

**MINUTES OF THE PLANNING COMMISSION MEETING OF THE CITY OF HERMOSA BEACH  
HELD ON MARCH 15, 1988, AT 7:30 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Meeting called to order at 7:30 P.M. by Chmn. Compton.

Pledge of Allegiance led by Comm. Rue.

**ROLL CALL**

Present: Comms. Ingell, Peirce, Rue, Chmn. Compton  
Absent: Comm. DeBellis \*  
Also Present: Michael Schubach, Planning Director; James P. Lough, City Attorney;  
Sally White, Recording Secretary

(\* Comm. DeBellis joined the meeting at 7:46 P.M.)

**APPROVAL OF MINUTES**

Chmn. Compton commented on the minutes of March 1, 1988. He discussed the motion on Page 15, and questioned whether the wording is correct.

Mr. Schubach stated that the minutes accurately reflect the motion made; however, he said that he would listen to the tape to ensure that the wording is correct.

Chmn. Compton made an addition to Page 20, Paragraph 3: "Chmn. Compton disagreed, stating that this issue has arisen because of the development of these particular types of lots, in extremely sensitive areas of town where the majority of neighbors wanted to have the lots merged, and this is not such an area."

Comm. Rue made an addition to Page 20, Paragraph 10: "Comm. Rue noted that the Planning Commission has been given the authority by the State to not merge these lots if an owner does not want them merged, and the intent of the City Council and State, by their wording, is to make it the least difficult way of keeping the lots unmerged."

**MOTION** by Comm. Rue, seconded by Comm. Peirce, to approve the minutes of March 1, 1988, as amended. No objections; so ordered.

**APPROVAL OF RESOLUTIONS**

Chmn. Compton discussed Resolution P.C. 88-17, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, RECOMMENDING A TEXT AMENDMENT TO SECTIONS 1209, 1210, 1211, AND 1212 PERTAINING TO ENCROACHMENTS INTO REQUIRED YARD AREAS AND ENVIRONMENTAL NEGATIVE DECLARATION. He commented on Section 1, (Section 1209) Condition No. 2 and questioned whether the dimensions accurately reflect the motion made by the Commission. He asked Mr. Schubach to listen to the tape to ensure that the numbers are correct.

Chmn. Compton also asked Mr. Schubach to check on Section 4 (Section 1212) in regard to the balcony encroachments into yard areas. He further suggested that the title of this particular section be changed to "Section 1212. Stairway and Balcony Encroachments into Front Yard Areas."

Chmn. Compton continued by discussing the second paragraph of Section 4: "An unenclosed stairway or steps uncovered leading from grade to the first floor level only may encroach into a required front yard thirty-six (36) inches, but in no case shall such encroachment be closer than three (3) feet to the front property line." He assumed that this does not include stairs at the ground level that actually step down and not up. He wanted additional language included to clarify this section.

Chmn. Compton stated that he would like to see a precise definition for "architectural projection."

Chmn. Compton asked that this resolution be brought back to the Commission for approval at the next meeting with the appropriate changes.

Mr. Schubach stated that he would listen to the tape and return Resolution P.C. 88-17 to the Commission at the next meeting.

**MOTION** by Comm. Rue, seconded by Comm. Peirce, to approve Resolution P.C. 88-18, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AND TENTATIVE PARCEL MAP #19517 FOR A FOUR-UNIT CONDOMINIUM PROJECT LOCATED AT 1111 VALLEY DRIVE, LEGALLY DESCRIBED AS THE NORTHERLY SECTION 67.4 FEET OF LOTS 21 & 22, KNUITSEN TRACT. No objections; so ordered.

**MOTION** by Comm. Rue, seconded by Comm. Ingell, to approve Resolution P.C. 88-22, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING AN EXTENSION OF A CONDITIONAL USE PERMIT AND TENTATIVE TRACT MAP #17513 FOR A FOUR-UNIT CONDOMINIUM PROJECT LOCATED AT 1020 MONTEREY AVENUE. Noting the abstention of Chmn. Compton, no objections; so ordered.

Chmn. Compton noted a correction to Resolution P.C. 88-23, Condition No. 8. The wording should be changed to: "All common areas are to be kept clean of trash and debris."

**MOTION** by Chmn. Compton, seconded by Comm. Rue, to approve as amended Resolution P.C. 88-23, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN FOR A 400 SQUARE FOOT RETAIL ADDITION AT 1100 PACIFIC COAST HIGHWAY AND NEGATIVE DECLARATION. No objections; so ordered.

#### **COMMUNICATIONS FROM THE PUBLIC**

No citizens appeared to address the Commission.

Mr. Schubach stated that a letter had been received from Mark J. Kavanaugh dated March 15, 1988, requesting an extension of one year on tentative tract map #30986 for an eight lot subdivision at 532, 534-548 20th Street. The map will expire on April 21, 1988, and he therefore requested that this matter be placed on the Planning Commission agenda for the meeting of April 5, 1988.

**MOTION** by Comm. Rue, seconded by Comm. Peirce, to set for hearing the issue of tentative tract map #30986 for an eight lot subdivision at 532, 534-548 20th Street. Noting the abstention of Comm. DeBellis, no objections; so ordered.

**CONDITIONAL USE PERMIT AND TENTATIVE PARCEL MAP #19542 FOR A TWO-UNIT CONDOMINIUM PROJECT LOCATED AT 215 MANHATTAN AVENUE**

Mr. Schubach gave staff report dated March 8, 1988. The project is located in the R-3 multiple-family residential zone with a general plan designation of high density residential. The lot size is 3,000 square feet.

The proposed units are approximately 2050 square feet in size. The units will contain three bedrooms and two baths. Each structure consists of two stories and a subterranean floor.

The development will provide two parking spaces per unit and two guest spaces. One additional parking stall shall be provided as a result of curb cuts. Therefore, a recommended condition of approval is to require the applicant to refurbish the curb according to the specifications of the Public Works Department.

The units conform to the open space requirement. Both Unit A and Unit B will provide 311 square feet of private open space. However, this development will not provide any common open space area.

Sufficient private storage per unit is provided in the garage area. However, the plans fail to show the area where the trash facilities shall be located. Thus a condition of approval should require revised plans to display the location of trash facilities.

