

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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RECORD PACKET COPY



Filed: August 26, 1996
49th Day: November 14, 1996
180th Day: March 25, 1997
Staff: JLR-LOB
Staff Report: September 11, 1996
Hearing Date: October 8-11, 1996

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO: 5-96-152

APPLICANT: Stephen Domingue

PROJECT LOCATION: 420-422 Pier Avenue, Hermosa Beach

PROJECT DESCRIPTION: Expand an existing 1,625 sq. ft. restaurant by converting an adjacent 875 sq. ft. commercial building into additional restaurant use.

Lot area:	15,010 sq. ft.
Building coverage:	7,965 sq. ft.
Pavement coverage:	7,045 sq. ft.
Landscape coverage:	N/A
Parking spaces:	15
Zoning:	C-2
Plan designation:	Restricted Commercial
Project density:	N/A
Ht abv fin grade:	13'

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, 5-94-130, 5-94-217, 5-94-264, 5-94-282, 5-95-049, 5-95-077, 5-96-043, 5-96-075 and 5-96-152

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 expand an existing 1,625 sq. ft. restaurant by converting an adjacent 875 sq. ft. commercial building into a restaurant use. The proposed project is located in the Downtown Commercial District of the City of Hermosa Beach. The site is located approximately four 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:

The subject premises are currently used as a restaurant with on-sale beer and wine (Ragin Cajun). The C.U.P. for on-sale beer and wine in conjunction with a restaurant was granted in 1994. The subject restaurant is part of a multi-tenant building with 135 feet of frontage on Pier Avenue, which includes the Bike Shop, the Hilltop Cafe restaurant, an insurance office and a chiropractor's office.

The applicant indicates that the proposed interior additions will include a new seating arrangement and bar area which is to be used as a customer waiting area. Also, the existing parking lot on the southern side of the building will be resurfaced and restriped, including the addition of a handicapped parking space.

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.

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. and does not exceed the 1:1 F.A.R. Therefore, consistent with the 1994 amended Land Use Plan, no additional parking is required for the proposed project. Following is a parking analysis as submitted by the applicant:

Analysis

The applicant is requesting permission to expand the restaurant into the adjacent commercial building (currently a dry cleaner). The proposed expansion is within an existing commercial building, and will not change the overall square footage of the existing structures on the site. Therefore, no additional parking is required pursuant to the City's parking requirements that pertain to intensification of uses in the downtown area (see Section 1162(e)).

At the time the City approved the proposed project, the Commission had approved 12,612 sq. ft. of new development. 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.

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.

