

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-13-009

Applicant: Main & PCH, LLC

Agent: Ed Selich

Location: 350 Main Street, Seal Beach (Orange County)

Project Description: Construction of two 2-story, 30 ft.-high commercial buildings totaling 15,000 square feet. (Building "A" is 10,237 square feet and Building "B" is 4,763 square feet) on a vacant site previously developed with a gasoline station. Thirty (30) on-site parking spaces are provided. No grading is proposed. Four (4) existing driveways aprons will be removed and sidewalk curb and gutter will be constructed.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

Commission Staff is recommending **APPROVAL** of a new commercial building on a vacant site formerly developed with a gasoline station. The project site is located along Main Street, which serves as the City's primary visitor-serving commercial area. Main Street also serves as a primary location for the public to access the coast since the Seal Beach Pier and the beach are located at the end of Main Street. Based on the City's specific plan for this area, retail uses are allowed on-site and professional offices facing Main Street are also allowed, but only on the 2nd floor and above. While the building tenants have not been identified, the applicant has stated that the building will house visitor-serving commercial uses such as gift shops, art galleries and other visitor-serving commercial and office uses. The Commission has typically allowed business office uses on the 2nd floor, as long as the 1st floor has visitor-serving commercial uses, which are a priority use. Locating the visitor-serving commercial development on the 1st floor is consistent with the Coastal Act since it places higher priority use on the more easily accessible lower floor and the lower priority use on

the upper floors. In order to ensure that priority visitor-serving commercial uses are located on-site, the project has been conditioned to limit use of the ground floor tenant space to visitor-serving development (see Special Condition No. 3). The project includes a lot merger to create two (2) larger lots from six (6) small existing lots. However, no discretionary approvals from the City have yet been provided. Lot mergers, lot line adjustments, tentative tract maps, etc. are considered development and require a coastal development permit. Thus, a condition has been imposed requiring submittal of any necessary discretionary approval for this element of the project prior to issuance of a coastal development permit (see Special Condition No. 1). The project site will be adequately parked so no adverse impacts to public access in this high traffic area to the beach is anticipated. While adequately parked, the applicant has recently agreed to install bicycle racks on-site to promote alternative modes of transportation. No revised plans have yet been received; thus a special condition has been imposed requiring submittal of revised plans (see Special Condition No. 2). In order to make sure that future on-site development does not result in parking deficiency that leads to public access impacts as patrons of the building are forced to park in public parking spaces intended for visitors to the coast, a future improvements special condition has been imposed (Special Condition No. 4). To protect water quality during and post construction, two (2) conditions have been imposed to minimize impacts to water quality such as construction Best Management Practices, conformance with the Water Quality Management Plan (WQMP) and landscape plan (Special Condition No.'s 5, 6 and 7). Additionally since the site was previously developed with a gasoline station, conditions have been imposed in order to protect against hazardous materials associated with that development, such as conformance to conditions imposed by the Orange County Healthcare Agency (OCHCA) and submittal of a vapor barrier plan (as recommended by OCHCA)(Special Condition No. 8). To ensure that future owners are aware of the special conditions imposed on this project, a deed restriction has been required (Special Condition No. 9). As conditioned, the proposed project will conform with Coastal Act Policy Sections 30210, 30222, 30230, 30231 and 30232, 30250, and 30252 of the Coastal Act.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program (LCP). The City of Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

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APPENDICES

Appendix 1 – Substantive File Documents

EXHIBITS

Exhibit #1 – Location Map

Exhibit #2 – Existing Site Plan

Exhibit #3 – Floor Plans Building “A” & “B”

Exhibit #4 – Roof Plan Building “A” & “B”

Exhibit #5 – Elevation & Section Plans Building “A” & “B”

Exhibit #6 – Water Quality Management Plan (WQMP)

Exhibit #7 – Orange County Healthcare Agency (OCHCA) letter dated April 30, 2013 and SCS Engineering letter dated April 16, 2013

Exhibit #8 – Main Street Specific Plan Land Use List

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-13-009 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and

possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Discretionary Approvals.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, a copy of any additional discretionary approvals needed for the creation of two (2) lots from six (6) lots in the form of a Lot Line Adjustment, Lot Merger, Tentative Tract Map, etc. as applicable from the City of Seal Beach, or evidence that no further approvals are required. The applicant shall inform the Executive Director of any changes to the project required by the City of Seal Beach approvals. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
2. **Revised Final Project Plans.**
 - A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of revised final project plans including the following: 1) inclusion of bicycle racks on-site, as proposed by the applicant; and 2) implementation of a vapor barrier plan consistent with the Orange County Health Care Agency's requirements. The revised plans shall be in substantial conformance with the plans received by South Coast District staff on January 11, 2013. The revised final plans submitted to the Executive Director shall bear evidence of Approval-in-Concept of the revised project design from the City of Seal Beach.
 - B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
3. **Visitor-Serving Commercial Uses.** This permit is only for the development described in Coastal Development Permit No. 5-13-009. Use of the tenant space on the 1st floor/ground floor of the proposed buildings shall only consist of visitor-serving commercial uses such as retail sales, offices which provide goods or services to the general public, restaurants, commercial recreation. Office uses which do not provide services directly to the public shall be prohibited on the 1st/ground floor, but may be permitted on the second level or above. For a more specific list regarding allowable uses, please refer to Exhibit No. 8, Main Street Specific Plan Land Use List of the staff report dated August 22, 2013.
4. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-13-009. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No.

5-13-009. Accordingly, any change in use or intensity of use and any future improvements to the building uses authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-13-009 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Construction Best Management Practices.

A. The permittee shall comply with the following construction-related requirements:

1. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
2. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
3. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
4. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
5. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

1. The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
2. The applicant shall develop and implement spill prevention and control measures;

3. The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
 4. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
6. **Conformance with Water Quality Management Plan (WQMP).** The applicant shall conform to the Water Quality Management Plan (WQMP) submitted to the Commission dated March 15, 2013 prepared by Fuscoe Engineering, which show the use of on-site bioretention units to filter and infiltrate runoff from the project site. All structural and/or treatment control BMPs shall be designed, installed, and maintained for the life of the project in accordance with well-recognized and accepted design principles and guidelines, such as those contained in the California Stormwater Quality Association Best Management Practice Manuals. At a minimum, all BMP traps/separators and/or filters shall be inspected and cleaned/repared or otherwise maintained in accordance with the following schedule: (1) prior to the start of the winter storm season, no later than October 15th each year, (2) inspected monthly thereafter for the duration of the rainy season (October 15th -April 30), and cleaned/maintained as necessary based on inspection and, (3) inspected and maintained where needed throughout the dry season. Debris and other water pollutants removed from structural BMP(s) during clean out shall be contained and disposed of in a proper manner. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.

Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. **Conformance with the Landscape Plan.** The applicant shall conform to the Landscape Plan submitted to the Commission on May 13, 2013. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).
8. **Conformance with the Orange County Healthcare Agency (OCHCA) Approval.** The applicant shall conform to the requirements outlined in the Orange County Healthcare Agency (OCHCA) letter submitted to the Commission dated April 30, 2013 and SCS

Engineering letter dated April 16, 2013. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 9. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Location and Description, Prior Commission Action at the Subject Site and Standard of Review

Project Location and Description

The subject site is located at 350 Main Street within the City of Seal Beach, Orange County (Exhibit #1). The site is at the corner of Pacific Coast Highway (PCH) and Main Street and is not located between the first public road and the sea. North of the project site is PCH, East is an alley, South is an existing theater building and West is Main Street with the Seal Beach Pier and beach located about 1800 feet further West of the project site (Exhibit #1). Main Street is the City's central visitor-serving commercial area and serves as a primary location for the public to access the coast since the Seal Beach Pier and the beach are located at the end of Main Street (Exhibits #1). The subject site is comprised of six (6) lots totaling 17,697 square feet and is designated as Main Street Specific Plan (MSSP) by the City. Retail uses are allowed on-site. Professional offices facing Main Street are also allowed, but only on the 2nd floor and above. The proposed project includes retail uses on the 1st floor fronting Main Street and PCH and retail or business office uses on the 2nd floor. Thus, the proposed project adheres to this MSSP designation. The City does not have a certified Land Use Plan or Local Coastal Program, and the Commission has not reviewed or approved the MSSP.