A Planning Department concern regards the turning radius for the parking of Unit B. The alley to the rear of Unit B is only twenty feet wide. To remedy this situation, a condition of approval is to require that only one parking stall shall be located in the rear of Unit B. The dimensions of the stall should include the width of at least 10.5 feet or greater. By providing parking with the width of 10.5 or greater, the required turning radius is reduced to 19 feet.

Another concern of the Planning Department involves the grade of the project. The applicant has proposed to raise the grade to produce a partial subterranean first floor. Staff wishes to ensure the grading meets all Building Code requirements. Therefore, a condition of approval is to require revised plans to display the grade in conformance with the Building Code.

The project conforms to all other planning and zoning requirements and is consistent with surrounding uses.

Staff recommended that the Planning Commission approve a conditional use permit and tentative parcel map #19542, subject to the conditions specified in the proposed resolution.

Chmn. Compton noted concern over plans which do not show any dimensions. He noted further concern over these particular plans, stating that they do not specify the location or size of the guest parking. He noted that such requirements are mandated by the zoning code; and he questioned whether approval should be given for a project whose plans are incomplete.

Mr. Schubach stated that the Commission could add a condition requiring that all requirements are met; however, he noted that staff would ensure that all requirements are complied with before final approval of the plans. He noted that guest parking and turning radius requirements must be met.

Chmn. Compton stated that it is difficult to approve a project when the plans are incomplete, noting that the plans do not show the rear yard setbacks or balcony projections. He continued by noting concern over the grade.

Mr. Schubach stated that if the Commission so desires, this item could be continued to the next meeting of the Planning Commission.

Comm. Ingell noted that the plans do not show the location of the trash area.

Mr. Schubach stated that many times trash enclosures are allowed to be located in larger garage areas; however, that issue falls within the purview of a different portion of the zoning ordinance, and it is enforced by the Building Department.

Public Hearing opened at 7:55 P.M. by Chmn. Compton.

Jack Wood, 200 Pier Avenue, Suite 38, Hermosa Beach, representing the applicant, addressed the Commission. He stated that it is very expensive to have plans professionally prepared. He noted that this applicant has had many expenses related to the project; also, the City has never precluded anyone from preparing their own plans. He further noted that interpreting the code can prove to be quite an undertaking for the average person.

Mr. Wood noted that the applicant has been working closely with the staff on this project, and there is adequate parking. Also the applicant is agreeing to the trash enclosure requirement.

Mr. Wood discussed the parking condition, stating that the Planning Department has noted concern over the turning radius. He stated that if there is an abbreviated turning radius, the applicant will agree to an additional legal parking space in that area. If the applicant can get two parking spaces, Mr. Wood felt that the applicant should be allowed to do so without interference from the City.

Mr. Wood felt it would be counter-productive to require a larger turning radius at the expense of additional parking.

Mr. Wood discussed the trash enclosure, stating that it will be located in the proper area. He continued by saying this project will be built according to all requirements, including the height limitation. The applicant will also pay for a survey.

Mr. Wood stated that the impact of resubmitting the plans will be minimal; therefore, the plans could be approved at this time. He stated that the applicant will agree to conform to all conditions in the code.

Public Hearing closed by Chmn. Compton at 8:00 P.M.

Chmn. Compton felt that this project will upgrade the neighborhood.

**MOTION** by Comm. Rue, seconded by Comm. Ingell, to approve staff's recommendation to approve a conditional use permit and tentative parcel map #19542 for a two-unit

condominium project located at 215 Manhattan Avenue, subject to the conditions specified in the resolution, and subject to the project's meeting all requirements of the building and zoning codes.

AYES: Comms. DeBellis, Ingell, Peirce, Rue, Chmn. Compton  
NOES: None  
ABSTAIN: None  
ABSENT: None

**CONDITIONAL USE PERMIT AMENDMENT TO ALLOW A BOX OFFICE EXPANSION AT  
1018 HERMOSA AVENUE (COMEDY AND MAGIC CLUB) AND ENVIRONMENTAL  
NEGATIVE DECLARATION**

Mr. Schubach gave staff report dated March 10, 1988. The Planning Commission, at their meeting of January 23, 1978, approved Resolution P.C. 78-3 to allow the on-site sale of beer and wine and to allow live entertainment.

The Board of Zoning Adjustments, at their meeting of August 6, 1979, approved BZA Resolution 154-337 to modify a CUP to allow the sale of alcoholic beverages, including beer and wine.

The Board of Zoning Adjustments, at their meeting of June 29, 1983, approved BZA Resolution 154-467 to modify a CUP to allow outside dining. The conditions pertaining to this request were omitted in BZA Resolution 154-561 since the use no longer exists.

Resolution BZA 154-561 was approved by the Board of Zoning Adjustments on March 7, 1984, to allow the adjacent retail space to be used in conjunction with the existing business.

The Environmental Review Committee, at their meeting of January 21, 1988, recommended that the Planning Commission grant a negative declaration for this project and requested the applicant to submit plans showing the interior of the building and the seating layout.

The applicant is requesting an amendment to the existing conditional use permit to allow for an 84-square foot addition for a new box office. The proposed addition is located in front of the existing office area and adjacent to the sidewalk. The area requested for the addition is located under the existing roof area.

The existing box office has one window. The proposed box office will provide three windows and therefore will reduce or eliminate the lines that often exist along the sidewalk before a show. The management of the Comedy and Magic Club is proposing to separate the lines based on the types of transactions.

The management is also requesting the box office addition to improve the safety of the employees within the box office. Currently, after the box office closes, the employee must carry the cash and receipts across the seating area of the club to get to the general offices. The proposed location of the box office will be directly in front of the general offices, thereby eliminating the risk incurred by the employee while carrying the cash.

The addition will not require any additional parking. The area proposed for the addition is presently under roof area and enclosed by three walls, and is therefore part of the existing building area.

The Planning Department has investigated this business for conformance with the existing conditional use permits and has found the business to be in violation of some of the existing conditions; i.e., no screens for the windows and no sign related to open containers in the public right-of-way. In the past, the club has had problems with exceeding maximum allowable occupancy. The management has been working with the Building and Fire Departments to develop an approved seating plan. A copy of the seating plan was provided to the Commission. As a condition of approval, staff recommended that a copy of the seating plan be displayed at the club and shall be adhered to.

