

MINUTES OF THE BOARD OF ZONING ADJUSTMENTS OF THE CITY OF HERMOSA BEACH
HELD AT THE HERMOSA BEACH COMMUNITY CENTER ON JUNE 29, 1982, AT 7:30 P.M.

Meeting called to order at 7:40 P.M. by Chmn. Moore

ROLL CALL

PRESENT: Comms. DeBellis, Ebey, Merrill, Williams, Chmn. Moore

ABSENT: Comms. Cutler, Toth

ALSO PRESENT: Laurie Duke, Staff Liaison

Comms. Cutler and Toth had excused absences for this meeting.

Comm. DeBellis was appointed Acting Secretary for this meeting.

APPROVAL OF MINUTES

Motion by Comm. Williams, seconded by Comm. Merrill, to approve the June 7, 1982 minutes, as submitted. No objections. So ordered.

APPROVAL OF RESOLUTIONS

Motion by Comm. Merrill, seconded by Comm. DeBellis, to approve Resolution BZA 154-460. No objections. So ordered.

Motion by Comm. Merrill, seconded by Comm. DeBellis, to approve Resolution BZA 154-461. No objections. So ordered.

Motion by Comm. Merrill, seconded by Comm. DeBellis, to approve Resolution BZA 154-462. No objections. So ordered.

Motion by Comm. Merrill, seconded by Comm. DeBellis, to approve Resolution BZA 154-463. No objections. So ordered.

CONSENT CALENDAR

PEIR HB 82-015 - Commercial Planned Development Overlay Zone (Revised)

Mrs. Duke informed the Board that the Planning Department had requested that this item be continued to the July 19, 1982 meeting.

PUBLIC HEARINGS

VARIANCE BZA 154-464 - 2618 Manhattan Avenue

Applicants: Mr. and Mrs. Bremner Dorland

Mrs. Duke gave staff report. She stated that the property was located in the R-3 zone, medium density residential. The lot size is 30.03 x 100.09, and the lot area is 3005.7 sq. ft. The existing lot density is 14.49 du/ac, and the proposed lot density is 28.98 du/ac. The existing

VARIANCE BZA 154-464 - 2618 Manhattan Avenue (Cont.)

lot coverage is 50.61%, and the proposed lot coverage is 73.77%. The existing floor area is 2,542 sq. ft.; the proposed addition, 606.25 sq. ft.; the proposed garage and utility room, 519 sq. ft.; the proposed deck, 204 sq. ft. She stated that the applicants are requesting permission to add a second unit to the rear of an existing single family dwelling with nonconforming front yard setback and a nonconforming 2'11" south sideyard and to conform to the required setbacks with addition; to increase the existing 50.61% lot coverage to 73.77%; also to provide less than the required usable open space. The usable open space requirement in the R-3 zone is 200 sq. ft. per dwelling unit, half of which may be in decks. The plans show a 165 sq. ft. deck and a 39 sq. ft. deck. The smaller does not meet 10' minimum dimension requirements, and the larger deck can only account for 100 sq. ft. of the required open space for the new unit. These requests are in exception to Sections 606, 607, and 1309 of the Zoning Code. She stated that an interior inspection of the premises was made by the Building Department on June 16, 1982, and the plans of the existing unit show one bedroom that does not presently exist.

Comm. Williams believed there was another door at street level with numbers that had been painted out. She asked if it had ever been two units in the lower level.

Mrs. Duke replied in the negative, noting that it was not indicated on the Building Card.

Chmn. Moore asked for the current front yard setback as opposed to what is required.

Mrs. Duke replied that the required front yard setback is 10 feet, the current setback being 6'2" at ground floor and 4' at the upper floor. She added that there is no change to the proposed front yard.

Public Hearing opened at 7:56 P.M.

Michael Downs, 2618 Manhattan Avenue, Hermosa Beach, representing the applicants, stated that he made the error of putting three bedrooms on the existing house plans. He stated that he came across two problems, those being, lot coverage and open space. He noted that he and Bill Grove contemplated putting the new unit on top of the existing house, but it could not be counted as lot coverage. He stated that he did attempt to provide 200 sq. ft. of usable outdoor space.