The proposed project is the construction of 2 two-story, 30-foot high commercial buildings with 15,000 square feet total space (Building “A” is 10,237 square feet and Building “B” is 4,763 square feet) on a vacant site previously developed with a gasoline station (Exhibits #3-#5). The two buildings are jointed together and have a zero setback from each other. The building tenants have not been identified, but the applicant has stated that the buildings will house visitor-serving commercial uses such as gift shops, art galleries and other visitor-serving commercial and office uses. Also, the applicant states that the project will promote increased pedestrian traffic in the area. The facades of the two joined buildings will be broken down into 50-foot wide segments to give the appearance of three (3) smaller buildings on Main Street to give it a “small town/beach appearance”. Thirty (30) on-site parking spaces are provided. No grading is proposed. Foundations will consist of slab on grade. Four (4) existing driveway aprons will be removed and sidewalk, curb and gutter will be constructed. Entry to the parking spaces is from an alley accessible from PCH. Access to the parking spaces is not available from Main Street. New public parking spaces will be provided where the driveway aprons are closed in those areas where parked vehicles won’t interfere with traffic circulation.

The applicant has submitted a Water Quality Management Plan (WQMP) that states that bioretention units will be used on-site to minimize adverse impacts to water quality associated with the proposed development.

The project also consists of a lot consolidation that merges four (4) 25-foot wide by 118-foot long lots into one (1) 100-foot wide by 472-foot long lot and merges two (2) 25-foot lots into one (1) 50-foot wide by 236-foot long lot. Also, the City required that a reciprocal easement be recorded across the post 100-foot wide and 50-foot wide parcels for parking circulation and vehicular access. The lot consolidation is considered development and thus requires a coastal development permit. Prior to Commission approval of a Tentative Tract Map, discretionary approvals for such development are necessary. The submitted application included this development as part of the overall project. However, no discretionary approvals from the City of Seal Beach Planning Department approving this development were submitted with the application initially nor when Commission staff requested those approvals. Therefore, the Commission imposes **SPECIAL CONDITION NO. 1**, which requires the applicant to submit evidence of any discretionary approval necessary for the creation of two lots from six lots in the form of a Lot Line Adjustment, Lot Merger, Tentative Tract Map, etc. as applicable from the City of Seal Beach, or evidence that no further approvals are required.

Following the initial application submittal, Commission staff inquired if the applicant would consider installing bicycle racks at the project site in order to promote alternative modes of transportation in a high traffic area. The applicant agreed to the installation of the bicycle racks; however, revised plans showing the inclusion of these racks has not been submitted. Therefore, the Commission imposes **SPECIAL CONDITION NO. 2**, which requires the applicant to submit revised final project plans with evidence of Approval-in-Concept of the revised project design from the City of Seal Beach.

Prior Commission Action at the Subject Site

Coastal Development Permit No. 5-05-514-(Chevron USA, Inc.). On June 13, 2006, the Commission approved Coastal Development Permit No. 5-05-514-(Chevron USA, Inc.) for this site.

CDP No. 5-05-514 allowed the demolition of an existing gas station building and site and removal of underground storage tanks. **TWO (2) SPECIAL CONDITIONS** were imposed regarding: 1) conformance with the proposed project plan: *Interim Remedial Action Plan* prepared by SAIC dated December 23, 2005 that was preliminarily approved by the Orange County Health Care Agency (OCHCA); and 2) location of debris disposal site. The coastal development permit was issued on June 21, 2006.

Standard of Review

The City of Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

B. Land Use

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30222 of the Coastal Act requires visitor-serving commercial recreational facilities to have priority over private residential, general industrial, or general commercial development on private land suitable for such development.

The project site is designated as Main Street Specific Plan (MSSP) by the City. Retail uses are allowed on-site and professional offices facing Main Street are also allowed, but only on the 2nd floor and above. The building tenants have not been identified, but the applicant has stated that the buildings will house visitor-serving commercial uses such as gift shops, art galleries and other visitor-serving commercial and office uses. Additionally, the plans indicate that the three (3) 1st floor suites will have “Retail” uses and that the eight (8) 2nd floor suites will have “Business Office/Retail” uses. The 1st floor will also have a coffee bar that is allowed under the MSSP. Thus, the proposed project adheres to this MSSP designation.

The project site is located along Main Street, which is the City’s primary visitor serving commercial area (Exhibit #1). The applicant is proposing retail uses on the ground floor and also business office/retail uses on the 2nd floor. The Commission has typically allows business office uses on the 2nd floor, as long as the 1st floor has visitor-serving commercial uses, which are a priority use. Placing visitor-serving commercial uses on the 1st floor make those uses more accessible and visible to the public. Locating the visitor-serving commercial development on the 1st floor is consistent with the Coastal Act since it places higher priority use on the more easily accessible lower floor and the lower priority use on the upper floors. However, the applicant has not identified specific tenants for the building since it has yet to be built. Once the building is constructed, if not adequately restricted, a variety of tenants could occupy the ground floor that are not priority uses which would be inconsistent with the Coastal Act. To assure that this is not the case, a special condition must be imposed to ensure that only visitor-serving commercial uses, which provide services directly to the public are allowed on the 1st floor. Therefore, the Commission imposes **SPECIAL CONDITION NO. 3**, which requires that only visitor-serving commercial uses be located on the 1st floor.

SPECIAL CONDITION NO. 4 further specifies that future improvements, including change in use or intensity of use, are required to be reviewed by the Commission.

Conclusion

Thus, as conditioned, the Commission finds that the proposed project is consistent with Section 30222 of the Coastal Act with regard to visitor-serving commercial recreational facilities having priority over private residential, general industrial, or general commercial development on private land suitable for such development.

C. Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30250 of the Coastal Act states, in pertinent part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30210 of the Coastal Act protect the publics' right to access the shoreline and water and recreational opportunities. Section 30252 of the Coastal Act requires that public access to the coast be maintained and enhanced by supplying adequate parking to support new development to encourages the use of public transit and non-automobile circulation to serve the transit needs of new development.

The project is located at the corner of Pacific Coast Highway (PCH) and Main Street (Exhibit #1). Main Street is the City's central visitor-serving commercial area and serves as a primary location for the public to access the coast since the Seal Beach Pier and the beach are located at the end of Main Street.

The proposed project includes thirty (30) parking spaces, as is required by the City of Seal Beach. Thus, the project will be adequately parked and no impacts are anticipated on existing offsite parking spaces that support access to the beach. While the project has provided sufficient parking for the intended uses, the applicant has recently agreed to install bicycle racks on-site to promote alternative modes of transportation in this popular and high traffic area to the coast. However, revised plans showing the inclusion of these racks has not been submitted. Therefore, the Commission imposes **SPECIAL CONDITION NO. 2**, which requires the applicant to submit revised final project plans with evidence of Approval-in-Concept of the revised project design from the City of Seal Beach Planning Department.

Section 30250 of the Coastal Act requires that new development be located where it will not have cumulative adverse effects on coastal resources. In this case, the proposed project will provide adequate parking and not impact existing on-street public parking spaces used by visitors to the coast. Therefore, the project does not contribute to cumulative impacts on public access.

Thus, with the proposed project, there is no significant potential for adverse impacts to public beach access as a result of any parking deficiency. However, future development may potentially result in insufficient on-site parking forcing patrons of the building to take up public parking spaces in the area intended for visitors to the coast. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **SPECIAL CONDITION NO. 4**, which requires a future development special condition.

The applicant has submitted a Traffic Control Plan showing how traffic will be maintained during construction so that public access will be maintained.

Conclusion

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30250 and 30252 of the Coastal Act with regard to the public's right of access to the sea and would avoid cumulative impacts.

D. Water Quality and Hazardous Substances

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30230 of the Coastal Act requires that marine resources including biological productivity be protected. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained, and where feasible, restored. In addition, Sections 30230 and 30231 require that the quality of coastal waters be maintained and protected from adverse impacts. Section 30232 of the Coastal Act requires protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, the Commission imposes **SPECIAL CONDITION NO. 5**, which outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

Post-Construction Impacts to Water Quality

The proposed development will result in urban runoff entering the storm water system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering the storm water system. In this case, the site drains a former gasoline station site that is currently unpaved and vacant. Post project, the site will drain the new two (2)-story commercial buildings and a parking lot. Therefore, the primary

post-construction water quality concerns associated with the proposed project include roof particulates, grease, motor oil, heavy metals and trash. The proposed development would result in the discharge of storm water into the storm water conveyance system. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters in Seal Beach.