The addition conforms to planning and zoning codes and is compatible with the general plan. Staff recommended that the Planning Commission approve the conditional use permit, subject to the conditions specified in the proposed resolution. He concluded that all previous conditional use permits have been combined and supercede previous CUPs.

Comm. Peirce asked about the sign at this location which is depicted in the plans provided to the Commission.

Mr. Schubach had no knowledge of the sign; however, the sign is not part of the issue before the Commission at this time.

Comm. Ingell asked whether other businesses have ever been required to post their seating plans.

Mr. Schubach stated that posting has not been required in the past; however, because of the concerns expressed by the Fire Department, it is being required in this case. He stated that it is more feasible for the plan to be posted, since an inspector can arrive at any given time, including times when the office may be locked up and there is no access to a copy of the plan. Staff has proposed that the sign be posted in an area such as the kitchen or hallway where it could be easily seen yet will not detract from the surroundings.

Public Hearing opened at 8:08 P.M. by Chmn. Compton.

Mike Lacey, applicant, addressed the Commission and discussed the seating issue. He stated that this matter had arisen when he went to apply for the permit for the box office. At that time it was discovered that the Building Department had never consulted with the Fire Department in regard to the maximum seating occupancy. The Building Department then went to the Fire Department and obtained a seating chart showing a number significantly higher than what is ever seated in the room. He stated that there has never been any problem with the seating, and he is awaiting further word from the Building Director on this matter before the diagram is put up. He noted that it will be located near the podium, and this is in no way a problem.

Mr. Lacey discussed the sign, stating that he has taken over the businesses to either side of the club and he therefore wanted to expand the sign and make it all one piece. He was told that there are square footage requirements for sign space. He is in conformance with the square footage requirements, and he is currently awaiting the installment of the new sign. He said that he needs no approval; this sign is merely a replacement.

Public Hearing closed at 8:10 P.M. by Chmn. Compton.

**MOTION** by Comm. Ingell, seconded by Comm. Peirce, to approve staff's recommendation to approve the conditional use permit amendment to allow a box office



expansion at 1018 Hermosa Avenue, the Comedy and Magic Club, and environmental negative declaration.

Comm. DeBellis asked how staff proposes to enforce all of the conditions.

Mr. Schubach stated that the Planning Department has a new employee whose job is to ensure that businesses comply with the conditions of their CUPs. Also, the efforts of the Building, Planning, Fire and Police Departments are all being combined.

Comm. DeBellis thought it odd that a seating chart should be required for the benefit of inspectors. He felt that the requirement is dumb. He felt that the inspector assigned to check on the seating should already have a copy of the chart.

Mr. Schubach stated that it was felt that it would be easier and more accessible if the chart is posted.

Chmn. Compton did not feel it necessary for the sign to be posted where it can be seen by the public. He felt that a location in the office or otherwise out of sight would be acceptable.

Mr. Schubach noted, however, that problems have arisen in the past because managers frequently change, and new managers say they are not aware of the requirements. Therefore, it is felt that if the seating plan is posted, there can be no excuse for the manager not knowing the requirements.

Chmn. Compton then agreed that the posting of the seating chart is a good idea. He further added that all restaurants should probably be required to seating charts and that a copy of the CUP should be posted right next to the seating chart. He noted, however, that he did not feel it necessary to post the chart within view of the public.

Chmn. Compton suggested an amendment to the motion to modify the condition requiring posting of the seating chart to state that posting can be in the office or other place that is accessible to the inspecting officer.

Comm. Rue noted that the manager is required to read and sign the conditional use permit, indicating that he has read and understood each of the conditions.

Comm. Ingell did not feel it necessary to indicate where the seating chart should be posted. He felt that the main thing is to specify the maximum number of seats allowed in the building. He noted that occasions arise such as banquets where the tables are rearranged, thereby making a precise seating arrangement difficult to enforce.

Mr. Schubach noted if additional tables or chairs are brought in, or the furniture is positioned too closely to ailes or doorways, this might constitute a violation. The Fire Department would need to be consulted on such occasions to ensure that such rearrangement is not in violation of the code.

Comm. Ingell discussed instances where banquets occur and seating is rearranged. He noted concern over the inclusion of a condition which cannot be enforced.

Chmn. Compton stated that he favors the posting of the seating plan, although not necessarily in public view. He noted, too, that the applicant has no problem with such posting.

Comm. Ingell disagreed, stating that he does not favor setting the precedent of requiring establishments to post seating plans.

**AMENDMENT TO THE MOTION** by Comm. Ingell as maker and agreed to by Comm. Peirce as second, to delete Condition No. 2(a) "The seating plan shall be posted within the club." (Condition No. 2(b) then becomes 2(a).)

Chmn. Compton noted, however, that Condition 2(b) contains no maximum number; it states only that "The occupancy of the seating plan shall not be exceeded."

Comm. Peirce stated that the maximum occupancy issue is within the purview of the Fire Department.

Comm. Rue asked about seating plans. He also asked whether seating plans are required by the Fire Department.

Mr. Lough explained that the applicant is not being tied to a specific seating plan; merely, that one be prepared. Also, several seating plans could be submitted allowing for banquets and regular activities, so long as they meet all requirements. The Fire Department does not require a specific seating plan, only that an establishment conform to the certain standards.

Comm. Rue then suggested that it be required to post only standards, not a seating plan.

Chmn. Compton stated that he would vote against the motion, noting that he feels the seating plan to be an important aspect of this approval.

AYES:	Comms. Ingell, Peirce	
NOES:	Comms. DeBellis, Rue, Chmn. Compton	2 against
ABSTAIN:	None	
ABSENT:	None	

#### **(MOTION FAILS)**

**MOTION** by Chmn. Compton, seconded by Comm. Rue, to accept staff's recommendation with the modifications to Condition No. 2 as follows: Condition No. 2(a) shall be amended to state: "The general seating plan shall be posted within the club." A Condition No. 2(c) shall be added stating: "The seating plan may be modified for special occasions provided all requirements of the Building and Fire Departments are met."

