to allow access to the common exterior area.

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

Chmn. Tucker stated this decision was subject to appeal within 10 days to the City Council.

10. CUP 96-6 -- CONDITIONAL USE PERMIT AMENDMENT TO EXPAND THE AREA FOR RESTAURANT, LIVE ENTERTAINMENT AND DANCING, TO ADD A BANQUET ROOM, AND OUTSIDE DINING, AND ADOPTION OF AN ENVIRONMENTAL NEGATIVE DECLARATION AT 60-68 PIER AVENUE, SANGRIA GARDEN (continued from April 16, 1996 meeting).

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

Director Blumenfeld said the Environmental Review Committee recommended a negative declaration, with the live entertainment noise be mitigated by requiring windows and doors be closed during any performance and no amplified music be permitted outside, which will be addressed under Articles 7 and 12 of the Municipal Code. The intent for the multiple-use space was to provide supplemental dining and dancing area, banquet space to be rented out for events and serve as meeting space. The changes do not require additional parking. Director Blumenfeld discussed the hours of operation, proposed conditions, zoning issues and stating Staff suggested the use be permitted in connection with the restaurant and live entertainment.

Comm. Di Monda asked the possibility of establishing an in-lieu fee for tree planting in the downtown area. The money would be held in the D.E.C. account. Director Blumenfeld responded, noting Staff would be presenting to Council information on this issue shortly.

Chmn. Tucker opened the Public Hearing at 8:35 p.m.

Matt McDaniel, Sangria Restaurant, 68 Pier Avenue, said a menu was supplied, per the Commission's request. Responding to questions, he discussed air conditioning, current and future-planned live entertainment to be provided.

Sheila Donahue Miller, 77 17th Street, presented a letter for the Commission's review. She objected to the cumulative effects of the many establishments serving alcohol, with music and dancing. She said the City did not enforce the CUP's conditions, there was a problem with increase in crime level and noises. She said even though they are called restaurants, the City really has wall to wall bars in this area. She requested an overall plan be established and policy set, with accompanying controls.

Rob Seaman, original 1994 contractor, 1120 Loma Drive, said the reason the parking lot improvements were not accomplished, was it was agreed a time line would be set, which was not. No one year limit was set. No business can carry on until the building is completed. He requested the parking lot requirements be made part of the same building permit.

No one else wished to speak, and Chmn. Tucker closed the Public Hearing at 8:44 p.m.

Comm. Perrotti stated that statistics showed some crime had not increased, but many have decreased. Noting the drug store had been vacant for some time, he felt that since the applicant wanted to expand to which he did not object. He suggested an air conditioning requirement be added as Condition #11. Chmn. Tucker agreed air conditioning should be a requirement so that the doors and windows could remain closed during business hours. Noting that no retailers had submitted an application for this sight, he did not object to this application, stating City Council would determine the number of restaurants in that area.

MOTION by Chmn. Tucker, Seconded by Comm. Di Monda, to **APPROVE CUP 96-6**, Staff's recommendation, an addition to the Conditions relating to live entertainment and noise that air conditioning was a requirement in this facility to mitigate the noise problem.

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

Chmn. Tucker stated this decision was subject to appeal within 10 days to the City Council.

11. CUP 96-7 -- CONDITIONAL USE PERMIT AMENDMENT TO ALLOW AN 875 SQUARE FOOT EXPANSION TO AN EXISTING RESTAURANT WITH ON-SALE BEER & WINE INTO THE ADJACENT COMMERCIAL BUILDING AT 422 PIER AVENUE, RAGIN CAJUN.

Staff Recommended Action: To approve said request.

Commenting he had worked with the property owner approximately two years ago, Comm. Di Monda asked Staff if he should step down. Noting the "new ethical mood" on the part of Councilman Edgerton, who Comm. Di Monda added had more instances of impropriety than anyone he could think of, asked the procedure for determining if he should step down or not. Concerning the new ethics code, Comm. Di Monda asked if the City Attorney was interested in investigating the Vasak Polak land swap deal that Councilman Edgerton was party to, noting that right after the close of the land swap deal, apparently Councilman Edgerton was seen driving a new BMW the same week in which his house was foreclosed. Comm. Di Monda felt there was an appearance of impropriety in this situation.