The proposed project is considered development and there is an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. In order to deal with these post construction water quality impacts, the applicant has submitted a Water Quality Management Plan (WQMP) dated March 15, 2013 prepared by Fuscoe Engineering. Due to the presence of shallow groundwater, use of infiltration Best Management Practices (BMP's) such as porous pavement, infiltration trenches, and bioretention without underdrains are considered infeasible. In addition, the site has had previous soil and ground contamination issues as a result of the previous gasoline and service station land use. As a result, infiltration is not considered feasible. In order to reduce adverse impacts to water quality by other means, the WQMP states that low-flow and first flush runoff will be directed to landscaped bioretention BMP units around the building and in the parking area, which utilize evapotranspiration as a physical process for runoff volume reduction (Exhibit #6). The bioretention units proposed are Filterra units and Modular Wetland units. The Modular Wetland Systems are proprietary biotreatment systems that utilize multi-stage treatment processes. Filterra units utilize bioretention processes for storm treatment. They shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission's water quality staff has reviewed the WQMP and agrees with the proposed on-site methods to minimize adverse impacts to water quality. In order to ensure that the WQMP is adhered to, the Commission imposes **SPECIAL CONDITION NO. 6**, which requires the applicant to conform with the Water Quality Management Plan (WQMP) and to adequately maintain it throughout the life of the proposed development.

The applicant has stated that landscaping is proposed and plans have been submitted. The placement of vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).

Commission staff has reviewed the submitted Landscaping Plan and determined it only consists of native plants or non-native drought tolerant plants, which are non-invasive. In order to ensure that the Landscape Plan is adhered to, the Commission imposes **SPECIAL CONDITION NO. 7**, which requires the applicant to conform to the Landscape Plan.

Hazardous Substances

On June 13, 2006, the Commission approved Coastal Development Permit No. 5-05-514-(Chevron USA, Inc.) for this site, which allowed the demolition of an existing gas station building and site and removal of underground storage tanks (three (3) 10,000 gallon gasoline tanks and one (1) 1,000 gallon used oil tank). **TWO (2) SPECIAL CONDITIONS** were imposed regarding conformance with a remedial action plan that was preliminarily approved by the Orange County Health Care Agency (OCHCA) and identification of a debris disposal site. The coastal development permit was issued on June 21, 2006.

Remediation efforts were a part of the previous approval after removal of the tanks. Upon review of the proposed development on the project site, Commission staff requested that the applicant provide final approval of the completed remediation efforts from the Orange County Health Care Agency (OCHCA). In response, the applicant submitted a letter from the Orange County Health Care Agency (OCHCA) to Ed Selich dated April 30, 2013 (Exhibits #7) that stated that the applicant could now proceed with their proposed development subject to three (3) conditions: 1) The site will be occupied by a two-story building, which will have only commercial tenants (e.g.—offices, restaurants, and retail businesses); 2) Engineering and institutional site controls will be implemented and maintained at the site until the OCHCA determines that the residual contamination poses no significant human health risk; and 3) Chevron will have access to conduct necessary maintenance or monitoring of the site mitigation engineering controls. Access will also be granted for other corrective actions required at the site to protect public health and safety at, and adjacent to, the subject site. The applicant's approval from the OCHCA is contingent upon them adhering to these three (3) conditions. Adhering to these conditions would also be consistent with Section 30232 of the Coastal Act since then it would protect against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development. Therefore, the Commission imposes **SPECIAL CONDITION NO. 8** in order to protect against the spillage of any hazardous materials in relation to the development and ensure that the project adheres to the conditions imposed by the OCHCA.

Attached to and also referenced to in the letter from OCHCA dated April 30, 2013, is a letter from SCS Engineers to OCHCA dated April 16, 2013. In this letter it states that to mitigate the potential for vapor intrusion into the proposed building that a vapor barrier will be installed. However, the applicant has not submitted plans indicating the location of the vapor barrier. Therefore, the Commission imposes **SPECIAL CONDITION NO. 2**, which requires the applicant to submit a vapor barrier plan indicating where it will be installed on-site.

Conclusion

Thus, as conditioned, the Commission finds that the proposed project is consistent with Sections 30230, 30231 and 30232 of the Coastal Act with regard to maintaining and enhancing marine resources, biological productivity and water quality and protection against the spillage of crude oil, gas, petroleum products, or hazardous materials in relation to any development.

E. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes **SPECIAL CONDITION NO. 9**, which require the property owner record a deed restriction against the property, referencing all of the above special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

F. Local Coastal Program (LCP)

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with Section 30604 of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development, as conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Executive Director finds that approval of the proposed development, as conditioned, would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

G. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, the City of Seal Beach Planning Department is the lead agency and the Commission is a responsible agency for the purposes of CEQA. The City of Seal Beach Planning Department determined that the proposed development is ministerial or categorically exempt on December 21, 2012. As a responsible agency under CEQA, the Commission has determined that the proposed project, as conditioned, is consistent with the land use, public access policies, and the marine

resource, biological productivity and water quality policies and hazardous substances policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX 1

SUBSTANTIVE FILE DOCUMENTS: City of Seal Beach Main Street Specific Plan (MSSP); City of Seal Beach Approval in Concept dated December 21, 2012; Coastal Development Permit No. 5-05-514-(Chevron USA, Inc.); Water Quality Management Plan (WQMP) dated March 15, 2013 prepared by Fuscoe Engineering; Letter from Commission Staff to agent. dated February 8, 2013; Letter from agent to Commission Staff dated March 24, 2013; Letter from Commission Staff to agent dated April 25, 2013; Letter from agent to Commission Staff dated April 30, 2013; Memo from Fuscoe Engineering to Commission staff dated April 30, 2013; Letter from The Orange County Health Care Agency (OCHCA) to Ed Selich dated April 30, 2013; and Letter from SCS Engineers to OCHCA dated April 16, 2013.

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5-13-009

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Location Map

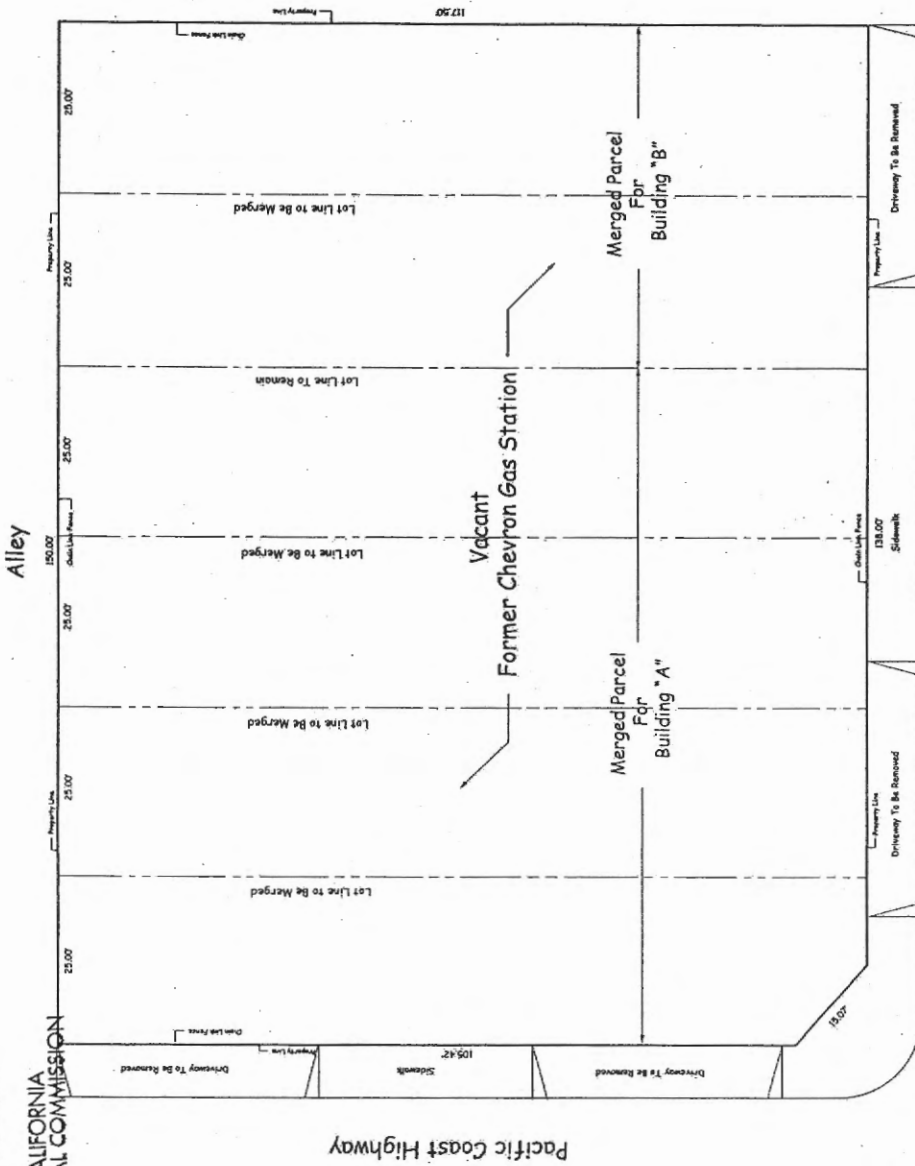
Legal Description:

