

**CALIFORNIA COASTAL COMMISSION**

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# F5c

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180th Day:	7/15/15
Staff:	Z. Rehm-LB
Staff Report	3/26/15
Hearing Date:	4/17/15

## STAFF REPORT: CONSENT CALENDAR

**Application Number:** 5-15-0078

**Applicant:** Shauan Chen

**Location:** 60 Hermosa Avenue, Hermosa Beach, Los Angeles County; APN 4188-014-040.

**Project Description:** Demolish 200 square foot shed; construct 30-foot high mixed use building with five parking spaces, approximately 570 square feet of commercial space on ground level, and one approximately 2,655 square foot residential unit on second and third levels.

**Staff Recommendation:** Approval with Conditions.

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### SUMMARY OF STAFF RECOMMENDATION

The proposed development is located on a flat lot on the landward (east) side of Hermosa Avenue, which is the first public road inland of the Pacific Ocean and the public beach. Adjacent development is primarily residential with limited commercial uses. The proposed development is consistent with those uses, with the subject zoning (Neighborhood Commercial), and with previous Commission approved developments in the area. The proposed parking plan is adequate to meet the demand at the site and vehicle access will be taken from the alley. The proposal includes drainage improvements and landscaping exclusively with low water use non-invasive species. Commission staff recommends **approval** of Coastal Development Permit Application No. 5-15-0078 with special conditions requiring the applicant to implement construction best management practices, construct the development consistent with the approved plans, and comply with the approved uses of the development.

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. 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 of the Coastal Act. 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 would 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

This permit is granted subject to the following special conditions:

1. **Construction Best Management Practices.** The permittee shall implement the following construction best management practices (BMPs):
  - a) No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
  - b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
  - c) 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;
  - d) Erosion control/sedimentation Best Management Practices 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;
  - e) 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;
  - f) The permittee 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;
  - g) The permittee shall develop and implement spill prevention and control measures;
  - h) The permittee 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 storm drain, open ditch or surface water; and
  - i) The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

2. **Approved Plans.** The permittee shall undertake development in accordance with the approved final plans, specifically including the parking plan, the landscaping plan, and the drainage plan. 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-approved amendment to Coastal Development Permit No. 5-15-0078 unless the Executive Director determines that no amendment is legally required.
3. **Approved Development and Use.** The approved development is one residential unit above ground level commercial space which may be operated as office, retail, or take-out food service. Should the permittee or a future owner or lessee of the property propose to change the use of the ground floor space into a restaurant or bar, an amendment to this permit shall be required. Should the permittee or a future owner or lessee of the property propose to subdivide the single residential unit, an amendment to this permit shall be required.

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. PROJECT LOCATION AND DESCRIPTION**

The applicant is proposing to demolish an existing 200 square foot shed on the site and construct a 30-foot high mixed use building with five parking spaces, approximately 570 square feet of commercial space on ground level, and one approximately 2,655 square foot residential unit on second and third levels. The applicant also proposes decks and landscaping throughout the development (**Exhibit 2**).

The subject site is a flat 2,399 square foot lot on the landward (east) side of Hermosa Avenue, which is the first public road inland of the Pacific Ocean and the public beach in the City of Hermosa Beach (**Exhibit 1**). The parcel has a land use designation of C-1 (Neighborhood Commercial). Most of the surrounding structures are single family residences and multi-family residences, with limited commercial uses on some of the adjacent buildings on the landward side of Hermosa Avenue. A single-story bar occupies the northeastern street corner immediately adjacent to the site. The Hermosa Beach Planning Commission passed Resolution 14-11 approving the proposed development, including a precise development plan, a parking plan, and a conditional use permit for a commercial space on the ground floor limited to uses permitted within the C-1 zone, but not including restaurants, bars, laundry, or dry-cleaning facilities.

The area is a built out neighborhood serving both residents and coastal visitors. It is approximately a half mile south of Hermosa Beach Pier and the downtown commercial district. The nearest public beach access is approximately 400 feet southwest via the walk street designated as Lyndon Street. Because the subject block is in close proximity to the beach, the metered spaces on both sides and within the median of the public street are used by the public for beach access. The nearest public beach parking lot is approximately 500 feet south, at Redondo Beach King Harbor (**Exhibit 1**).

The site plan incorporates drainage features to control and capture stormwater runoff, including gutters and downspouts which direct water to an on-site drainage system supported by a sump pump will direct excess water to curb drains. All proposed landscaping features low water use non-invasive species with low water use drip irrigation. A geotechnical investigation discovered groundwater at a depth of 10-feet below grade, consistent with known historical conditions. No basement or subsurface construction is proposed or authorized. The proposed foundation is slab on grade and grading will consist of

overexcavation and recompaction, consistent with the geotechnical recommendations. Any excess graded material will be disposed of at a facility outside of the Coastal Zone. The applicant has proposed a set of construction best management practices and agreed to work with the City's public works department to implement final drainage and stormwater management plans. In order to ensure that the marine environment is protected from runoff and construction debris, **Special Condition 1** requires the applicant to implement an additional set of construction best management practices.

The proposed plans include a total of five parking ground level spaces accessed from the alley designated as Palm Drive. Two tandem parking spaces in a private garage are proposed for the residential unit. Two tandem parking spaces are proposed for the commercial space, one of which will be ADA compliant. One additional parking space is provided as a guest space per City of Hermosa Beach requirements, but is adjacent to the commercial space and may be used by visitors or the residential unit or the commercial space. Finally, a loading aisle is proposed at the rear for short-term drop-offs and deliveries. The proposed parking plan is adequate to support one residential unit and one small (approximately 570 square foot) commercial space. In order to preserve public access, protect the marine environment, and minimize resource use, **Special Condition 2** requires the applicant to undertake development in accordance with the approved final plans, specifically including the parking plan, the landscaping plan, and the drainage plan.