Although not accusing Councilman Edgerton of doing anything wrong, but since all are concerned about appearances, noting he accepted money on this project 2-3 years ago which he had declared, and did not want any appearance of impropriety on his part. After discussion between Staff and himself, it was decided, based upon a 12 month consideration period, Comm. Di Monda would continue his participation.

Director Blumenfeld presented the Status Report, discussed the proposal to add seating and bar area, restriping of the parking lot to increase spaces, landscaping, hours of operation, corrugated metal facade, the existence of residential housing adjacent, improvements made by the applicant, and proposed recommendations to address the trash enclosure to mitigate the problem. Comm. Di Monda felt requiring one tenant to maintain and refurbish this large property was unfair.

Chmn. Tucker opened the Public Hearing at 9:01 p.m.

Bill Lasher, Ragin Cajun management representative, said the garbage problem was created by the Hilltop Cafe, not the applicant, but it had been cleaned up. He said the minutes of the October 18, 1994 meeting showed the Commission approved the CUP with a stipulation that a time line agreeable to Staff, applicant and property owner would be determined. A meeting was never conducted, but a resolution was issued requiring the applicant to do the improvements. He felt this was in conflict with the action taken. He and the applicant agreed this was "overkill" on one tenant to be required to meet these requirements, requesting the applicant be relieved of some of the conditions that were not imposed by the Commission. He asked this applicant not be denied, stating the applicant would work with Staff.

Judy Garland, 1181 Cypress, representing Unit A and B, said the only complaint was the trash compactor was located in front of Unit B, creating a health hazard and devaluating both unit properties. She requested removal to an area closer to the restaurant.

Rebuttal

Bill Lasher, said the property owner had put the compactor in that location, not the applicant. He said there were two trash containers in the enclosure, one of which was the Ragin Cajun's which was clean and locked. He said the sign limiting night-time parking for the Ragin Cajun was requested to be removed by the Commission, which was confusing because the applicant was being asked to make all the improvements but not declare the lot for clients' parking. Chmn. Tucker responded this was a multiple use building during the day and used primarily by the applicant during the evening.

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

For record clarification, Director Blumenfeld read a portion of the text of the October 1994 conditions of approval, signed by the applicant, noting this condition had been established by the Commission. Staff tried to enforce the condition and had also issued a compliance letter. The applicant was well aware of the condition, reflected in the Resolution.

Comm. Perrotti recommended Items 5 and 6 be completed prior to building permit issuance. He said the second Item 6 should be shown as Item 8. Comm. Di Monda discussed with Director Blumenfeld possible removal of trash enclosure to another area and a curb cut leading to the front door. He said

other cities had gas shut offs in the street and suggested Hermosa Beach consider doing the same for all new projects, and certainly condominium projects, for safety purposes. He felt the maintenance requests should be presented to the landlord, not the applicant. Chmn. Tucker felt the trash enclosure was too far away from the businesses, not the residents. Mr. Schubach said the Code did not prohibit the current trash enclosure location, which could be addressed through conditions.

MOTION by Chmn. Tucker, Seconded by Comm. Perrotti, for Staff's recommendation to **APPROVE CUP 96-7**, omitting Condition #5, deleting the requirement for a bicycle rack, under Section 1, add #9 stating the metal facade treatment and mural signage are approved, amending Condition 7 to include a 7.b the trash enclosure is to be relocated; Staff is directed to work with the applicant to relocate the trash enclosure subject to the Community Development Director's approval.

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

Chmn. Tucker stated this decision was subject to appeal within 10 days to the City Council.

HEARINGS

12. **NR 96-1 -- A NONCONFORMING REMODEL TO ALLOW A GREATER THAN 50% EXPANSION/REMODEL FOR A SECOND STORY ADDITION WITH A NONCONFORMING FRONT YARD SETBACK AT 1531 PROSPECT AVENUE.**

Staff Recommended Action: To approve said request.

Comm. Perrotti said he lived one block from this remodel. Although he felt the project would not monetarily affect him, he asked if he should step down. Staff recommended he continue participation, stating the City Attorney would determine if the participation would be voided.

Mr. Schubach presented the Staff Report, stating building height in a couple of locations exceeded the limitation by one to three inches, which will be corrected. Staff found this an attractive project.

Chmn. Tucker invited public participation at 9:48 p.m.