Lot 42, 44, 46, 48, 50 and 52 in Block 209 of Bayview Tract, as shown on a Map Recorded in Book 8, Page 91 of Miscellaneous Maps, Records of Orange County, California.

APPROVED IN CONCEPT
SEAL BEACH PLANNING DEPT

* SIGNATURE: *Christine Nyeger*

* DATE: 12/21/12



Existing
Site Plan



Scale 1/8" = 1'-0"
December 20, 2012

Owner:
Main And PCH LLC
320 Main Street
Seal Beach California

Main & PCH Plaza Building "A" & "B"
350 Main Street Seal Beach California

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

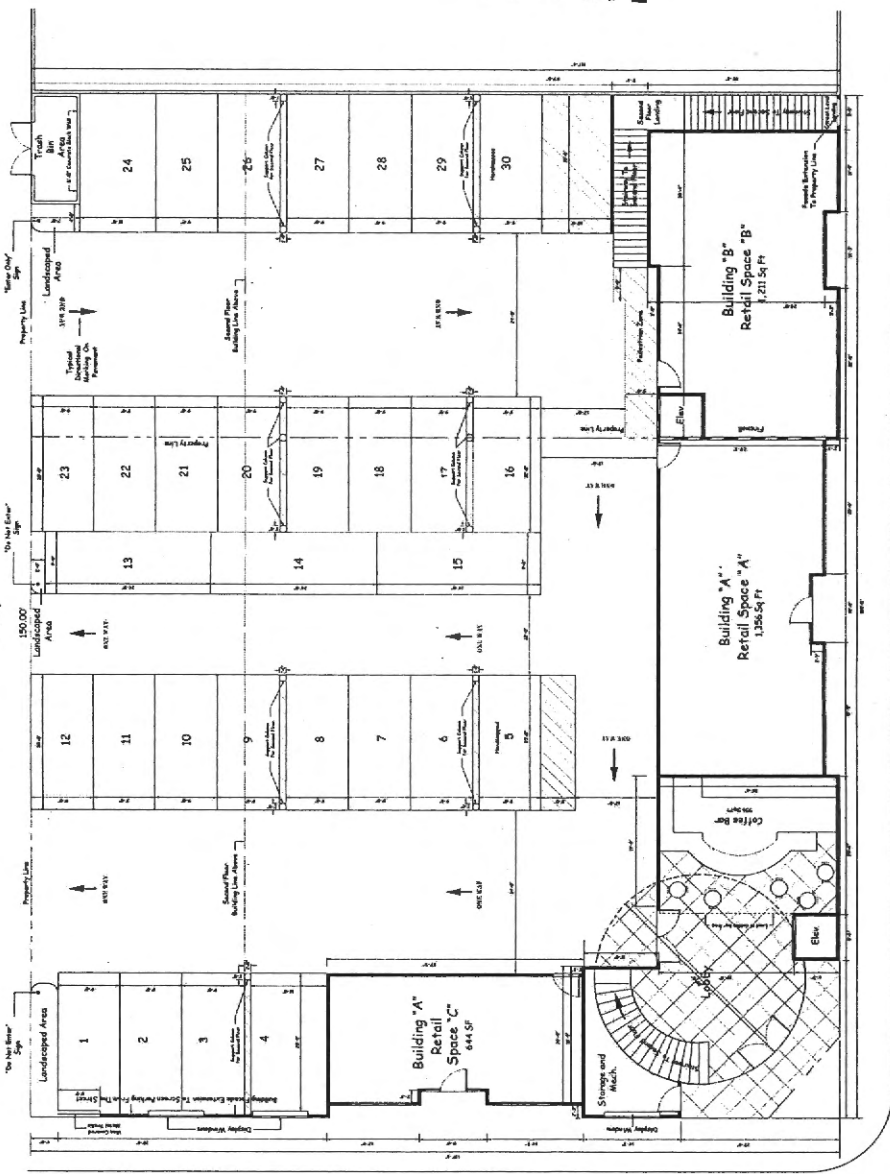
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Pacific Coast Highway

Alley



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SEAL BEACH PLANNING DEPT

SIGNATURE: *Christine Nguyen*
DATE: 12/21/12

5-13-009

Owner:
Main And PCH LLC
320 Main Street
Seal Beach California

Main Street

Main & PCH Plaza Building "A" & "B"
350 Main Street Seal Beach California

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EXHIBIT # 3
PAGE 1 OF 2

First Floor Plan



Scale 1/8" = 1'-0"
December 20, 2012

Sheet 3 of 7

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5-13-009

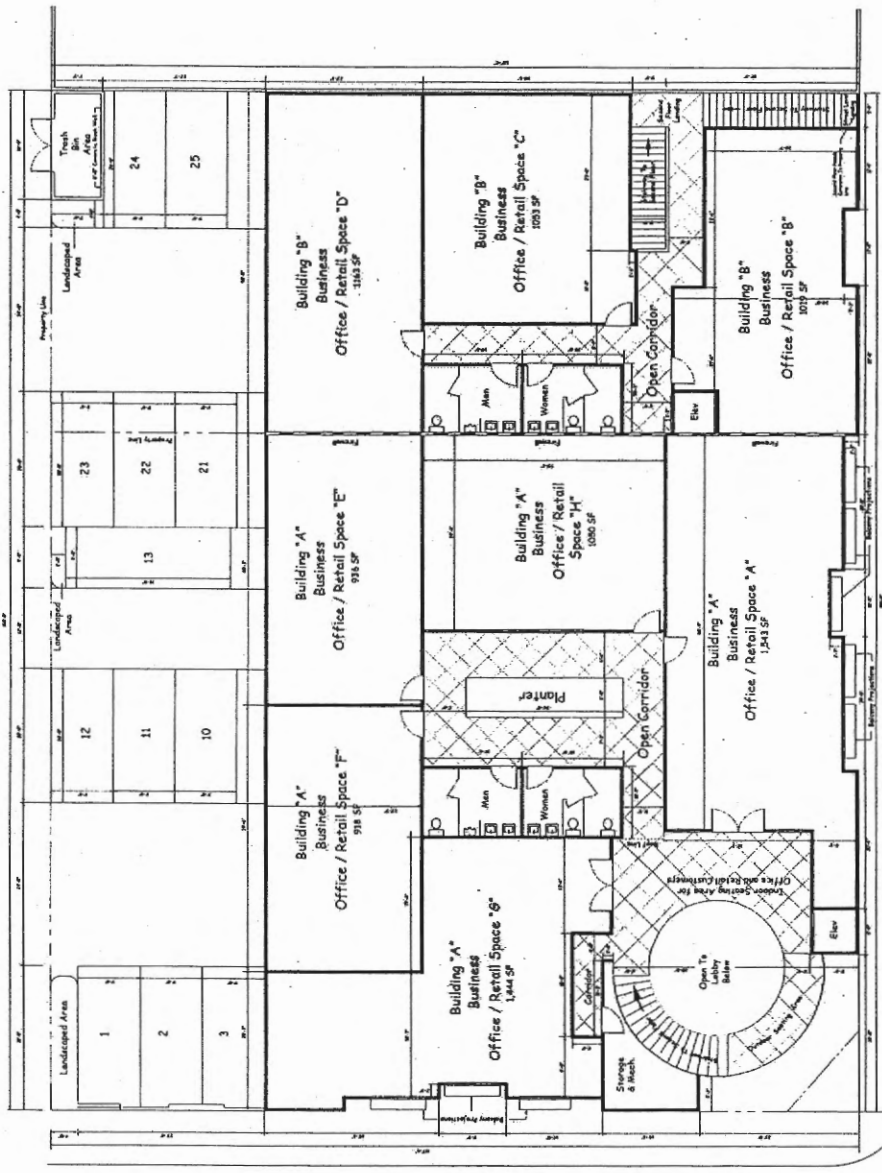
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SEAL BEACH PLANNING DEPT