AYES:	Comms. Ingell, Peirce, Rue, Chmn. Compton
NOES:	Comm. DeBellis
ABSTAIN:	None
ABSENT:	None

Comm. DeBellis stated that he voted against the motion because he feels the Planning Commission has a window of opportunity every time someone requests an amendment to a conditional use permit. He referred specifically to Condition No. 22 of this very CUP: "The Planning Commission may review the conditional use permit and may amend the subject conditions or impose any new conditions if deemed necessary to mitigate detrimental effects on the neighborhood resulting from the subject use." He said there is no question that this establishment impacts on the surrounding areas.



Chmn. Compton noted, however, that there is a six-month review process provided for in this case.

Mr. Schubach stated that this establishment is actually reviewed every month. He stated that there have been no complaints from the surrounding neighbors. Also, public noticing went to everyone within 300 feet of this establishment.

#### REZONE OF AREA 2 FROM R-2 TO R-1 AND ENVIRONMENTAL NEGATIVE DECLARATION

Mr. Schubach gave staff report dated March 10, 1988. He stated that this is the second of ten areas which the City Council has directed the Planning Commission to address. He stated that a large map has been posted and copies have been provided for the benefit of the public.

Mr. Schubach discussed Area 2 in detail: The total land area is 625,684 square feet. Total number of lots is 176. The typical lot size varies.

There are currently 267 dwelling units in Area 2, and the average number of units per lot is 1.5. The existing density is 18.6 units per acre. The existing zoning is R-2, with a general plan designation of low density.

The potential number of units under the current R-2 zoning ordinance (of 1,750 square feet per unit) is 281, or 19.56 units per acre; the potential number of units under the previous R-2 zoning ordinance (of 2,400 square feet per two units) is 322, or 22.4 units per acre. The potential number of units under the proposed R-1 zone change (one unit per lot by ordinance) would be 176, or 12.25 units per acre.

There are a total of 50 lots with nonconforming units under the current R-2 ordinance; under the current R-1 ordinance there are a total of 80 nonconforming units.

Fifteen units were constructed in the last ten years; 32 units were built in the last 20 years; and 220 units on 116 lots were constructed more than 30 years ago.

The surrounding use to the west is residential, with a zoning of R-1 and R-2 and a general plan designation of low and medium density.

The surrounding use to the east is residential except for a small portion of open space (the railroad right-of-way). The zoning to the east is open space and R-1, with a general plan designation of open space and low density.

To the north the surrounding use is open space. The northerly portion is zoned as open space and unclassified school use, with a general plan designation of open space.

The surrounding use to the south is residential and is zoned R-1, with a general plan designation of low density.

According to the general plan, the subject area should be rezoned to R-1, single-family residential. The rezoning would also be in accord with advisory measure EE passed by the electorate in 1980.

Eighty-seven percent of the existing dwellings were constructed more than thirty years ago, which is generally an adequate amortization period for most types of construction.

If this area were rezoned to R-1, a potential reduction in density of 37 percent will be recognized.

The subject area is surrounded almost completely by low density, R-1 zoned and open space areas. Rezoning the subject area would be a logical extension to the already low density surrounding areas.

According to the City Council schedule of zone changes, Area 2 requires rezoning at this time; therefore, staff recommended that the area be rezoned from R-2, two-family residential, to R-1, single-family residential.

Chmn. Compton asked what the effect of this zone change will be, based on the idea that there is a current number of 267 dwelling units, and the proposed number is 176.

Mr. Schubach stated that the existing two-unit lots will probably remain as two-unit lots, unless they are extremely old. He noted, however, that staff is still studying the issue of non-conforming property as it relates to this issue. He stated that it is hoped staff will return in the near future with some considerations for non-conforming uses. He noted it is very difficult to deal with the issue of condominiums sharing air space in the event the structure burns down, and the issue must be addressed of what can be rebuilt.

Chmn. Compton discussed the multi-family dwellings in this area and questioned whether they could be rebuilt in the event of fire, earthquake, or other devastation.

Mr. Lough explained that each particular situation would need to be addressed individually. Apartments could only be rebuilt to the current standards. In the case of condominiums, the current condominium ordinance would need to be consulted. He felt, however, that in most cases the structures could be rebuilt according to current state law. The trend is towards more property rights rather than less.

Chmn. Compton noted that staff had mentioned the lot sizes "vary." He asked for further clarification on the sizes.

Mr. Schubach stated that this area is extremely mixed, ranging from very large to very small lots. Some lots are approximately 5,000 square feet and over. Other lots have been split and are quite small. He noted that Area 2 is quite large.

Chmn. Compton asked whether there are any tracts in this area which have been developed and could be reasonably split off from this area and left as medium density.

Mr. Schubach stated that many of the smaller lots, whether zoned R-1 or R-2, would not be able to accommodate two units in any case. The larger lots to the east would be able to accommodate two units.

Comm. DeBellis asked about the process by which this issue is before the Commission. He asked when the general plan was adopted in the City.

Mr. Schubach stated that the most recent plan was adopted in 1979. The document was then certified by the Coastal Commission in 1980. He stated that the previous plan was adopted in 1976, and the original general plan was created in 1965.

Comm. DeBellis stated that it is mostly likely, then, that the low density designation was placed in this area in 1965.

Mr. Schubach stated that it would be necessary to consult the 1965 general plan in order to determine when the area was actually designated low density.

Comm. DeBellis asked what the zoning was in 1965.

Mr. Schubach suspected that the zoning was R-2 at that time.

Comm. DeBellis noted that the City has waited 23 years before attempting to correct this discrepancy between the general plan and zoning.

Mr. Schubach explained that the the City is under the state requirements to reconcile the zoning the general plan designation. Further, the citizens passed advisory measure EE to lower the density.

Comm. DeBellis questioned how many eligible citizens actually voted in the election in which EE was passed. He doubted whether the actual voter turnout was more than thirty percent of the registered voters, noting that that is why he is against ballot box voting.

Comm. DeBellis asked what planning studies the Planning Department has actually done in order to substantiate why the zoning or general plan should be changed.

Mr. Schubach stated that all statistical background data has been provided in order for the Commission to study and make a decision based on that.

Public Hearing opened at 8:42 P.M. by Chmn. Compton.