Larry Peha, 67 14th Street, said the lot was an odd one, with the front yard being more like a side yard. He felt the height issue was resolved with Staff.

No one else wished to speak, and Chmn. Tucker returned the discussion to the Commission at 9:50 p.m.

MOTION by Comm. Di Monda, Seconded by Chmn. Tucker, **APPROVAL** of Staff's recommendation.

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

ABSENT: Comms. Dettelbach, Merl
ABSTAIN: None

Chmn. Tucker stated this decision was subject to appeal within 10 days to the City Council.

13. S-4(k) -- REQUEST FOR APPROVAL OF A MURAL IN EXCESS OF THE SIGN AREA AT 1706 PACIFIC COAST HIGHWAY

Staff Recommended Action: To approve said request by minute order

Mr. Schubach said the mural met criteria, and Staff recommended approval.

MOTION by Chmn. Tucker, Seconded by Comm. Di Monda, **APPROVAL** of Staff's recommendation.

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

STAFF ITEMS

14.a Memorandum regarding report on revocation of Conditional Use Permit.

Director Blumenfeld said the revocation procedures had been examined by Staff, as requested by the Commission. The recommendation being developed is to amend the C.U.P. Ordinance to contain direction that when an operation ceases, the C.U.P. would lapse. This will eliminate the requirement for the hearing process, resulting in less expenditure of staff time and resources and a simpler process than revocation proceedings. The City Attorney and Staff were reviewing this suggested procedure. The Commission felt this would be beneficial.

Jim Lissner, Hermosa Beach, asked if the proposed text amendment change would apply to existing C.U.P.s also. Comm. Di Monda responded this was the questions being reviewed by the City Attorney and Staff.

14.b Memorandum regarding election of the Chairman and Vice Chairman.

By unanimous agreement, this item was **TABLED** until after Commission appointments are complete.

14.c Community Development Department activity report of March, 1996.

Receive and File

14.d Tentative future Planning Commission agenda.

Receive and File

14.e City Council minutes of April 9, 23 and 25, 1996

Receive and File

COMMISSIONER ITEMS

Comm. Di Monda said the driveway apron was not removed from in front of the door of the Beef Bowl on Pacific Coast Highway. Director Blumenfeld though removal had not been a requirement, but would look into it. Comm. Di Monda felt construction was starting up again in California. Commenting that other cities require projects include gas shut offs in the street for safety reasons, and suggested Hermosa Beach also include this as a requirement for condominium and commercial developments. Staff was instructed by Chmn. Tucker to investigate this suggestion and contact the Gas Co. for input and ideas.

ADJOURNMENT

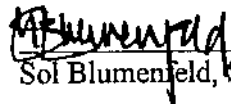
MOTION by the Commission to adjourn at 10:02 p.m. No objections; so ordered.

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 May 21, 1996.



Peter Tucker, Chairman



Sol Blumenfeld, Secretary

6-18-96

Date

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE
CITY OF HERMOSA BEACH HELD ON JUNE 18, 1996,
AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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

Pledge of Allegiance led by Comm. Merl.

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. Perrotti, Seconded by Chmn. Tucker, to **APPROVE May 21, 1996 Minutes, Resolution P.C. 96-21** approving two Vesting Tentative Parcel Maps #24524 and #24526 for two-unit condominium projects, at 144-48 and 158-60 Manhattan Avenue, **Resolution P.C. 96-22** approving a Conditional Use Permit to allow additional outside dining in conjunction with an existing restaurant and encroachment into the public right-of-way, and adoption of a Mitigated Negative Declaration at 1433 Hermosa Avenue, **Resolution P.C. 96-23** approving a Conditional Use Permit, as amended, to allow expansion of an existing restaurant with on-sale alcohol and live entertainment into the adjacent building space to the west; to add outside dining and a banquet room, and adoption of a Mitigated Negative Declaration at 60-68 Pier Avenue, Sangria Garden, **Resolution P.C. 96-24** approving a Conditional Use Permit, as amended, to allow the expansion of an existing restaurant with on-sale beer and wine at 422 Pier Avenue, and **Resolution P.C. 96-25** approving a greater than 50% expansion and remodel to an existing nonconforming single-family dwelling at 1531 Prospect Avenue.