SIGNATURE: *Christina Nguyen*

DATE: 12/21/12

Owner:
Main And PCH LLC
320 Main Street
Seal Beach California

Alley



Pacific Coast Highway

Main Street

Main & PCH Plaza Building "A" & "B"
350 Main Street Seal Beach California

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 2

Second Floor Plan



Scale 1/8" = 1'-0"
December 20, 2012

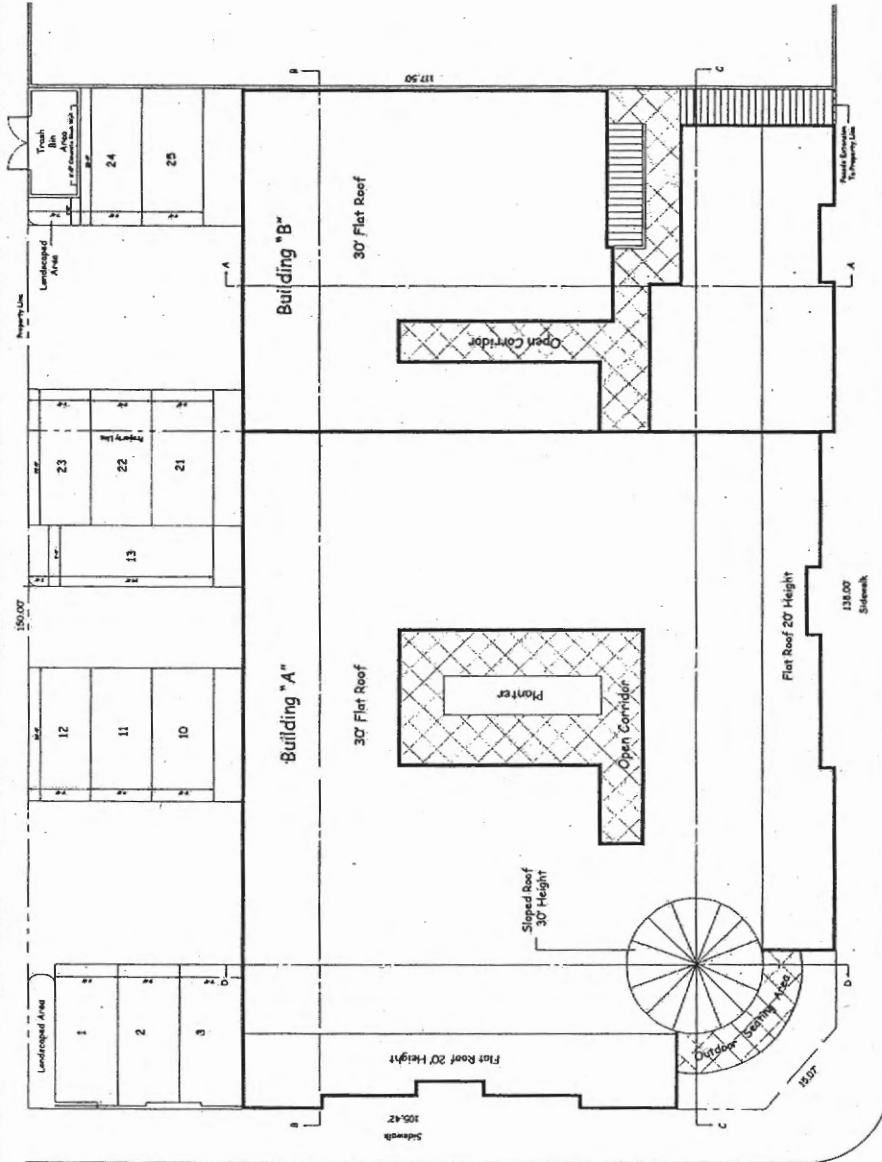
Sheet 4 of 7

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Pacific Coast Highway



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 * *
 SIGNATURE: *Christina Nguyen*
 DATE: 12/21/12

5-13-009

Roof Plan

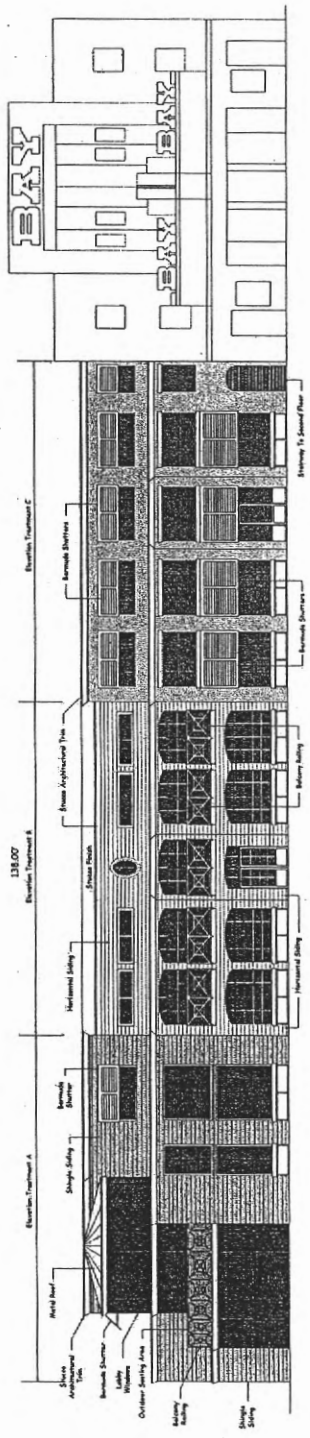
 Scale 1/8" = 1'-0"
 December 20, 2012

Owner:
 Main And PCH LLC
 320 Main Street
 Seal Beach California

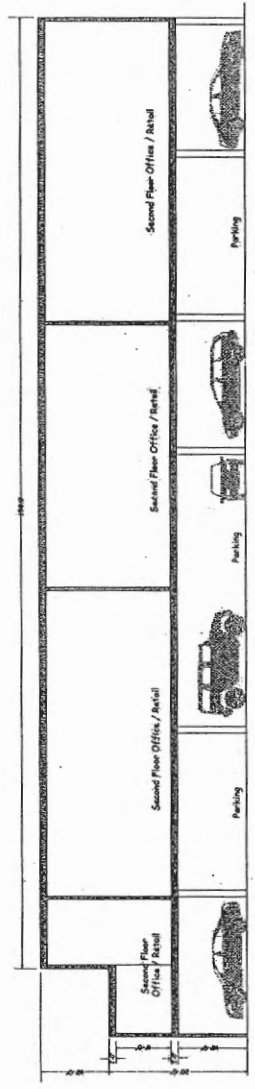
Main & PCH Plaza Building "A" & "B"
 350 Main Street Seal Beach California

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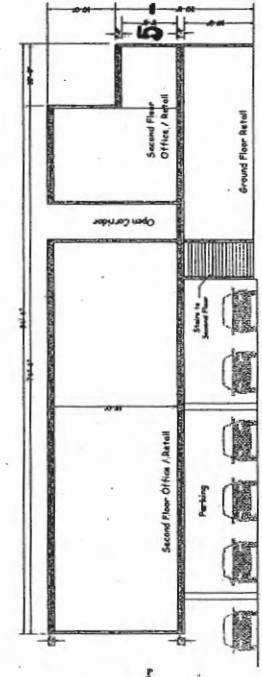
EXHIBIT # 4
 PAGE 1 OF 1



