

MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS, CITY HALL, HERMOSA BEACH, ON MONDAY, JULY 14, 1975, AT 7:30 P.M.

Meeting called to order by Chmn. Rosenberger at 7:32 p.m.

ROLL CALL

Present: Comm. Burt, Haller, Hough, Learned, Loosli (arrived late), Collis, and Chmn. Rosenberger
Absent: None

Also present was Rod Merl, Planning Director

APPROVAL OF MINUTES

Motion by Comm. Hough, seconded by Comm. Haller, to approve the minutes of June 23, 1975, as submitted.

Ayes: Comm. Collis, Haller, and Hough
Noes: None
Abstain: Comm. Burt, Learned, and Chmn. Rosenberger
Absent: Comm. Loosli

APPROVAL OF RESOLUTIONS

Motion by Comm. Hough, seconded by Comm. Haller, to approve Resolution P.C. 154-1040 as submitted.

Ayes: Comm. Collis, Haller, Hough
Noes: None
Abstain: Comm. Burt, Learned, and Chmn. Rosenberger
Absent: Comm. Loosli

Motion by Comm. Hough, seconded by Comm. Haller, to approve Resolution P.C. 154-1041 as submitted.

Ayes: Comm. Collis, Haller, and Hough
Noes: None
Abstain: Comm. Burt, Learned, and Chmn. Rosenberger
Absent: Comm. Loosli

Motion by Comm. Hough, seconded by Comm. Haller, to approve Resolution P.C. 154-1042 as submitted.

Ayes: Comm. Collis, Haller, and Hough
Noes: None
Abstain: Comm. Burt, Learned, Loosli, and Chmn. Rosenberger
Absent: None

160-168-176 HILL STREET

Request by George F. Rickert for three-unit planned unit development (continued).

Mr. Merl said the applicant originally planned three units but now plans two units, 160 and 168 Hill Street, oriented toward Hill Street with several variations in the plans as shown. He said there should be a correction in the analysis to show 66% open space.

They will be three story configuration, or two-story over garage, with a recreation room on the same level as the garage. The two units would be 29 feet and 33 feet in height if the sloping-roof plan is used, or four feet higher than the flat-roofed plans.

Comm. Hough asked if the plans were submitted before or after the new R-1. Mr. Merl said the original application came in while the R-1 proposals were between Planning Commission and City Council.

Public hearing opened 7:42 p.m.

Dean Abbott represented the applicant.

Comm. Haller said a landscaping plan is required and there is not a detailed plan specifying the types of plants; and asked if landscaping is planned in the three-foot front setback. Mr. Abbott said the 24 feet open area would be covered with grass with 5-gallon trees as shown on the plan; they will be fast-growing eucalyptus trees; the plan is identical for both lots; and there will be about five trees on the lot.

Comm. Hough asked why the kitchens are on the third floor. Mr. Abbott said this was continued from the previous meeting; his client said the Commission was more in favor of putting them on the third floor and he had put them on the second floor; he did not see any hindrance to that; and the main reason was to take advantage of the view.

Comm. Hough said the design of the bottom floor with recreation room and bathroom looks like it could be converted to a sleeping room and rented out. Mr. Abbott said that is not the purpose; they put a bathroom on that floor as the owners would be entertaining guests there. Comm. Hough said the Planning Commission should consider an affidavit if the plan is approved.

Comm. Collis said the stairwell could be closed off with a door from that entry into the recreation room; then you would have a separate unit. Mr. Abbott said they will sign a document if required; it is not their intention to do that. Comm. Collis said it is difficult to enforce such a document; the Planning Commission believes if they can discourage that by making it more difficult they should do so. Mr. Abbott asked if they wanted to take out the bath. Comm. Collis said no, but maybe the plan should be reworked or revised; the way it is presented he would not accept it; and he also thought it unusual to have the kitchen on the third floor.

Chmn. Rosenberger asked the dimensions of the balconies. Mr. Abbott said the units are 21 feet wide; one balcony is 6 feet deep and one 4 feet deep.