**Coming Forward to Speak in Favor of the Proposed Zone Change:**

Elizabeth Dunbar, 2524 Morningside Drive, lives in a single-family dwelling which cannot be turned into a duplex because there is not adequate parking. Therefore, she favored the area being rezoned to R-1.

Dominick Sarensioni, 577 25th Street, noted concern over the quality of life issue and the low density intention. If the general plan calls for low density, then it should be because of parking and traffic problems. He wanted to maintain low density and focus on reducing pollution, noise, traffic, and parking problems.

Melissa Miller, 318 24th Street and 2222 Loma Drive, could not favor or oppose the proposed zone change until more information is made available. She questioned whether other areas will be upzoned as a result of this downzone. She questioned whether the impacts of this downzone have been studied as it relates to other areas which will be addressed in the future. She felt that the proposal is capricious and arbitrary at this time.

Todd Kalish, 541 24th Place, noted that the area currently zoned R-1 has two-unit duplexes which occurred after all the rezoning took place. It is a very long, time consuming process for duplexes to disappear and be replaced with single-family residences. He said there is a tremendous property value in the single-family area. He said the area is very attractive and still very valuable even if it can only be developed with single units. He noted concern over traffic in the area. He said it would be appropriate to downzone the area to keep it in conformance with the family and child oriented atmosphere of the area.

Joel Beckett, 2424 Silverstrand Avenue, felt the downzone would improve the quality of life in the area. He felt that it would further improve transportation and parking. However, he noted concern over the zoning of the North School site, and questioned whether condos would be built on that site. He felt that condos would be detrimental if the rest of the area is rezoned R-1.

#### Coming Forward to Speak in Opposition to the Proposed Zone Change:

Walt Taylor, 2468 Myrtle Avenue, noted concern that he received no notice of this public hearing. Mr. Schubach stated that thousands of notices were sent out; however, he will check to ensure that Mr. Taylor is on the list. He noted that the notice could have been lost in the mail.

Mr. Taylor felt that downzoning would decrease his property value, and he stressed that he would like to be notified of any such future actions. He opposed not only the City's rezoning of his property and mandating the number of units he can put on his property, but also limiting the height to which he can build.

Jim Calhoun, 566 25th Street, has a large undeveloped parcel specifically purchased by him in 1973 because of the fact it is zoned R-2. He has chosen at this time not to develop the property because he enjoys the open space; however, to rezone his property from R-2 to R-1 would substantially reduce his property value should he decide to sell the parcel.

Mr. Calhoun continued by discussing the square footage of his parcel. He noted that the general plan has not been in effect since 1965. He cited advisory measure EE and questioned how many people actually voted for that item. He felt that EE should be placed on the ballot again because there have been several changes since 1980. He stressed that there must be a consensus of all the citizens of the City before any drastic measures are taken, and he felt that more information is necessary before making a decision on this area. He felt that additional clarification is in order. He felt that the 1965 general plan does not meet 1988 requirements.

Ron Hobbs, 544 25th Street, referred to the area on the south side of 25th Street from Lots 3 through 10, and then Lots 1 through 4. He noted that all of those lots are 50 by 150 and very large. He presented a petition signed by 17 people living on that block, all opposed to any rezoning of that area. The opposition is because the downzoning does not take into consideration the lot sizes, which is the major factor in this issue. He stated that lots of many different sizes, ranging from 50' by 150' to 30' by 42', have all been lumped together in Area 2. Many of the lots conform to existing low density requirements. He suggested that some of the areas be considered separate and apart from others in Area 2.

Mr. Hobbs stated that some of the residents desperately need the income derived from their rental properties, and without that income many of the people probably could not even afford to live in Hermosa Beach.

John Dunbabin, 2432 Myrtle Avenue, noted his single-family dwelling is already built to the 30-foot height limit. By downzoning, his property would become non-conforming. He lives on the east side of Myrtle; across the street is zoned medium density, which is five feet higher. As a result of the downzoning of Area 2 from R-2 to R-1, the east side of Myrtle Avenue will be limited to a height of 25 feet; while the west side, which is zoned R-2 and not subject to rezoning at this time, will have a height restriction of 30 feet.

Since the view is important for its beauty and the value it adds to the property in the area, and if Area 2 must be rezoned to R-1, he asked the Commission to consider a height variance for the east side of Myrtle Avenue and the area east of Myrtle and to set the height limit at 30 feet instead of 25 feet. He said that the lower heights should be in front of areas with a higher designation.

Harold Sterns, owner of 2416 Park Avenue, bought his property in 1962 and it was zoned R-2. He is retired and was hoping to return to Hermosa Beach; however, the proposed downzoning would impact his property value. He asked how the government can take property from individuals without just compensation. He stated that the downzoning would not permit the maximum use of his lot.

Mr. Sterns felt that the various areas should be addressed individually because of the vast difference in lots sizes. He stated that he lives in San Diego and has been receiving notices from the City with no problems.

Leon Miller, 2412 Silverstrand Avenue, purchased his property in 1972, at which time it was zoned R-2 and had the minimum square footage requirements for a duplex. He noted concern over his height limitation being affected, and he felt this would impact the value of his property. He noted concern over the rezone of his property and the height of surrounding buildings. He suggested that this issue be placed on the ballot as opposed to being acted upon piecemeal.

Walter Adam, owner of 2419 and 2421 Silverstrand Avenue, opposed; because if one cannot rebuild to the same standard if a structure is destroyed, he felt it is an arbitrary taking of property rights and property value. He stated that if a duplex suddenly becomes nonconforming, it will be worth far less. He said that all of the duplexes at issue were built under the code, some of which were completed within the past year. He noted concern over the loss of value if they become nonconforming.

Mr. Adam said that the downzoning will not decrease the density because buildings being constructed today will last at least a hundred years. He said the only way to decrease the number of duplexes would be if they burned down.

Bill Pomatri, owner of 2112 Monterey Boulevard, stated that this same downzoning proposal arose seven years ago but did not come to pass. He felt that downzoning would accomplish nothing except to take away the incentive to develop or build on a lot. Therefore, there will be an increase in the number of absentee landlords, with no incentive to ever return to live on the property because those owning duplexes will milk the property for rent.