Main Street Elevation



Section A-A



Section B-B

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SEAL BEACH PLANNING DEPT
*
*
SIGNATURE: *Christine Nguyen*
*
*
DATE: 12/21/12

Elevations And Sections



Scale 1/8" = 1'-0"
December 20, 2012

Sheet 6 of 7

PCH Elevation

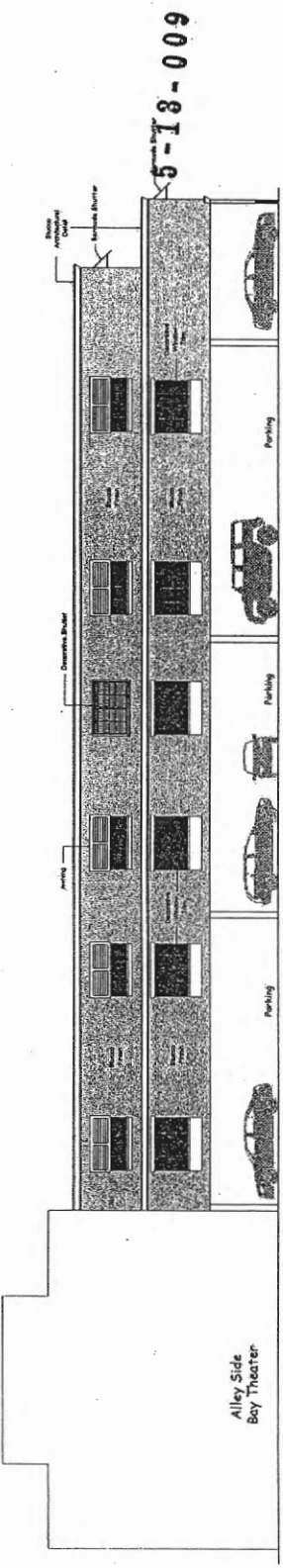
Main & PCH Plaza Building "A" & "B"
350 Main Street Seal Beach California

Main And PCH LLC
320 Main Street
Seal Beach California

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EXHIBIT # 5
PAGE 1 OF 2

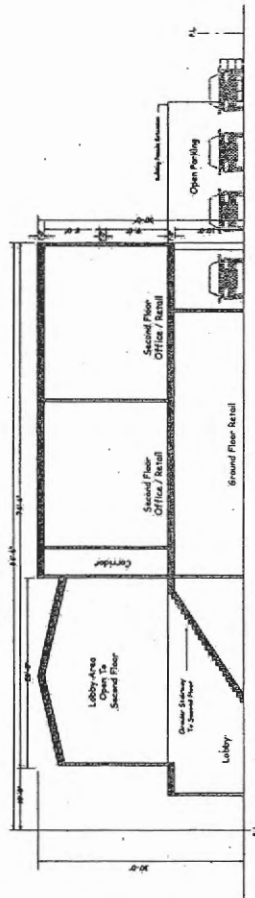
5-13-09



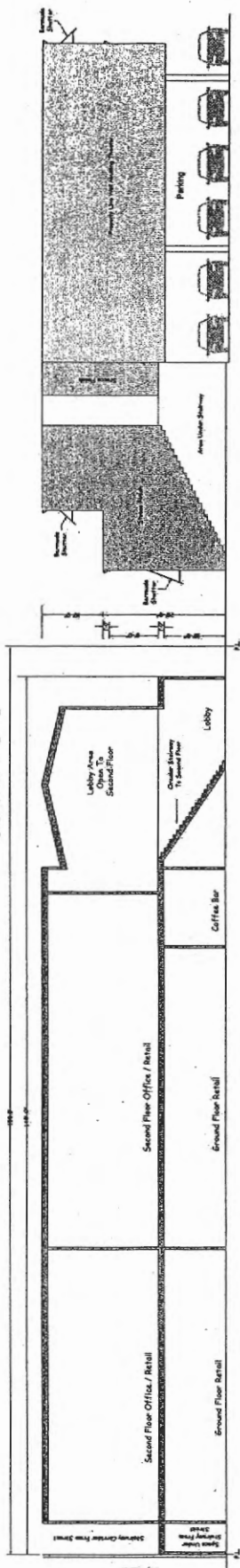
Alley Elevation

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 JAN 11 2013
 CALIFORNIA
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APPROVED IN CONCEPT
 SEAL BEACH PLANNING DEPT
 * * *
 SIGNATURE: *Christopher Nguyen*
 * * *
 DATE: 12/21/12



Section D-D



Section C-C

Elevations And Sections

Scale 1/8" = 1'-0"
 December 20, 2012

COASTAL COMMISSION

EXHIBIT # 5
 PAGE 2 OF 2

Main & PCH Plaza Building "A" & "B"
 350 Main Street Seal Beach California

Owner:
 Main And PCH LLC
 320 Main Street
 Seal Beach California

Theater Elevation

LEGEND

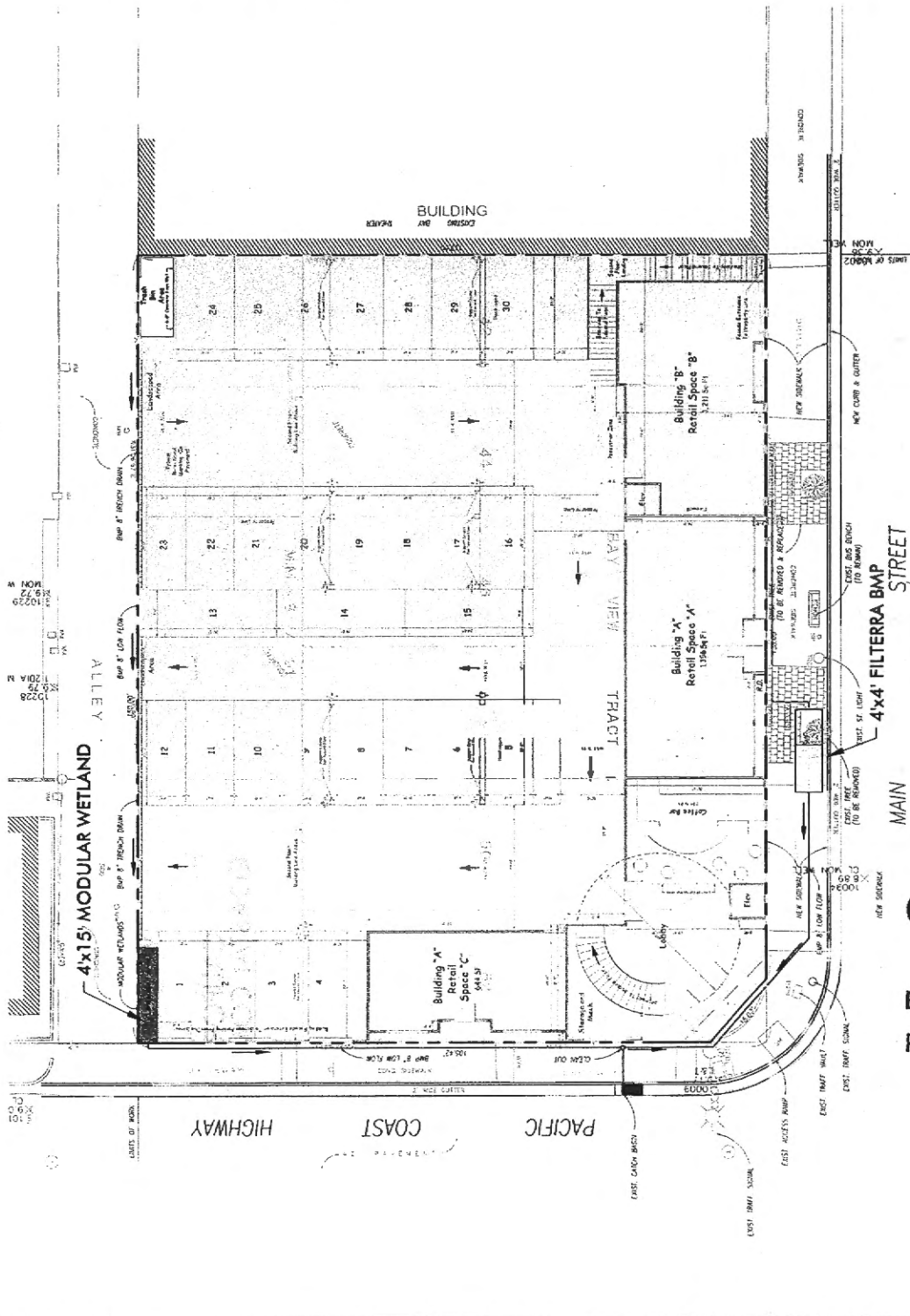
- PROPERTY LINE / RIGHT OF WAY
- PROPOSED STORM DRAIN
- PROPOSED TRENCH DRAIN
- ▭ PROPOSED LANDSCAPING
- ▭ PROPOSED BUILDING
- ▭ PRIVATE PARKING LOT SWEEPING
- ▭ CATCH BASIN STENCILING
- ▭ MODULAR WETLAND BMP (BIOTREATMENT)
- ▭ FILTERRA BMP (BIOTREATMENT)
- DIRECTION OF FLOW