Comm. Collis asked why he has a three-foot setback in front. Mr. Abbott said it is only a 50-foot lot; if he moves the unit back there will be only a 7-foot setback and he did not see the need of moving them back to the property line in the rear. Comm. Collis said one of his concerns is the fact that he often sees cars parked in driveways, hanging over the sidewalks and extending into the city street. He said another question is creating an impressive entryway; five feet seems very tight. Mr. Abbott said they wanted to keep the lot as open as possible; he agreed that they could give more room to the entryway.

Mr. Abbott objected to the Planning Commission acting as an architectural review board. He said he would resubmit the plans and take out the bathroom.

Public hearing closed 8:01 p.m.

Comm. Loosli said if this was not planned unit development, since it is an R-1 zone, they could build no more than two stories high.

Comm. Haller noted that across Second Street, however, are three-story planned unit development structures and that there is a slope.

Chmn. Rosenberger said it might be a good idea to redesign; the representations of the 4-gallon trees were not to scale; and he would like to encourage more than a three-foot setback. Comm. Burt said he sees no objection to the three-foot setback because it does prevent cars from parking across the sidewalks; with 10-foot setbacks the cars are parked that way.

Chmn. Rosenberger asked Mr. Abbott if it is his intention, if continued, to redesign. Mr. Abbott said he does not believe so; he objected to the type of review and said it would take another month to come before the Commission again. Comm. Collis said the applicant is within the purview of the ordinance; the Commission's commitment is to be concerned with the possible problems that could incur with design and does not believe this Commission should be lowering its standards in order to take something that is second best.

Motion by Comm. Hough, seconded by Comm. Haller, to approve based on the following conditions:

1. That there be a tree screening of 10-gallon trees on the north side of both residences open area to provide a buffer from the street and from each other. There also be landscaping across the front of the Hill Street project.
2. There should be appropriate fencing and/or hedges around the parameter of the site.
3. All exterior design and major landscaping subject to Hermosa Improvement Commission approval.
4. Curbs, gutters, and sidewalk be subject to the approval of the City Engineer.
5. Final Development Plan and tentative tract map be submitted within six months.
6. Subject to City Council approval of final development plan, tentative tract map, and Coastal Zone Commission approval.
7. The downstairs room be redesigned to insure that it cannot be blocked off as a single unit.
8. Side yard setback be increased from 5 feet to 8 feet.

Ayes: Comm. Burt, Collis, Loosli, Haller, Hough
Noes: Chmn. Rosenberger
Abstain: Comm. Learned
Absent: None

Motion by Comm. Hough, seconded by Comm. Haller, to adopt Resolution P.C. 154-1043 approving the request for two three-story units after holding public hearing and receiving testimony, with conditions 1-8 as recorded above. It meets the requirements of the General Plan for density, exceeds the recreation and open space requirements, and is better use of the open space than the R-1 zone requires.

Ayes: Comm. Burt, Collis, Haller, Hough, Loosli
Noes: Chmn. Rosenberger
Abstain: Comm. Learned
Absent: None

R-2 AMENDMENTS

Mr. Merl called attention to the Memorandum from City Council directing Planning Department to mail notices of the continued public hearing to approximately 400 property owners and requesting continuance to the next regular meeting of July 28. He said the City Attorney determined that testimony could be taken at this public hearing from people who would find it inconvenient to return to the next hearing. He said this action was taken at the request of a member of the audience at the City Council meeting.

Mrs. Betty Ryan, 532 Pine Street, said she had asked them to send notices because although notices had been sent, only 30-40 people attended, and the balance may have found it inconvenient to attend that night. She said she thinks the people should be individually advised when the Planning Commission does something that affects zoning, every time.

Chmn. Rosenberger asked Mr. Merl to review briefly the proposed R-2 changes.

Public hearing opened 8:29 p.m.

Mrs. Erna A. Prince, 218 Calle de Arboles, Redondo Beach, read her letter which had been sent previously to Mr. Merl. Comm. Hough asked if she is aware that she can go to the County Tax Assessor and appeal if she cannot build R-2. Mrs. Prince said she would be willing to have R-1; and that she opposes the R-2 changes anyway.