Comm. Ebey asked if it would be possible to put the new unit over the structure and have the parking in the back.

Mr. Downs replied that he discussed that possibility with Bill Grove; however, he was informed that even a concrete slab would count as lot coverage. He stated that there is 30 feet in the back, which would leave a space approximately 10 feet wide by 30 feet long. It would still not meet the requirements for the required open space for two units.

VARIANCE BZA 154-464 - 2618 Manhattan Avenue (Cont.)

Chmn. Moore asked if the deck is usable by the rental unit or by the master unit.

Mr. Downs replied that the deck is usable by the rental unit.

No one appeared to speak in favor of the variance.

No one appeared to speak in opposition to the variance.

Public Hearing closed at 8:04 P.M.

Comm. Ebey stated that she could not approve the plans as submitted.

Comm. DeBellis stated that he could not make Finding #4 because the proposed lot density is greater than that allowed by the general plan.

Comm. Merrill asked how many garage spaces were required.

Mrs. Duke replied that two parking spaces are required for each unit.

Comm. DeBellis did not agree that the applicants were not seeking to increase the density.

Mrs. Duke stated that if the applicants deleted the deck, they would not meet the ten-foot dimensions to qualify the ground level space as usable open space. Also, they would not meet the requirements for the distance between buildings, which is eight feet.

Chmn. Moore stated that they must clarify the difference between open parking areas as they affect lot coverage verses usable open space. He stated that the Board is of the impression that an open parking area does not contribute to lot coverage, but it does not qualify as usable open space.

Mrs. Duke stated that she would obtain a determination of whether or not an open parking area counts as lot coverage.

Chmn. Moore felt that the request for the variance did not have unusual or extraordinary circumstances.

Motion by Comm. Merrill, seconded by Comm. Ebey, to deny Variance BZA 154-464.

AYES: Comms. DeBellis, Ebey, Merrill, Williams, Chmn. Moore
NOES: None
ABSENT: Comms. Cutler, Toth

Chmn. Moore informed the applicant that he could appeal the Board's decision by writing within 10 days to the City Council.

VARIANCE BZA 154-464 - 2618 Manhattan Avenue (Cont.)

Motion by Chmn. Moore, seconded by Comm. Ebey, to offer the applicant the option of returning to the Board with a modified plan as opposed to appealing the Board's decision. There will be no application fee. So ordered.

Comm. DeBellis noted his objection to the above motion.

Comm. Merrill stated that the only part of the plans he was opposed to was the amount of lot density.

Comm. Ebey stated that, with respect to Finding #1, there are no extraordinary circumstances at all that do not apply to other places.

Chmn. Moore stated that two of the Board members could not make Finding #4 under any circumstances, and the entire Board could not make Finding #1.

Comm. Williams stated that, with respect to Finding #3, that plans do require a significant lowering of the required open space, and therefore it would be materially detrimental to the neighbors.

VARIANCE BZA 154-465 - 29 19th Street

Applicants: Mr. and Mrs. James Parker

Mrs. Duke gave staff report. She stated that the property was located in the R-2B zone, medium density residential. The existing lot density is 11.94 du/ac, and the proposed lot density is 23.88 du/ac. The existing lot coverage is 55.42%, and the proposed lot coverage is 65%. She stated that the applicants were requesting permission to add a second unit on an R-2B lot providing less than the required usable open space. Section 557 of the Zoning Code requires a minimum of 300 sq. ft. of usable open space per dwelling unit. The proposed open space is 405 sq. ft. She stated that the above property is located on a walk street and the applicants utilize a 20 x 37 ft. area of City property as part of their front yard.

Comm. DeBellis asked if these plans will meet all of the garage requirements.

Mrs. Duke replied in the affirmative.

Public Hearing opened at 8:37 P.M.

James Parker, 29 19th Street, Hermosa Beach, applicant, stated that all of the adjacent neighbors signed the application in favor of the variance. He knew of no one who was opposed to the variance. He added that the width of the lot is an extraordinary circumstance that should be

VARIANCE BZA 154-465 - 29 19th Street (Cont.)

considered by the Board.

No one else appeared to speak in favor of the variance.