GRAPHIC SCALE



**WATER QUALITY
MANAGEMENT PLAN
MAIN & PCH PLAZA
SEAL BEACH, CA**

Scale: 1" = 20'
Exhibit Date: 03/15/2013



COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 1





COUNTY OF ORANGE
HEALTH CARE AGENCY

PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH

MARK A. REFOWITZ
DIRECTOR

DAVID M. SOULELES, MPH
DEPUTY AGENCY DIRECTOR

RICHARD SANCHEZ, REHS, MPH
DIRECTOR
ENVIRONMENTAL HEALTH



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MAY 13 2013

MAILING ADDRESS:
1241 E DYER RD., #120
SANTA ANA, CA 92705-5611
TELEPHONE: (714) 433-6000
FAX: (714) 754-1732
E-MAIL: ehhealth@ochca.com

April 30, 2013

Ed Selich
Main & PCH LLC
328 Main St.
Seal Beach, CA 90740

CALIFORNIA
COASTAL COMMISSION

Subject: Proposed Site Development and Mitigation Measures letter dated April 16, 2013

Re: Chevron Station #9-3530
350 Main St.
Seal Beach, California
OCHCA Case #88ut098

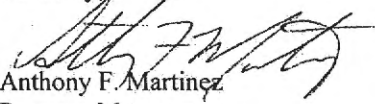
Dear Mr. Selich,

In response to your request for a statement regarding the proposed redevelopment at the subject site, and based on the information contained in OCHCA case file #88UT098, development of the property as described in Kevin Green's letter of April 16, 2013, can proceed subject to the following conditions:

1. The site will be occupied by a two-story building, which will have only commercial tenants (e.g.—offices, restaurants, and retail businesses).
2. Engineering and institutional site controls will be implemented and maintained at the site until the OCHCA determines that the residual contamination poses no significant human health risk.
3. Chevron will have access to conduct necessary maintenance or monitoring of the site mitigation engineering controls. Access will also be granted for other corrective actions required at the site to protect public health and safety at, and adjacent to, the subject site.

If you have any questions, please feel free to contact me at (714) 433-6011.

Sincerely,


Anthony F. Martinez
Program Manager
Hazardous Materials Mitigation
Environmental Health

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EXHIBIT # 7
PAGE 1 OF 4

Cc: Richard Sanchez, Orange County Health Care Agency (by email)
Tom Mbeke-Ekanem, Santa Ana Regional Water Quality Control Board (by email)
Michael Ho, City of Seal Beach (by email)
Kevin Green, SCS Engineers (by email)
Daryl Pessler, Chevron (by email)

SCS ENGINEERS

April 16, 2013
File No. 01204213.00

Via Email (amartinez@ochca.com) and US Mail

Mr. Anthony Martinez, CEG #2255
Program Manager
Orange County Health Care Agency
Hazardous Materials Mitigation Section
1241 East Dyer Road, Suite 120
Santa Ana, California 92705
(714) 433-6011

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MAY 18 2013

CALIFORNIA
COASTAL COMMISSION

**Subject: Proposed Site Development and Mitigation Measures
Former Chevron Station 9-3530
350 Main Street, Seal Beach, CA (OCHCA Case No. 88UT098)**

Dear Mr. Martinez:

This letter is provided in response to your email of April 12, 2013 to Mr. Ed Selich regarding the above-referenced former Chevron Station 9-3530 in Seal Beach, California (the "Property"). In this email, you stated:

"OCHCA requests a site plan depicting the footprint of the proposed building, and a cover letter describing the proposed structure and its use, as well as the mitigation measures that will be in place and a statement that the owner understands that additional sampling and/or remediation will continue at the site until OCHCA determines that the remaining contamination does not pose a risk to human health and safety."

As requested, attached for your review is a site plan (from SAIC's Soil Vapor Installation report dated March 1, 2013) showing the footprint of the proposed structure (outlined in red) on the Property; the remainder of the Property will be used for parking and limited landscaping. The proposed slab-on-grade building will be a two-story commercial building with uses that are anticipated to include restaurants, retail, and offices.

Based on recent SAIC reports indicating residual fuel contamination in soil and fuel-related methane and volatile organic compounds in soil vapor, the Property owner understands that engineering and institutional controls will be required as a condition of site development, including a vapor barrier to mitigate the potential for vapor intrusion into the proposed building. The Property owner further understands that access for post-construction testing (subsurface, subslab, and/or indoor air) may be required.

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EXHIBIT # 7
PAGE 2 OF 4

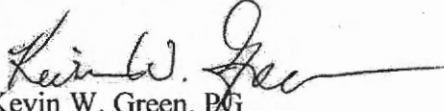
Mr. Anthony Martinez
April 16, 2013
Page 2

It should also be noted that a vent cone, consistent with requirements of the California Department of Conservation - Division of Oil, Gas, and Geothermal Resources, will be installed over the abandoned oil well on the Property.

Please note that the Property owner, Main & PCH LLC represented by Bob Griffith and Ed Selich, understands that Chevron and their consultants (currently SAIC) will continue to investigate and, as necessary, further remediate soils and mitigate potential vapor intrusion on the Property consistent with the directives of the Orange County Health Care Agency (OCHCA) and other regulatory agency requirements. These activities may include removal of impacted soils that may be encountered during construction, providing the design, permitting, and installation of any vapor barrier, implementation of institutional controls, and any post-construction testing. Property access for these activities will be provided consistent with the Agreement between the Property owner and Chevron.

If you have any questions regarding this project, please call either of the undersigned at (562) 426-9544.

Regards,


Kevin W. Green, PG
Project Director
SCS ENGINEERS

Enclosure – SAIC Site Map Showing Footprint of Proposed Building

cc: Bob Griffith
Ed Selich – Main and PCH LLC
Charles Gale, Esq.

COASTAL COMMISSION

EXHIBIT # 7
PAGE 3 OF 4

EXPLANATION

- (A) SURVEYED LOCATION OF GROUNDWATER MONITORING WELL LOCATION (SAC, 2008)
- (B) GROUNDWATER MONITORING WELL LOCATION
- (C) APPROXIMATE LOCATION OF DESTROYED WELL LOCATION
- (D) HOLDUP, FAHAN & ASSOCIATES, INC. AIR SPARGE MONITORING POINT
- (E) HOLDUP, FAHAN & ASSOCIATES, INC. AIR SPARGE WELL LOCATION
- (F) FORMER PRODUCTION WELL
- (G) HOLLOW-STEM AUGER SOIL BORING
- (H) APPROXIMATE EXTENT OF WAYNE PERRY, INC. OBSERVED REMEDIAL EXCAVATION FOR UST REMOVAL (SAC, 2008)
- (I) APPROXIMATE EXTENT OF SAC OBSERVED REMEDIAL EXCAVATION (SAC, 2008)
- (J) AIR SPARGE WELL
- (K) SOIL CONFIRMATION BORINGS
- (L) SOIL VAPOR SAMPLING POINT LOCATIONS
- (M) FUTURE OFFICE BUILDING FOOTPRINT
- (N) FUTURE PARKING SPACE FOOTPRINT
- (O) TOTAL PETROLEUM HYDROCARBONS AS GASOLINE ANALYZED USING EPA METHOD 8260
- (P) BENZENE ANALYZED USING EPA METHOD 8260B
- (Q) TOLUENE ANALYZED USING EPA METHOD 8260B
- (R) ETHYLBENZENE ANALYZED USING EPA METHOD 8260B
- (S) XYLENES ANALYZED USING EPA METHOD 8260B
- (T) MICROGRAMS PER CUBIC METER

