

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
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## RECORD PACKET COPY



Filed: August 20, 1996  
49th Day: October 8, 1996  
180th Day: February 16, 1997  
Staff: JLR-LOB  
Staff Report: September 11, 1996  
Hearing Date: October 8-11, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO: 5-96-146

APPLICANT: Kazu Miyama U.S.A

PROJECT DESCRIPTION: Demolish a commercial building and construct a 6,207 sq. ft., 2-story, 29' high restaurant.

PROJECT LOCATION: 844 Hermosa Avenue, Hermosa Beach

Lot area:	5,864 sq. ft.
Building coverage:	4,845 sq. ft.
Pavement coverage:	1,019 sq. ft.
Landscape coverage:	N/A
Parking spaces:	Six
Zoning:	C-2
Plan designation:	Restricted Commercial
Project density:	N/A
Ht abv fin grade:	29' (two-story)

LOCAL APPROVALS RECEIVED: Approval in Concept-City of Hermosa Beach

SUBSTANTIVE FILE DOCUMENTS: 1. City of Hermosa Beach Amended Certified Land Use Plan (LUP)  
2. Coastal Development Permits 5-93-113, 5-94-217, 5-94-264, 5-94-282, 5-95-049, 5-95-077, 5-96-043, 5-96-075 and 5-96-146

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with a special condition requiring the applicant to provide parking validations for a minimum of two hours within the City's Downtown Parking Validation Program.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

The applicant agrees, by accepting this permit, to provide parking validations for no less than two hours through the City of Hermosa Beach Downtown Enhancement District Parking Validation Program.

VI. Findings and Declarations:

The Commission hereby finds and declares as follows:

A. Project Description and Location:

The applicant proposes to demolish a commercial building and construct a 6,207 sq. ft., 2-story, 29' high restaurant. The proposed project is located in the Downtown Commercial District of the city of Hermosa Beach. The site is located approximately two blocks inland of The Strand, a public walkway/bikepath that parallels the adjacent public beach. Following is a more detailed project description as submitted by the applicant:

Description of Project: A Precise Development Plan for construction of a new two story commercial building for a restaurant. The building will include 434 square feet of restaurant space on the first floor, and 1862 square feet of supporting storage and office space on the second floor. A Conditional Use Permit for beer and wine in conjunction with the restaurant, and live entertainment. The existing parking located on the alley will be retained, and restriped to include a space for the physically handicapped.

The subject site is 5,867 square feet, and currently contains a one-story medical office building.

Surrounding Land Uses and Settings: The subject site is located on the main North-South street at the southerly end of the commercial downtown district, which is within an urban setting. This district is already significantly built out with older buildings which typically cover almost their entire lots. The site is surrounded by commercial uses to the north, south and west, which consist of eating and drinking establishments, retail uses, offices and business services. Public lots A, B, and C are located within walking distance. To the east, across the alley, the uses are a mix of residential uses located in the R-3, multi-family zone.

B. Public Access/Development:

The following Coastal Act policies are relevant:

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast...(4) providing adequate parking facilities...

Additionally, the amended Land Use Plan of the City's Local Coastal Program, which was recently certified by the Commission on October 14, 1994, contains the following relevant parking policies for the Downtown Enhancement District (DED):

Policy:

New development, including expansions and intensifications of use, shall provide parking consistent with requirements elsewhere in the City unless the following findings are made. If the following findings are made, the exceptions described in Section 2 may be granted.

1. Findings

Before granting the exceptions below, the Planning Director shall certify:

- (a) That fewer than 96,250 sq. ft. of commercial development, including new buildings, expansions and/or intensification of uses, in the DED has received a CDP since November 1, 1994.
- (b) That there is currently adequate parking to support the development and provide adequate beach parking.
- (c) That the City Council has approved an interim parking study for the DED that shows the occupancy of the parking spaces in the DED is 90% or less during daylight hours on summer weekends.
- (d) That no more the 24,063 sq. ft. of commercial development in the (DED) has received CDP's since the last interim parking study was approved by the City Council.