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

ORAL/WRITTEN COMMUNICATIONS None

PUBLIC HEARINGS

7. a) **CON 96-2/PDP 96-2 -- CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE PARCEL MAP #24521 FOR A TWO-UNIT CONDOMINIUM AT 1069 7TH STREET AND 1048 8TH STREET (continued from May 21, 1996 meeting), and**

b) CON 96-3/PDP 96-3 -- CONDITIONAL USE PERMIT, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE PARCEL MAP #2452 FOR A TWO-UNIT CONDOMINIUM AT 1075 7TH STREET AND 1052 8TH STREET (continued from May 21, 1996 meeting)

Staff Recommended Action: To approve said requests.

Mr. Schubach said the applicant had submitted revised plans addressing the Commission's concerns. Mr. Schubach described the plan changes.

Chmn. Tucker opened the Public Hearing at 7:12 p.m.

Vern Saxe, project architect, detailed the changes made in the revised plans. Mission tile would be used. Mr. Saxe agreed the roof could be 3 1/2 to 12, when asked by Chmn. Tucker. Mr. Schubach confirmed the roof was now under maximum height limits at all points. Referencing the adjoining garage, Mr. Saxe said anything he does on the adjacent property had to be protected, and would adhere to building codes.

Sandra Essex, 1051 8th Street, said she had reviewed the changes, noting several issues still existed. Ms. Essex read into the record the first half of the letter from her and Jim Sullivan to Director Blumenfeld dated June 18, 1996 and included in the Commission packets.

Jim Sullivan, 1051 8th Street, read the second half of the same letter into the record. He requested the roof pitches be lowered, offering to pay a portion of the cost. He contended that four separate structures were being built.

Steve Montelto, 715 Prospect, said some changes had been implemented, but additional work needed to be done since his property would lose light and privacy. He objected to a 30-foot wall being erected against his property line. He asked that a compromise be considered.

Jack Shannon, Hermosa Beach, said he agreed with and supported Steve Montelto's comments, because the same impacts would apply to his property.

REBUTTAL

Elizabeth Srour, 820 Manhattan Avenue, Manhattan Beach, said the proposal was two, separate projects, independent of each other. The applicant asked the same opportunity for review and administrative procedures that other projects had experienced in the past. The architect has worked with neighbors concerns, with the efforts to reduce mass and height going far beyond what has been required on other projects. She described the adjoining lots and structures. She said the applicant would work with Staff regarding trees. Regarding the Conditions, she said the basement level was totally integrated with the entire house and measures had been taken to alleviate any possibility of a "boot leg". She asked that the configuration presented to the Commission be approved. Acknowledging the adjoining garage had become an issue, Ms. Srour

said the applicant was prepared to work with the City and other garage owner to resolve this problem, suggesting this item could be made a Condition.

Vern Saxe said there was no issue with the trees; however, flipping the project would be a problem. He explained the entries facing Prospect Avenue would be a detriment because of increased noise. The wall will not physically go up to 30 feet, but will be 25-27 feet tall and be broken by windows. Additionally, a planter could visually diminish the wall. He discussed roof slope with Commissioners and objected to a flat-roof design. He said the plans called for a sloping ceiling. He discussed the possibility of flipping one project with Comm. Di Monda. Both agreed a flat roof was not desired, and disagreed on the benefits of flipping one project. Comm. Di Monda felt flipping the one project would result in positive benefits for the neighborhood and future resident. They discussed possible revision of the plans to give relief in the wall. Mr. Saxe discussed the lot extreme grades and wall variations with Comm. Dettelbach. Comm. Dettelbach felt the separateness of the lots were more form than substance, asking if the City Attorney had been consulted. Comm. Di Monda expressed concern about the CEQA issue, discussing with Director Blumenfeld the basis of Staff's decision and lack of the City Attorney's opinion on this item. Director Blumenfeld reiterated these projects, under CEQA, were clearly two separate projects and exempt under the law. Comm. Di Monda reiterated his request the City Attorney review this item, suggesting this item be continued until that opinion is reviewed.

Elizabeth Srour said continuance of this item would result in serious financial impacts to the applicant, noting the property was currently in escrow. She reiterated her request this application be given the same professional and environmental review procedure and opportunity for review as has been done for other past projects and that this project be allowed to move forward.

No one else wished to speak relating to this item, and Chmn. Tucker closed the Public Hearing at 7:50 p.m.