There is not enough parking at the site to support more intense uses such as a sit-down restaurant or bar and the applicant has agreed with the City and Commission staff's determination that such uses are not appropriate for the very small site. The City's action and **Special Condition 3** of this permit state that the approved development is one residential unit above ground level commercial space which may be operated as office, retail, or take-out food service. Each of those uses would be consistent with the C-1 zoning designation and would classify as visitor serving uses. Should the permittee or a future owner or lessee of the property propose to change the use of the ground floor space into a restaurant or bar, an amendment to this permit shall be required. In order to ensure that the residential unit has adequate parking and does not impact the public parking supply adjacent to the public beach, Special Condition 3 further states that should the permittee or a future owner or lessee of the property propose to subdivide the single residential unit, an amendment to this permit shall be required.

As conditioned, the proposed development is consistent with the Coastal Act, is consistent with past Commission actions in the area, and will not prejudice the City's ability to prepare a Local Coastal Program. The applicant has agreed with staff's recommendation and the special conditions.

## **B. PUBLIC ACCESS**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

## **C. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of drought

tolerant non-invasive vegetation to reduce and treat the runoff discharged from the site, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

#### **D. DEVELOPMENT**

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

#### **E. LOCAL COASTAL PROGRAM**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program, a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for The City of Hermosa was effectively certified in 1981. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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### **SUBSTANTIVE FILE DOCUMENTS**

1. City of Hermosa Beach Land Use Plan (Commission Certified 1981)

### **EXHIBITS**

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Plans

# Exhibit 1: Vicinity Map

Application No. 5-15-0078

California Coastal Commission

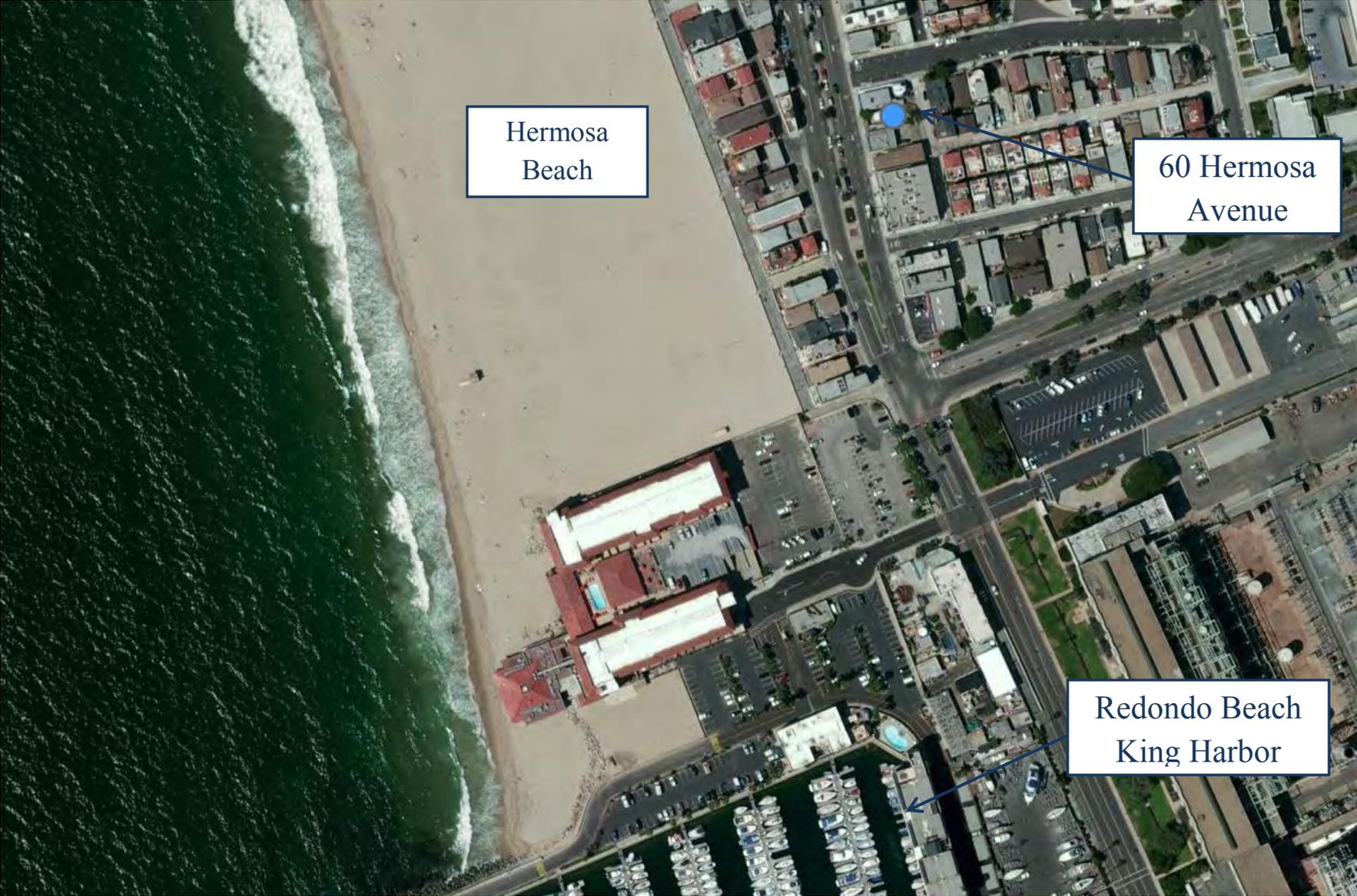


Photo: Bing Maps