## 2. Exceptions

i. When parking is required, for projects on lots exceeding 10,000 sq. ft. and/or 1:1 F.A.R., parking in excess of that existing on the site at the time of the proposal shall be provided at 65% of the current parking requirement.

ii. Because of the physical constraints to providing parking and the desire to promote a pedestrian orientation in the Downtown Enhancement District, for projects on lots less than 10,000 sq. ft. and less than 1:1 F.A.R., no parking other than the parking existing on the site at the time of the proposal shall be required.

### Program: Parking Validation

All new commercial development on any lot within the Downtown Enhancement District shall require participation by the business owner(s) in the parking validation program. Existing development of less than 500 sq. ft. may expand or increase in intensity of use up to 15% without participating in the validation program. The validation program shall provide validations for no less than two hours unless all required parking is provided on site without any parking exceptions specified in Section 2 above or any other parking variances or exceptions.

Existing LUP policies for commercial uses require preservation of existing on-street and off-street parking spaces and a separation of long-term (beach user) and short-term (shopper) in order to provide adequate parking within the downtown area of the City. However, the cost of parking in the public lots is \$2.00 more per hour than the metered on-street spaces. Background studies supplied by the City indicate that the cost differential discourages shoppers to use the public lots. If the existing public parking lots are under-utilized for commercial parking, on-street beach parking for beach goers will be further restricted. Therefore, in the Commission's 1994 approval of an LUP amendment, the Commission required new development projects to participate in the parking validation program for a minimum of two hours.

The Commission's suggested modifications to the 1994 amended LUP allows granting of exceptions to parking requirements within a limited build-out cap and participation within a parking validation program in order to ensure that sufficient parking exists within the Downtown Commercial District to accommodate both new development and public beach parking. The Commission's 1994 conditional approval of the amended Land Use Plan (LUP) was based on a 1994 parking study. The City is currently up-dating that study and anticipates submitting it to the Commission staff at the end of June 1996.

Before granting parking exceptions, the City is required to make four findings. The first finding requires the City to permit no more than a total of 96,250 sq. ft. of new development within the Downtown Commercial District. The proposed project complies with that requirement. A second finding requires the City to determine that adequate parking exists to support new development. The 1994 parking study submitted by the City demonstrates that the proposed project is consistent with that requirement. A third finding requires that the City's parking study demonstrates that the occupancy of the parking spaces in the Downtown Commercial District is 90% or less during daylight hours. The proposed project is consistent with that requirement, based on the 1994 parking study. Finally, the fourth finding requires the City to approve no more than 24,063 sq. ft. of new commercial development since the last interim parking study was conducted. Presently, the City has approved less than 24,063 sq. ft. of new development since the program began. Therefore, the proposed project complies with that requirement.

Prior to approving the proposed project, the City had approved 12,612 sq. ft. of new development and the Commission had approved 12,252 sq. ft. However, the City had pending permits that, if approved, would result in a total of 38,580 sq. ft. That amount of development would exceed the 24,063 sq. ft. permitted in the LCP amendment unless the City submitted an up-dated downtown parking study. The City indicates that they have currently conducted a new study that would permit an additional 24,063 sq. ft. of new development consistent with the conditionally approve LCP amendment. The City will be submitting that study within the next several weeks.

After making the required findings, under the revised LUP standards, parking is not required for development on building sites less than 10,000 sq. ft. with a 1:1 floor area/lot area ratio (F.A.R.) or less. The subject site is less than 10,000 sq. ft. but does exceed the 1:1 F.A.R by 340 sq. ft. Therefore, consistent with the 1994 amended Land Use Plan, two additional parking spaces are required whereas the applicant is providing six parking spaces. Following is a more detailed parking requirement analysis as submitted by the applicant:

Sufficient parking will not be provided on-site, but the parking complies with the City's parking requirements for downtown and the requirement of the Coastal L.U.P. as amended (see (3) because of the available public on-street and off-street parking in the downtown. Sites of 10,000 square feet or less are required no parking up to a 1:1 floor area lot area ration, and thus parking is only required for the exceeding amount. In this development 6207 square feet of floor area is proposed on a 5867 square foot lot. Thus on-site parking is required for 340 square feet, or a minimum of 2 spaces (based on the requirement of 6.5 per 1000 square feet for a restaurant located in the downtown). The six (6) spaces provided off the alley, in the current location for parking, satisfy this requirement.