Mrs. George Becker, 2432 Myrtle Avenue, said it depends on who you talk to how far you get in having taxes lowered. She asked why there is little enforcement of laws and ordinances already existing; they have turned in five bootleg apartments and nothing has ever been done; and that Loma Drive is considered a street, not an alley, by the County Tax Assessor and by the Post Office. She said this is getting to be a dictatorship, telling people how to build, what they can't build, and what to plant.

Curtis Cravens, 909 Loma Drive, said he is asking for truth in zoning; the zoning shown should be what it is, and they should not have to go

to a tax board to ask for something different. He said he has been to the tax board and they did not reduce his taxes although they reduced others in the neighborhood with similar conditions.

Dean Abbott, 1220 17th Street, asked how the Planning Commission came up with the 25-foot building height, what type of analysis was done, and how many lots are R-2. Mr. Merl supplied the figures involving a total of 1289 R-2 lots; Comm. Collis explained the long range planning concept. Mrs. Prince asked if the Planning Commission would be willing to give her a statement that she can carry to the tax office. Chmn. Rosenberger said the city can give her a statement based on the code.

Mr. George Becker, 2432 Myrtle Avenue, questioned the statement that only 374 of the 1289 R-2 parcels would be affected by the changes; if homes were destroyed by fire, many people would not be allowed to rebuild; and every person who owns R-2 should be apprised of the changes.

Public hearing continued to the next regular meeting of July 28, 1975, at 9:05 p.m.

1129 TENTH STREET

Request for re-hearing of legal determination (continued).

Mr. Merl said this item was referred back to Planning Commission by request of the City Attorney; the Building Director recommends recognition as a single-family dwelling, and is also concerned about spot zoning. Correspondence was received from Mrs. Madeline Altorfer in opposition to the granting of three units. He said this is a new public hearing and has been re-advertised.

Public hearing opened 9:18 p.m.

Samuel C. Polk, Attorney, 1409 Monterey Boulevard said he was retained by Mr. Bettiol who lives in Portland, Oregon. He said the building permits in question were issued in 1957, one year after zoning change from R-2 to R-1. He said he was advised by Mr. Tom Clavell, July 9, 1974, that his application for a license for three units was being denied because the Building Department showed two units; and that the recommendation for legalization is for only one unit.

Chmn. Rosenberger said the information shows that it was never anything but R-1. Mr. Merl said it is shown as R-1 and as single family.

Mr. Polk said there is a substantial doubt about the legality under the Constitution regarding equal protection and due process. He cited the loss of city records; and the fact that this was allowed to go on many years, a situation where not only the offense but the defense is lost in antiquity. He read the letter from the city requesting information for the records.

Mr. Merl said this particular case came about as a question of licensing not as a result of the letter. Mr. Polk suggested that the Planning Commission consult with the City Attorney for an opinion of the Commission's powers.

Mr. Shawn, 1122 Tenth Street, said neighbors also have equal rights, mentioning garbage, parking on the front lawn, blocking of driveways and weeds. He said as a property owner he has a right to have his property value protected; and if the Commission can make determinations about other properties, they can make determinations on this property.

Cena Shawn, 1122 Tenth Street, said one of the determinations that has been made is off-street parking and this property has a single-car garage.

Al Hodges, 1020 Prospect Avenue, said when he bought his property he looked at the map. This was R-1 and should be a one-unit property, then he found there are three units on it. He said he had wanted a barbeque in back, but with three units there, it is too crowded.

Frances Dannin, 1118 Tenth Street, said the main problem is off-street parking; cars parked on the front lawn, and sometimes cars partially blocking their driveways.

Frank Bower, Manhattan Beach, said his sister lives next door; the Commission has voted 100% against this before; it is R-1 property, and he hopes they will vote against it again.

Pearl Hodges, 1020 Prospect, said if the Planning Commission is sincere in keeping density down she does not know how they can do otherwise than vote no.

Mr. Polk asked if the Commission considers as relevant the testimony of bad neighbors. He read a letter from a tenant, Mrs. Yvonne Baker, who has lived there eleven years. He said a Mrs. Byers informs him that there is parking space. Mrs. Beyers said the footing is in and there is a double door; she thinks they are using it as a single garage, and does not know the dimensions.