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JR/lm

Project
Location

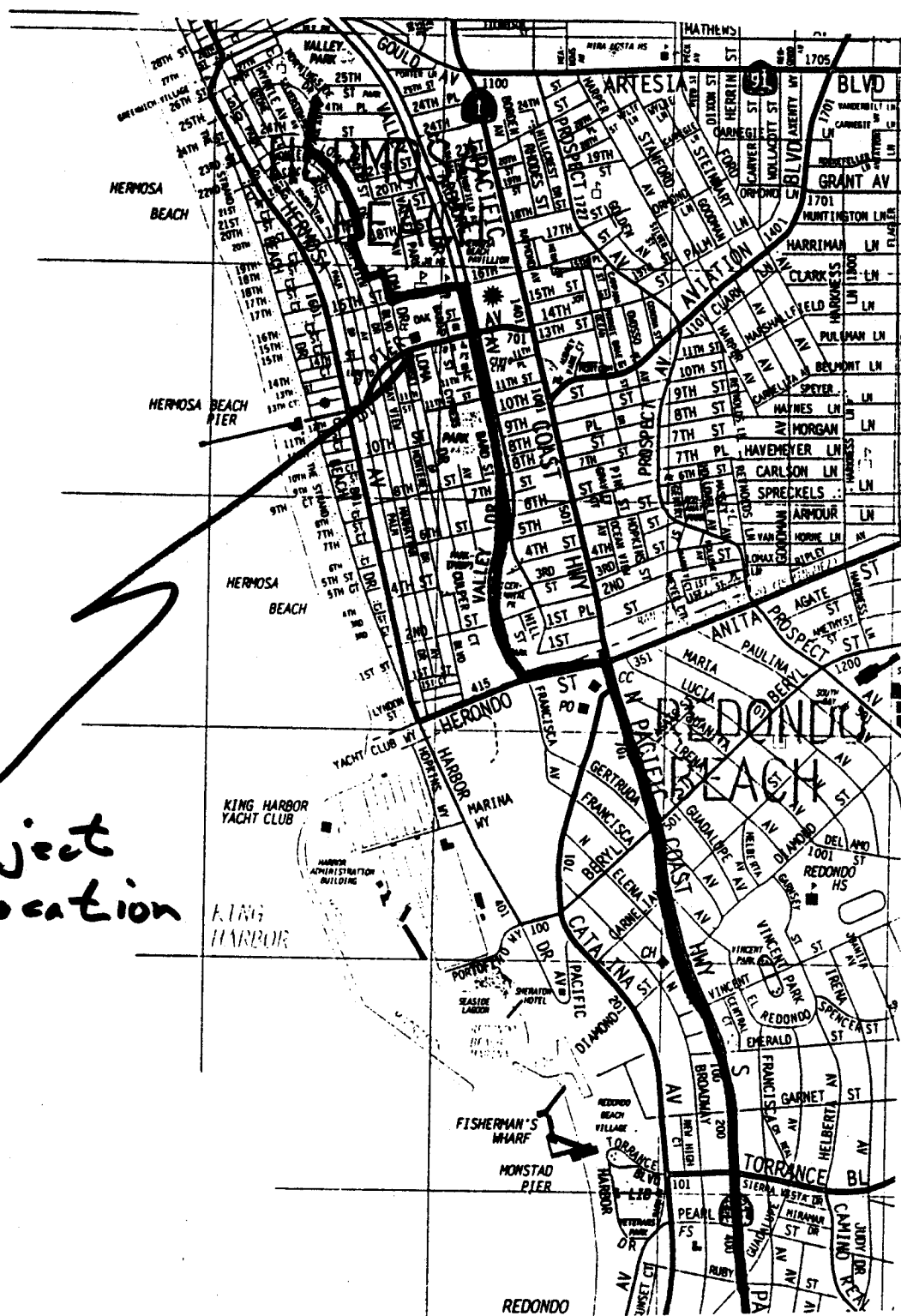


Exhibit A
5-96-152

May 13, 1996

Honorable Chairman and Members of the
Hermosa Beach Planning Commission

Regular Meeting of
May 21, 1996

RECEIVED

SUBJECT: CONDITIONAL USE PERMIT AMENDMENT 96-7

JUL 19 1996

LOCATION: 420-422 PIER AVENUE, RAGIN CAJUN

APPLICANT: STEPHEN DOMINGUE
422 PIER AVENUE
HERMOSA BEACH, CA 90254

5-96-152
CALIFORNIA
COASTAL COMMISSION
SOUTHEAST DISTRICT

REQUEST: TO ALLOW THE EXPANSION OF AN EXISTING RESTAURANT WITH ON-SALE BEER AND WINE.

Recommendation

To approve the request subject to the conditions as contained in the attached resolution.

Background

ZONING:	C-2, Restricted Commercial
GENERAL PLAN:	General Commercial
LOT SIZE:	15,010 Sq. Ft.
BUILDING AREA:	7,965 Sq. Ft.
FLOOR AREA OF SUBJECT PREMISES:	1625 Sq. Ft. Existing 875 Sq. Ft. Proposed Expansion
PARKING:	15 Spaces
ENVIRONMENTAL DETERMINATION:	Categorically Exempt

The subject premises are currently used as a restaurant with on-sale beer and wine (Ragin Cajun). The C.U.P. for on-sale beer and wine in conjunction with a restaurant was granted in 1994. The subject restaurant is part of a multi-tenant building with 135-feet of frontage on Pier Avenue, which includes the Bike Shop, the Hilltop Cafe restaurant, an insurance office and a chiropractor's office.

The applicant indicates that the proposed interior additions will include a new seating arrangement and bar area which is to be used as a customer waiting area. Also, the existing parking lot on the southern side of the building will be resurfaced and restriped, including the addition of a handicapped parking space.

Analysis

The applicant is requesting permission to expand the restaurant into the adjacent commercial building (currently a dry cleaner). The proposed expansion is within an existing commercial building, and will

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not change the overall square footage of the existing structures on the site. Therefore, no additional parking is required pursuant to the City's parking requirements that pertain to intensification of uses in the downtown area (see Section 1162(e)). However, because the property abuts residential property along the southerly property line, there are several zoning issues that must be addressed prior to approval of the amendment of the Conditional Use Permit.


Section 8-5(10) of the Zoning Ordinance requires landscaping and fencing where commercial property abuts residential property. The previous Conditional Use Permit required that a landscaping buffer, consisting of an appropriate tree type with a minimum 24" box size be planted along the length of the south property line. Although the landscaping requirement and other conditions of approval relative to the parking area were not completed within the required time frame (one year from the date of approval) the applicant has made progress towards compliance. In an effort to facilitate the applicant's compliance to the landscaping and parking requirements, staff drafted a concept plan which the applicant reviewed. The applicant has submitted an alternate plan for approval. Both are attached for review.

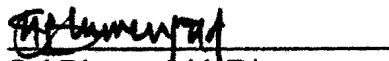
Residents adjacent to the project site have expressed concern regarding the lack of screening provided for the trash enclosure located on the southern property line, adjacent to the residential property. Proper screening, which could include roofing the existing enclosure or a trellis design (see the concept sketch), would screen the trash enclosure from the adjacent residential uses. Concerns have also been expressed about improper use of the parking lot for washing restaurant equipment, floor mats, etc., which drains to the street and into the storm drain.