The project complies with all applicable preconditions for granting an exception to parking standards. As noted above, the Commission's approval

required merchants who take advantage of a parking exception, to participate in a parking validation program offering no less than two hours of validated parking. The City's Conditional Use Permit approval does require the applicant to provide parking validations for no less than two hours within the City's Downtown Parking Validation Program. However, the City's required conditional approval could subsequently be modified without the necessity of obtaining a Coastal Development Permit. Therefore, the Commission is requiring a special condition, consistent with the LUP amendment, that requires the applicant to provide parking validations for no less than two hours within the City's Parking Validation Program. As conditioned, the proposed development will encourage customers to use the public parking lots where vacant spaces are available. Therefore, the inexpensive street spaces will be reserved for beach users.

Only as conditioned, to participate in the validation program for a minimum of two hours, can the Commission find that the proposed project will not interfere with public access to the shoreline consistent with Sections 30211 and 30212.5 of the Coastal Act and the City's 1994 certified LUP amendment.

C. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5 (d) (2) (i) 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 impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access and development policies of the Coastal Act. Mitigation measures to validate parking for two hours will minimize adverse impacts on beach access. 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.

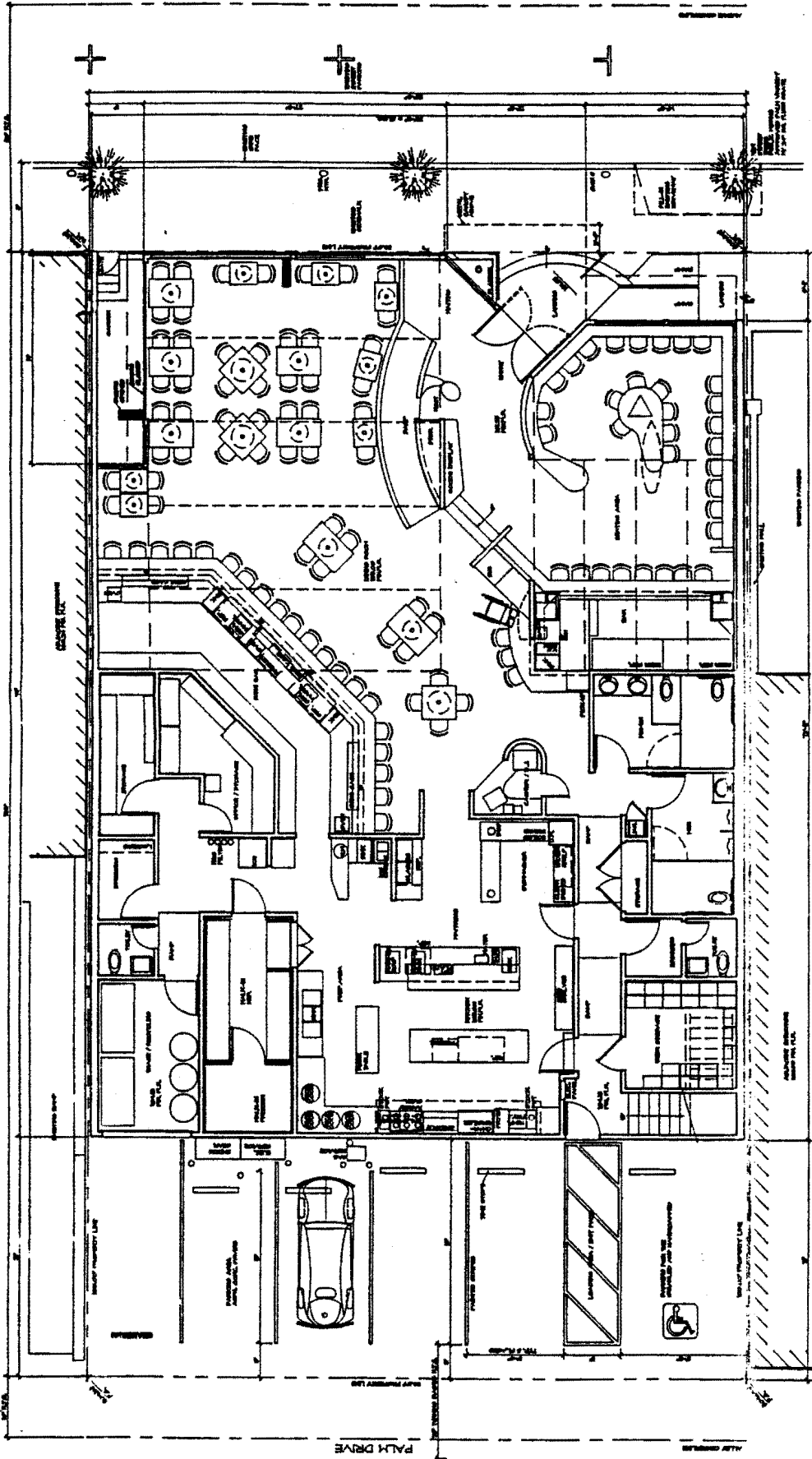
Project  
Location



Exhibit A.  
5-96-146



HERNIMAN AVENUE



## SITE PLAN and FIRST FLOOR PLAN

APPROVED IN CONCEPT  
CITY OF HERMOSA BEACH

by the Roberts

Dept. Planning

Date 3/31/96

**PROJECT DATA**

For the purpose of this study, we included within the sample 100 "very healthy" and 100 "less healthy" people. The "very healthy" group was defined as people who were 65 years of age or younger, had no chronic diseases, and were not taking any medications. The "less healthy" group was defined as people who were 65 years of age or older, had at least one chronic disease, and were taking at least one medication.