Mr. Pomatri stated that the new duplexes are very beautiful, and they also help the parking situation because they must provide off-street parking. He stated that the shape of the lots themselves actually limits the types of construction which can go in.

John Vandewhile, 2426 Silverstrand Avenue, objected to the change in height from 30 feet to 25 feet. He is across the street from new homes which are at least 30 feet or more due to variances. He also noted concern over the requirement of additional living space combined with the setback requirements, noting that if had to rebuilt, a home would have to be very small to be in compliance. He noted that his house and lot are very small.

Elizabeth Dunbar, 2524 Morningside Drive, which is an irregularly-shaped lot, originally spoke in favor of the zone change; however, she now opposed based on the fact she is

adjacent to the open space area near the North School property, and she noted concern over the duplexes which would be able to build to a greater height. She noted that she wants to take advantage of her front yard.

Phil Simovich, 505 24th Place, and owner of 2460 and 2460 1/2 Park Avenue, opposed because he felt that if the North School property becomes available, developers will offer a very attractive package to the City so they can develop the site into a high density development. He noted concern that a person can buy an R-2 lot at top dollar and then be downzoned. He felt that a new general plan will probably be imposed in another ten years. He felt that the plan should be adhered to and there should not be so many variances granted thereby enabling people to avoid the rules and regulations.

Wilma Burt, 1152 7th Street, has fought the proposed downzoning for years. She stated that the general plan can be changed to conform with the zoning; the zoning does not need to be changed. Furthermore, by downzoning this area, all the houses will become legal nonconforming. If they do become nonconforming, people will have to pay very high fees to the City in order to obtain variances if they want to do any improvements.

Mrs. Burt discussed the various lot sizes and stated that the 4000 square foot lot requirement was never intended for developed land, but only for open, undeveloped parcels.

Mrs. Burt discussed advisory measure EE and stated that many people did not understand the issues; they merely wanted lower density and to reduce the traffic problems. Those who voted for EE did not realize they were, in effect, voting for downzoning.

Mrs. Burt stressed that the general plan should be changed, not the zoning.

Viva Stroiky, 3205 The Strand, a realtor, stated that she is attempting to sell a property at 2211 Loma, on the corner of Park and Loma, which is in a very bad state of disrepair. If the downzoning is approved, the property will then become R-1. She asked whether a grandfather clause has been proposed for this downzoning proposal, noting that the structure could then be torn down and replaced with a beautiful new building.

Albert Wiemans, owner of 336 24th Street, bought the house for the specific purpose that it was zoned R-2. On either side of his house are duplexes. There are only two single-family dwellings on his block. Across the street is medium density housing. He asked whether the City actually has a definition of "low density." He felt low density is R-2, R-2B, and R-1. He stated that the downzoning will decrease his property value.

Mr. Wiemans stated that the Commission is acting under a fiduciary agreement to protect the rights of property owners. He stated that the electorate will turn against City government if they lose their property rights.

Mr. Wiemans discussed EE and stressed that the measure was merely advisory, not mandatory. He stated that, if necessary, he will take legal action to halt this downzone.

Blair Smith, 316 25th Street, owner of two duplexes in this area, opposed the downzoning of his property, noting that he has spent a great deal of time and money on his properties. He stated that if his duplexes burned down and he could not rebuild them, he would stand to lose a quarter of a million dollars, explaining that that amount includes future income, not only property value.



Mr. Smith stated that the general plan originally set out is the one that should be followed. He noted that things cannot be changed as easily as people think, because these buildings are not just going to go away. He stated that attention should be given to the general plan instead of attempting to alleviate the problems in the City by downzoning. He stated that the City government is making decisions which affect everyone in the City, and more consideration should be given to the issues.

Mr. Smith stressed that the City cannot be changed at this point because it is already 99 percent developed.

Pat Price, 719-718 8th Street, completely opposed the downzoning. She stated that the Commission does not care about the people who live in the City. She noted concern over what will happen in her neighborhood in the future. She stated that she, along with many others in the City, wants the City to remain as it is. She stated that the complaints and protests of the citizens fall on deaf ears.

Laura Gunot, 527 25th Street, with a 50 percent undivided interest in a condo, noted concern over the fact that she lives in a condominium and owns "air space," and she questioned what would happen if this condo were to burn down or is otherwise destroyed. She stressed that there must first be clarification on this matter before any action is taken.

Sal Mayo, 525 25th Street, joint owner of the condo in question at 527 25th Street, wanted clarification of his rights. He noted concern if his condo burns down and posed several questions: Would he move in with Ms. Gunot? What happens when the building has exceeded its useful life? Must the two owners decide who will move out? Who actually owns the property? How would refinancing take place? What does legal nonconforming really mean?

Mr. Lough explained that the Supreme Court is currently studying this issue. He continued by stating that, more than likely, if the unit burns down, the property owners would be able to rebuild. He noted, however, that the rules are subject to change.

Jeff Green, 846 16th Street, felt that the preparation for this issue has been inadequate. He stated that the City Council is putting pressure on the Planning Commission to get through this issue quickly; therefore, the Planning Department has been forced to prepare incomplete packets of information for the matter to be voted on.

Mr. Green stated that the City Council is anti-development and is therefore taking advantage of this situation. He felt that by having a vote tonight on this matter, it would result in a 5-0 vote at the Council level.

Mr. Green felt it would be appropriate for the Planning Department to analyze not only this particular area, but also other areas as they relate to this blanket downzoning. He felt that the Planning Department should submit additional information to be studied. He felt that there are lots in Area 2 which are certainly large enough to be zoned R-2.

Comm. Peirce disagreed that preparation has been inadequate. In fact, he complimented staff on the fine work they have done in regard to this issue. He felt that the materials are ample and adequate.

Mr. Green felt that staff did a fine job within the time parameters which were available; however, he felt there is doubt as to whether all available information had been provided and made available. But he noted that, after listening to all the comments, more

information and clarification is necessary before a final decision can be made. He said that the staff report does not address the impact of the downzone as it relates to other areas; it does not address the City as a whole; and it does not address the impacts should the general plan to be modified.

Mr. Green discussed at length zoning as it pertains to developers. He stated that in the event this downzoning occurs, there should be a recommendation to the City Council to have a grandfather clause.