Chmn. Rosenberger noted that the analysis shows the city has a number of documents going back to 1925 and asked if Mr. Polk had others that the Planning Commission does not know about. Mr. Polk said missing documents might have shown authorization for variances or conditional use permits; he is raising a presumption.

Frances Dannis said Mr. Polk apparently places his defense on personalities; she has never met any of the people who live there. She said they are responding to a legal determination of property and as far as she can see, it is not legal.

Public hearing closed 9:47 p.m.

Comm. Hough said she has not seen any concrete evidence that they were ever given permits to have three units; she has seen the neighborhood which is single family, and they do have a parking problem.

Motion by Comm. Haller, seconded by Comm. Hough, for legal determination of three units, subject to review of the City Attorney.

Ayes: None

Noes: Comm. Burt, Collis, Haller, Hough, Learned, Loosli, and
Chmn. Rosenberger

Absent: None

Motion by Comm. Haller, seconded by Comm. Hough, for legal determination of one unit, subject to review of City Attorney.

Ayes: Comm. Burt, Collis, Haller, Hough, Learned, Loosli, and
Chmn. Rosenberger
Noes: None
Absent: None

Motion by Comm. Haller, seconded by Comm. Hough, to adopt Resolution P.C. 154-1044 approving one unit at 1129 Tenth Street because at the time of construction the property was zoned R-1 and has remained R-1 to date; any additional living units are illegal; and at the time of construction there was a single car garage and no additional off-street parking has ever been provided, creating additional traffic congestion within a congested area, conditional on review and approval of the City Attorney.

Ayes: Comm. Burt, Collis, Haller, Hough, Learned, Loosli, and
Chmn. Rosenberger
Noes: None
Absent: None

Chmn. Rosenberger informed the audience that there is a ten-day appeal period during which anyone can appeal in writing to the City Council.

SEVENTEENTH STREET SUBDIVISION

Request by Jason and Julia Lane for subdivision of a portion of Angela Heights Tract into eight lots.

Mr. Merl provided a copy of the tentative tract map to create eight parcels, all of which are over 4000 square feet. Staff has suggested a series of conditions with technical data subject to approval of the City Engineer and fire hydrants subject to approval of the Fire Chief.

Public hearing opened 9:57 p.m.

Mr. Jason Lane, 1413 Sepulveda Boulevard, Manhattan Beach, said this property was created from land already subdivided by the school district. He said he was advised of concerns expressed concerning the easement and off-street parking. Regarding parking, they will have a double-car garage and at least one off-street space for guest parking for each home (he indicated this would be alright with him for the Commission to make this a condition), and perhaps two guest spaces; with one on-street space for lots 1 & 8, and possibly for lots 2 & 7. He said this property was offered without the school district retaining an easement across the property. He said he talked to Dr. McComb and was told that they no longer had a desire for any kind of easement from Harper Avenue for the school; the school district would be prepared to grant that easement to them, for which they would pay a nominal sum of about \$250.00. He said they have not yet applied to the school district to obtain that easement but are awaiting the outcome of this hearing. In checking further, Dr. Rogers, President of the Board, told him that the basic intent was to provide access to the property they have acquired because it might have become a park; since it is to be residential, Dr. Rogers confirmed the earlier conversations that there was no longer a need for the easement. Mr. Lane said it

would be possible to grant an easement, but the school district does not want it; the north end of the property is 125 feet from 19th Street, which provides pedestrian and vehicular access.

Al Schwab, 1714 Golden, said the subdivision affects egress at the back of his property which he has had for many years; no one had been notified of the sale except in the paper; he has access from Golden but will not have it from 17th Street; and he believes the lots will be graded up in order to build on them.

Dean Abbott, 1220 17th Street, asked if the lots will be graded up enough to block someone's view. Mr. Merl said such decisions are subject to the requirements of the City Engineer. Mr. Lane said they do not have firm plans but expect to have about a four-foot retaining wall on the west side so the pads would be four feet below the houses to the west; a retaining wall on the east side as well; and they do not plan to bring in any dirt, but do this to provide a level pad for each house.