Chmn. Tucker said, with the submitted changes, the applicant currently met the rules and guidelines set forth by the City.

MOTION by Comm. Merl, Seconded by Comm. Perrotti, to **APPROVE** this application, with all Staff-recommended conditions, plus conditions relating to a review by Planning Staff of the landscaping tree size and maintenance, flipping the one unit and requiring cut outs to relieve the bulk of the east wall, subject to City Attorney approval regarding the CEQA issue, and prior to the map, a document will be filed resolving the land property line encumbrance.

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

Chmn. Tucker stated the Commission's decision was appealable within 10 days to the City Council.

HEARINGS

8. SS 96-1 - SPECIAL STUDY REGARDING ZONING ORDINANCE SELECTED DEFINITIONS

Staff Recommended Action To direct Staff as deemed appropriate.

Director Blumenfeld said the definitions were to assist Staff with assessing developments and project application review. He said the definition of heights and grades was a priority item, which needed to be fine-tuned. He explained the problems Staff was experiencing with the current definitions. Comm. Di Monda felt this item should be continued to allow the new Commissioners to give input. Director Blumenfeld said current projects would be held up, recommending direction be given to Staff so they can move forward with current applications. Comm. Di Monda objected to further discussion of this item during this meeting. Director Blumenfeld explained the problems currently being experienced by Staff, asking for closure on this issue.

Comm. Dettelbach suggested language stating in the event there is no public improvement to use as a measuring post, then the language regarding three feet would be used. After discussion among Director Blumenfeld and Commissioners, Staff was directed to refer to historical records, proposed whatever text is necessary in order to codify the method, keeping the text simple and understandable. Director Blumenfeld confirmed Staff would bring back in final form the definition of grade and building height.

Noting the continuing problem with boot-leg units, Mr. Schubach said Staff was asking for input on the other items presented so that definitions could be created, based upon the Commission's suggestions. He discussed the definition of kitchen with Comm. Perrotti, who noted that simply eliminating a stove did not solve this problem. Comm. Perrotti requested definitions from other cities for review by the Commission, to which the Commission agreed. Chmn. Tucker, referencing the attic definition, felt it was headed towards "commercial", suggesting the plan check determine the ceiling load to deter boot leg units. Director Blumenfeld did not feel the City could stop someone from over-designing the structure. Referencing wet-bars, Chmn. Tucker commented sink size was not a deterrent to converting a wet-bar to kitchen.

Staff was **DIRECTED** by the Commission to return this item, setting a public hearing as a text amendment. **No objections, so ordered.**

STAFF ITEMS

9.a Legal determination at 1216 Loma Drive.

Mr. Schubach said Staff had completed an inspection and was comfortable that the building was built in 1920(s), is a two unit and always has been. Staff wished closure of this item. **Unanimously approved, so ordered.**

9.b Review of landscape conditions at 26 Pacific Coast Highway, South Bay Nissan.

Director Blumenfeld said Staff had been trying to obtain compliance with a CUP issued in 1993. The owner is willing to comply, but a site visitation showed it is impossible to complete the landscape conditions, relative to the property on the north side. Director Blumenfeld asked approval by Minute Order of an alternate landscape plan, provided at this meeting. **No objections, so ordered.**

9.c Capital Improvement Program (CIP) Review FY 96-97.

Comm. Di Monda said the point of the original request was to assure the Commission saw improvement, not just numbers. He stated his support of formation of a Public Works Commission. Comm. Di Monda wished to simply assure that as bids were made, they would be reviewed as an ongoing process. With a Public Works Commission, this monitoring would not be necessary.

9.d Update of the schedule of Hermosa Inn Environmental Impact Report (EIR) process.

Receive and File

9.e Community Development Department activity report of April, 1996.

Receive and File

9.f Tentative future Planning Commission agenda.

Receive and File

9.g City Council minutes of May 14, 23, 28, 1996

Receive and File

COMMISSIONER ITEMS

Director Blumenfeld said an EIR is currently being processed for the Hermosa Inn. It will be a public meeting in order to get the Commission's input for the EIR contents prior to the hearing. Staff wished to reserve time for this input in July 1996.

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 June 18, 1996.



Peter Tucker, Chairman



Sol Blumenfeld, Secretary

7-16-96

Date