Harold Sterns, 2416 Park Avenue, questioned why single-family residences are not allowed to go to 30 feet.

Susan Miller, 2020 Monterey, which is a duplex on which she would like to put an addition. She questioned whether she would still be able to do the addition if the downzoning is approved.

Sally Reinberg, owner of property on the 2400 block of Myrtle Avenue, opposed the downzoning for all the reasons stated by other speakers this evening. She requested that the Commission not pass this recommendation to the City Council. She stated that she depends on the income from her rental property.

Public Hearing closed at 10:40 P.M. by Chmn. Compton.

Comm. Rue discussed the loss of view corridors and asked whether there are any provisions either in the Coastal Commission regulations or general City policy pertaining to this issue.

Mr. Schubach stated that the City has only the minimum standards; and the general plan does not specifically address the issue of height or view corridors.

Comm. Peirce stated that view corridors are mentioned in the coastal plan; however, the issue of building height is not addressed. The section relates mainly to areas in which the City desires to maintain the view in tact from the highway and other areas.

Chmn. Compton did not feel comfortable with the idea of taking away people's property rights and at the same time property values. He noted that of the 176 lots Area 2, only 45 to 48 lots are not already single-family lots based on their size. He continued by discussing the various lot sizes in Area 2.

Chmn. Compton stated that he would feel more comfortable taking the lots individually because of the vast differences in size. He questioned whether there are any reasonable alternatives for the larger lots as opposed to those lots which are already essentially single-family dwelling unit lots.

Chmn. Compton did not favor the idea of creating additional nonconforming lots in the City. He felt that density is actually created by parking problems, not people. He stated that when structures are recycled, more parking is obtained thereby alleviating some of the parking problems. By downzoning, he felt that buildings will last much longer; therefore, the parking problems will remain. He noted, however, that he does not feel comfortable with this situation.

Comm. Peirce felt that lot sizes should be taken into consideration as background information; however, he felt that the area itself should be looked at from a good planning standpoint as regards to whether it should be R-1 or R-2, regardless of the

general plan. The lots on 25th Street are larger than those on top of the hill; but the area, although there are duplexes and condos, appears to be surrounded on the south, east, and de facto on the west by R-1 property. Therefore, the larger lots on 25th Street, if zoned R-2, would be an island surrounded by R-1. He felt it would be more consistent from a planning standpoint to have that area R-1. If the lots are large enough to be redivided into 4,000 square foot lots, that is an option for the developers.

Comm. Peirce discussed the view situation and stated that the height limit does not appear to be an issue because the lots are large and there is actually no view to protect other than the view down the hill and into the valley. He felt that the R-1 designation would not appear likely to block anyone's view in that area.

Comm. Ingell commented that he did not agree that downzoning from R-2 to R-1 would actually decrease property values. He stated that other cities have done this, and there are beautiful large homes being built on the larger lots. He felt that the sections should be addressed individually, rather just looking at the lot sizes.

Chmn. Compton noted that lots vary in size from 2100 square feet to almost 8300 square feet, stating that it is very difficult to lump them all together in one zone. He was bothered by the fact that this issue was not taken into consideration. He noted that the only staff analysis given is that the lot sizes vary. He felt more information is necessary.

Comm. Rue stated that he would prefer to look at the areas individually. He felt that more time should be devoted to this issue; therefore, he felt a continuance of this issue would be appropriate so that more information could be obtained from staff. He noted that there is a vast difference between the various areas being discussed.

Comm. DeBellis had no objection to continuing this matter in order to obtain additional information. He noted that the staff report says 87 percent of the dwellings in this area were constructed more than thirty years ago, which would predate the general plan. Therefore, the general plan was prepared with an existing situation which was not real or accurate. The City is now attempting to cure a problem which wasn't real in the first place.

Comm. DeBellis noted that the Planning Department has been directed by the Council to proceed with this ambitious proposal quickly; therefore, staff has not had adequate time to study this issue with a free mind, and staff is merely presenting statistical data to the Commission on which to base its recommendation to bring the zoning into conformance with the general plan.

Comm. DeBellis questioned whether the City is really getting the best it can in this matter because staff has not had time to professionally analyze all the possibilities. He felt that staff is under pressure from the Council to move these matters through very quickly without giving a thought to all the ramifications.

Comm. Peirce opposed a continuance, stating that he feels all the necessary information has been provided. He asked what information could be included that has not already been provided.

Comm. DeBellis stated that there could be a staff recommendation, other than merely recommending that the area be rezoned to be in compliance with EE. He wanted a staff report based on a planning standpoint.

Comm. Rue felt that there is additional information which can be provided on the various areas within Area 2. He suggested that the area be divided into three separate areas, so that they can be more adequately discussed and studied. He noted that it is difficult to make a decision on an area which is so large and diverse.

Mr. Schubach stated that additional information can be provided on each of the individual areas within the overall Area 2.

Comm. Ingell favored including information related to the North School site.

Chmn. Compton suggested various ways to break up Area 2 for further study.

Comm. DeBellis discussed the various zoning in the area of Myrtle Avenue and noted that the general plan actually isolates individual blocks with different zoning.

Comm. DeBellis noted that in the future, it would be helpful if staff provided information as to the number of structures and the age of the structures on a block by block basis.

Mr. Lough suggested that the public hearing be reopened at continued if this matter is to be continued. He also noted that the hearing should be continued to a date certain.

Mr. Schubach cautioned that if this item is continued, a decision must be reached at the next meeting. He noted that there is a strict time schedule for completing the ten areas.

**MOTION** by Comm. DeBellis, seconded by Comm. Rue, to continue this item to the Planning Commission meeting of April 5, 1988, in order to obtain additional information from staff on this matter; further, that the public hearing be reopened and continued until April 5, 1988. Noting the objection of Comm. Peirce, ~~so ordered~~.

Recess taken from 11:11 P.M. until 11:22 P.M.

#### **APPEAL OF LOT MERGER DETERMINATION FOR LOT MERGER GROUPS L.M. 88-1**

Mr. Schubach gave staff report dated March 8, 1988. He stated that the first appeal to be considered is that of Mr. Simas. The Planning Commission, at their meeting of March 1, 1988, continued the Intent to Merge request of Mr. Simas, 1214 10th Street, to allow Mr. Simas additional time to prepare for the hearing.