Leslie Coulter, 637 Manhattan Avenue, said he used to live there, children played there, and he does not believe the people in the area have much control over it.

Public hearing closed 10:29 p.m. Mr. Lane said he wished to respond.

Public hearing reopened 10:29 p.m.

Mr. Lane said, in regard to the complaint that people didn't know about the development, that there were at least two hearings on the parcel map, the school was receiving bids; in regard to the park, it was considered by the city and school board with both planning and economics involved, and some other land has been put under the aegis of the City. To the gentleman with the second garage, he said the property he was using was owned by the public and he cannot get a prescription easement from a public body nor can they make him a gift, so if he obtains a right of way he would have to recompense the school.

Public hearing closed 10:34 p.m.

Comm. Haller asked if staff had any communication with the school district concerning the easement. Negative.

Comm. Collis asked if the street width as shown was a deviation from standards. Mr. Merl said the City Engineer was consulted and these are the standards that have been applied for residential local streets.

Motion by Comm. Hough, seconded by Comm. Burt, to approve the subdivision subject to the recommendations and conditions from staff with two additions:

1. That the name, size, and location of abutting streets and tracts be submitted.
2. That the dimensions of all streets, ways, and easements to be dedicated to the city public utilities, and location of all existing easements be submitted.

3. That the method of surface water disposal, irrigation, drainage, and storm drainage be submitted.
4. That the location and depth of fill areas be shown.
5. That the applicant shall agree to provide any necessary easements for the proposed parcels.
6. That a grading plan showing existing and proposed contours at two foot intervals be submitted.
7. That the placement and easements for a sewer main be shown.
8. Curbs, gutters, sidewalk, lighting, sewers, utilities, street dedication, subject to the approval of the City Engineer.
9. Fire hydrant(s), subject to approval of the City Fire Chief.
10. Grading and retaining walls, subject to approval of both the City Engineer and Building Director.
11. Filing of final tract map within one year.
12. To provide at least one additional off-street parking space per lot.
13. Recommend review of the easement in reference to tract map #32337 by the property owner, City Attorney, City Engineer, and school district in light of the appropriateness of said easement due to changes in land use affected by the granting of this tentative tract map.

Ayes: Comm. Burt, Collis, Haller, Hough, Learned, and Chmn.
 Rosenberger
 Noes: Comm. Loosli
 Absent: None

Motion by Comm. Hough, seconded by Comm. Burt, to adopt Resolution P.C. 154-1045 approving, after receiving testimony in public hearing, the request to subdivide a portion of Angela Heights Tract into eight lots at the easternmost end of Seventeenth Street, Tentative Tract Map #21785. It meets the required considerations (listed below) and based on the 13 conditions as listed in the motion above.

- a. The proposed map is consistent with the applicable general and specific plans.
- b. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
- g. That the design of the subdivision or the type of improvement is not likely to cause serious public health problems.

Ayes: Comm. Burt, Collis, Haller, Hough, Learned, and Chmn.
Rosenberger
Noes: Comm. Loosli
Absent: None

711 PROSPECT AVENUE

Request by Earl Mason for final development plan and tentative parcel map #6031.

Mr. Merl said this is a proposal for a condominium on Prospect Avenue between Eighth and Seventh Streets, the analysis to be corrected to reflect two separate three-bedroom dwellings.

Public hearing opened 11:08 p.m.

Earl Mason, 1826 S. Elena Avenue, Redondo Beach, said the two split-level homes are designed in such a way as to take advantage of the topography of the lot with generous open space, privacy, and maximum landscaping. Both will have laundries.

Mr. Merl said the proposed budget for cost of maintenance and the landscape plan have been submitted; the final tract map is yet to come.

Chmn. Rosenberger asked question regarding the materials used in terms of energy conservation. Mr. Mason said energy conservation planning has been adopted at the state level and anything planned has to meet their standards. He said seminars are being held in the profession to elicit further information. Mr. Merl said he could provide information on the seminars.

Arthur Morris, 805 Prospect Avenue, spoke in favor of the development.

Public hearing closed 11:25 p.m.