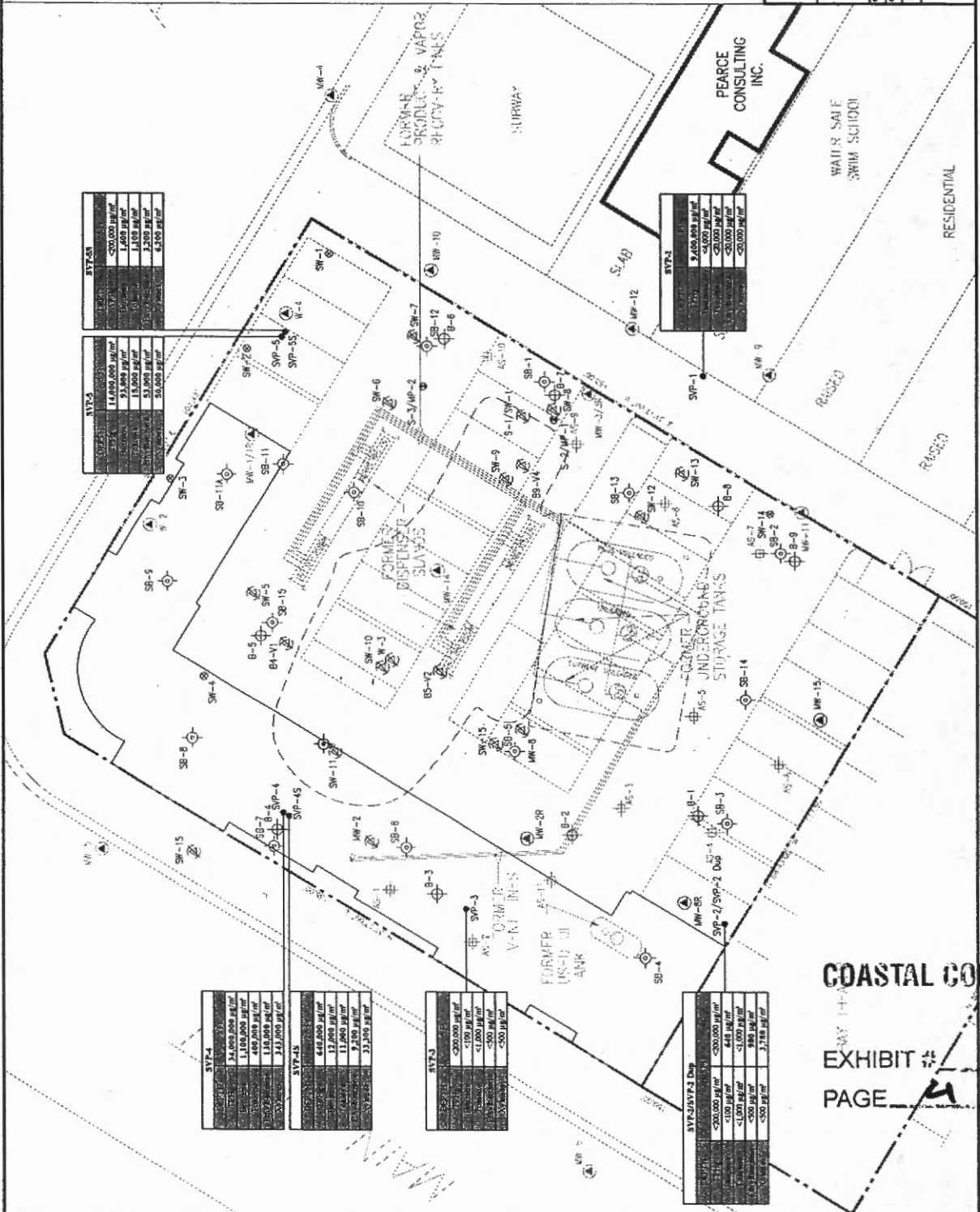
Chevron Environmental Management Company
 FORMER CHEVRON SERVICE STATION NO. 9-8330
 390 MAIN STREET
 SEAL BEACH, CALIFORNIA

SITE PLAN SHOWING SOIL VAPOR SAMPLING POINT LOCATIONS AND SOIL VAPOR ANALYTICAL DATA

Drawn	HDS	Checked	Approved	PLATE NO.
DATE	02/13			3
Job No.	20013B024B-A10-020			
	File No. B3330-045			

SAIC.

Scale 0 10 20 feet



COASTAL COMMISSION

EXHIBIT # 7
 PAGE 4 OF 4

POLICY 1. Create A New Main Street Specific Plan Zone (Article 12.5, Section 28-1250 and 28-1251, C-SP Zone)

Section 28-1250. Permitted Uses.

A. Permitted Uses

- 1) Barbershops and beauty parlors;
- 2) Coffee houses, dessert shops and similar establishments provided there is seating for no more than 10 customers and the gross square footage of the establishment does not exceed 1,000 sq. ft;

- 2ND FLOOR ONLY 3) Financial institutions;
4) General retail businesses such as grocery store, furniture store, etc.;
5) Horticultural Nursery;
2ND FLOOR ONLY 6) Medical offices and laboratories facing Main Street or Ocean Avenue
(2nd floor or above only);
2ND FLOOR ONLY 7) Medical offices and laboratories not facing Main Street or Ocean
Avenue;
2ND FLOOR ONLY 8) Prescription pharmacies;
2ND FLOOR ONLY 9) Professional offices facing Main Street or Ocean Avenue (2nd floor
and above only);
2ND FLOOR ONLY 10) Professional offices not facing Main Street or Ocean Avenue;
11) Service businesses dealing directly with consumers (dressmaker, nail
shop, tailor, etc);
12) Accessory buildings and structures; and
13) Other similar uses when determined by the Planning Commission to
be consistent with the Main Street Specific Plan and compatible with
other permitted uses within the zone.

B. Uses Subject to Issuance of a Conditional Use Permit

- 1) Automatic ice vending machines;
- 2) Coffee houses, dessert shops and similar establishments with seating
for more than 10 customers and the gross square footage of the
establishment exceeds 1,000 sq. ft.;
- 3) Coin operated amusement machines as a secondary use;
- 4) Commercial activities operating between the hours of 2:00 a.m. and
6:00 a.m.;
- 5) Entertainment cafes;
- 6) Gas Stations located on a major arterial, subject to compliance with
the performance and development standards imposed by Section 23-
2318;
- 7) Horticultural Nursery;
- 8) Liquor establishments, if part of a grocery store, provided that the
number of such establishments permitted in the Main Street Specific
Plan Zone shall not exceed two (2) at any one time. Permitted
operating hours for such establishments shall be 7:00 a.m. to 10:00

p.m., Sunday through Thursday, and 7:00 a.m. to 11:00 p.m., Friday, Saturday, and holidays. Any such establishments which qualify for temporary on-sale or off-sale licenses under the provisions of California Business and Professions Code Sections 24045.1, 24045.2, 24045.3, 24045.4, 24045.6, 24045.7, 24045.8, and 24045.9, as may be amended, shall be exempt from this requirement for a Conditional Use Permit;

- 2ND FLOOR ONLY
- 9) Medical offices and laboratories facing Main Street or Ocean Avenue (1st floor);
- 10) Movie Theaters;
- 11) Parking garage;
- 12) Pet shop;
- 13) Private parking lots;
- 2ND FLOOR ONLY
- 14) Professional offices facing Main Street or Ocean Avenue (1st floor);
- 15) Recycling facilities as defined in Section 28-2321 and as follows:
- a) Reverse vending machines;
 - b) Small collection recycling facilities within a convenience zone; and
 - c) Mobile recycling units within a convenience zone;
- 16) Restaurant, with or without alcohol sales (not including drive-in restaurants). Permitted operating hours of such restaurants shall be 7:00 a.m. to 10:00 p.m., Sunday through Thursday, and 7:00 a.m. to 11:00 p.m., Friday, Saturday, and holidays ;
- 17) Similar retail or service establishments catering directly to consumers when interpreted by the Planning Commission as meeting the intent of service commercial uses and the General Plan; and
- 2ND FLOOR ONLY
- 18) Veterinary out-patient clinic.