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CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

Exhibit B  
5-96-146

P.C. RESOLUTION NO. 96-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING AN ENVIRONMENTAL NEGATIVE DECLARATION, CONDITIONAL USE PERMIT, AND PRECISE DEVELOPMENT PLAN TO ALLOW ON-SALE, BEER AND WINE, AND CONSTRUCTION OF A PROPOSED RESTAURANT AT 844 HERMOSA AVENUE, AND LEGALLY DESCRIBED AS LOTS 23, AND 24, OF TRACT NO 1564.

WHEREAS, the Planning Commission held a public hearing on February 20, 1996 to receive oral and written testimony regarding this matter and made the following findings:

- A. The site is zoned C-2, Restricted Commercial, and the proposed development and use are consistent with the standards of said zone;
- B. The proposed use is compatible with surrounding commercial uses;
- C. The imposition of conditions as required by this resolution will mitigate any negative impacts on nearby residential or commercial properties;
- D. The parking required for this development is zero for that portion of the project equal to a F.A.R. 1:1 and 65% of the parking requirement for that portion over 1:1, since it is located within the Downtown Enhancement District (DED), and pursuant to Section 1152.5 of the Zoning Ordinance and pursuant to the Certified Coastal Land Use Plan, the reduced required parking is supported by the following findings:
  1. Fewer than 96,250 square feet of commercial development, including new buildings, expansions, and/or intensification of uses in the DED has received a Coastal Development Permit since November 1, 1994.
  2. There is currently adequate parking to support the development and to provide adequate beach parking.
  3. A parking study recently completed for the downtown show the occupancy of the parking spaces in the downtown is 90% or less during daylight hours on summer

Exhibit C  
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weekends, and no more than 24,063 square feet of commercial development

occurred since the study.