Motion by Comm. Burt, seconded by Comm. Collis, to approve subject to the following conditions:

1. Review and approval by the City Engineer of the map, curb, gutters, and sidewalk, utilities, grading, sewers, and any easements, and fire safety requirements (in conjunction with the Fire Chief).
2. Approval of the Final Development Plan and Tentative Parcel Map #6031 by the City Council, consistent with the requirement of the State Subdivision Map Act.
3. Submission of Final Parcel Map within six months of Council approval of the Tentative Parcel Map.

Ayes: Comm. Burt, Collis, Haller, Hough, Loosli, and Chmn.
Rosenberger
Noes: None
Abstain: Comm. Learned
Absent: None

Motion by Comm. Burt, seconded by Comm. Haller, to adopt Resolution P.C. 154-1046 for approval of a two-unit townhouse condominium after hearing public testimony. This provides open space, is consistent with the General Plan, meets requirements of planned unit development, and is consistent with the single family nature of the area.

Ayes: Comm. Burt, Collis, Haller, Hough, Loosli, and Chmn.
Rosenberger
Noes: None
Abstain: Comm. Learned
Absent: None

NOISE ELEMENT

Public hearing opened 11:28. No one wished to be heard. Public hearing closed 11:28 p.m.

Comm. Haller suggested that the Commissioners submit comments to Mr. Merl in writing to be incorporated in the text before the next meeting.

Motion by Chmn. Rosenberger, seconded by Comm. Burt, to continue the Noise Element to the next regular meeting of July 28. So ordered.

837 HERMOSA AVENUE

Request by Keith and Wendy Fenner for modification of conditional use permit--referred back to Planning Commission from City Council.

Comm. Haller said the action of the City Council was to grant an extra half-hour during the week and an extra hour on Friday and Saturday. Mr. Merl said he believed that outside service was requested in the appeal but was withdrawn by their attorney; the request was then for change of hours and separate service of beer and wine from the food.

Motion by Comm. Burt, seconded by Comm. Haller, to concur with City Council actions.

A complainant in the audience said they had been told to remove the tables and chairs and not to serve beer and wine outside. Mr. Fenner said he will remove tables and chairs tomorrow. Comm. Hough said she will not vote to concur with City Council because they have been in violation of the conditional use permit before and since their coming before the Planning Commission, and she does not think they can handle it.

Chmn. Rosenberger read condition 11. That if any of the required conditions set forth herein are not observed, the service of beer and wine shall immediately cease. He said the Planning Commission does have verbal understanding with the owner tonight and having read this clause he is aware of the Commission's feeling, and aware of the conditions.

Vote on motion above.

Ayes: Comm. Burt, Collis, Haller, Learned, and Chmn. Rosenberger
 Noes: Comm. Hough and Loosli
 Absent: None

Comm. Collis qualified his vote by saying that he wants to believe that the applicant is sincere in his efforts to comply with the request and at the end of the three-month period will evidence his sincerity and not destroy his faith in mankind. Chmn. Rosenberger said his vote was affirmative for the same reasons.

PARKING DISCUSSION

Continued by Chmn. Rosenberger

STAFF REPORTS

Mr. Merl conveyed the invitation of the Improvement Commission to meet on the second or fourth Thursday of August for a dinner meeting at 6:30 p.m. The Commission agreed on the date of the second Thursday in September.

COMMISSIONERS' ITEMS

Motion by Comm. Loosli, seconded by Comm. Hough, to nominate Chmn. Rosenberger; and motion by Chmn. Rosenberger, seconded by Comm. Learned, to nominate Comm. Collis, for Chairman. Comm. Collis was elected 4-3.

Motion by Comm. Haller, seconded by Chmn. Rosenberger, to nominate Comm. Hough for Vice-Chairman. The vote was unanimous.

Motion by Comm. Burt, seconded by Comm. Hough, to nominate Comm. Haller for Secretary. The vote was unanimous.

Meeting adjourned 11:48 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes were adopted by the City Planning Commission of Hermosa Beach at a public hearing held on the 14th day of July, 1975.

DATE

7/28/75

JIM ROSENBERGER, CHAIRMAN

GLORIA HOUGH, SECRETARY