No one appeared to speak in opposition to the variance.

Public Hearing closed at 8:40 P.M.

Comm. Ebey asked if the City property would also be used by the tenants.

Mr. Parker replied in the affirmative.

Motion by Comm. Williams, seconded by Comm. Merrill, to approve Variance BZA 154-465.

AYES: Comms. DeBellis, Ebey, Merrill, Williams, Chmn. Moore

NOES: None

ABSENT: Comms. Cutler, Toth

Required Findings:

1. . . .because it does abut City property with 740 sq. ft. of open space; there appears to be no feasible constructional alternative that would provide the usable open space on the property itself.
2. . . .because it predates existing code; others have been granted the same right in the same vicinity and zone.
3. . . .because it does not substantially reduce light, air, open space, and the fact that it is next to 740 sq. ft. of usable open space mitigates any impacts; all of the adjacent property owners signed a petition in favor of the variance; no one appeared to speak in opposition at the public hearing.
4. . . .because it does not exceed the density allowed by the general plan.

Motion by Comm. Williams, seconded by Comm. Ebey, to approve the above Findings.

AYES: Comms. DeBellis, Ebey, Merrill, Williams, Chmn. Moore

NOES: None

ABSENT: Comms. Cutler, Toth

CUP BZA 154-466 - 2701 Pacific Coast Highway

Applicant: Courtney Foods, Inc.

Mrs. Duke gave staff report. She stated that the property is located in the C-3 zone, general commercial. The applicant had an existing conditional use permit to allow the service of beer and wine in conjunction with the

CUP BZA 154-466 - 2701 Pacific Coast Highway (Cont.)

operation of a restaurant. This original permit also allowed outside patio service; however, the outside patio has since been enclosed. Therefore, Conditions 8, 9, and 10 are no longer appropriate. She stated that at their meeting of June 2, 1982, the Staff Review Committee found this request to have a non-significant environmental impact and requested that a negative declaration be filed. During the phase 2 portion of that hearing, the Committee reviewed the existing conditional use permit and felt the applicable conditions adequately covered the proposed use; therefore, they did not have any additional conditions to suggest to the BZA.

Comm. Ebey stated that she would like the inclusion of the 50/50 condition in the conditional use permit.

Public Hearing opened at 8:55 P.M.

Chuck Lahman, 753 Deep Valley Drive, Rolling Hills Estates, applicant, stated that there would be no problem with the 50/50 restriction.

No one spoke in favor of the conditional use permit.

No one spoke in opposition to the conditional use permit.

Public Hearing closed at 9:01 P.M.

Motion by Comm. DeBellis, seconded by Comm. Merrill, to approve CUP BZA 154-466 with the condition that 50% food be sold and 50% alcohol be sold and with the deletion of Conditions 8, 9, and 10.

AYES: Comms. DeBellis, Ebey, Merrill, Williams, Chmn. Moore

NOES: None

ABSENT: Comms. Cutler, Toth

CUP BZA 154-467 - 1018 Hermosa Avenue

Applicant: Comedy and Magic Club

Mrs. Duke gave staff report. She stated that the property was located in the C-2 zone, general commercial. The applicant was requesting permission to provide outside dining facilities in front of his existing business. His proposal was to enclose the front 7'10" area with a block wall 8" wide and 40" high with planters on top. The proposed hours of operation for the patio were 7:00 A.M. to 2:00 A.M. The Staff Review Committee suggested several changes to the existing conditional use permit for consideration by the Board, those being, 1. to delete the existing Condition #10 in BZA 154-337 and replace with the following wording: "Chapter 19 1/2 of the City Code entitled Noise Regulation shall be complied with. Specifically, this conditional use permit is not a permit to violate Section 19 1/2-3 entitled Noise Limits"; 2. that some additional barrier be interposed between the

CUP BZA 154-467 - 1018 Hermosa Avenue (Cont.)

new seating and the sidewalk to prevent passage of alcoholic beverages between the two areas.

Public Hearing opened at 9:04 P.M.