- E. The Staff Environmental Review Committee has prepared an environmental assessment and determined that the project, with mitigation measures incorporated to reduce off-site impacts results in less than significant impact on the environment, and therefore qualifies for a mitigated negative declaration.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH DOES HEREBY APPROVE ON-SALE ALCOHOL BEER AND WINE, IN CONJUNCTION WITH THE CONSTRUCTION OF A RESTAURANT, SUBJECT TO THE FOLLOWING CONDITIONS:

SECTION I Specific Conditions of Approval

1. The development and continued use of the property shall be in conformance with submitted plans. Modifications to the plans shall be reviewed and may be approved by the Community Development Director.
2. The rear door, emergency exit, facing the alley shall remain closed at all times during business hours, and shall be equipped with panic hardware including an alarm and a self closing door mechanism; equipment shall be maintained in operational order at all times.
3. The rear roll-up door shall be maintained closed at all times except during deliveries, and trash pick-up.
4. ~~\*~~ Storage of trash bins or cans outside of the designated trash bin storage area shown on submitted plans is prohibited.
5. Odor elimination equipment shall be installed for the trash bin area; venting untreated air from this room shall be prohibited. how?
6. Deliveries to the rear doors on Palm Dr. shall be prohibited between 9:00 PM and 9:00 AM.
7. Use of the rear parking shall be for employees only; Signs shall be installed restricting parking to employee use.
8. A bicycle rack for a minimum of 6 bikes shall be provided; location shall be reviewed and approved by the Community Development Director.
9. Live entertainment is prohibited

Exhibit C  
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**SECTION II** General operating and standard conditions:

1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments in the vicinity.
2. The business shall prevent loitering, unruliness, and boisterous activities of the patrons outside the business, or in the immediate area.
3. The Police Chief may determine that a continuing police problem exists and may, subject to the review of the Planning Commission, direct the presence of a police approved doorman and/or security personnel to eliminate the problem and then shall submit a report to the Planning Commission, which will automatically initiate a review of this Conditional Use Permit by the Commission.
4. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
5. Any changes to the interior layout which alter the primary use of the restaurant space shall be subject to review and approval by the Planning Commission.
6. The project and operation of the business shall comply with all applicable requirements of the Municipal Code.
7. The business shall participate in the City's downtown parking validation program, providing validations for parking in public lots for no less than two hours.
8. Noise emanating from the property shall be within the limitations prescribed by the City's noise ordinance and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments. Noise emanating from the property shall be monitored to verify compliance with the noise ordinance in response to any complaints.
9. The building shall be equipped with acoustic features to maximize sound proofing which shall include the use of double-pane windows or an equivalent and the installation of air conditioning so that windows and doors can remain closed during performances.
  - a. The lanai windows shall remain closed during all performances and when any form of music is playing.
10. The project shall comply with the requirements of the Public Works Department.

**SECTION III**

This grant shall not be effective for any purposes until the permittee and the owners of the property involved have filed at the office of the Planning Division of the Community Development Department their affidavits stating that they are aware of, and agree to accept, all of the conditions of this grant.

The Conditional Use Permit shall be recorded, and proof of recordation shall be submitted to the Community Development Department.

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Each of the above conditions is separately enforced, and if one of the conditions of approval found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

Permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65907. The City shall promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.

The subject property shall be developed, maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

VOTE:	AYES:	Comms. Dettelbach, DiMonda, Merl, Perrotti, Chrmn. Tucker
	NOES:	none
	ABSTAIN:	none
	ABSENT:	none

#### CERTIFICATION

I hereby certify that the foregoing Resolution P.C. 96-13 is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California at their regular meeting of February 20, 1996.

Peter Tucker  
Peter Tucker, Chairman

Sol Blumenfeld  
Sol Blumenfeld, Secretary

3-19-96  
Date

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Exhibit C  
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