The attached resolution of approval supersedes the conditions as contained in the P.C. Resolution 94-28 and contains the currently applicable standard conditions for on-sale restaurants, and the previously imposed condition for operating hours (7:00 A.M. - 11:00 P.M.). Staff also recommends conditions relative to screening the trash enclosures and restriction on discharge of sewer water into storm drains.


Ken Robertson
Associate Planner

CONCUR:


Michael Schubach
Planning Director


Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Photos
3. P.C. Resolution 94-28
4. Application
5. Correspondence

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JUL 19 1996

P.C. RESOLUTION NO. 96-

CALIFORNIA
COASTAL COMMISSION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, AS AMENDED, TO ALLOW THE EXPANSION OF AN EXISTING RESTAURANT WITH ON-SALE BEER AND WINE AT 422 PIER AVENUE AND LEGALLY DESCRIBED AS LOT 3, BLOCK 1, HISS ADDITION TO HERMOSA BEACH TRACT AND LOT 14, TRACT 780

WHEREAS, the Planning Commission held a public hearing on May 21, 1996, to receive oral and written testimony regarding this matter and made the following findings:

- A. The applicant is proposing to expand a restaurant into the adjacent 875 square foot existing retail building;
- B. No additional parking is required for this business as it is located within the Downtown Enhancement District (DED), and pursuant to Section 1162.5 of the Zoning Ordinance and pursuant to the Certified Coastal Land Use Plan, as recently amended, intensification of uses are excepted from parking requirements as 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 weekends, and no more than 24,063 square feet of commercial development has received Coastal Development Permits since the study.
- C. The site is zoned C-2, Restricted Commercial, and is suitable for the proposed use with the proposed amendment;

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- 1 D. The proposed use is compatible with surrounding commercial uses;
2 E. The imposition of conditions as required by this resolution will mitigate any negative
3 impacts on nearby residential or commercial properties;
4 F. The project is categorically exempt from the requirement for an environmental
5 assessment, pursuant to the California Environmental Quality Act Guidelines, Section
6 15301-15303.

7 **NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF**
8 **THE CITY OF HERMOSA BEACH DOES HEREBY APPROVE A CONDITIONAL USE**
9 **PERMIT, AS AMENDED, SUBJECT TO THE FOLLOWING CONDITIONS:**

10 **SECTION I Specific Conditions of Approval**

- 11 1. The development and continued use of the property shall be in conformance with
12 submitted plans revised as follows. Any minor modification shall be reviewed and may be
13 approved by the Community Development Director.
14 2. The hours of operation shall be limited to between 7:00 A.M. and 11:00 A.M. daily.
15 3. The business shall participate in the City's downtown parking validation program,
16 providing validations for parking in public lots for no less than two hours.
17 4. The project shall comply with the requirements of the Public Works Department.
18 5. A cover (roof or trellis) shall be provided on the trash enclosure, to the satisfaction of the
19 Community Development Director
20 6. The trees provided along the length of the south property line shall be appropriate for
21 buffering purposes and shall be minimum 24" box size.
22 7. Final building plans/construction drawings including site, elevation, floor plan, sections,
23 details, landscaping and irrigation, submitted for building permit issuance shall be reviewed
24 for consistency with the plans approved by the Planning Commission and the conditions of
25 this resolution, and approved by the Planning Division prior to the issuance of any
26 Building Permit.
27 A. Plans shall be certified by a licensed architect or engineer
28 6. Bicycle racks shall be provided on-site in a location and number to the satisfaction of the
29 Community Development Director. If satisfactory public bicycle parking facilities are

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provided in the future nearby the subject location, this condition may be waived by the Community Development Director.

SECTION II General operating and standard conditions:

1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.
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. If the problem persists the Chief 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 function of the business shall be subject to review and approval by the Planning Commission.
6. The project and the continued operation of the business shall comply with all applicable requirements of the Municipal Code.
7. The practice of washing and rinsing restaurant equipment, floor mats, etc., or discharge of any liquids into the the parking lot drain other than stormwater, is strictly prohibited by the Municipal Code as it drains into the City's storm drains. Discharge of any polluted water or wash water shall be limited to the sanitary sewer.

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.

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

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

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

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

18 VOTE: AYES:
19 NOES:
20 ABSTAIN:
21 ABSENT:

22 CERTIFICATION

23 I hereby certify that the foregoing Resolution P.C. 96- is a true and complete record of the
24 action taken by the Planning Commission of the City of Hermosa Beach, California at their
25 regular meeting of May 21, 1996.

26 _____
27 Peter Tucker, Chairman

28 _____
29 Sol Blumenfeld, Secretary

30 _____
31 Date

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33 Exhibit E
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