The Planning Department has received no additional material regarding this matter. Mr. Simas has been contacted by telephone and reminded of the continuance of this matter to tonight's meeting. Also, no written material has been received from Mr. Simas on this matter.

William Simas, 1214 10th Street, Hermosa Beach, applicant addressed the Commission. He stated that he has no additional information to present; however, he objects to the merging of his lots. He stated that he has no intention of leaving this property, and he objects to the City taking away his property rights and property value. He has three lots and he has no intention of selling them, developing them, or moving away. He stated that he maintains his property in very good condition.

Wilma Burt, 1152 7th Street, Hermosa Beach, attested to the fine character of Mr. Simas and all that he has done for the City. She stated that many people, after paying for a

house for thirty years, have no intention of leaving it. She resented the fact that the City is attempting to merge lots when so much development on Prospect Avenue was allowed. She also felt it is unfair that a citizen as fine as Mr. Simas should have to come before the City to defend his rights. She felt that the City should leave him alone and allow him to live in peace.

Ms. Burt stressed that the 4000 square foot requirement was never intended for the developed lots, but simply for undeveloped land. She pleaded with the Commission to not require Mr. Simas' lots to be merged.

Barbara Seymour, 1233 21st Street, Hermosa Beach, asked that her two 25' by 100' lots not be merged. She stated that when they were purchased they were of a legal size. She stated that she and her husband are contemplating retirement soon and they want to have the two separate lots. She stated that the merger would decrease the property value.

Comm. Peirce discussed Mr. Simas' lots, stating that there are three separate lots of 20' by 100' feet. He felt that they should be allowed to be made into two lots of 37 1/2' by 100' feet; however, that option is not within the purview of the Commission at this time. He wanted to pass on to the City Council the feeling that if there are three lots of this size, they should be allowed to be merged into two lots of 37 1/2 feet.

Mr. Schubach stated that the Commission could request a text amendment to the subdivision ordinance to provide for such an option in the future. Currently, 4000 square feet is required for a lot, and it must have a 40 foot frontage. He stated that other cities have provisions for doing what Comm. Peirce has suggested. If additional wording is added, the applicant could return to request the division into two lots.

Chmn. Compton noted that Mr. Simas has three legally constituted lots; if he does not want them merged, then the Commission should not recommend that they be merged. He stated that his opinion on this matter has not changed.

**MOTION** by Comm. DeBellis, seconded by Comm. Ingell, to not merge the property at 1214 10th Street, based on the fact that it is a resident owner who has owned it for 44 years; and that if this decision is appealed by the City Council, the Planning Commission recommends that the applicant be allowed to maintain two 37 1/2' lots.

AYES:	Comms. DeBellis, Ingell, Rue, Chmn. Compton
NOES:	Comm. Peirce
ABSTAIN:	None
ABSENT:	None

**MOTION** by Comm. DeBellis, seconded by Comm. Rue, to not merge the lots at 1233 21st Street, based on the fact that the property is owned by a resident owner who has owned the property for over 23 years.

AYES:	Comms. DeBellis, Ingell, Rue, Chmn. Compton
NOES:	Comm. Peirce
ABSTAIN:	None
ABSENT:	None

**MOTION** by Comm. DeBellis, seconded by Comm. Ingell, to continue the remainder of the agenda to the next meeting.

Comm. Peirce noted that he had comments for Commissioner Items.

**MOTION WITHDRAWN** by Comm. DeBellis.

**MOTION** by Comm. DeBellis, seconded by Comm. Ingell, to continue Agenda Item No. 10, Special Study 88-3 -- Repeal of Biltmore Site specific plan area. No objections; so ordered.

### **STAFF ITEMS**

The Commissioners received the following information:

- a. Status Report on Conditional Use Permit Enforcement Program
- b. Staff Report regarding special studies of (1) R-3 setback standards for condominiums and apartments; (2) Elimination of the 17-foot setback requirements off alleys; (3) Study of 50' by 50' lots
- c. Memorandum regarding circulation element workshop with DKS consultant and City Council
- d. Association of Environmental Professionals 1988 statewide conference
- e. California Association for Local Economic Development Conference VIII
- f. City Council Minutes of February 23, 1988
- g. Memorandum from staff regarding appeal of the variance to encroach into the 17-foot setback at 905 15th Place -- Fleet Nuttall, appellant.

### **COMMISSIONER ITEMS**

Comm. Peirce noted that many people have expressed concern to him over the fact that the noticing in the Easy Reader is difficult to understand. He suggested that more clear language be used so that everyone can understand the items to be addressed. He stressed the importance of communicating clearly with the public.

Chmn. Compton stated that a handout should be prepared for applicants to follow when they are doing a project.

Comm. DeBellis suggested that the Commission prepare a list of standard requirements to be included in the handout to applicants.

Mr. Schubach stated that he will return with information on what is currently given to applicants.

Comm. Peirce stated that he would have no objection to receiving the Commissioner packets on Friday evening as opposed to Thursday evening.

Mr. Schubach noted that the offices are closed on Fridays; however, if the City returns to a five-day work week, there would not be a problem with a Friday delivery.

Comm. DeBellis discussed conditional use permits, stating that when applicants request amendments to their existing CUPs, he would like to see the Planning Commission and

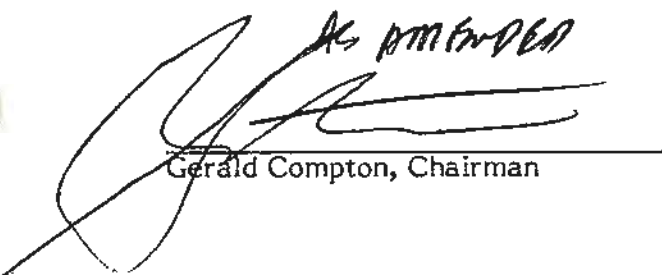



staff use the opportunity to address impacts made by those establishments requesting amendments.

**MOTION** by Comm. DeBellis, seconded by Comm. Rue, to adjourn at 11:55 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 15, 1988.

  
Gerald Compton, Chairman

  
Michael Schubach, Secretary

4-6-88  
Date