Mike Lacey, 1018 Hermosa Avenue, Hermosa Beach, applicant, stated that glass will be used in the front. He stated that he will be using thick plastic which will snap on when the weather turns cold. He requested that Condition #10 be removed from his conditional use permit. He stated that he would like to start serving bruches and early dinners in the front, along with some close-up magicians. He noted that, at present, the people attending the 10:30 P.M. show have to stand outside.

Comm. Ebey suggested putting some type of restriction on the percentage of alcohol sales to food sales.

Comm. Williams stated that if the Board allows the applicant to serve alcohol on an open patio, it would set a precedent.

Chmn. Moore stated that he recollected that the Board was concerned that this business be a Comedy and Magic Club rather than a music bar. Condition #10 was to limit the possibility of it being a live music bar.

Mr. Lacey stated that he had a different conditional use permit, and it had been lost. He stated that he asked for a copy of this conditional use permit, and he never received a copy.

Comm. Ebey stated that she would like to change Condition #5. She felt that a certain percentage of the total receipts should be food related.

Mr. Lacey explained that the enclosed patio area should not be termed as a bar; it will be used mainly as a waiting room for those persons waiting to go in to the show. He stated that he would be happy to offer food in that area, but he would not want the restriction of selling a percentage of food in that area.

Comm. Merrill asked the applicant if he would be willing to try a 50/50 percentage of food and alcohol in that area, and reappear before the Board in 6 months for review.

Mr. Lacey stated that he was pushing to sell food; however, he was not certain that food would sell in that area.

Chmn. Moore stated that it would be a burden on the applicant to keep separate books for each area. He suggested that only a certain amount of the gross receipts be alcohol related. He recommended amending Condition #5 to read, "No more than sixty-five percent (65%) of total receipts of the entire business to be alcohol beverage related."

Comm. Ebey suggested limiting the hours of the outside area to 11:00 P.M.

CUP BZA 154-467 - 1018 Hermosa Avenue (Cont.)

Motion by Comm. Ebey, seconded by Comm. DeBellis, to approve CUP BZA 154-467 with the conditions that the outside area be restricted to the hours of 7:00 A.M. to 11:00 P.M.; that Condition #5 read, "No more than 65% of total receipts of the entire business to be alcohol beverage related."; Condition #10 to be the Staff Review Committees' recommended Condition #1; that a barrier be installed sufficient to prevent the passing of drinks from inside to outside. There will be a six-month review period.

Mr. Lacey expressed his concern for not being able to open the patio as delineated in his plans. He felt as though his establishment were well-operated.

Comm. Merrill suggested amending the motion to limit the outside hours to 12:00 midnight.

AYES: Comm. DeBellis, Ebey, Merrill, Williams, Chmn. Moore
NOES: None
ABSENT: Comms. Cutler, Toth

Comm. Merrill noted his objection to the hours set for the outside area.

Chmn. Moore informed the applicant that he may appeal the Board's decision by writing to the City Council within 10 days.

REVIEWS

None

MISCELLANEOUSMaterial for City Council/BZA Workshop 7/13/82

Comm. Williams stated that she will be attending the workshop.

Comm. DeBellis stated that he will attempt to attend the workshop.

Comm. Ebey stated that she would be on vacation from July 15 to July 29.

Comm. Merrill stated that he would be on vacation from August 4 to September 1.

Mrs. Duke stated that the next meeting will be July 19, 1982.

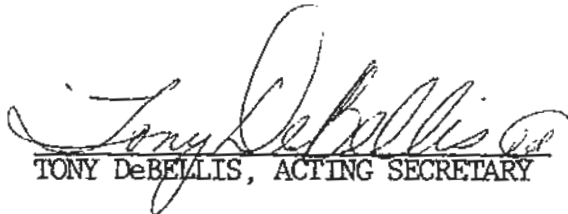
Motion to adjourn at 9:52 P.M.

CERTIFICATION

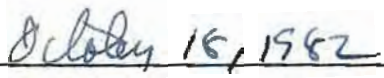
I hereby certify that the foregoing minutes were approved at a regular meeting of the Board of Zoning Adjustments of the City of Hermosa Beach, California.



CARL MOORE, CHAIRMAN



TONY DeBELLIS, ACTING SECRETARY



DATE